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SENATE

COMMITTEE REPORT NO. 788

Submitted jointly by the Committees on Cultural Communities and Social Justice, Welfare and Rural Development on JAN 27 2010.

Re : Senate Bill No. 3571

Recommending its approval in substitution of Senate Bill Nos. 2001 and 2888, taking into consideration House Bill No. 3012.

Sponsors : Senators Madrigal, Cayetano P, Trillanes IV and Villar.

MR. PRESIDENT:

The Committees on Cultural Communities and Social Justice, Welfare and Rural Development to which were referred Senate Bill No. 2001, introduced by Senator Trillanes IV, entitled:

**“AN ACT
PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC ORIGIN
AND/OR RELIGIOUS BELIEF”;**

Senate Bill No. 2888, introduced by Senator Villar, entitled:

**“AN ACT
PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC ORIGIN
AND/OR RELIGIOUS BELIEF”;**

and taking into consideration House Bill No. 3012, introduced by Representatives Hataman, Chungalao, Agyao, Ilagan, Casifio, Padilla, Lazatin, Lapus and Mariano:

**“AN ACT
PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC ORIGIN
AND/OR RELIGIOUS BELIEF”;**

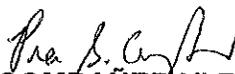
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 3571, prepared by the Committees, entitled:

**"AN ACT
PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC ORIGIN
AND/OR RELIGIOUS BELIEF";**

be approved in substitution of Senate Bill Nos. 2001 and 2888, with Senators Trillanes IV, Villar, Madrigal and Cayetano (P) as authors thereof.

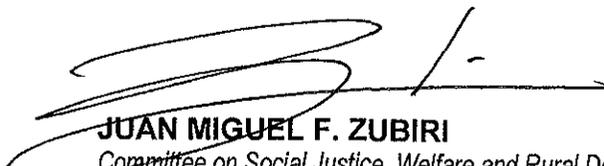
Respectfully submitted:

Chairs:


"COMPAÑERA" PIA S. CAYETANO
*Committee on Social Justice, Welfare and Rural Development
Member, Committee on Cultural Communities*


M.A. MADRIGAL
Committee on Cultural Communities

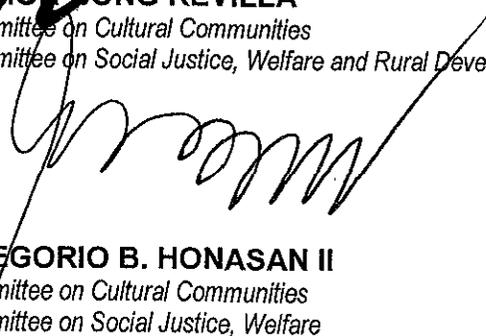
Members:

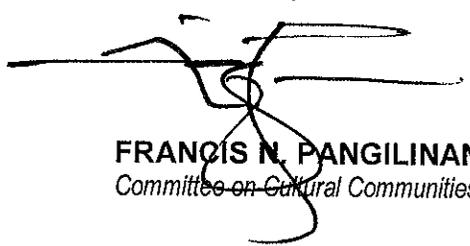

JUAN MIGUEL F. ZUBIRI
*Committee on Social Justice, Welfare and Rural Development
Majority Leader*

LOREN B. LEGARDA
Committee on Cultural Communities


RAMON BONG REVILLA
*Committee on Cultural Communities
Committee on Social Justice, Welfare and Rural Development*


MANUEL "LITO" M. LAPID
*Committee on Cultural Communities
Committee on Social Justice, Welfare and Rural Development*

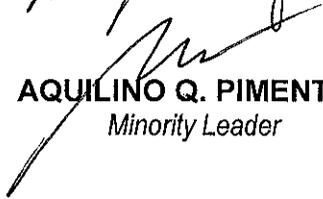

GREGORIO B. HONASAN II
*Committee on Cultural Communities
Committee on Social Justice, Welfare and Rural Development*


FRANCIS N. PANGILINAN
Committee on Cultural Communities


ALAN PETER "COMPAÑERO" S. CAYETANO
Committee on Social Justice, Welfare and Rural Development

Ex-Officio Members:

JINGGOY EJERCITO ESTRADA
Majority Leader

may ask questions.

