

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



'22 JUL -7 P 6 :01

SENATE
S.B. No. 233

RECEIVED BY: _____

INTRODUCED BY SENATOR ROBINHOOD PADILLA

**AN ACT
PROTECTING AND PROMOTING THE RIGHTS TO EQUALITY AND NON-
DISCRIMINATION ON THE BASIS OF RACE, ETHNICITY, RELIGION OR
BEING FORMERLY INCARCERATED PERSON**

EXPLANATORY NOTE

The principle of equality and non-discrimination is at the heart of every human rights law. Despite this, it is a reality that discrimination still remains a fundamental problem in our modern world. As reported by Amnesty International, a group that commits itself to challenge discriminatory practices around the globe, "discrimination occurs when a person is unable to enjoy his or her human rights or other legal rights on an equal basis with others because of an unjustified distinction made in policy, law or treatment." The principle of equality thereby requires States to undertake actions to diminish or eliminate conditions that cause or help to perpetuate discrimination.

In the Philippine context, no less than the 1987 Constitution guarantees the right of every Filipino to equal protection of the laws as it likewise declares that the State values the dignity of every human person and guarantees full respect for human rights (Section 11, Article II).

Regrettably, it is a reality that differing and adverse treatment on the basis of race, ethnicity, religion, or even involvement with the justice system still exists in a democratic country like ours. Like other nations around the world, social exclusion, intolerance, and discrimination prevail and harm the basic rights of every member of our society.

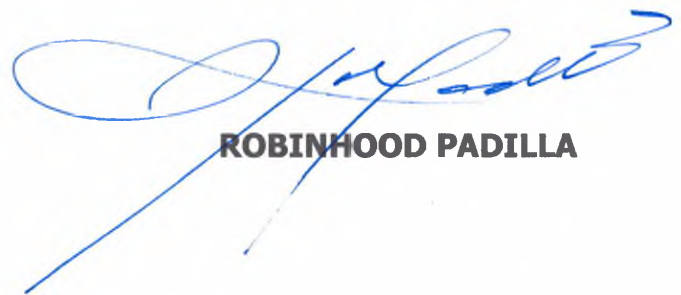
As part of our commitment to undertake legislative and other measures as may be necessary to give effect to the principles of the highest law of our land, taking into

consideration international treaties, covenants, and human rights instruments, this bill is being proposed to make any act of discrimination justiciable, which means that such action becomes an actionable wrong with criminal and/or civil sanction.

This bill lays down the prohibited and punishable acts of discrimination against a person, his/her relative up to fourth degree of consanguinity or affinity, or representative, when committed on the basis of race, color, descent, national or ethnic origin, religion, or religious affiliation or beliefs, or being formerly incarcerated.

Diversity is among the constants of Philippine society. There is no normative framework that regulates people's relations except the mores of the society which have continued to evolve through time.

In order to ensure that every Filipino's equality is preserved and human dignity is protected, the passage of this measure is earnestly sought.



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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Short Title.** – This Act shall be known as the "*Anti-Discrimination*
2 *Act*".
3

4 **Section 2. Declaration of Policy.** – It is the policy of the State to work
5 actively for the elimination of all forms of discrimination that offends the equal
6 protection clause of the bill of rights, and the State's obligations under human rights
7 instruments acceded to by the Republic of the Philippines, particularly those
8 discriminatory practices based on race, ethnicity, being formerly incarcerated, or
9 religious affiliation or beliefs.
10

11 **Section 3. Definition of Terms.** – As used in this Act:
12

13 a. *Discrimination* refers to any distinction, exclusion, restriction or preference
14 made on the basis of race color, descent, national or ethnic origin, religion,
15 religious affiliation or beliefs, or being a formerly incarcerated person which has
16 the effect or purpose of impairing or nullifying the recognition, enjoyment or
17 exercise on an equal footing, of the human rights and fundamental freedoms
18 in the political, economic, social, cultural, civil or any other field of public life of
19 a person. Discrimination includes incitement to discrimination and harassment.
20

21 b. *Education and Training* refers to all types and levels of education and training,
22 and includes access thereto, the standard and quality of education and training,
23 and the conditions under which these are given.

