

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH CONGRESS
First Regular Session
House Bill No. 5262



Introduced by Representative
BRIAN POE, PhD, MNSA.

EXPLANATORY NOTE

The 1987 Constitution of the Republic of the Philippines mandates the State to “promote social justice in all phases of national development” (Section 10, Article II), to “value the dignity of every human person and guarantee full respect for human rights” (Section 11), and to “recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men” (Section 14). These constitutional imperatives establish the foundational legal framework for the prohibition of all forms of discrimination and the promotion of substantive equality among all persons.

Notwithstanding these solemn guarantees, persistent incidents of discrimination continue to undermine the full realization of these rights. As reported by Mugas (2021), members of the Yapayao-Isneg Indigenous Peoples (IPs) community in Adams, Ilocos Norte, were subjected to public ridicule on social media platforms for wearing their traditional ethnic attire, known as the “Baag.”¹

¹ Mugas, John Michael. (14 August 2021). “NCIP in Ilocos Norte Condemns Discrimination of Indigenous People on Social Media”. Inquirer.net. Accessed from:

In response, the National Commission on Indigenous Peoples (NCIP) in Ilocos Norte issued a formal condemnation, declaring that “the ethnic attire and customary practices of the IP are sacred within the IP communities” and “cannot be the subject of any mockery which may cause to defame, humiliate, and degrade the identity of our IP brothers and sisters.” Such acts constitute a clear affront to the rights of Indigenous Peoples as protected under both domestic law and international human rights standards.

Moreover, while the Philippines remains the highest-ranked country in Asia in the World Economic Forum’s Global Gender Gap Report 2021, having closed 78.4 percent of its overall gender gap and placing 17th globally, the Philippine Commission on Women (2021) acknowledges that significant disparities persist.² Although the country has virtually closed gender gaps in Educational Attainment and Health and Survival, it continues to lag in Political Empowerment, with women occupying only 28 percent of parliamentary seats and 13 percent of ministerial positions. Additionally, women’s labor force participation stands at a mere 49.1 percent, and substantial wage and income gaps remain, with 22 percent of the wage gap and 31 percent of the income gap yet to be closed. These structural inequities reflect systemic barriers that impede the full enjoyment of economic and political rights by women.

Compounding these challenges, Muslim Filipinos continue to face discrimination on the basis of religious identity. As documented by Rosario (2021)³ and Esmaguél II (2020)⁴, members of the Muslim community encounter prejudice in employment and are frequently subjected to stigmatizing narratives that erroneously associate them with threats to peace and public order.

<https://newsinfo.inquirer.net/1473624/ncip-in-ilocos-norte-condemns-discrimination-of-indigenous-people-on-social-media>^[1]

²Philippine Commission on Women. (2021). “Philippines Still Best Performing Country in Asia Despite Slip by One Notch in Global Gender Gap Ranking”. Accessed from: <https://pcw.gov.ph/philippines-still-best-performing-country-in-asia-despite-slip-by-one-notch-in-global-gender-gap-ranking/>

³ Rosario, Ben. (21 March 2021). “Muslims Still Face Discrimination, Human Rights Violations – Sangcopan”. Manila Bulletin. Accessed from: <https://mb.com.ph/2021/03/21/muslims-still-face-discrimination-human-rights-violations-sangcopan/>

⁴ Esmaguél II, Paterno. (25 November 2020). “Filipino Muslims Slam Cagayan Governor Over Anti-Muslim Remarks”. Rappler.com. Accessed from: <https://www.rappler.com/nation/filipino-muslims-slam-cagayan-governor-anti-muslim-remarks-november-25-2020/>

Such discriminatory attitudes not only violate constitutional guarantees of equal protection and religious freedom but also perpetuate social exclusion and marginalization.

In light of the foregoing, this proposed measure seeks to give full force and effect to the State's constitutional and international obligations by expressly prohibiting acts of discrimination grounded in, but not limited to, indigenous or ethnic origin, religion, sex, gender, and other analogous statuses. Any violation of this prohibition shall be penalized in accordance with law.

To ensure effective enforcement and access to justice, all existing Women and Children Protection Desks in police stations shall be vested with jurisdiction to receive, investigate, and initiate appropriate action on complaints of discrimination falling within the scope of this Act. The Commission on Human Rights shall likewise be empowered to conduct investigations motu proprio or upon verified complaint, and to issue preventive, provisional, and corrective remedies as may be warranted.

Furthermore, all public and private institutions shall be under a positive duty to adopt and implement policies, programs, and training initiatives that actively promote diversity, equity, and inclusion, and that systematically address discriminatory practices within their respective spheres of operation.

