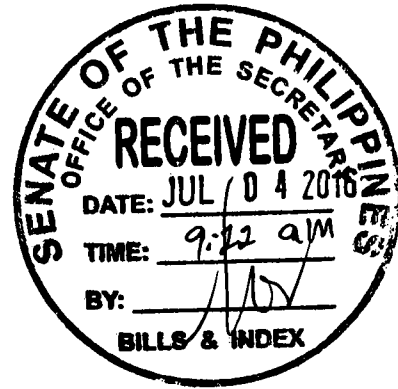


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 291



Introduced by Senator Antonio "Sonny" Trillanes IV

AN ACT
PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF
ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF

EXPLANATORY NOTE

The Bill of Rights of the 1987 Philippine Constitution, particularly Article 111, Section 1, provides for "equal protection of the laws" – a specific constitutional guarantee of the equality of all persons. Under it, each individual is dealt with as an equal person in the law, regardless of who he/she is or what he/she possesses. However, when this does not happen in the realities of life, like the different and adverse treatment or discrimination against Muslims, Indigenous Peoples or Lumad Highlanders in Mindanao and elsewhere in the Philippines, then the constitutional state policy of social justice (Art. 11, Sec. 10) that those who have less in life must have more in law, steps in.

It is an established principle of constitutional law that the equal protection clause is not violated by a legislation based on reasonable classification, which rest on substantial distinctions; is germane to the purpose of the law; and is not limited to existing conditions only, and applies equally to all members of the same class. There are indeed substantial distinctions between/among the three classes of people in Mindanao – the majority Christian settlers (and their descendants), the Muslims or Moro people, and the Indigenous Peoples. Unfortunately, their interrelationships have been characterized, among others by a historical and current minoritization, marginalization, and discrimination in various areas of life. This condition must be addressed.

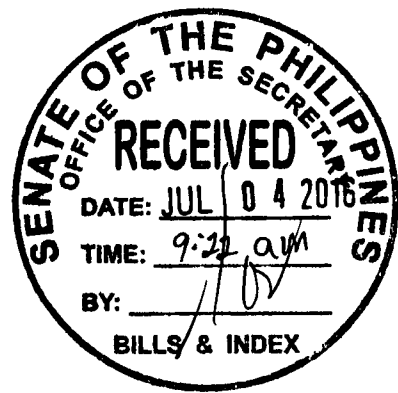
As part of the global community, the Philippines is aware of the United Nations declarations on religious intolerance, which have become more relevant in present times where the backlash of the September 11, 2001 terrorist act has been greatly felt by Muslims all over the world. The Muslims in Mindanao and elsewhere in the Philippines are no exception. Thus, in keeping with the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the 1993 Resolution on the Elimination of All Forms of Religious Intolerance, this Act addresses religious and other forms of discrimination.

To be sure, discriminatory attitudes or practice will not be corrected by legislation alone, even penal ones like this bill. But these legislative sanctions, which are the contribution of Congress, are part of what should be a holistic response to the fight against discrimination.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

SEVENTEENTH CONGRESS OF THE)
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S. No. 291

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** - This Act shall be known as *"The Anti-Racial and*
2 *Religious Discrimination Act of 2016"*.

3 **SEC. 2. Declaration of Policy.** - It is the policy of the State to:

4 (a) Maintain peace and order, protect life, liberty and property, and promote the
5 general welfare for the enjoyment by all people the blessing of democracy;

6 (b) Promote a just and dynamic social order that will ensure the prosperity and
7 independence of the nation and free the people from poverty through policies that provide
8 adequate social services; promote full employment , a rising standard of living and an
9 improved quality of life for all;

10 (c) Recognize and promote the lights of indigenous cultural communities within the
11 framework of national unity and development; and

12 (d) Give the highest priority to the enactment of measures that protect and enhance the
13 right of all people to human dignity; reduce social, economic and political inequalities; and
14 remove cultural inequities by equitably diffusing wealth and political power for the common
15 good.

