

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session



COMMITTEE REPORT NO. 1182

Submitted by the COMMITTEE ON NATIONAL CULTURAL COMMUNITIES on 06 JUN 2011

RE : House Bill No. 4807
Recommending its approval in substitution of House Bills Numbered 354, 647, 2781 and 3440

Sponsors : Representatives Teddy Brawner Baguilat, Susan A. Yap, Juan Edgardo M. Angara, Rufus B. Rodriguez, and Maximo B. Rodriguez, Jr.

MR. SPEAKER:

The Committee on National Cultural Communities to which was referred House Bills Numbered 354, 647, 2781 and 3440 introduced by the Honorable Susan A. Yap, Juan Edgardo M. Angara, Tupay T. Loong, Rufus B. Rodriguez, and Maximo B. Rodriguez, Jr., entitled:

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

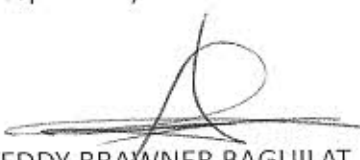
4807

has considered the same and recommends that the attached House Bill No. _____, entitled:

"AN ACT PROHIBITING RACIAL, ETHNIC AND RELIGIOUS DISCRIMINATION"

be approved in substitution of House Bills Numbered 354, 647, 2781 and 3440 with Representatives Susan A. Yap, Juan Edgardo M. Angara, Teddy Brawner Baguilat, Tupay T. Loong, Rufus B. Rodriguez, and Maximo B. Rodriguez, Jr. as authors thereof.

Respectfully submitted:


TEDDY BRAWNER BAGUILAT
Committee Chairman
National Cultural Communities

THE HONORABLE SPEAKER
House of Representatives
Quezon City

FACT SHEET

House Bill No. **4807**

(As Approved on September 22, 2011)

(In substitution of House Bill Nos. 354, 647, 2781 and 3440)

AN ACT PROHIBITING RACIAL, ETHNIC AND RELIGIOUS DISCRIMINATION

Introduced by : **REPRESENTATIVES SUSAN A. YAP,
JUAN EDGARDO M. ANGARA,
TUPAY T. LOONG, RUFUS B. RODRIGUEZ,
and MAXIMO B. RODRIGUEZ, JR.**

Committee Referral: **NATIONAL CULTURAL COMMUNITIES**
Committee Chairperson: **REP. TEDDY BRAWNER BAGUILAT**

OBJECTIVES:

- To accord the highest priority as a matter of State Policy 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.
- To strengthen the protection clause on the rights of the indigenous communities as enshrined in the Constitution and Republic Act No. 8371 (Indigenous Peoples Rights Act of 1997), specifically Section 21 (Equal Protection and Non-discrimination of ICCs/IPs) and Section 25 (Basic Services).

KEY PROVISIONS:

- Mandates the Commission on Human Rights (CHR) to prevent or deter the commission of, and prosecute acts of discrimination.
- Mandates the CHR to provide legal assistance to victims of discrimination.
- Provides for the reparations to victims of discrimination.
- Defines and identifies the acts that constitute "discrimination" and provides penalties for said acts.
- Provides for the creation of Non-Discrimination and Equal Opportunity Committee in all agencies, corporations, companies and educational institutions both private and public.

RELATED LAWS:

- Philippine Constitution
- Republic Act 8371 Indigenous Peoples Rights Act (IPRA) (R.A. 8371)
- Human Security Act of 2007 (R.A. 9372)
- 1982 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- 1993 Resolution on the Elimination of All Forms of Religious Intolerance
- 1948 Universal Declaration of Human Rights

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4807

(In substitution of House Bill Nos. 354, 647, 2781 and 3440)

Introduced by Representatives Susan A. Yap, Juan Edgardo M. Angara, Tupay
T. Loong, Rufus B. Rodriguez, and Maximo B. Rodriguez, Jr.

