



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

EIGHTEENTH CONGRESS
First Regular Session

136

House Bill No. _____



Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

This measure provides protection against various forms of discriminatory practices. It does not accord additional entitlements to any communities instead; it ensures that violations or threats to human rights are addressed.

The fundamental law also declares that the State values the dignity of every human person and guarantees full respect for human rights (Section 11, Article 11, 1987 Constitution). It also imposes on the State the duty to ensure the fundamental equality before the law of women and men (Sec. 14, Id.).

The bill is also not simply punitive. It also recognizes that preventive measures are of equal importance. It responds to stigma, or the dehumanization of vulnerable individuals or communities, and ensures that respect for diversity is promoted. It thus supports the inclusion of various vulnerable communities in the government's social protection programs, and that within the private and public spheres, 'diversity programs' are established and implemented.

As the country moves towards the fulfillment of the guarantees provided by the Constitution and by various human rights instruments, discrimination needs to be addressed and eliminated. No Filipino should be left behind.

For these reasons, passage of this bill is earnestly sought.


GERALDINE B. ROMAN



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AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF ETHNICITY, RACE,
RELIGION OR BELIEF, SEX, GENDER, SEXUAL ORIENTATION, GENDER
IDENTITY AND EXPRESSION, LANGUAGE, DISABILITY, HIV STATUS,
EDUCATIONAL ATTAINMENT AND OTHER FORMS OF DISCRIMINATION,
AND PROVIDING PENALTIES THEREFOR

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 Comprehensive Anti - Discrimination Act."

SECTION 2. Declaration of Policy. - The State recognizes the fundamental right of every person, regardless of sex, age, class, status, ethnicity, color, disability, religious and political beliefs, sexual orientation or gender identity, to be free from any form of discrimination. It shall therefore intensify its efforts to fulfill its duties under international and domestic laws to respect, protect and fulfill the rights and dignity of every individual.

It is the policy of the State to work actively for the elimination of all forms of discrimination that offend the equal protection clause of the bill of rights and the state obligations under human rights instruments acceded to by the Republic of the Philippines, particularly those discriminatory practices based on sex or sexual orientation.

Towards this end, the State shall exert efforts to address all forms of discrimination and violence and to promote human dignity as enshrined in the United Nations Universal Declaration on Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, particularly the General Recommendation No. 28 on Non-discrimination Based on Sexual Orientation and Gender Identity, Convention on the Rights of the Child, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory of. Towards this end, discriminatory practices as defined herein shall be proscribed and penalized.

SECTION 3. Definition of Terms. -For the purpose of this Act, the following terms shall mean:

- a. **Accommodation** shall refer to a house, apartment, condominium, townhouse, flat, hotel, villa, motel, boarding house, hostel, dormitory, elderly homes, detention centers, rehabilitation facilities, orphanages, health facilities, including mental health facilities, birthing homes and hospital clinics, detention centers, camping grounds and other analogous places, whether public or private;
- b. **Disability** refers to: 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; 2) a record of such an impairment; or 3) being regarded as having such an impairment;
- c. **Discrimination** constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the protected attributes such as race, color, descent, national or ethnic origin, religion, religious affiliation or belief, political or other opinion, sex, gender, sexual orientation, gender identity, gender expression, nationality, age, economic position, property, marital or relationship status, birth or other status, disability, health status or medical history, HIV status, language and physical features, which have the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of political, civil, economic, social, or cultural rights. Discrimination, which also includes incitement to discriminate and harassment, is a result of stigma;
- d. **Education and Training** shall refer to all types and levels of education, and includes access, standard and quality of education, and the conditions under which the same is given;
- e. **Employment** shall refer to the existence of an employer-employee relationship, as determined by existing law and jurisprudence, as well as all terms, conditions and privileges relating to work in public and private institutions, including recruitment policies, application procedures, training, incentives, compensation, determination of benefits or allowances, promotion, advancement opportunities, transfer and dismissal.
- f. **Ethnic Origin** shall refer to the classification of people based on common color, descent, racial, national, tribal, religious, ethno-linguistic or cultural origin or background;
- g. **Gender Expression** refers to the outward manifestations of the cultural traits that enable a person to identify as male or female according to patterns that a given society defines as gender appropriate at a particular moment in history;
- h. **Gender Identity** refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex;
- i. **Goods and Services** shall refer to the material and nonmaterial products or things of value offered for sale to satisfy needs and wants for survival, comfort, or pleasure, such as but not limited to that provided by restaurants, resorts, hotels, clubs, stores and

shopping malls, or acts or services provided by financial establishments, public utilities, professionals, maintenance and repair workers, laborers, among others;

