



'14 NOV 27 P 6:26

SENATE
S.B. No. **2475**

RECEIVED BY: *Jr*

Introduced by SENATOR SONNY ANGARA

AN ACT

PROHIBITING DISCRIMINATION ON THE BASIS OF AGE, RACIAL OR ETHNIC ORIGIN, RELIGIOUS BELIEF OR ACTIVITY, POLITICAL INCLINATION OR CONVICTION, SOCIAL CLASS, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSIONS, MARITAL OR RELATIONSHIP STATUS, DISABILITY, HIV STATUS, HEALTH STATUS OR MEDICAL HISTORY, LANGUAGE, PHYSICAL FEATURES, AND OTHER STATUS, AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

The 2014 Global Risks Report of the World Economic Forum (WEF) listed “profound political and social instability” as one of the Top 10 Global Risks of Highest Concern, which governments face domestically but have ramifications on the relations between nations—in turn, affecting the overall global order.

Political unrest and lack of social cohesion have effects that go beyond the domestic sphere, much like how the demonstrations of the Arab Spring contributed to higher oil prices in other countries and slower global economic growth. Because the world has become more interconnected and intertwined, governments should be cognizant of such “spillover effects” and the importance of their role as primary arbiter of social order.

Any form of discrimination threatens such order and stability in the Philippines, making it imperative that discrimination — or any act that establishes, promotes and perpetuates standing inequalities and disregards the right to “equality of treatment” afforded by the 1987 Constitution — be reduced in as many aspects of society as possible.

The Philippines is also a signatory to the International Covenants on Economic, Social and Cultural Rights (ICESCR) and Civil and Political Rights (ICCPR) of the United Nations, affirming its commitment to guaranteeing the broad respect for the human rights of every individual, without discrimination of any kind as related to race, skin color and outward appearance, sex and gender identification, language, religion and other opinion, national or social origin, property, and birth or other status.

We sought to follow through on these imperatives and international commitments since the 14th Congress, filing various versions of an Anti-Discrimination Bill.

To an extent, based on selected global studies, the Philippines is a relatively open and equitable society. For instance, the country scores high on global gender equality indices and ranks 5th overall in the WEF 2013 Global Gender Gap Report. However, many forms of discrimination persist.

Women

A 2012 International Labour Organization (ILO) study showed that unemployment rates among women in the Philippines are consistently higher than men. Women are more likely to hold lower quality employment or vulnerable employment, which typically offers fewer opportunities for decent work and social protection.

Violence against women, both in and out of the home, remains a serious societal problem. In the Annual Comparative Statistics on Violence Against Women released by the PNP-Women

and Children Protection Center in 2014, there were 1,602 reported rape cases in 2013, which is 283 cases more than the 1,319 in 2012, and 546 more than the 1,056 reported in 2011. 3,564 cases of physical injuries against women were recorded in 2013; 1,744 in 2012, and 1,588 in 2011. From 2011 to 2013, there were 300 sexual harassment and 148 Anti-Trafficking cases reported to PNP-Women and Children Protection Center.

Lesbian, Gays, Bisexuals and Transgenders

Discrimination is not limited to women alone. While consensual homosexual relations, homosexuality, and transgenderism are not illegal in the Philippines, major government agencies have yet to formally articulate specific affirmative policies.

Kwentong Bebot, Lived Experiences of Lesbians, Bisexual and Transgender Women in the Philippines, a study conducted by the Rainbow Rights and published by the International Gay and Lesbian Human Rights Commission, stated that members of the LGBT community reported having experienced physical, verbal, emotional and sexual abuse within their homes, in schools, in their workplaces. Some report having been denied health care and restricted from using public facilities (such as the LRT and MRT).

Many LGBT students find it difficult to assert their right to gender expression, for instance in the choice of their school uniforms since most schools rely on Batas Pambansa Blg. 232, otherwise known as Education Act of 1982, to determine internal policies governing student behavior, irrespective of the discriminatory nature of some of those policies.

According to the Trans Murder Monitoring Project, a pilot project of Transgender Europe, at least 20 transgender or gender-variant people have been killed in the Philippines since 2008. The death of Jennifer Laude may prove to be the most recent instance of discrimination against LGBT.

Discrimination against children takes the form of physical, sexual and psychological abuse.

According to International Labor Organization (ILO) studies in 2012, approximately 2 million Filipino children were exposed to hazardous working environments, such as in quarries and mines. There are also at least 246,011 street children nationwide, 11,346 of which are in Metro Manila alone.