- 1 c. *Employment* refers to the condition where an employer-employee relationship
2 exists as determined by existing law and jurisprudence, including those
3 pertaining to terms, conditions, and privileges relating to work in public and
4 private institutions, such as recruitment policies, application procedures,
5 training, incentives, compensation, determination of benefits or allowances,
6 promotion, advancement opportunities, transfer and dismissal.
7
- 8 d. *Ethnic Origin* refers to the classification of people based on common color,
9 racial, national, tribal, religious, ethno-linguistic or cultural origin or
10 background.
11
- 12 e. *Ethno-linguistic Group* refers to a group of people that shares a distinct
13 language, cultural inheritance and history that give them a unique identity and
14 which has racial, ethnic, and religious bases.
15
- 16 f. *Formerly Incarcerated Person* refers to a person or individual with prior justice
17 system involvement, including but not limited to: one who had been accused
18 of committing a criminal act, one who had been acquitted, or one who may had
19 been previously incarcerated and served his or her sentence in any jail system
20 and penal institution.
21
- 22 g. *Goods and Services* refer to the material and non-material products or things
23 of value offered for sale to satisfy needs and wants for survival, comfort, or
24 pleasure such as those provided by restaurants, resorts, hotels, clubs, stores
25 and shopping malls; or acts or services provided by credit or financial
26 establishments, public utilities and services, professionals, maintenance and
27 repair workers, laborers and similar workers.
28
- 29 h. *Housing and other accommodations* refer to a house, apartment, condominium,
30 townhouse, flat, motel, boarding house, hotel, dormitory, shelter, elderly home,
31 rehabilitation facility, orphanage, health facility including a mental health
32 facility, detention center, camping ground and other analogous places.
33
- 34 i. *Indigenous Cultural Communities and Indigenous People* refer to a group of
35 people or homogenous societies identified by self-ascription and ascription by
36 others, who have continuously lived as an organized community on communally
37 bounded and defined territory and who have, under claims of ownership since
38 time immemorial, occupied, possessed and utilized such territories, sharing
39 common bonds of language, customs, tradition and other distinctive cultural
40 traits, or who have, through resistance to political, social and cultural inroads
41 of colonization, non-indigenous religions and culture, become historically
42 differentiated from the majority of Filipinos. Indigenous cultural communities
43 and indigenous peoples shall likewise include peoples who are regarded as
44 indigenous on account of their descent from the populations which inhabited
45 the country, at the time of conquest or colonization or at the time of inroads of
46 non-indigenous religions and cultures, or the establishment of present state
47 boundaries, who retain some or all of their own social, economic, cultural and

1 political institutions, but who may have been displaced from their traditional
2 domains or who may have resettled outside their ancestral domains.

3
4 j. *Religious Affiliation or Belief* refers to the profession or non-profession of
5 religion or beliefs of one's choice that may be publicly manifested in worship,
6 practice, and teaching.

7
8 k. *Stereotype* refers to a thought adopted about specific kinds of religions or
9 ethnicities, or persons who practice a specific religion or who belong to a
10 specific ethnic background, specifically with reference to their beliefs and ways
11 of doing things, which are based upon oversimplified opinions or intolerant
12 attitudes, regardless of whether such thoughts or beliefs accurately reflect
13 reality.

14
15 l. *Stereotyping* refers to any act or combination of acts which result in the singling
16 out or profiling of a person or class of persons based on a stereotype as defined
17 in the immediately preceding paragraph, which results in a derogatory attitude
18 towards any person or any derogatory treatment against such person or class
19 of persons.

20
21 m. *Vehicle* refers to a train, ship, bus, taxi, car, or aircraft, and such other forms
22 of public conveyance and transport.

