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Introduced by Senator Jinggoy Ejercito Estrada

EXPLANATORY NOTE


The Constitution provides in Article III Section 1 that: "No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the law". This constitutional guarantee to life encompasses not just the protection of the right to be alive or security against physical harm. It includes the right to a decent standard of living thereby ensure a person's economic well-being and dignity. One way of upholding this right is to provide the individual an opportunity for gainful employment to enable himself to earn a living.

Such opportunity for gainful employment, however, remains the domain of certain privileged sectors. The Muslims and other Tribal Filipinos have not only been looked down socially but they have been largely deprived of equal employment opportunities, as well. Although in theory they enjoy the same rights with other Filipinos, they actually denied the necessary training and access to compete for the technical or higher management jobs.

This bill seeks to correct this injustice in our society today. For the State to effectively "promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide social services, promote full employment, a rising standard of living, and improved quality of life for all," as mandated by Article II, Section 9 of the Constitution, we must not forget our Muslim and Tribal Filipino brothers.

If the State sincerely recognizes and promotes the rights of the indigenous cultural minorities within the framework of national unity and development (Article II, Section 22 of the Constitution), and for Congress to give higher priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, political inequalities and remove cultural inequalities by equitably diffusing wealth and political power for the common good (Article XIII, Section 1 of the Constitution), then, strong, concrete, affirmative, legislative actions must be taken.

This bill, therefore, seeks to ensure equal job opportunities to the Muslim and Tribal Filipinos, and at the same time give them preferential treatment in employment in the regions where they are predominant.


JINGGOY EJERCITO ESTRADA
Senator

or other educational institutions to employ only certain individuals of a particular religion or tribal origin if such institution is owned or substantially owned, supported, or controlled by a particular religious corporation, association, society or tribal group, or, if the curriculum of such institution is aimed towards the propagation of a particular religion or ethnic group.

SECTION 4. The Government shall reserve at least ten percent (10%) of the rank and file positions in government service, and shall employ members belonging, to indigenous cultural minorities particularly Muslims and other tribal Filipinos in areas where they predominate. The appointed heads of the different government agencies or offices in regions where those indigenous cultural community members: Provided, that the appointments must be in accordance with the Civil Service laws.

SECTION 5. Every private enterprise, which obtains loans, grants, or any kind of financial assistance from the government or any government-owned or controlled bank or financial institution shall give preferential employment to members of those indigenous cultural communities in the regions where they predominate by hiring them into at least twenty percent (20%) of its labor force in the area: Provided, that in the other areas of the country, such enterprise shall hire at least ten percent (10%) of its labor force from the ranks of the cultural communities: Provided, further, that these individuals shall have been residents of those regions for at least one year prior to employment.

SECTION 6. Every employer shall accommodate the employee's right to actively participate in his religious or ethnic activities.

SECTION 7. Any law or parts of law inconsistent with the provisions of this Act are hereby repealed, or amended accordingly.

SECTION 8. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,