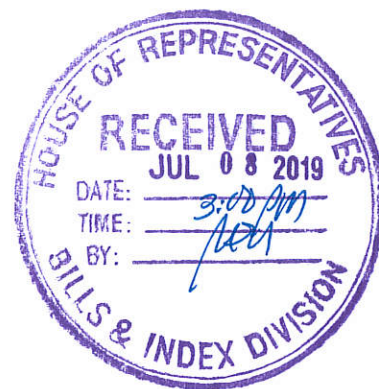




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1569



Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

Our Constitution provides that the “State shall afford full protection to labor ... and promote full employment and equality of employment opportunities for all.”¹ Our Labor Code provides that the State shall do so “regardless of sex, race or creed.”² Accordingly, Congress has prohibited employment discrimination against women,³ persons with disabilities,⁴ and based on age⁵ (although “disability” and “age” are unenumerated), and sexual harassment.⁶ Yet it has failed to prohibit discrimination against women in hiring and, more glaringly, based on sexual orientation and gender identity and expression. These omissions are unconstitutional and must be corrected. Indeed, Congress must outlaw discrimination at the hiring stage and the workplace based on all irrelevant

¹ PHIL. CONST., Art. XIII, Sec. 3.

² LABOR CODE OF THE PHILIPPINES, Art. 3.

³ See R.A. No. 6725, AN ACT STRENGTHENING THE PROHIBITION ON DISCRIMINATION AGAINST WOMEN WITH RESPECT TO TERMS AND CONDITIONS OF EMPLOYMENT, AMENDING FOR THE PURPOSE ARTICLE ONE HUNDERTHIRTY-FIVE OF THE LABOR CODE, AS AMENDED.

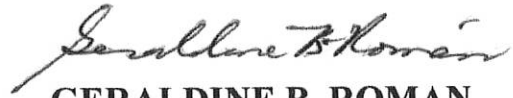
⁴ See R.A. No. 10524, AN ACT EXPANDING THE POSITIONS RESERVED FOR PERSONS WITH DISABILITY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, AS AMENDED, OTHERWISE KNOWN AS THE MAGNA CARTA FOR PERSONS WITH DISABILITY.

⁵ See R.A. No. 10911, AN ACT PROHIBITING DISCRIMINATION AGAINST ANY INDIVIDUAL IN EMPLOYMENT ON ACCOUNT OF AGE AND PROVIDING PENALTIES THEREFOR.

⁶ See R.A. No. 7877, AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES.

factors: race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

This bill proposes to harmonize, strengthen, and broaden the scope of existing anti-discrimination laws and establish an Equal Employment Opportunity Commission (EEOC) to administer and enforce protections against workplace discrimination based on factors other than a person's qualifications and performance. With this special mandate and with powers broader than those exercised by regular prosecutors, the EEOC will ease the workload of prosecutors, hasten the dispensation of justice to aggrieved workers, and positively influence work-related policies and practices of employers. Immediate passage of this bill is earnestly sought.


GERALDINE B. ROMAN



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AN ACT
CREATING AN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
DEFINING ITS POWERS AND COMPOSITION, AND APPROPRIATING FUNDS
THEREFORE

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Equal Employment Opportunity Act of 2019.”

Sec. 2. *Declaration of Policy* – It is the declared policy of the State to afford full protection to labor and promote full employment and equality of employment opportunities for all -- regardless of sex, race or creed and other factors unrelated to a person’s qualifications and performance, such as pregnancy, disability, age, physical characteristics, sexual orientation, and gender identity and expression.

Sec. 3. *Definition of Terms.* – As used in this Act:

- a) **Commission** refers to the Equal Employment Opportunity Commission or any of its divisions, as the case maybe;
- b) **Disability** shall mean (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) **Employee** refers to a person who performs professional, managerial or administrative work and is paid salaries by the employer as compensation for services.
- d) **Employer** refers to any person, natural or juridical, employing the services of an employee or worker and shall include the government and all its branches, subdivisions and instrumentalities, all government-owned-and-controlled corporations, and government financial institutions, as well as nonprofit private institutions or organizations.
- e) **Gender expression** refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, communication or speech pattern, or body characteristics;
- f) **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, in which case this person is considered transgender;
- g) **Job applicant** refers to a person who applies for employment.
- h) **Job or labor contractor** refers to any person or an agent of that person who regularly undertakes, with or without compensation, the procurement of employees or workers for an employer, or the procurement for employees' or workers' opportunities to work for an employer.
- i) **Labor organization** refers to any union or association of employees or workers which exists in whole or in part for the purpose of collective bargaining or for dealing with employers concerning terms and conditions of employment.
- j) **Reasonable accommodation with respect to disability** is a change in the workplace (or in the ways things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment, where the change would not cause the employer undue hardship.
- k) **Reasonable accommodation with respect to religion** is an adjustment at work that will allow an employee to practice his or her religion, where the adjustment would not cause the employer undue hardship.
- l) **Respondent** refers to the employer, job contractor, labor organization or an employer with apprenticeship or learnership program, who is charged with unlawful discriminatory practice.