Children continue to be recruited by non-state armed groups. Anecdotal reports point to how criminal syndicates use minors to carry out their illegal activities. They were also victims of police abuse while in detention for committing minor crimes.

Age Discrimination

Age discrimination in hiring still gets in the way of job hunters in the form of job advertisements indicating that only those within a particular age range would be qualified. Several senior citizens still experience discrimination despite Section 5 of the Expanded Senior Citizen's Act (RA 9994) which mandates the government to provide employment opportunities to senior citizens who have the capacity and desire to work or be re-employed.

Persons With Disabilities (PWDs)

A 2013 study conducted by Christian D. Mina entitled, "Employment of Persons with Disabilities (PWDs) in the Philippines: The Case of Metro Manila and Rosario, Batangas" as part of the Discussion Paper Series No. 2013 of the Philippine Institute for Development Studies stated that less than 10 percent of more than 100,000 employable PWDs registered with the DOLE were wage-employed. Majority of the employed PWDs in rural and urban areas are considered "vulnerable workers" since most have informal work arrangements and are less likely to have access to employment benefits or social protection programs.

Indigenous Cultural Communities/Indigenous People (ICC/IPs)

Indigenous people continue to experience abuses involving arbitrary detention, persecution, killing of community representatives, coercion, torture, demolition of houses, involuntary displacements, rape, and disruption of their rights to food and shelter.

These are but selected instances of how discrimination persists in Philippine society, which this measure aims to address and reduce.

Its swift approval is therefore earnestly sought.


SENATOR SONNY ANGARA

14 NOV 27 P6:26

SENATE
S.B. No 2475

RECEIVED BY: 

Introduced by SENATOR SONNY ANGARA

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

AN ACT

PROHIBITING DISCRIMINATION ON THE BASIS OF AGE, RACIAL OR ETHNIC ORIGIN, RELIGIOUS BELIEF OR ACTIVITY, POLITICAL INCLINATION OR CONVICTION, SOCIAL CLASS, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSIONS, MARITAL OR RELATIONSHIP STATUS, DISABILITY, HIV STATUS, HEALTH STATUS OR MEDICAL HISTORY, LANGUAGE, PHYSICAL FEATURES, AND OTHER STATUS, AND PROVIDING PENALTIES THEREFOR

SECTION 1. Short Title — This Act shall be known as the Comprehensive Anti-Discrimination Act of 2014.

SECTION 2. Declaration of Policy — It is the policy of the State to work actively for the elimination of all forms of discrimination that offends the equal protection clause of the Bill of Rights, and the State's obligations under human rights instruments acceded to by the Republic of the Philippines, particularly those discriminatory practices based on age, racial or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, gender identity and expressions, marital or relationship status, disability, HIV status, health status or medical history, language, physical features, or other status.

Towards this end, discriminatory practices as defined herein shall be proscribed and penalized.

SECTION 3. Definition of Terms — For the purposes of this Act, the following terms shall be defined as follows:

a. "Disability" shall mean: 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of that individual; 2) a record of such an impairment; or, 3) being regarded as having such an impairment.

b. "Discrimination" constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on age, racial or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, gender identity and expressions, marital or relationship status, disability, HIV status, health status or medical history, language, physical features, or other status, which has the purpose or effect of

1 nullifying or impairing the recognition, enjoyment or exercise, on equal footing,
2 of the political, civil, economic, social and cultural rights. Discrimination also
3 includes incitement to discriminate and harassment.
4

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

12 Indirect discrimination occurs where an apparently neutral condition or requirement is
13 imposed which has the effect of disadvantaging a group with a particular protected
14 attribute and which is not reasonable in the circumstances. Indirect discrimination may
15 not be unlawful if a respondent can show that there is an objective justification for it. This
16 involves demonstrating a proportionate means of achieving a legitimate aim.
17

18 c. "Education and Training" refer to all types and levels of education, training, and other
19 avenues for learning, and includes access thereto, the standard and quality thereof and
20 the conditions under which the same is given.
21

22 d. "Ethnic Origin" includes race, national origin, and ethno-linguistic origin.
23

24 e. "Employment" refers to all terms conditions, and privileges relating to work in public
25 and private institutions, including recruitment policies, application, procedures, training,
26 incentives, compensation, determination of benefits or allowances, promotion,
27 advancement opportunities, transfer, and dismissal.
28

29 *This definition shall apply to regular, probationary, casual, contractual, fixed-term, and*
30 *seasonal workers. In legitimate contracting arrangements, the contractor/subcontractor*
31 *shall be deemed the employer of the contractual employee.*
32

