

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
First Regular Session

HOUSE BILL NO. 388



Introduced by. REP. JUAN CARLOS "ARJO" C. ATAYDE

**AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL
ORIENTATION OR GENDER IDENTITY OR EXPRESSION (SOGIE),
PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

The 1987 Constitution, Art. III Sec. 1 provides that [n]o 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.**

The LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender/Transsexual, Queer/Questioning, Intersex, Asexual/Allies, Nonbinary/Genderqueer +) community is a relatively newly recognized sector in our society.

For decades, those who belong to this community have suffered marginalization, oppression, and other forms of abuse due to their sexual orientation, gender identity, and expression (SOGIE). Many have lived in denial of or hiding their true selves for fear of persecution, and in many cases, physical harm.

However, in spite of all the challenges against them, our brethren from the LGBTQIA+ community have emerged as productive members of our society with many of them participating in the highest levels of national conversations and programs.

The objective of this bill is simple: to prevent discrimination against SOGIE. It must be emphasized that this bill does not seek to provide special treatment for the members of the LGBTQIA+ community but to ensure that we treat them **EQUALLY** to every other human being.

As fellow members of the human race, the LGBTQIA+ community seeks only to be treated fairly, given the same opportunity to grow, and participate in all human activities without fear of oppression and persecution because of their SOGIE.

Our country stands to lose nothing and gain everything in enacting this legislation. By fully integrating the LGBTQIA+ in our community and ridding ourselves of all forms of discrimination, we all become much greater than we are and our nation will be stronger for it.

This bill defines all acts of discrimination and provides for penalties therefor. This also mandates the government agencies to develop programs and policies that will prevent SOGIE-based discrimination and promote fair treatment to everyone.

In view of the foregoing, the approval of this bill is earnestly sought.

REP. JUAN CARLOS "ARJO" C. ATAYDE



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1 **AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL**
2 **ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS**
3 **AND PROVIDING PENALTIES THEREFOR**

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

6 SECTION 1. *Short Title.* - This Act shall be known as the “*Sexual Orientation, Gender*
7 *Identity or Expression, or Sex Characteristics Equality Act.*”

8 SEC. 2. *Declaration of Policy.* - The State recognizes the fundamental right of
9 every person regardless of sex, age, class, status, ethnicity, color, disability, religious, and
10 political beliefs, sexual orientation, gender identity or expression, or sex characteristics
11 (hereinafter referred as “SOGIESC”) to be free from any form of discrimination. It shall
12 therefore intensify its efforts to fulfill its duties under the Equal Protection Clause and the
13 Bill of Rights provisions of the Philippine Constitution, and international and domestic laws
14 to respect, protect, and fulfill the rights and dignity of every individual.

15 To this end, the State shall exert efforts to address all forms of
16 discrimination, marginalization and violence on the basis of SOGIESC, and to promote
17 human dignity as enshrined in the United Nations Universal Declaration of Human Rights,
18 the Convention on the Elimination of All Forms of Discrimination Against Women,

1 particularly the General Recommendation No. 28 on Non-discrimination Based on Sexual
2 Orientation and Gender Identity, Convention on the Rights of the Child, International
3 Covenant on Civil and Political Rights, International Covenant on Economic, Social and
4 Cultural Rights, and all other relevant and universally-accepted human rights instruments
5 and other international conventions to which the Philippines is a signatory or a party.

6 In the enforcement of this Act, the free exercise and enjoyment of religious freedom
7 and of the fundamental rights of parents in the upbringing of their children in accordance
8 with their religious convictions shall be given all due respect. In all matters, the best interest
9 of children shall be paramount.

10 SEC. 3. *Definition of Terms.* – As used in this Act:
11

12 (a) *Asexual* refers to a person who does not experience attraction or
13 experiences markedly reduced attraction toward individuals of any gender;

14 (b) *Bisexual* refers to a person who has the capacity to form enduring physical,
15 romantic, and/or emotional attractions to those of the same gender or to those of another
16 gender;

17 (c) *Child* refers to a person below eighteen (18) years of age or older but who is
18 incapable of taking care of oneself as defined under Republic Act No. 7610, as amended,
19 otherwise known as the “Special Protection of Children Against Abuse, Exploitation and
20 Discrimination Act”;