- m) **Sex** refers to male, female, or intersex. Intersex refers to people born with the sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies, all of which are natural bodily variations along a spectrum;
- n) **Sexual Orientation** refers to the direction of emotional, sexual attraction, or conduct towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation), or towards people of the opposite sex (heterosexual orientation) or to the absence of sexual attraction (asexual orientation);
- o) **Systemic discrimination** means the discrimination involves a pattern or practice, policy, or class case where the alleged discrimination has a broad impact on an industry, profession, company or geographic area.
- p) **Undue hardship** means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.
- q) **Worker** refers to a person who performs manual labor involving skilled or unskilled work, and is paid wages by the employer as compensation for services rendered.

ARTICLE II

UNLAWFUL DISCRIMINATORY PRACTICE

Sec. 4. In General. – It is unlawful to discriminate against someone (job applicant or employee) because of that person's race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

It is unlawful for an employer to use neutral employment policies and practices that have a disproportionately negative effect on job applicants or employees of a particular race, national origin, color, religion, sex (including pregnancy), sexual orientation, and gender identity and expression, or on an individual with a disability or class of individuals with disabilities, if the policies or practices at issue are not job-related and necessary to the operation of the business. It is also unlawful for an employer to use neutral employment policies and practices that have a disproportionately negative impact on job applicants or

employees based on age, if the policies or practices at issue are not based on a reasonable factor other than age.

Sec. 5. Unlawful Employer Practices. – It is unlawful for an employer:

- (a) To refuse to hire, or adopt and implement policies and practices that have the effect of disqualifying or excluding from hiring, any person on account his or her race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression. Accordingly, the following, *inter alia*, are prohibited:
 - (1) To print or publish, or cause to be printed or published, in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression;
 - (2) To require a declaration of race, national origin, color, religion, disability, age or birthdate, or sexual orientation during the application process; and
 - (3) To decline any employment application because of one's race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

If an employer requires job applicants to take a test, the test must be necessary and related to the job and the employer may not exclude people of a particular race, color, religion, sex (including pregnancy), sexual orientation, and gender identity and expression. Moreover, the results of the test must be disclosed to the job applicant. In addition, the employer may not use a test that excludes job applicants based on age if the test is not based on a reasonable factor other than age.

If an employer requires job applicants to take a medical test, the test must be administered only after a job offer has been made.

If a job applicant with a disability needs an accommodation (such as a sign language interpreter) to apply for a job, the employer is required to provide the accommodation, so long as the accommodation does not cause the employer significant difficulty or expense.

- (b) To recruit new employees in a way that discriminates against them because of their race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.
- (c) To discriminate against an employee with respect to his or her compensation, benefits, fringe benefits, incentives or allowances, or the terms and conditions or

privileges of employment, including but not limited to training opportunities and study and scholarship grants, because of the employee's race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

- (d) To make decisions about job assignments and promotions based on an employee's race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

If an employer requires employees to take a test before making decisions about assignments or promotions, the test may not exclude people of a particular race, national origin, color, religion, sex (including pregnancy), sexual orientation, and gender identity and expression, or individuals with disabilities, unless the employer can show that the test is necessary and related to the job. In addition, the employer may not use a test that excludes employees based on age if the test is not based on a reasonable factor other than age. The employer will disclose test results to employees.

- (e) To discipline, discharge, forcibly lay off, or impose early retirement on, an employee based on the employee's race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression. This prohibition applies to constructive discharge or forcing an employee to resign by making the work environment so intolerable a reasonable person would not be able to stay.

Employers may not discriminate when deciding which workers to recall after a layoff.

- (f) To give a negative or false employment reference (or refuse to give a reference) because of a person's race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.
- (g) To harass an employee because of race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression, or to harass someone because he or she has complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted).