- j. **Health Status** refers to a person's physical or mental health;
- k. **HIV Status** refers to the presence or absence of the human immunodeficiency virus (HIV) in the body of an individual;
- l. **Indigenous Peoples** shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) shall likewise include peoples 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;
- m. **Language** includes spoken and signed languages and other forms of non-spoken languages;
- n. **Marital or Relationship Status** refers to the personal status of each individual in relation to the marriage laws or customs of the country. The categories of marital status include any of the following: single, married, separated, widowed, or de facto spouse of another person. A de facto spouse of another person is defined to mean a person who cohabits or lives with another person in a relationship similar to marriage but is not legally married to that person;
- o. **Older persons** refer to any person who is at least sixty (60) years of age and also referred to as senior citizens;
- p. **Persons with Disabilities** refer to those persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- q. **Physical Features** refer to a person's height, size, weight or other bodily characteristics and any feature that a person chooses to acquire, such as tattoos and piercings;
- r. **Political Inclination** refers to a person's preference as regards membership or belief in a particular political party, organization or ideology;
- s. **Profiling** refers to reliance on prohibited grounds of discrimination in subjecting a person or group of persons, including any type of societal relations to investigatory activities, which include unnecessary, unjustified, illegal and degrading searches or

other investigatory activities, to determine whether an individual is engaged in an activity presumed to be unlawful, immoral or socially unacceptable;

- t. **Public Ridicule** refers to an act of making fun, contemptuous imitation or mockery of a person whether in writing, words or action;
- u. **Reasonable Accommodation** refers to necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;
- v. **Religious Affiliation or Belief** refers to the profession or non-profession of religion or beliefs of one's choice that may be publicly manifested in worship, practice and teaching;
- w. **Sexual Orientation** refers to the direction of emotional sexual attraction or conduct. This can be towards people of the same sex (homosexual orientation), towards people of both sexes (bisexual orientation), towards neither, or towards people of the opposite sex (heterosexual orientation) or towards everyone;
- x. **Stigma** refers to the dynamic process of devaluation that significantly discredits an individual in the eyes of others. When stigma is acted upon, the result is discrimination;
- y. **Universal design** refers to the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal Design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed;
- z. **Vulnerable communities** refer to communities or sectors that encounter stigma and discrimination based on the grounds enumerated in this Act.

SECTION 4. Prohibited Grounds for Discrimination. – For the purposes of this Act, discrimination that is indirectly based on the actual or perceived ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, gender expression, civil status, disability, HIV status or other status and other protected attributes, is prohibited.

Ethnicity, race, religion or belief, sex, gender, or sexual orientation, gender identity, civil status, disability, educational attainment or other status and other protected attributes that may be subjected to differentiation or any form of discrimination shall be interpreted in their most common or universal definitions and with due regard to the promotion of meaningful implementation of non-discrimination policy.

SECTION 5. Act of Discrimination. – Discrimination is committed when a person treats another less favorably on the basis of actual or perceived ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, gender expression, civil status, disability, HIV status or other status than the person treats or would treat another without that attribute, or with a different attribute, on the same or similar circumstances in the political, economic, social, cultural, civil, or other field of public life, directly or indirectly, to include, but not limited to:

a. ***Denial of Right to Political Participation.*** – Any person acting as principal or agent shall be liable under this Act for discrimination exercised through acts such as the following:

1. Preventing, impeding, prohibiting, obstructing or intervening in the exercise of political rights by another including, but not limited to, the right to vote in a national or local election, both regular or special, or in a plebiscite, both initiative or referendum.
2. Imposing onerous terms before these political rights are granted, preserved or protected; or
3. Subjecting another person who wishes to exercise a political right to any act of discrimination.

b. ***Denial of Right to Organize.*** – It shall be unlawful to prohibit, prevent, or revoke the accreditation, formal recognition, and/or registration of any organization, group, political party, institution or establishment, in educational institutions, workplaces, communities, and other settings, based partly or solely on the grounds provided for in Section 4.

