

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6024

Introduced by CIBAC Party-List Representatives
Eduardo "Bro. Eddie" C. Villanueva and Domingo C. Rivera

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF AGE, SEX,
CIVIL STATUS, COLOR, ECONOMIC STATUS, ETHNICITY,
MEDICAL CONDITION, PHYSICAL DISABILITY, POLITICAL OPINION
OR AFFILIATION, RACE, OR RELIGIOUS BELIEF, PROVIDING
PENALTIES THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Discrimination against all persons, in any and all of its forms, is abhorrent and must be considered as contrary to the principles and existence of a just and humane society. The Office of the High Commissioner of the United Nations Human Rights has categorically stated that "non-discrimination and equality before the law constitute fundamental principles of international human rights law and are essential elements of human dignity."¹

Thus, it is the duty of the State to institute measures that would protect people against discrimination, and to ensure that all persons have equal protection under the laws.

Cognizant of this, this bill seeks to prohibit discrimination on the basis of age, sex, civil status, color, economic status, ethnicity, medical condition, physical disability,

¹ 2017. Office of the High Commissioner of the United Nations Human Rights. Available at <https://www.ohchr.org/EN/AboutUs/Pages/Enhancingequalityandcounteringdiscrimination.aspx> (date last accessed: October 6, 2019).

political opinion or affiliation, race or religious belief. Among others, it prohibits any person from promoting and encouraging stigma in the media, in educational textbooks, and other medium, and include any of the grounds referred to in the Act, in the criteria for hiring, promotion transfer, designation, work assignment, re-assignment, dismissal of workers, and other human resource movement and action, performance review and in the determination of employee compensation, career development opportunities, training and other learning and skills development interventions, incentives, privileges, benefits or allowances, and other terms and conditions of employment.

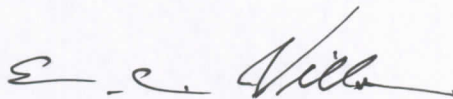
However, the bill exempts certain acts from being considered discriminatory, when the act conforms to or promotes the beliefs or doctrines of a person's religion or when the acts or practices are necessary to avoid injury or conflict with the values of religious adherents, and when any of the circumstances enumerated under the Act are bona fide qualifications reasonably necessary to the normal operation of the particular business or reasonable grounds governing management prerogatives, among others.

The bill also clarifies that in all cases, the State shall avoid overriding the right to religious freedom unless strictly necessary, and shall adopt means which are least restrictive to freedom of religion as enshrined under Article III, Section 5 of the Constitution, in the pursuit of the protection against discrimination. The bill further states that in the enforcement of the provisions of the Act, the fundamental right of parents in the upbringing of their children in accordance with their religious convictions shall be given due and utmost respect.

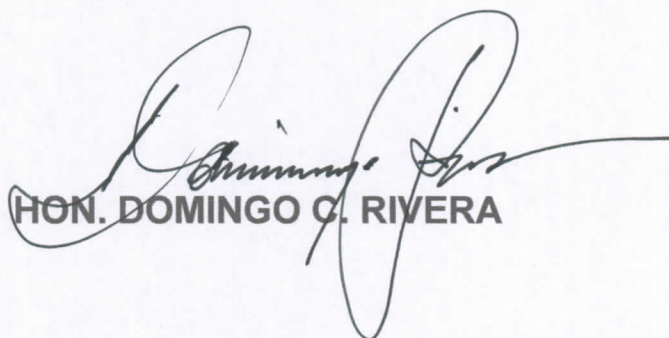
This bill also mandates the provision of social protection, and the establishment of a system of affirmative actions towards protecting the rights of indigenous peoples, other cultural minority and other groups that are most vulnerable to discrimination.

In short, this bill intends to introduce and institutionalize a Comprehensive Anti-Discrimination policy: one that is substantially inclusive and provides comprehensive protection for all Filipinos consistent with the principles enshrined in our Constitution and our values as a Filipino people.

Thus, the passage of this measure is immediately sought.



HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA



HON. DOMINGO C. RIVERA

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "*Comprehensive Anti-*
2 *Discrimination Act.*"
3

4 **SECTION 2. Declaration of Policy.** – The State recognizes the fundamental right of
5 every person regardless of age, sex, civil status, color, economic status, ethnicity,
6 medical condition, physical disability, political opinion or affiliation, race or religious
7 belief to be free from any form of discrimination. It shall therefore intensify its efforts to
8 fulfill its duties under international and domestic laws to respect, protect and fulfill the
9 rights and dignity of every individual.
10

11 Towards this end, the State shall exert efforts to address all forms of discrimination
12 and promote human dignity as enshrined in the United Nations Universal Declaration
13 on Human Rights, the Convention on the Elimination of All Forms of Discrimination
14 Against Women, Convention on the Rights of the Child, International Covenant on Civil
15 and Political Rights, International Covenant on Economic, Social and Cultural Rights
16 and all other relevant and universally accepted human rights instruments and
17 conventions to which the Philippines is a signatory.