This Bill thus affirms that the eradication of discrimination is not merely a governmental obligation but a collective societal imperative, requiring a whole-of-nation approach grounded in accountability, institutional cooperation, and unwavering adherence to the rule of law.

In the interest of justice, equality, and the dignity of every Filipino, the immediate enactment of this Bill is respectfully and earnestly sought.


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List

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AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF AGE,
INDIGENOUS, RACIAL OR ETHNIC ORIGIN, RELIGIOUS BELIEF OR
ACTIVITY, POLITICAL INCLINATION OR CONVICTION, SOCIAL
CLASS, SEX, GENDER, SEXUAL ORIENTATION, SEX
CHARACTERISTICS, GENDER IDENTITY, GENDER EXPRESSION,
MARITAL OR RELATIONSHIP STATUS, DISABILITY, HIV STATUS,
PROFESSION OR OCCUPATION, HEALTH STATUS OR MEDICAL
HISTORY, LANGUAGE, PHYSICAL FEATURES, AND OTHER STATUS,
AND PROVIDING PENALTIES THEREFOR

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 “Comprehensive Anti-Discrimination Act.”

SECTION 2. *Declaration of Policy.* – It is the policy of the State to work actively for the elimination of all forms of discrimination that offend the equal protection clause of the Bill of Rights and the State obligations under human rights instruments acceded to by the Republic of the Philippines, particularly those discriminatory practices based on age, indigenous, racial, or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, sex characteristics, gender identity, gender expression, marital or relationship status, disability, HIV status, profession or occupation, health status or medical history, language, physical features, or other status.

Towards this end, the State shall exert efforts to address all forms of discrimination and violence 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 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, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of Persons with Disabilities, International Convention on the Protection of All Migrant Workers and Members of Their Families, and the relevant General Comments or Recommendations by the concerned United Nations Treaty-Bodies, and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory of. As such, discriminatory practices as defined herein shall be prescribed and penalized.

SECTION 3. *Definition of Terms.* – For the purposes of this Act, the following shall be defined as follows:

- a. *Disability* – refers to (1) a physical or mental impairment that substantially limits one or more psychological, physiological, or anatomical function of an individual or activities of that individual; (2) a record of such impairment; (3) or being regarded as having such an impairment;
- b. *Discrimination* – constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the protected attributes, such as age, indigenous, racial, or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, gender identity, gender expression, sex characteristics, marital or relationship status, disability, HIV status, profession or occupation, health status or medical history, language, physical features, or other status, which has the purpose or effect of nullifying or impairing the recognition, employment or exercise, on an equal footing, of the political, civil, economic, social, and cultural rights. Discrimination also includes incitement to discriminate and harassment.
 - i. *Direct Discrimination* occurs where a person is treated less favorably than another person in the same or comparable circumstances on the ground of their protected attribute, i.e. age, indigenous, racial, or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, gender identity, gender expression, sex characteristics,

marital or relationship status, disability, HIV status, profession or occupation, health status or medical history, language, physical features, and other status. Direct discrimination also includes detrimental acts or omissions on the basis of prohibited grounds when there is no comparable similar situation.

ii. *Indirect Discrimination* occurs where a neutral policy, condition, practice, or requirement, which appears neutral on its face, is imposed which has the effect of disadvantaging a person with a particular protected attribute and which is not reasonable in the circumstances. Indirect discrimination may not be unlawful if a respondent can show that there is an objective justification for it. This involves demonstrating a proportionate means of achieving a legitimate aim.

- c. *Education and Training* – refers to all types and levels of education, training, and other avenues for learning, and includes access thereto, the standard and quality thereof, and the conditions under which the same is given;
- d. *Ethnic Origin* – includes race, national origin, and ethno-linguistic origin;
- e. *Employment* – refers to all terms, conditions, and privileges relating to work in public and private institutions, including recruitment policies, application, procedures, training, incentives, compensation, determination of benefits or allowances, promotion, advancement

opportunities, transfer, and dismissal. This definition shall apply all employees regardless of their status of employment. In legitimate contracting arrangements, the contractor/subcontractor shall be deemed the employer of the contractual employee. For purposes of this Act, the terms of employment and occupation shall include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment;

- f. *Gender* – refers to a social construct used to categorize a person as man, woman, or other 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 the sex assigned at birth;
- i. *HIV Status* – refers to the presence or absence of the human immunodeficiency virus (HIV) in the body of an individual;
- j. *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* – shall, as provided under Section 3(h), Chapter II or Republic Act No. 8371 or “The Indigenous Peoples’ Rights Act of 1997” (IPRA), refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed, and utilized such territories, sharing common bonds of language, customs, traditions, and other distinctive

cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from their traditional domains, or who may have resettled outside their ancestral domains;