Discrimination is also committed when additional requirements beyond the customary are imposed directly or indirectly due to the grounds stipulated in Section 4.

c. ***Denial of Right to Employment.*** –

1. Any employer or head of a firm, company or organization shall be liable for discrimination exercised through acts such as the following:
 - i. Refusing or failing to employ another for work of any type or kind which is available and for which the person is qualified, or by imposing on the person onerous terms and conditions that violate the protected attributes under this Act.
 - ii. Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility.
 - iii. Denying or limiting access of an employee to the same terms and conditions of work, opportunities for training, transfer or promotion, or to other benefits connected with the employment, as are made available for other employees having the same qualifications and employed in the same circumstances or work of the same kind or type, or by imposing on the person onerous terms and conditions; or
 - iv. Dismissing an employee, or subjecting an applicant for employment or an employee to any act of discrimination on account of his employment.
2. Any person acting as principal or agent in procuring employment for other persons or procuring employees for an employer shall be liable for

discrimination by treating an applicant seeking employment less favorably than another person in the same circumstances who is likewise seeking employment.

3. Any person acting as principal or agent of an organization of employers or employees, or any person acting or purporting to act on behalf of such organization, shall be liable for discrimination by preventing or seeking to prevent another person from offering or from allowing another person to continue his or her employment.
4. Deny employment in government institutions, including police, military or uniformed personnel in government service, based directly or indirectly on the grounds referred to in section 4; Provided, *That*, in police, military or uniformed personnel in government service, all applicants shall submit and comply with the requirements mandated by law.
5. Refuse to enter into contract or agreement with persons or group of persons based solely or partly on the grounds provided in section 4; and
6. Deny an application for or revoke a professional license issued by the government directly or indirectly due to the grounds included in section 4.

d. ***Denial of Right to Education and Training.*** – It is unlawful for any person to:

1. Refuse admission or expel a person from any educational or training institution on the basis of the grounds defined in section 4, without prejudice to the right of educational or training institutions to determine the academic qualifications and non- academic training requirements of their students or trainees.
2. Impose disciplinary sanction, penalties harsher than customary, or similar punishment, requirements, restrictions, or prohibitions that infringe on the rights of the students or trainees on the basis of the grounds identified in Section 4.
3. This prohibition extends to acts committed against a student or trainee to discriminate his or her parents or legal guardians based on grounds referred to in Section 4.
4. Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility; and
5. Subjecting the student to any act of discrimination related to education and training.

e. ***Denial on the Right to Access of Goods and Services.*** – Any person acting as principal or agent who supplies goods or services to the public or to any section of the public shall be liable for discrimination as exercised through acts such as the following:

1. Refusing or failing on demand to supply those goods or services to a person.
2. Refusing or failing on demand to supply those goods or services to another person except on less favorable terms or conditions than those upon whom they would otherwise supply those goods or services; or
3. Subjecting another person to any other detriment in connection with the provision of goods or services.

f. ***Denial of the Right to Reasonable Accommodation. -***

1. Any person acting as principal or agent providing accommodation shall be liable for discrimination as exercised through acts such as the following:
 - i. Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility.
 - ii. Refusing or failing to accept or process the application for any land or interest thereof, housing and other accommodations.
 - iii. Disposing of such land or interest, housing and other accommodation to another person on less favorable terms and conditions than those which would otherwise be offered.
 - iv. Treating another person who is seeking to acquire or has acquired an estate, land or interest thereof, housing and other accommodation less favorably than to others in the same circumstances.
 - v. Refusing to permit another person to occupy any estate, land, housing and other accommodation.
 - vi. Terminating any estate, land or interest thereof of another person or the right of another person to occupy any estate, land or housing and other accommodation; or
 - vii. Subjecting an applicant to any other act of discrimination in the acquisition, possession, utilization, lease or disposal of estate, land or interest thereof, housing and other accommodation.
2. Any person acting as principal or agent shall also be liable for discrimination by imposing or seeking to impose on another person any term or condition that limits the person or class of persons who may be the clients, visitors or guests of any estate, land, housing and other accommodation.

