

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



Senate
Office of the Secretary

22 SEP -1 P5 :56

SENATE

S.B. No. 1264

RECEIVED BY:

Introduced by **SENATOR IMEE R. MARCOS**

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

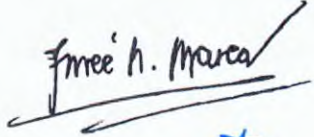
The 1987 Constitution guarantees and provides for equal protection among every Filipino and prohibits discrimination particularly those discriminatory practices based on age, indigenous, racial, or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, sex characteristics, gender identity, gender expression, marital relationship status, disability, HIV status, profession or occupation, health status or medical history, language, physical features, or other status.

Article I of the Universal Declaration of Human Rights provides that, "*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*" The United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and

women and have determined to promote social progress and better standards of life in larger freedom.

However, despite various laws regarding anti-discrimination, discriminatory practices are still rampant and is affecting thousands of Filipinos such as forms of cruelty primarily because of misconceptions and ignorance, among others. Thus, there is a need to exert efforts, including the prohibition and imposition of penalties, to address all forms of discrimination and violence and to promote human dignity and equality among all regardless 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 relationship status, disability, HIV status, profession or occupation, health status or medical history, language, physical features, or other status.

Therefore, the passage of this bill is earnestly sought.


IMEE R. MARCOS

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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 offends the equal protection clause of
5 the Bill of rights, and the State’s obligations under human rights instruments acceded
6 to by the Republic of the Philippines, particularly those discriminatory practices based
7 on age, indigenous, racial, or ethnic origin, religious belief or activity, political inclination
8 or conviction, social class, sex, gender, sexual orientation, sex characteristics, gender
9 identity, gender expression, marital relationship status, disability, HIV status, profession
10 or occupation, health status or medical history, language, physical features, or other
11 status.

12 Toward 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 of

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

12 **SEC. 3. Definition of terms.** – For the purposes of this Act, the following terms
13 shall be defined as follows:

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

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

28 (1) *Direct Discrimination* occurs where a person is treated less
29 favorably than another person in the same or comparable circumstances on the
30 ground of their protected attribute, *i.e.*, age, indigenous, racial, or ethnic origin,
31 religious belief or activity, political inclination or conviction, social class, sex,
32 gender, sexual orientation, gender identity, gender expression, sex
33 characteristics, marital or relationship status, disability, HIV status, profession

1 or occupation, health status or medical history, language, physical features, and
2 other status.

3 Direct discrimination also includes detrimental acts or omissions on the
4 basis of prohibited grounds where there is no comparable similar situation.

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

12 (c) *Education and Training* refers to all types and levels of education,
13 training, and other avenues for learning, and includes access thereto, the standard and
14 quality thereof and the conditions under which the same is given.

15 (d) *Ethnic Origin* includes race, national origin, and ethno-linguistic origin.

16 (e) *Employment* refers to all terms, conditions, and privileges relating to work
17 in public and private institutions, including recruitment policies, application, procedures,
18 training, incentives, compensation, determination of benefits or allowances, promotion,
19 advancement opportunities, transfer, and dismissal.

20 The definition shall apply to all employees regardless of their status of
21 employment. In legitimate contracting arrangements, the contractor/subcontractor
22 shall be deemed the employer of the contractual employee.

23 For the purpose of this Act, the terms of employment and occupation shall
24 include access to vocational training, access to employment and to particular
25 occupations, and terms and conditions of employment.

26 (f) *Gender* refers to a social construct used to categorize a person as man,
27 woman, or other identity which is usually based on one's sex assigned at birth;

1 (g) *Gender Expression* refers to the way a person communicates gender
2 identity to others through behavior, clothing, hairstyles, communication or speech
3 pattern, or body characteristics.

4 (h) *Gender Identity* refers to a person's innermost concept of self as man,
5 woman, or another non-binary identity, which may or may not correspond with the sex
6 assigned at birth.