23
24 **Section 4. Acts of Discrimination.** – It is unlawful for any person, natural
25 or juridical, to perform any act involving a distinction, exclusion, restriction or
26 preference based on race, color, descent or national or ethnic origin, religion, or
27 religious affiliation or beliefs, or formerly incarcerated person which has the purpose
28 or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal
29 footing of any human right or fundamental freedom in the political, economic, social,
30 cultural, civil or any other field of public life. An act is deemed discriminatory when a
31 person requires another person to comply with a term, condition or requirement which
32 are not reasonable, having regard to the circumstances of the case; or the other
33 person does not or cannot comply with the term, condition or requirement; and the
34 requirement to comply has the purpose or effect of nullifying or impairing the
35 recognition, enjoyment or exercise on an equal footing by persons of the same race,
36 color, descent or national or ethnic origin, religion, or religious affiliation or beliefs.

37
38 **Section 5. Prohibited Acts.** – The following acts of discrimination, when
39 committed on the basis of race, color, descent, national or ethnic origin, religion, or
40 religious affiliation or beliefs, or being formerly incarcerated, against a person
41 including its relative up to fourth degree of consanguinity or affinity, or representative
42 of that person, are deemed discriminatory, and shall be prohibited:

43
44 1. *Discrimination in Political Participation.* – Any person shall be held liable for the
45 commission of any of the following discriminatory acts:

46
47 a. Preventing, impeding, prohibiting, obstructing or intervening in the
48 exercise of political rights by another, including the right to vote and be

1 voted upon in a national or local election, both regular or special, or in
2 a plebiscite, both initiative or referendum;

3
4 b. Imposing onerous terms before these political rights can be exercised;
5 or

6
7 c. Subjecting a person who wants to exercise a political right.
8

9 *2. Discrimination in Employment.*

10
11 a. An employer, head of a firm or his or her agent, company or
12 organization, shall be held liable for any of the following discriminatory
13 acts:

14
15 i. Refusing or failing to employ another for work of any type or kind
16 which is available and for which the person is qualified, or by
17 imposing on the person onerous terms or conditions;

18
19 ii. Denying or limiting access of an employee to the same terms and
20 conditions of work, opportunities for training, transfer or
21 promotion, or to other benefits connected with the employment
22 as are made available for other employees having the same
23 qualifications and employed in the same circumstances or work
24 of the same kind or type, or by imposing on the person onerous
25 terms and conditions; or

26
27 iii. Dismissing, demoting, reassigning, or transferring an employee,
28 or subjecting an applicant for employment or an employee.

29
30 b. Any person in procuring employment for other persons or procuring
31 employees for an employer shall be held liable for treating an applicant
32 seeking employment less favorably than another person in the same
33 circumstances who is likewise seeking employment; or

34
35 c. Any person of an organization of employers or employees, or any person
36 acting or purporting to act on behalf of such organization, shall be liable
37 for preventing or seeking to prevent a person from offering employment
38 to another or for preventing the continued employment of a person.
39

40 *3. Discrimination in Education and Training.* Any person who heads or owns an
41 educational or training institution, including any officer, employee or person
42 acting on behalf of the head or owner of such institution shall be liable for any
43 of the following discriminatory acts:

44
45 a. Refusing or failing to admit a student, or expelling a student from an
46 educational or training institution;

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- b. Denying or limiting access of a student to any benefit or privilege provided by the institution;
- c. Imposing disciplinary sanctions, penalties harsher than customary, or similar punishments, requirement, restrictions, or prohibitions that infringe on the rights of the students; or
- d. Subjecting the student to any other act of discrimination against one's right to relevant education and training.

4. *Discrimination in the Sale or Delivery of Goods and Services.* Any person who supplies goods or services to the public shall be liable for any of the following discriminatory acts:

- a. Refusing or failing on demand to supply those goods or services to another person except on less favorable terms or conditions than those upon whom they would otherwise supply those goods or services;
- b. Subjecting another person to any act of discrimination in connection with the provision of goods or services;
- c. Denying access to medical or health services open to the general public; or
- d. Denying application for a license, clearance, certification or any other document issued by government authorities or other entities, with no lawful, valid or reasonable grounds.