21 (d) *Discrimination* refers to any act of distinction, exclusion, restriction, or preference
22 which is based on any ground such as sex or SOGIESC, and which has the purpose or effect,
23 whether direct or indirect, of nullifying or impairing the recognition, access to, enjoyment, or
24 exercise by all persons on an equal footing of all rights and freedoms. The actual sex or
25 SOGIESC of the person subjected to discrimination shall not be relevant for the purpose of
26 determining whether an act of discrimination has been committed. Direct discrimination
27 occurs where a person is treated less favorably than another person in the same or comparable

1 circumstances on the ground of a person or persons' SOGIESC. Indirect discrimination occurs
2 where an apparently neutral condition or requirement is imposed which has the effect of
3 disadvantaging a person of diverse SOGIESC and which is not reasonable in the
4 circumstances;

5 (e) *Gay* refers to a person who identifies himself as a man and whose enduring
6 physical, romantic, and/or emotional attractions are to people who also identify themselves
7 as men;

8 (f) *Gender* refers to a social construct used to categorize a person as man, woman, or
9 other identity, which is usually based on one's sex assigned at birth;

10 (g) *Gender expression* refers to the way a person communicates gender identity to others
11 through behavior, clothing, hairstyles, communication or speech pattern, or body
12 characteristics;

13 (h) *Gender identity* refers to a person's innermost concept of self as man, woman,
14 or another non-binary identity which may or may not correspond with their sex or gender
15 assigned at birth;

16 (i) *Harassment* refers to such unwanted conduct, pattern of conduct, act, or series of
17 acts which tend to annoy, insult, bully, demean, offend, threaten, intimidate, alarm, or create
18 a hostile or emotionally distressing environment, or put a person or group of persons in fear
19 of their safety;

20 (j) *Hate crimes* refer to criminal offenses committed against a person or a group of
21 persons, or against such targeted person's or group's honor or property, motivated in whole
22 or in part by the offender's bias against SOGIESC;

23 (k) *Intersex* refers to people born with the sex characteristics (including genitals,
24 gonads and chromosome patterns) that do not fit typical binary notions of male or female
25 bodies, all of which are natural bodily variations along a spectrum;

1 (l) *Lesbian* refers to a person who identifies herself as a woman and whose
2 enduring physical, romantic, and/or emotional attractions are to people who also identify
3 themselves as women;

4 (m) *LGBTQIA+ community* refers to the collective of persons who are Lesbian,
5 Gay, Bisexual, Transgender/Transsexual, Queer/Questioning, Intersex,
6 Asexual/Allies, Non-Binary/Genderqueer and other persons of diverse SOGIESC;

7 (n) *Marginalization* refers to a condition where a whole category of people is excluded
8 from useful and meaningful participation in political, economic, social, and cultural life;

9 (o) *Profiling* refers to subjecting a person or group of persons to investigatory
10 activities, which include unnecessary, unjustified, illegal and degrading searches, or
11 other investigatory activities, in determining whether an individual is engaged in an activity
12 presumed to be unlawful, immoral or socially unacceptable;

13 (p) *Reasonable accommodation* means necessary and appropriate modification
14 and adjustments not imposing a disproportionate or undue burden, where needed in
15 a particular case, to ensure persons of diverse SOGIESC the enjoyment or exercise on an equal
16 basis with others of all human rights and fundamental freedoms;

17 (q) *Sex* refers to the civil status of a person acquired by birth having a system
18 of reproduction corresponding to that belonging to either male, female or intersex;

19 (r) *Sex characteristics* refers to a person's physical traits that indicate their biological sex,
20 such as chromosomes, external genitalia, gonads, hormones, and internal reproductive
21 organs. Traits present at birth are called primary sex characteristics, whereas those that
22 develop during puberty are called secondary sex characteristics;

23 (s) *Sexual orientation* refers to the direction of emotional, sexual attraction, or conduct
24 towards people of the same gender (homosexual orientation) or towards people of more than
25 one gender (bisexual orientation), or towards people of the opposite gender (heterosexual
26 orientation) or to the absence of sexual attraction (asexual orientation);

1 (t) *Stigma* refers to the dynamic devaluation and dehumanization of an individual in
2 the eyes of others which may be based on attributes that are arbitrarily defined by others as
3 discreditable or unworthy, and which result in discrimination when acted upon;

4 (u) *Transgender* refers to a person whose gender identity does not align with the sex or
5 gender assigned at birth, frequently abbreviated to “trans”; and

6 (v) *Queer* refers to a variety of sexual orientation and gender identities or expression
7 that do not align with mainstream, heteronormative, and/or binary assumptions. Sometimes
8 referred to as *genderqueer* or *non-binary*.