7 (i) *HIV Status* refers to the presence or absence of the human
8 immunodeficiency virus (HIV) in the body of an individual.

9 (j) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* shall, as
10 provided under Section 3(h), Chapter II of Republic Act No. 8371 or "The Indigenous
11 Peoples' Rights Act of 1997" (IPRA), refer to a group of people or homogenous societies
12 identified by self-ascription and ascription by others, who have continuously lived as
13 organized community on communally bounded and defined territory, and who have,
14 under claims of ownership since time immemorial, occupied, possessed, and utilized
15 such territories, sharing common bonds of language, customs, traditions, and other
16 distinctive cultural traits, or who have, through resistance to political, social, and
17 cultural inroads of colonization, non-indigenous religions and cultures, became
18 historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include
19 peoples who are regarded as indigenous on account of their descent from the
20 populations which inhabited the country, at the time of conquest or colonization, or at
21 the time of inroads of non-indigenous religions and cultures, or the establishment of
22 present state boundaries, who retain some or all of their own social, economic, cultural,
23 and political institutions, but who may have been displaced from their traditional
24 domains, or who may have resettled outside their ancestral domains.

25 (k) *Bangsamoro People* are those who, at the advent of the Spanish
26 colonization, were considered natives or original inhabitants of Mindanao and the Sulu
27 archipelago and its adjacent lands, whether of mixed or full blood, shall have the right
28 identify themselves, their spouses and descendants, as Bangsamoro.

29 (l) *Linguistic Discrimination* refers to the unfair treatment of an individual
30 based solely on the use of language. This use of language may include the individual's
31 native language or other characteristics of the person's speech, such as an accent, the
32 size of vocabulary (whether the person uses complex and varied words), and syntax.

1 (m) *Marginalization* refers to a condition where a whole category of people is
2 excluded from useful and meaningful participation in political, economic, social, and
3 cultural life;

4 (n) *Muslims* refer to those who are followers of Islamic faith, whether from
5 birth or by conversion.

6 (o) *Marital or Relationship Status* refers to the personal status of each
7 individual in relation to the marriage laws or customs of the country.

8 (p) *Occupation* refers to a line of work, job, or profession.

9 (q) *Persons with Disabilities* include those who have long-term physical,
10 mental, intellectual, or sensory impairments which in interaction with various barriers
11 may hinder their full and effective participation in society on an equal basis with others.

12 (r) *Physical Features* refer to a person's height, size, weight or other bodily
13 characteristics. It shall also include features that a person chooses to acquire, such as
14 tattoos and piercings.

15 (s) *Political Inclination* refers to a person's preference as regards
16 membership or belief in a particular political party, organization, or ideology. It covers
17 both the holding and not-holding of opinions, as well as expression of views or
18 membership within opinion-based associations, trade unions, or political parties.

19 (t) *Profession* refers to a lawful occupation which requires specialized
20 knowledge and often long and intensive academic preparation.

21 (u) *Profiling* means relying on the prohibited grounds of discrimination in
22 subjecting a person, natural or juridical, or group of persons, including any type of
23 societal relations, to any investigatory activities, which include, but is not limited to the
24 following: (1) unnecessary, unjustified, illegal, and degrading searches, questioning or
25 other investigatory activities, in determining whether an individual is engaged in an
26 activity presumed to be unlawful, immoral, or socially unacceptable; or (2) recording
27 and analyzing a person's psychological and behavioral characteristics to make
28 generalizations about a person's protected attributes or to assist in identifying a
29 particular subgroup of people's protected attributes.

1 (v) *Reasonable accommodation* means necessary and appropriate
2 modification and adjustments not imposing a disproportionate or undue burden, where
3 needed in a particular case, to ensure to persons with disabilities the enjoyment or
4 exercise on an equal basis with others of all human rights and fundamental freedoms.

5 (w) *Religious Belief* covers the profession or non-profession of religion or
6 belief of one's choice that may be publicly or privately manifested in worship,
7 observance, practice, and teaching.

