



**SENATE**  
**S. No. 108**

'22 JUL -7 P2:37

RECEIVED BY: 

Introduced by Senator Grace Poe

**AN ACT**  
**PROHIBITING DISCRIMINATION ON THE BASIS OF AGE, INDIGENOUS, RACIAL OR ETHNIC ORIGIN, RELIGIOUS BELIEF OR ACTIVITY, POLITICAL INCLINATION OR CONVICTION, SOCIAL CLASS, SEX, GENDER, SEXUAL ORIENTATION, SEX CHARACTERISTICS, GENDER IDENTITY, GENDER EXPRESSION, MARITAL OR RELATIONSHIP STATUS, DISABILITY, HIV STATUS, PROFESSION OR OCCUPATION, HEALTH STATUS OR MEDICAL HISTORY, LANGUAGE, PHYSICAL FEATURES, AND OTHER STATUS, AND PROVIDING PENALTIES THEREFOR**

EXPLANATORY NOTE

The 1987 Philippine Constitution guarantees equal protection for everyone. Article II, Section 10 declares the policy of the State to "promote social justice in all phases of national development." Section 11 of the same Article provides that the State "values the dignity of every human person and guarantees full respect for human rights," while Section 14 thereof imposes on the State the duty to recognize the "role of women in nation-building," and to ensure "the fundamental equality before the law of women and men."

Additionally, the United Nations Universal Declaration of Human Rights (UDHR), which the Philippines is a signatory of, provides for the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."<sup>1</sup> Article 2 of the UDHR also provides that everyone is entitled to all the rights and freedoms set forth in the said Declaration, "without distinction of any kind such as race, color, sex,

<sup>1</sup> Universal Declaration of Human Rights Preamble.

language, religion, political or other opinion, national or social origin, property, birth or other status.”

However, despite these exalted principles that the country is supposed to recognize and uphold, the Philippines still faces considerable problems with regard to discrimination. For example, back in August 2021, the Yapayao-Isneg Tribe in Ilocos Norte were mocked and shamed by several netizens for their ethnic clothes, prompting condemnation and response from the National Commission on Indigenous Peoples.<sup>2</sup> Moreover, despite the country’s high score in the Global Gender Gap Report<sup>3</sup>, Filipino women still face considerable challenges and discrimination in society, such as during the hiring process or job interviews where one out of six women are reportedly being asked by their job interviewers if they have plans to have children.<sup>4</sup> Lastly, Muslim Filipinos still face extensive discrimination on account of their religion, including difficulty in finding employment<sup>5</sup> as well as the continuing malicious perception of being linked with problems in peace and order.<sup>6</sup> These, among countless other stories, show that there is still a long way to go in mitigating, if not completely eradicating discrimination in our country.

As such, this proposed bill aims to actualize the principles enshrined in the Constitution and in international declarations by prohibiting all forms of discrimination otherwise rooted in characteristics such as age, indigenous, racial, or ethnic origin, religious belief or activity, political inclination or conviction, social class,

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<sup>2</sup> Mugas, John Michael. (14 August 2021). “NCIP in Ilocos Norte Condemns Discrimination of Indigenous People on Social Media”. Inquirer.net. Accessed from: <https://newsinfo.inquirer.net/1473624/ncip-in-ilocos-norte-condemns-discrimination-of-indigenous-people-on-social-media>

<sup>3</sup> Philippine Commission on Women. (2021). “Philippines Still Best Performing Country in Asia Despite Slip by One Notch in Global Gender Gap Ranking”. Accessed from: <https://pcw.gov.ph/philippines-still-best-performing-country-in-asia-despite-slip-by-one-notch-in-global-gender-gap-ranking/>

<sup>4</sup> Australian Aid. (2019). “Eliminating Discriminatory Workplace Practices”. *Investing in Women*. Accessed from: <https://investinginwomen.asia/wp-content/uploads/2019/06/eliminating-discriminatory-workplace-practices-fact-sheet.pdf>

<sup>5</sup> Rosario, Ben. (21 March 2021). “Muslims Still Face Discrimination, Human Rights Violations – Sangcopan”. Manila Bulletin. Accessed from: <https://mb.com.ph/2021/03/21/muslims-still-face-discrimination-human-rights-violations-sangcopan/>

<sup>6</sup> Esmaguel II, Paterno. (25 November 2020). “Filipino Muslims Slam Cagayan Governor Over Anti-Muslim Remarks”. Rappler.com. Accessed from: <https://www.rappler.com/nation/filipino-muslims-slam-cagayan-governor-anti-muslim-remarks-november-25-2020/>

sex, gender, sexual orientation, sex characteristics, gender identity, gender expression, marital or relationship status, disability, HIV status, profession or occupation, health status or medical history, language, physical features, and other status. Commission of any of the listed discriminatory acts has a corresponding penalty.

For easier redress of grievances, existing women and children's desks in all police stations shall now accept and act on complaints of discrimination under this Bill. The Commission on Human Rights is likewise empowered to investigate, motu proprio or on complaint by any person, any act or omission in violation of the law, and may issue appropriate legal, preventive, and provisional remedies, among others.

Above all, the Bill establishes the duty of every institution, whether public or private, to end discrimination and ensure equal opportunity for all, including the development of appropriate plans of action to address discrimination and the creation of diversity and inclusion programs and trainings. This Bill provides a clear message to the government body as well as to the citizens that the fight against discrimination is a shared cause, and one that would need a *whole of nation* approach in order to achieve results.

