



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

'22 AUG -4 A9 :36

SENATE

RECEIVED BY

S. No. 1026

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
ENSURING EQUAL EMPLOYMENT OPPORTUNITIES TO MEMBERS OF
INDIGENOUS CULTURAL COMMUNITIES AND PREFERENCE IN CERTAIN
CASES AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 22 of the 1987 Constitution provides that "the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."

This bill seeks to ensure equal employment opportunities to members of indigenous cultural communities.

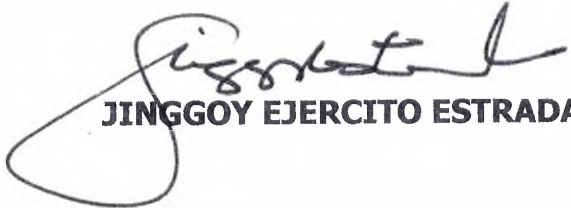
Under this measure, the government shall, in areas where indigenous cultural communities predominate, reserve at least ten percent (10%) of the rank-and-file positions in government service in these areas for the employment of members of these communities.

Furthermore, it is proposed that private enterprises with operations in areas where indigenous cultural communities exist and which obtains loans, grants, or any kind of financial assistance from the government or any government-owned or controlled bank or financial institution in the amount equivalent to at least thirty

percent (30%) of its total assets, shall give preferential employment to members of these communities for their operations in these areas by hiring them in to at least ten percent (10%) of its labor force.

The benefits and safeguards embodied in this bill are some of the necessary mechanisms to enforce and guarantee the realization of the rights of indigenous peoples, taking into consideration their customs, traditions, values.

Hence, the immediate passage of this bill is earnestly requested.



JINGGOY EJERCITO ESTRADA



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

1 Section 1. *Declaration of Policy.* – It is hereby declared the policy of the State to
2 promote social justice by ensuring equal employment opportunities to members of
3 indigenous cultural communities and to give preference to them in areas where they
4 are predominant.

5 Sec. 2. It shall be unlawful for an employer:

- 6 a) To refuse to hire or to discriminate against, with respect to
- 7 compensation, terms, conditions of employment, or to discharge, any
- 8 person because of his religion or ethnic origin; or
- 9 b) To group, segregate, or classify employees in a way which would deprive
- 10 or tend to deprive any person of employment opportunities or otherwise
- 11 adversely affect his status as an employee because of his religion or
- 12 ethnic origin.

13 Sec. 3. It shall be unlawful for a labor union or federation:

- 14 a) To exclude or expel from its membership any person because of his
- 15 religion or ethnic origin; or

1 b) To cause or attempt to cause an employer to discriminate against a
2 person because of the latter's religion or ethnic origin.

3 The foregoing notwithstanding, it shall not be unlawful to employ any person
4 on the basis of his religion or ethnic origin in instances where religion or ethnic
5 origin is a *bona fide* occupational qualification reasonably necessary for the formal
6 operation of the business or enterprise. Neither shall it be unlawful for a school,
7 college, university or other educational institution to employ only a person of a
8 particular religion or ethnic origin if the curriculum of such institution is aimed
9 towards the propagation of such religion or ethnic aggrupation.

10 Sec. 4. The government shall, in areas where indigenous cultural
11 communities predominate, reserve at least ten percent (10%) of the rank-and-file
12 positions in government service in these areas for the employment of members of
13 these communities: *Provided*, That those appointments must be in accordance with
14 civil service laws.

15 Sec. 5. Every private enterprise with operations in areas where indigenous
16 cultural communities predominate and which obtain loans, grants, or any kind of
17 financial assistance from the government or any government-owned and -controlled
18 financial institution, in the amount equivalent to at least thirty percent (30%) of its
19 total assets shall give preferential employment to members of these communities,
20 and they shall makeup at least ten percent (10%) of the private enterprises' labor
21 force.

22 Sec. 6. Every employer shall respect the employee's right to actively
23 participate in religious or ethnic activities.

24 Sec. 7. Any person responsible for the violation of any of the provisions of
25 this Act shall be liable to pay a fine of not less than One hundred thousand pesos
26 (P100,000.00) nor more than Five hundred thousand pesos (P500,000.00) or
27 imprisonment of not less than six (6) months nor more than six (6) years, or both.

28 Sec. 8. Chapter V, Section 23 of Republic Act 8371, Book III, Title III, Book
29 V, Title V, Article 246 of Presidential Decree 442, as amended, and any law or parts
30 thereof inconsistent with the provisions of this Act are hereby repealed, modified or
31 amended accordingly.

1 Sec. 9. This Act shall take effect after fifteen (15) days following its
2 publication in the Official Gazette or in at least two (2) national newspapers or
3 general circulation, whichever comes earlier.

Approved,