**AN ACT PROHIBITING RACIAL, ETHNIC AND RELIGIOUS
DISCRIMINATION**

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

1 **SECTION 1. Short Title.** – This Act shall be known as “The Anti-Racial,
2 Ethnic and Religious Discrimination Act of 2011.”

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to:

4 a. Maintain peace and order, protect life, liberty and property, and
5 promote the general welfare for the enjoyment of the blessings of democracy by
6 all people;

7 b. Promote a just and dynamic social order that will ensure the
8 prosperity and independence of the nation and free peoples from poverty
9 through policies that provide adequate social services, promote full
10 employment, a rising standard of living and an improved quality of life;

11 c. Recognize and promote the rights of indigenous cultural
12 communities within the framework of national unity and development; and

13 d. Give the highest priority to the enactment of measures that protect
14 and enhance the right of all the people to human dignity; reduce social,
15 economic and political inequalities; and remove cultural inequities by equitably
16 diffusing wealth and political power for the common good.

17 **SEC. 3. Definition of Terms.** – For the purpose of this Act, the

1 following terms shall mean:

2 a. **Accommodation** shall refer to a house, apartment, condominium,
3 townhouse, flat, hotel, villa, motel, boarding house, hostel and dormitory.

4 b. **Discrimination** shall refer to any distinction, exclusion, restriction or
5 reference made on the basis of race, color, descent, national or ethnic origin,
6 religion, or religious affiliation or beliefs, whether perceived or actual, which has
7 the effect or purpose of impairing or nullifying the recognition, enjoyment or
8 exercise, on an equal footing, of the human rights and fundamental freedoms in
9 the political, economic, social, cultural, civil, or any other field of public life of a
10 person.

11 c. **Education** shall refer to all types and levels of education, and
12 includes access to education, the standard and quality of education, and the
13 conditions under which it is given.

14 d. **Employment** shall refer to the existence of an employer-employee
15 relationship, which is determined by the four-fold test: 1) selection of the
16 employee; 2) payment of wages; 3) power of dismissal; and 4) power of control.
17 This definition shall apply to regular, probational, contractual, seasonal, and
18 project-based workers. In legitimate contracting or sub-contracting
19 arrangements, the contractor/subcontractor shall be deemed the employer of
20 the contractual employee.

21 e. **Ethnic origin** shall refer to the race, color, descent, national origin
22 and ethno-linguistics origin of a person.

23 f. **Goods and services** shall refer to the material and non-material
24 products or things of value offered for sale to satisfy needs and wants for
25 survival, comfort, or pleasure such as, but not limited to, that provided by
26 restaurants, resorts, hotels, clubs, stores, and shopping malls or acts or
27 services provided by financial establishments, public utilities, professionals,
28 maintenance and repair workers, laborers, etc.

29 g. **Indigenous peoples**, as provided under Section 3(h), Chapter II
30 of Republic Act No. 8371 or the "Indigenous Peoples Rights Act (IPRA) of
31 1997," shall refer to a group of people or homogenous societies identified by
32 self-ascription and ascription by other, who have continuously lived as an
33 organized community on communally bounded and defined territory, and who

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

12 h. **Moro peoples** shall refer to indigenous peoples who are of the
13 Islamic faith, and who have historically inhabited some parts of Mindanao and
14 other parts of the Philippine archipelago.

15 i. **Muslims or Moslems** shall refer to followers of the Islamic faith,
16 whether from birth or by conversion.

17 j. **Religious belief** refers to a strong belief in a supernatural power
18 or powers that control human destiny.