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



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**AN ACT**  
**PROHIBITING DISCRIMINATION ON THE BASIS OF AGE, INDIGENOUS, RACIAL OR ETHNIC ORIGIN, RELIGIOUS BELIEF OR ACTIVITY, POLITICAL INCLINATION OR CONVICTION, SOCIAL CLASS, SEX, GENDER, SEXUAL ORIENTATION, SEX CHARACTERISTICS, GENDER IDENTITY, GENDER EXPRESSION, MARITAL OR RELATIONSHIP STATUS, DISABILITY, HIV STATUS, PROFESSION OR OCCUPATION, HEALTH STATUS OR MEDICAL HISTORY, LANGUAGE, PHYSICAL FEATURES, AND OTHER STATUS, AND PROVIDING PENALTIES THEREFOR**

*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 “Comprehensive Anti-  
2 Discrimination Act.”

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to work actively for  
4 the elimination of all forms of discrimination that offend the equal protection clause  
5 of the Bill of Rights and the State obligations under human rights instruments  
6 acceded to by the Republic of the Philippines, particularly those discriminatory  
7 practices based on age, indigenous, racial, or ethnic origin, religious belief or  
8 activity, political inclination or conviction, social class, sex, gender, sexual  
9 orientation, sex characteristics, gender identity, gender expression, marital or  
10 relationship status, disability, HIV status, profession or occupation, health status or  
11 medical history, language, physical features, or other status.

12 Towards this end, the State shall exert efforts to address all forms of  
13 discrimination and violence and to promote human dignity as enshrined in the United  
14 Nations Universal Declaration on Human Rights, the Convention on the Elimination  
15 of All Forms of Discrimination Against Women, particularly on Non-discrimination  
16 based on sexual orientation and gender identity, Convention on the Rights of the

1 Child, International Covenant on Civil and Political Rights, International Covenant on  
2 Economic, Social and Cultural Rights, International Convention on the Elimination of  
3 All Forms of Racial Discrimination, Convention on the Rights of Persons with  
4 Disabilities, International Convention on the Protection of All Migrant Workers and  
5 Members of Their Families, and the relevant General Comments or  
6 Recommendations by the concerned United Nations Treaty-Bodies, and all other  
7 relevant and universally accepted human rights instruments and other international  
8 conventions to which the Philippines is a signatory of. As such, discriminatory  
9 practices as defined herein shall be prescribed and penalized.

10       Sec. 3. *Definition of Terms.* – For the purposes of this Act, the following shall  
11 be defined as follows:

12       a. *Disability* – refers to (1) a physical or mental impairment that substantially  
13       limits one or more psychological, physiological, or anatomical function of  
14       an individual or activities of that individual; (2) a record of such  
15       impairment; (3) or being regarded as having such an impairment;

16       b. *Discrimination* – constitutes any distinction, exclusion, restriction or  
17       preference or other differential treatment that is directly or indirectly  
18       based on the protected attributes, such as age, indigenous, racial, or  
19       ethnic origin, religious belief or activity, political inclination or conviction,  
20       social class, sex, gender, sexual orientation, gender identity, gender  
21       expression, sex characteristics, marital or relationship status, disability,  
22       HIV status, profession or occupation, health status or medical history,  
23       language, physical features, or other status, which has the purpose or  
24       effect of nullifying or impairing the recognition, employment or exercise,  
25       on an equal footing, of the political, civil, economic, social, and cultural  
26       rights. Discrimination also includes incitement to discriminate and  
27       harassment.

28       i. *Direct Discrimination* occurs where a person is treated less  
29       favorably than another person in the same or comparable  
30       circumstances on the ground of their protected attribute, i.e. age,  
31       indigenous, racial, or ethnic origin, religious belief or activity,  
32       political inclination or conviction, social class, sex, gender, sexual

1 orientation, fender identity, gender expression, sex characteristics,  
2 marital or relationship status, disability, HIV status, profession or  
3 occupation, health status or medical history, language, physical  
4 features, and other status. Direct discrimination also includes  
5 detrimental acts or omissions on the basis of prohibited grounds  
6 when there is no comparable similar situation.

7 ii. *Indirect Discrimination* occurs where a neutral policy, condition,  
8 practice, or requirement, which appears neutral on its face, is  
9 imposed which has the effect of disadvantaging a person with a  
10 particular protected attribute and which is not reasonable in the  
11 circumstances. Indirect discrimination may not be unlawful if a  
12 respondent can show that there is an objective justification for it.  
13 This involves demonstrating a proportionate means of achieving a  
14 legitimate aim.

15 c. *Education and Training* – refers to all types and levels of education,  
16 training, and other avenues for learning, and includes access thereto, the  
17 standard and quality thereof, and the conditions under which the same is  
18 given;

19 d. *Ethnic Origin* – includes race, national origin, and ethno-linguistic origin;

20 e. *Employment* – refers to all terms, conditions, and privileges relating to  
21 work in public and private institutions, including recruitment policies,  
22 application, procedures, training, incentives, compensation, determination  
23 of benefits or allowances, promotion, advancement opportunities, transfer,  
24 and dismissal. This definition shall apply all employees regardless of their  
25 status of employment. In legitimate contracting arrangements, the  
26 contractor/subcontractor shall be deemed the employer of the contractual  
27 employee. For purposes of this Act, the terms of employment and  
28 occupation shall include access to vocational training, access to  
29 employment and to particular occupations, and terms and conditions of  
30 employment;

