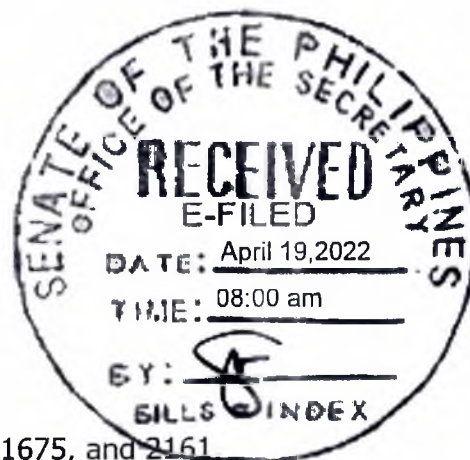


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE

S.B. No. 2514

(In substitution of S.B. Nos. 137, 315, 1214, 1675, and 2161
taking into consideration H.B. No. 8243)



Prepared by the Committees on Cultural Communities;
Social Justice, Welfare and Rural Development; and Finance
with Senators Angara, Poe, Villanueva, Hontiveros, Marcos,
and De Lima as authors thereof

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

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 “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
5 of the Bill of rights, and the State’s obligations under human rights instruments
6 acceded to by the Republic of the Philippines, particularly those discriminatory
7 practices based on age, indigenous, racial, or ethnic origin, religious belief or activity,
8 political inclination or conviction, social class, sex, gender, sexual orientation, sex
9 characteristics, gender identity, gender expression, marital relationship status,

1 disability, HIV status, profession or occupation, health status or medical history,
2 language, physical features, or other status.

3 Toward this end, the State shall exert efforts to address all forms of
4 discrimination and violence and to promote human dignity as enshrined in the United
5 Nations Universal Declaration on Human Rights, the Convention on the Elimination of
6 All Forms of Discrimination Against Women, particularly on Nondiscrimination based
7 on sexual orientation and gender identity, Convention on the Rights of the Child,
8 International Covenant on Civil and Political Rights, International Covenant on
9 Economic, Social and Cultural Rights, International Convention on the Elimination of
10 All Forms of Racial Discrimination, Convention on the Rights of Persons with
11 Disabilities, International Convention on the Protection of All Migrant Workers and
12 Members of their Families, and the relevant General Comments or Recommendations
13 by the concerned United Nations Treaty-Bodies, and all other relevant and universally
14 accepted human rights instruments and other international conventions to which the
15 Philippines is a signatory of. As such, discriminatory practices as defined herein shall
16 be prescribed and penalized.

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

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

23 (b) *Discrimination* constitutes any distinction, exclusion, restriction, or
24 preference or other differential treatment that is directly or indirectly based on the
25 protected attributes, such as age, indigenous, racial, or ethnic origin, religious belief
26 or activity, political inclination or conviction, social class, sex, gender, sexual
27 orientation, gender identity, gender expression, sex characteristics, marital or
28 relationship status, disability, HIV status, profession or occupation, health status or

1 medical history, language, physical features, and other status, which has the purpose
2 or effect of nullifying or impairing the recognition, employment or exercise, on an
3 equal footing, of the political, civil, economic, social, and cultural rights. Discrimination
4 also includes incitement to discriminate and harassment.

5 (1) *Direct Discrimination* occurs where a person is treated less
6 favorably than another person in the same or comparable circumstances on the
7 ground of their protected attribute, *i.e.*, age, indigenous, racial, or ethnic origin,
8 religious belief or activity, political inclination or conviction, social class, sex,
9 gender, sexual orientation, gender identity, gender expression, sex
10 characteristics, marital or relationship status, disability, HIV status, profession
11 or occupation, health status or medical history, language, physical features,
12 and other status.

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

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

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

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

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

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

8 For the purpose of this Act, the terms of employment and occupation shall
9 include access to vocational training, access to employment and to particular
10 occupations, and terms and conditions of employment.

