

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

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SENATE

Senate Bill No. 2888

RECEIVED BY



Introduced by Senator Manny Villar

EXPLANATORY NOTE

The Philippine Constitution mandates nondiscrimination, as may be reflected in Article III, Section 1 of the Bill of Rights. Therefore, the State is duty-bound to safeguard its citizens against all forms of discriminatory acts in everyday life – in business establishments, schools and at work, in order to promote equal protection and elimination of stereotypes and prejudices.

Likewise, it is the policy of the State to maintain peace and order in our country, and if it is any lesson upon us, the recently concluded issue on the MOA-AD gave us a sampling of how passionate our brothers and sisters from Mindanao are about their freedom, including their freedom from being discriminated.

This legislation provides for a means by which peace can be fostered in all three major islands of the Philippines, with emphasis on Mindanao where Muslims constitute a large portion of the population. By providing for a law that prohibits discrimination against people of different ethnic and religious backgrounds, peace and harmony can be ultimately achieved.

In view of the foregoing, the approval of this bill is earnestly sought.



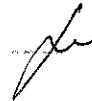
MANNY VILLAR
Senator

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AN ACT
PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF
ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF

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

SECTION 1. *Short Title.* - This act shall be known as "The Anti-Discrimination Act of 2008."

SECTION 2. *Declaration of Policy.* - It is the policy of the State to:

- a) Maintain peace and order, protect life, liberty, and property, and promote the general welfare for the enjoyment by all people the blessings of democracy;
- b) Promote a just and dynamic social order that will insure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all;
- c) Recognize and promotes the rights of indigenous cultural communities within the framework of national unity and development;
- d) Give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

SECTION 3. *Meaning of Discrimination.* - The term "discrimination" as used in this Act shall mean any distinction, exclusion or restriction made on the basis of ethnic origin or religious affiliation or beliefs, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by them of their human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, especially including but not limited to, employment, livelihood, housing, education and basic services.

SECTION 4. *Definition of Terms.* -

- 1) ***Ethnic origin*** includes race, national origin and ethnolinguistics origin.
 - a. ***Indigenous People*** shall, as provided under Section 3(h), Chapter II of Republic Act No. 8371 otherwise known as "The Indigenous People's Rights

Act of 1997” (IPRA of 1997), refer to a group of people who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

b. Moro People refers to the collective people belonging to the thirteen Ethno-linguistic groupings, who are largely of the Islamic faith.

2) *Muslims* refer to those who are followers of the Islamic Faith, whether from birth or by conversion.

3) *Religious belief* refers to the strong and profound belief affecting a way of life; a belief is religious not because a religious group professes that belief, but because the individual sincerely holds that belief with the strength of traditional religious views.

4) *Accommodation* as mentioned herein includes a house, apartment, condominium, town houses, flat, hotel, motel, boarding house, hostel, and dormitories.

SECTION 5. Acts of Discrimination. - Discrimination is committed when a person treats another less favorably on the basis of ethnic origin and/or religious affiliation or belief than the person treats or would treat another without that attribute, or with a different attribute, on the same or similar circumstances in employment, education, housing, and delivery of basic services, to wit:

a.) Discrimination in Employment.— An employer or his/her agents must not discriminate against an applicant for a job by refusing employment to the person or imposing on that person onerous terms and conditions on the basis of his/her ethnic background and/or religious affiliation or beliefs. Likewise, an employer or his/her agents shall be liable for discrimination by denying or limiting access of the employee to opportunities for promotion, transfer or training, or to any other benefits connected with the employment or by dismissing the employee, or by subjecting the employee to any other detriment on the basis of ethnic background and/or religious affiliation or beliefs.

b.) Discrimination in Education. — A public or private educational institution, their officers or employees, or any person acting on their behalf shall be liable for discrimination by refusing, or failing to accept, another for application for admission as a student or by denying or limiting access of a student to any benefit or privilege provided by said institution, or by expelling the student, or by subjecting the student to any other detriment on the basis of ethnic background and/or religious affiliation or belief.