- 1 f. *Gender* – refers to a social construct used to categorize a person as man,  
2 woman, or other identity which is usually based on one’s sex assigned at  
3 birth;
- 4 g. *Gender Expression* – refers to the way a person communicates gender  
5 identity to others through behavior, clothing, hairstyles, communication or  
6 speech pattern, or body characteristics;
- 7 h. *Gender Identity* – refers to a person’s innermost concept of self as man,  
8 woman, or another non-binary identity, which may or may not correspond  
9 with the sex assigned at birth;
- 10 i. *HIV Status* – refers to the presence or absence of the human  
11 immunodeficiency virus (HIV) in the body of an individual;
- 12 j. *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* – shall,  
13 as provided under Section 3(h), Chapter II or Republic Act No. 8371 or  
14 “The Indigenous Peoples’ Rights Act of 1997” (IPRA), refer to a group of  
15 people or homogenous societies identified by self-ascription and ascription  
16 by others, who have continuously lived as an organized community on  
17 communally bounded and defined territory, and who have, under claims of  
18 ownership since time immemorial, occupied, possessed, and utilized such  
19 territories, sharing common bonds of language, customs, traditions, and  
20 other distinctive cultural traits, or who have, through resistance to  
21 political, social, and cultural inroads of colonization, non-indigenous  
22 religions and cultures, became historically differentiated from the majority  
23 of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as  
24 indigenous on account of their descent from the populations which  
25 inhabited the country, at the time of conquest or colonization, or at the  
26 time of inroads of non-indigenous religions and cultures, or the  
27 establishment of present state boundaries, who retain some or all of their  
28 own social, economic, cultural, and political institutions, but who may have  
29 been displaced from their traditional domains, or who may have resettled  
30 outside their ancestral domains;
- 31 k. *Bangsamoro People* – are those who, at the advent of the Spanish  
32 colonization, were considered natives or original inhabitants of Mindanao

1 and the Sulu archipelago and its adjacent lands, whether of mixed or full  
2 blood, shall have the right to identify themselves, their spouses and  
3 descendants, as Bangsamoro;

- 4 l. *Linguistic Discrimination* – refers to the unfair treatment of an individual  
5 based solely on the use of language. This use of language may include the  
6 individual’s native language or other characteristics of the person’s  
7 speech, such as an accent, the size of vocabulary (whether the person  
8 uses complex and varied words), and syntax;
- 9 m. *Marginalization* – refers to a condition where a whole category of people is  
10 excluded from useful and meaningful participation in political, economic,  
11 social, and cultural life;
- 12 n. *Muslims* – refer to those who are followers of Islamic faith, whether from  
13 birth or by conversion;
- 14 o. *Marital or Relationship Status* – refers to the personal status of each  
15 individual in relation to the marriage laws or customs of the country;
- 16 p. *Occupation* – refers to a line of work, job, or profession;
- 17 q. *Persons with Disabilities* – include those who have long-term physical,  
18 mental, intellectual, or sensory impairments which in interaction with  
19 various barriers may hinder their full and effective participation in society  
20 on an equal basis with others;
- 21 r. *Physical Features* – refer to a person’s height, size, weight or other bodily  
22 characteristics. It shall also include features that a person chooses to  
23 acquire, such as tattoos and piercings;
- 24 s. *Political Inclination* – refers to a person’s preference as regards  
25 membership or belief in a particular political party, organization, or  
26 ideology. It covers both the holding and not-holding of opinions, as well as  
27 expression of views or membership within opinion-based associations,  
28 trade unions, or political parties;
- 29 t. *Profession* – refers to a lawful occupation which requires specialized  
30 knowledge and often long and intensive academic preparation;
- 31 u. *Profiling* – means relying on the prohibited grounds of discrimination in  
32 subjecting a person, natural or juridical, or group of persons, including any



1 type of societal relations, to investigatory activities, which include but is  
2 not limited to the following: (1) unnecessary, unjustified, illegal and  
3 degrading searches, questioning or other investigatory activities, in  
4 determining whether an individual is engaged in an activity presumed to  
5 be unlawful, immoral, or socially unacceptable; or (2) recording and  
6 analyzing a person's psychological and behavioral characteristics to make  
7 generalizations about a person's protected attributes or to assist in  
8 identifying a particular subgroup of people's protected attributes;

9 v. *Reasonable Accommodation* – means necessary and appropriate  
10 modification and adjustments not imposing a disproportionate or undue  
11 burden, where needed in a particular case, to ensure to persons with  
12 disabilities the enjoyment or exercise on an equal basis with others of all  
13 human rights and fundamental freedoms;

14 w. *Religious Belief* – covers the profession or non-profession of religion or  
15 belief of one's choice that may be publicly or privately manifested in  
16 worship, observance, practice, and teaching;

17 x. *Sex* – refers to the civil status of a person acquired by birth, having a  
18 system of reproduction corresponding to that belonging to male, female,  
19 or intersex;

20 y. *Sex Characteristics* – refers to a person's physical traits that indicate their  
21 biological sex, such as chromosomes, external genitalia, gonads,  
22 hormones, and internal reproductive organs. Traits present at birth are  
23 called primary sex characteristics, whereas those that develop during  
24 puberty are called secondary sex characteristics;

25 z. *Sexual Orientation* – refers to a person's physical, romantic, and/or  
26 emotional attachment to other people. It refers to the direction of  
27 emotional, sexual attraction, or conduct towards people of the same  
28 gender (homosexual orientation), or towards people of more than one  
29 gender (bisexual orientation), or towards people of different gender  
30 (heterosexual orientation), or to the absence of sexual orientation  
31 (asexual attraction), among others;

- 1 aa. *Social Class* – refers to groupings of individuals usually based on wealth,  
2 educational attainment, occupation, income, and membership in a  
3 subculture or social network;
- 4 bb. *Stigma* – refers to the dynamic devaluation and dehumanization of an  
5 individual in the eyes of others which may be based on attributes that are  
6 arbitrarily defined by others as discreditable or unworthy, and which result  
7 in discrimination when acted upon;
- 8 cc. *Vulnerable communities* – refers to communities or sectors that encounter  
9 stigma and discrimination based on the grounds enumerated in Section 4;  
10 and
- 11 dd. *Other Status* – refers to other forms of differential treatment or grounds of  
12 discrimination which either undermines human dignity, causes or  
13 perpetuates systematic disadvantage, or adversely affects the equal  
14 enjoyment of a person’s rights and freedoms in a serious manner that is  
15 comparable to the protected attributes enumerated in Section 4 of this  
16 Act. These grounds include, but are not limited to the following:  
17 association and relation with persons with protected attributes, pregnancy  
18 or maternity/paternity status, family responsibilities, health status or  
19 medical condition, or criminal record.

