


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



'22 SEP 12 A11 :54

SENATE
S. No. 1300

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
PROTECTING AND PROMOTING THE RIGHTS TO EQUALITY AND NON-
DISCRIMINATION ON THE BASIS OF RACE, ETHNICITY AND RELIGION

EXPLANATORY NOTE

The principle of equality is enshrined in our Constitution. In many of its provisions, every citizen is guaranteed equal access to opportunities and protection of the laws. In addition, it directs Congress to give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities.

The country is also a State party to numerous human rights instruments that uphold human dignity and equality of all persons, regardless of race, gender, ethnicity or religion. The Universal Declaration of Human Rights provides that everyone is entitled to all the rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status¹. In addition, it states that all are equal before the law and are entitled without any discrimination to equal protection of the law; and that all are entitled to equal protection against any discrimination².

Meanwhile, the States Parties, including the Philippines, to the International Convention on the Elimination of All Forms of Racial Discrimination, condemn racial discrimination and undertake to pursue by all appropriate means and without delay a

¹ Article 2 of the Universal Declaration of Human Rights.

² Article 7 of the Universal Declaration of Human Rights.

policy of eliminating racial discrimination in all its forms³. Specifically, each State Party “shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.”

Consistent with the abovementioned commitments and provisions in our Constitution, this proposed measure promotes the right to equality and non-discrimination on the basis of race, ethnicity and religion. It recognizes the inherent and prevailing cultural diversity of our society, and protects the fundamental rights of everyone, especially the minorities who have been victimized by intolerance, injustice and unfair treatment.

This bill provides that it unlawful for any person to perform any act involving a distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, religion, or religious affiliation or beliefs which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of any human right or fundamental freedom in the political, economic, social, cultural, civil or any other field of public life.

Moreover, the measure identifies prohibited acts of discrimination in political participation; in employment; in education and training; in the delivery of goods and services; in the acquisition, possession, utilization, lease or disposal of lands, including housing and other accommodations; in access to public places, facilities and public meetings; in advertisements and mass media; by wrongful portrayal; through speech, utterances, acts of hatred and similar acts; by engaging in profiling, among others.

This measure was already approved by the House of Representatives on Third and Final Reading during the Eighteenth Congress.

The passage of this legislation is recommended.


JINGGOY EJERCITO ESTRADA

³ Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.

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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 "*Equality and Non-*
2 *Discrimination on Race, Ethnicity and Religion Act.*"

3 Sec. 2. *Declaration of Policy.* – As enshrined in the Constitution, it is the policy
4 of the State to:

- 5 a) Maintain peace and order, protect life, liberty and property, and to
6 promote the general welfare for the enjoyment of the blessings of
7 democracy by all people;
- 8 b) Promote a just and dynamic social order that will ensure the prosperity
9 and independence of the nation and free the people from poverty through
10 policies that provide adequate social services, promote full employment, a
11 rising standard of living and an improved quality of life;
- 12 c) Recognize and promote the rights of indigenous cultural communities
13 within the framework of national unity and development; and
- 14 d) Give the highest priority to the enactment of measures that shall protect
15 and enhance the right of all people to human dignity; reduce social,
16 economic and political inequalities; and remove cultural inequities by
17 equitably diffusing wealth and political power for the common good.

1 It is also the policy of the State to uphold human dignity and equality of all
2 persons, regardless of race, gender, ethnicity or religion, consistent with its
3 obligations as State Party to various international human rights instruments,
4 particularly the Universal Declaration of Human Rights, the International Covenant
5 on Civil and Political Rights, the International Covenant on Economic, Social and
6 Cultural Rights, the International Convention on the Elimination of Racial
7 Discrimination, the Convention on the Rights of Persons with Disabilities, and the
8 Convention on the Elimination of Discrimination Against Women. As such, the State
9 shall not allow the commission of acts which directly or indirectly derogate these
10 fundamental human rights.

