

**EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
First Regular Session



**Senate**  
Office of the Secretary

**SENATE**

**'19 DEC -9 A9:11**

**S. B. NO. 1214**

RECEIVED BY: 

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Introduced by **SENATOR JOEL VILLANUEVA**

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**AN ACT  
PROHIBITING DISCRIMINATION ON THE BASIS OF AGE, SEX,  
CIVIL STATUS, COLOR, ECONOMIC STATUS, ETHNICITY,  
MEDICAL CONDITION, PHYSICAL DISABILITY, POLITICAL  
OPINION OR AFFILIATION, RACE, OR RELIGIOUS BELIEF,  
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Discrimination against all persons, in any and all of its forms, is abhorrent and must be considered as contrary to the principles and existence of a just and humane society. The Office of the High Commissioner of the United Nations Human Rights has categorically stated that "non-discrimination and equality before the law constitute fundamental principles of international human rights law and are essential elements of human dignity."<sup>1</sup>

Thus, it is the duty of the State to institute measures that would protect people against discrimination, and to ensure that all persons have equal protection under the laws.

Cognizant of this, this bill seeks to prohibit discrimination on the basis of age, sex, civil status, color, economic status, ethnicity, medical condition, physical disability, political opinion or affiliation, race or religious belief. Among others, it prohibits any person from promoting and encouraging stigma in the media, in educational textbooks, and other medium, and include any of the grounds referred to

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<sup>1</sup> 2017. Office of the High Commissioner of the United Nations Human Rights. Available at <https://www.ohchr.org/EN/AboutUs/Pages/Enhancingequalityandcounteringdiscrimination.aspx> (date last accessed: October 6, 2019).

in the Act, in the criteria for hiring, promotion transfer, designation, work assignment, re-assignment, dismissal of workers, and other human resource movement and action, performance review and in the determination of employee compensation, career development opportunities, training and other learning and skills development interventions, incentives, privileges, benefits or allowances, and other terms and conditions of employment.

However, the bill exempts certain acts from being considered discriminatory, when the act conforms to or promotes the beliefs or doctrines of a person's religion or when the acts or practices are necessary to avoid injury or conflict with the values of religious adherents, and when any of the circumstances enumerated under the Act are bona fide qualifications reasonably necessary to the normal operation of the particular business or reasonable grounds governing management prerogatives, among others.

The bill also clarifies that in all cases, the State shall avoid overriding the right to religious freedom unless strictly necessary, and shall adopt means which are least restrictive to freedom of religion as enshrined under Article III, Section 5 of the Constitution, in the pursuit of the protection against discrimination. The bill further states that in the enforcement of the provisions of the Act, the fundamental right of parents in the upbringing of their children in accordance with their religious convictions shall be given due and utmost respect.

This bill also mandates the provision of social protection, and the establishment of a system of affirmative actions towards protecting the rights of indigenous peoples, other cultural minority and other groups that are most vulnerable to discrimination.

In short, this bill intends to introduce and institutionalize a Comprehensive Anti-Discrimination policy: one that is substantially inclusive and provides comprehensive protection for all Filipinos consistent with the principles enshrined in our Constitution and our values as a Filipino people.

Thus, the passage of this measure is immediately sought.

  
SENATOR JOEL VILLANUEVA





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**AN ACT**  
**PROHIBITING DISCRIMINATION ON THE BASIS OF AGE, SEX,**  
**CIVIL STATUS, COLOR, ECONOMIC STATUS, ETHNICITY,**  
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**OR AFFILIATION, RACE, OR RELIGIOUS BELIEF, PROVIDING**  
**PENALTIES THEREFOR AND FOR OTHER PURPOSES**

*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

4 **SEC. 2. Declaration of Policy.** – The State recognizes the fundamental right of  
5 every person regardless of age, sex, civil status, color, economic status, ethnicity,  
6 medical condition, physical disability, political opinion or affiliation, race or religious  
7 belief to be free from any form of discrimination. It shall therefore intensify its efforts  
8 to fulfill its duties under international and domestic laws to respect, protect and fulfill  
9 the rights and dignity of every individual.

10  
11 Towards this end, the State shall exert efforts to address all forms of discrimination  
12 and promote human dignity as enshrined in the United Nations Universal Declaration  
13 on Human Rights, the Convention on the Elimination of All Forms of Discrimination  
14 Against Women, Convention on the Rights of the Child, International Covenant on  
15 Civil and Political Rights, International Covenant on Economic, Social and Cultural  
16 Rights and all other relevant and universally accepted human rights instruments and  
17 conventions to which the Philippines is a signatory.  
18

19 In all cases, the State shall avoid overriding the right to religious freedom unless  
20 strictly necessary, and shall adopt means which are least restrictive to freedom of

1 religion as enshrined under Article III, Section 5 of the Constitution, in the pursuit of  
2 the protection against discrimination. Moreover, in the enforcement of this Act, the  
3 fundamental right of parents in the upbringing of their children in accordance with  
4 their religious convictions shall be given due and utmost respect.