33 For the purpose of this Act, the terms employment and occupation include access to
34 vocational training, access to employment and to particular occupations, and terms and
35 conditions of employment.
36

37 f. "Gender Identity" refers to each person's deeply felt internal and individual experience
38 of gender, which may or may not correspond with the sex assigned at birth (e.g. the sex
39 listed on their birth certificate) including the personal sense of the body and other
40 expressions of gender, including dress, speech and mannerisms.
41

42 g. "Gender Expression" refers to the outward manifestations of the cultural traits that
43 enable a person to identify as male or female according to patterns that, at a particular
44 moment in history, a given society defines as gender appropriate.
45

46 h. "HIV Status" pertains to the presence or absence of the human immunodeficiency
47 virus (HIV) in the body of an individual.
48

49 i. "Indigenous Cultural Communities/Indigenous Peoples" (ICC/IPs) shall, as provided
50 under Section 3 (h), Chapter II of Republic Act No. 8371 or the Indigenous People's
51 Rights Act (IPRA) of 1997, refer to a group of people or homogenous societies identified
52 by self-ascription and ascription by others, who have continuously lived as organized
53 community on communally bounded and defined territory, and who have, under claims
54 of ownership since time immemorial, occupied, possessed and utilized such territories,

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

11
12 j. "Bangsamoro People" are those who at the time of conquest and colonization
13 were considered natives or original inhabitants of Mindanao and the Sulu
14 archipelago and its adjacent islands including Palawan, and their descendants
15 whether of mixed or of full blood shall have the right to identify themselves as
16 Bangsamoro by ascription or self-ascription. Spouses and their descendants
17 are classified as Bangsamoro.

18
19 k. Linguistic Discrimination is a term used to refer to the unfair treatment of an
20 individual based solely on the use of language. This use of language may
21 include the individual's native language or other characteristics of the person's
22 speech, such as an accent, the size of vocabulary (whether the person uses
23 complex and varied words), and syntax.

24
25 l. "Muslims" refer to those who are followers of Islamic faith, whether from birth
26 or by conversion.

27
28 m. "Marital or Relationship Status" is defined as the personal status of each
29 individual in relation to the marriage laws or customs of the country. The
30 categories of marital status to be identified are the following: (a) single; (b)
31 married; (c) separated; (d) widowed; or (e) *de facto* spouse of another person. A
32 *de facto* spouse of another person is defined to mean a person who cohabits or
33 lives with another person in a relationship similar to marriage but is not legally
34 married to that person.

35
36 n. "Physical Features" refers to a person's height, size, weight or other bodily
37 characteristics. It shall also include features that a person chooses to acquire,
38 such as tattoos and piercings.

39
40 o. "Political Inclination" refers to a person's preference with regards to
41 membership or belief in a particular political party, organization or ideology.

42
43 p. "Profiling" means relying on the prohibited grounds of discrimination in
44 subjecting a person or group of persons to investigatory activities, which include
45 unnecessary, unjustified, illegal, and degrading searches, questioning or other
46 investigatory activities, in determining whether an individual is engaged in an
47 activity presumed to be unlawful, immoral, or socially unacceptable.

48
49 q. "Religious Belief" covers the profession or non-profession of religion or belief
50 of one's choice that may be publicly or privately manifested in worship,
51 observance, practice and teaching.

1 r. "Sexual Orientation" refers to each person's capacity for profound emotional,
2 affectional and sexual attraction to, and intimate relations with, individuals of a
3 different or the same gender or more than one gender.
4

5 It encompasses the broad concept of a person's sexual attraction to, and sexual
6 activity with, people of a particular gender. This can be towards people of the
7 same sex (homosexual orientation), towards people of both sexes (bisexual
8 orientation), towards neither, or towards people of the opposite sex
9 (heterosexual orientation) A person's sexual orientation is distinct from a person's
10 gender identity and expression.
11

12 s. "Social Class" refers to groupings of individuals usually based on wealth,
13 educational attainment, occupation, income, and membership in a subculture or
14 social network.
15

16 t. "Stigma" refers to the dynamic process of devaluation that significantly
17 discredits an individual in the eyes of others. When stigma is acted upon, the
18 result is discrimination.
19