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

- 12 a) *Discrimination* – refers to any distinction, exclusion, restriction or
13 preference made on the basis of race color, descent, national or ethnic
14 origin, religion or religious affiliation or beliefs which has the effect or
15 purpose of impairing or nullifying the recognition, enjoyment or exercise
16 on an equal footing, of the human rights and fundamental freedoms in the
17 political, economic, social, cultural, civil or any other field of public life of a
18 person. Discrimination includes incitement to discrimination and
19 harassment.
- 20 b) *Education and training* – refer to all types and levels of education and
21 training, and shall include access, standard and quality of education and
22 training, and the conditions under which these are given.
- 23 c) *Employment* – refers to the condition where an employer-employee
24 relationship exists as determined by existing law and jurisprudence,
25 including those pertaining to terms, conditions and privileges relating to
26 work in public and private institutions, such as recruitment policies,
27 application procedures, training, incentives, compensation, determination
28 of benefits or allowances, promotion, advancement opportunities, transfer
29 and dismissal.
- 30 d) *Ethnic Origin* – refers to the classification of people based on common
31 color, racial, national, tribal, religious, ethno-linguistic or cultural origin or
32 background.

- 1 e) *Ethno-linguistic Group* – refers to a group of people that shares a distinct
2 language, cultural inheritance, and history that give them unique identity
3 and which has racial, ethnic, and religious bases.
- 4 f) *Goods and Services* – refer to the material and non-material products or
5 things of value offered for sale to satisfy needs and wants for survival,
6 comfort, or pleasure such as those provided by restaurants, resorts, clubs,
7 stores and shopping malls; or acts or services provided by credit or
8 financial establishments, public utilities and services, professionals,
9 maintenance and repair workers, laborers and similar workers.
- 10 g) *Housing and other accommodation* – refer to a house, apartment,
11 condominium, townhouse, flat, motel, boarding house, hotel, dormitory,
12 shelter, elderly home, rehabilitation facility, orphanage, and health facility
13 including mental health facility, detention center, camping ground and
14 other analogous places.
- 15 h) *Indigenous Cultural Communities and Indigenous Peoples* – refer to a
16 group of people or homogenous societies identified by self-ascription and
17 ascription by others, who have continuously lived as an organized
18 community on communally bounded and defined territory and who have,
19 under claims of ownership since time immemorial, occupied, possessed
20 and utilized such territories, sharing common bonds of language, customs,
21 tradition and other distinctive cultural traits, or who have, through
22 resistance to political, social and cultural inroads of colonization, non-
23 indigenous religions and culture, become historically differentiated from
24 the majority of Filipinos. Indigenous cultural communities and indigenous
25 peoples shall likewise include peoples who are regarded as indigenous on
26 account of their descent from the populations which inhabited the country,
27 at the time of conquest or colonization, or at the time of inroads on non-
28 indigenous religions and cultures, or the establishment of present state
29 boundaries, who retain some or all of their own social, economic, cultural
30 and political institutions, but who may have been displaced from their
31 traditional domains or who may have resettled outside their ancestral
32 domains.

1 i) *Religious Affiliation or Belief* – refers to the profession or non-profession of
2 religion or beliefs of one’s choice that may be publicly manifested in
3 worship, practices and teaching.

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

10 k) *Stereotyping* – refers to any act or combination of acts which result in the
11 singling out or profiling of a person or class of persons based on a
12 stereotype as defined in the immediately preceding paragraph, which
13 results in a derogatory attitude towards any person or any derogatory
14 treatment against such person or class of persons.

15 l) *Vehicle* – refers to a train, ship, bus, taxi, car, or aircraft, and such other
16 forms of public conveyance and transport.

17 Sec. 4. *Acts of Discrimination.* – It is unlawful for any person, natural or
18 juridical, to perform any act involving a distinction, exclusion, restriction or
19 preference based on race, color, descent, or national or ethnic origin, religion, or
20 religious affiliation or beliefs which has the purpose or effect of nullifying or
21 impairing the recognition, enjoyment or exercise on an equal footing of any human
22 right or fundamental freedom in the political, economic, social, cultural, civil or any
23 other field of public life.

24 An act is deemed discriminatory when a person requires another person to
25 comply with a term, condition or requirement which is not reasonable, having regard
26 to the circumstances of the case; or the other person does not or cannot comply
27 with the term, condition or requirement; and the requirement to comply has the
28 purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on
29 an equal footing by persons of the same race, color, descent, or national or ethnic
30 origin, religion or religious affiliation or beliefs.