5  
6 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall be  
7 defined as follows:  
8

- 9 (a) **Discrimination** refers to any distinction, exclusion, restriction, preference or  
10 other preferential treatment based, whether actual or perceived, on age, sex,  
11 civil status, color, economic status, ethnicity, medical condition, physical  
12 disability, political opinion or affiliation, race or religion, and has the purpose or  
13 effect of nullifying or impairing the recognition, access to, enjoyment, or  
14 exercise by all persons on equal footing of all rights and freedoms granted by  
15 the Constitution and other laws. Discrimination also includes incitement to  
16 discriminate and harassment;  
17  
18 (b) **Profiling** refers to the act of subjecting a person or group of persons to  
19 investigatory activities, which include unnecessary, unjustified, illegal and  
20 degrading searches, or other investigatory activities, in determining whether an  
21 individual is engaged in an activity presumed to be unlawful, immoral or socially  
22 unacceptable;  
23  
24 (c) **Religious belief** refers to the profession of a particular belief system based on  
25 religious grounds that may publicly or privately be manifested in worship,  
26 observance, practice, and teaching;  
27  
28 (d) **Sex** refers to the biological, structural, and functional characteristics of an  
29 individual; and  
30  
31 (e) **Stigma** refers to the dynamic devaluation and dehumanization of an individual  
32 in the eyes of others which may be based on attributes that are arbitrarily  
33 defined by others as discreditable or unworthy and which result in  
34 discrimination, as defined under this Act, when acted upon.  
35

36 **SEC. 4. Discriminatory Practices.** – It shall be unlawful for any person, natural or  
37 juridical, to:  
38

- 39 (a) Promote and encourage stigma in the media, in educational textbooks, and  
40 other medium;  
41  
42 (b) Inciting violence or sexual abuse against any person or group on the basis of  
43 the grounds referred to in this Act is likewise prohibited;  
44  
45 (c) Include any of the grounds referred to in this Act, in the criteria for hiring,  
46 promotion, transfer, designation, work assignment, re-assignment, dismissal of  
47 workers, and other human resource movement and action, performance review  
48 and in the determination of employee compensation, career development  
49 opportunities, training and other learning and skills development interventions,  
50 incentives, privileges, benefits or allowances, and other terms and conditions of



1 employment, and in determining whether or not to contract or engage the  
2 services of associations or organizations: *Provided*, that this provision shall  
3 apply to employment in both the private sector and public service, including  
4 military, police and other similar services; *Provided, finally*, that in all cases,  
5 employers may reserve the right to adopt and enforce workplace rules and  
6 policies consistent with, among others, their business needs, religious values or  
7 expression;  
8

9 (d) Refuse admission or expel a person from any educational or training institution  
10 on the basis of the grounds referred to in this Act: *Provided, however*, that the  
11 right of educational and training institutions to determine the academic and  
12 other qualifications of their students or trainees shall be duly upheld; *Provided,*  
13 *further*, That educational and training institutions may reserve the right to refuse  
14 admission or expel a person if he/she acts contrary to the religious values of  
15 the institution, if any;  
16

17 (e) Impose disciplinary sanctions, penalties harsher than customary or similar  
18 punishments, requirements, restrictions, or prohibitions that infringe on the  
19 rights of students on the basis of the grounds referred to in this Act, including  
20 discriminating against a student or trainee due to any of the aforesaid status of  
21 the student's parents or legal guardian;  
22

23 (f) Refuse or revoke the accreditation, formal recognition, registration or plan to  
24 organize of any organization, group, political party, institution or establishment,  
25 in educational institutions, workplaces, communities, and other settings, solely  
26 on the basis of the grounds referred to in this Act of their members or of their  
27 target constituencies, unless the said act is contrary to the values, including  
28 religious values, of the educational institution, workplaces, communities, and  
29 other settings;  
30

31 (g) Deny a person access to public or private medical and other health services  
32 open to the general public, as well as access to public and private health  
33 insurance, including Health Maintenance Organization (HMO)-provided medical  
34 plans, on the basis of the grounds referred to in this Act;  
35

36 (h) Deny an application for, or revoke, on the basis of the grounds referred to in  
37 this Act, any government license, authority, clearance, permit, certification, or  
38 other similar documents necessary to exercise a profession, business, or any  
39 other legitimate calling; *Provided*, that in no case shall a marriage license be  
40 issued to contracting parties who do not satisfy the essential requisites of  
41 marriage, as provided under Chapter 1, Article 2 of the Family Code of the  
42 Philippines;  
43