AQUILINO Q. PIMENTEL, JR.
Minority Leader

JUAN PONCE ENRILE
President
Senate of the Philippines
Pasay City

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OFFICE

SB No. 3571

10 JAN 27 P5:41

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Prepared by the Committees on Cultural Communities; and Social Justice, Welfare, and Rural Development with Senators Trillanes IV, Villar, Madrigal and Cayetano (P), as authors

AN ACT PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF
ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF

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- Racial and
2 Religious Discrimination Act of 2008".

3 SEC. 2. *Declaration of Policy.* - It is the policy of the State to:

4 (a) Maintain peace and order, protect life, liberty and property, and promote the
5 general welfare for the enjoyment by all people the blessings of democracy;

6 (b) Promote a just and dynamic social order that will ensure the prosperity and
7 independence of the nation and free the people from poverty through policies that provide
8 adequate social services, promote full employment, a rising standard of living and an
9 improved quality of life for all;

10 (c) Recognize and promote the rights of indigenous cultural communities within the
11 framework of national unity and development; and

12 (d) Give the highest priority to the enactment of measures that protect and enhance the
13 right of all the people to human dignity; reduce social, economic and political inequalities;
14 and remove cultural inequities by equitably diffusing wealth and political power for the
15 common good.

16 SEC. 3. *Meaning of Discrimination.* - The term "discrimination" as used in this Act
17 shall mean any distinction, exclusion or restriction made on the basis of ethnic origin or
18 religious affiliation or beliefs, which has the effect or purpose of impairing or nullifying the
19 recognition, enjoyment or exercise by them of their human rights and fundamental freedoms

1 in the political, economic, social, cultural, civil or any other field, especially including, but
2 not limited to, employment, livelihood, housing, education and basic services.

3 SEC. 4. *Definition of Terms.* - (1) "Ethnic origin" includes race, national origin and
4 ethno-linguistics origin.

5 (2) "Indigenous peoples" shall, as provided under Section 3(h), Chapter II of Republic
6 Act No. 8371 or the "Indigenous People's Rights Act (IPRA) of 1997", refers to a group of
7 people who are regarded as indigenous on account of their descent from the populations
8 which inhabited the country, at the time of conquest or colonization, or at the time of inroads
9 of non-indigenous religions and cultures, or the establishment of present state boundaries,
10 who retain some or all of their own social, economic, cultural and political institutions but
11 who may have been displaced from their traditional domains or who may have resettled
12 outside their ancestral domains.

13 (3) "Moro people" refers to the indigenous people who have historically inhabited
14 Mindanao, Palawan and Sulu, and who are largely of the Islamic faith.

15 (4) "Muslims" refers to those who are followers of the Islamic faith, whether from
16 birth or by conversion.

17 (5) "Religious belief" means holding or not holding a religious belief or view and
18 engaging in, not engaging in or refusing to engage in a religious activity.

19 (6) "Accommodation", as mentioned herein, includes a house, apartment,
20 condominium, townhouse, flat, hotel, motel, boarding house, hostel and dormitory.

21 SEC. 5. *Acts of Discrimination* - Discrimination is committed when a person treats
22 another less favorably on the basis of ethnic origin and/or religious affiliation or belief than
23 the person treats or would treat another without that attribute, or with a different attribute, on
24 the same or similar circumstances in employment, education, housing and delivery of basic
25 services, to wit:

26 (a) *Discrimination in Employment.* - An employer or his agents must not discriminate
27 against an applicant for a job by refusing employment to the person or by imposing on that
28 person onerous terms and conditions on the basis of his ethnic background and/or religious
29 affiliation or beliefs. Likewise, an employer or his agents shall be liable for discrimination by
30 denying or limiting access of the employee to opportunities for promotion, transfer or
31 training, or to any other benefits connected with the employment or by dismissing the

1 employee, or by subjecting the employee to any other detriment on the basis of ethnic
2 background and/or religious affiliation or beliefs;

3 (b) Discrimination in Education - A public or private educational institution, their
4 officers or employees, or any person acting on their behalf shall be liable for discrimination
5 by refusing, or failing to accept, another for application for admission as a student or by
6 denying or limiting access of a student to any benefit or privilege provided by the said
7 institution, or by expelling the student, or by subjecting the student to any other detriment on
8 the basis of ethnic background and/or religious affiliation or beliefs;

9 (c) Discrimination in the Delivery of Goods and Services - Any person who, by
10 reason of ethnic background and/or religious affiliation or belief, shall be liable for
11 discrimination if he refuses to provide goods or services to another; or imposes onerous terms
12 on which goods or services are provided; or subjects another to any other detriment in
13 connection with the provision of goods or services to him;

14 (d) Discrimination in Accommodation -A person or his agents shall be liable for
15 discrimination by refusing, or failing to accept or process the application for accommodation
16 of another by providing onerous terms and conditions not similar to other applicants, or by
17 subjecting another to any other detriment in connection with the provision of accommodation
18 to that person on the basis of ethnic background and/or religious beliefs; and

19 (e) Any other analogous act which has the effect or purpose of impairing or nullifying
20 the recognition, enjoyment or exercise of the person's human rights and fundamental
21 freedoms in the political, economic, social, cultural and civil spheres on the basis of ethnic
22 background and/or religious beliefs.