31 Sec. 5. *Prohibited Acts.* – The following acts of discrimination, when
32 committed on the basis of race, color, descent, national or ethnic origin, religion, or

1 religious affiliation or beliefs, against a person or any one's relative, representative
2 or assignee of that person, are deemed discriminatory, and shall be prohibited:

3 a) Discrimination in Political Participation. – A person acting as principal or as
4 an agent shall be held liable for the commission of any of the following
5 acts:

6 1) Preventing, impeding, prohibiting, obstructing or intervening in the
7 exercise of political rights by another, including the right to vote and
8 be voted upon in a national or local election, both regular or special,
9 or in a plebiscite, both initiative or referendum;

10 2) Imposing onerous terms before these political rights are granted,
11 preserved or protected; or

12 3) Subjecting another person who wants to exercise a political right to
13 any act of discrimination.

14 b) Discrimination in Employment. –

15 1) An employer or head of a firm, company or organization shall be held
16 liable for any of the following discriminatory acts:

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

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

27 iii. Dismissing an employee, or subjecting an applicant for
28 employment or an employee to any act of discrimination on
29 account of one's employment.

30 2) A person acting as principal or agent in procuring employment for
31 other persons or procuring employees for an employer shall be held
32 liable for treating an applicant seeking employment less favorably than

1 another person in the same circumstances who is likewise seeking
2 employment.

3 3) A person acting as principal or agent of any organization of employers
4 or employees, or any person acting or purporting to act on behalf of
5 such organization, shall be liable for preventing or seeking to prevent
6 a person from offering to another or for preventing the continued
7 employment of a person; and

8 4) A person responsible for providing the proper facilities mandated by
9 law to those whose physical disabilities reduce their range of mobility
10 who fails to make reasonable efforts to make these facilities available
11 or accessible.

12 c) Discrimination in Education and Training. – A person who heads or owns
13 an educational or training institution, including any officer, employee or
14 person acting on behalf of the head or owner of such institution shall be
15 liable for any of the following discriminatory acts:

16 1) Refusing or failing to admit a student, or expelling a student from an
17 educational or training institution on the basis of religious affiliation or
18 belief, without prejudice to the right of educational institutions to
19 determine the academic qualifications and non-academic training
20 requirements of their students;

21 2) Denying or limiting access of a student to any benefit or privilege
22 provided by the institution;

23 3) Failing to make reasonable efforts to make facilities accessible to
24 people whose disabilities reduce their range of mobility; and

25 4) Subjecting the student to any other act of discrimination against one's
26 right to relevant education and training.

27 d) Discrimination in the Delivery of Goods and Services. – A person acting as
28 principal or agent who supplies goods or services to the public or to any
29 section of the public shall be liable for any of the following discriminatory
30 acts:

31 1) Refusing or failing on demand to supply those goods or services to a
32 person;

- 1 2) Refusing or failing on demand to supply those goods or services to
2 another person except on less favorable terms or conditions that those
3 upon whom they would otherwise supply those goods or services; or
4 3) Subjecting another person to any other act of discrimination in
5 connection with the provision of goods or services.
6 4) Denying access to medical or health services open to the general
7 public, and denying application for a license, clearance, certification or
8 any other document issued by government authorities or other
9 entities, with no lawful, valid or reasonable grounds.
- 10 e) Discrimination in the Acquisition, Possession, Utilization, Lease or Disposal
11 of Lands, including Housing and other Accommodations. –
- 12 1) A person acting as principal or agent in the acquisition, possession,
13 utilization, leasing or disposal of lands or interest thereof, including
14 housing and other accommodations, shall be liable for any of the
15 following discriminatory acts:
- 16 i. Refusing or failing to accept or process the application for any
17 land or interest thereof, including housing and other
18 accommodations;
- 19 ii. Disposing of such land or interest, or housing and other
20 accommodations to another person on less favorable terms or
21 conditions than those which are or would otherwise be offered;
- 22 iii. Treating another person who is seeking to acquire or has
23 acquired an estate, land or interest thereof, housing and other
24 accommodations less favorably than to others in the same
25 circumstances;
- 26 iv. Refusing to permit another person to occupy any estate, land,
27 housing and other accommodations;
- 28 v. Excluding any estate, land or interest thereof of another person
29 or rejecting the right of another person to occupy any estate,
30 land or housing and other accommodations;
- 31 vi. Subjecting an applicant to any other act of discrimination in the
32 acquisition, possession, utilization, lease or disposal of estate,

1 land or interest thereof, housing and other accommodations;
2 and

3 vii. Imposing or seeking to impose on another person any term or
4 condition that limits the persons or class of persons who may
5 be the clients, visitors or guests of any land or residential or
6 business accommodation, on the basis of any grounds that
7 would constitute discrimination.