20 u. "Other Status" refers to other forms of differential treatment or grounds of
21 discrimination which either undermines human dignity, causes or perpetuates
22 systemic disadvantage, or adversely affects the equal enjoyment of a person's
23 rights and freedoms in a serious manner that is comparable to the protected
24 attributes enumerated in Section 4 of this Act. These grounds include, but are
25 not limited to the following: pregnancy or maternity/paternity status, family
26 responsibilities, health status, medical condition, or criminal record.
27

28 SECTION 4. Prohibited Grounds for Discrimination/Protected Attributes—
29 Discrimination that is directly or indirectly based on the following personal
30 characteristics such as age, racial or ethnic origin, religious belief or activity,
31 political inclination or conviction, social class, sex, gender, sexual orientation,
32 gender identity and expressions, marital or relationship status, disability, HIV
33 status, health status or medical history, language, physical features, or other
34 status, is prohibited. For purposes of this Act, these personal characteristics
35 shall be collectively termed as "Protected Attributes".
36

37 SECTION 5. Acts of Discrimination; Unlawful — Subject to Section 7 of this Act,
38 the acts of discrimination include, but are not limited to, the following:
39

40 (a) Inflicting stigma.

41
42 It shall be unlawful for any person to commit any acts that promote and encourage
43 stigma based on the Protected Attributes. Content in the media, in educational
44 textbooks, or in other medium that aims to inflict stigma is likewise prohibited.
45

46 (b) Denial of political, civil and cultural rights.

47
48 It shall be unlawful to deny a person enjoyment of political, civil and cultural rights
49 based on Protected Attributes.
50

51 (c) Denial of right to education.

52
53 It is unlawful for any person to:

- 1 (1) Refuse admission or expel a person from any educational or training institution
2 based on Protected Attributes, without prejudice to the right of educational or
3 training institutions to determine the academic qualifications of their students or
4 trainees;
- 5
- 6 (2) Grant or refuse to grant honors, scholarship/s, or other forms of assistance on
7 the basis on Protected Attributes, and,
- 8
- 9 (3) Impose disciplinary sanctions, penalties harsher than customary, or similar
10 punishments, requirements, restrictions, or prohibitions that infringe on the rights
11 of the students on the basis on Protected Attributes.
- 12

13 The prohibition to deny the right to education based on Protected Attributes extends
14 to acts committed against a student or trainee to discriminate his or her parents or
15 legal guardians.

16

17 (d) Denial of right to work.

18

19 It is unlawful for any person to:

- 20
- 21 (1) Use the grounds in Section 4 (Protected Attributes) or require the disclosure
22 thereof in the selection, promotion, and termination of workers, and in the
23 determination of compensation, training, incentives, privileges, benefits or
24 allowances, as well as other terms and conditions of employment;
- 25
- 26 (2) Deny employment in government institutions, including police and military
27 service, based directly or indirectly based on Protected Attributes;
- 28
- 29 (3) Refuse to enter into contract or agreement with persons or group of persons
30 based solely or partly on Protected Attributes; and
- 31
- 32 (4) Deny an application for or revoke a professional license issued by the
33 government directly or indirectly due any of the Protected Attributes.
- 34

35 (e) Denial of access to goods and services

36

37 It is unlawful for any person to:

- 38
- 39 (1) Deny a person, solely or partly based on Protected Attributes, of goods and
40 services available to the general public, such as but not limited to private and
41 public insurance, housing and other forms of accommodation, medical and
42 clinical services;
- 43
- 44 (2) Refuse entry to or evict a person from any establishment, facility or utility that is
45 open to the general public, such as but not limited to, restaurants, bars, hotels,
46 shopping malls, solely or partly based on Protected Attributes; and,
- 47
- 48 (3) Cause undue and unjust deferral of services or provision of inferior services to
49 persons due to Protected Attributes.
- 50

51 There is discrimination if the acts above are committed against organizations or
52 groups of persons based on any Protected Attributes.

53

54 (f) Denial of right to organize.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

It shall be unlawful to prohibit, prevent, or revoke the accreditation, formal recognition, and/or registration of any organization, group, political party, institution or establishment, in educational institutions, workplaces, communities, and other settings, based partly or solely on Protected Attributes.

Discrimination is also committed when additional requirements beyond the customary are imposed directly or indirectly due to Protected Attributes.

(g) Inflicting harm on health and well-being.

It shall be unlawful to subject any person, without consent, to any unnecessary medical or physical examination, psychological treatment, faith-based practices, and other similar procedures based solely or partly on Protected Attributes that aim to change identity or physical attributes or impose behavior or expressions.

(h) Engaging in profiling.

It shall be illegal for any person, including members of the military and law enforcement agencies, to engage in profiling based solely or partly on Protected Attributes.

