

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

22 JUL 13 P5:26

SENATE

RECEIVED BY: 

S. No. 559

Introduced by Senator **PIA S. CAYETANO**

AN ACT
PROTECTING THE RIGHT OF ATHLETES TO REPRESENT THE PHILIPPINES
AS PART OF THE NATIONAL TEAM AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF

EXPLANATORY NOTE

Article XIV, Section 19 (1) of the 1987 Philippine Constitution recognizes that "the State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry." This constitutional mandate, among others, recognizes the vital role of training and participating in international competitions as a means to contribute to nation-building. Filipino athletes who represent the country in various world tournaments have this distinct opportunity to give pride and honor to the country.

However, there have been instances wherein Filipino athletes were prevented from representing the country as part of the national team. Despite the athletes' decision, dedication, and hard work to tryout, train, and possibly qualify and participate in international competitions, they were not given the chance to play under our country's flag, due to the prohibition of their National Sports Associations (NSA), professional sports organizations, or education or school athletic associations. The government has been developing a systematic grassroots program that would properly identify and select athletes, and develop them to become world-class elite athletes. As such, an athlete should be unequivocally allowed to try out, train, and participate

in tournaments to become national athletes, and eventually represent the Philippines in international competitions. An Athlete's right to decide for his or her career path in sports, whether as a professional or national athlete, or both, should be recognized and protected.

This bill was originally drafted by the undersigned, together with former Congresswoman Chiqui Roa-Puno, during the 17th Congress. This proposed measure will allow greater access to the untapped pool of exceptionally gifted individuals who have demonstrated the potential of excelling in the field of sports and allow them to showcase the talents of Filipino athletes to the world. This bill also recognizes their right to try-out, train, and participate in international sports competitions and represent the country as part of the national team. In light of the relevant events in Philippine sports, this bill likewise prohibits and penalizes any act that curtails the right of an athlete to try out for, and train with the national team, and thereafter participate in international competitions representing the country. Through the passage of this bill, sports excellence would be promoted and the significant role played by athletes in nation-building shall be fully recognized.

In view of the foregoing, immediate passage of this bill is earnestly sought.

Pia S. Cayetano
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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 "*Athletes' Right to*
2 *Represent the Philippines Act.*"

3 Sec. 2. *Declaration of Policy.* – Section 17, Article II of the Constitution provides
4 that the State shall give priority to sports to foster patriotism and nationalism,
5 accelerate social progress, and promote total human liberation and development.
6 Further, Section 19 (1), Article XIV of the Constitution also recognizes that the State
7 shall promote physical education and encourage sports programs, league
8 competitions, and amateur sports, including training for international competitions, to
9 foster self-discipline, teamwork, and excellence for the development of a healthy and
10 alert citizenry. Towards this end, the State shall recognize, protect, and uphold the
11 rights of eligible athletes to try out, train, participate and represent the country in
12 international sports competitions.

13 Sec. 3. *Coverage.* – The right granted under this Act shall be enjoyed by all
14 Filipino athletes, including those belonging to any athletic association, sports
15 organization, or club, whether amateur, semi-professional, or professional.

16 Sec. 4. *Right to Participate in International Competitions.* – It is the right of an
17 eligible athlete to try out, train, and participate in international sports competitions
18 and represent the country as part of the national team.

1 Sec. 5. *Duty of Employers, Educational Institutions, Athletic Associations,*
2 *Sports Organizations and Clubs.* – It is the duty or responsibility of employers,
3 educational institutions, athletic associations, sports organizations and clubs, whether
4 amateur, semi-professional or professional, and their officials to allow an athlete to
5 try out, train, or to participate in international sports competitions: *Provided,* That
6 such decision to represent the country as part of the national team is the athlete’s
7 own decision.

8 Sec. 6. *Prohibited Acts.* – Pursuant to the right granted under Section 4 of this
9 Act, it shall be unlawful for any person, natural or juridical, to perform the following
10 acts that directly or indirectly, induce, threaten, or deny an athlete from participating
11 in tryouts, training programs, or from representing the country in sports competitions:

- 12 a. For an educational institution or school athletic association to:
- 13 i. Refuse to release a student-athlete to the national team to try
14 out, train, or to participate in international sports competitions;
 - 15 ii. Revoke or withhold the benefits of the scholarship of a student-
16 athlete, without cause, which may include the non-payment of
17 tuition and other miscellaneous fees covered by the scholarship
18 granted, and other monetary and non-monetary benefits;
 - 19 iii. Give an incomplete grade in subjects which the student-athlete is
20 exempted from by virtue of being a student-athlete;
 - 21 iv. Mark the student-athlete as absent in class for the duration of the
22 try out, training, or competition: *Provided,* That the student-
23 athlete gave notice and shall not exceed the number of excused
24 absences allowed;
 - 25 v. Disallow a student-athlete to attend trainings, practices, and
26 regular games;
 - 27 vi. Suspend, without cause, a student-athlete from the varsity or
28 school athletic association;
 - 29 vii. Expel, without cause, a student-athlete from the educational
30 institution or school athletic association; or
 - 31 viii. Impose other forms of punishment.
- 32 b. For national sports association (NSA), amateur sport organization or club

1 to:

- 2 i. Refuse to release any of its athletes to the national team to try
- 3 out, train, or to participate in international sports competitions;
- 4 ii. Withhold, without cause, an athlete's allowances, including
- 5 monetary and non-monetary benefits;
- 6 iii. Disallow an athlete from attending trainings, practices, and
- 7 regular games;
- 8 iv. Suspend, without cause, an athlete from membership in the NSA,
- 9 sports organization or club;
- 10 v. Expel, without cause, an athlete from the NSA, sports
- 11 organization or club; or
- 12 vi. Impose other forms of punishment.

13 c. For an amateur or professional sports organization, club, or employer

14 to:

- 15 i. Refuse to release any of its employee-athletes to the national
- 16 team to try out, train, or participate in international sports
- 17 competitions;
- 18 ii. Withhold, without cause, an employee-athlete's salary,
- 19 allowances, and benefits;
- 20 iii. Disallow an employee-athlete from attending trainings, practices,
- 21 and regular games;
- 22 iv. Suspend, without cause, an employee-athlete from membership
- 23 in the professional organization or club;
- 24 v. Deny an employee-athlete's application for a deserved promotion
- 25 at work;
- 26 vi. Forcibly lay off an employee-athlete from work; or
- 27 vii. Impose other forms of punishment.

28 *Sec. 7. Prosecution of Offenses.* – The commission of any of the acts prohibited

29 under Section 6 of this Act shall be prosecuted in the following manner:

- 30 a. *Who May File.* – For purposes of this Act, a complaint may be filed by an
- 31 athlete, an athlete's parent or guardian, the concerned NSAs, or any
- 32 person or any entity on behalf of an athlete who may be affected by the

1 violation of this Act.

2 b. Investigation. – A written complaint for violations of this Act shall be filed
3 with the following bodies:

4 i. Philippines Sports Commission (PSC) – for violations committed
5 in relation to amateur sports and NSAs;

6 ii. Games and Amusement Board (GAB) – for violations committed
7 by professional sports organizations or clubs;

8 iii. Department of Education (DepEd) or Commission on Higher
9 Education (CHED) – for violations committed by educational
10 institutions and school athletic associations; and

11 iv. Department of Labor and Employment (DOLE)- for violations
12 committed in the workplace

13 c. Relief. - In case of an unfavorable decision, the complainant may, within
14 fifteen (15) days upon receipt of the decision, file a motion for
15 reconsideration with the same agency, otherwise, the decision shall be
16 final.

17 Nothing under this section shall prevent the complainant from filing a temporary
18 restraining order or any other injunctive relief in court if there is no other plain, speedy,
19 and adequate remedy in the ordinary course of law.

20 *Sec. 8. Penalties.* – Upon notice and hearing, the PSC, DepEd, CHED, GAB, and
21 DOLE, respectively, may impose a fine ranging from One Hundred Thousand Pesos
22 (PhP100,000.00) to One Million Pesos (Php 1,000,000.00) depending on the gravity
23 of the offense, and the suspension of the GAB license or permit, if applicable, for
24 violations of this Act.

25 Availing of remedies under this Act shall not preclude the complainant from
26 seeking further recourse from the courts of law.

27 *Sec. 9. Implementing Rules and Regulations.* – The PSC, GAB, CHED, DepEd,
28 and DOLE, in consultation with athletic associations, NSAs, and the Philippine Olympic
29 Committee, shall issue the implementing rules and regulations of this Act within sixty
30 (60) days after its effectivity.

31 *Sec. 10. Separability Clause.* – If any part or provision of this Act is held invalid
32 or unconstitutional, the other provisions not affected thereby shall remain in full force

1 and effect.

2 Sec. 11. *Repealing Clause.* – All laws, presidential decrees, executive orders,
3 letters of instruction, administrative orders, rules or regulations contrary to or
4 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
5 accordingly.

6 Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
7 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,