

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4684



Introduced by
HON. FERDINAND MARTIN G. ROMUALDEZ

**AN ACT DECLARING UNLAWFUL, ACTS AND CONDUCT OF
DISCRIMINATION BASED ON SEX, GENDER IDENTITY, SEXUAL
ORIENTATION, RACE, COLOR, DESCENT, NATIONAL OR ETHNIC ORIGIN,
RELIGIOUS AFFILIATION OR BELIEFS, AND HEALTH STATUS AND
PENALIZING THE SAME**

EXPLANATORY NOTE

The 1987 Constitution states that, "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." It specifically directs the State must protect any person - an all-encompassing term that applies equally to all human beings, regardless of their racial, gender, ethnic or religious affiliation.

But it is paramount that before we eliminate discrimination, its existence has to be acknowledged. Unfortunately, Philippine society underscores the existence of this reality, the worst Philippine government failed to define its reality despite the daily occurrence of discrimination across the archipelago.

The "Anti-Discrimination Act of 2019" shall penalize acts of discrimination in the following fields: employment, education, delivery of goods, facilities and services, and in search and investigatory activities.

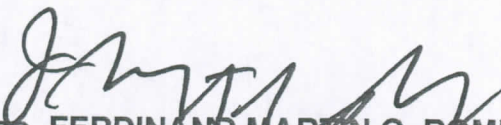
This act hopes to penalize any person, natural or juridical, who commits any of the acts herein prohibited provided that in the case of a juridical person such as but not limited to, corporations, associations, partnerships, educational and vocational institutions, whether public or private including those who request, induce, encourage and authorize or assist others to commit acts of discrimination or profiling, will be held liable as well under this act.

We want a serious campaign against all forms of racial and religious discrimination through this measure. We need an effective and comprehensive legal framework if we are to start the fight against discrimination and racial profiling.

We also have the gargantuan task of harmonizing our policies, building capacities of agencies, and strengthening enforcement and prosecution.

We must work closely as a nation to improve the living condition of every child with no tolerance to discrimination, co-existence of open minded Filipinos and to build a nation where each individual's beliefs and principles are respected and finally, a society where everyone is given equal opportunity to achieve his full human potential as a person and more importantly as a Filipino Citizen.

In this context, passage of the measure is earnestly requested.



Rep. FERDINAND MARTIN G. ROMUALDEZ
Representative, First District of Leyte

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

SECTION 1. TITLE – This Act shall be known as the “Anti-Discrimination Act of
2019”

SECTION 2. AUTHORITY AND BASIS – This Act is enacted pursuant to the
provisions of the 1987 Philippine Constitution particularly:

–Article II, Section 10 thereof which reads:

*“Section 10. The State shall promote social justice in all the phases of
national development.”*

–Article II, Section 11 thereof which reads:

*“Section 11. The state values the dignity of every human person and
guaranties full respect for human rights.”*

–Article II, Section 22 thereof, which reads:

“Section 22. The state recognizes and promotes the rights of Indigenous Cultural Communities within the framework of national unity and development.”

–Article III, Section I thereof, which reads:

“Section I. No person shall be deprived of life, liberty and property without due process of law, nor shall any person be denied the equal protection of the laws.”

–Article XIII, Section 3 thereof which, in part, reads:

“Section 3. The State shall afford full protection to labor, local and overseas, organized and un organized and promote full employment and full equality of employment opportunities for all.”

X	X	X	X	X
X	X	X	X	X

as well as the generally accepted principles of international law such, as those, but not limited to, the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the 1993 UN General Assembly Resolution on Elimination of All Forms of Religious Intolerance and the International Convention on the Elimination of all forms of Racial Discrimination;

SECTION 3. DEFINITION OF TERMS

Article 1. Act of Discrimination. – This means any act, or conduct which withholds, excludes, restricts, curtails, demeans human dignity, or otherwise deprives the basic constitutional rights and impairs the recognition, enjoyment and exercise of human rights and basic freedoms in the economic, labor, social, cultural, educational or any other field of public life based on sex, gender identity, sexual orientation, race, color, descent, national or ethnic origin, religious affiliation or beliefs;

(a) Protected Persons. This refers to a person having the emotional and psychological characteristics of the opposite sex as shown by, among others, his/her behavior and sexual attraction to members of his/her own sex, or to both sexes, whether he/she be a gay, lesbian, transsexual or bisexual; It refers to the emotional or sexual attraction or inclination of a person towards persons of his/her own sex, or both masculine and feminine sexes; It also refers to a person's general condition of the body, color, race, descent, national or ethnic origin, religious affiliation and beliefs or when health is considered in terms of a person's body structure and function and the presence or absence of disease or signs, their symptoms and what they can and cannot do i.e. the extent to which the condition affects the person's normal life.

