

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 2093

Introduced by **Hon. Mark Aeron H. Sambar**

EXPLANATORY NOTE

The Constitution, Article 2, Section 13 provides:

SEC. 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

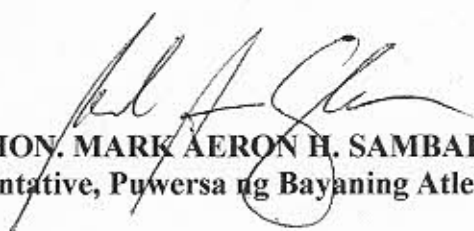
The Constitution, Article 14, Section 19, paragraph 1 states:

SEC. 19. (1) The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.

We derive much of our country's pride from the world class performance of our athletes. To be competitive, we train our children young and build on their potentials in the course of their development. Our educational institutions have played a significant role in nurturing our young talents while also providing them good education that they may have other options in life outside of sports. However, sports is also considered a business from where athletes and their families pin their hopes on striking a fortune. Poverty and ignorance, in many instances, have made these athletes and families easy prey for unscrupulous sports agents who promise them the world without fully informing them of the consequences of engaging their services.

There is thus a need for legislation which will curb the deceptive practice of some sports agents in signing student athletes and allow the educational institutions to be informed of such contracts for the students to be protected from its possible detrimental effects.

This bill seeks to regulate the conduct of athlete agents and require disclosure of agency contracts to the educational institutions.



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Representative, Pwersa ng Bayaning Atleta Party List

separately, the athletic program for male students or the athletic program for female students, whichever is appropriate;

D. ENDORSEMENT CONTRACT- means an agreement under which a student athlete is employed or receives consideration for the use by the other party of that individual's person, name, image, or likeness in the promotion of any product, service, or event;

E. INTERCOLLEGIATE SPORT- means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of college athletics;

F. PROFESSIONAL SPORTS CONTRACT- means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete;

G. STUDENT ATHLETE- means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. An individual who is permanently ineligible to participate in a particular intercollegiate sport is not a student athlete for purposes of that sport.

SECTION 3. *Prohibited Conduct* - It is unlawful for an athlete agent to-

A. directly or indirectly recruit or solicit a student athlete to enter into an agency contract, by-

1. giving any false or misleading information or making a false promise or representation;

or

2. providing anything of value to a student athlete or anyone associated with the student athlete before the student athlete enters into an agency contract;

B. enter into an agency contract with a student athlete without providing the student athlete with the disclosure document described in Section 4; or

C. fail to disclose in the contract the percentage of his share in the earnings and whatever fees he intends to collect from the student athlete;

D. or postdate an agency contract.

1 SECTION 4 *Disclosure By Athlete Agents To Student Athletes.* - In conjunction with the
2 signing of an agency contract, an athlete agent shall provide to the student athlete, or, if the
3 student athlete is under the age of 18 to such student athlete's parent or legal guardian, a
4 disclosure document that meets the requirements of this Act. Such disclosure document is
5 separate from and in addition to any other disclosure as may be required by law.

6 SECTION 5. *Signature of Student Athlete.* - The disclosure document must be signed by
7 the student athlete, or, if the student athlete is under the age of 18 by such student athlete's parent
8 or legal guardian, prior to the signing of the agency contract.

9 SECTION 6. *Required Language.* - The disclosure document must contain, in close
10 proximity to the signature of the student athlete, or, if the student athlete is under the age of 18,
11 the signature of such student athlete's parent or legal guardian, a conspicuous notice in boldface
12 type stating:

13 **'Warning to Student Athlete: If you agree orally or in writing to be represented by**
14 **an agent now or in the future you may lose your eligibility to compete as a student athlete**
15 **in your sport. Within 72 hours after entering into this contract or before the next athletic**
16 **event in which you are eligible to participate, whichever occurs first, both you and the**
17 **agent by whom you are agreeing to be represented must notify the athletic director of the**
18 **educational institution in which you are enrolled, or other individual responsible for**
19 **athletic programs at such educational institution, that you have entered into an agency**
20 **contract.'**

21 SECTION 7. *Notice to Educational Institutions.* - Within 72 hours after entering into an
22 agency contract or before the next athletic event in which the student athlete may participate,
23 whichever occurs first, the athlete agent and the student athlete shall each inform the athletic
24 director of the educational institution in which the student athlete is enrolled, or other individual
25 responsible for athletic programs at such educational institution, that the student athlete has
26 entered into an agency contract, and the athlete agent shall provide the athletic director with

1 notice in writing of such a contract. Such notice shall contain a waiver that protects the
2 educational institutions from any action that may arise as a result of entering into such contract.

3 SECTION 8. *Penalty.* - Any person who shall violate the provisions of this Act shall
4 upon conviction, be subject to a fine of not less than One thousand pesos (P1,000.00) but not
5 more than fifty thousand pesos (P50,000.00) or imprisonment of not less than two (2) months but
6 not more than one (1) year, or both upon the discretion of the court.

7 SECTION 9. *Rules.* - The Department of Education shall promulgate rules upon
8 consultation with the Philippine Sports Commission to ensure compliance with this Act.

9 SECTION 10. *Separability Clause.* - If any provision or part hereof, is held invalid or
10 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
11 valid and subsisting.

12 SECTION 11. *Repealing Clause.* - Any law, presidential decree or issuance, executive
13 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent
14 with the provision of this Act is hereby repealed, modified, or amended accordingly.

15 SECTION 12. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
16 publication in at least two (2) newspapers of general circulation.

Approved,