

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

10 JUL -8 11 56

SENATE

Senate Bill No. 891

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution provides in Article III Section 1 that: "No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the law." This constitutional guarantee to life encompasses not just the protection of the right to be alive or security against physical harm. It includes the right to a decent standard of living thereby ensuring a person's economic well-being and dignity. One way of upholding this right is to provide the individual an opportunity for gainful employment to enable himself to earn a living.

Such opportunity for gainful employment, however, remains the domain of certain privileged sectors. The Muslims and tribal Filipinos have not only been looked down socially but they have been largely deprived of equal employment opportunities, as well. Although in theory they enjoy the same rights with other Filipinos, they are actually denied the necessary training and access to compete for the technical or higher management jobs.

This bill seeks to correct this injustice in our society today. For the State to effectively "promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide social services, promote full employment, a rising standard of living, and improved quality of life for all," as mandated by Article II, Section 9 of the Constitution, we must not forget our Muslim and tribal Filipino brothers. If the State sincerely recognizes and promotes the rights of the indigenous cultural minorities within the framework of national unity and development (Article 11, Section 22 of the Constitution), and for Congress to give higher priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good (Article XIII, Section 1 of the Constitution), then, strong concrete, affirmative, legislative actions must be taken.

This bill, therefore, seeks to ensure equal job opportunities to the Muslim and tribal Filipinos, and at the same time give them preferential treatment in employment in the regions where they are predominant.


JINGGOY EJERCITO ESTRADA
Senator

10 JUL -8 A8:56

SENATE

Senate Bill No. 891

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES TO MUSLIMS AND
TRIBAL FILIPINOS

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

SECTION 1. It is hereby declared as the policy or the purpose of this Act to promote social justice in all phases in national development by insuring equal employment opportunities to Muslim and tribal Filipinos and to give preference to said individuals especially in regions where they are predominant.

SEC. 2. It shall be considered an unfair labor practice for an employer:

- a) To refuse to hire, or to discriminate against with respect to compensation, terms, conditions or privileges of employment, or to discharge any individual because of his religion or ethnic origin; or
- b) To limit, segregate or classify employees in a way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of the individual's religion or ethnic origin.

SEC. 3. It shall be considered as an unfair labor practice for a labor union:

- a) To exclude or expel from its membership, or to refuse to refer for employment any individual because of the individual's religion or ethnic origin; or
- b) To cause or attempt to cause an employer to discriminate against an individual because of the individual's religion or ethnic origin.

Notwithstanding any other provisions to the contrary, it shall not be an unfair labor practice to admit or employ any individual on the basis of his religion or ethnic origin in those instances where religion or tribal origin is a bonafide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise. Neither shall it be an unfair labor practice for a school, college, university or other educational institutions to employ only certain individuals of a particular religion or tribal origin if such institution is owned or substantially owned, supported or controlled by a particular religious corporation, association, society or tribal group, or, if the curriculum of such institution is aimed towards the propagation of a particular religion or ethnic group.

SEC.4. The Government shall reserve at least ten percent (10%) of the rank and file positions in government service, and shall employ members belonging to indigenous cultural minorities particularly Muslims and other tribal Filipinos in areas where they predominate. *The appointed heads of the different government agencies or offices in regions where those indigenous cultural community members; Provided, That the appointments must be in accordance with the Civil Service laws.*

SEC. 5. Every private enterprise, which obtains loans, grants, or any kind of financial assistance from the government or any government-owned and controlled bank or financial institution shall give preferential employment to members of those indigenous cultural communities in the regions where they predominate by hiring them into at least twenty percent (20%) of its labor force in the area; *Provided, That in the other areas of the country, such enterprise shall hire at least ten percent (10%) of its labor force from the ranks of the cultural communities; Provided further, That these individuals shall have been residents of those regions for at least one (1) year prior to employment.*

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

SEC. 7. Any law or parts of law inconsistent with the provisions of this Act are hereby repealed, or amended accordingly.

SEC. 8. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,