g. ***Denial of the Right to Access Places, Facilities and Modes of Transportation for Public Use and to Attend Meetings Open to the Public. -*** Any person acting as principal or agent shall be liable for discrimination as exercised through acts such as the following:

1. Refusing to allow another person access to or use of any such place, facilities, or any mode of transportation that the public or a section thereof is entitled or allowed to enter or use;
 2. Refusing to allow another person access to or use of any such place, facilities or any mode of transportation by providing onerous terms and conditions not similar to others whom they would otherwise allow access to or use of the place, transportation or facilities;
 3. Refusing to allow another person access to a meeting or assembly open to the public or to a section thereof, or refusing to allow another person access to a meeting or assembly by providing onerous terms and conditions not similar to others to which they would otherwise allow access to a meeting or assembly;
 4. Requiring another person to leave or cease to use any such place, facility or any mode of transportation;
 5. Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility;
 6. Subjecting a person to a denial of access to public places, public facilities, public transport or public meetings.
- h. ***Denial of Right to Access or Publish Advertisements/Mass Media.*** - Any person acting as principal or agent shall be liable for discrimination as exercised through publishing, displaying, or causing or permitting to be published or displayed an advertisement or notice, including access to social media, that indicates or could reasonably be understood as indicating an intention to do an act that is unlawful by reason of a provision of this Act.
- i. ***Denial of Right Against Wrongful Portrayal.*** - Any person acting as principal or agent shall be liable for discrimination by portraying, intimating, depicting or describing in learning institutions, instructional materials, teaching devices, books and reference materials, especially in Civics and History, certain individuals and/or group/s as inferior.
- j. ***Denial of the Freedom of Speech, Utterances, Acts of Hatred and Similar Acts.*** - Any person shall be liable for discrimination exercised through delivering speeches or making utterances, doing acts of hatred or violence against another person, or mocking or ridiculing another person on the basis of ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, gender expression, disability, HIV status, legitimacy, status as a single or unwed parent or as the child of such, or other status of that person, or based on other protected attributes.
- k. ***Denial of the Right to Health and Well-being*** - Any person shall be liable for discrimination exercised through subjecting any person, without full, free, informed and prior consent, to any unnecessary medical or physical examinations, psychological treatments, faith-based practices, and other similar procedures that aim to change identity or physical attributes or impose behavior or expressions.

- l. ***Denial of Right Against Profiling*** - It shall be illegal for any person, including members of the military and law enforcement agencies, to engage in profiling based solely on ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, gender expression, disability, HIV status, legitimacy, status as a single or unwed parent or as the child of such, or other status of that person, or of that person's relatives; *Provided That*, this is not to prevent law enforcement officers from acting on characteristics found in positive descriptions of suspects by witnesses.
- m. ***Denial of Protection Against Inflicting Stigma*** - it shall be unlawful for any person to commit any act that promote and encourage stigma based on the grounds referred to in Section 4 hereof. Content in all forms of media, including social media, in educational textbooks, or in any other medium that aim to inflict stigma is likewise prohibited.
- n. ***Denial of Right Against Illegal Detention and Confinement***. - It shall be unlawful to detain and confine a person or group of persons based directly or indirectly on the grounds under Section 4 hereof.
- o. ***Discrimination through Analogous Acts That Result in Impairment of the Enjoyment of Human Rights and Fundamental Freedoms***. – Any person acting as principal or agent shall be liable for discrimination by analogous acts which have 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 ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, gender expression, disability, HIV status, legitimacy, status as a single or unwed parent or as the child of such, or other status or protected attribute of that person.

SECTION 6. *Inciting Others to Commit Acts of Discrimination*. Any person acting as principal or agent shall be liable for discrimination by inciting others to commit discrimination or any action that is unlawful by reason of a provision of this Act, or by assisting or promoting, whether through financial assistance or otherwise, the doing of such act.