19 **SEC. 4. Acts of Discrimination.**— Discrimination is committed when a
20 person treats another less favorably on the basis of race, ethnic origin, religion,
21 or religious affiliation or beliefs than the person treats or would treat another
22 without that attribute, or with a different attribute, on the same or similar
23 circumstances in the political, economic, social, cultural, civil, or any other field
24 of public life, to include, but not limited to:

25 a. *Discrimination in Political Participation.*— Any person acting as principal or
26 agent shall be liable for discrimination through the commission of any of the
27 following acts:

- 28 (1) preventing, impeding, prohibiting, obstructing or intervening in the
29 exercise of political rights by another, including but not limited to, the
30 right to vote in a national or local election, both regular or special, or
31 in a plebiscite, both initiative or referendum;
32 (2) imposing onerous terms before these political rights are granted,
33 preserved or protected; or

1 (3) subjecting another person who wishes to exercise a political right to
2 any other detriment,
3 on the basis of race, ethnic origin, religion, or religious affiliation or beliefs of the
4 person or of any relative, representative or assignees of the person.

5 b. *Discrimination in Employment.* –

6 (1) Any employer or head of a firm, company or organization shall be
7 liable for discrimination by:

8 (a) refusing or failing to employ another for work of any type or
9 kind which is available and for which the person is qualified, or
10 by imposing on the person onerous terms and conditions on
11 the basis of race, ethnic origin, religion, or religious affiliation or
12 beliefs;

13 (b) denying or limiting access of an employee to the same terms
14 and conditions of work, opportunities for training, transfer or
15 promotion, or to other benefits connected with the employment,
16 as are made available for other employees having the same
17 qualifications and employed in the same circumstances or work
18 of the same kind or type, or by imposing on the person onerous
19 terms and conditions on the basis of race, ethnic origin,
20 religion, or religious affiliation or beliefs; or

21 (c) dismissing an employee, or subjecting an applicant for
22 employment or an employee to any other detriment, on the
23 basis of race, ethnic origin, religion, or religious affiliation or
24 beliefs.

25 (2) Any person acting as principal or agent in procuring employment for
26 other persons or procuring employees for an employer shall be liable for
27 discrimination by treating an applicant seeking employment less favorably than
28 another person in the same circumstances on the basis of race, ethnic origin,
29 religion, or religious affiliation or beliefs of the person or of any relative,
30 representative or assignees of the person seeking employment.

31 (3) Any person acting as principal or agent of an organization of
32 employers or employees, or any person acting or purporting to act on behalf of
33 such organization, shall be liable for discrimination by preventing or seeking to

1 discriminated persons to legal remedies under the Act and related laws, and
2 enhance the protection and promotion of the rights of the Filipino people against
3 discrimination on the basis of racial or ethnic origin and religious belief or
4 affiliation.

5 e. Coordinate with the Department of Education (DepEd) for the
6 promotion of understanding and racial harmony in schools, and the review of
7 books and reference materials that portray indigenous peoples or certain
8 religious practices in a discriminatory way;

9 f. Conduct consultations with indigenous peoples and religious
10 organizations; and

11 g. Assist in the filing of cases against individuals, agencies,
12 institutions, or establishments, whether private or public, that violate the
13 provisions of the Act. For this purpose, the CHR shall:

14 (1) Provide legal assistance to victims of discrimination such as
15 through the preparation of necessary pleadings, referral
16 letters, and counseling;

17 (2) Forge Memoranda of Agreement with Bar Associations,
18 nongovernmental organizations, law firms, and organizations
19 that provide legal aid to victims of discrimination to ensure
20 adequate and competent legal representation for the
21 complainants;

22 (3) Accredite lawyers who will accept *pro bono* cases under the
23 Act; and

24 (4) Create an efficient system of case referrals to appropriate
25 government departments or agencies.

26 **SEC. 7. Responsibility to Promote a Non-Discrimination and Equal**
27 **Opportunity Environment.**— It shall be the duty of every person, natural or
28 juridical, public or private, to ensure non-discrimination and equal opportunity for
29 all persons in relating to actual or prospective employees, students, tenants,
30 customers or clients, and that no discriminatory acts, as defined herein, is
31 committed by them or their agents in the areas defined under Section 4 of this
32 Act.