5. *Discrimination in the Acquisition, Possession, Utilization, Lease or Disposal of Lands, including Housing and other Accommodations.* Any person in the acquisition, possession, utilization, leasing or disposal of lands or interest thereof, including housing and other accommodations, shall be liable for any of the following discriminatory acts:

- a. Refusing or failing to accept or process the application for any land or interest thereof, including housing and other accommodations;
- b. Disposing of such land or interest, or housing and other accommodations to another person on less favorable terms or conditions than those which are or would otherwise be offered;
- c. Treating another person who is seeking to acquire or has acquired an estate, land or interest thereof, housing and other accommodations less favorably than to others in the same circumstances;
- d. Refusing to permit another person to occupy any estate, land, housing and other accommodations;

- 1 e. Excluding any estate, land or interest thereof of another person or rejecting
2 the right of another person to occupy any estate, land or housing and other
3 accommodations;
4
- 5 f. Subjecting an applicant to any other act of discrimination in the acquisition,
6 possession, utilization, lease or disposal of estate, land or interest thereof,
7 housing and other accommodations;
8
- 9 g. Imposing on another person any term or condition that limits the persons
10 or class of persons who may be the clients, visitors or guests of any land
11 or residential or business accommodation; or
12
- 13 h. Evicting a person on his or her land, including housing and
14 accommodations.
15
- 16 6. *Discrimination in Access to Public Places, Facilities and Public Meetings.* Any
17 person shall be liable for any of the following discriminatory acts:
18
- 19 a. Refusing access or evicting a person to use of any place, vehicle or
20 facilities that the general public or section thereof is entitled or allowed
21 to enter or use;
22
- 23 b. Providing onerous terms or conditions not similar to others who are
24 allowed access to or use of the place, vehicle, or facilities;
25
- 26 c. Refusing access or evicting a person to a meeting or assembly open to
27 the general public or to a section thereof, or refusing to allow another
28 access to a meeting or assembly by providing onerous terms or
29 conditions not similar to others to which they would otherwise allow
30 access to a meeting or assembly;
31
- 32 d. Requiring another person to leave or to stop the use of any public place,
33 vehicle or any such facilities; or
34
- 35 e. Subjecting a person to a denial of access to public places, facilities or
36 public meetings.
37
- 38 7. *Discrimination by Engaging in Profiling.* Any person including any member of
39 the military or law enforcement agencies, shall be held liable for subjecting a
40 person or a group or groups of persons to investigatory activities, such as
41 unnecessary, unjustified, illegal and degrading searches and similar acts, which
42 are unlawful, immoral or socially unacceptable.
43
- 44 8. *Discrimination through Analogous Acts that Result in Impairment of the*
45 *Enjoyment of Human Rights and Fundamental Freedoms.* Any person shall be
46 liable for analogous acts which have the effect or purpose of impairing or
47 nullifying the recognition, enjoyment or exercise of the person's human rights
48 and fundamental freedoms in the political, economic, social, cultural, civil

1 spheres or any other field of public life, and where such rights and freedoms
2 are guaranteed and consistent with relevant international human rights
3 instruments to which the Philippines is a State Party thereof, and where such
4 analogous acts are committed on the basis of race, color, descent, national or
5 ethnic origin, religion, religious affiliation or beliefs or formerly incarcerated
6 person.

7
8 **Section 6. *Person/s Liable.*** – Any person, natural or juridical, including a
9 government agency or a private corporation, institution or company, who assists,
10 authorizes, instructs, incites, performs, or promotes discriminatory act as described in
11 the preceding section shall be liable under this Act.

12
13 Any person who is duty-bound to act on complaints or discrimination under
14 this Act but fails or refuses to do so shall be deemed to have sanctioned the
15 discriminatory act, and shall consequently be held equally liable for discrimination.

16
17 **Section 7. *Creation of a Non-discrimination and Equal Opportunity***
18 ***Committee.*** – In order to ensure compliance with this Act, all agencies, corporations,
19 companies, organizations, educational institutions, training centers, whether private
20 or public, as well as any person providing employment, housing, education and the
21 delivery of basic goods and services shall create a Non-Discrimination and Equal
22 Opportunity Committee, hereinafter referred to as the Non-Discrimination Committee,
23 which shall exercise administrative jurisdiction to investigate acts and practices of
24 discrimination under this Act.