8 (x) *Sex* refers to the civil status of a person acquired by birth, having a system
9 of reproduction corresponding to that belonging to male, female, or intersex.

10 (y) *Sex Characteristics* refers to a person's physical traits that indicate their
11 biological sex, such as chromosomes, external genitalia, gonads, hormones, and
12 internal reproductive organs. Traits present at birth are called primary sex
13 characteristics, whereas those that develop during puberty are called secondary sex
14 characteristics.

15 (z) *Sexual Orientation* refers to a person's physical, romantic, and/or
16 emotional attraction to other people.

17 It refers to the direction of emotional, sexual attraction, or conduct towards
18 people of the same gender (homosexual orientation) or towards people of more than
19 one gender (bisexual orientation), or towards people of different gender (heterosexual
20 orientation) or to the absence of sexual attraction (asexual attraction).

21 (aa) *Social Class* refers to groupings of individuals usually based on wealth,
22 educational attainment, occupation, income, and membership in a subculture or social
23 network.

24 (bb) *Stigma* refers to the dynamic devaluation and dehumanization of an
25 individual in the eyes of others which may be based on attributes that are arbitrarily
26 defined by others as discreditable or unworthy, and which result in discrimination when
27 acted upon.

28 (cc) *Vulnerable Communities* refer to communities or sectors that encounter
29 stigma and discrimination based on the grounds enumerated in Section 4.

1 (dd) *Other Status* refers to other forms of differential treatment or grounds of
2 discrimination which either undermines human dignity, causes or perpetuates systemic
3 disadvantage, or adversely affects the equal enjoyment of a person's rights and
4 freedoms in a serious manner that is comparable to the protected attributes
5 enumerated in Section 4 of this Act. These grounds include, but are not limited to the
6 following: association and relation with persons with protected attributes, pregnancy
7 or maternity/paternity status, family responsibilities, health status or medical condition,
8 or criminal record.

9 **SEC. 4. *Prohibited Grounds for Discrimination/Protected Attributes.*** –
10 Discrimination that is directly or indirectly based on the actual or perceived
11 characteristics, which include age, indigenous, racial or ethnic origin, religious belief or
12 activity, political inclination or conviction, social class, sex, gender, sexual orientation,
13 sex characteristics, gender identity, gender expression, marital or relationship status,
14 disability, HIV status, lawful profession or occupation, health status or medical history,
15 language, physical features, or other status is prohibited. For purposes of this Act, these
16 personal characteristics shall be collectively termed as "protected attributes".

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

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

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

28 (a) Inflicting stigma.

29 It shall be unlawful for any person to commit any acts that promote, encourage,
30 inflict, and perpetuate stigma based on the grounds referred to in Section 4. Content
31 in the media, including social media, in educational textbooks, or in other medium that
32 aims to promote, encourage, inflict, and perpetuate stigma is likewise prohibited.

1 (b) Inciting violence or sexual abuse against any person or group on the basis
2 of the grounds referred to in Section 4.

3 (c) Denial of political, civil, and cultural rights.

4 It shall be unlawful to deny a person enjoyment of political, civil, and cultural
5 rights based on the grounds referred to in Section 4.

6 (d) Denial of right to education.

7 It shall be unlawful for any person to:

8 (1) Refuse admission or expel a person from any educational or
9 training institution on the basis of the grounds defined in Section 4, without
10 prejudice to the right of educational or training institutions to determine the
11 academic qualifications of their students or trainees;

12 (2) Grant or refuse to grant honors, scholarship/s, or other forms of
13 assistance on the basis of the grounds defined in Section 4;

14 (3) Impose disciplinary sanctions, penalties harsher than customary,
15 or similar punishments, requirements, restrictions, or prohibitions that infringe
16 on the rights of the students on the basis of the grounds identified in Section 4;

17 (4) Fail to make reasonable efforts to make facilities accessible to
18 persons with disabilities; or

19 (5) Subject a person to any act of discrimination and intolerance
20 related to education and training.

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

24 (e) Denial of right to work.