20 Sec. 4. *Prohibited Grounds for Discrimination/ Protected Attributes.* –

21 Discrimination that is directly or indirectly based on the actual or perceived  
22 characteristics, which include age, indigenous, racial or ethnic origin, religious belief  
23 or activity, political inclination or conviction, social class, sex, gender, sexual  
24 orientation, sex characteristics, gender identity, gender expression, marital or  
25 relationship status, disability, HIV status, lawful profession or occupation, health  
26 status or medical history, language, physical features, or other status is prohibited.  
27 For purposes of this Act, these personal characteristics shall be collectively termed  
28 as "protected attributes".

29 The protected attributes that may be subjected to differentiation or any form  
30 of discrimination shall be interpreted in their most common or universal definitions  
31 and with due regard to the promotion of meaningful implementation of non-  
32 discrimination policy.

1 In determining whether a person is distinguished by one or more of the  
2 protected attributes, identification, shall, if no justification exists to the contrary, be  
3 based upon self-identification by the individual concerned. Membership also includes  
4 association with a group characterized by one of the prohibited grounds or  
5 perception by others that an individual is part of such a group.

6 Sec. 5. *Acts of Discrimination, Unlawful.* – Subject to Section 7 of this Act, the  
7 acts of discrimination include, but are not limited to, the following:

- 8 a. *Inflicting stigma* – it shall be unlawful for any person to commit any acts that  
9 promote, encourage, inflict, and perpetuate stigma based on the grounds  
10 referred to in Section 4. Content in the media, including social media, in  
11 educational textbooks, or in other medium that aims to promote, encourage,  
12 inflict, and perpetuate stigma is likewise prohibited;
- 13 b. *Inciting violence or sexual abuse* – it shall be unlawful to incite violence or  
14 sexual abuse against any person or group on the basis of the grounds  
15 referred to in Section 4;
- 16 c. *Denial of political, civil, and cultural rights* – it shall be unlawful to deny a  
17 person enjoyment of political, civil and cultural rights based on the grounds  
18 referred to Section 4;
- 19 d. *Denial of right to education* – it shall be unlawful for any person to:
  - 20 1. Refuse admission or expel a person from any educational or training  
21 institution on the basis of the grounds defined in Section 4, without  
22 prejudice to the right of educational or training institutions to  
23 determine the academic qualifications of their students or trainees;
  - 24 2. Grant or refuse to grant honors, scholarship/s, or other forms of  
25 assistance on the basis of the grounds defined in Section 4;
  - 26 3. Impose disciplinary sanctions, penalties harsher than customary, or  
27 similar punishments, requirements, restrictions, or prohibitions that  
28 infringe on the rights of the students on the basis of the grounds  
29 identified in Section 4;
  - 30 4. Fail to make reasonable efforts to make facilities accessible to persons  
31 with disabilities; or

1           5. Subject a person to any act of discrimination and intolerance related to  
2           education and training.

3           This prohibition to deny the right to education on the basis of the grounds in  
4           Section 4 extends to acts committed against a student or trainee to discriminate  
5           against his or her parents or legal guardians.

6           e. *Denial of right to work* –

7           1. It shall be unlawful for any employer or head of a firm, company, or  
8           organization to:

9           i. Refuse or fail to employ a person for work of any type or kind  
10           which is available and for which the person is qualified, or  
11           impose on the person onerous terms and conditions, on the  
12           basis of the protected attributes under Section 4 of this Act;

13           ii. Fail to take reasonable efforts to make facilities accessible to  
14           persons with disabilities;

15           iii. Deny or limit access of an employee to the same terms and  
16           conditions of work, opportunities for training, transfer or  
17           promotion, or to other benefits connected with employment, as  
18           are made available for other employees having the same  
19           qualifications and employed in the same circumstances or work  
20           of the same kind or type, or impose on the person onerous  
21           terms and conditions, on the basis of the protected attributes  
22           under Section 4 of this Act; or

23           iv. dismiss, demote, reassign, or transfer an employee on the basis  
24           of the protected attributes under Section 4 of this Act, or  
25           subject an applicant for employment or an employee to any act  
26           of discrimination on account of his hiring or employment;

27           2. It shall be unlawful for any person acting as job contractor or  
28           recruitment or placement agency, or agent in procuring workers for a  
29           principal or an employer to treat an applicant seeking employment less  
30           favorably than another person in the same circumstances who is  
31           likewise seeking employment on the basis of the protected attributes  
32           under Section 4 of this Act.

1           3. It shall likewise be unlawful for any person to:

2           i. Deny employment in government institutions, including police  
3           and military service, based directly or indirectly on the grounds  
4           referred to in Section 4;

5           ii. Refuse to enter into contract or agreement with persons or  
6           group of persons based solely or partly on the grounds provided  
7           in Section 4; or

8           iii. Deny an application for or revoke a professional license issued  
9           by the government directly or indirectly due to the grounds  
10          included in Section 4.

11         f. *Denial of access to goods and services* – it shall be unlawful for any person  
12         to:

13           1. Deny a person, solely on the basis of the grounds in Section 4, of  
14           goods and services available to the general public, such as but not  
15           limited to, private and public insurance, housing and other forms of  
16           accommodation, and medical and clinical services; *Provided*, That to  
17           impose onerous or less favorable terms and conditions not otherwise  
18           offered to others in the same circumstances for the access of such  
19           goods is considered tantamount to discrimination;

20           2. Refuse entry to or evict a person from any establishment, facility or  
21           utility that is open to the general public, such as but not limited to,  
22           restaurants, bars, hotels, shopping malls, solely or partly on the basis  
23           of the grounds listed in Section 4: *Provided*, That to impose onerous or  
24           less favorable terms and conditions not otherwise offered to others in  
25           the same circumstances for the access of such public services is  
26           tantamount to discrimination; or

27           3. Cause undue and unjust deferral of services or provision of inferior  
28           services to persons due to the grounds in Section 4; and

29           4. There is discrimination if the acts above are committed against  
30           organizations or groups of persons based on the grounds identified in  
31           Section 4.

