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Republic of the Philippines

House of Representatives

Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3216

for VICTORINO D. CADILE ^{1/2}
DIRECTOR II
BILLS & INDEX SERVICE

INTRODUCED BY HON. MUJIV S. HATAMAN OF ANAK MINDANAO (AMIN) PARTY LIST

EXPLANATORY NOTE

The Bill of Rights of the 1987 Philippine Constitution, particularly Article III, Section 1, provides for "equal protection of the laws." This equal protection clause is a specific constitutional guarantee of the Equality of the Person. Under it, each individual is dealt with as an equal person in the law, which does not treat the person differently because of who he/she is or what he/she possesses. However, when this does not happen in the realities of life, like the different treatment or discrimination against Muslims/MORO people and Lumads/ Highlanders in Mindanao and elsewhere in the Philippines, then the axiom of constitutional state policy of social justice (Art. II, Sec. 10) steps in, that those who have less in life must have more in law.

It is an established principle of constitutional law that the equal protection clause is not violated by a legislation based on reasonable classification, one which rests on substantial distinctions, is germane to the purpose of the law, is not limited to existing conditions only, and applies equally to all members of the same class. There are indeed substantial distinctions between/among the three classes of peoples in Mindanao --- the majority Christian settlers (and their descendants), the Muslims or MORO people, and the Lumads or indigenous highlander tribes. Unfortunately, their inter-relationships have been characterized, among others, by a historical and current minoritization, marginalization, and discrimination in various areas of life. This must be addressed.

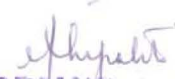
The Constitution likewise provides that the Philippines adopts the generally accepted principles of international law as part of the law of the land (Art. II, Sec. 2). Under the International Covenants on Economic, Social and Cultural Rights, as well as on Civil and Political Rights, States Parties like the Philippines undertake to guarantee and ensure respect for the rights enunciated therein, without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to adopt such legislative or other measures as may be necessary to give effect to those rights.

To be sure, discriminatory attitudes or practice will not be corrected by legislation alone, even penal ones like this Act to Criminalize Discrimination Against Muslims/MORO people and Lumads/Highlanders. But these legislative sanctions are still part of what should be a holistic response to such discrimination and are one contribution of Congress in this fight. Approval of this bill is therefore sought.



MUJIV S. HATAMAN

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for  **VICTORIANO L. GAOILE** *4/26/05*
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Victoriano G. Casile
VICTORIANO G. CASILE
DIRECTOR II
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Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3216

Introduced by HON. MUJIV S. HATAMAN of Anak Mindanao (AMIN) Party List

AN ACT CRIMINALIZING DISCRIMINATION AGAINST MUSLIMS/MORO PEOPLE AND INDIGENOUS PEOPLES IN MINDANAO AND ELSEWHERE IN THE PHILIPPINES

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 2004."

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. Criminalizing Discrimination. Any person, including any government or private corporation officer responsible for policy, who commits discrimination against Muslims/MORO people and/or Indigenous Peoples in Mindanao and elsewhere in the Philippines shall be punished 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

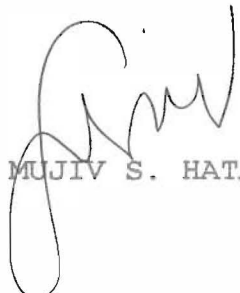
more than one hundred thousand pesos, taking into consideration the circumstances and gravity of the offense.

The term "discrimination" as used in this Act shall mean any distinction, exclusion or restriction made on the basis of being Muslim/Moro people and/or Indigenous Peoples which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by them, on an equal footing, of 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.

SEC. 2. Repealing Clause. - Any provision of law or regulations inconsistent herewith is hereby repealed, revoked, or modified accordingly.

SEC. 3. Effectivity Clause. - This Act shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Approved,


MUJIV S. HATAMAN

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for **VICTORIANO S. ADILE** 4/8/05
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