44 (i) Deny a person, access to, or the use, of establishments, facilities, utilities or  
45 services, including housing, open to the general public on the basis of the  
46 grounds referred to in this Act: *Provided*, that the act of giving inferior  
47 accommodations or services shall be *prima facie* proof that a discriminatory act  
48 as provided under this subsection has been committed; *Provided, further*, that  
49 this prohibition covers acts of discrimination against juridical persons solely on  
50 the basis of the status or condition of their members or of their target



1 constituencies; *Provided, finally*, That the owners and/or management of the  
2 establishment may reserve the right to refuse service any individual if the said  
3 act is contrary to his/her values, including religious values;  
4

5 (j) Subject or force any person to undertake any medical or psychological  
6 examination to determine or alter any of the circumstances referred to in this  
7 Act, without the expressed consent of the person involved, or in case of a  
8 minor, his/her parents or judicially-appointed guardians; and  
9

10 (k) Subject any person, natural or juridical, to profiling, detention, or verbal or  
11 physical harassment on the basis of the grounds referred to in this Act. For the  
12 avoidance of doubt, members of law enforcement agencies, including the  
13 military, police and immigration officials, shall be prohibited from profiling,  
14 detaining, or verbally or physically harassing any person, including persons in  
15 custody or in detention, on the basis of the grounds referred to in this Act.  
16

17 **SEC. 5. Exceptions.** – Notwithstanding Section 4 of this Act, the following acts shall  
18 not be deemed unlawful and discriminatory, within the meaning of this Act:  
19

20 (a) When the act conforms to or promotes the beliefs or doctrines of a person's  
21 religion or when the acts or practices are necessary to avoid injury or conflict  
22 with the values of religious adherents;  
23

24 (b) When any of the circumstances enumerated under this Act are *bona fide*  
25 qualifications, occupational or otherwise, reasonably necessary to the normal  
26 operation of the particular business or reasonable grounds governing  
27 management prerogative;  
28

29 (c) When any of the circumstances with respect to a particular line of work is based  
30 on an inherent requirement which is necessary in achieving a legitimate work-  
31 related function; or  
32

33 (d) When the act or omission is done in good faith for the purpose of promoting or  
34 advancing the interests of a person or group who need or may reasonably be  
35 presumed to need assistance or advancement in order to achieve equality with  
36 other members of society.  
37

38 **SEC. 6. Administrative Sanctions.** – Any responsible government official, in the  
39 exercise of his functions, who willfully refuses, without any valid ground, to  
40 investigate, prosecute, or otherwise act on a complaint for a violation of this Act shall  
41 be guilty of gross negligence and shall be subjected to appropriate administrative  
42 proceedings.  
43

44 **SEC. 7. Penalties.** – Any person who commits any of the discriminatory practices  
45 enumerated under this Act shall, upon conviction, be penalized by a fine ranging  
46 from Ten Thousand Pesos (Php10,000) to One Hundred Thousand Pesos  
47 (Php100,000), or to imprisonment of not more than thirty (30) days, or both, subject  
48 to the discretion of the court.



1 In addition, the court may require the offender to render community service, which  
2 shall include attending seminars that advocate anti-discrimination agendas on any of  
3 the circumstances enumerated under this Act.

4  
5 Nothing in Act shall preclude the victim from instituting a separate and independent  
6 action for damages and other affirmative reliefs.

7  
8 For the avoidance of doubt, the penalties provided under this Section shall be  
9 without prejudice to the imposition of administrative liability for government officials  
10 and employees.

## 11 12 **SEC. 8. Redress Mechanisms for Discrimination Cases. –**

13  
14 (a) **Inclusion of Discrimination Concerns in All Police Stations.** – The Women  
15 and Children's Desks now existing in all police stations shall also act on and  
16 attend to complaint s/cases covered by this Act. In this regard, the police  
17 officers handling said desks shall undergo trainings on human rights and  
18 sensitization on the issue of violence and abuse on the basis of the grounds  
19 referred to in this Act.

20  
21 Complainant-minors can be represented by parents, guardians, social workers,  
22 or a non-government organization of good standing and reputation.

23  
24 (b) **Role of the Civil Service Commission.** – The Civil Service Commission  
25 (CSC) shall promulgate the appropriate rules and regulations for the  
26 establishment of a grievance mechanism to address discriminatory practices  
27 committed in, and by officers or employees of, government agencies,  
28 instrumentalities, and government owned and controlled corporations (GOCCs)  
29 and other offices under its jurisdiction.

30  
31 (c) **Role of the Department of Labor and Employment.** – The Department of  
32 Labor and Employment (DOLE) shall promulgate the rules and regulations  
33 necessary to enhance anti-discrimination protection in work places, including  
34 the establishment of a grievance mechanism to address discriminatory  
35 practices committed in the work place.