(i) Abuses by state and non-state actors.

It shall be unlawful for any government agency, including local government units, police, military, and immigration agencies, to harass verbally or physically, to curtail freedom of movement, or to extort from a person or a group of persons based solely or partly on Protected Attributes.

This prohibition applies to similar abuses committed by non-state actors.

(j) Detention and confinement.

It shall be unlawful to detain and confine a person or groups of persons based directly or indirectly on Protected Attributes.

(k) Inciting hatred or violence

It shall be unlawful to incite hatred or violence based on any Protected Attributes by use of words or behavior or display of written material, publishing or distributing written material; the public performance of a play; distributing, showing or playing a recording; broadcasting or including a program in a program service, and possession of inflammatory material. The words, behavior, written material, or recordings, or program must be threatening and not just abusive or insulting.

(l) Denial of right to expression

It shall be unlawful to deny a person of his freedom of opinion and expression based solely or partly on Protected Attributes. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or other means, as well as the freedom to seek, receive, and impart information and ideas of all kinds through any medium.

(m) Other analogous circumstances.

1
2 Any analogous act, which has the effect or purpose of impairing or nullifying the
3 recognition, enjoyment, or exercise of the person's human rights and fundamental
4 freedoms, are also prohibited.
5

6 SECTION 6. Persons liable — Any person, natural or juridical, or their
7 representatives, including government instrumentalities and agencies, or government-
8 owned and controlled corporations, or any private corporation, institution, association or
9 company who commits discrimination through any of the acts described in Section 5
10 shall be liable under this Act.
11

12 Any person, natural or juridical, or their representatives, who requests, instructs,
13 induces, encourages, authorizes or assists another to commit acts of discrimination
14 under Section 5 shall also be liable under this Act.
15

16 Any person who is duty-bound to act on complaints of discrimination under this Act but
17 fails or refuses to do so within a reasonable period shall be deemed prima facie to have
18 sanctioned the discriminatory act, and shall be held equally liable for discrimination.
19

20 All government officers and workers are obliged to promote non-discrimination in the
21 discharge of their duties and responsibilities.
22

23 SECTION 7. Exceptions — Any action or conduct, otherwise prohibited under
24 Sections 4 and 5 of this Act, shall not be unlawful and shall not be considered as
25 discrimination:
26

27 (1) Where any of the involved protected attributes are bona fide occupational
28 qualifications reasonably necessary to the normal operation of the particular
29 business or where the differentiation is based on reasonable factors (Genuine
30 Occupational Qualifications);
31

32 (2) Where distinction, exclusion, or preference in respect of a particular job is
33 based on inherent requirement and requirement is a proportionate means of
34 achieving a legitimate aim (Inherent Requirement);
35

36 (3) Where the acts or practices of a body established for religious purposes
37 conform to the doctrines, tenets or beliefs of the relevant religion or that such
38 acts or practices are necessary to avoid injury to the religious sensitivities of
39 adherents of that religion;
40

41 (4) Where the act or omission is done in good faith for the purpose of assisting or
42 advancing a person or group of persons who need or may reasonably be
43 supposed to need assistance or advancement in order to achieve an equal
44 place in society with other members of the community (Measures Of Equality
45 Or Affirmative Action Program).
46

47 SECTION 8. Penalties — The penalty of not less than one (1) year but not more
48 than six (6) years imprisonment or a fine of not more than Five Hundred Thousand
49 Philippine Pesos (PHP500,000.00), or both, in the discretion of the court, and taking into
50 consideration the circumstances and gravity of the offense.
51

52 The penalty provided under this section shall be imposed in its maximum period:
53

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

- (b) When the offender is an ascendant, parent, guardian, stepparent or collateral relative within the second degree of consanguinity or affinity of the victim;
- (c) When the offender is the manager or owner of an establishment which has no license to operate or whenever such license has expired or has been previously revoked;
- (d) When the offender is a public official, officer or employee: provided, that the penalty of suspension shall also be imposed: provided, further, that the public official, officer or employee may be asked to undergo gender and development training and community service during the duration of suspension.

When the offender is a corporation, partnership or association, the officer or employee thereof who is responsible for the violation of this Act shall suffer the penalty imposed in its maximum period. The corporation shall be jointly liable for any fine imposed.