SECTION 4. ACT OF DISCRIMINATION, HOW COMMITTED –

Discrimination. How committed. Act of discrimination is committed when a person withholds from excludes, restricts, curtails, demeans human dignity or otherwise deprives the basic constitutional rights impairs the recognition, enjoyment and/or exercise of a right or basic freedom, of another, to which others similarly situated or circumstanced are extended or which they are allowed to enjoy or exercise, in employment, education, shelter and delivery of basic goods and services, on the basis of national or ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, descent, race, or color of the skin, and that the following constitute acts of discrimination and are therefore punishable:

- a. By refusing employment to a job applicant or imposing onerous or additional terms or conditions which are not imposed on another similarly situated or circumstanced, on the basis of ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, descent, race, color of the skin, or health status: by denying or limiting access to an employee, opportunities for promotion, transfer, training, schooling or to any other benefit which are otherwise granted to other employees similarly situated or circumstanced on the basis of national or ethnic origin, religious affiliation or belief, sex, gender

identity, sexual orientation, descent, race, color of the skin or health status except if the same is deemed one of the authorized causes in terminating an employee referred to in the labor Code and the dismissal is done in compliance with the procedure set forth under the said Code and other related labor laws;

- b. By refusing or failing to accept any person for admission as a student in any public or private educational and/or vocational institution, or by subjecting said person to terms and conditions for his acceptance in the said institution which are not imposed on applicants or students similarly circumstanced as him, or limiting the access of a student to any benefit or privilege provided by said educational vocational institution, by reason of ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, race and color of the skin or health status except if a person suffers from a disease which could have been a valid ground for dismissal pursuant to Section 8, Title I, Bk. VI of the Implementing Rules and Regulations of the Labor Code (Omnibus Rules to Implement the labor Code) and other related laws.
- c. By refusing to provide goods or services and/or imposing onerous terms or conditions as a requisite providing goods or services to a person which refused or subjected to such onerous terms conditions when extended to others similarly circumstanced, by reason of ethnic origin, religious affiliation or belief, sex, gender identity, orientation, race and color of skin;
- d. By refusing or failing to allow any his ethnic origin, religious an gender identity, sexual orientation race, or color skin to avail of quarters or accommodation in accommodation in a house, apartment condominium, townhouse, flat, hotel, inn, dormitory or any other places of dwelling being rented out or offered to the public for a fee, rental or other forms of compensation;
- e. By subjecting either by verbal or written word or publication, to ridicule or insult or attributing despicable behavior and habits or associating with violence and criminal activities, any person or group of persons by reason of his ethnic origin,

religious affiliation of belief, sex, gender identity, sexual orientation, race or color of the skin;

- f. By refusing entry into restaurants, bars, stores, movie houses, malls and other places of entertainment and businesses which are open to the general public, or refusing or failing to attend to or serve the orders for food, drinks, beverages and other goods, consumable and non-consumable, to any person, by reason of his national or ethnic origin, religious affiliation or belief, gender identity, sexual orientation, race or color of his skin;
- g. By doing any other analogous act which demeans the dignity and self-respect of a person or impairs, mars, reduces or nullifies the recognition, enjoyment or exercise of his human and legal rights and basic freedoms in the political, labor economic, social, cultural and educational spheres on the basis of ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, race and color of his skin.

SECTION 5. CONSCIENTIOUS OBJECTION. No provision of this Act shall be construed in a manner that will infringe on public safety, order, health or morals, and that the conscientious objection of an individual, institution or an organization based on moral, ethical or religious beliefs shall be respected.