1 (1) It shall be unlawful for any employer or head of a firm, company,
2 or organization to:

3 (i) refuse or fail to employ a person for work of any type or
4 kind which is available and for which the person is qualified, or impose
5 on the person onerous terms and conditions, on the basis of the protected
6 attributes under Section 4 of this Act;

7 (ii) fail to take reasonable efforts to make facilities accessible
8 to persons with disabilities;

9 (iii) deny or limit access of an employee to the same terms and
10 conditions of work, opportunities for training, transfer or promotion, or to
11 other benefits connected with employment, as are made available for
12 other employees having the same qualifications and employed in the
13 same circumstances or work of the same kind or type, or impose on the
14 person onerous terms and conditions, on the basis of the protected
15 attributes under Section 4 of this Act; or

16 (iv) dismiss, demote, reassign, or transfer an employee on the
17 basis of the protected attributes under Section 4 of this Act, or subject an
18 applicant for employment or an employee to any act of discrimination on
19 account of his hiring or employment;

20 (2) It shall be unlawful for any person acting as job contractor or
21 recruitment or placement agency, or agent in procuring workers for a principal
22 or an employer to treat an applicant seeking employment less favorably than
23 another person in the same circumstances who is likewise seeking employment
24 on the basis of the protected attributes under Section 4 of this Act.

25 (3) It shall likewise be unlawful for any person to:

26 (i) Deny employment in government institutions, including
27 police and military service, based directly or indirectly on the grounds
28 referred to in Section 4;

1 (ii) Refuse to enter into contract or agreement with persons or
2 group of persons based solely or partly on the grounds provided in Section
3 4; or

4 (iii) Deny an application for or revoke a professional license
5 issued by the government directly or indirectly due to the grounds
6 included in Section 4.

7 (f) Denial of access to goods and services.

8 It shall be unlawful for any person to:

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

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

22 (3) Cause undue and unjust deferral of services or provision of inferior
23 services to persons due to the grounds in Section 4.

24 There is discrimination if the acts above are committed against organizations or
25 groups of persons, their members, officers, board of directors or trustees, or their
26 target constituencies based on the grounds identified in Section 4.

27 (g) Denial of right to organize.

28 It shall be unlawful to prohibit, prevent, or revoke the accreditation, formal
29 recognition, and/or registration of any organization, group, political party, institution,

1 or establishment, in educational institutions, workplaces, communities, and other
2 settings, based partly or solely on the grounds provided for in Section 4.

3 Discrimination is also committed when additional requirements beyond the
4 customary are imposed directly or indirectly due to the grounds stipulated in Section 4.

5 (h) Inflicting harm on health and well-being.

6 It shall be unlawful to subject any person, without full, free, informed, and prior
7 consent, to any unnecessary medical or physical examination, psychological treatment,
8 faith-based practices, and other similar procedures based solely or partly on any of the
9 grounds referred to in Section 4 that aim to change identity or physical attributes or
10 impose behavior or expressions.

11 (i) Engaging in profiling.

12 It shall be illegal for any person, including members of the military and law
13 enforcement agencies, to engage in profiling based solely or partly on the grounds
14 included in Section 4. For the purposes of investigation, application for or access to
15 public or private medical and other health services, including private and public health
16 insurance and HMO-provided medical plans, and other acts which have the intention or
17 effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal
18 footing, of political, civil, economic, social, or cultural rights.

19 (j) Abuses by the government and private persons.

20 It shall be unlawful for any government agency, including local government
21 units, police, military, and immigration agencies, to harass verbally or physically, to
22 curtail freedom of movement, or to extort from a person or a group of persons on the
23 basis of the grounds stipulated in Section 4.

24 This prohibition applies to similar abuses committed by private persons.

25 (k) Detention and confinement.

26 It shall be unlawful to detain and confine a person or groups of persons based
27 directly or indirectly on the grounds under Section 4.

1 (l) Inciting hatred or violence.

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

11 (m) Denial of right to expression.

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

17 (n) Retaliation and Coercion.