- 1 g. *Denial of right to organize* - it shall be unlawful to prohibit, prevent, or revoke  
2 the accreditation, formal recognition, and/or registration of any organization,  
3 group, political party, institution or establishment, in educational institutions,  
4 workplaces, communities, and other settings, based partly or solely on the  
5 grounds provided for in Section 4. Discrimination is also committed when  
6 additional requirements beyond the customary are imposed directly or  
7 indirectly due to the grounds stipulated in Section 4;
- 8 h. *Inflicting harm on health and well-being* – it shall be unlawful to subject any  
9 person, without full, free, informed, and prior consent, to any unnecessary  
10 medical or physical examination, psychological treatment, faith based  
11 practices, and other similar procedures based solely or partly on any of the  
12 grounds referred to in Section 4 that aim to change identity or physical  
13 attributes or impose behavior or expressions;
- 14 i. *Engaging in profiling* – it shall be illegal for any person, including members of  
15 the military and law enforcement agencies, to engage in profiling based solely  
16 or partly on the grounds included in Section 4. For the purposes of  
17 investigation, application for or access to public or private medical and other  
18 health services, including private and public health insurance and HMO-  
19 provided medical plans, and other acts which have the intention or effect of  
20 nullifying or impairing the recognition, enjoyment, or exercise, on an equal  
21 footing, of political, civil, economic, social, or cultural rights;
- 22 j. *Abuses by State and Non-State actors* – it shall be unlawful for any  
23 government agency, including local government units, police, military, and  
24 immigration agencies, to harass verbally or physically, to curtail freedom of  
25 movement, or to extort from a person or a group of persons on the basis of  
26 the grounds stipulated in section 4. This prohibition applies to similar abuses  
27 committed by private actors;
- 28 k. *Detention and confinement* – it shall be unlawful to detain and confine a  
29 person or group of persons based directly or indirectly on the grounds under  
30 Section 4;
- 31 l. *Inciting hatred or violence* – It shall be unlawful to incite hatred or violence  
32 based on any of the grounds included in Section 4, by use of words or

1 behavior, such as but not limited to delivering speeches or making utterances,  
2 doing acts of hatred or violence against another person, or mocking or  
3 ridiculing another, or display of written material, publishing or distributing  
4 written material; the public performance of a play; distributing, showing or  
5 playing a recording; broadcasting or including a program in a program  
6 service, and possession of inflammatory material: *Provided*, That the test to  
7 determine incitement to hatred or violence should be whether the speech or  
8 work, taken as a whole, lacks serious literary, artistic, political, or scientific  
9 value;

10 m. *Denial of right to expression* – It shall be unlawful to deny a person of his  
11 freedom of opinion and expression based on the grounds included in Section  
12 4. This includes the expression of identity or personhood through speech,  
13 deportment, dress, bodily characteristics, choice of name, or other means, as  
14 well as the freedom to seek, receive, and impart information and ideas of all  
15 kinds through any medium;

16 n. *Retaliation and coercion* – No person, whether natural or juridical, shall  
17 discriminate against an individual who made a charge, assisted, testified,  
18 and/or participated in in any means regarding an investigation, proceeding,  
19 and/or hearing under this Act. No person, whether natural or juridical, shall  
20 coerce, intimidate, threaten, and/or harass any individual regarding the  
21 latter's exercise or enjoyment of any right granted and/or protected under  
22 this Act;

23 o. *Denial of right against wrongful portrayal* – It shall be unlawful for any person  
24 to portray, intimate, depict, or describe in learning institutions, instructional  
25 materials, teaching devices, books, and reference materials, especially in  
26 civics and history, and in mass media, including social media, certain  
27 individuals and/or group/s as inferior, or encouraging the commission of any  
28 of the acts of discrimination against any person and/or group as provided in  
29 this Act: *Provided*, That the test to determine wrongful portrayal should be  
30 whether the work, taken as a whole, lacks serious literary, artistic, political, or  
31 scientific value. Information regarding the dignity and diversity of the  
32 cultures, traditions, histories, and aspirations of the ICCs/IPs should be

1 appropriately reflected in all forms of education, public information, cultural-  
2 educational exchange, and information education campaigns including the use  
3 of social media platforms; and

4 p. *Other analogous circumstances* – Any analogous act, which has the effect or  
5 purpose of impairing or nullifying the recognition, enjoyment, or exercise of  
6 the person’s human rights and fundamental freedoms, are also prohibited.

7 Sec. 6. *Persons Liable.* – Any person, natural or juridical, or their  
8 representatives, including government instrumentalities and agencies, or  
9 government-owned-and-controlled corporations, or any private corporation,  
10 institution or company, who commit discrimination through any of the acts described  
11 in Section 5, shall be liable under this Act.

12 Any person, natural or juridical, or their representatives, who requests,  
13 instructs, induces, encourages, authorizes or assists another to commit acts of  
14 discrimination under Section 5 shall also be liable under this Act.

15 The failure or refusal to act of a head or agency or government official or  
16 employee, or any person whose duty is to prosecute or otherwise act on a complaint  
17 for violation of this Act shall be deemed *prima facie* as sanctioning the discriminatory  
18 act on the part of said head of agency, official, or employee, and the latter shall  
19 consequently be held equally liable for discrimination under this Act.

20 All government officers and workers are obliged to promote non-  
21 discrimination in the discharge of their duties and responsibilities.

