

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



'13 AUG -8 P2 :47

SENATE
S. No. 1252

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 13 provides:

SEC. 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being.

The world class performance of our athletes is a source of national pride. To be competitive, we train our children young and build on their potentials in the course of their development. Our educational institutions have played a significant role in nurturing our young talents while also providing them good education that they may have other options in life outside of sports. However, sports is also a business from where athletes and their families pin their hopes on striking a fortune. Poverty and ignorance, in many instances, have made these athletes and families easy prey for unscrupulous sports agents who promise them the world without fully informing them of the consequences of engaging their services.

This bill seeks to regulate the conduct of athlete agents and require disclosure of agency contracts to the educational institutions.*

all
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.

'13 AUG -8 P2:47

SENATE
S. No. 1252

RECEIVED BY: *js*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 REGULATING CERTAIN CONDUCT BY SPORTS AGENTS RELATING TO THE
3 SIGNING OF CONTRACTS WITH STUDENT ATHLETES

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Sports Agent Responsibility
5 and Trust Act.”

6 SECTION 2. *Definition of Terms.* – As used in this Act, the term:

7 (A) AGENCY CONTRACT means an oral or written agreement in which a student
8 athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional
9 sports contract or an endorsement contract.

10 (B) ATHLETE AGENT means an individual who enters into an agency contract with
11 a student athlete, or directly or indirectly recruits or solicits a student athlete to enter into an
12 agency contract, and does not include a spouse, parent, sibling, grandparent, or guardian of such
13 student athlete, or an individual acting solely on behalf of a professional sports team or
14 professional sports organization.

15 (C) ATHLETIC DIRECTOR means an individual responsible for administering the
16 athletic program of an educational institution or, in the case that such program is administered
17 separately, the athletic program for male students or the athletic program for female students, as
18 appropriate.

19 (D) ENDORSEMENT CONTRACT means an agreement under which a student
20 athlete is employed or receives consideration for the use by the other party of that individual's
21 person, name, image, or likeness in the promotion of any product, service, or event.

1 (E) INTERCOLLEGIATE SPORT means a sport played at the collegiate level for
2 which eligibility requirements for participation by a student athlete are established by a national
3 association for the promotion or regulation of college athletics.

4 (F) PROFESSIONAL SPORTS CONTRACT means an agreement under which an
5 individual is employed, or agrees to render services, as a player on a professional sports team,
6 with a professional sports organization, or as a professional athlete.

7 (G) STUDENT ATHLETE means an individual who engages in, is eligible to engage
8 in, or may be eligible in the future to engage in, any intercollegiate sport. An individual who is
9 permanently ineligible to participate in a particular intercollegiate sport is not a student athlete
10 for purposes of that sport.

11 SECTION 3. *Prohibited Conduct.* – It is unlawful for an athlete agent to—

12 (A) directly or indirectly recruit or solicit a student athlete to enter into an agency
13 contract, by—

- 14 1. giving any false or misleading information or making a false promise or
15 representation; or
- 16 2. providing anything of value to a student athlete or anyone associated with the
17 student athlete before the student athlete enters into an agency contract;

18 (B) enter into an agency contract with a student athlete without providing the student
19 athlete with the disclosure document described in Section 4; or

20 (C) or postdate an agency contract.

21 SECTION 4. *Disclosure By Athlete Agents To Student Athletes.* – In conjunction with an
22 agency contract, an athlete agent shall provide to the student athlete, or, if the student athlete is
23 under the age of eighteen (18), to such student athlete's parent or legal guardian, a disclosure
24 document that meets the requirements of this Act. Such disclosure document is separate from
25 and in addition to any other disclosure as may be required by law.

1 SECTION 5. *Signature of Student Athlete.* – The disclosure document must be signed by
2 the student athlete, or, if the student athlete is under the age of eighteen (18) by such student
3 athlete's parent or legal guardian, prior to entering into the agency contract.

4 SECTION 6. *Required Language.* – The disclosure document must contain, in close
5 proximity to the signature of the student athlete, or, if the student athlete is under the age of
6 eighteen (18), the signature of such student athlete's parent or legal guardian, a conspicuous
7 notice in boldface type stating: **“Warning to Student Athlete: If you agree orally or in writing
8 to be represented by an agent now or in the future you may lose your eligibility to compete
9 as a student athlete in your sport. Within 72 hours after entering into this contract or
10 before the next athletic event in which you are eligible to participate, whichever occurs
11 first, both you and the agent by whom you are agreeing to be represented must notify the
12 athletic director of the educational institution at which you are enrolled, or other individual
13 responsible for athletic programs at such educational institution, that you have entered into
14 an agency contract.”**

15 SECTION 7. *Notice to Educational Institutions.* – Within seventy-two (72) hours after
16 entering into an agency contract or before the next athletic event in which the student athlete may
17 participate, whichever occurs first, the athlete agent and the student athlete shall each inform the
18 athletic director of the educational institution at which the student athlete is enrolled, or other
19 individual responsible for athletic programs at such educational institution, that the student
20 athlete has entered into an agency contract, and the athlete agent shall provide the athletic
21 director with notice in writing of such a contract. Such notice shall contain a waiver that protects
22 the educational institutions from any action that may arise as a result of entering into such
23 contract.

24 SECTION 8. *Penalty.* – Any person who shall violate the provisions of this Act shall
25 upon conviction, be subject to a fine of not less than One Thousand Pesos (₱1,000.00) but not

1 more than Fifty Thousand Pesos (₱50,000.00) or imprisonment of not less than two (2) months
2 but not more than one (1) year, or both upon the discretion of the court.

3 SECTION 9. *Rules.* – The Department of Education, after consultation with the
4 Philippine Sports Commission, shall promulgate the rules to ensure compliance with this Act.

5 SECTION 10. *Separability Clause.* – If any provision or part hereof is held invalid or
6 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
7 valid and subsisting.

8 SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule, or regulation contrary to or is inconsistent
10 with the provision of this Act is hereby repealed, modified, or amended accordingly.

11 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
12 publication in at least two (2) newspapers of general circulation.

Approved,