SECTION 6. PERSONS LIABLE – Any person, natural or juridical, who commits or causes to commit any of the acts herein prohibited and enumerated in the immediately preceding section shall be administratively and criminally liable therefore, and penalized accordingly; ***Provided***, that in the case of a juridical person such as but not limited to, corporations, associations, partnerships, educational and vocational institutions, whether public or private, the manager, head and the officers thereof who is found to be responsible for or has, in any manner, participated in such act shall also be criminally liable;

13. Representative from any religious or sectoral organisation or any civic non-government organization;
14. Chairman of the National Youth Commission or his duly authorised representative;
15. Representative from any of the recognised Private Educational Institution;

Article 2. Functions. The Anti-Discrimination Mediation and Conciliation Commission (AMCC) shall have the following powers and functions:

- a) protect national interest, and the interests of persons, individuals, and citizens sought to be protected by this law in all matters affecting state interest and the constitutional rights and other rights enumerated in Section III, Article 1 of this Act, having due regard to the international recognition on the basic rights of persons;
- b) formulate, and promulgated the IRR of this Act;
- c) formulate, and establish policies, rules and regulations primarily intended to ensure the rights and protect the interests of the discriminated persons under this Act;
- d) to monitor and ensure compliance on private and government agencies, institutions, officials and employees in order to make them models of performance in connection with this Act;
- e) to establish standards of treatment and protection over the rights of protected persons; and
- f) conduct an annual review of the effectiveness of this Act and recommend any amendments thereto, as may be necessary.

The departments and offices concerned shall convene within fifteen (15) days from the effectivity of this Act to organise the select the other members of the Commission and formulate the IRR and for other related purposes. The AMCC shall be supported by a technical support office or Secretariat.

SECTION 8. CREATION OF THE ANTI-DISCRIMINATION MEDIATION AND CONCILIATION BOARD–

The Anti-Discrimination Mediation and Conciliation Commission is hereby authorized and empowered to create such number of Conciliation and Mediation Boards as it deems necessary and proper to be composed of to five (5) members with any of the Members of the Commission or his duly authorized permanent representative as Chairperson and the Commission's Legal Officer or his duly authorized permanent representative as Vice Chairperson of each Board, with the three (3) remaining members to be chosen from the foregoing list in consonance with the nature or character of the complaint or issue to be subjected to mediation and conciliation proceedings:

- 1) designated representative of the Department of Social Work and Development, the Department of Labor and Employment, Department of Labor and Employment, Department of Education, Department of Science & Technology, Commission on Higher Education, National Commission on Indigenous Peoples (NCIP), National Commission on Muslim Filipino, or National Youth Commission;
- 2) depending upon the nature or character of the complaint, designated representative of Federation of Women Organisations, PWD Organisations, Urban poor Organisations, LGBTQIA+ Organisations, Senior Citizens Organisations;
- 3) designated representative of the National Conciliation and Mediation Board (NCMB).

SECTION 9. MAIN/PRINCIPAL FUNCTIONS OF THE ANTI-DISCRIMINATION MEDIATION AND CONCILIATION BOARD AND SUB-BOARD –

The Anti-Discrimination Mediation and Conciliation Board shall have the following functions:

- 1) to receive complaints concerning violations of any provision of this Act;
- 2) to notify parties concerned of the same;
- 3) mediate or conciliate the parties differences to the end that judicial, quasi-Judicial, prosecution administrative action is AVOIDED.

which are punishable under the said Act, the following penalties for violations of any provisions of this Act are hereby imposed as follows:

1. Any person liable under this Act shall be punished by admonition and a fine of One Thousand Pesos (P1,000.00);
2. A second conviction, for any of the acts punishable under this Act, shall be penalized by a fine of Two Thousand Pesos (P2,000.00) and imprisonment for a period of not more than ten (10) days at the discretion of the court;
3. A third conviction or any conviction after two (2) convictions, shall be penalized by a fine of Five Thousand Pesos (P5,000.00) and imprisonment of fifteen (15) days.

SECTION 13. SEPARABILITY CLAUSE – If any portion or provision of this Act is declared void or unconstitutional, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect.

SECTION 14. REPEALING CLAUSE – All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

SECTION 15. EFFECTIVITY CLAUSE – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,