9 SEC. 4. *Communities Vulnerable to Discrimination and Abuse on the Basis of SOGIESC.* -
10 This Act seeks to protect individuals and communities that are at a greater risk of experiencing
11 human rights violations on the basis of SOGIESC, including individuals and communities
12 of diverse SOGIESC who are children, young, poor, persons with disabilities, indigenous
13 peoples or persons of different ethnic background, or cultural background, and of various
14 religious beliefs.

15 For this purpose, discrimination on the grounds of a person’s SOGIESC intersecting
16 or compounded by other grounds and factors such as age, racial or ethnic origin, religious
17 belief or activity, political inclination or conviction, social class, economic status, marital or
18 relationship status, disability, HIV status, health status or medical history, language, physical
19 features, or other status shall be considered a discriminatory practice.

20 SEC. 5. *Discriminatory Practices.* - It shall be unlawful for any person, natural
21 or juridical, to engage in discrimination as defined in this Act, which shall include:

22 (a) Advertising, producing, and publishing in the media, in educational textbooks,
23 and other medium that has the effect of promoting, encouraging and perpetuating stigma or
24 inciting violence and sexual abuse against any person or group on the basis of SOGIESC;

25 (b) Denying access to public services to any person on the basis of SOGIESC;

(c) Including SOGIESC, as well as the disclosure of one's SOGIESC, in the criteria for hiring, promotion, transfer, designation, work assignment, re-assignment, dismissal of workers, subcontracting and other human resource movement and action, performance review, and in the determination of employee compensation, access to career development opportunities, training, and other learning and development interventions, incentives, privileges, benefits or allowances, and other terms and conditions of employment: *Provided*, That this provision shall apply to employment and skills training in both the private and public sectors, including military, police, and other similar services: *Provided further*, That this prohibition shall likewise apply to the contracting and engaging of the services of juridical persons, associations or organizations with LGBTQIA+ members or of associations or organizations advocating LGBTQIA+ rights;

(d) Refusing admission or expelling a person from any educational or training institution, such as police and military academies or training institutions, on the basis of SOGIESC. This includes discriminating against a student or trainee due to the SOGIESC of the student's parents or guardian, court-appointed or otherwise: *Provided however*, That the right of educational and training institutions to determine the academic qualifications of their students or trainees shall be duly upheld;

(e) Imposing disciplinary sanctions, penalties harsher than customary or similar punishments, requirements, restrictions or prohibitions that infringe on the rights of the students on the basis of SOGIESC, including discriminating against a student or trainee due to the SOGIESC of the student's parents or guardian, court-appointed or otherwise;

(f) Refusing or revoking 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 SOGIESC of their members or of their target constituencies such as dissolving existing organizations or refusing or revoking the accreditation, formal recognition, registration or

1 establishment of any organization, group, political party, institution, or establishment in
2 educational institutions, workplaces, communities, and other settings, on the basis of the
3 SOGIESC of their members or of their target constituencies, whether explicit or otherwise;

4 (g) Denying a person access to public or private medical and other health services open
5 to the general public on the basis of such person's SOGIESC, as well as access to public
6 and private health insurance, including health maintenance organizations, on the basis of
7 SOGIESC: *Provided*, That this shall not authorize an order to any institution or person to
8 perform gender affirming surgeries or other similar procedures;

9 (h) Denying an application for or revoking a professional or other similar kind
10 of license, clearance, certification on, or any other similar document, except marriage
11 license, issued by the government due to the applicant's SOGIESC;

12 (i) Denying a person access to or the use of establishments, facilities, utilities,
13 or services, including housing, open to the general public on the basis of SOGIESC: *Provided*,
14 That the act of giving inferior accommodations or services shall be considered a denial of
15 access or use of such facility or service: *Provided further*, That establishments will make
16 available their existing toilets with facilities designated for persons with disabilities also as
17 gender neutral toilets: *Provided finally*, That this prohibition covers acts of discrimination
18 against juridical persons solely on the basis of the SOGIESC of their members or of their target
19 constituencies;