In a work-related or employment environment, sexual harassment is committed when: (1) sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of an individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee; (2) The above acts would impair the employee's rights or privileges under existing labor laws; or (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

Sec. 6. *Unlawful Job Contractor Practices.* – It is unlawful for a job contractor to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

It is also unlawful to classify or refer for employment any individual on the basis of his or her race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

Sec. 7. *Unlawful Labor Organization Practices.* – It is unlawful for a labor organization:

- (a) To deny membership based on race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression;
- (b) To exclude from membership based on race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression;
- (c) To limit, segregate or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression; or
- (d) To cause or attempt to cause an employer to discriminate against an individual in violation of this Act.

Sec. 8. *Training Programs.* – It is unlawful discriminatory practice for any employer, labor organization or those organizations with apprenticeship or learnership programs, including

on-the-job training programs to discriminate against any individual because of his or her race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

Sec. 9. *Exceptions.* – Notwithstanding any other provision of this article, it is not unlawful for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to bona fide seniority or merit system, or system which measures earnings by quantity or quality of production or to employees who work in different locations; provided, such differences are not the result of an intention to discriminate because of race, national origin, color, religion, disability, age, physical characteristics, sex (including pregnancy), sexual orientation, and gender identity and expression.

Further, it is not unlawful for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designated, intended or used to discriminate because of race, color, religion, disability, sex (including pregnancy), sexual orientation, gender identity and expression, or national origin.

A policy or practice implemented by an employer, job contractor, or labor organization pursuant to an opinion of the Commission shall not be actionable.

Sec. 10. *Burden of Proof.* –The complaining party bears the burden of proving that the respondent discriminated based on his or her membership in a protected group. The complaining party must make a *prima facie* showing of discrimination. The respondent must then articulate and establish a nondiscriminatory reason for its practice. The complaining party must then prove that the stated reason is a pretext to hide discrimination.

A complaining party alleging that a particular practice neutral on its face has a disparate impact on a protected group must prove that the challenged practice has a substantial adverse impact on the protected group. The respondent must then prove that the challenged practice is job-related for the position in question and consistent with business necessity. Even if the respondent proves business necessity, the complaining party may still prevail by showing that the respondent has refused to adopt an alternative practice that would satisfy the respondent's legitimate interests without having a disparate impact on the protected class.

Sec. 11. *Penalties for Violations.* – Any person liable for committing an unlawful discriminatory practice shall suffer:

- (a) For the first offense, imprisonment of not less than three (3) months but not more than six (6) months or a fine of not less than Two Hundred Thousand Pesos

(Php200,000.00) but not more than Four Hundred Thousand Pesos (Php400,000.00), or both;

(b) For the second offense, imprisonment of not less than six (6) months but not more than one (1) year or a fine of not less than Four Hundred Thousand Pesos (Php400,000.00) but not more than Six Hundred Thousand Pesos (Php600,000.00), or both; or

(c) For the third offense, imprisonment of not less than one (1) year but not more than three (3) years or a fine of not less than Six Hundred Thousand Pesos (Php600,000.00) but not more than One Million Pesos (Php1,000,000.00), or both, with penalty of closure in all instances.

If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.

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

SEC. 12. *Independent Action for Damages.* – Nothing in this Act shall preclude the victim of unlawful discriminatory practice from instituting a separate and independent action for damages and other affirmative relief in the proper forum.

ARTICLE III EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sec. 13. *Equal Employment Opportunity Commission.* – There shall be an Equal Employment Opportunity Commission which shall be under the Department of Justice and shall coordinate with the Department of Labor and Employment for program and policy formulation and implementation concerning workplace discrimination. The Commission shall be composed of four Commissioners consisting of a Chairman and a Regional Commissioner for each of Luzon, the Visayas, and Mindanao, and the Special Prosecutor. The President may appoint other members of the Commission as the necessity for it may arise, as recommended by the Commission.

Sec. 14. *Appointment.* – The Chairman, Regional Commissioners, and Special Prosecutor, shall be appointed by the President from a list of at least twenty-one (21) nominees prepared by the Judicial and Bar Council, and from a list of three (3) nominees for each vacancy thereafter, which shall be filled within three (3) months after it occurs, each of which list shall be published in a newspaper of general circulation.

In the organization of the Commission for filling up of positions therein, regional, cultural or ethnic considerations shall be taken into account to the end that the Commission shall be as much as possible representative of the regional, ethnic and cultural make-up of

the Filipino nation. This also means that, to the extent possible, and where qualified, the following protected classes shall be represented in the Commission: (1) people with disability; (2) women; (3) the lesbian, gay, bisexual, and transgender community; and (4) senior citizens. Moreover, three appointees must possess substantial experience representing labor, and two must have substantial experience representing management.