33 For this purpose, agencies, corporations, companies and educational

1 institutions as well as any person providing employment, housing, education
2 and the delivery of basic goods and services shall issue a non-discrimination
3 and equal opportunity policy, and create a Non-Discrimination and Equal
4 Opportunity Committee in their respective organizations, as provided for in
5 Section 8 hereof. Failure to do so shall be deemed as refusal to address
6 discrimination and shall be considered as an act of discrimination subject to the
7 penalty provided for in Section 9 hereof.

8 **SEC. 8. Non-Discrimination and Equal Opportunity Committees.**— In
9 order to ensure compliance with this Act, all agencies, corporations, companies
10 and educational institutions, whether private or public, shall create a Non-
11 Discrimination and Equal Opportunity Committee, which shall exercise
12 administrative jurisdiction to investigate acts and practices of discrimination
13 under this Act.

14 The Committee shall, among others, conduct the initial investigation of
15 cases constituting discrimination on the basis of race, ethnic background,
16 religion, religious affiliation or religious beliefs. The result and findings of such
17 investigation shall be submitted to and acted upon by the Commission on
18 Human Rights (CHR) which shall have sole jurisdiction over administrative
19 cases of discrimination.

20 Any administrative sanction on the perpetrator of discrimination shall not
21 be a bar to any prosecution in the proper courts on any act of discrimination
22 committed on the basis of race, ethnic background, religion, religious affiliation
23 or religious beliefs, or to any civil claim for damages suffered by the victim of
24 discrimination.

25 **SEC. 9. Common Penal Provisions.**— Any person liable under this Act
26 shall be penalized by *arresto mayor* or imprisonment for a period of not less
27 than thirty (30) days or more than six (6) months and/or a fine of not less than
28 Ten Thousand Pesos (Php10,000.00) nor more than One Hundred Thousand
29 Pesos (Php100,000.00), taking into consideration the circumstances and gravity
30 of the offense and the following conditions, *to wit*:

31 a. The penalty provided under this Act shall be imposed in its
32 maximum period if the offender has been previously convicted under this Act;

33 b. When the offender is a corporation, partnership or association, the

1 officer or employee thereof who is responsible for the violation of this Act shall
2 suffer the penalty imposed in its maximum period;

3 c. The penalty provided herein shall be imposed in its maximum
4 period when the perpetrator is an ascendant, parent, guardian, stepparent or
5 collateral relative within the second degree of consanguinity or affinity of the
6 victim, or is the manager or owner of an establishment which has no license to
7 operate or whose license has expired or has been previously revoked;

8 d. An offender who a foreigner shall be deported immediately after
9 service of sentence and shall be forever barred entry into the country;

10 e. The penalty provided for in this Act shall be imposed in its maximum
11 period if the offender is a public official, officer or employee: *Provided*, That the
12 penalty of suspension shall also be imposed; and

13 f. A fine to be determined by the court shall be imposed, which shall be
14 remitted by the Courts to the Commission on Human Rights to be administered
15 as a cash fund and disbursed for the assistance of the victims.

16 **SEC. 10. Administrative Proceedings and Sanctions.**— Upon finding
17 by the CHR that a department, agency, or instrumentality of government,
18 government-owned and –controlled corporation, or local government unit has
19 violated any provision of this Act and its implementing rules and regulations, the
20 sanctions under administrative law, civil service, or other appropriate laws shall
21 be recommended to the Civil Service Commission and/or the Department of the
22 Interior and Local Government. The person directly responsible for the violation
23 as well as the head of the agency or local chief executive shall be held liable
24 under this Act.