20 (j) Subjecting or forcing any person to undertake any medical or psychological
21 examination to determine or alter, or both, the person's SOGIESC without the express
22 approval of the person involved, except in cases where the person involved is a minor and
23 below the age of discernment, or a person who lacks mental capacity, in which case, prior
24 approval of the appropriate Family Court shall be required. In the latter case, the child or a
25 person who lacks mental capacity shall be represented in the proceedings by the Solicitor
26 General or the latter's authorized representative. In no case shall a minor or a person who

1 lacks mental capacity be forced to undertake said examination against the person or persons'
2 will and consent;

3 (k) Harassment, coercion, or threats committed on the basis of one's SOGIESC by those
4 involved in the enforcement of law, regulations or directives, and the protection of rights of
5 any person, whether they belong to the public or private sector. Among other cases,
6 prohibited acts under this section include arresting or placing under custody, and subjecting
7 a person to extortion, physical, verbal abuse, or sexual abuse, regardless of whether such
8 arrest has legal or factual basis. Harassment, coercion, or threat of juridical persons on the
9 basis of the SOGIESC of their members, stockholders, benefactors, clients, or patrons is
10 likewise covered by this provision;

11 (l) Publishing information intended to "out" or reveal the sex or SOGIESC of
12 persons without their consent, whether or not done in good faith, when such has not been
13 made known by the person/s concerned and has been made with malicious intent or is
14 primarily motivated by a desire for commercial profit;

15 (m) Engaging in public speech, except religious speech or comments made in
16 the context of a religious service, ceremony or activity, meant to shame, insult, vilify, or
17 which tends to incite or normalize the commission of discriminatory practices against persons
18 of diverse SOGIESC, and which acts or practices in turn, intimidate them or result in the loss
19 of their self-esteem;

20 (n) Subjecting persons or groups of persons to harassment which is motivated in whole
21 or in part by the offender's bias, belief, or perception regarding the offended party's SOGIESC,
22 regardless of whether the belief or perception is correct. Such prohibited act may include
23 physical assault, stalking, or making derogatory comments, slurs or lewd propositions, and
24 may be conducted through any form of medium, including visual representation, broadcast
25 communication, correspondence or communication through mail or any telecommunication
26 device, or through the internet or cyberspace;

(o) Subjecting any person, natural or juridical, to gender profiling or to any investigatory activities, which include (i) unnecessary, unjustified, illegal, or degrading searches to determine whether an individual is engaged in an activity presumed to be unlawful, immoral, or socially unacceptable; (ii) recording and analyzing a person's psychological and behavioral characteristics to make generalizations about a person's SOGIESC or to assist in identifying a particular subgroup of people's SOGIESC;

(p) Preventing a child under parental authority, custody, or guardianship, whether court appointment or otherwise, from exhibiting or expressing one's SOGIESC; or manifesting rejection of such child's SOGIESC by inflicting or threatening to inflict bodily or physical harm against the child or by causing mental or emotional suffering to the child through intimidation, harassment, public ridicule or humiliation, repeated verbal abuse, or other similar means; or in general, committing any act or omission prejudicial to the welfare and interest of the child as a result of the bias against the SOGIESC of the child;

(q) Adopting a measure or practice of general or neutral application which fails to provide for mechanisms to offset or address SOGIESC-based disadvantages or limitations as a result of which persons of diverse SOGIESC are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges otherwise available to other persons: *Provided*, That this provision includes denial of reasonable accommodation: *Provided further*, That such prohibited act may include, among others, economic assistance programs extended only to families traditionally consisting of heterosexual couples, whether *de facto* or legally recognized, to the exclusion of those consisting of couples of diverse SOGIESC; and

(r) Subjecting a person to any other analogous acts that shall have the effect or purpose of impairing or nullifying the enjoyment, recognition, or exercise of a person's rights and freedoms.

1 SEC. 6. *Privacy Rights.* – No person shall be burdened, prejudiced, or prosecuted by
2 reason of the exercise of the right to personal privacy, unless it can be shown that there is a
3 compelling reason or interest justifying the infringement of said constitutional right, and there
4 is no other less restrictive means to achieve said reason or interest.

5 SEC. 7. *Administrative Sanctions.* - Refusal of a government official or employee or
6 those involved in the enforcement of law whose duty is to implement any part of this Act, to
7 investigate, prosecute, comply with the directive of the Commission on Human Rights
8 (CHR), or otherwise act on a complaint for a violation of this Act or causing unreasonable
9 delay to perform such a duty without a valid ground shall constitute gross negligence on the
10 part of the official who shall suffer the appropriate penalty under civil service laws, rules and
11 regulations.