22 Sec. 7. *Exceptions.* – Any action or conduct, otherwise prohibited under  
23 Sections 4 and 5 of this Act, shall not be unlawful and shall not be considered as  
24 discrimination:

- 25 a. Where any of the protected attributes is a bona fide occupational qualification  
26 (BFOQ) reasonably necessary to the normal operation of the particular  
27 business or where the differentiation is based on reasonable factors;
- 28 b. Where distinction, exclusion, or preference in respect of a particular job is  
29 based on inherent requirement, which is a proportionate means of achieving a  
30 legitimate aim;
- 31 c. Deeply held fundamental religious doctrines, dogma, or beliefs of a person or  
32 of a Body established exclusively for religious purposes require or compel



1 such person or Body to perform acts or practice necessary to avoid injury to  
2 the religious sensitivities of adherents of that religion: *Provided*, That such  
3 acts or practices should be in accordance with law, public order, or public  
4 policy;

5 d. Where the act or omission is done in good faith for the purpose of assisting or  
6 advancing a person or group of persons who need or may reasonably be  
7 supposed to need assistance or advancement in order to achieve an equal  
8 place in society with other members of the community (Measures of Equality  
9 or Affirmative Action Program); or

10 e. Where a difference in treatment based on a protected attribute is reasonable  
11 and objective and if the aim is to achieve a legitimate purpose.

12 The exceptions shall be without prejudice to the existing laws prohibiting  
13 discrimination on account of the protected attributes such as State principles and  
14 mandates underscored in R.A. No. 7277, as amended, entitled, "Magna Carta for  
15 Disabled Persons", R.A. No. 8371 entitled, "The Indigenous Peoples' Rights Act of  
16 1997", R.A. No. 9710 entitled, "The Magna Carta of Women", R.A. No. 10911  
17 entitled, the "Anti-Age Discrimination in Employment Act", and P.D. No. 442, as  
18 amended, entitled "Labor Code of the Philippines".

19 *Sec. 8. Penalties.* – The penalty of not less than nine (9) months but not more  
20 than twelve (12) years imprisonment or a fine of not less than One Hundred  
21 Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos  
22 (P500,000.00), or both, upon the discretion of the Court.

23 The penalty provided under this Section shall be imposed in its maximum  
24 period:

- 25 a. If the offender has been previously convicted under this Act;
- 26 b. If the offender is a direct ascendant or descendant, a relative within the  
27 fourth degree of consanguinity or affinity, a step-parent or a step-child, or a  
28 guardian or a ward of the victim;
- 29 c. If the offender is the manager or owner of an establishment which has no  
30 license to operate or whenever such license has expired or has been  
31 previously revoked;

1 d. If the offender is a public official, officer, or employee: *Provided*, That the  
2 penalty of suspension shall be imposed: *Provided, further*, That the public  
3 official, officer, or employee may be asked to undergo gender and  
4 development training and community service during the duration of  
5 suspension. An accessory penalty of perpetual disqualification to hold public  
6 office is likewise imposed on the public official, officer, or employee.

7 If the person liable for the discriminatory act is a juridical person, an  
8 accessory penalty of cancellation of certificate of registration and/or license shall be  
9 imposed.

10 An offender who is a foreigner shall be deported immediately after service of  
11 sentence and shall be barred entry into the country.

12 Whenever the courts determine that a fine shall be imposed pursuant to the  
13 criminal case filed under this Act, the fine thus collected shall be remitted by the  
14 court to the Commission on Human Rights which shall administer the fund for the  
15 assistance of victims of discrimination.

16 In addition, the court may require the offender to render community service,  
17 which shall include attending seminars that advocate anti-discrimination agenda,  
18 such as gender and culture sensitivity training, human rights education,  
19 familiarization with and exposure to the plight of the victims, or any of the  
20 circumstances enumerated under this act.

21 Nothing in this Act shall preclude the victim from instituting a separate and  
22 independent action for damages and other affirmative reliefs.

23 The Administrative remedies provided under this Act do not bar prosecution  
24 of civil claims in proper courts for an act of discrimination committed under this Act.

25 If any crime penalized under the Revised Penal Code is committed in pursuit  
26 of discrimination, the penalty provided under the Revised Penal Code shall be  
27 applied and the discrimination committed shall be considered as an aggravating  
28 circumstance.

29 *Sec. 9. Redress Mechanisms for Discrimination Cases. –*

- 30 a. Inclusion of Discrimination Concerns in All Police Stations. – The Women and  
31 Children's Desks now existing in all police stations shall also act on and attend  
32 to complaints/cases covered by this Act. In this regard, the police officers

1 handling said desks shall undergo trainings on human rights and sensitization  
2 on the issues of violence and abuse on the basis of the grounds referred to in  
3 this Act. Complainant-minors can be represented by parents, guardians, social  
4 workers, or a non-government organization of good standing and reputation.

5 b. Inter-agency Technical Committee. - An Inter-agency Technical Committee  
6 composed of the Commission on Human Rights (CHR) as the lead agency,  
7 and representatives from the Department of Justice (DOJ), National  
8 Commission on Indigenous Peoples (NCIP), National Commission on Disability  
9 Affairs (NCDA), National Commission on Muslim Filipinos (NCMF), Philippine  
10 Commission on Women (PCW), National Youth Commission (NYC), Civil  
11 Service Commission (CSC), Department of Labor and Employment (DOLE),  
12 Department of the Interior and Local Government (DILG), Department of  
13 Education (DepEd), Commission on Higher Education (CHED), Technical  
14 Education and Skills Development Authority (TESDA), Department of Health  
15 (DOH), Armed Forces of the Philippines (AFP), and the Philippine National  
16 Police (PNP), shall be constituted and shall act as an advisory and  
17 recommendatory body on establishing developmental programs that will  
18 promote non-discrimination and management of diversity, in consultation with  
19 civil society organizations with proven expertise and track record on concerns  
20 regarding the protected attributes under Section 4, and other stakeholders.