1 In all cases, the State shall avoid overriding the right to religious freedom unless strictly
2 necessary, and shall adopt means which are least restrictive to freedom of religion as
3 enshrined under Article III, Section 5 of the Constitution, in the pursuit of the protection
4 against discrimination. Moreover, in the enforcement of this Act, the fundamental right
5 of parents in the upbringing of their children in accordance with their religious
6 convictions shall be given due and utmost respect.

7
8 **SECTION 3. Definition of Terms.** – As used in this Act, the following terms shall be
9 defined as follows:

- 10
11 (a) **Discrimination** refers to any distinction, exclusion, restriction, preference or
12 other preferential treatment based, whether actual or perceived, on age, sex, civil
13 status, color, economic status, ethnicity, medical condition, physical disability,
14 political opinion or affiliation, race or religion, and has the purpose or effect of
15 nullifying or impairing the recognition, access to, enjoyment, or exercise by all
16 persons on equal footing of all rights and freedoms granted by the Constitution
17 and other laws. Discrimination also includes incitement to discriminate, and
18 harassment;
19
20 (b) **Profiling** refers to the act of subjecting a person or group of persons to
21 investigatory activities, which include unnecessary, unjustified, illegal and
22 degrading searches, or other investigatory activities, in determining whether an
23 individual is engaged in an activity presumed to be unlawful, immoral or socially
24 unacceptable;
25
26 (c) **Religious belief** refers to the profession of a particular belief system based on
27 religious grounds that may publicly or privately be manifested in worship,
28 observance, practice, and teaching;
29
30 (d) **Sex** refers to the biological, structural, and functional characteristics of an
31 individual; and
32
33 (e) **Stigma** refers to the dynamic devaluation and dehumanization of an individual
34 in the eyes of others which may be based on attributes that are arbitrarily defined
35 by others as discreditable or unworthy and which result in discrimination, as
36 defined under this Act, when acted upon.

37
38 **SECTION 4. Discriminatory Practices.** – It shall be unlawful for any person, natural
39 or juridical, to:

- 40
41 (a) Promote and encourage stigma in the media, in educational textbooks, and other
42 medium;
43
44 (b) Inciting violence or sexual abuse against any person or group on the basis of the
45 grounds referred to in this Act is likewise prohibited;
46
47 (c) Include any of the grounds referred to in this Act, in the criteria for hiring,
48 promotion, transfer, designation, work assignment, re-assignment, dismissal of
49 workers, and other human resource movement and action, performance review
50 and in the determination of employee compensation, career development

opportunities, training and other learning and skills development interventions, incentives, privileges, benefits or allowances, and other terms and conditions of employment, and in determining whether or not to contract or engage the services of associations or organizations: *Provided*, that this provision shall apply to employment in both the private sector and public service, including military, police and other similar services; *Provided, finally*, that in all cases, employers may reserve the right to adopt and enforce workplace rules and policies consistent with, among others, their business needs, religious values or expression;

- (d) Refuse admission or expel a person from any educational or training institution on the basis of the grounds referred to in this Act: *Provided, however*, that the right of educational and training institutions to determine the academic and other qualifications of their students or trainees shall be duly upheld; *Provided, further*, That educational and training institutions may reserve the right to refuse admission or expel a person if he/she acts contrary to the religious values of the institution, if any;
- (e) Impose disciplinary sanctions, penalties harsher than customary or similar punishments, requirements, restrictions, or prohibitions that infringe on the rights of students on the basis of the grounds referred to in this Act, including discriminating against a student or trainee due to any of the aforesaid status of the student's parents or legal guardian;
- (f) Refuse or revoke the accreditation, formal recognition, registration or plan to organize of any organization, group, political party, institution or establishment, in educational institutions, workplaces, communities, and other settings, solely on the basis of the grounds referred to in this Act of their members or of their target constituencies, unless the said act is contrary to the values, including religious values, of the educational institution, workplaces, communities, and other settings;
- (g) Deny a person access to public or private medical and other health services open to the general public, as well as access to public and private health insurance, including Health Maintenance Organization (HMO)-provided medical plans, on the basis of the grounds referred to in this Act;
- (h) Deny an application for, or revoke, on the basis of the grounds referred to in this Act, any government license, authority, clearance, permit, certification, or other similar documents necessary to exercise a profession, business, or any other legitimate calling; *Provided*, that in no case shall a marriage license be issued to contracting parties who do not satisfy the essential requisites of marriage, as provided under Chapter 1, Article 2 of the Family Code of the Philippines;
- (i) Deny a person, access to, or the use, of establishments, facilities, utilities or services, including housing, open to the general public on the basis of the grounds referred to in this Act: *Provided*, that the act of giving inferior accommodations or services shall be *prima facie* proof that a discriminatory act as provided under this subsection has been committed; *Provided, further*, that this prohibition covers acts of discrimination against juridical persons solely on