12 SEC. 8. *Penalties.* - A person who commits any of the discriminatory practices
13 described in Section 5 shall, upon conviction, be penalized by a fine of not less than One
14 hundred thousand pesos (P100,000) but not more than Five hundred thousand pesos
15 (P500,000) or imprisonment of not less than one (1) year but not more than twelve (12) years
16 or both, at the discretion of the court. In addition, the court may impose upon a person found
17 to have committed any of the prohibited acts the rendition of community service in terms of
18 attendance in human rights education's familiarization with and exposure to the plight of the
19 victims.

20 If the violation or offense is committed on the grounds of a person's SOGIESC
21 intersecting or compounded by other grounds and factors mentioned in Section 4, the penalty
22 shall be imposed in its maximum.

23 If the violation or offense is committed by a corporation, partnership, association or
24 other juridical entities, the penalty provided for in this section shall be imposed upon the
25 directors, officers, employees or other officials or persons therein responsible for the offense
26 without prejudice to the civil liabilities arising from the criminal offense.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

Nothing in this Act shall preclude the victim from instituting a separate and independent action for damages and other affirmative reliefs or such other cases for violation of other applicable penal laws.

The penalties provided under this Section shall be meted without prejudice to the imposition of administrative liability for government officials and employees.

SEC. 9. *Special Aggravating Circumstance.* – If any civil, criminal, or administrative offense, not falling under this Act, is committed and proven to be motivated by bias, prejudice, or hate based on SOGIESC, said offense shall be aggravated and the corresponding penalty provided thereto shall be imposed in its maximum.

SEC. 10. *Redress Mechanisms for SOGIESC-related Cases.* –

(a) *Inclusion of SOGIESC Concerns in All Police Station Activities and Services* – The Women and Children’s Desks now existing in all police stations shall be renamed as Women, Children and Persons of Diverse SOGIESC Protection Desk, which shall also act on and attend to complaints/cases covered by this Act. In this regard, police handling said desks shall undergo appropriate trainings with human rights-based approach to include among others gender sensitivity and awareness in proper terminology, and in the dynamics of relationships existing between persons of diverse SOGIESC as applied in hate crime investigations, case handlings, and case documentations.

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

(b) *Role of the Civil Service Commission (CSC)* – In appropriate cases, the CSC shall, by regulation, require government establishments, including government-owned and controlled corporations and financial institutions to establish a grievance

1 mechanism to address discriminatory practices in the workplace and in the
2 provision of services to the public. For this purpose, failure or delay in establishing
3 a grievance mechanism by the Head of Agency shall be a ground for the
4 imposition of an administrative fine as may be prescribed by the CSC.

5 (c) *Role of the Department of Labor and Employment (DOLE)* – In appropriate cases, the
6 DOLE shall, by regulation, require private establishments to establish a grievance
7 mechanism to address discriminatory practices committed in the workplace and
8 in the provision of services to the public. For this purpose, failure or delay in
9 establishing a grievance mechanism shall be a ground for the imposition of an
10 administrative fine as may be prescribed by the DOLE.

11 (d) *Role of the Commission on Human Rights (CHR)* – The CHR shall investigate and
12 recommend the filing of a complaint against any person violating this Act. If the
13 CHR has reasonable cause to believe that any person or group of persons is
14 committing acts penalized in Section 5 of this Act, the CHR shall recommend a
15 legal action in the appropriate prosecutor's office or court.

16 The CHR shall also direct the officer concerned to take appropriate action against
17 a public officer or employee at fault or who neglects to perform an act or discharge
18 a duty required under this Act, and recommend the revocation of license, removal
19 from office or employment, suspension, demotion, fine, censure, or prosecution,
20 and ensure compliance therewith. The refusal or delay in the compliance with the
21 directive of the CHR, without valid cause, to revoke the license, remove, suspend,
22 demote, fine, censure, or prosecute an officer or employee who is at fault, or who
23 neglects to perform an act or discharge a duty required under this Act, shall be a
24 ground for disciplinary action against said officer or employee.

25 The CHR shall also document cases of discrimination on the basis of SOGIESC and
26 shall include these documented cases in its annual human rights report. The

Commission shall actively provide recommendations to different branches of government on how to address and eliminate discrimination on the basis of SOGIESC.