25 **SEC 11. Reparation to Victims.**— In addition to existing laws and
26 procedural rules for reparation to victims, the following measures shall be
27 undertaken:

28 a. The court, administrative agency, or quasi-judicial body shall follow
29 the principles relating to the reparations to, or in respect of, victims, including
30 restitution, compensation and rehabilitation. In their decisions, the court,
31 administrative agency, or quasi-judicial body may, either upon request or on
32 their own volition, in exceptional circumstances, determine the scope and extent
33 of any damage, loss or injury to the victims, stating therein the principles on

1 which they are acting;

2 b. The court, administrative agency, or quasi-judicial body may make
3 an order directly against a convicted person, specifying appropriate reparation
4 to, or in respect of, victims, including restitution, compensation and
5 rehabilitation; and

6 c. Before making an order under this section, the court,
7 administrative agency, or quasi-judicial body shall invite and shall take into
8 account representations from, or on behalf of, the convicted person, victims or
9 other interested persons.

10 Nothing in this section shall be interpreted as prejudicing the rights of
11 victims under national or international law.

12 **SEC. 12. *Separability Clause.***— If any portion or provision of this Act is
13 declared void or unconstitutional, the remaining portions or provisions hereof
14 shall not be affected by such declaration.

15 **SEC. 13. *Repealing Clause.***— Any provision of law or regulations
16 inconsistent herewith is hereby repealed, revoked or modified accordingly.

17 **SEC. 14. *Effectivity.***— This Act shall take effect after fifteen (15) days
18 following its publication in the Official Gazette or in two (2) national newspapers
19 of general circulation in the Philippines.

20 Approved,
21

FIFTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session

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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6 HOUSE OF REPRESENTATIVES

7
8 House Bill No. 354
9

10
11 Introduced by Representative Susan A. Yap
12

13 AN ACT
14 PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT
15 OF ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF
16

17 Be it enacted by the Senate and the House of Representatives of the Philippines in
18 Congress assembled:
19

20 SECTION 1. *Short Title.* - This Act shall be known as "The Anti-Racial and Religious
21 Discrimination Act of 2010".
22

23 SEC. 2. *Declaration of Policy.* - It is the policy of the State to:
24

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.
37

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.
44

45 SEC. 4. *Definition of Terms.* - (1) "Ethnic origin" includes race, national origin and ethno-
46 linguistics origin.
47

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.
56

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

1 prospective employees, students, tenants, customers or clients, and that no discriminatory
2 acts, as defined herein, is committed by them or their agents in the areas of employment,
3 housing, education and delivery of basic goods and services.

4
5 For this purpose, every agency, corporation, company and educational institution, as well as
6 any other person providing employment, housing, education and delivery of basic goods
7 and services, shall issue an equal opportunity policy, including the creation of an Equal
8 Opportunity Committee, as provided for in Section 8 hereof. Failure to do so shall be
9 deemed refusal to address discrimination, and shall be penalized as an act of discrimination.

10
11 SEC. 8. *Equal Opportunity Committees.* - In order to ensure the compliance of this Act,
12 agencies, corporations, companies and educational institutions, whether private or public,
13 shall create an Equal Opportunity Committee which shall have administrative jurisdiction
14 over cases involving discrimination under this Act.

15
16 The committee shall be tasked, among others, to conduct the investigation of alleged cases
17 constituting discrimination on the basis of ethnic origin and/or religious affiliation or beliefs.
18 Administrative sanctions shall not be a bar to any prosecution in the proper courts or any act
19 of discrimination committed on the basis of ethnic origin and/or religious affiliation or
20 beliefs, or to any civil claims for damages caused by said act.

21
22 SEC. 9. *Penal Clause.* - Any person liable under this Act shall be penalized by imprisonment
23 for a period of not less than thirty (30) days or more than six (6) months and/or a fine of not
24 less than Ten thousand pesos (Php10,000.00) nor more than One hundred thousand pesos
25 (Php100,000.00), taking into consideration the circumstances and gravity of the offense.

