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SENATE

P.S. RES. NO. 701

RECEIVED BY: _____

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

RESOLUTION

**URGING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO
LOOK INTO THE QUESTIONABLE PRACTICE OF LOCAL SPORTS
ASSOCIATIONS OF NOT CONSIDERING NATURALIZED CITIZENS AS LOCAL
PLAYERS IN DOMESTIC LEAGUES**

Whereas, Article 7 of the Universal Declaration of Human Rights provides that "[a]ll are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination";

Whereas, in recognition of said declaration, the 1987 Constitution provides in Article 3, Section 1 that "[n]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws";

Whereas, Article 13, Section 3 of the same Constitution further provides that "[t]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all";

Whereas, in the case of ***International School Alliance of Educators (ISAE) v. Hon. Quisumbing, G.R. No. 128845, 1 June 2000***, the Supreme Court wisely encapsulated these provisions in this wise:

'That public policy abhors inequality and discrimination is beyond contention. Our Constitution and laws reflect the policy against these evils. The Constitution in the Article on Social Justice and Human Rights exhorts Congress to "give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities." The very broad Article 19 of

the Civil Code requires every person, "in the exercise of his rights and in the performance of his duties, [to] act with justice, give everyone his due, and observe honesty and good faith.

International law, which springs from general principles of law, likewise proscribes discrimination. General principles of law include principles of equity, ie., the general principles of fairness and justice, based on the test of what is reasonable. The Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Discrimination in Education, the Convention (No. 111) Concerning Discrimination in Respect of Employment and Occupation - all embody the general principle against discrimination, the very antithesis of fairness and justice. The Philippines, through its Constitution, has incorporated this principle as part of its national laws.'

Whereas, On 12 January 2023, President Ferdinand R. Marcos, Jr. signed into law Republic Act (RA) No. 11937 entitled An Act Granting Philippine Citizenship to Justin Donta Brownlee;

Whereas, Sec. 1 of RA 11937 provides that "Justin Donta Brownlee is hereby granted Philippine citizenship will all the rights, privileges and prerogatives, as well as duties and obligations appurtenant thereto, under the Constitution and the laws of the Republic of the Philippines";

Whereas, previous to the naturalization of Mr. Brownlee, several other players were granted Filipino citizenship, namely, Ange Kouame in 2021 through RA 11543, Marcus Eugene Douthit in 2011 through RA 10148, Andray Blatche in 2014 through RA 10636;

Whereas, Sec. 1 of all these laws provide that the said individuals are "hereby granted Philippine citizenship with all the rights, privileges and prerogatives, as well as the duties and obligations appurtenant thereto under the Constitution and the laws of the Republic of the Philippines."

Whereas, in January 2023, the Daily Tribune published an article entitled "PBA: Brownlee still an import", stating that "despite the successful completion of his naturalization process, Justin Brownlee of Barangay Ginebra San Miguel will still be treated as an import when he competes in the Philippine Basketball Association."

Whereas, the same article further states that "In fact, Gilas Pilipinas' first naturalized player in Marcus Douthit was barred from competing as a local player, prompting him to serve as import when Air21 tapped him in 2012 and Blackwater paraded him in 2015."

Whereas, to explain the situation, PBA Commissioner Willie Marcial articulated that "PBA rules state naturalized citizens are not allowed to suit up as local players or see action in the season-opening Philippine Cup";¹

Whereas, one of the rationales raised for disallowing naturalized players is that it may disrupt the current playing field. Commissioner Marcial further stated that "it's going to be unfair to other teams because Ginebra will have Brownlee as a local and another player as import. So technically, they will have two imports playing at the same time."

Whereas, our naturalized athletes have undergone a rigorous process in acquiring their Philippine citizenship. Apart from bringing pride and glory to our country, they have proven their love and loyalty to the Philippines. However, despite this, our naturalized athletes are restricted to play as imports in the local league;²

Whereas, there is neither a legitimate nor significant reason to continue the prolonged practice of disallowing naturalized athletes to play in the local league;

Whereas, in the case of *Dennis L. Go v. Republic of the Philippines, G.R. No. 202809, 2 July 2014*, the Supreme Court stated that "no less than the 1987 Constitution enumerates who are Filipino Citizens. Among those listed are citizens by naturalization, which refers to the legal act of adopting an alien and clothing him with the privilege of a native-born citizen."

Whereas, sans any constitutional limitations, our naturalized athletes should be treated and given the same privilege as any other Filipino, lest we be accused of violating the equal protection clause as enshrined in our Constitution;

Whereas, as between the Constitution and local rules of an association, the choice is clear, thus naturalized citizens should and must be allowed to play in domestic leagues; **NOW, THEREFORE**

BE IT RESOLVED, as it is hereby resolved, to direct as it hereby directs the Senate Committee on Justice and Human Rights to conduct an inquiry in aid of legislation, into the practice of local sports associations of not considering naturalized citizens as local players in domestic leagues which in effect amounts to a violation of their rights to equal protection of the law as guaranteed by the Constitution and accorded to each and every citizen of the Republic of the Philippines.

Adopted,


FRANCIS "TOL" N. TOLENTINO

¹ <https://tribune.net.ph/2023/01/18/pba-brownlee-still-an-import/>

² <https://news.abs-cbn.com/sports/01/10/22/naturalized-players-can-be-imports-in-pba>