SEC. 11. *Government Programs and Policies.* - The State shall pursue initiatives and programs that seek to establish and maintain an environment free of stigma and discrimination. It shall direct the machinery and resources of the State to promote non-discrimination and shall encourage other sectors of the society to engage and participate in these efforts. To this end, the Council shall, by rules and regulations, develop, prescribe and administer incentive and award scheme to encourage public and private establishments to provide programs that defend the human rights of persons of diverse SOGIESC and contribute to their empowerment. The State shall ensure the implementation of the following programs:

(a) Social Protection Programs (SPPs) - The national government shall ensure that communities vulnerable to stigma and discrimination on the basis of SOGIESC are integrated into government-run SPP.

(b) Diversity and Inclusion Programs and Trainings (DIPTs) - All government agencies, including government-owned and controlled corporations, local government units (LGUs), private companies, public and private education institutions, and other entities, whether public or private, shall establish diversity and inclusion programs and shall endeavor to provide or conduct trainings for their staff, employees, students and trainees, and constituents on human rights, gender sensitivity and awareness, and sensitization on the issue of violence and abuse to ensure that human rights violations and violence on the basis of SOGIESC are prevented. Such institutions may incorporate these activities into existing gender sensitivity and development training programs or school curricula. Finally, the above listed agencies, companies and institutions shall create an internal

redress mechanism to address cases of discrimination and develop administrative remedies or sanction for such cases.

(c) Information and Education Campaign (IEC) - All government agencies and instrumentalities are mandated to develop and implement SOGIESC-specific gender sensitivity education and information dissemination programs. They shall endeavor to produce and publish information and education campaign materials on gender and human rights.

SEC. 12. *Empowering Portrayal of Persons of Diverse SOGIESC in Media.* - The State shall provide appropriate measures to ensure that media shall undertake positive and empowering portrayal of persons of diverse SOGIESC to counter existing stereotypes and misconceptions that often lead to discriminatory practices. To this end, incentives and awards scheme shall be provided to programs that defend the human rights of persons of diverse SOGIESC and contribute to their empowerment, pursuant to Sec. 11 of this Act.

SEC. 13. *SOGIESC Equality Congressional Oversight Committee.* - For the effective implementation of this Act, there shall be created a Congressional Oversight Committee, hereinafter referred to as the SOGIESC Equality Congressional Oversight Committee (SECOC), within sixty (60) days after the enactment of this Act. The SECOC shall be composed of five (5) members each from the Senate and the House of Representatives, which shall include the Chairpersons of the Senate Committees on Women, Children, Family Relations and Gender Equality, and Justice and Human Rights, and the Chairpersons of the House of Representatives Committees on Women and Gender Equality, and Human Rights. The members from the Senate and the House of Representatives shall be appointed by the Senate President and the Speaker, respectively, with at least one (1) member representing the minority.

The SECOC shall be chaired jointly by the Chair of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on

1 Women and Gender Equality. The position of Vice-Chair of the SECOC shall be jointly held
2 by the Chair of the Senate Committee on Justice and Human Rights and the House Committee
3 on Human Rights. The Secretariat of the SECOC shall come from the Secretariat personnel of
4 the Senate and the House of Representatives committees concerned.

5 The SECOC shall monitor the compliance of public institutions to the provisions of
6 this Act. Within three (3) years after the enactment of this Act, the SECOC shall conduct an
7 audit of national and local policies that discriminate on the basis of sexual orientation, gender
8 identity or expression, or sex characteristics, and shall submit a report to Congress, the Office
9 of the President, and the Supreme Court, on this subject. Thereafter, the Council shall submit
10 to Congress an annual report on the implementation of this Act.