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

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

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

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

21 (j) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* shall,
22 as provided under Section 3(h), Chapter II of Republic Act No. 8371 or "The
23 Indigenous Peoples' Rights Act of 1997" (IPRA), refer to a group of people or
24 homogenous societies identified by self-ascription and ascription by others, who have
25 continuously lived as organized community on communally bounded and defined

1 territory, and who have, under claims of ownership since time immemorial, occupied,
2 possessed, and utilized such territories, sharing common bonds of language, customs,
3 traditions, and other distinctive cultural traits, or who have, through resistance to
4 political, social, and cultural inroads of colonization, non-indigenous religions and
5 cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs
6 shall likewise include peoples who are regarded as indigenous on account of their
7 descent from the populations which inhabited the country, at the time of conquest or
8 colonization, or at the time of inroads of non-indigenous religions and cultures, or the
9 establishment of present state boundaries, who retain some or all of their own social,
10 economic, cultural, and political institutions, but who may have been displaced from
11 their traditional domains, or who may have resettled outside their ancestral domains.

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

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

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

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

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

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

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

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

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

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

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

23 (v) *Reasonable accommodation* means necessary and appropriate
24 modification and adjustments not imposing a disproportionate or undue burden,
25 where needed in a particular case, to ensure to persons with disabilities the enjoyment

1 or exercise on an equal basis with others of all human rights and fundamental
2 freedoms.

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

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

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

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

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

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

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

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

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

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

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

24 In determining whether a person is distinguished by one or more of the
25 protected attributes, identification, shall, if no justification exists to the contrary, be
26 based upon self-identification by the individual concerned. Membership also includes

1 association with a group characterized by one of the prohibited grounds or perception
2 by others that an individual is part of such a group.

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

5 (a) Inflicting stigma.

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

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

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

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

15 (d) Denial of right to education.

16 It shall be unlawful for any person to:

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

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

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

5 (4) Fail to make reasonable efforts to make facilities accessible to
6 persons with disabilities; or

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

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

12 (e) Denial of right to work.

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

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

19 (ii) fail to take reasonable efforts to make facilities accessible
20 to persons with disabilities;

21 (iii) deny or limit access of an employee to the same terms and
22 conditions of work, opportunities for training, transfer or promotion, or
23 to other benefits connected with employment, as are made available for

1 other employees having the same qualifications and employed in the
2 same circumstances or work of the same kind or type, or impose on the
3 person onerous terms and conditions, on the basis of the protected
4 attributes under Section 4 of this Act; or

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

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

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

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

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

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

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

2 It shall be unlawful for any person to:

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

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

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

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

21 (g) Denial of right to organize.

22 It shall be unlawful to prohibit, prevent, or revoke the accreditation, formal
23 recognition, and/or registration of any organization, group, political party, institution,
24 or establishment, in educational institutions, workplaces, communities, and other
25 settings, based partly or solely on the grounds provided for in Section 4.

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

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

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

10 (i) Engaging in profiling.

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

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

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

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

1 (k) Detention and confinement.

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

4 (l) Inciting hatred or violence.

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

14 (m) Denial of right to expression.

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

20 (n) Retaliation and Coercion.

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

1 No person, whether natural or juridical, shall coerce, intimidate, threaten,
2 and/or harass any individual regarding the latter’s exercise or enjoyment of any right
3 granted and/or protected under this Act.

4 (o) Denial of right against wrongful portrayal.

5 It shall be unlawful for any person to portray, intimate, depict, or describe in
6 learning institutions, instructional materials, teaching devices, books, and reference
7 materials, especially in civics and history, and in mass media, including social media,
8 certain individuals and/or group/s as inferior, or encouraging the commission of any
9 of the acts of discrimination against any person and/or group as provided in this Act:
10 *Provided*, That the test to determine wrongful portrayal should be whether the work,
11 taken as a whole, lacks serious literary, artistic, political, or scientific value.

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

16 (p) Other analogous circumstances.

17 Any analogous act, which has the effect or purpose of impairing or nullifying
18 the recognition, enjoyment, or exercise of the person’s human rights and fundamental
19 freedoms, are also prohibited.

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

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

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

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

11 *SEC. 7. Exceptions.* – Any action or conduct, otherwise prohibited under Section
12 4 and 5 of this Act, shall not be unlawful and shall not be considered as discrimination:

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

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

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

24 (d) Where the act or omission is done in good faith for the purpose of
25 assisting or advancing a person or group of persons who need or may reasonably be

1 supposed to need assistance or advancement in order to achieve an equal place in
2 society with other members of the community (Measures of Equality or Affirmative
3 Action Program); or

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

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

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

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

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

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

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

1 (d) If the offender is a public official, officer, or employee: *Provided*, That
2 the penalty of suspension shall be imposed: *Provided, further*, That the public official,
3 officer, or employee may be asked to undergo gender and development training and
4 community service during the duration of suspension. An accessory penalty of
5 perpetual disqualification to hold public office is likewise imposed on the public official,
6 officer, or employee.