8 f) Discrimination in Access to Public Places, Facilities and Public Meetings. –
9 A person acting as principal or agent shall be liable for any of the
10 following discriminatory acts:

11 1) Refusing to allow another person access to or use of any place, vehicle
12 or facilities that the general public or section thereof is entitled or
13 allowed to enter or use;

14 2) Refusing to allow another person access to or use of any such place,
15 vehicle or facilities by providing onerous terms or conditions not
16 similar to others who are allowed access to or use of the place,
17 vehicle, or facilities;

18 3) Refusing to allow another person access to a meeting or assembly
19 open to the general public or to a section thereof, or refusing to allow
20 another access to a meeting or assembly by providing onerous terms
21 or conditions not similar to others to which they would otherwise allow
22 access to a meeting or assembly;

23 4) Requiring another person to leave or to stop the use of any public
24 place, vehicle or any such facilities;

25 5) Subjecting a person to a denial of access to public places, facilities or
26 public meetings; or

27 6) Failing to make reasonable efforts to make facilities accessible to
28 people whose disabilities reduce their range of mobility.

29 g) Discrimination in Advertisements and Mass Media. – It shall be unlawful
30 for a person to publish or display, or cause or permit to be published or
31 displayed, an advertisement or notice that indicates or could reasonably

1 be understood as an act of discrimination. Any person acting as principal
2 or agent shall be liable for discrimination for:

3 1) Portraying certain persons in movies, films, and advertisements on
4 television and other audio-visual forms and other publicly accessible
5 documents as stupid, barbaric, savage, dirty, wild, ignorant, and
6 similar degrading or unrealistic portrayals; or

7 2) Publishing, displaying or causing or permitting to be published or
8 displayed an advertisement or notice that indicates or could
9 reasonably be understood as an act of discrimination.

10 h) Discrimination by Wrongful Portrayal. – A person acting as principal or
11 agent shall be held liable for portraying, imitating, depicting or describing
12 in learning institutions, instructional materials, teaching devices, books
13 and reference materials, especially in Civics and History, certain
14 individuals and/or groups as inferior religiously, racially or ethnically.

15 i) Discrimination through Speech, Utterances, Acts of Hatred and Similar
16 Acts. – Any person shall be held liable for delivering speeches or making
17 utterances, performing acts of hatred or violence against another person,
18 or mocking or ridiculing another person on account of one's ethnicity, race
19 or religious affiliation or belief.

20 j) Discrimination through Analogous Acts that Result in Impairment of the
21 Enjoyment of Human Rights and Fundamental Freedoms. – A person
22 acting as principal or agent shall be liable for analogous acts which have
23 the effect or purpose of impairing or nullifying the recognition, enjoyment
24 or exercise of the person's human rights and fundamental freedoms in the
25 political, economic, social, cultural, civil spheres or any other field of
26 public life, and where such rights and freedoms are guaranteed and
27 consistent with relevant international human rights instruments to which
28 the Philippines is a State Party thereof, and where such analogous acts
29 are committed on the basis of race, color, descent, national or ethnic
30 origin, religion or religious affiliation or beliefs.

31 k) Discrimination by Engaging in Profiling. – A person acting as principal or
32 agent, including any member of the military or law enforcement agencies,

1 shall be held liable for subjecting a person or a group of persons to
2 investigatory activities, such as unnecessary, unjustified, illegal and
3 degrading searches and similar acts, which are unlawful, immoral or
4 socially unacceptable.

- 5 l) **Discrimination through Abuses of State and Non-State Actors.** – A
6 government official or employee of any government agency or
7 corporation, local government unit, police, military, or any law
8 enforcement agency, including non-state actors, shall be liable if that
9 official or employee commits acts of harassment, verbally or physically, to
10 curtail freedom of movement of any person or group of persons, or to
11 extort a favor from the latter, whether financial or not. These shall include
12 acts of involuntarily detaining or confining a person or group of persons.
13 These shall not include legitimate orders issued by persons in authority or
14 courts of justice.

15 **Sec. 6. *Person/s Liable.*** – Any person, natural or juridical, including a
16 government agency or a private corporation, institution or company, who performs a
17 discriminatory act as described in the preceding section shall be liable under this Act.