11 The SECOC shall cease to exist ten (10) years after its organization.

12 SEC. 14. *Inter-Agency Council on SOGIESC Equality.* - In pursuance of the
13 abovementioned government programs and policies, there is hereby established an inter-
14 agency council on SOGIESC equality, hereinafter known as the Council, which shall be
15 composed of the following agencies and organizations:

- 16 a) CHR;
- 17 b) Department of Justice (DOJ);
- 18 c) CSC;
- 19 d) Philippine National Police (PNP);
- 20 e) Department of Information and Communications Technology;
- 21 f) National Youth Commission (NYC);
- 22 g) Philippine Commission on Women (PCW);
- 23 h) Commission on Population and Development (CPD);
- 24 i) DOLE;
- 25 j) Department of Education (DepEd);

- 1 k) Commission on Higher Education (CHED);
- 2 l) Technical Education and Skills Development Authority (TESDA);
- 3 m) Philippine Statistics Authority (PSA);
- 4 n) Department of Health (DOH);
- 5 o) Department of Social Welfare and Development (DSWD);
- 6 p) Department of the Interior and Local Government (DILG); and
- 7 q) At least three (3) representatives from civil society organizations (CSOs) with
- 8 proven expertise and track record on SOGIESC concerns;

9 The Chairperson of the CHR shall be the permanent Chairperson of the Council, and
10 the secretary of Justice as its permanent Vice-Chairperson. The Council members may
11 designate their permanent representative who shall have a rank not lower than an assistant
12 secretary or its equivalent, and shall receive emoluments as may be determined by the Council
13 in accordance with existing budget and accounting rules and regulations.

14 The CSOs forming part of the Council shall be selected based on proven expertise and
15 track record on SOGIESC concerns, subject to the implementing rules and regulations of this
16 act. The representatives of the CSOs shall serve for a term of three (3) years renewable at the
17 discretion of the Chairperson upon recommendation of the Council for a maximum of two (2)
18 consecutive terms.

19 The Council shall meet at least once every quarter, the presence of the Chairperson or
20 the Vice-Chairperson of the Council, and at least ten (10) other representatives of the Council
21 members shall constitute a quorum to do business, and a majority of those present shall be
22 sufficient to pass resolutions or render decisions.

23 SEC. 15. *Powers and Functions of the Council.* – The Council shall have the following
24 powers and functions:

- 25 (a) Develop DIPTs and IECs for the national government;

(b) Provide overall direction to the DIPTs, IECs and SPPs of the national government, and guidance and technical assistance to agencies in the implementation of the DIPTs, IECs and SPPs in their respective agencies;

(c) Encourage LGUs to issue ordinances promoting DIPTs and IECs within their respective jurisdictions;

(d). Ensure that branches, departments, bureaus, offices, agencies and instrumentalities of the government, including government-owned and controlled corporations (GOCCs), state universities and colleges (SUCs) and LGUs, undertake appropriate measures, subject to existing laws, rules and issuances, relative to the violation of nondiscrimination laws or issuances, and/or filing of appropriate action against erring persons;

(e) Establish a system for monitoring the progress of branches, departments, bureaus, offices, agencies and instrumentalities of the government, including GOCCs, SUCs and LGUs, in the implementation of DIPTs, IECs and SSPs;

(f) Enlist the support and assistance of other government agencies and instrumentalities in the attainment of the objectives of Section 10 of this Act; and

(g) Submit to the SECOC regular reports on the progress of the implementation of this act, highlighting the impact thereof on the status and human rights of people with diverse SOGIESC and recommend possible legislation to address gaps in existing laws.

SEC. 16. *Secretariat of the Council.* – The CHR shall determine the additional positions required for the purpose consisting of personnel with the necessary technical expertise and capacity in accordance with the Revised Compensation and Position Classification System subject to the evaluation and approval of the Department of Budget and Management and in accordance with the civil service laws, rules and regulations.

The secretariat shall be headed by an Executive Director who shall be under the direct supervision of the Chairperson of the Council.

The secretariat shall perform the following functions:

(a) Coordinate and manage the day-to-day affairs of the Council;

(b) Assist in the formulation, monitoring and evaluation of DIPTs and IECs;

(c) Provide technical assistance, support and advisory services to the Council and its external partners;

(d) Assist the Council in identifying and building internal and external networks and partnerships;

(e) Coordinate and support the efforts of the Council and its members to mobilize resources; and

(f) Provide administrative support to the Council.

SEC. 17. *Appropriations.* - The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 18. *Implementing Rules and Regulations.* - Within sixty (60) days from the effectivity of this Act, the CHR, DOJ, CSC, PNP, Department of National Defense, NYC, PCW, CPD, DOLE, DepEd, CHED, TESDA, DOH, DSWD, DILG, and at least three (3) CSOs with proven expertise and track record on SOGIESC concerns, shall promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

SEC. 19. *Separability Clause.* - If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

SEC. 20. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 21. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,