SECTION 7. *Protection Against Abuses by State and Non-State Actors*. - It shall be unlawful for any government agency, including local government units, police, military and immigration, to harass verbally or physically, to curtail freedom of movement, or to extort from a person or a group of persons on the basis of ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, gender expression, disability, HIV status, legitimacy, status as a single or unwed parent or as the child of such, or other status or any other protected attribute of that person, or of that person's relatives. This prohibition applies to similar abuses committed by non-state actors.

SECTION 8. *Persons Liable*. – Any person, natural or juridical, including government or private corporation, institution or company who commits discrimination through any of the acts described in Section 5 hereof 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. Any 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.

SECTION 9. *Creation of Non-discrimination and Equal Opportunity Committees.* –

In order to ensure compliance with this Act, all agencies, corporations, companies and educational institutions, whether private or public, as well as any person providing employment, housing, education and the delivery of basic goods and services shall create a Non-Discrimination and Equal Opportunity Committee, hereinafter referred to as Non-Discrimination Committee, which shall exercise administrative jurisdiction to investigate acts and practices of discrimination under this Act.

The Non-Discrimination Committee shall, among others, conduct the initial investigation of cases constituting discrimination on the basis of race, ethnic background, religion, religious affiliation or beliefs. The result and findings of such investigation shall be referred to the appropriate government agencies for resolution, settlement or prosecution.

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

Failure of any juridical entity, whether public or private, to ensure effective implementation of this provision shall be deemed refusal to address discrimination and shall be considered as an act of discrimination subject to the penalty provided for in Section 12 hereof.

Sec. 10. *Duty of the Commission on Human Rights (CHR).* – It shall be the duty of the Commission on Human Rights (CHR) to prevent or deter the commission of acts of discrimination and to assist, review and recommend procedures for the resolution, settlement or prosecution of acts of discrimination. Towards this end, the CHR shall:

- a. ensure the creation of committees on non-discrimination and equal opportunity in all agencies, corporations, companies and educational institutions, whether private or public;
- b. monitor the implementation of this Act by agencies, corporations, companies and educational institutions, whether private or public;
- c. establish guidelines and mechanisms that will facilitate access of discriminated persons to legal remedies under this Act and related laws, and enhance the protection and promotion of the rights of the Filipino people against discrimination;
- d. coordinate with the Department of Education (DepEd) and the Commission on Higher Education (CHED) for the promotion of understanding and appreciation of cultural diversity, racial harmony and non-discrimination in schools and other learning modalities, and ensuring that books, reference materials and other learning resources used in education programs, including those that portray indigenous peoples or discuss religious practices, are free from discriminatory content.
- e. conduct consultations with indigenous peoples and religious organizations and other organizations representing vulnerable groups; and

f. assist in the filing of cases against individuals, agencies, institutions or establishments, whether private or public, that violate the provisions of this Act. For this purpose, the CHR shall:

1. provide legal assistance to victims of discrimination, such as through the preparation of necessary pleadings, referral letters and counseling;
2. forge Memoranda of Agreement with bar associations, nongovernmental organizations, law firms, and organizations that provide legal aid to victims of discrimination to ensure adequate and competent legal representation for the complainants; and
3. create an efficient system of case referrals to appropriate government departments or agencies.

SECTION 11. *Responsibility to Promote a Non-discrimination and Equal Opportunity Environment.* – It shall be the duty of every person, natural or juridical, public or private, to ensure nondiscrimination and 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 defined under Section 4 of this Act.

The State shall endeavor to eliminate all forms of discrimination and shall therefore pursue initiatives and programs that seek to enable an environment free of stigma and discrimination. It shall direct the machinery and resources of the State to ensure non-discrimination and promote equality and shall encourage other sectors of the society to engage and participate in these efforts. It shall ensure the establishment of the following programs:

- a. ***Social Protection Program*** -The national government shall implement social protection measures for communities affected by and vulnerable to stigma and discrimination.
- b. ***Diversity Programs and Policies*** - All government agencies, government-owned and controlled corporations, private companies, public and private educational institutions, and other entities shall establish diversity programs to ensure that discrimination and abuse are prevented. They shall also create an internal redress mechanism to address cases of discrimination and grant administrative remedies or sanctions for such cases.

