

14th Congress of the Republic)
of the Philippines)
1st Regular Session)

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SENATE
SB 1143

RECEIVED BY: 

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

Section 22, Article II of the 1987 Constitution provides that *"the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."*

This bill seeks to ensure equal employment opportunities to members of indigenous cultural communities.

Under this measure, the government shall, in areas where indigenous cultural communities predominate, reserve at least ten percent (10%) of the rank and file positions in government service in these areas for the employment of members of these communities.

Furthermore, it is proposed that private enterprises with operations in areas where indigenous cultural communities exist and which obtains loans, grants, or any kind of financial assistance from the government or any government-owned or controlled bank or financial institution in the amount equivalent to at least thirty percent (30%) of its total assets, shall give preferential employment to members of these communities for their operations in these areas by hiring them in to at least ten percent (10%) of its labor force.

The benefits and safeguards embodied in this bill are some of the necessary mechanisms to enforce and guarantee the realization of the rights of indigenous peoples, taking into consideration their customs, traditions, values.

Hence, the immediate passage of this bill is earnestly requested.



AQUILINO Q. PIMENTEL, JR.

14th Congress of the Republic)
of the Philippines)
First Regular Session)

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SENATE

S. No. 1143

RECEIVED BY: 

Introduced by Senator Aquilino Q. Pimentel, Jr.

AN ACT
TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES TO MEMBERS OF
INDIGENOUS CULTURAL COMMUNITIES AND PREFERENCE IN
CERTAIN CASES AND FOR OTHER PURPOSES

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

SECTION 1. It is hereby declared the policy of the State to promote social justice by ensuring equal employment opportunities to members of indigenous cultural communities and to give them preference in areas where they are predominant.

SEC. 2. It shall be unlawful for an employer:

a) To refuse to hire or to discriminate against, with respect to compensation, terms, conditions of employment, or to discharge, any person because of his religion or ethnic origin; or

b) To group, segregate or classify employees in a way which would deprive or tend to deprive any person of employment opportunities or otherwise adversely affect his status as an employee because of his religion or ethnic origin.

SEC. 3. It shall be unlawful for a labor union or federation:

a) To exclude or expel from its membership any person because of his religion or ethnic origin; or

b) To cause or attempt to cause an employer to discriminate against a person because of the latter's religion or ethnic origin.

The foregoing notwithstanding, it shall not be unlawful to employ any person on the basis of his religion or ethnic origin in those instances where religion or ethnic origin is a bona fide occupational qualification reasonably necessary for the formal operation of the business or enterprise. Neither shall it be unlawful for a school, college, university or other educational institution to employ only a person of a particular religion or ethnic origin if the curriculum of such institution is aimed towards the propagation of such religion or ethnic aggrupation.

SEC. 4. The government shall, in areas where indigenous cultural communities predominate, reserve at least ten percent (10%) of the rank and file positions in government service in these areas for the employment of members of these communities; **Provided**, That that appointments must be in accordance with the civil service laws.

SEC. 5. Every private enterprise with operations in areas where indigenous cultural communities predominate and which obtains loans, grants, or any kind of financial assistance from the government or any government-owned or controlled bank or financial institution in the amount equivalent to at least thirty percent (30%) of its total assets shall give preferential employment to members of these communities for their operations in these areas by hiring them into at least ten percent (10%) of its labor force.

SEC. 6. Every employer shall respect the employee's right to actively participate in his religious or ethnic activities.

SEC. 7. Any person responsible for the violation of any of the provisions of this Act shall be liable to pay a fine of not less than one hundred thousand pesos (₱100,000.00) nor more than five hundred thousand pesos (₱500,000.00) or imprisonment of not less than six (6) months nor more than six (6) years, or both.

SEC. 8. Chapter V, Section 23 of Republic Act 8371, Book III, Title III, Book V, Title V, Article 246 of Presidential Decree 442, as amended, and any law or parts thereof inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC. 9. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two (2) national newspapers or general circulation, whichever comes earlier.

Approved,