

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4782



Introduced by
SARAH JANE I. ELAGO (Gabriela Women's Party)

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF
SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX
CHARACTERISTICS (SOGIESC) AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

The State's commitment to upholding the dignity and equality of all persons is enshrined in the 1987 Philippine Constitution and in several international covenants it is a signatory to, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR).

It is declared in the 1987 Philippine Constitution that "the State values the dignity of every human person and guarantees full respect for human rights" (Article 2, Section 11, 1987 Constitution). It also imposes on the State the duty to ensure the fundamental equality before the law of women and men (Article 2, Section 14). The equal protection clause in the Bill of Rights also requires that laws are implemented and applied equally and uniformly on all persons under similar circumstances or that all persons must be treated in the same manner, the conditions not being different, both in the privileges conferred and the liabilities imposed.

The Philippines is also a signatory to international agreements on the respect for human rights of all persons regardless of any condition, including sex or sexual orientation. These international agreements have consistently been interpreted by international institutions, such as the United Nations Human Rights Committee (UNHRC) and the United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), to include protection against discrimination on the basis of sexual orientation.

The UNHRC has interpreted Article 26 of the International Covenant on Civil and

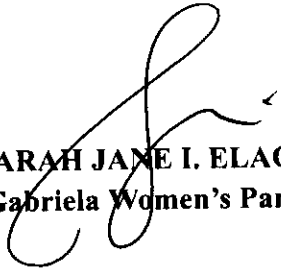
Political Rights (ICCPR), which obliges States to “guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” to include a protection against discrimination on the basis of ‘sexual orientation. The UNCESCR has also interpreted Article 2 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) to include sexual orientation in the Covenant’s non-discrimination provisions.

While the protection of the lesbian, gay, bisexual, transgender, queer, intersex, and asexual, plus (LGBTQIA+) community is promised on such papers, the Philippines is no stranger to notorious cases of hate crimes and abuse against the community. From the murder of transgender woman Jennifer Laude by a US Marine on October 11, 2014 to the illegal detainment of transgender woman Gretchen Diez for entering and supposedly using the women's restroom on August 13, 2019, it is evident that the current society is still not respecting and accepting of the LGBTQIA+ community.

Such cases have catalyzed discussion and action toward advancing the rights of the members of the LGBTQIA+ community. In fact, workplaces and local governments are starting to establish their respective anti-discrimination policies. In the local government scene, Quezon City has enacted a gender-fair ordinance on November 28, 2019. Prohibited acts include discrimination against the LGBTQIA+ in the workplace, educational institutions, and in the delivery of goods, services, and accommodations.

However, it does not end with just private and local initiatives. The LGBTQIA+ community in the Philippines lacks anti-discriminatory legislation and the legal recognition of transgender individuals available in many other countries. The bill aims to ensure that all people, regardless of their sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC) are able to exercise their rights to life, education, employment, and expression without fear of reprisal or discrimination. This bill aims to ensure that there will be no more members of the LGBTQIA+ community deprived of basic rights, such as the right to work, right to education, right to access health services, facilities, and establishments, among others on the basis of their SOGIESC. Discrimination has been a reality in the lives of the LGBTQIA+ community. While some might not have been discriminated against, or might not have been stigmatized, it does not negate the lived experiences of others who have been subjected to such.

For the foregoing reasons, the passage of this bill is sought.



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

SECTION 1. Short Title. - This Act shall be known as the "SOGIESC Equality Act."

SECTION 2. Declaration of Policy. - The State recognizes the fundamental right of every person, regardless of age, class, status, ethnicity, color, disability, religious and political beliefs, and Sexual Orientation, Gender Identity, Gender Expression, or Sex Characteristics (SOGIESC), to be free from any form of discrimination. It shall therefore intensify its efforts to fulfill its duties under the Equal Protection Clause and the Bill of Rights provisions of the Philippine Constitution, and international and domestic laws to respect, protect, and fulfill the rights and dignity of every individual.

Towards this end, the State shall exert efforts to address all forms of discrimination, marginalization, and violence on the basis of SOGIESC, and to promote human dignity as enshrined in the United Nations Universal Declaration on Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, particularly the General Recommendation No. 28 on Non-discrimination Based on Sexual Orientation and Gender Identity, Convention on the Rights of the Child, International Covenant on Civil and Political Rights, International Covenant on Economic, Social, and Cultural Rights and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory or a part of.