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

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

SECTION 9. Programs to promote non-discrimination and diversity — The State shall endeavor to eliminate all forms of discrimination and shall therefore pursue initiatives and programs that seek to enable an environment free of stigma and discrimination. It shall direct the machinery and resources of the State to ensure non-discrimination and promote equality and shall encourage other sectors of the society to engage and participate in these efforts. It shall ensure the establishment of the following programs:

- (a) **Social Protection Program —** The national government shall implement social protection measures for communities affected by and vulnerable to stigma and discrimination.
- (b) **Diversity Programs and Policies —** All government agencies, government-owned and controlled corporations, private companies, public and private educational institutions, and other entities shall establish diversity programs to ensure that discrimination and abuse are prevented. They shall also create an internal redress mechanism to address cases of discrimination and grant administrative remedies or sanctions for such cases.

The Civil Service Commission, Department of Labor and Employment, Department of Interior and Local Government, Department of Trade and Industry, the Armed Forces of the Philippines, Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, Department of Justice, Department of Foreign Affairs, and Department of Health shall ensure the implementation of this Section.

1 Failure of the above agencies, without justifiable cause, to ensure the implementation of
2 this provision shall be deemed refusal to address discrimination and shall be penalized
3 as an analogous act of discrimination.
4

5 SECTION 10. Enforcement — Criminal complaints brought under this Act shall
6 be filed with the proper court. In addition to the criminal complaint, a person who has
7 been subjected to any acts of discrimination as defined in this Act may file a complaint
8 with the Commission on Human Rights. For this purpose, the Commission on Human
9 Rights may investigate, *motu proprio* or on complaint by any person, acts or omissions in
10 violation of this Act.
11

12 In all cases under investigation, the Commission may issue legal and preventive
13 measures as well as provisional remedies. These measures or remedies shall include,
14 but are not limited to, general writs of injunction, restraining orders, status quo ante
15 orders, cease and desist orders, protection orders or such other orders to protect the life
16 and security of persons, preserve evidence, protect properties and other considerations
17 to ensure the efficient investigation of the alleged violation of this Act.
18

19 The Commission shall also direct the officer concerned to take appropriate action
20 against a public officer or employee at fault or who neglected to perform an act or
21 discharge a duty required under this Act, and order revocation of license, removal from
22 office or employment, suspension, demotion, fine, censure, or prosecution, and ensure
23 compliance therewith. Refusal by any officer without just cause to comply with an order
24 of the Commission to revoke the license, remove, suspend, demote, fine, censure, or
25 prosecute an officer or employee who is at fault, or who neglects to perform an act or
26 discharge a duty required under this Act, shall be a ground for disciplinary action against
27 said officer.
28

29 SECTION 11. Administrative proceedings and sanctions against public officials
30 and employees — Pursuant to Section 8 of this Act, which makes it a duty of the
31 Commission on Human Rights to investigate alleged cases of discrimination, a finding by
32 the Commission on Human Rights that a department, agency or instrumentality of the
33 government, a government-owned and controlled corporation, or a local government unit
34 has violated any provision of this Act and its implementing rules and regulations, shall
35 carry with it a recommendation to the Civil Service Commission and/or the Department
36 of Interior and Local Government for the imposition of sanctions under administrative
37 law, civil service, or other appropriate laws. Such recommendation shall include the
38 names of the person directly responsible for the violation, and a statement that the
39 sanctions be imposed upon the person directly responsible and the head of the agency
40 or the local chief executive.
41

42 SECTION 12. Fines against private persons, provisional remedy — Upon a prima
43 facie finding that any provision of this Act was violated and upon its issuance of a cease
44 and desist order, the Commission on Human Rights may impose a fine of up to Twenty
45 Thousand Philippine Pesos (Php20,000.00), for every day that the act of discrimination
46 complained persists.
47

48 For purposes of this section and the imposition of the provisional remedy of fine, the
49 Commission on Human Rights may ask the assistance of the Department of Trade and
50 Industry, the Commission on Higher Education, Department of Labor and Employment,
51 Department of Education, and the Technical Education and Skills Development
52 Authority.
53

54 The fine thus collected shall be for the assistance of victims of discrimination.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 13. Implementing rules and regulations (IRR) — The Commission on Human Rights, Civil Service Commission, Department of Labor and Employment, Department of Interior and Local Government, the Armed Forces of the Philippines, Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, Department of Justice, Department of Foreign Affairs, Department of Health, National Commission on Indigenous Peoples, and National Commission on Muslim Filipinos shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act. Thereafter, this Act shall be fully implemented with or without the IRR

SECTION 14. Separability clause — If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

SECTION 15. Repealing Clause — All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or part or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 16. Effectivity clause — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,