

HOUSE OF REPRESENTATIVES

House Bill No. 354

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

The Constitution provides that,

“No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.” (Section 5, Article 3)

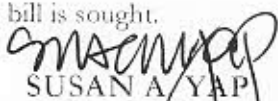
Likewise, the Philippines must uphold the tenets of equality of every human being as state party to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which defined discrimination as “any distinction, exclusion or restriction made on the basis of ethnic origin or religious 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.”

Sadly, the reality haunts us of daily experiences of discrimination across the country. A 2005 Pulse Asia survey reported glaringly that “a majority of national respondents (55 percent) think that Muslims are more prone to run amok and (47 percent) think that they are terrorists or extremist. Even more, Visayans tend to have a more negative view of Muslims than those from other geographic regions. A majority of them, (62 percent to 71 percent) agree that Muslims probably follow four of the negative stereotypes, while a plurality (42 percent) believes that Muslims are oppressive to women.” Furthermore, the same study “unequivocally conclude that a considerable percentage of Filipinos (33 percent to 39 percent) are biased against Muslims.”

Hence, there is a need to enact a law to penalize acts of discrimination against religion and ethnic origins. This Bill defines acts of discrimination as “committed when a person treats another less favorable on the basis of ethnic origin and/or religious affiliation or belief...”

To implement the ideals and purpose of the bill, it provides for the (1) creation of an equal opportunity policy for every agency, corporation, educational institution, and the like (Section 7, 2nd paragraph); (2) creation of the Equal Opportunity Committee in every agency, public or private (Section 8); and (3) it mandates the Commission on Human Rights, in coordination with the Office of Muslim Affairs and the National Commission on Indigenous Peoples, to prevent and deter commission of acts of discrimination.” (Section 10)

In view of the foregoing, immediate passage of this bill is sought.


SUSAN A. YAP
Representative, 2nd District of Tarlac

1 FIFTEENTH CONGRESS)
2 OF THE REPUBLIC OF THE PHILIPPINES)
3 First Regular Session)
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8 House Bill No. 354
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14 AN ACT
15 PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT
16 OF ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF

17 Be it enacted by the Senate and the House of Representatives of the Philippines in
18 Congress assembled:
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20 SECTION 1. *Short Title.* - This Act shall be known as "The Anti-Racial and Religious
21 Discrimination Act of 2010".
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23 SEC. 2. *Declaration of Policy.* - It is the policy of the State to:
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25 (a) Maintain peace and order, protect life, liberty and property, and promote the general
26 welfare for the enjoyment by all people the blessings of democracy;

27 (b) Promote a just and dynamic social order that will ensure the prosperity and
28 independence of the nation and free the people from poverty through policies that provide
29 adequate social services, promote full employment, a rising standard of living and an improved
30 quality of life for all;

31 (c) Recognize and promote the rights of indigenous cultural communities within the
32 framework of national unity and development; and

33 (d) Give the highest priority to the enactment of measures that protect and enhance the
34 right of all the people to human dignity; reduce social, economic and political inequalities; and
35 remove cultural inequities by equitably diffusing wealth and political power for the common
36 good.
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38 SEC. 3. *Meaning of Discrimination.* - The term "discrimination" as used in this Act shall mean any
39 distinction, exclusion or restriction made on the basis of ethnic origin or religious affiliation or
40 beliefs, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or
41 exercise by them of their human rights and fundamental freedoms in the political, economic,
42 social, cultural, civil or any other field, especially including, but not limited to, employment,
43 livelihood, housing, education and basic services.
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45 SEC. 4. *Definition of Terms.* - (1) "Ethnic origin" includes race, national origin and ethno-
46 linguistics origin.
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48 (2) "Indigenous peoples" shall, as provided under Section 3(h), Chapter II of
49 Republic Act No. 8371 or the "Indigenous People's Rights Act (IPRA) of 1997", refers to a
50 group of people who are regarded as indigenous on account of their descent from the
51 populations which inhabited the country, at the time of conquest or colonization, or at the
52 time of inroads of non-indigenous religions and cultures, or the establishment of present
53 state boundaries, who retain some or all of their own social, economic, cultural and political
54 institutions but who may have been displaced from their traditional domains or who may
55 have resettled outside their ancestral domains.
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57 (3) "Moro people" refers to the indigenous people who have historically inhabited
58 Mindanao, Palawan and Sulu, and who are largely of the Islamic faith.

(4) "Muslims" refers to those who are followers of the Islamic faith, whether from birth or by conversion.

(5) "Religious belief" means holding or not holding a religious belief or view and engaging in, not engaging in or refusing to engage in a religious activity.

(6) "Accommodation", as mentioned herein, includes a house, apartment, condominium, townhouse, flat, hotel, motel, boarding house, hostel and dormitory.

SEC. 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 agents must not discriminate against an applicant for a job by refusing employment to the person or by imposing on that person onerous terms and conditions on the basis of his ethnic background and/or religious affiliation or beliefs. Likewise, an employer or his 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 the 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 beliefs;

(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 he 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;

(d) *Discrimination in Accommodation* - A person or his 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 beliefs; and

(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 and civil spheres on the basis of ethnic background and/or religious beliefs.

SEC. 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 to commit acts of discrimination shall also be liable under this Act. Likewise, a person who is duty bound to act on complaints of 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.

SEC. 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 for in Section 8 hereof. Failure to do so shall be deemed refusal to address discrimination, and shall be penalized as an act of discrimination.

SEC. 8. *Equal Opportunity Committees.* - In order to ensure 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 or 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.

SEC. 9. *Penal Clause.* - Any person liable under this Act shall be penalized by imprisonment for a period of not less than thirty (30) days or more than six (6) months and/or a fine of not less than Ten thousand pesos (Php10,000.00) nor more than One hundred thousand pesos (Php100,000.00), taking into consideration the circumstances and gravity of the offense.

SEC. 10. *Duty of the Commission on Human Rights (CHR).* - It shall be the duty of the Commission on Human Rights (CHR), in coordination with the Office on Muslim Affairs (OMA) and the National Commission on Indigenous Peoples (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, the CHR shall:

(a) Promulgate appropriate rules and regulations prescribing the procedure for the investigation of discrimination cases against their people and the administrative sanctions therefore;

(b) Ensure the creation of committees on equal opportunity in different agencies, corporations, companies and educational institutions, whether private or public; and

(c) Require and supervise the agencies, corporations, companies and educational institutions, whether private or public, in the implementation of this Act.

SEC. 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.

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

SEC. 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,