26
27 SEC. 10. *Duty of the Commission on Human Rights (CHR).* - It shall be the duty of the
28 Commission on Human Rights (CHR), in coordination with the Office on Muslim Affairs
29 (OMA) and the National Commission on Indigenous Peoples (NCIP) to prevent or deter the
30 commission of acts of discrimination and to provide the procedures for the resolution,
31 settlement or prosecution of acts of discrimination. Towards this end, the CHR shall:

32
33 (a) Promulgate appropriate rules and regulations prescribing the procedure for the
34 investigation of discrimination cases against their people and the administrative sanctions
35 therefore;

36
37 (b) Ensure the creation of committees on equal opportunity in different agencies,
38 corporations, companies and educational institutions, whether private or public; and

39
40 (c) Require and supervise the agencies, corporations, companies and educational
41 institutions, whether private or public, in the implementation of this Act.

42
43 SEC. 11. *Separability Clause* - If any portion or provision of this Act is declared void or
44 unconstitutional, the remaining portions or provisions hereof shall not be affected by such
45 declaration.

46
47 SEC. 12. *Repealing Clause.* - Any provision of law or regulations inconsistent herewith is
48 hereby repealed, revoked or modified accordingly.

49
50 SEC. 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2)
51 newspapers of general circulation.

52 Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 647

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

Article 111, Section 1, of the Bill of Rights of the 1987 Philippine Constitution provides for the equal treatment of all individuals. The State is therefore mandated to protect its citizens against all forms of discriminatory acts in order to promote equal protection and eliminate stereotypes and prejudices.

The Constitution likewise provides that the Philippines adopts the generally accepted principles of international law as part of the law of the land (Art. 11, Sec. 2). Under the International Covenants on Economic, Social and Cultural Rights, as well as on Civil and Political Rights, state parties like the Philippines should guarantee and ensure respect for the rights of individuals, 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.

It is therefore the intent of the bill to provide for a law that prohibits discrimination against people of different ethnic and religious backgrounds. By ensuring equal treatment for all individuals, it is hoped that this legislation will foster peace in all the three major islands of the Philippines, with emphasis on Mindanao where Muslims constitute a large portion of the population. The recently concluded issue on the MOA-AD was obviously an indication of how passionate our brothers and sisters from Mindanao are about their freedom, including their freedom from being discriminated.

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



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

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

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

SECTION 1. Short Title. This Act shall be known as "*The Anti-Discrimination Act of 2010.*"

SEC. 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 ensure 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 promote the rights of indigenous cultural communities within the framework of national unity and development; and
- (d) Give the 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.

SEC. 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.

SEC. 4. Definition of Terms.

(a) "Ethnic origin" includes race, national origin and ethno-linguistics origin.

(1) "Indigenous peoples" shall, as provided under Section 3(h), Chapter II of Republic Act No. 8371 or the "Indigenous People's Rights Act (IPRA) of 1997", refers 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.

(2) "Moro people" refers to the indigenous people who have historically inhabited Mindanao, Palawan and Sulu, and who are largely of the Islamic faith.

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

(c) "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.

(d) "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 nor 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) 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,



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2781

Introduced by HON. TUPAY T. LOONG of the 1st District of Sulu

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 All Persons. 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 and adverse treatment or discrimination against Muslims/MORO people and Indigenous Peoples or 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 Indigenous Peoples. 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.

As part of the global community, the Philippines is aware of the United Nations declarations on religious intolerance, which have become more relevant in present times where the backlash of the September 11, 2001 has been greatly felt by Muslims all over the world. The Muslims in Mindanao and elsewhere in the Philippines are no exception. Thus, in keeping with the 1981 Declaration On The Elimination Of All

Forms Of Intolerance And Of Discrimination Based On Religion Or Belief, and the 1993 Resolution on the Elimination Of All Forms Of Religious Intolerance, this Act addresses religious and other forms of discrimination.

To be sure, discriminatory attitudes or practice will not be corrected by legislation alone, even penal ones like this Act PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF. 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.


HON. TUPAY T. LOONG



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2781

Introduced by HON. TUPAY T. LOONG of the 1st District of Sulu

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

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

SECTION 1. Short Title. - This Act shall be known as "**The Anti-Racial and Religious Discrimination Act of 2010.**"

SEC. 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 ensure 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 promote the rights of indigenous cultural communities within the framework of national unity and development; and
- d) Give the 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.
- e) **SEC. 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.