1 the basis of the status or condition of their members or of their target
2 constituencies; *Provided, finally*, That the owners and/or management of the
3 establishment may reserve the right to refuse service any individual if the said
4 act is contrary to his/her values, including religious values;
5

6 (j) Subject or force any person to undertake any medical or psychological
7 examination to determine or alter any of the circumstances referred to in this Act,
8 without the expressed consent of the person involved, or in case of a minor,
9 his/her parents or judicially-appointed guardians; and
10

11 (k) Subject any person, natural or juridical, to profiling, detention, or verbal or
12 physical harassment on the basis of the grounds referred to in this Act. For the
13 avoidance of doubt, members of law enforcement agencies, including the
14 military, police and immigration officials, shall be prohibited from profiling,
15 detaining, or verbally or physically harassing any person, including persons in
16 custody or in detention, on the basis of the grounds referred to in this Act.
17

18 **SECTION 5. Exceptions.** – Notwithstanding Section 4 of this Act, the following acts
19 shall not be deemed unlawful and discriminatory, within the meaning of this Act:
20

21 (a) When the act conforms to or promotes the beliefs or doctrines of a person's
22 religion or when the acts or practices are necessary to avoid injury or conflict with
23 the values of religious adherents;
24

25 (b) When any of the circumstances enumerated under this Act are *bona fide*
26 qualifications, occupational or otherwise, reasonably necessary to the normal
27 operation of the particular business or reasonable grounds governing
28 management prerogative;
29

30 (c) When any of the circumstances with respect to a particular line of work is based
31 on an inherent requirement which is necessary in achieving a legitimate work-
32 related function; or
33

34 (d) When the act or omission is done in good faith for the purpose of promoting or
35 advancing the interests of a person or group who need or may reasonably be
36 presumed to need assistance or advancement in order to achieve equality with
37 other members of society.
38

39 **SECTION 6. Administrative Sanctions.** – Any responsible government official, in the
40 exercise of his functions, who willfully refuses, without any valid ground, to investigate,
41 prosecute, or otherwise act on a complaint for a violation of this Act shall be guilty of
42 gross negligence and shall be subjected to appropriate administrative proceedings.
43

44 **SECTION 7. Penalties.** – Any person who commits any of the discriminatory practices
45 enumerated under this Act shall, upon conviction, be penalized by a fine ranging from
46 Ten Thousand Pesos (Php10,000) to One Hundred Thousand Pesos (Php100,000),
47 or to imprisonment of not more than thirty (30) days, or both, subject to the discretion
48 of the court.
49

1 In addition, the court may require the offender to render community service, which
2 shall include attending seminars that advocate anti-discrimination agendas on any of
3 the circumstances enumerated under this Act.
4

5 Nothing in Act shall preclude the victim from instituting a separate and independent
6 action for damages and other affirmative reliefs.
7

8 For the avoidance of doubt, the penalties provided under this Section shall be without
9 prejudice to the imposition of administrative liability for government officials and
10 employees.
11

12 **SECTION 8. Redress Mechanisms for Discrimination Cases. –** 13

14 (a) **Inclusion of Discrimination Concerns in All Police Stations.** – The Women
15 and Children's Desks now existing in all police stations shall also act on and
16 attend to complaint s/cases covered by this Act. In this regard, the police officers
17 handling said desks shall undergo trainings on human rights and sensitization on
18 the issue of violence and abuse on the basis of the grounds referred to in this
19 Act.
20

21 Complainant-minors can be represented by parents, guardians, social workers,
22 or a non-government organization of good standing and reputation.
23

24 (b) **Role of the Civil Service Commission.** – The Civil Service Commission (CSC)
25 shall promulgate the appropriate rules and regulations for the establishment of a
26 grievance mechanism to address discriminatory practices committed in, and by
27 officers or employees of, government agencies, instrumentalities, and
28 government owned and controlled corporations (GOCCs) and other offices under
29 its jurisdiction.
30

31 (c) **Role of the Department of Labor and Employment.** – The Department of
32 Labor and Employment (DOLE) shall promulgate the rules and regulations
33 necessary to enhance anti-discrimination protection in work places, including the
34 establishment of a grievance mechanism to address discriminatory practices
35 committed in the work place.
36