23 **SEC. 6. *Persons Liable.*** - Any person, natural or juridical, including any government
24 or private corporation, institution or company, who commits discrimination against any
25 person on account of ethnic origin and/or religions affiliations or beliefs, as provided for
26 above, shall be liable under this Act.

27 Any person who requests, instructs, induces, encourages, authorizes or assists another
28 to commit acts of discrimination shall also be liable under this Act. Likewise, a person who is
29 duty-bound to act on complaints of discrimination under this Act but fails, or refuses to do so,
30 shall be deemed to have sanctioned the discriminatory act, and shall consequently be held
31 equally liable for discrimination.

1 SEC. 7. *Equal Opportunity*. - It shall be the duty of every person, natural or juridical,
2 public or private, to ensure that there is equal opportunity for all persons in relating to actual
3 or prospective employees, students, tenants, customers or clients, and that no discriminatory
4 acts, as defined herein, is committed by them or their agents in the areas of employment,
5 housing, education and delivery of basic goods and services.

6 For this purpose, every agency, corporation, company and educational institution, as
7 well as any other person providing employment, housing, education and delivery of basic
8 goods and services, shall issue an equal opportunity policy, including the creation of an Equal
9 Opportunity Committee, as provided for in Section 8 hereof. Failure to do so shall be deemed
10 refusal to address discrimination, and shall be penalized as an act of discrimination.

11 SEC. 8. *Equal Opportunity Committees*. - In order to ensure the compliance of this
12 Act, agencies, corporations, companies and educational institutions, whether private or
13 public, shall create an Equal Opportunity Committee which shall have administrative
14 jurisdiction over cases involving discrimination under this Act.

15 The committee shall be tasked, among others, to conduct the investigation of alleged
16 cases constituting discrimination on the basis of ethnic origin and/or religious affiliation or
17 beliefs.

18 Administrative sanctions shall not be a bar to any prosecution in the proper courts or
19 any act of discrimination committed on the basis of ethnic origin and/or religious affiliation
20 or beliefs, or to any civil claims for damages caused by said act.

21 SEC. 9. *Penal Clause*. - Any person liable under this Act shall be penalized by
22 imprisonment for a period of not less than thirty (30) days nor more than six (6) months
23 and/or a fine of not less than Ten thousand pesos (Php10,000.00) nor more than One hundred
24 thousand pesos (Php100,000.00), taking into consideration the circumstances and gravity of
25 the offense.

26 SEC. 10. *Duty of the Commission on Human Rights (CHR)*. - It shall be the duty of
27 the Commission on Human Rights (CHR), in coordination with the Office on Muslim Affairs
28 (OMA) and the National Commission on Indigenous Peoples (NCIP) to prevent or deter the
29 commission of acts of discrimination and to provide the procedures for the resolution,
30 settlement or prosecution of acts of discrimination. Towards this end, the CHR shall:

1 (a) Promulgate appropriate rules and regulations prescribing the procedure for the
2 investigation of discrimination cases against their people and the administrative sanctions
3 therefore;

4 (b) Ensure the creation of committees on equal opportunity in different agencies,
5 corporations, companies and educational institutions, whether private or public; and

6 (c) Require and supervise the agencies, corporations, companies and educational
7 institutions, whether private or public, in the implementation of this Act.

8 SEC. 11. *Separability Clause* - If any portion or provision of this Act is declared void
9 or unconstitutional, the remaining portions or provisions hereof shall not be affected by such
10 declaration.

11 SEC. 12. *Repealing Clause*. - Any provision of law or regulations inconsistent
12 herewith is hereby repealed, revoked or modified accordingly.

13 SEC. 13. *Effectivity*. - This Act shall take effect fifteen (15) days after its publication
14 in two (2) newspapers of general circulation.

15 Approved,