c.) Discrimination in the Delivery of Goods and Services. — Any person who, by reason of ethnic background and/or religious affiliation or belief, shall be liable for discrimination if the person refuses to provide goods or services to another, or imposes onerous terms on which goods or services are provided, or subjects another to any other detriment in connection with the provision of goods or services to him or her.

d.) Discrimination in Accommodation. — A person or his/her agents shall be liable for discrimination by refusing, or failing to accept or process, the

application for accommodation of another by providing onerous terms and conditions not similar to other applicants, or by subjecting another to any other detriment in connection with the provision of accommodation to that person on the basis of ethnic background and/or religious belief.

- e.) Any other analogous act which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of the person's human rights and fundamental freedoms in the political, economic, social, cultural, civil spheres, on the basis of ethnic background or religious belief.

SECTION 6. *Persons Liable.* - Any person, natural or juridical, including any government or private corporation, institution or company, who commits discrimination against any person on account of ethnic origin and/or religious affiliations or beliefs, as provided for above, shall be liable under this act.

Any person who requests, instructs, induces, encourages, authorizes or assists another person to commit acts of discrimination shall also be liable under this Act. Likewise, a person who is duty-bound to act on complaints for discrimination under this Act but fails or refuses to do so, shall be deemed to have sanctioned the discriminatory act, and shall consequently be held equally liable for discrimination.

SECTION 7. *Equal Opportunity* — It shall be the duty of every person, natural or juridical, public or private, to ensure that there is equal opportunity for all persons in relating to actual or prospective employees, students, tenants, customers or clients, and that no discriminatory acts, as defined herein is committed by them or their agents in the areas of employment, housing, education, and delivery of basic goods and services.

For this purpose, every agency, corporation, company, and educational institution, as well as any other person providing employment, housing, education, and delivery of basic goods and services, shall issue an equal opportunity policy, including the creation of an Equal Opportunity Committee, as provided in the next section. Failure to do so shall be deemed refusal to address discrimination, and shall be penalized as an act of discrimination.

SECTION 8. *Equal Opportunity Committees.* — In order to insure the compliance of this Act, agencies, corporations, companies and educational institutions, whether private or public, shall create an Equal Opportunity Committee which shall have administrative jurisdiction over cases involving discrimination under this Act. The committee shall be tasked, among others, to conduct the investigation of alleged cases constituting discrimination on the basis of ethnic origin and/or religious affiliation or beliefs.

Administrative sanctions shall not be a bar to any prosecution in the proper courts of any act of discrimination committed on the basis of ethnic origin and/or religious affiliation or beliefs, or to any civil claims for damages caused by said act.

SECTION 9. *Penal Clause.* — Any person liable under this Act shall be penalized by imprisonment for a period of not less than thirty days nor more than six months and/or a fine of not less than ten thousand pesos nor more than one hundred thousand pesos, taking into consideration the circumstances and gravity of the offense.

SECTION 10. *Duty of the Office on Muslim Affairs and the National Commission on Indigenous Peoples.* - It shall be the duty of the Office on Muslim Affairs (OMA) and National Commission on Indigenous People (NCIP) to prevent or deter the commission of acts of discrimination and to provide the procedures for the resolution, settlement or prosecution of acts of discrimination. Towards this end, OMA and NCIP shall:

- (a) Promulgate appropriate rules and regulations prescribing the procedure for the investigation of discrimination cases against their people and the administrative sanctions therefor.
- (b) Ensure the creation of committees on equal opportunity in the different agencies, corporations, companies and educational institutions, whether private or public.
- (c) Supervise the agencies, corporations, companies and educational institutions, whether private or public, in the implementation of this Act.

SECTION 11. *Separability Clause.* - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 12. *Repealing Clause.* - Any provision of law or regulations inconsistent herewith is hereby repealed, revoked, or modified accordingly.

SECTION 13. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Approved,