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

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

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

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

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

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

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

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

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

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

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

1 (c) Role of the Civil Service Commission (CSC). – The CSC, in consultation
2 with the Inter-agency Technical Committee, shall modify the existing rules on
3 grievance machinery to address discriminatory practices committed in, and by officers
4 or employees of, government agencies, instrumentalities, and in government-owned
5 and –controlled corporations (GOCCs) and other offices under its jurisdiction.

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

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

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

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

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

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

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

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

24 (c) Monitoring and evaluation. – All government agencies and
25 instrumentalities shall monitor the implementation of measures to promote non-
26 discrimination and equality. Monitoring shall assess both the steps taken and the

1 results achieved in the elimination of discrimination. Annual reports in this regard shall
2 be submitted to Congress and the CHR.

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

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

12 (e) Information and Education Campaign. – All government agencies and
13 instrumentalities are mandated to develop and implement information dissemination
14 on any of the prohibited forms of discrimination. They shall endeavor to produce and
15 publish information campaign materials on discrimination.

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

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

24 SEC. 11. *Enforcement.* – Criminal complaints brought under this Act shall be
25 filed with the proper court. In addition to the criminal complaint, a person who has
26 been subjected to any acts of discrimination as defined in this Act may file a complaint

1 with the CHR. For this purpose, the CHR may investigate, *motu proprio* or on complaint
2 by any person, acts or omissions in violation of this Act.

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

9 The Commission shall also direct the officer concerned to take appropriate
10 action against a public officer or employee at fault or who neglected to perform an act
11 or discharge a duty required under this Act, and other revocation of license, removal
12 from office or employment, suspension, demotion, fine, censure, or prosecution, and
13 ensure compliance therewith. Refusal by any officer without just cause to comply with
14 an order of the Commission to revoke the license, remove, suspend, demote, fine,
15 censure, or prosecute an officer or employee who is at fault, or who neglects to
16 perform an act or discharge a duty required under this Act, shall be a ground for
17 disciplinary action against said officer.

18 The CHR, consistent with its mandate under this Act, shall designate a focal
19 commissioner and/or create an Anti-Discrimination Center/Office to be primarily
20 responsible for formulating and implementing programs and activities relating to the
21 right of all persons against discrimination, including the investigation and handling of
22 complaints of violations of this Act.

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

26 *SEC. 12. Administrative Proceedings and Sanctions against Public Officials and*
27 *Employees.* – Pursuant to Section 11 of this Act, which makes it a duty of the CHR to

1 investigate alleged cases of discrimination, a finding by the CHR that a department,
2 agency, or instrumentality of the government, a government-owned and –controlled
3 corporation, or a local government unit has violated any provision of this Act and its
4 implementing rules and regulations, shall carry with it a recommendation to the CSC
5 and/or the DILG for the imposition of sanctions under administrative law, civil service,
6 or other appropriate laws. Such recommendation shall include the names of the person
7 directly responsible for the violation, and a statement that the sanctions be imposed
8 upon the person directly responsible and the head of the agency or local chief
9 executive.

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

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

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

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

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

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

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

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

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

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

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

24 SEC. 15. *Implementing Rules and Regulations.* – The Inter-Agency Technical
25 Committee, in consultation with appropriate civil society organizations and other

1 stakeholders, shall promulgate the necessary implementing rules and regulations
2 within ninety (90) days from the effectivity of this Act.

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

6 SEC. 17. *Repealing Clause.* – This Act shall be without prejudice to the existing
7 special laws prohibiting discrimination on account of the protected attributes such as
8 State principles and mandates underscored in *R.A. No. 7277*, as amended, entitled,
9 "*Magna Carta for Disabled Persons*", *R.A. No. 8371* entitled, "*The Indigenous Peoples'*
10 *Rights Act of 1997*", *R.A. No. 9710* entitled, "*The Magna Carta of Women*", *R.A. No.*
11 *10911* entitled, the "*Anti-Age Discrimination in Employment Act*", and *P.D. No. 442*,
12 as amended, entitled "*Labor Code of the Philippines*".

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

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

Approved,