18 No person, whether natural or juridical, shall discriminate against an individual
19 who made a charge, assisted, testified, and/or participated in any means regarding an
20 investigation, proceeding, and/or hearing under this Act.

21 No person, whether natural or juridical, shall coerce, intimidate, threaten, and/or
22 harass any individual regarding the latter's exercise or enjoyment of any right granted
23 and/or protected under this Act.

24 (o) Denial of right against wrongful portrayal.

25 It shall be unlawful for any person to portray, intimate, depict, or describe in
26 learning institutions, instructional materials, teaching devices, books, and reference
27 materials, especially in civics and history, and in mass media, including social media,
28 certain individuals and/or group/s as inferior, or encouraging the commission of any of
29 the acts of discrimination against any person and/or group as provided in this Act:

1 *Provided*, That the test to determine wrongful portrayal should be whether the work,
2 taken as a whole, lacks serious literary, artistic, political, or scientific value.

3 Information regarding the dignity and diversity of the cultures, traditions,
4 histories, and aspirations of the ICCs/IPs should be appropriately reflected in all forms
5 of education, public information, cultural-educational exchange, and information
6 education campaigns including the use of social media platforms.

7 (p) Other analogous circumstances.

8 Any analogous act, which has the effect or purpose of impairing or nullifying the
9 recognition, enjoyment, or exercise of the person's human rights and fundamental
10 freedoms, are also prohibited.

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

16 Any person, natural or juridical, or their representatives, who requests, instructs,
17 includes, encourages, authorizes or assists another to commit acts of discrimination
18 under Section 5 shall also be liable under this Act.

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

24 All government officers and workers are obliged to promote nondiscrimination
25 in the discharge of their duties and responsibilities.

26 **SEC. 7. *Exceptions.*** – Any action or conduct, otherwise prohibited under Section
27 4 and 5 of this Act, shall not be unlawful and shall not be considered as discrimination:

1 (a) Where any of the protected attributes is a *bona fide* occupational
2 qualification (BFOQ) reasonably necessary to the normal operation of the particular
3 business or where the differentiation is based on reasonable factors;

4 (b) Where distinction, exclusion, or preference in respect of a particular job
5 is based on inherent requirement, which is a proportionate means of achieving a
6 legitimate aim;

7 (c) Deeply held fundamental religious doctrines, dogma, or beliefs of a
8 person or of a Body established exclusively for religious purposes require or compel
9 such person or Body to perform acts or practice necessary to avoid injury to the
10 religious sensitivities of adherents of that religion: *Provided*, That such acts or practices
11 should be in accordance with law, public order, or public policy;

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

17 (e) Where a difference of treatment based on a protected attribute is
18 reasonable and objective and if the aim is to achieve a legitimate purpose.

19 The exceptions shall be without prejudice to the existing laws prohibiting
20 discrimination on account of the protected attributes such as State principles and
21 mandates underscored in *R.A. No. 7277*, as amended, entitled, "*Magna Carta for*
22 *Disabled Persons*", *R.A. No. 8371* entitled, "*The Indigenous Peoples' Rights Act of*
23 *1997*", *R.A. No. 9710* entitled, "*The Magna Carta of Women*", *R.A. No. 10911* entitled,
24 the "*Anti-Age Discrimination in Employment Act*", and *P.D. No. 442*, as amended,
25 entitled "*Labor Code of the Philippines*".

26 **SEC. 8. Penalties.** – The penalty of not less than nine (9) months but not more
27 than twelve (12) years imprisonment or a fine of not less than One Hundred Thousand
28 Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00),
29 or both, upon the discretion of the court.

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

1 (a) If the offender has been previously convicted under this Act;

2 (b) If the offender is a direct ascendant or descendant, a relative within the
3 fourth degree of consanguinity or affinity, a step-parent or a step-child, or a guardian
4 or a ward of the victim;

5 (c) If the offender is the manager or owner of an establishment which has
6 no license to operate or whenever such license has expired or has been previously
7 revoked;

8 (d) If the offender is a public official, officer, or employee: *Provided*, That the
9 penalty of suspension shall be imposed: *Provided, further*, That the public official,
10 officer, or employee may be asked to undergo gender and development training and
11 community service during the duration of suspension. An accessory penalty of
12 perpetual disqualification to hold public office is likewise imposed on the public official,
13 officer, or employee.

