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S. B. No. **1839**

INTRODUCED BY SENATOR SONNY ANGARA

EXPLANATORY NOTE

Article 111, Section 1, of the Bill of Rights of the 1987 Philippine Constitution provides for the equal treatment of all individuals. The State is therefore mandated to protect its citizens against all forms of discriminatory acts in order to promote equal protection and eliminate stereotypes and prejudices.

The Constitution likewise provides that the Philippines adopt the generally accepted principles of international law as part of the law of the land (Art. 11, Sec. 2). Under the International Covenants on Economic, Social and Cultural Rights, as well as on Civil and Political Rights, state parties like the Philippines should guarantee and ensure respect for the rights of individuals, without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to adopt such legislative or other measures as may be necessary to give effect to those rights.

It is therefore the intent of this bill to provide for a law that prohibits discrimination against people of different ethnic and religious backgrounds. By ensuring equal treatment for all individuals, it is hoped that this legislation will foster peace in all the three major islands of the Philippines, with emphasis on Mindanao where Muslims constitute a large portion of the population. The recently concluded issue on the Memorandum of Agreement on Ancestral Domain (MOA-AD) is obviously an indication of how passionate our brothers and sisters from Mindanao are about their freedom, including their freedom from being discriminated.

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



SENATOR SONNY ANGARA

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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-Discrimination Act of**
2 **2013.**"

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

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

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

13
14 (c) Recognize and promote the rights of indigenous cultural communities within the
15 framework of national unity and development; and

16
17 (d) Give the highest priority to the enactment of measures that protect and enhance the right of
18 all the people to human dignity; reduce social, economic and political inequalities; and remove
19 cultural inequities by equitably diffusing wealth and political power for the common good.

20
21 **SEC. 3. Meaning of Discrimination.** The term "discrimination" as used in this Act shall
22 mean any distinction, exclusion or restriction made on the basis of ethnic origin or religious
23 affiliation or beliefs, which has the effect or purpose of impairing or nullifying the recognition,
24 enjoyment or exercise by them of their human rights and fundamental freedoms in the political,
25 economic, social, cultural, civil or any other field, especially including, but not limited to,
26 employment, livelihood, housing, education and basic services.

27
28 **SEC. 4. Definition of Terms.**

29 (a) "Ethnic origin" includes race, national origin and ethno-linguistics origin.

30
31 (1) "Indigenous peoples" shall, as provided under Section 3(h), Chapter II of Republic
32 Act No. 8371 or the "Indigenous People's Rights Act (IPRA) of 1997", refers to a group of people
33 who are regarded as indigenous on account of their descent from the populations which
34 inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-
35 indigenous religions and cultures, or the establishment of present state boundaries, who retain
36 some or all of their own social, economic, cultural and political institutions but who may have
37 been displaced from their traditional domains or who may have resettled outside their ancestral
38 domains.

39

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

3
4 (b) "Muslims" refers to those who are followers of the Islamic faith, whether from birth or by
5 conversion.

6
7 (c) "Religious belief" means holding or not holding a religious belief or view and engaging in,
8 not engaging in or refusing to engage in a religious activity.

9
10 (d) "Accommodation," as mentioned herein, includes a house, apartment, condominium,
11 townhouse, flat, hotel, motel, boarding house, hostel and dormitory.

12
13 **SEC. 5. Acts of Discrimination.** Discrimination is committed when a person treats
14 another less favorably on the basis of ethnic origin and/or religious affiliation or belief than the
15 person treats or would treat another without that attribute, or with a different attribute, on the
16 same or similar circumstances in employment, education, housing and delivery of basic
17 services, to wit:

18
19 (a) Discrimination in Employment. - An employer or his agents must not discriminate against
20 an applicant for a job by refusing employment to the person or by imposing on that person
21 onerous terms and conditions on the basis of his ethnic background and/or religious affiliation
22 or beliefs. Likewise, an employer or his agents shall be liable for discrimination by denying or
23 limiting access of the employee to opportunities for promotion, transfer or training, or to any
24 other benefits connected with the employment or by dismissing the employee, or by subjecting
25 the employee to any other detriment on the basis of ethnic background and/or religious
26 affiliation or beliefs;

27
28 (b) Discrimination in Education - A public or private educational institution, their officers or
29 employees, or any person acting on their behalf shall be liable for discrimination by refusing, or
30 failing to accept, another for application for admission as a student or by denying or limiting
31 access of a student to any benefit or privilege provided by the said institution, or by expelling
32 the student, or by subjecting the student to any other detriment on the basis of ethnic
33 background and/or religious affiliation or beliefs;