Upon assumption into office, the appointees shall work exclusively for the Commission and sever affiliation with any management or labor organizations.

Sec. 15. *Qualifications.* – The Commissioners and Special Prosecutor shall be natural born citizens of the Philippines, at least forty (40) years old, of recognized probity and independence, members of the Philippine Bar, have demonstrated knowledge of labor-management relations, and must not have been candidates for any elective national or local office in the immediately preceding election whether regular or special. They must have been a judge or engaged in the practice of law in the Philippines for at least ten (10) years.

Sec. 16. *Rank and Salary.* - The Chairman, Regional Commissioners, and Special Prosecutor shall have the same ranks, salaries and privileges as a Regional Trial Court judge. Their salaries shall not be decreased during their term of office.

The members of the prosecution, investigation and legal staff of the Commission shall receive salaries which shall not be less than those given to comparable positions in any office in the Government.

Sec. 17. *Term of Office.* - The Chairman, Regional Commissioners, and the Special Prosecutor, shall serve for a term of seven (7) years without reappointment.

Sec. 18. *Prohibition and Disqualifications.* - The Commissioners and the Special Prosecutor shall not, during their tenure, hold any other office or employment. They shall not, during said tenure, directly or indirectly practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office. They shall not be allowed to appear or practice before the Commission for two (2) years following their cessation from office.

No spouse or relative by consanguinity or affinity within the fourth civil degree and no law, business or professional partner or associate of the Chairman, Regional Commissioner or Special Prosecutor within one (1) year preceding the appointment may appear as counsel or agent on any matter pending before the Commission or transact business directly or indirectly therewith.

This disqualification shall apply during the tenure of the official concerned. This disqualification likewise extends to the law, business or professional firm for the same period.

Sec. 19. *Disclosure of Relationship.* - It shall be the duty of the Chairman, Regional Commissioners, including the Special Prosecutor to make under oath, to the best of their knowledge and/or information, a public disclosure of the identities of, and their relationship with the persons referred to in the preceding section.

The disclosure shall be filed with the Office of the President and the Commission before the appointee assumes office and every year thereafter. The disclosures made pursuant to this section shall form part of the public records and shall be available to any person or entity upon request.

Sec. 20. *Structural Organization.* - The authority and responsibility for the exercise of the mandate of the Commission and for the discharge of its powers and functions shall be vested in the Commissioners, who shall have supervision and control of the Commission.

- (a) The Commission may organize such directorates for administration and allied services as may be necessary for the effective discharge of its functions. Those appointed as directors or heads shall have the rank and salary of line bureau directors.
- (b) The Offices of the Regional Commissioners shall oversee and administer the operations of the different offices in their respective regions. They shall likewise perform such other functions and duties assigned to it by the Chairman.
- (c) The Office of the Special Prosecutor shall be composed of the Special Prosecutor and his prosecution staff. The Office of the Special Prosecutor shall be an organic component of the Commission and shall be under the supervision and control of the Chairman.
- (d) The Office of the Special Prosecutor shall, under the supervision and control and upon the authority of the Chairman, have the following powers:
 - (1) To conduct preliminary investigation;
 - (2) After finding probable cause, to prosecute violations of this Act in court;
 - (3) To perform such other duties assigned to it by the Chairman.
- (e) The position structure and staffing pattern of the Commission, including the Office of the Special Prosecutor, shall be approved by the Chairman who shall appoint all officers and employees of the Office of the Special Prosecutor, in accordance with the civil service law, rules and regulations.

Sec. 21. *Official Stations.* - The Chairman and the Regional Commissioner for Luzon shall hold office in Metropolitan Manila; the Regional Commissioner for the Visayas, in Cebu City; and the Regional Commissioner for Mindanao, in Davao City. The Chairman may transfer their stations within their respective geographical regions, as public interest may require.

Sec. 22. *Mandate.* - The Chairman and Regional Commissioners shall act promptly on complaints for unlawful discriminatory practice filed in any form or manner, and enforce their civil and criminal liability in every case where the evidence warrants. However, upon filing of the complaint, the Commission shall explore conciliation by the parties through mediation.

Sec. 23. *Restrictions.* - No writ of injunction shall be issued by any court to delay an investigation being conducted by the Commission under this Act, unless there is a *prima facie* evidence that the subject matter of the investigation is outside the jurisdiction of the Commission.