25
26 The Non-Discrimination Committee shall conduct the initial investigation of
27 cases constituting discrimination on the basis of race, ethnic background, being
28 formerly incarcerated, religion, religious affiliation or beliefs. The result and findings
29 of such investigation shall be referred to the appropriate government agencies for
30 resolution, settlement or prosecution.

31
32 Any administrative sanction on the perpetrator of discrimination shall not be a
33 bar to any prosecution in the proper courts on any act of discrimination committed on
34 the basis of race, ethnic background, being formerly incarcerated, religion, religious
35 affiliation, religious beliefs, or to any civil claim for damages suffered by the victim of
36 discrimination.

37
38 The failure of any juridical entity, whether public or private, to ensure effective
39 implementation of this provision shall be deemed refusal to address discrimination and
40 shall be considered as an act of discrimination, subject to the penalty provided for in
41 Section 11 hereof.

42
43 **Section 8. *Duty of the Commission on Human Rights (CHR).*** – It shall
44 be the duty of the Commission on Human Rights (CHR), in coordination with the
45 National Commission on Indigenous Peoples (NCIP), the National Commission on
46 Muslim Filipinos (NCMF), the Civil Service Commission (CSC), and other relevant
47 government agencies, to protect and promote the right of all persons against
48 discrimination. Towards this end, the CHR shall:

- 1 1. Assist government agencies in the development and review of procedures
2 for the investigation, resolution, settlement, or prosecution of acts of
3 discrimination;
- 4
5 2. Monitor the implementation of this Act by agencies, corporations,
6 companies, organizations, educational institution and training institutions,
7 whether private or public;
- 8
9 3. Promulgate appropriate rules and regulations for the investigation of
10 discrimination cases and the administrative sanctions therefor;
- 11
12 4. Establish guidelines and mechanisms that will facilitate access of
13 discriminated persons to legal remedies under the Act and related laws, and
14 enhance the protection and promotion of the rights of the Filipino people
15 against discrimination;
- 16
17 5. Coordinate with the Department of Education (DepEd), the Commission on
18 Higher Education (CHED), state universities and colleges, public or private,
19 and technical education and skills development authority (TESDA) for the
20 promotion of understanding and appreciation of cultural diversity in schools
21 and other learning modalities, and ensuring that books, reference materials,
22 and other learning resources used in education programs are free from
23 discriminatory content;
- 24
25 6. Conduct consultations with indigenous peoples, ethno-linguistic groups and
26 religious organizations or religious communities; and
- 27
28 7. Assist in the filing of cases against individuals, agencies, institutions, or
29 establishments, whether public or private, that violate the provisions of this
30 Act. For this purpose, the CHR shall:
31
 - 32 a. Provide legal assistance to victims of discrimination such as through
33 the preparation of necessary pleadings, referral letters, and
34 counseling;
 - 35
36 b. Forge Memoranda of Agreement with lawyers' associations,
37 nongovernmental organizations, law firms and organizations that
38 provide legal aid to victims of discrimination to ensure adequate and
39 competent legal representation for the complainants;
 - 40
41 c. Accredite lawyers who will accept cases under this Act, pro bono; and
42
 - 43 d. Create an efficient system of case referrals to appropriate
44 government departments or agencies.
- 45

46 **Section 9. Responsibility to Promote a Non-Discrimination and Equal**
47 **Opportunity Environment.** – It shall be the duty of every person, natural or
48 juridical, public or private, to ensure non-discrimination and equal opportunity to all

1 persons when relating to actual or prospective employees, students, tenants,
2 customers, or clients and that no discriminatory acts, as defined herein, are committed
3 by them or their agents.
4

5 All government officers and workers are likewise obliged to promote and
6 observe equality and non-discrimination in the discharge of their duties and
7 responsibilities.
8