16 **SEC. 3. Meaning of Discrimination.** - The term "discrimination" as used in this Act
17 shall mean any distinction, exclusion or restriction made on the basis of ethnic origin or

1 religious affiliation or beliefs, which has the effect or purpose of impairing or nullifying the
2 recognition, enjoyment or exercise by them of their human rights and fundamental freedoms
3 in the political, economic, social, cultural civil or any other field, especially including, but not
4 limited to, employment, livelihood, housing education and basic services.

5 **SEC. 4. *Definition of Terms.* –**

6 (1) "Ethnic Origin" includes race, national origin and ethno-linguistics origin.

7 (2) "Indigenous peoples" shall, as provided under Section 3(h), Chapter II of Republic
8 Act No. 8371 or the "Indigenous People's Rights Act (IPRA) of 1997", refers to a group of
9 people who are regarded as indigenous on account of their descent from the populations
10 which inhabited the country, at the time of conquest or colonization, or at the time of inroads
11 of non- indigenous religions and cultures, or the establishment of present state boundaries,
12 who retain some or all of their own social, economic, cultural and political institutions but
13 who may have been displaced from their traditional domains or who may have resettled
14 outside their ancestral domains.

15 (3) "Moro people" refers to the indigenous people who have historically inhabited
16 Mindanao, Palawan and Sulu, and who are largely of the Islamic faith.

17 (4) "Muslims" refers to those who are followers of the Islamic faith, whether from
18 birth or by conversion.

19 (5) "Religious belief" means holding or not holding a religious belief or view and
20 engaging in, not engaging in or refusing to engage in a religious activity.

21 (6) "Accommodation", as mentioned herein, includes a house, apartment,
22 condominium, townhouse, flat, hotel, motel, boarding house, hostel and dormitory.

23

1 **SEC. 5. Acts of Discrimination.** - Discrimination is committed when a person treats
2 another less favorably on the basis of ethnic origin and/or religious affiliation or belief than
3 the person treats or would treat another without that attribute, or with a different attribute, on
4 the same or similar circumstances in employment, education, housing and delivery of basic
5 services, to wit:

6 (a) **Discrimination in Employment** – An employer or his agents must not
7 discriminate against an applicant for a job by refusing employment to the person
8 or by imposing on that person onerous terms and conditions on the basis of his
9 ethnic background and/or religious affiliation or beliefs. Likewise, an employer or
10 his agents shall be liable for discrimination by denying or limiting access of the
11 employee to opportunities for promotion, transfer or training, or to any other
12 benefits connected with the employment or by dismissing the employee, or by
13 subjecting the employee to any other detriment on the basis of ethnic background
14 and/or religious affiliation or beliefs;

15 (b) **Discrimination in Education** – A public or private educational institution, their
16 officers or employees, or any person acting on their behalf shall be liable for
17 discrimination by refusing, or failing to accept, another for application for
18 admission as a student or by denying or limiting access of a student to any benefit
19 or privilege provided by the said institution, or by expelling the student, or by
20 subjecting the student to any other detriment on the basis of ethnic background
21 and/or religious affiliation or beliefs;

22 (c) **Discrimination in the Delivery of Goods and Services** – Any person who, by
23 reason of ethnic background and/or religious affiliation or belief, shall be liable
24 for discrimination if he refuses to provide goods or services to another; or imposes

1 onerous terms on which goods or services are provided; or subjects another to any
2 other detriment in connection with the provision of goods or services to him;

3 (d) Discrimination in Accommodation – A person or his agents shall be liable for
4 discrimination by refusing, or failing to accept or process the application for
5 accommodation of another by providing onerous terms and conditions not similar
6 to other applicants, or by subjecting another to any other detriment in connection
7 with the provision of accommodation to that person on the basis of ethnic
8 background and/or religious beliefs; and

9 (e) Any other analogous act which has the effect or purpose of impairing or
10 nullifying the recognition, enjoyment or exercise of the person's human rights and
11 fundamental freedoms in the political, economic, social, cultural and civil spheres
12 on the basis of ethnic background and/or religious beliefs.