In the enforcement of this Act, the free exercise and enjoyment of religious freedom and of the fundamental rights of parents in the upbringing of their children in accordance with their

religious convictions shall be given all due respect. In all matters, the best interest of children shall be paramount.

SECTION 3. Definition of Terms. - As used in this Act, the following terms shall be defined as follows:

- a. *Asexual* - refers to a person who does not experience attraction or experiences markedly reduced attraction toward individuals of any gender;
- b. *Bisexual* - refers to a person who has the capacity to form enduring physical, romantic, and/or emotional attractions to those of the same gender or to those of another gender;
- c. *Child* - refers to a person below eighteen (18) years of age, or who is older than 18 years of age but incapable of taking care of oneself as defined under Republic Act No. 7610, as amended;
- d. *Discrimination* - refers to any distinction, exclusion, restriction, or preference which is based on any ground such as SOGIESC, and which has the purpose or effect, whether direct or indirect, of nullifying or impairing the recognition, access to, enjoyment, or exercise by all persons on an equal footing of all rights and freedoms. The SOGIESC of the person subjected to discrimination shall not be relevant for the purpose of determining whether an act of discrimination has been committed. Direct discrimination occurs where a person is treated less favorably than another person in the same or comparable circumstances on the ground of their SOGIESC. Indirect discrimination occurs when an apparently neutral condition or requirement is imposed, which has the effect of putting a person of diverse SOGIESC at a disadvantage, and which is not reasonable in the circumstances.
- e. *Gay* - refers to a person who either identifies oneself as a man and whose enduring physical, romantic, and/or emotional attractions are to people who also identifies themselves as men;
- f. *Gender* - refers to a social construct used to categorize a person as man, woman, or other gender identity, which is usually based on one's sex assigned at birth;
- g. *Gender Expression* - refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, communication or speech pattern, or body characteristics;
- h. *Gender Identity* - refers to a person's innermost concept of self as man, woman, or another non-binary identity which may or may not correspond with their sex or gender assigned at birth;
- i. *Harassment* - refers to such unwanted conduct, pattern of conduct, act, or series of acts which tend to annoy, insult, bully, demean, offend, threaten, intimidate, alarm, or create a hostile or emotionally distressing environment, or put a person or group of persons in fear for their safety;
- j. *Hate Crimes* - refer to criminal offenses committed against a person or a group of persons, or against such targeted person's or group's honor or property, motivated in whole or in part by the offender's bias against people with diverse SOGIESC;

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

l. *Lesbian* - refers to a person who identifies oneself as a woman and whose enduring physical, romantic, and/or emotional attractions are to people who also identify themselves as women;

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

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

o. *People with diverse SOGIESC* - refer to the collective of persons who are gay, lesbian, bisexual, transgender, queer, asexual, or intersex, persons who fall under cultural non-binary categories, and/or persons whose lives convey distinct cultural experiences of gender and sexuality such as *bakla*, *bading*, *bayot*, *tomboy*, *tibo*.

p. *Profiling* - refers to subjecting a person or group of persons to investigatory activities, which include unnecessary, unjustified, illegal and degrading searches, or other investigatory activities, in determining whether an individual is engaged in an activity presumed to be unlawful, immoral or socially unacceptable;

q. *Reasonable accommodation* - means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to people with diverse SOGIESC the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

r. *Sex* - refers to the civil status of a person acquired by birth having a system of reproduction corresponding to that belonging to either male, female, or intersex;

s. *Sex characteristics* - refer to a person's physical traits that indicate their biological sex, such as chromosomes, external genitalia, gonads, hormones, and internal reproductive organs. Traits present at birth are called primary sex characteristics, whereas those that develop during puberty are called secondary sex characteristics. This is distinct from sex, which is a civil status of a person acquired by birth.

t. *Sexual Orientation* - refers to the direction of emotional, sexual attraction, or conduct towards people of the same gender (homosexual orientation), or towards people of more than one gender (bisexual orientation), or towards people of different genders (heterosexual orientation) or to the reduced or absent attraction towards any gender (asexual attraction);

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

v. *Transgender person* - refers to a person whose gender identity does not align with the sex or gender assigned to them at birth, frequently abbreviated to "trans"; and

w. *Queer* - a term used to express a variety of identities that do not align with mainstream, heteronormative, and/or binary assumptions.