14 If the person liable for the discriminatory act is a juridical person, an accessory
15 penalty of cancellation of certificates of registration and/or license shall be imposed.

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

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

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

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

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

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

6 **SEC. 9. Redress Mechanisms for Discrimination Cases. –**

7 (a) Inclusion of Discrimination Concerns in All Police Stations. – The Women
8 and Children’s Desks now existing in all police stations shall also act on and attend to
9 complaints/cases covered by this Act. In this regard, the police officers handling said
10 desks shall undergo trainings on human rights and sensitization on the issues of
11 violence and abuse on the basis of the grounds referred to in this Act.

12 Complainant-minors can be represented by parents, guardians, social workers,
13 or a non-government organization of good standing and reputation.

14 (b) Inter-agency Technical Committee. – An Inter-agency Technical
15 Committee composed of the Commission on Human Rights (CHR) as the lead agency,
16 and representatives from the Department of Justice (DOJ), National Commission on
17 Indigenous Peoples (NCIP), National Commission on Disability Affairs (NCDA), National
18 Commission on Muslim Filipinos (NCMF), Philippine Commission on Women (PCW),
19 National Youth Commission (NYC), Civil Service Commission (CSC), Department of
20 Labor and Employment (DOLE), Department of the Interior and Local Government
21 (DILG), Department of Education (DepEd), Commission on Higher Education (CHED),
22 Technical Education and Skills Development Authority (TESDA), Department of Health
23 (DOH), Armed Forces of the Philippines (AFP), and the Philippine National Police (PNP),
24 shall be constituted and shall act as an advisory and recommendatory body on
25 establishing developmental programs that will promote non-discrimination and
26 management of diversity, in consultation with civil society organizations with proven
27 expertise and track record on concerns regarding the protected attributes under Section
28 4, and other stakeholders.

29 (c) Role of the Civil Service Commission (CSC). – The CSC, in consultation
30 with the Inter-agency Technical Committee, shall modify the existing rules on grievance
31 machinery to address discriminatory practices committed in, and by officers or

1 employees of, government agencies, instrumentalities, and in government-owned and
2 –controlled corporations (GOCCs) and other offices under its jurisdiction.

3 (d) Role of the Department of Labor and Employment (DOLE). – The DOLE,
4 in consultation with the Inter-agency Technical Committee, shall promulgate the rules
5 and regulations necessary to enhance anti-discrimination protection in workplaces,
6 including the establishment of a grievance mechanism to address discriminatory
7 practices committed in the workplace.

8 **SEC. 10. *Programs to Promote Non-discrimination, Equality, and Diversity.*** – It
9 shall be the duty of every person, natural or juridical, public or private, to ensure
10 nondiscrimination and equal opportunity for all persons in relating to actual or
11 prospective employees, students, tenants, customers or clients, and that no
12 discriminatory acts, as defined herein, is committed by them or their agents in the areas
13 defined under Section 5 of this Act.

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

25 (a) Social Protection Program – The national government shall ensure the
26 integration of the communities affected by or vulnerable to stigma and discrimination
27 are integrated into government-run social programs.