 3

SEC. 4. Definition of Terms. -

- 1) "**Ethnic origin**" includes race, national origin and ethno-linguistics origin.
- 2) "**Indigenous peoples**" shall, as provided under Section 3(h), Chapter II of Republic Act No. 8371 or the "Indigenous People's Rights Act (IPRA) of 1997", refers 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.
- 3) "**Moro people**" refers to the indigenous people who have historically inhabited 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 nor more than six (6) months and/or a fine of not less than Ten thousand pesos (Php 10,000.00) nor more than One hundred thousand pesos (Php 100,000.00), 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:

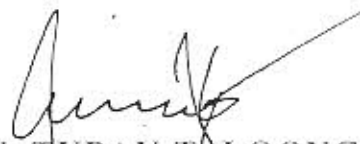
- a) Promulgate appropriate rules and regulations prescribing the procedure for the investigation of discrimination cases against their people and the administrative sanctions therefore;
- b) Ensure the creation of committees on equal opportunity in different agencies, corporations, companies and educational 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,


HON. TUPAY TOLOONG

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 3440

EXPLANATORY NOTE

The Constitution mandates that no person shall be denied the equal protection of the laws; provides for the rights of indigenous cultural communities and prohibits discrimination by reason of ethnic origin or religious belief.

Pursuant to these constitutional mandates, the State must prohibit discrimination against persons on account of ethnic origin and/or religious belief.

Approval of this is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 3440

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:*

SEC.1. Short Title – This Act shall be known as “**The Anti-Racial
and Religious Discrimination Act of 2010**”.

SEC.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 of the blessings of democracy;
- (b) Promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through the promotion of full employment, a rising standard of living and an improved quality of life for all;
- (c) Recognize and promote the rights of indigenous culture communities within the framework of national unity and development; and
- (d) Give the 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 culture inequities by equitably diffusing wealth and political power for the common good.

SEC.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, culture, civil or any other field , especially including, but not limited to employment, livelihood, housing, education and basic service.

SEC.4. Definition of Terms – (1) "Ethnic origin" includes race, national origin and ethno-linguistics origin.

(2) "Indigenous peoples" shall, as provided under Section 3(h), Chapter II of Republic Act No. 8371 or the "indigenous People's Rights Act (IPRA) of 1997" refer to a group of people who are regarded as indigenous on account of their decent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religious and cultures, or the establishment of present state boundaries, who retain some or all their own social, economic, culture and political institutions but who may have been displaced from their traditional domains or who have resettled outside their ancestral domains.

(3) "Moro people" refers to the indigenous people who have historically inhabited 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 student or by denying or limiting access of a student to any benefit or privilege 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 belief;

(c) Discrimination in the Delivery of Goods and Service – 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 belief; and

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 person 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 acts.

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 nor 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 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, 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, corporation, 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.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Minutes of the Meeting of the Committee on National Cultural Communities held on September 22, 2010 at 9:30 in the morning, Mitra Hall 5, House of Representatives, Quezon City.

MEMBERS IN ATTENDANCE:

Rep. Teddy Brawner Baguilat, Jr. – Committee Chairman
Rep. Maximo B. Dalog – Vice Chairman
Rep. Carlos M. Padilla
Rep. Romeo M. Acop
Rep. Arlene J. Bag-ao
Rep. Dakila Carlo E. Cua
Rep. Reynaldo V. Umali
Rep. Leopoldo N. Bataoil

AUTHORS:

Rep. Tupay T. Loong

GUESTS:

1. Atty. Rhandolfo Amansec, Director for Legal, Land Registration Authority (LRA)
2. National Commission on Indigenous Peoples (NCIP)
Roque N. Agton – Chairman
Masli Quilaman – Executive Director
Jonathan Adaci – Legal Officer, Region 3
Jose Dumagan – Regional Director, Region XIII Caraga
Jeanette Manuel – Chief, Survey Division
Alfonso Catolin – Regional Director, Regions VI, VII, VIII
3. Manobo Tribe of Agayon Supreme Datu Hawodon Cugbahon Tagleong Coguit
Bae Merlyn Tagleong Coguit – Tribal Leader, CADT 117 Holder
Datu Bunanat Hernandez – Administrator
4. Aurora Dumagat tribal group

HIGHLIGHTS:

1. The Committee approved the proposed substitute bill consolidating H.B. Nos. 354, 647, 2781 & 3440 AN ACT PROHIBITING RACIAL, ETHNIC AND RELIGIOUS DISCRIMINATION, authored by Reps. (S.) Yap, Angara, Loong, (R) Rodriguez & (M) Rodriguez, respectively.
2. Atty. Rhandolfo Amansec of the Land Registration Authority (LRA) confirmed that his office has issued a Certificate of Ancestral Domain Title (CADT) to the Ati claim in Boracay Island. Director Alfonso Catolin of the National Commission on Indigenous Peoples (NCIP) corroborated this information, notwithstanding threats to their life.

Chairman Baguilat directed the committee secretariat to coordinate with the NCIP to arrange for the immediate awarding of the said CADT to the Ati indigenous community, and for the regional office of the NCIP to effect the subsequent transfer of the Ati to the area.

3. The Committee acted on a complaint filed by the group of Manobo tribe of Agusan del Sur on alleged irregularities committed by the National Commission on Indigenous Peoples (NCIP) Region XIII Caraga in the conversion and subsequent awarding of Certificate of Ancestral Domain Claim (CADC)-132 & Presidential Proclamation No. 2205 into Certificate of Ancestral Domain Title (CADT)-117 to beneficiaries who are not the real successors or heirs of CADC holder Datu Hawodon Cugbahan Tagleong Coguit of Agusan del Sur. The said complaint was endorsed by Speaker Feliciano Belmonte, Jr. to the Committee for appropriate action.

The complainants, Bae Merlyn Tagleong Coguit and Datu Bunanat Hernandez narrated the history of their tribe, establishing the existence of the tribe since time immemorial. Bae Merlyn alleged that Director for NCIP Region XIII (Caraga) Atty. Jose Dumagan deliberately manipulated the results of a community-initiated tribal consultation of the Manobo community resulting to factionalism in the community.

Director Dumagan assured the Manobo leaders that he has made changes in the CADT to reflect the wishes of the community, claiming that he has been in constant communication with Bae Merlyn regarding the said changes. Bae Merlyn confirmed that, indeed, she and Dir. Dumagan had talks. However, she negated his declaration that Dir. Dumagan informed her of his move to honor what the Manobo community agreed upon.

Dir. Dumagan informed the Manobo leaders that 112 hectares of the 67,878 hectares of Manobo CADT will be segregated and declared as alienable and disposable.

Datu Bunanat cautioned Dir. Dumagan that his tribe will only agree to the said segregation on condition that the said area will be awarded to genuine Manobo tribe.

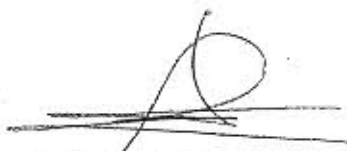
4. The Committee also heard the Dumagat-Agta of Aurora province who appealed to the Committee's intervention in order for the NCIP to commence its survey of their ancestral domains, including ancestral waters. According to them, their lands and waters have been encroached upon by the Asian Pacific Special Economic Zone (APECO) without their consent.

Chairman Baguilat informed the Dumagat guests that the Committee will make immediate representation in the NCIP and bring the matter to the attention of the Commission for expeditious resolution.

Chairman Baguilat adjourned the Committee meeting at 11:46 in the morning.



Prepared by: ADORA P. PUEBLOS
Committee Secretary



Noted by: TEDDY BRAWNER BAGUILAT
Committee Chairman