

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3093



Introduced by: Rep. Keith Micah "Atty. Mike" D.L. Tan

AN ACT
TO PROMOTE SPORTS DEVELOPMENT THROUGH RESPONSIBLE AUTONOMY OF NATIONAL SPORTS ASSOCIATIONS (NSAs) AND TO STRENGTHEN THE ROLE OF THE STATE IN THEIR GOVERNANCE AND MANAGEMENT TO MAKE THEM MORE RESPONSIVE TO THE GOAL OF FOSTERING PHYSICAL FITNESS, SELF-DISCIPLINE, TEAMWORK AND EXCELLENCE FOR THE DEVELOPMENT OF A HEALTHY AND ALERT CITIZENRY

EXPLANATORY NOTE

Article II, Section 17 of the 1987 Philippine Constitution provides that "The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development".

Article XIV, Section 19 also declares that "The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.

All educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors".

Pursuant to the aforesaid Constitutional mandates, Republic Act (R.A.) No. 6847, otherwise known as "The Philippine Sports Commission Act", provides that "It is the policy of the State to promote physical education, encourage and sustain the development of sports in the country to foster physical fitness, self-discipline, teamwork and excellence for the development of a healthy and alert citizenry through a unified national sports promotion and development program XXX".

Section 13 of R.A. 6846 states that "National sports associations, organized for their respective sports in the Philippines and/or affiliated with their respective international federations which are recognized by the International Olympic Committee, are recognized as such by the Commission".

NSAs, as provided by law, are autonomous, recognized by the PSC, and have exclusive technical control over the promotion and development of the particular sport for which they are organized. However, they are subject to the supervisory and visitorial powers of the PSC.

Among the functions, powers, duties and responsibilities of the NSAs include among others the conduct of competitions for the promotion of their respective sports, decision on all questions on the amateur status and discipline of the athletes and officials connected with the associations as well as the members thereof and all disputes between members, selection of the athletes, coaches and other officials for their national teams, keeping of accurate records of all official marks, scores and results attained by the athletes in the associations in all competitions, as well as all results of sports competitions, and qualifying and licensing of referees, umpires and other game officials who shall officiate in competitions in their respective sports.

As the local governing body for a given sport or its related sports that organizes events, promulgates the rules, promotes the sport to fans, and develops and recruits the national players and coaches, NSAs play a primordial role in the local sports system, specifically in fostering patriotism and nationalism, accelerating social progress, and promoting total human liberation and development as well as self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.

However, there was an observation that “Sport federations are almost always a monopoly. There appears to be a lack of supervision, consequences, and a lack of competition or alternatives.”¹

It has been said as well that the concept of sports autonomy that NSAs enjoy is being abused and brandished whenever convenient and is being used “as a blanket authority against Athletes and Coaches if they so much disagree or ask for what is rightly theirs in the first place.”²

As the country continues to grapple with the fallout of many controversies involving NSAs: Filipino-American figure skater Melissa Bulanlagui’s snub by the Philippine Skating Union (PhSU) in 2013³; former two-time Olympian Donald David “Donnie” Geisler III’s expulsion from the Philippine Taekwondo Association (PTA) in 2020⁴; Ernest John “EJ” Obiena’s rift with the Philippine Athletics Track and Field Association (PATAFA) in 2022⁵, and the late sports analyst Chino Trinidad’s accusations of mismanagement and favoritism by the officials of the Samahang Basketbol ng Pilipinas (SBP) towards a coach of the Gilas Pilipinas national basketball team⁶, among others, this measure seeks to strengthen PSC’s monitoring and oversight functions over the NSAs with the end in view of making them more responsible, transparent, and accountable, especially because the “majority of the Philippine NSA’s remain totally reliant and constrained by the amount of support it receives. Their

¹ Sport federations: The monopoly that leads to countless abuse victims (<https://twistingthoughts.com/2021/10/14/sport-federations-the-monopoly-that-leads-to-countless-abuse-victims/>)