21 c. Role of the Civil Service Commission (CSC). - The CSC, in consultation with  
22 the Inter-agency Technical Committee, shall modify the existing rules on  
23 grievance machinery to address discriminatory practices committed in, and by  
24 officers or employees of, government agencies, instrumentalities, and in  
25 government-owned-and-controlled corporations (GOCCs) and other offices  
26 under its jurisdiction.

27 d. Role of the Department of Labor and Employment (DOLE). - The DOLE, in  
28 consultation with the Inter-Agency Technical Committee, shall promulgate the  
29 rules and regulations necessary to enhance anti-discrimination protection in  
30 workplaces, including the establishment of a grievance mechanism to address  
31 discriminatory practices committed in the workplace.

1           Sec. 10. *Programs to Promote Non-Discrimination and Diversity.* – It shall be  
2 the duty of every person, natural or juridical, public or private, to ensure non-  
3 discrimination and equal opportunity for all persons in relating to actual or  
4 prospective employees, students, tenants, customers or clients, and that no  
5 discriminatory acts, as defined herein, is committed by them or their agents in the  
6 areas defined under Section 5 of this Act.

7           The State shall endeavor to eliminate all forms of discrimination and shall  
8 therefore pursue initiatives and programs that seek to enable an environment free of  
9 stigma and discrimination, including ensuring reasonable accommodation is provided  
10 for disadvantaged and marginalized sectors. It shall direct the machinery and  
11 resources of the State to ensure non-discrimination and promote equality and shall  
12 encourage other sectors of the society to engage and participate in these efforts.  
13 The Inter-Agency Technical Committee shall, by rules and regulations and in  
14 consultation with the Bureau of Internal Revenue (BIR), develop, prescribe and  
15 administer incentive and award schemes to encourage public and private  
16 establishments to provide programs that promote non-discrimination and contribute  
17 to the empowerment of vulnerable and marginalized groups. It shall ensure the  
18 establishment of the following programs:

19           a. *Social Protection Program* – The national government shall ensure the  
20 integration of the communities affected by or vulnerable to stigma and  
21 discrimination into government-run social programs.

22           b. *Diversity and Inclusion Programs and Trainings* – All government agencies,  
23 including government-owned-and-controlled corporations, local government  
24 units (LGUs), and private establishments and entities shall develop plans of  
25 action to address discrimination and establish diversity and sensitivity  
26 programs to ensure that discrimination and abuse are prevented and  
27 addressed. They shall:

28                   1. Create an internal redress mechanism to address cases of  
29 discrimination and grant administrative remedies or sanctions for such  
30 cases;

31                   2. Conduct human rights education and training programs for public  
32 officials, including judges and candidates for judicial appointments, in

1 coordination with the CHR. DepEd and CHED, in particular, shall  
2 integrate teaching on the principles of equality and non-discrimination  
3 in formal and non-formal inclusive and multicultural education, with a  
4 view of dismantling notions of superiority or inferiority based on  
5 protected attributes and to promote dialogue and tolerance between  
6 different groups in society; and

7 3. Endeavor to provide or conduct human rights education, gender  
8 sensitivity, and culture sensitivity training programs for their staff,  
9 employees, students and trainees, and constituents to ensure that  
10 discrimination and abuse are prevented in their institutions.

11 c. Monitoring and evaluation. – All government agencies and instrumentalities  
12 shall monitor the implementation of measures to promote non-discrimination  
13 and equality. Monitoring shall assess both the steps taken and the results  
14 achieved in the elimination of discrimination. Annual reports in this regard  
15 shall be submitted to Congress and the CHR.

16 d. Disaggregation of data. - All government agencies and instrumentalities shall  
17 ensure that all national strategies, policies, and plans shall use appropriate  
18 indicators and benchmarks, disaggregated on the basis of the prohibited  
19 grounds of discrimination. The rights of individuals or groups of individuals,  
20 who may be distinguished by one or more of the prohibited grounds, to  
21 participate in the decision-making processes over the selection of measures to  
22 promote non-discrimination and diversity shall always be upheld by the  
23 government in the implementation of the programs enumerated above.

24 e. Information and Education Campaign. - All government agencies and  
25 instrumentalities are mandated to develop and implement information  
26 dissemination on any of the prohibited forms of discrimination. They shall  
27 endeavor to produce and publish information campaign materials on  
28 discrimination.

29 f. Affirmative Action. - The State shall develop a system of affirmative actions  
30 towards protecting the rights of IPs, other cultural minority groups, and other  
31 vulnerable groups. Support and protection for research and development and  
32 learning materials on cultural heritage preservation and sensitivity for other

1 vulnerable groups shall be provided to all State Universities and Colleges. All  
2 entities, agencies, corporations, companies, organizations, and  
3 educational/training institutions, whether private or public, shall ensure the  
4 implementation of this section.

5 Sec. 11. *Enforcement.* – Criminal complaints brought under this Act shall be  
6 filed with the proper court. In addition to the criminal complaint, a person who has  
7 been subjected to any acts of discrimination as defined in this Act may file a  
8 complaint with the CHR. For this purpose, the CHR may investigate, *motu proprio* or  
9 on complaint by any person, acts or omissions in violation of this Act.

10 In all cases under investigation, the Commission may issue legal and  
11 preventive measures, as well as provisional remedies. These measures or remedies  
12 shall include, but not limited to, general writs of injunction, restraining orders, status  
13 quo ante orders, cease and desist orders, protection orders, or such other orders to  
14 protect the life and security of persons, preserve evidence, protect properties, and  
15 other considerations to ensure the efficient investigation of the alleged violation of  
16 this Act.

17 The Commission shall also direct the officer concerned to take appropriate  
18 action against a public officer or employee at fault or who neglected to perform an  
19 act or discharge a duty required under this Act, and other revocation of license,  
20 removal from office or employment, suspension, demotion, fine, censure, or  
21 prosecution, and ensure compliance therewith. Refusal by any officer without just  
22 cause to comply with an order of the Commission to revoke the license, remove,  
23 suspend, demote, fine, censure, or prosecute an officer or employee who is at fault,  
24 or who neglects to perform an act or discharge a duty required under this Act, shall  
25 be a ground for disciplinary action against said officer.