SECTION 4. *Communities Vulnerable to Discrimination and Abuse on the Basis of SOGIESC.* - This Act seeks to protect individuals and communities that are at a greater risk of experiencing human rights violations on the basis of SOGIESC, including individuals and communities of diverse SOGIESC who are children, young, poor, disabled, of different ethnic background, or cultural background, and of various religious belief.

For this purpose, discrimination on the grounds of a person's SOGIESC intersecting or compounded by other grounds and factors such as age, racial or ethnic origin, religious belief or activity, political inclination or conviction, social class, marital or relationship status, disability, human immunodeficiency virus (HIV) status, health status or medical history, language, physical features, or other status shall be considered a discriminatory practice.

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

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

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, reassignment, dismissal of workers, 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, requirements, restrictions, prohibitions, or penalties harsher than customary or similar punishments, as a result of bias or prejudice on the basis of SOGIESC that infringe on the rights of the students, 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 establishment of any organization, group, political party, institution, or establishment in educational institutions, workplaces, communities, and other settings, on the basis of the SOGIESC of their members or of their target constituencies, whether explicit or otherwise;

g. Denying a person access to public or private medical and health services open to the general public on the basis of such person's SOGIESC, as well as access to public and private health insurance, including health maintenance organizations, on the basis of SOGIESC;

h. Denying an application for or revoking a professional or other similar kinds of license, clearance, certification, or any other similar document, issued by the government due to the applicant's SOGIESC;

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

j. Subjecting or forcing any person to undertake any medical or psychological examination to determine or alter, or both, the person's SOGIESC without the express approval of the person involved. Provided, That in cases where the person involved is a minor and below the age of discernment and who agrees to undertake the examination, prior approval of the appropriate Family Court shall be required. In this case, the child shall be represented in the proceedings by the Solicitor General or the latter's authorized representative. In no case shall a minor be forced to undertake said examination against their will and consent.

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

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

m. Engaging in public speech meant to shame, insult, vilify, or which tends to incite or normalize the commission of discriminatory practices against People with Diverse

SOGIESC, and which acts or practices in turn, intimidate them or result in the loss of their self-esteem;

n. Subjecting persons or groups of persons to harassment which is motivated in whole or in part by the offender's bias, belief, or perception regarding the offended party's SOGIESC, regardless of whether the belief or perception is correct. Such prohibited act may include physical assault, stalking, or making derogatory comments, slurs or lewd propositions, and may be conducted through any form of medium, including but not limited to, visual representation, broadcast communication, correspondence or communication through mail or any telecommunication device, or through the internet or cyberspace;

o. Subjecting any person, natural or juridical, to gender profiling or to any investigatory activities, which includes (1) unnecessary, unjustified, illegal, or degrading searches to determine whether they are engaged in an activity presumed to be unlawful, immoral, or socially unacceptable; and (2) recording and analyzing the psychological and behavioral characteristics of a person or members or constituents of a juridical person to make generalizations about their 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 appointed 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 of the child through intimidation, harassment, public ridicule or humiliation, repeated verbal abuse, or other similar means, or in general, commit 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 people with 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 acts may include, among others, social services or assistance programs extended only to families traditionally consisting of heterosexual couples, whether de facto or legally recognized, to the exclusion 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.

SECTION 6. Privacy Rights. - No person shall be burdened, prejudiced, or prosecuted by reason of the exercise of the right to personal privacy.

SECTION 7. Administrative Sanctions. - Refusal of a government official or employee or those involved in the enforcement of law whose duty is to implement any part of this Act, to investigate, prosecute, comply with the directive of the Commission on Human Rights (CHR), or otherwise act on a complaint for a violation of this Act or causing unreasonable delay to perform such a duty without a valid ground shall constitute gross negligence on the

part of the official who shall suffer the appropriate penalty under civil service laws, rules and regulations.

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

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

If the violation or offense is committed by a corporation, trust, firm, partnership, association or other entities, the penalty shall be imposed upon the guilty officials, officers, or employees without prejudice to the civil liabilities of the entity 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.