Sec. 24. *Powers, Functions and Duties.* - The Commission shall have the following powers, functions and duties:

- (a) Investigate and prosecute on its own or on complaint by any person allegations of unlawful discriminatory practice by the respondent;
- (b) Direct, upon complaint or at its own instance, the respondent to desist from and rectify any unlawful discriminatory practice;
- (c) Direct the respondent to discipline individuals who unlawfully discriminated against the complaining party;
- (d) Direct the respondent to produce copies of documents it deems relevant;
- (e) Interview relevant witnesses employed by the respondent;
- (f) Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents;
- (g) Publicize matters covered by its investigation of the matters mentioned in paragraphs (a), (b), (c) and (d) hereof, when circumstances so warrant and with due prudence: Provided, that the Commission under its rules and regulations may determine what cases may not be made public: Provided further, That any publicity issued by the Commission shall be balanced, fair and true;
- (h) Encourage the parties to to explore conciliation through mediation;

- (i) Issue recommendations and guidelines in coordination with the Department of Labor and Employment to stop and prevent unlawful discriminatory practice by employers, job contractors, and labor organizations;
- (j) Respond to inquiries seeking guidance on whether a practice contemplated would constitute an unlawful discriminatory practice;
- (k) Administer oaths, issue subpoena and subpoena duces tecum, and take testimony in any investigation or inquiry;
- (l) Punish for contempt in accordance with the Rules of Court and under the same procedure and with the same penalties provided therein;
- (m) Create a database of resolutions on complaints investigated, which database shall be accessible to the public; and
- (n) Delegate to investigators or agents such authority or duty as shall ensure the effective exercise or performance of the powers, functions, and duties herein or hereinafter provided.

The Commission shall prioritize complaints indicating that the alleged unlawful discriminatory practice harmed not just the complaining party, but others similarly situated, or that the discrimination was systemic.

Sec. 25. Immunities. - In all hearings, inquiries, and proceedings of the Commission, including preliminary investigations, no person subpoenaed to testify as a witness shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and/or other records on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to prosecution: Provided, That no person shall be prosecuted criminally for or on account of any matter concerning which he is compelled, after having claimed the privilege against self-incrimination, to testify and produce evidence, documentary or otherwise.

Under such terms and conditions as it may determine taking into account the pertinent provisions of the Rules of Court, the Commission may grant immunity from criminal prosecution to any person whose possession and production of documents or other evidence may be necessary to determine the truth in any hearing, inquiry or proceeding being conducted by the Commission or under its authority, in the performance or in the furtherance of its mandate. The immunity granted under this and the immediately preceding paragraph shall not except the witness from criminal prosecution for perjury or false testimony.

Any refusal to appear or testify pursuant to the aforecited provisions shall be subject to punishment for prompt contempt and removal of the immunity from criminal prosecution.

Sec. 26. *Rules of Procedure.* -

- (a) The Commission shall promulgate its rules of procedure for the effective exercise or performance of its powers, functions, and duties.
- (b) The rules of procedure shall include a provision whereby the Rules of Court are made suppletory.
- (c) The rules shall take effect after fifteen days following the completion of their publication in the Official Gazette or in three (3) newspapers of general circulation in the Philippines, one of which is printed in the national language.

Sec. 27. *Exceptions to Preliminary Investigation.* - The Commission may not conduct the necessary investigation of any complaint if it believes that:

- (a) The complaint pertains to a matter outside the jurisdiction of the Commission;
- (b) The complaint is trivial, frivolous, vexatious or made in bad faith;
- (c) The complainant has no sufficient personal interest in the subject matter of the grievance; or
- (d) The complaint was filed more than two years from the discriminatory practice complained of.

Sec. 28. *Formal Investigation.* -

- (a) Administrative investigations conducted by the Commission shall be in accordance with its rules of procedure and consistent with due process.
- (b) In any investigation under this Act, the Commission may (a) enter and inspect the work premises of the respondent; (b) examine and have access to any book, record, file document or paper; and (c) hold private hearings with both the complaining party and any individual affiliated with the respondent.

**ARTICLE IV
FINAL PROVISIONS**

Sec. 29. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged against the current appropriation for the Department of Justice. Thereafter, the required budget for continued implementation of this Act shall be submitted to the Department of Budget and Management for inclusion in the General Appropriations Act.

Sec. 30. *Repealing Clause.* - All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules or regulation inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 31. *Separability Clause.* - If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

Sec. 32. *Effectivity.* – This Act shall take effect fifteen (15) days after the publication in the Official Gazette or in a newspaper of general circulation.

Approved,