9 **Section 10. *Penal Provisions.***

10
11 1. Any person found liable for violating any provision of this Act shall be
12 penalized as follows:

13
14 a. For the first violation, a fine of not less than One Hundred Thousand
15 pesos (P100,000.00) but not exceeding Five hundred thousand pesos
16 (P500,000.00) or imprisonment of six (6) years, or both at the
17 discretion of the court; and
18

19 b. For any subsequent violation, a fine of not less than Five hundred
20 thousand pesos (P500,000.00) but not exceeding One Million pesos
21 (P1,000,000.00) or imprisonment for eight (8) years, or both at the
22 discretion of the court.
23

24 2. If the violator is an ascendant, descendant, parent, guardian, stepparent
25 or collateral relative within the second degree of consanguinity or affinity
26 of the victim, or is the manager or owner of an establishment which has
27 no license to operate or whose license has expired or has been previously
28 revoked shall be penalized of a a fine of not less than Five hundred
29 thousand pesos (P500,000.00) but not exceeding One Million pesos
30 (P1,000,000.00) or imprisonment for eight (8) years, or both at the
31 discretion of the court;
32

33 3. If the offender is a public official, officer, or employee, he/she shall be
34 penalized of a fine of not less than Five hundred thousand pesos
35 (P500,000.00) but not exceeding One Million pesos (P1,000,000.00) or
36 imprisonment for eight (8) years, or both at the discretion of the court;
37

38 4. If the violator is an alien or a foreigner, he shall be deported immediately
39 after service of sentence without further deportation proceedings.
40

41 5. If the violator is a corporation, organization or any similar entity, the
42 officials thereof directly involved shall be liable therefore and be penalized
43 of a fine of not less than Five hundred thousand pesos (P500,000.00) but
44 not exceeding One Million pesos (P1,000,000.00) or imprisonment for eight
45 (8) years, or both at the discretion of the court;
46

47 Upon filing of an appropriate complaint, and after due notice and hearing,
48 the proper authorities may also cause the cancellation or revocation of the

1 business permit, permit to operate, franchise and other similar privileges
2 granted to any business entity that fails to abide by the provisions of this
3 Act.
4

5 **Section 11. *Administrative Proceedings and Sanctions.*** – Upon finding
6 by the Non-Discrimination Committee that a department, agency, or instrumentality
7 of government, government-owned and controlled corporation, or local government
8 unit has violated any provision of this Act and its implementing rules and regulations,
9 the sanctions under administrative law, civil service law, rules and regulations, or
10 other appropriate laws shall be recommended to the Civil Service Commission, or the
11 Department of Interior and Local Government, in the case of government officials or
12 employees, or to the Department of Labor, in the case of officers and employees of
13 private corporations or entities. The person directly responsible for the violation as
14 well as the head of the agency or local chief executive shall be held liable under this
15 Act.
16

17 The failure of a head of agency, government official or employee whose duty
18 is to prosecute or otherwise act on a complaint for a violation of this Act shall constitute
19 neglect of duty on the part of such official or employee.
20

21 **Section 12. *Appropriations.*** – The Chairperson of the CHR shall include in the
22 CHR's program the implementation of this Act, the initial funding of which shall be
23 charged against the current appropriation of the Commission. Thereafter, the amount
24 necessary for the continued implementation of this Act, shall be included in the annual
25 General Appropriations Act (GAA).
26

27 **Section 13. *Implementing Rules and Regulations (IRR).*** – Within ninety
28 (90) days from the effectivity of this Act, the CHR, in consultation with the NCIP,
29 NCMF, and other stakeholders, shall issue the necessary Implementing Rules and
30 Regulations.
31

32 **Section 14. *Repealing Clause.*** – Any provision of law or regulation inconsistent
33 herewith is hereby repealed, revoked or modified accordingly.
34

35 **Section 15. *Separability Clause.*** – If any portion of this Act is declared
36 unconstitutional or invalid, the remaining portions not affected thereby shall continue
37 to have force and effect.
38

39 **Section 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
40 publication in the Official Gazette or in a newspaper of general circulation.

Approved,