SECTION 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.

SECTION 10. *Redress Mechanisms for SOGIE-related cases.* -

A. Inclusion of SOGIE 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 People with 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 people with 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 - In appropriate cases, the Civil Service Commission (CSC) shall, by regulation, require government establishments, including

government-owned and controlled corporations and financial institutions to establish a grievance mechanism to address discriminatory practices in the workplace and in the provision of services to the public. For this purpose, failure or delay in establishing a grievance mechanism by the Head of Agency shall be a ground for the imposition of an administrative fine as may be prescribed by the CSC.

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

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

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

The CHR shall also document cases of discrimination on the basis of SOGIESC and 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.

SECTION 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. Towards 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 people with diverse SOGIESC and contribute to their empowerment. The State shall ensure the implementation of the following programs:

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

B. Diversity and Inclusion Programs and Trainings (DIPT). - All government agencies, including government-owned and controlled corporations, local government units (LGUs), private companies, public and private educational 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 sanctions 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. They shall endeavor to produce and publish information and educational campaign materials on gender and human rights.

SECTION 12. Empowering Portrayal of people with diverse SOGIESC in Media. - The State shall provide appropriate measures to ensure that media shall undertake positive and empowering portrayal of people with diverse SOGIESC to counter existing stereotypes and misconceptions that often lead to discriminatory practices. Towards this end, incentive and award scheme shall be provided to programs that defend the human rights of people with diverse SOGIESC and contribute to their empowerment, pursuant to Sec. 11 of this act.

SECTION 13. SOGIESC 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 Chair of the Senate Committees on Women, Children, Family Relations and Gender Equality, and of Justice and Human Rights, and the Chair of the House of Representatives Committees on Women and Gender Equality, and of 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 Women and Gender Equality. The position of Vice-Chair of the SECOC shall be jointly held by the Chair of the Senate Committee on Justice and Human Rights and the House Committee on Human Rights. The Secretariat of the SECOC shall come from the Secretariat personnel of the Senate and the House of Representatives concerned.

The SECOC shall monitor the compliance of public institutions to the provisions of this Act. Within three (3) years after the enactment of this Act, the SECOC shall conduct an audit of national and local policies that discriminate on the basis of SOGIESC, and shall submit a report to Congress, the Office of the President, and the Supreme Court, on this subject. Thereafter, the Council shall submit to Congress an annual report on the implementation of this Act.

SECTION 14. Inter-Agency Council on SOGIESC Equality. - In pursuance of the abovementioned government programs and policies, there is hereby established an

inter-agency Council on SOGIESC equality, hereinafter known as the Council, which shall be composed of the following agencies and organizations:

- A) Commission on Human Rights (CHR);
- B) Department of Justice (DOJ);
- C) Civil Service Commission (CSC);
- D) Philippine National Police (PNP);
- E) Department of Information and Communications Technology (DICT);
- F) National Youth Commission (NYC);
- G) Philippine Commission on Women (PCW);
- H) Commission on Population and Development (CPD);
- I) Department of Labor And Employment (DOLE);
- J) Department of Education (DepEd);
- K) Commission on Higher Education (CHED);
- L) Technical Education and Skills Development Authority (TESDA);
- M) Philippine Statistics Authority (PSA);
- N) Department of Health (DOH);
- (O) Department of Social Welfare and Development (DSWD);
- (P) Department of the Interior and Local Government (DILG); and
- O) At least three (3) representatives from civil society organizations (CSOS) with proven expertise and track record on SOGIESC concerns.

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

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

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

SECTION 15. Powers and Functions of the Council. - the Council shall have the following powers and functions:

- a. Develop DIPTS and IECS for the national government;
- b. Provide overall direction to the DIPTS, and IECS 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 GOCCs, 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 Sec. 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.

SECTION 16. Secretariat to 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 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.

SECTION 17. Appropriations. - The amounts necessary for the implementation of this Act shall be included in the annual General Appropriations Act (GAA). The National and Local Government Agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of the annual National Tax Allotments (NTAs) for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code Of 1991".

SECTION 18. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity of this Act, the CHR, DOJ, CSC, PNP, 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.

SECTION 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.

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

SECTION 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,