26 The CHR, consistent with its mandate under this Act, shall designate a focal  
27 commissioner and/or create an Anti-Discrimination Center/Office to be primarily  
28 responsible for formulating and implementing programs and activities relating to the  
29 right of all persons against discrimination, including the investigation and handling of  
30 complaints of violations of this Act.

31 Notwithstanding the foregoing provisions, NCIP shall have exclusive  
32 jurisdiction over the conduct of investigations on the basis of complaints filed by

1 ICCs/IPs against natural or juridical persons believed to have violated ICCs/IPs  
2 rights.

3         *Sec. 12. Administrative Proceedings and Sanctions Against Public Officials and*  
4 *Employees.* – Pursuant to Section 11 of this Act, which makes it a duty of the CHR to  
5 investigate alleged cases of discrimination, a finding by the CHR that a department,  
6 agency, or instrumentality of the government, a government-owned-and-controlled  
7 corporation, or a local government unit has violated any provision of this Act and its  
8 implementing rules and regulations, shall carry with it a recommendation to the CSC  
9 and/or the DILG for the imposition of sanctions under administrative law, civil  
10 service, or other appropriate laws. Such recommendation shall include the names of  
11 the person directly responsible for the violation, and a statement that the sanctions  
12 be imposed upon the person directly responsible and the head of the agency or local  
13 chief executive.

14         Notwithstanding the foregoing provisions, NCIP shall have exclusive  
15 jurisdiction over the conduct of investigations on the basis of complaints filed by  
16 ICCs/IPs against natural or juridical persons believed to have violated ICCs/IPs  
17 rights.

18         *Sec. 13. Fines Against Private Persons, Provisional Remedy.* – Upon a *prima*  
19 *facie* finding that any provision of this Act was violated and upon its issuance of a  
20 cease and desist order, the CHR may impose a fine of Twenty Thousand Pesos  
21 (P20,000.00) for every day that the act of discrimination complained of has not  
22 ceased. The fine thus collected shall be for the assistance of victims of  
23 discrimination.

24         For purposes of this section and the imposition of the provisional remedy of  
25 fine, the CHR may ask the assistance of DTI, CHED, DOLE, DepEd, and TESDA.

26         Notwithstanding the foregoing provisions, NCIP shall have exclusive  
27 jurisdiction over the conduct of investigations on the basis of complaints filed by  
28 ICCs/IPs against natural or juridical persons believed to have violated ICCs/IPs  
29 rights.

30         *Sec. 14. Joint Congressional Oversight Committee.* – A Joint Congressional  
31 Oversight Committee on Anti-Discrimination (JCOC-AD) is hereby created for the

1 purpose of monitoring and evaluating the effective implementation of this Act as well  
2 as other Acts that affect the right of persons against discrimination.

3 The JCOC-AD shall be composed of five members each from the Senate and  
4 the House of Representatives.

5 The Senate Panel shall be composed of the Chairperson of the Committee on  
6 Social Justice, Welfare and Rural Development as Chairperson of the Senate Panel,  
7 the Chairperson of the Committee on Women, Children, Family Relations and Gender  
8 Equality, the Chairperson of the Committee on Cultural Communities, and the  
9 remaining seats to other members of the Senate regardless of the Committee with  
10 at least one member from the minority.

11 The House of Representatives Panel shall be composed of the Chairperson of  
12 the Committee on Human Rights as Chairperson of the House of Representatives  
13 Panel, the Chairperson of the Committee on Women and Gender Equality, the  
14 Chairperson of the Indigenous Cultural Communities and Indigenous Peoples, and  
15 the remaining seats to other members of the House of Representatives with at least  
16 one member from the minority.

17 All government agencies shall submit to the JCOC-AD annual reports on the  
18 monitoring and evaluation of measures to promote non-discrimination and equality  
19 which shall include recommendations for Congress.

20 The JCOC-AD shall convene regularly, at least once a year, to review the  
21 annual reports from government agencies and to evaluate the effectivity and  
22 effective implementation of this Act and other relevant Acts. It shall invite the Inter-  
23 agency Technical Committee in all its meetings.

24 The JCOC-AD shall submit a report to Congress on its review and evaluation  
25 of relevant Acts and its recommendations.

26 *Sec. 15. Implementing Rules and Regulations.* – The Inter-Agency Technical  
27 Committee, in consultation with appropriate civil society organizations and other  
28 stakeholders, shall promulgate the necessary implementing rules and regulations  
29 within ninety (90) days from the effectivity of this Act.

30 *Sec. 16. Separability Clause.* – Should any provision of this Act or part hereof  
31 be declared unconstitutional, the other provisions or parts not affected thereby shall  
32 remain valid and effective.



1           Sec. 17. *Repealing Clause.* – This Act shall be without prejudice to the  
2 existing special laws prohibiting discrimination on account of the protected attributes  
3 such as State principles and mandates underscored in R.A. No. 7277, as amended,  
4 entitled, "The Magna Carta for Disabled Persons", R.A. No. 8371 entitled, "The  
5 Indigenous Peoples' Rights Act of 1997", R.A. No. 9710 entitled, "The Magna Carta  
6 of Women", R.A. No. 10911 entitled the "Anti-Age Discrimination in Employment  
7 Act", and P.D. No. 442, as amended, entitled "Labor Code of the Philippines".

8           All other laws, decrees, orders, and issuances, or portions thereof, which are  
9 inconsistent with the provisions of this Act, are hereby repealed, amended, or  
10 modified accordingly.

11           Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
12 publication in the Official gazette or in at least two (2) newspaper of general  
13 circulation.

          Approved,