² The What and Why of the POC, PSC, and the NSAs, Sports Management Council of the Philippines, May 22, 2015 (<https://www.sportphil.com/the-what-and-why-of-the-poc-psc-and-the-nas-part-1/>) Accessed on 08 September 2023

³ Champion skater frozen out, The Game of My Life, Bill Velasco, September 23, 2013, Philippine Star (<https://www.philstar.com/sports/2013/09/23/1237224/champion-skater-frozen-out>) Accessed on 10 September 2023

⁴ ‘Persona non grata’: Olympian Donald Geisler expelled from PH taekwondo body, Dennis Gasgonia, ABS-CBN News, September 22, 2020 (<https://news.abs-cbn.com/sports/09/22/20/persona-non-grata-olympian-donald-geisler-expelled-from-ph-taekwondo-body>) Accessed on 07 September 2023

⁵ PATAFA vs Obiena: The mess no one needed, January 5, 2022, Ariel Ian Clarito (<https://www.rappler.com/sports/patafa-vs-ej-obiena-mess-no-one-needed/>) Accessed on 11 September 2023

⁶ ‘Konsintindor’: Chino Trinidad calls out SBP officials for alleged bias for ‘coach Voldemort’, September 8, 2023 (<https://politics.com.ph/2023/09/08/konsintindor-chino-trinidad-calls-out-sbp-officials-for-alleged-bias-for-coach-voldemort/>) Accessed on 10 September 2023

situation is made worse by the highly politicized nature of Philippine sports and the bias of corporate sponsors towards the more “popular” sports...”⁷

Amid the country’s continued promotion of itself as a rising developing country in the world while simultaneously improving key aspects such as the development of our national athletes to their full potential, and in order to bolster the caliber of our national athletes and promote the development of sports in the country, the bill seeks to institute governmental oversight over the NSAs through monitoring and oversight mechanisms.

Likewise, it mandates all NSAs to craft their respective roadmaps for the national development and excellence of their respective sports and provides for the establishment of Safeguarding Committees to safeguard participants in the sporting environment from abuse, harassment, and game fixing that undermine both the mental and physical health of participants and the integrity of sport.

Moreover, it provides for the adoption of appropriate programs and mechanisms to uphold the integrity of sports and the promulgation of performance-based incentive scheme that will serve as the basis for extending financial assistance to NSAs.

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



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⁷ The Philippine Taekwondo Association Experience: Developing a model of sport governance and sustainability for National Sports Associations. Geraldine Bernardo . De La Salle University (Accessed on 07 September 2023)

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

SECTION 1. *Title.* - This Act shall be known as the "NSAs Governance Act".

SEC. 2. *Declaration of Policy.* - The State recognizes the potential of local governing bodies of sports or their related sports in promoting physical education, encouraging and sustaining the development of sports in the country to foster physical fitness, self-discipline, teamwork and excellence for the development of a healthy and alert citizenry.

Towards this end, the State shall ensure that:

- (a) The operations of NSAs are rationalized and monitored centrally to promote sports good governance;
- (b) The management of NSAs is carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness; and
- (c) The NSAs are competent to carry out its functions, fully accountable to the State and acts in the best interest of the State.

SEC. 3. *Monitoring and Oversight of NSAs.* - Notwithstanding the pertinent provisions of Republic Act No. 6847, otherwise known as the "The Philippine Sports Commission Act", the PSC is hereby mandated to serve as the central advisory, monitoring, and oversight body with authority to formulate, implement and coordinate policies. It shall serve as an impartial and fair hearing body regarding disputes involving athletes, coaches, and NSAs. The PSC shall have the following powers and functions:

- (a) Establish a sport-specific performance evaluation systems including performance scorecards for all NSAs;

(b) Conduct periodic study, examination, assessment and evaluation of NSAs, receive and require reports on the operations and management of the NSAs including, but not limited to:

- (1) Policies, priorities and direction;
- (2) Sports promotion and development programs;
- (3) Training programs;
- (4) Qualifying tournaments that serve as basis for inclusion of athletes in the national roster;
- (5) Selection of the athletes, coaches and other officials for national teams;
- (6) Preparations for international competitions;
- (7) Competition guidelines and scoring system;
- (8) Methods of appeals and protests in sports competitions;
- (9) Dispute resolution mechanism;
- (10) Accurate records of all official marks, scores and results attained by the athletes in all competitions duly sanctioned by the NSAs;
- (11) All results of sports competitions and other relevant matters involving the conduct of competitions for the promotion of their respective sports; and
- (12) Such other information that the PSC shall require such as those regarding the adoption and enforcement of Sports Integrity Program.

(c) Coordinate and monitor the operations of NSAs, ensuring alignment and consistency with the national sports development policies and programs.

SEC. 4. *Establishment of Safeguarding Committees.* – The PSC shall establish a Safeguarding Committee as may be appropriate for each NSA. The Committee shall be responsible for the formulation and implementation of a Safeguarding Program to safeguard participants in the sporting environment from abuse, harassment, and game machinations that undermine both the mental and physical health of participants and the integrity of the sport.

The Program shall include the following activities:

- (a) Determination of inappropriate and harmful behaviors which constitute misconduct and threaten the sport's core values;
- (b) Formulation of processes, procedures, and decision-making through independent mechanisms for assessment, investigation, and adjudication;

- (c) Promotion of safe environments through appropriate inter-personal behavior and best practice of players, coaches, and officials in their respective roles in the sporting environments;
- (d) Facilitation of access to appropriate channels for reporting concerns and to psychosocial support for affected parties;
- (e) Provision of knowledge, resources and tools in the development of safeguarding capabilities within the NSA;
- (f) Assistance to NSAs in enhancing their standard operating procedures with respect to abuse, harassment, and game machinations; and
- (g) Promotion of respect to the NSA's responsibility to provide leadership and good governance.

SEC. 5. *Sports Integrity Program.* – Each NSA shall adopt and enforce appropriate programs and mechanisms to uphold the integrity of the sport in consultation with the coaches, athletes and other stakeholders. NSAs shall implement anti-cheating systems particularly those that promote fair scoring and spectator-friendly tournaments and prevent the incidence of bribery, favoritism, game machination, and other forms of cheating that undermine the integrity of the sport, especially those that victimize children.

SEC. 6. *Performance-Based Incentive Scheme.* - A performance-based incentive scheme shall be established by the PSC consistent with the pertinent provisions of this Act as basis for extending financial assistance to NSAs.

SEC. 7. *Roadmap for Excellence of the NSAs.* – All NSAs shall craft their respective roadmaps for the national development and excellence of their own sports, which shall incorporate, among others, programs and activities for grassroots promotion, identifying potential athletes, assistance for trainings and competitions, including the necessary budgetary requirements, to support their athletes' full development in both the national and international arena, with special programs and funding for those with the potential to become world-class elite athletes in the Olympics and other international sports competitions.

NSAs shall set goals on the expansion of their grassroots programs and the exposure and opportunities for their respective athletes and coaches in national and international sports competitions: Provided, That the NSAs shall only receive financial assistance if their roadmap has been reviewed by the PSC, certifying its propriety and compliance with the following:

- (a) Sports Development and Participation for All. - Promote and encourage population-based participation in sports and other physical activities, which shall be the basis for the development of more skilled athletes. Coordinate with the LGUs for programs involving, among others, mass participation in physical fitness activities;
- (b) Talent Identification. - Promote early recognition and development of talented and exceptionally gifted Filipino athletes who have demonstrated the potential of excelling in the field of sports;