37 (d) **Role of the Commission on Human Rights.** – The Commission on Human
38 Rights (CHR) shall investigate and recommend the filing of a complaint against
39 any State actors violating the provisions of this Act.
40

41 The CHR shall also direct the officer concerned to take appropriate action against
42 a public officer or employee at fault or who neglects to perform an act or
43 discharge a duty required under this Act, and recommend the revocation of
44 license, removal from office or employment, suspension, demotion, fine, censure
45 or prosecution, and ensure compliance therewith. Refusal by any officer without
46 just cause to comply with an order of the CHR to revoke the license, remove,
47 suspend, demote, fine, censure, or prosecute an officer or employee who is at
48 fault, or who neglects to perform an act or discharge a duty required under this
49 Act, shall be a ground for disciplinary action against said officer.
50

1 **SECTION 9. Programs to Promote Non-Discrimination and Diversity.** – To
2 eliminate all forms of discrimination, the State shall pursue initiatives and programs
3 that seek to enable an environment free of stigma and discrimination. It shall direct the
4 machinery and resources of the State to promote non-discrimination and shall
5 encourage other sectors of the society to engage and participate in these efforts, and
6 shall, as far as practicable, ensue the implementation of the following programs:
7

8 (a) **Social Protection Programs.** – The national government shall ensure that
9 communities vulnerable to stigma and discrimination on the basis of the grounds
10 referred to in this Act are integrated into government-run social protection
11 programs.
12

13 (b) **Diversity Programs and Policies.** – All government agencies, government-
14 owned and controlled corporations, private companies, public and private
15 educational institutions, and other entities shall establish diversity programs to
16 ensure that all forms of discrimination are prevented. They shall also create an
17 internal redress mechanism to address cases of discrimination and develop
18 administrative remedies or sanctions for such cases. Public institutions shall
19 incorporate these programs into existing gender and development programs.
20

21 (c) **Information and Education Campaign.** – All government agencies and
22 instrumentalities are mandated to develop and implement information
23 dissemination on any of the prohibited forms of discrimination. They shall
24 endeavor to produce and publish information and education campaign materials
25 on discrimination.
26

27 (d) **Affirmative Action.** – The State shall develop a system of affirmative actions
28 towards protecting the rights of Indigenous peoples, other cultural minority
29 groups and groups that are most vulnerable to discrimination.
30

31 **SECTION 10. Congressional Oversight Committee.** – An Anti-Discrimination
32 Congressional Oversight Committee (ADCOC) is hereby created for the purpose of
33 ensuring the effective implementation of this Act. The ADCOC shall be composed of
34 five members from each of the Houses of Congress, which shall include the
35 Chairperson and two members of the Senate Committee on Women, Children, Family
36 Relations, and Gender Equality; the Chairperson and one member of the Senate
37 Committee on Justice and Human Rights; the Chairperson and two members of the
38 House Committee on Women and Gender Equality; and the Chairperson and one
39 member of the House Committee on Justice. The members of the ADCOC shall be
40 appointed by the Senate President and the Speaker of the House with at least one (1)
41 member from each House representing the Minority.
42

43 The ADCOC shall be jointly chaired by the Chairpersons of the Senate Committee on
44 Women, Children, Family Relations and Gender Equality and the House Committee
45 on Women and Gender Equality. The Vice-Chair of the ADCOC shall be jointly held by
46 the Chairpersons of the Senate Committee on Justice and Human Rights and the
47 House Committee on Justice. The Secretariat shall come from the existing Secretariat
48 personnel of the Senate and the House of Representatives committees concerned.
49

50 The ADCOC shall cease to exist six years after its organization.

1
2 **SECTION 11. Implementing Rules and Regulations.** – Within sixty (60) days from
3 the effectivity of this Act, the Commission on Human Rights, Civil Service Commission,
4 Department of Labor and Employment, Philippine National Police, Department of
5 Interior and Local Government, Department of Education, and other concerned
6 government agencies, shall promulgate the implementing rules and regulations for the
7 effective implementation of this Act.
8

9 **SECTION 12. Separability Clause.** – If any provision of this Act is declared
10 unconstitutional or otherwise invalid, the validity of the other provisions shall not be
11 affected thereby.
12

13 **SECTION 13. Repealing Clause.** – All laws, decrees, orders, rules and regulations or
14 parts thereof inconsistent with this Act are hereby repealed or modified accordingly.
15

16 **SECTION 14. Effectivity.** – This Act shall take effect 15 days after its publication in
17 the Official Gazette or in a newspaper of general circulation.
18

19
20 **Approved,**
21