All government officers and workers are obliged to promote non-discrimination in the discharge of their duties and responsibilities.

SECTION 12. *Penalties.* - Any person liable under Section 5 of this Act shall be penalized by *arresto mayor* or 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 and the following conditions, to wit:

- a. The penalty provided under this Act shall be imposed in its maximum period if the offender has been previously convicted under this Act:
- b. When the offender is a corporation, partnership or association, the officer or employee thereof who is responsible for the violation of this Act shall suffer the penalty imposed in its maximum period;
- c. The penalty provided herein shall be imposed in its maximum period when the perpetrator is an ascendant, parent, guardian, stepparent or collateral relative within the second degree of consanguinity or affinity of the victim, or is the manager or owner of an establishment which has no license to operate or whose license has expired or has been previously revoked;
- d. The penalty provided for in this Act shall be imposed in its maximum period if the offender is a public official, officer or employee. Provided, *That* the penalty of suspension shall also be imposed; and
- e. A fine to be determined by the court shall be imposed.

In addition, the court may impose upon a person found to have committed any of the prohibited acts the rendition of community service in terms of attendance in human rights education's familiarization with and exposure to the plight of the victims.

If the violator is an alien or foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

Persons found guilty of any of the discriminatory practices prohibited under this Act shall also be civilly liable.

If any crime penalized under the Revised Penal Code is committed in pursuit of discrimination, the penalty provided under the code shall be applied and the discrimination committed shall be considered as an aggravating circumstance.

SECTION 13. *Administrative Proceedings and Sanctions.* — Upon finding by the CHR that a department, agency or instrumentality of government, government-owned and controlled corporation, or local government unit has violated any provision of this Act and its implementing rules and regulations, the sanctions under administrative law, civil service, or other appropriate laws shall be recommended to the Civil Service Commission (CSC) and/or the Department of the Interior and Local Government (DILG), in the case of government officials or employees, or to the Department of Labor, in the case of officers and employees of private corporations or entities. The person directly responsible for the violation as well as the head of the agency or local chief executive shall be held liable under this Act.

The administrative remedies provided under this Act do not bar prosecution or civil claims in proper courts for an act of discrimination committed under this act.

SECTION 14. *Reparation to Victims.* — In addition to existing laws and procedural rules for reparation to victims, the following measures shall be undertaken:

- a. The court, administrative agency, or quasi-judicial body shall follow the principles relating to the reparations to, or in respect of victims, including restitution, compensation and rehabilitation. In their decisions, the court, administrative

agency, or quasi-judicial body may, either upon request or on their own volition, in exceptional circumstances, determine the scope and extent of any damage, loss or injury to the victims, stating therein the principles on which they are acting;

- b. The court, administrative agency, or quasi-judicial body may make an order directly against a convicted person, specifying appropriate reparation to, or in respect of, victims, including restitution, compensation and rehabilitation; and
- c. Before making an order under this section, the court, administrative agency, or quasi-judicial body shall invite and shall take into account representations from, or on behalf of, the convicted person, victims or other interested persons.

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

SECTION 15. *Appropriations.* - The Chairperson of the CHR shall include in the CHR's program the implementation of this Act, the initial funding of which shall be charged against the current appropriation of the Commission. Thereafter, the amount necessary for the continued implementation of this Act, shall be included in the annual General Appropriations Act (GAA).

SECTION 16. *Implementing Rules and Regulations.* -The CHR, Civil Service Commission, Department of Labor and Employment, Department of Interior and Local Government, the Armed Forces of the Philippines, Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, Department of Justice, Department of Foreign Affairs, Department of Health, National Commission on Indigenous Peoples, and National Commission on Muslim Filipinos shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SECTION 17. *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.

SECTION 18. *Repealing Clause.* - Any provision of law or regulations inconsistent herewith is hereby repealed, revoked or modified accordingly.

SECTION 19. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in a newspaper of general circulation.

Approved,