

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

1977
JUL 13 1977

SENATE
S.B. No. 1372

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

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

Furthermore, Section 1 of the Bill of Rights enshrined by the 1987 Constitution categorically states that, "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

In light of these Constitutional provisions, this bill seeks to ensure equal employment opportunities to Indigenous Peoples (IPs) or members of Indigenous Cultural Communities (ICCs). Under this measure, the government shall reserve at least ten percent (10%) of the rank and file positions in government service for the employment of IPs/ICCs in areas where they are predominantly located.

With regard to private enterprises, it is proposed that those with operations in areas where ICCs are located and enterprises which obtain 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 IPs/ICCs by hiring them so as to constitute at least ten percent (10%) of its labor force.

In order to enforce and ensure the realization of the rights of indigenous peoples, as enshrined in the Indigenous People's Rights Act (R.A. 8371) as well as the 1987 Constitution, the immediate passage of this bill is earnestly requested.


LOREN LEGARDA
Senator

Introduced by Senator Loren Legarda

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:*

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

5
6 **SEC. 2. It shall be unlawful for an employer:**

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- 8 a) To refuse to hire or to discriminate against, with respect to compensation,
9 terms, conditions of employment, or to discharge, any person because of his
10 religion or ethnic origin; or
- 11
- 12 b) To group, segregate or classify employees in a way which would deprive or
13 tend to deprive any person of employment opportunities or otherwise
14 adversely affect his status as an employee because of his religion or ethnic
15 origin.

16
17 **SEC. 3. It shall be unlawful for a labor union or federation:**

- 18
- 19 a) To exclude or expel from its membership any person because of his religion
20 or ethnic origin; or
- 21
- 22 b) To cause or attempt to cause an employer to discriminate against a person

1 because of the latter's religion or ethnic origin.

2
3 The foregoing notwithstanding, it shall not be unlawful to employ any person
4 on the basis of his religion or ethnic origin in those instances where religion or ethnic
5 origin is a bona fide occupational qualification reasonably necessary for the formal
6 operation of the business or enterprise. Neither shall it be unlawful for a school,
7 college, university or other educational institution to employ only a person of a
8 particular religion or ethnic origin if the curriculum of such institution is aimed
9 towards the propagation of such religion or ethnic aggrupation.

10
11 **SEC. 4.** The government shall reserve at least ten percent (10%) of the rank
12 and file positions in government service in areas where ICCs are predominantly
13 found, for the employment of IPs/ICCs ; *Provided,* That that appointments must be
14 in accordance with the civil service laws.

15
16 **SEC. 5.** Every private enterprise with operations in areas where indigenous
17 cultural communities are predominantly found, and which obtains loans, grants, or
18 any kind of financial assistance from the government or any government-owned or
19 controlled bank or financial institution in the amount equivalent to at least thirty
20 percent (30%) of its total assets shall give preferential employment to IPs/ICCs by
21 hiring them into at least ten percent (10%) of its labor force.

22
23 **SEC. 6.** Every employer shall respect the employee's right to actively
24 participate in his religious or ethnic activities in line with the religious protection as
25 well as limitations provided in the 1987 Constitution and jurisprudence.

26
27 **SEC. 7.** Any person responsible for the violation of any of the provisions of
28 this Act shall be liable to pay a fine of not less than One Hundred Thousand Pesos
29 (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00) or
30 imprisonment of not less than six (6) months nor more than six (6) years, or both.

31
32 **SEC. 8.** Chapter V, Section 23 of the Indigenous Peoples Rights Act or
33 Republic Act 8371, Book 111, Title 111, Book V, Title V, Article 246 of the Labor Code
34 or Presidential Decree 442, as amended, and any law or parts thereof inconsistent
35 with the provisions of this Act are hereby repealed, modified or amended
36 accordingly.

1 **SEC. 9.** This Act shall take effect fifteen (15) days following its publication in
2 at least two (2) national newspapers or general circulation.

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4 **Approved,**