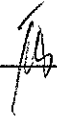


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

9 JAN 29 P1:46

SENATE
S. No. 3027

RECEIVED BY



Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

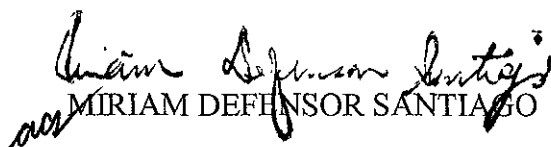
The Constitution, Article II, Section 13 provides that:

SEC. 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being.

We derive many of our country's pride from world class performance of our athletes. To be competitive, we train our children young and build on their potentials in the course of their development. Our educational institutions have played a significant role in nurturing our young talents while also providing them good education that they may have other options in life outside of sports. However, sports is also a business from where athletes and their families pin their hopes on striking a fortune. Poverty and ignorance, in many instances, have made these athletes and families easy prey for unscrupulous sports agents who promise them the world without fully informing them of the consequences of engaging their services.


We provide a legislation which will curb the deceptive practice of the sports agents in signing student athletes and allow the educational institutions to be informed of such contracts and be protected from its effects.

This bill seeks to regulate the conduct of athlete agents and require disclosure of agency contracts to the educational institutions.


MIRIAM DEFENSOR SANTIAAGO

9 JAN 29 P 1:46

SENATE
S. No. 3027

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO REGULATE CERTAIN CONDUCT BY SPORTS AGENTS RELATING TO THE
3 SIGNING OF CONTRACTS WITH STUDENT
4

5 *Be it enacted by the Senate and the House of representatives of the Philippines in*
6 *Congress assembled:*

7 SECTION 1. *Short Title.* – This Act shall be known as the “*Sports Agent Responsibility*
8 *and Trust Act.*”

9 SECTION 2. *Definition.* – As used in this Act, the term –

- 10 A. AGENCY CONTRACT- means an oral or written agreement in which a student athlete
11 authorizes a person to negotiate or solicit on behalf of the student athlete a professional
12 sports contract or an endorsement contract.
- 13 B. ATHLETE AGENT- means an individual who enters into an agency contract with a
14 student athlete, or directly or indirectly recruits or solicits a student athlete to enter into
15 an agency contract, and does not include a spouse, parent, sibling, grandparent, or
16 guardian of such student athlete, or an individual acting solely on behalf of a professional
17 sports team or professional sports organization.
- 18 C. ATHLETIC DIRECTOR- means an individual responsible for administering the athletic
19 program of an educational institution or, in the case that such program is administered
20 separately, the athletic program for male students or the athletic program for female
21 students, as appropriate.
- 22 D. ENDORSEMENT CONTRACT- means an agreement under which a student athlete is
23 employed or receives consideration for the use by the other party of that individual's
24 person, name, image, or likeness in the promotion of any product, service, or event.

1 E. INTERCOLLEGIATE SPORT- means a sport played at the collegiate level for which
2 eligibility requirements for participation by a student athlete are established by a national
3 association for the promotion or regulation of college athletics.

4 F. PROFESSIONAL SPORTS CONTRACT- means an agreement under which an
5 individual is employed, or agrees to render services, as a player on a professional sports
6 team, with a professional sports organization, or as a professional athlete.

7 G. STUDENT ATHLETE- means an individual who engages in, is eligible to engage in, or
8 may be eligible in the future to engage in, any intercollegiate sport. An individual who is
9 permanently ineligible to participate in a particular intercollegiate sport is not a student
10 athlete for purposes of that sport.

11 SECTION 3. *Prohibited Conduct* – It is unlawful for an athlete agent to—

12 A. directly or indirectly recruit or solicit a student athlete to enter into an agency contract,
13 by—

14 1. giving any false or misleading information or making a false promise or
15 representation; or

16 2. providing anything of value to a student athlete or anyone associated with the
17 student athlete before the student athlete enters into an agency contract;

18 B. enter into an agency contract with a student athlete without providing the student
19 athlete with the disclosure document described in Section 4; or

20 C. or postdate an agency contract.

21 SECTION 4 *Disclosure By Athlete Agents To Student Athletes.* – In conjunction with the
22 entering into of an agency contract, an athlete agent shall provide to the student athlete, or, if the
23 student athlete is under the age of 18 to such student athlete's parent or legal guardian, a
24 disclosure document that meets the requirements of this Act. Such disclosure document is
25 separate from and in addition to any other disclosure as may be required by law.

1 SECTION 5. *Signature of Student Athlete.* – The disclosure document must be signed by
2 the student athlete, or, if the student athlete is under the age of 18 by such student athlete's parent
3 or legal guardian, prior to entering into the agency contract.

4 SECTION 6. *Required Language.* – The disclosure document must contain, in close
5 proximity to the signature of the student athlete, or, if the student athlete is under the age of 18,
6 the signature of such student athlete's parent or legal guardian, a conspicuous notice in boldface
7 type stating: **'Warning to Student Athlete: If you agree orally or in writing to be
8 represented by an agent now or in the future you may lose your eligibility to compete as a
9 student athlete in your sport. Within 72 hours after entering into this contract or before the
10 next athletic event in which you are eligible to participate, whichever occurs first, both you
11 and the agent by whom you are agreeing to be represented must notify the athletic director
12 of the educational institution at which you are enrolled, or other individual responsible for
13 athletic programs at such educational institution, that you have entered into an agency
14 contract.'**

15 SECTION 7. *Notice to Educational Institutions.* – Within 72 hours after entering into an
16 agency contract or before the next athletic event in which the student athlete may participate,
17 whichever occurs first, the athlete agent and the student athlete shall each inform the athletic
18 director of the educational institution at which the student athlete is enrolled, or other individual
19 responsible for athletic programs at such educational institution, that the student athlete has
20 entered into an agency contract, and the athlete agent shall provide the athletic director with
21 notice in writing of such a contract. Such notice shall contain a waiver that protects the
22 educational institutions from any action that may arise as a result of entering into such contract.

23 SECTION 8. *Penalty.* – Any person who shall violate the provisions of this Act shall
24 upon conviction, be subject to a fine of not less than One thousand pesos (P1,000.00) but not
25 more than fifty thousand pesos (P50,000.00) or imprisonment of not less than two (2) months but
26 not more than one (1) year, or both upon the discretion of the court.

1 SECTION 9. *Rules.* – The Department of Education shall promulgate rules upon
2 consultation with the Philippine Sports Commission to ensure compliance with this Act.

3 SECTION 10. *Separability Clause.* – If any provision or part hereof, is held invalid or
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
5 valid and subsisting.

6 SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive
7 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent
8 with the provision of this Act is hereby repealed, modified, or amended accordingly.

9 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of general circulation.

11 Approved,

/apm012309