13 **SEC. 6. *Persons Liable.*** – Any person, natural or juridical, including any government
14 or private corporation, institution or company, who commits discrimination against any
15 person on account of ethnic origin and/or religious affiliations or beliefs, as provided for
16 above, shall be liable under this Act.

17 Any person who requests, instructs, encourages, authorizes or assists another to
18 commit acts of discrimination shall also be liable under this Act. Likewise, a person who is
19 duty-bound to act on complaints of discrimination under this Act but fails, or refuses to do so,
20 shall be deemed to have sanctioned the discriminatory act, and shall consequently be held
21 liable for discrimination.

22 **SEC. 7. *Equal Opportunity.*** - It shall be the duty of every person, natural or juridical,
23 public or private, to ensure that there is equal opportunity for all persons in relating to actual
24 or prospective employees, students, tenants, customers or clients, and that no discriminatory

1 acts, as defined herein, is committed by them or their agents in the areas of employment,
2 housing, education and delivery of basic goods and services.

3 For this purpose, every agency, corporation, company and educational institution, as
4 well as any other person providing employment, housing, education and delivery of basic
5 goods and services, shall issue an equal opportunity policy, including the creation of an Equal
6 Opportunity Committee, as provided for in Section 8 hereof. Failure to do so shall be deemed
7 refusal to address discrimination, and shall be penalized as an act of discrimination.

8 **SEC. 8. *Equal Opportunity Committees.*** – In order to ensure compliance of this Act,
9 agencies, corporations, companies and educational institutions, whether private or public,
10 shall create an Equal Opportunity Committee which shall have administrative jurisdiction
11 over cases involving discrimination under this Act.

12 The committee shall be tasked among others, to conduct the investigation of alleged
13 cases constituting discrimination on the basis of ethnic origin and/or religious affiliation or
14 beliefs.

15 Administrative sanctions shall be a bar to any prosecution in the proper courts or any
16 act of discrimination committed on the basis of ethnic origin and/or religious affiliation or
17 beliefs, or to any civil claims for damages caused by said act.

18 **SEC.9. *Penal Clause.*** – Any person liable under this Act shall be penalized by
19 imprisonment for a period not less than thirty (30) days nor more than six (6) months and/or a
20 fine not less than Ten thousand pesos (PhP10,000.00) nor more than One hundred thousand
21 pesos (PhP100,000.00), taking into consideration the circumstances the gravity of the
22 offense.

1 **SEC. 10. *Duty of the Commission on Human Rights (CHR).*** - It shall be the duty of
2 the Commission on Human Rights (CRR), in coordination with the Office on Muslim Affairs
3 (OMA) and the National Commission on Indigenous Peoples (NCIP) to prevent or deter the
4 commission of acts of discrimination and to provide the procedures for the resolution,
5 settlement or prosecution of acts of discrimination. Towards this end, the CRR shall:

6 (a) Promulgate appropriate rules and regulations prescribing the procedure for the
7 investigation of discrimination cases against their people and the administrative
8 sanctions therefore;

9 (b) Ensure the creation of committees on equal opportunity in different agencies,
10 corporations, companies and educational institutions, whether private or public;
11 and

12 (c) Require and supervise the agencies, corporations, companies and educational
13 institutions, whether private or public, in the implementation of this Act.

14 **SEC. 11. *Separability Clause.*** - If any portion or provision of this Act is declared
15 void or unconstitutional, the remaining portions or provisions hereof shall not be affected by
16 such declaration.

17 **SEC. 12. *Repealing Clause.*** - Any provision of law or regulations inconsistent
18 herewith is hereby repealed, revoked or modified accordingly.

19 **SEC. 13. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
20 in two (2) newspapers of general circulation.

Approved,