36  
37 (d) **Role of the Commission on Human Rights.** – The Commission on Human  
38 Rights (CHR) shall investigate and recommend the filing of a complaint against  
39 any State actors violating the provisions of this Act.

40  
41 The CHR shall also direct the officer concerned to take appropriate action  
42 against a public officer or employee at fault or who neglects to perform an act  
43 or discharge a duty required under this Act, and recommend the revocation of  
44 license, removal from office or employment, suspension, demotion, fine,  
45 censure or prosecution, and ensure compliance therewith. Refusal by any  
46 officer without just cause to comply with an order of the CHR to revoke the  
47 license, remove, suspend, demote, fine, censure, or prosecute an officer or  
48 employee who is at fault, or who neglects to perform an act or discharge a duty  
49 required under this Act, shall be a ground for disciplinary action against said  
50 officer.



1 **SEC. 9. Programs to Promote Non-Discrimination and Diversity.** – To eliminate  
2 all forms of discrimination, the State shall pursue initiatives and programs that seek  
3 to enable an environment free of stigma and discrimination. It shall direct the  
4 machinery and resources of the State to promote non-discrimination and shall  
5 encourage other sectors of the society to engage and participate in these efforts, and  
6 shall, as far as practicable, ensue the implementation of the following programs:  
7

8 (a) **Social Protection Programs.** – The national government shall ensure that  
9 communities vulnerable to stigma and discrimination on the basis of the  
10 grounds referred to in this Act are integrated into government-run social  
11 protection programs.  
12

13 (b) **Diversity Programs and Policies.** – All government agencies, government-  
14 owned and controlled corporations, private companies, public and private  
15 educational institutions, and other entities shall establish diversity programs to  
16 ensure that all forms of discrimination are prevented. They shall also create an  
17 internal redress mechanism to address cases of discrimination and develop  
18 administrative remedies or sanctions for such cases. Public institutions shall  
19 incorporate these programs into existing gender and development programs.  
20

21 (c) **Information and Education Campaign.** – All government agencies and  
22 instrumentalities are mandated to develop and implement information  
23 dissemination on any of the prohibited forms of discrimination. They shall  
24 endeavor to produce and publish information and education campaign  
25 materials on discrimination .  
26

27 (d) **Affirmative Action.** – The State shall develop a system of affirmative actions  
28 towards protecting the rights of Indigenous peoples, other cultural minority  
29 groups and groups that are most vulnerable to discrimination.  
30

31 **SEC. 10. Congressional Oversight Committee.** – An Anti-Discrimination  
32 Congressional Oversight Committee (ADCOC) is hereby created for the purpose of  
33 ensuring the effective implementation of this Act. The ADCOC shall be composed of  
34 five members from each of the Houses of Congress, which shall include the  
35 Chairperson and two members of the Senate Committee on Women, Children,  
36 Family Relations, and Gender Equality; the Chairperson and one member of the  
37 Senate Committee on Justice and Human Rights; the Chairperson and two members  
38 of the House Committee on Women and Gender Equality; and the Chairperson and  
39 one member of the House Committee on Justice. The members of the ADCOC shall  
40 be appointed by the Senate President and the Speaker of the House with at least  
41 one (1) member from each House representing the Minority.  
42

43 The ADCOC shall be jointly chaired by the Chairpersons of the Senate Committee  
44 on Women, Children, Family Relations and Gender Equality and the House  
45 Committee on Women and Gender Equality. The Vice-Chair of the ADCOC shall be  
46 jointly held by the Chairpersons of the Senate Committee on Justice and Human  
47 Rights and the House Committee on Justice. The Secretariat shall come from the  
48 existing Secretariat personnel of the Senate and the House of Representatives  
49 committees concerned.  
50



1 The ADCOC shall cease to exist six years after its organization.  
2

3 **SEC. 11. Implementing Rules and Regulations.** – Within sixty (60) days from the  
4 effectivity of this Act, the Commission on Human Rights, Civil Service Commission,  
5 Department of Labor and Employment, Philippine National Police, Department of  
6 Interior and Local Government, Department of Education, and other concerned  
7 government agencies, shall promulgate the implementing rules and regulations for  
8 the effective implementation of this Act.  
9

10 **SEC. 12. Separability Clause.** – If any provision of this Act is declared  
11 unconstitutional or otherwise invalid, the validity of the other provisions shall not be  
12 affected thereby.  
13

14 **SEC. 13. Repealing Clause.** – All laws, decrees, orders, rules and regulations or  
15 parts thereof inconsistent with this Act are hereby repealed or modified accordingly.  
16

17 **SEC. 14. Effectivity.** – This Act shall take effect 15 days after its publication in the  
18 Official Gazette or in a newspaper of general circulation.  
19

20 **Approved,**