28 (b) Diversity and Inclusion Programs and Trainings. – All government
29 agencies, including government-owned and –controlled corporations, local government
30 units (LGUs), and private establishments and entities shall develop plans of action to
31 address discrimination and establish diversity and sensitivity programs to ensure that
32 discrimination and abuse are prevented and addressed. They shall:

1 (1) create an internal redress mechanism to address cases of
2 discrimination and grant administrative remedies or sanctions for such cases;

3 (2) conduct human rights education and training programs for public
4 officials, including judges and candidates for judicial appointments, in
5 coordination with the Commission on Human Rights (CHR). The Department of
6 Education (DepEd), and the Commission on Higher Education (CHED), in
7 particular, shall integrate teaching on the principles of equality and non-
8 discrimination in formal and non-formal inclusive and multicultural education,
9 with a view to dismantling notions of superiority or inferiority based on protected
10 attributes and to promote dialogue and tolerance between different groups in
11 society; and

12 (3) endeavor to provide or conduct human rights education, gender
13 sensitivity, and culture sensitivity training programs for their staff, employees,
14 students and trainees, and constituents to ensure that discrimination and abuse
15 are prevented in their institutions.

16 (c) Monitoring and evaluation. – All government agencies and
17 instrumentalities shall monitor the implementation of measures to promote non-
18 discrimination and equality. Monitoring shall assess both the steps taken and the results
19 achieved in the elimination of discrimination. Annual reports in this regard shall be
20 submitted to Congress and the CHR.

21 (d) Disaggregation of data. – All government agencies and instrumentalities
22 shall ensure that all national strategies, policies, and plans shall use appropriate
23 indicators and benchmarks, disaggregated on the basis of the prohibited grounds of
24 discrimination.

25 The rights of individuals or groups of individuals, who may be distinguished by
26 one or more of the prohibited grounds, to participate in the decision-making processes
27 over the selection of measures to promote non-discrimination and diversity shall always
28 be upheld by the government in the implementation of the programs enumerated
29 above.

30 (e) Information and Education Campaign. – All government agencies and
31 instrumentalities are mandated to develop and implement information dissemination

1 on any of the prohibited forms of discrimination. They shall endeavor to produce and
2 publish information campaign materials on discrimination.

3 (f) Affirmative Action. – The State shall develop a system of affirmative
4 actions towards protecting the rights of IPs, other cultural minority groups, and other
5 vulnerable groups. Support and protection for research and development and learning
6 materials on cultural heritage preservation and sensitivity for other vulnerable groups
7 shall be provided to all State Universities and Colleges.

8 All entities, agencies, corporations, companies, organizations, and
9 educational/training institutions, whether private or public, shall ensure the
10 implementation of this Section.

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

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

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

31 The CHR, consistent with its mandate under this Act, shall designate a focal
32 commissioner and/or create an Anti-Discrimination Center/Office to be primarily

1 responsible for formulating and implementing programs and activities relating to the
2 right of all persons against discrimination, including the investigation and handling of
3 complaints of violations of this Act.

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

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

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

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

26 For purposes of this section and the imposition of the provisional remedy of fine,
27 the CHR may ask the assistance of DTI, CHED, DOLE, DepED, and TESDA.

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

1 **SEC. 14. *Joint Congressional Oversight Committee.*** – A Joint Congressional
2 Oversight Committee on Anti-Discrimination (JCOC-AD) is hereby created for the
3 purpose of monitoring and evaluating the effective implementation of this Act as well
4 as other Acts that affect the right of persons against discrimination.

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

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

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

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

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

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

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

1 **SEC. 16. Separability Clause.** – Should any provision of this Act or part hereof
2 be declared unconstitutional, the other provisions or parts not affected thereby shall
3 remain valid and effective.

4 **SEC. 17. Repealing Clause.** – This Act shall be without prejudice to the existing
5 special laws prohibiting discrimination on account of the protected attributes such as
6 State principles and mandates underscored in *R.A. No. 7277*, as amended, entitled,
7 "*Magna Carta for Disabled Persons*", *R.A. No. 8371* entitled, "*The Indigenous Peoples'*
8 *Rights Act of 1997*", *R.A. No. 9710* entitled, "*The Magna Carta of Women*", *R.A. No.*
9 *10911* entitled, the "*Anti-Age Discrimination in Employment Act*", and *P.D. No. 442*, as
10 amended, entitled "*Labor Code of the Philippines*".

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

14 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its
15 publication in two (2) newspapers of general circulation.

Approved,