- (c) Education and Sports. - In coordination with various educational institutions, including the National Academy for Sports (NAS), the University of the Philippines (UP), and other concerned government agencies, and non-government organizations (NGOs), shall ensure that highly talented and exceptionally gifted students are given the opportunity to pursue and excel in sports and have access to good quality education.
- (d) Sports Scholarships and Grants. - Provide scholarships under relevant laws to all qualified athletes, and offer grants for sports science research to build the knowledge generation capacity of Filipino sports science.
- (e) Health and Well-being. - Ensure that the health of Filipino athletes, including their safety, is protected at all times, which includes their physical, mental, and emotional well-being. Secure elite Filipino athletes' access to proper nutrition, health care professionals, including free or subsidized vitamins and medical expense coverage, taking into consideration the budget needed for emergency situations, such as athletes' sports-related medical examination and procedures, as well as strive to provide the same benefits for athletes in grassroots sports, including student-athletes, in direct coordination with their educational institutions and other concerned agencies.
- (f) Infrastructure and Training Facilities. - Ensure that all Filipino athletes are given the opportunity to properly train in their respective sports, by providing them with adequate support and funding to train in safe and world-class facilities, with well-maintained equipment, including other items needed for training.
- (g) Amateur to National Athlete Support - Identify the gaps and address the issues that should be resolved in order to provide a policy on the early recognition and development of potential elite athletes by providing adequate support for grassroots athletes and training them to become potential qualifiers and medalists in the Olympics and other international events. Proactively coordinate and collaborate with concerned agencies, including NGOs, such as the Philippine Olympic Committee (POC).
- (h) Local and International Competitions. - Plan the potential sports career track for all Filipino athletes, from student to amateur to national level, including the promotion of all local and international sports competitions.
- (i) Right to Join Competitions and/or Represent the Philippines. - Promote and safeguard the right of every qualified Filipino athlete to join local and international sports competitions, by, among others, protecting them from unjustified refusal or objection by their respective NSAs or educational institutions, whichever is applicable.
- (j) Welfare of Athletes. - Incorporate and mandate all interested parties to recognize and uphold the rights and welfare of all Filipino athletes, at all times, especially during policy- and decision-making.

- (k) Protection of Athletes. – Identification of the prevalence of politicking, patronage system, nepotism, favoritism, and game manipulation or cheating and formulation of effective and efficient measures to counter these inimical practices.
- (l) Special Benefits/Incentives/Privileges. - Ensure that all qualified athletes and coaches shall automatically be given the corresponding benefits and incentives, as provided by Republic Act No. 10699, or the National Athletes and Coaches Benefits and Incentives Act.
- (m) Funding. - Strengthen the framework for the budgetary requirements of all Filipino athletes, depending on their respective needs during their preparation, training, and competitions.
- (n) Public-Private Partnership. - Encourage active private sector participation through, among others, public-private partnerships that would enable the full implementation of the twenty (20)-year Roadmap for Sports Excellence, including the roadmap of each NSAs.

In crafting the Roadmap, the NSAs, in coordination with the POC, shall identify all the gaps and possible issues that could prevent athletes from harnessing their full potential in their respective sports and include the solutions, targets, and objectives that would fully support the athletes in pursuit of their respective goals and targets, which include becoming potential qualifiers and medalists in the Olympics and other international competitions.

Provided Further, That the continuous funding of the NSAs shall be determined by the PSC based on the proper, reasonable, and efficient implementation of each NSA's roadmap.

SEC. 8. Implementing Rules and Regulations. - The PSC, in consultation with the NSAs and other stakeholders, shall formulate the rules and regulations necessary for its effective implementation within ninety (90) days from approval of this Act.

SEC. 9. Separability Clause. - In case any provision of this Act is declared invalid or unconstitutional, such declaration shall have no effect in the validity or constitutionality of the remaining provisions hereof.

SEC. 10. Repealing Clause. - All laws, decrees, rules and regulations inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 11. Effectivity. - This Act shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation.

Approved,