34
35 (c) Discrimination in the Delivery of Goods and Services - Any person who, by reason of ethnic
36 background and/or religious affiliation or belief, shall be liable for discrimination if he refuses
37 to provide goods or services to another; or imposes onerous terms on which goods or services
38 are provided; or subjects another to any other detriment in connection with the provision of
39 goods or services to him;

40
41 (d) Discrimination in Accommodation - A person or his agents shall be liable for discrimination
42 by refusing, or failing to accept or process the application for accommodation of another by
43 providing onerous terms and conditions not similar to other applicants, or by subjecting
44 another to any other detriment in connection with the provision of accommodation to that
45 person on the basis of ethnic background and/or religious beliefs; and

46
47 (e) Any other analogous act which has the effect or purpose of impairing or nullifying the
48 recognition, enjoyment or exercise of the person's human rights and fundamental freedoms in
49 the political, economic, social, cultural and civil spheres on the basis of ethnic background
50 and/or religious beliefs.

51
52 **SEC. 6. Persons Liable.** Any person, natural or juridical, including any government or
53 private corporation, institution or company, who commits discrimination against any person on
54 account of ethnic origin and/or religious affiliations or beliefs, as provided for above, shall be
55 liable under this Act.

1 Any person who requests, instructs, induces, encourages, authorizes or assists another to
2 commit acts of discrimination shall also be liable under this Act. Likewise, a person who is
3 duty-bound to act on complaints of discrimination under this Act but fails, or refuses to do so,
4 shall be deemed to have sanctioned the discriminatory act, and shall consequently be held
5 equally liable for discrimination.
6

7 **SEC. 7. *Equal Opportunity.*** It shall be the duty of every person, natural or juridical,
8 public or private, to ensure that there is equal opportunity for all persons in relating to actual or
9 prospective employees, students, tenants, customers or clients, and that no discriminatory acts,
10 as defined herein, is committed by them or their agents in the areas of employment, housing,
11 education and delivery of basic goods and services.
12

13 For this purpose, every agency, corporation, company and educational institution, as well as
14 any other person providing employment, housing, education and delivery of basic goods and
15 services, shall issue an equal opportunity policy, including the creation of an Equal Opportunity
16 Committee, as provided for in Section 8 hereof. Failure to do so shall be deemed refusal to
17 address discrimination, and shall be penalized as an act of discrimination.
18

19 **SEC. 8. *Equal Opportunity Committees.*** In order to ensure the compliance of this Act,
20 agencies, corporations, companies and educational institutions, whether private or public, shall
21 create an Equal Opportunity Committee which shall have administrative jurisdiction over cases
22 involving discrimination under this Act.
23

24 The committee shall be tasked, among others, to conduct the investigation of alleged
25 cases constituting discrimination on the basis of ethnic origin and/or religious affiliation or
26 beliefs. Administrative sanctions shall not be a bar to any prosecution in the proper courts or
27 any act of discrimination committed on the basis of ethnic origin and/or religious affiliation or
28 beliefs, or to any civil claims for damages caused by said act.
29

30 **SEC. 9. *Penal Clause.*** Any person liable under this Act shall be penalized by
31 imprisonment for a period of not less than thirty (30) days nor more than six (6) months and/or
32 a fine of not less than Ten thousand pesos (Php10,000.00) nor more than One hundred thousand
33 pesos (Php100,000.00), taking into consideration the circumstances and gravity of the offense.
34

35 **SEC. 10. *Duty of the Commission on Human Rights (CHR).*** - It shall be the duty of the
36 Commission on Human Rights (CHR), in coordination with the Office on Muslim Affairs
37 (OMA) and the National Commission on Indigenous Peoples (NCIP) to prevent or deter the
38 commission of acts of discrimination and to provide the procedures for the resolution,
39 settlement or prosecution of acts of discrimination. Towards this end, the CHR shall:
40

41 (a) Promulgate appropriate rules and regulations prescribing the procedure for the
42 investigation of discrimination cases against their people and the administrative sanctions
43 therefore;
44

45 (b) Ensure the creation of committees on equal opportunity in different agencies, corporations,
46 companies and educational institutions, whether private or public; and,
47

48 (c) Supervise the agencies, corporations, companies and educational institutions, whether
49 private or public, in the implementation of this Act.
50

51 **SEC. 11. *Separability Clause.*** If any portion or provision of this Act is declared void or
52 unconstitutional, the remaining portions or provisions hereof shall not be affected by such
53 declaration.
54

55 **SEC. 12. *Repealing Clause.*** Any provision of law or regulations inconsistent herewith is
56 hereby repealed, revoked or modified accordingly.
57

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

Approved,