18 Any person who requests, instructs, induces, encourages, authorizes or
19 assists another to commit acts of discrimination shall also be liable under this Act.
20 Any person who is duty-bound to act on complaints or discrimination under this Act
21 but fails or refuses to do so shall be deemed to have sanctioned the discriminatory
22 act, and shall consequently be held equally liable for discrimination.

23 **Sec. 7. *Inciting Others to Commit Acts of Discrimination.*** – Any person acting
24 as principal or agent shall be liable for:

- 25 a) Inciting the performance of an act that is unlawful by reason of a provision
26 of this Act; or
27 b) Assisting or promoting whether by financial assistance or otherwise, the
28 performance or perpetration of such an act.

29 **Sec. 8. *Creation of a Non-discrimination and Equal Opportunity Committee.*** –
30 In order to ensure compliance with this Act, all agencies, corporations, companies,
31 organizations and education and/or training institutions, whether private or public,
32 as well any person providing employment, housing, education and the delivery of

1 basic goods and services shall create a Non-Discrimination and Equal Opportunity
2 Committee, hereinafter referred to as the Non-Discrimination Committee, which shall
3 exercise administrative jurisdiction to investigate acts and practices of discrimination
4 under this Act.

5 The Non-Discrimination Committee shall conduct the initial investigation of
6 cases constituting discrimination on the basis of race, ethnic background, religion,
7 religious affiliation or beliefs. The result and findings of such investigation shall be
8 referred to the appropriate government agencies for resolution, settlement or
9 prosecution.

10 Any administrative sanction on the perpetrator of discrimination shall not be a
11 bar to any prosecution in the proper courts on any act of discrimination committed
12 on the basis of race, ethnic background, religion, religious affiliation, religious
13 beliefs, or to any civil claim for damages suffered by the victim of discrimination.

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

18 *Sec. 9. Duty of the Commission on Human Rights.* – It shall be the duty of the
19 Commission on Human Rights (CHR), in coordination with the National Commission
20 on Indigenous Peoples (NCIP), the National Commission on Muslim Filipinos (NCMF),
21 the Civil Service Commission, and other relevant government agencies, to protect
22 and promote the right of all persons against discrimination. Towards this end, the
23 CHR shall:

- 24 a) Assist government agencies in the development and review of procedures
25 for the investigation, resolution, settlement, or prosecution of acts of
26 discrimination;
- 27 b) Monitor the implementation of this Act by agencies, corporations,
28 companies, organizations and educational and/or training institutions,
29 whether private or public;
- 30 c) Promulgate appropriate rules and regulations for the investigation of
31 discrimination cases and the administrative sanctions therefor;

- 1 d) Establish guidelines and mechanisms that will facilitate access of
2 discriminated persons to legal remedies under the Act and related laws,
3 and enhance the protection and promotion of the rights of the Filipino
4 people against discrimination;
- 5 e) Coordinate with the Department of Education (DepEd), the Commission on
6 Higher Education (CHED), state universities and colleges, public or private,
7 and Technical Education and Skills Development Authority (TESDA), for
8 the promotion of understanding and appreciation of cultural diversity in
9 schools and other learning modalities, and ensuring that books, reference
10 materials, and other learning resources used in education programs are
11 free from discriminatory content;
- 12 f) Conduct consultations with indigenous peoples, ethno-linguistic groups
13 and religious organizations or religious communities; and
- 14 g) Assist in the filing of cases against individuals, agencies, institutions or
15 establishments, whether public or private, that violate the provisions of
16 this Act. For this purpose, the CHR shall:
- 17 1) Provide legal assistance to victims of discrimination such as through
18 the preparation of necessary pleadings, referral letters, and
19 counselling;
- 20 2) Forge memoranda of agreement with lawyer's associations, non-
21 governmental organizations, law firms and organizations that provide
22 legal aid to victims of discrimination to ensure adequate and
23 competent legal representation for the complainants;
- 24 3) Accredite lawyers who will accept cases under this Act, *pro bono*; and
25 4) Create an efficient system of case referrals to appropriate government
26 department or agencies.

27 *Sec. 10. Responsibility to Promote a Non-Discrimination and Equal*
28 *Opportunity Environment.* – It shall be the duty of every person, natural or juridical,
29 public or private, to ensure non-discrimination and equal opportunity to all persons
30 when relating to actual or prospective employees, students, tenants, customers or
31 clients and that no discriminatory acts, as defined herein, are committed by them or
32 their agents.

