

HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3426



Introduced by Hon. Giorgidi B. Aggabao

EXPLANATORY NOTE

This bill aims to provide greater significance and meaning to Section 22 Article 11 of the 1987 Constitution which states that the State recognizes and promotes the rights of indigenous communities within the framework of national unity and development.

Our indigenous communities have as much capability and skills as their counterpart who live in the urbanized cities. It is therefore but fitting that equal access to opportunities particularly in employment is accorded them.

This bill requires government offices located in areas where there are predominant indigenous communities, to reserve at least ten percent (10%) of the positions in the rank and file to employ members of the indigenous communities subject to rules and regulations of the Civil Service Commission. Likewise, private enterprises who obtain loans, grants or other forms of financial assistance from government-owned or controlled banks or financial institutions shall be given preference to members of indigenous communities for employment to at least ten percent (10%) of its labor force.

Approval of this bill is earnestly sought.


GIORGIDI B. AGGABAO

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AN ACT
TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES TO MEMBERS
OF INDIGENOUS CULTURAL COMMUNITIES AND PREFERENCE
IN CERTAIN CASES AND FOR OTHER PURPOSES

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

SECTION 1. It is hereby declared the policy of the State to promote social justice by ensuring equal employment opportunities to members of indigenous cultural communities and to give them preference in areas where they are predominantly found.

SEC.2. It shall be unlawful for an employer:

- a) To refuse to hire or to discriminate against, with respect to compensation, terms, conditions of employment, or to discharge, any person because of his religion or ethnic origin; or
- b) To group, segregate or classify employees in a way which would deprive or tend to deprive any person of employment opportunities or otherwise adversely affect his status as an employee because of his religion or ethnic origin.

SEC. 3 It shall be unlawful for a labor union or federation:

- a) To exclude or expel from its membership any person because of his religion or ethnic origin; or
- b) To cause or attempt to cause an employer to discriminate against a person because of the latter's religion or ethnic origin.

The foregoing notwithstanding, it shall not be unlawful to employ any person on the basis of his religion or ethnic origin in those instances where religion or

ethnic origin is a bona fide occupational qualification reasonably necessary for the formal operation of the business or enterprise. Neither shall it be unlawful for a school, college, university or other educational institution to employ only a person of a particular religion or ethnic origin if the curriculum of such institution is aimed towards the propagation of such religion or ethnic aggrupation.

SEC.4 The government shall reserve at least ten percent (10%) of the rank and file positions in government service in areas where ICCs are predominantly found, for the employment of IPs/ICCs; Provided, That the appointments must be in accordance with the civil service laws.

SEC. 5 Every private enterprise with operations in areas where indigenous cultural communities are predominantly found, and which obtains loans, grants, or any kind of financial assistance from the government or any government-owned or controlled bank or financial institution in the amount equivalent to at least thirty percent (30%) of its total assets shall give preferential employment to IPs/ICCs by hiring them into at least ten percent (10%) of its labor force.

SEC. 6. Every employer shall respect the employee's right to actively participate in his religious or ethnic activities in line with the religious protection as well as limitations provided in the 1987 Constitution and jurisprudence.

SEC. 7. Any person responsible for the violation of any of the provisions of this Act shall be liable to pay a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than six (6) months nor more than six (6) years, or both.

SEC. 8. Chapter V, Section 23 of the Indigenous Peoples Rights Act or Republic Act 8371, Book 111, Book V, Title V, Article 246 of the Labor Code or Presidential Decree 442, as amended, and any law or parts thereof inconsistent with the provision of this Act are hereby repealed, modified or amended accordingly.

SEC. 9. This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers or general circulation.

Approved,