1 All government officers and workers are likewise obliged to promote and
2 observe equality and non-discrimination in the discharge of their duties and
3 responsibilities.

4 Sec. 11. *Common Penal Provisions.* – Any person found liable for violating any
5 provision of this Act shall be penalized by *arresto mayor* or imprisonment for a
6 period of not less than thirty (30) days or not more than six (6) months and/or a fine
7 of not less than Ten thousand pesos (P10,000.00) nor more than One hundred
8 thousand pesos (P100,000.00), taking into consideration the circumstances and
9 gravity of the offense, and the following conditions:

- 10 a) The penalty provided under this Act shall be imposed in its maximum
11 period if the offender has been previously convicted under this Act;
- 12 b) When the offender is a corporation, partnership or association, the officer,
13 agent or employee thereof who is responsible for the violation of this Act
14 shall suffer the penalty imposed in its maximum period;
- 15 c) The penalty provided herein shall be imposed in its maximum period when
16 the perpetrator is an ascendant, parent, guardian, stepparent or collateral
17 relative within the second degree of consanguinity or affinity of the victim,
18 or is the manager or owner of an establishment which has no license to
19 operate or whose license has expired or has been previously revoked;
- 20 d) The offender who is a foreigner shall be deported immediately after
21 service of sentence and shall be perpetually barred entry into the country;
- 22 e) The penalty provided for in this Act shall be imposed in its maximum
23 period if the offender is a public official, officer or employee: Provided,
24 That the penalty of suspension shall also be imposed.

25 Sec. 12. *Administrative Proceedings and Sanctions.* – Upon finding by the
26 Non-Discrimination Committee that a department, agency or instrumentality of
27 government, government-owned and controlled corporation, or local government
28 unit has violated any provision of this Act and its implementing rules and regulations,
29 the sanctions under administrative law, civil service law, rules and regulations, or
30 other appropriate laws shall be recommended to the Civil Service Commission, or the
31 Department of the Interior and Local Government, in the case of government
32 officials or employees, or to the Department of Labor and Employment in the case of

1 officers and employees of private corporations or entities. The person directly
2 responsible for the violation as well as the head of the agency or local chief
3 executive shall be held liable under this Act.

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

7 *Sec. 13. Reparation to Victims.* – In addition to existing laws and procedural
8 rules or reparation to victims, the following measures shall be undertaken:

9 a) The court, administrative agency, or quasi-judicial body shall follow the
10 principles relating to the reparations to, or in respect of, victims, including
11 restitution, compensation and rehabilitation. In their decisions, the court,
12 administrative agency, or quasi-judicial body may, either upon request or
13 on their own volition, in exceptional circumstances, determine the scope
14 and extent of any damage, loss or injury to the victims, stating therein the
15 principles on which they are acting;

16 b) The court, administrative agency, or quasi-judicial body may make an
17 order directly against a person convicted by a judgment that has become
18 final and executory, specifying appropriate reparation to, or in respect of
19 victims, including restitution, compensation and rehabilitation; and

20 c) Before making an order under this section, the court, administrative
21 agency or quasi-judicial body shall invite and shall consider
22 representations from, or on behalf of, the convicted person, victims or
23 other interested persons.

24 Nothing in this section shall be interpreted as prejudicing the rights of victims
25 under national or international law.

26 *Sec. 14. Appropriations.* – The Chairperson of the CHR shall include in the
27 CHR's program the implementation of this Act, the initial funding of which shall be
28 charged against the current appropriation of the Commission. Thereafter, the
29 amount necessary for the continued implementation of this Act shall be included in
30 the annual General Appropriations Act (GAA).

31 *Sec. 15. Implementing Rules and Regulations (IRR).* – The CHR, in
32 consultation with the NCIP, NCMF and other stakeholders shall, within ninety (90)

1 days from the effectivity of this Act, promulgate the rules and regulations to
2 effectively implement this Act.

3 *Sec. 16. Separability Clause.* – If any provision of this Act is declared invalid
4 or unconstitutional, the remaining provision not affected thereby shall continue to be
5 in full force and effect.

6 *Sec. 17. Repealing Clause.* – All laws, decrees, orders or regulations or part
7 thereof inconsistent with this Act are hereby repealed or modified accordingly.

8 *Sec. 18 . Effectivity.* – This Act shall take effect fifteen (15) days following the
9 completion of its publication in the *Official Gazette* or in a national newspaper of
10 general circulation.

Approved,