- k. *Bangsamoro People* – are those who, at the advent of the Spanish colonization, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent lands, whether of mixed or full blood, shall have the right to identify themselves, their spouses and descendants, as Bangsamoro;
- l. *Linguistic Discrimination* – refers to the unfair treatment of an individual based solely on the use of language. This use of language may include the individual's native language or other characteristics of the person's speech, such as an accent, the size of vocabulary (whether the person uses complex and varied words), and syntax;
- m. *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;
- n. *Muslims* – refer to those who are followers of Islamic faith, whether from birth or by conversion;

- o. *Marital or Relationship Status* – refers to the personal status of each individual in relation to the marriage laws or customs of the country;
- p. *Occupation* – refers to a line of work, job, or profession;
- q. *Persons with Disabilities* – include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- r. *Physical Features* – refer to a person's height, size, weight or other bodily characteristics. It shall also include features that a person chooses to acquire, such as tattoos and piercings;
- s. *Political Inclination* – refers to a person's preference as regards membership or belief in a particular political party, organization, or ideology. It covers both the holding and not-holding of opinions, as well as expression of views or membership within opinion-based associations, trade unions, or political parties;
- t. *Profession* – refers to a lawful occupation which requires specialized knowledge and often long and intensive academic preparation;
- u. *Profiling* – means relying on the prohibited grounds of discrimination in subjecting a person, natural or juridical, or group of persons, including any type of societal relations, to investigatory activities, which include but is not limited to the following: (1) unnecessary, unjustified, illegal and degrading searches, questioning or other investigatory activities, in determining whether an individual is engaged in an activity presumed to be unlawful, immoral, or socially unacceptable; or (2) recording and analyzing a person's psychological and behavioral characteristics to make generalizations

about a person's protected attributes or to assist in identifying a particular subgroup of people's protected attributes;

- v. *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 persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;
- w. *Religious Belief* – covers the profession or non-profession of religion or belief of one's choice that may be publicly or privately manifested in worship, observance, practice, and teaching;
- x. *Sex* – refers to the civil status of a person acquired by birth, having a system of reproduction corresponding to that belonging to male, female, or intersex;
- y. *Sex Characteristics* – refers 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;
- z. *Sexual Orientation* – refers to a person's physical, romantic, and/or emotional attachment to other people. It 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 gender (heterosexual orientation), or to the absence of sexual orientation (asexual attraction), among others;

- aa. *Social Class* – refers to groupings of individuals usually based on wealth, educational attainment, occupation, income, and membership in a subculture or social network;
- bb. *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;
- cc. *Vulnerable communities* – refers to communities or sectors that encounter stigma and discrimination based on the grounds enumerated in Section 4; and
- dd. *Other Status* – refers to other forms of differential treatment or grounds of discrimination which either undermines human dignity, causes or perpetuates systematic disadvantage, or adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to the protected attributes enumerated in Section 4 of this Act. These grounds include, but are not limited to the following: association and relation with persons with protected attributes, pregnancy or maternity/paternity status, family responsibilities, health status or medical condition, or criminal record.

SECTION. 4. *Prohibited Grounds for Discrimination/ Protected Attributes.* – Discrimination that is directly or indirectly based on the actual or perceived characteristics, which include age, indigenous, racial or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, sex characteristics, gender identity, gender expression, marital or relationship status, disability, HIV status, lawful profession or occupation, health status or medical history, language, physical features, or other

status is prohibited. For purposes of this Act, these personal characteristics shall be collectively termed as "protected attributes".

The protected attributes that may be subjected to differentiation or any form of discrimination shall be interpreted in their most common or universal definitions and with due regard to the promotion of meaningful implementation of non-discrimination policy.

In determining whether a person is distinguished by one or more of the protected attributes, identification, shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned. Membership also includes association with a group characterized by one of the prohibited grounds or perception by others that an individual is part of such a group.

SECTION. 5. *Acts of Discrimination, Unlawful.* – Subject to Section 7 of this Act, the acts of discrimination include, but are not limited to, the following:

- a. *Inflicting stigma* – it shall be unlawful for any person to commit any acts that promote, encourage, inflict, and perpetuate stigma based on the grounds referred to in Section 4. Content in the media, including social media, in educational textbooks, or in other medium that aims to promote, encourage, inflict, and perpetuate stigma is likewise prohibited;
- b. *Inciting violence or sexual abuse* – it shall be unlawful to incite violence or sexual abuse against any person or group on the basis of the grounds referred to in Section 4;
- c. *Denial of political, civil, and cultural rights* – it shall be unlawful to deny a person enjoyment of political, civil and cultural rights based on the grounds referred to in Section 4;

d. *Denial of right to education* – it shall be unlawful for any person to:

1. Refuse admission or expel a person from any educational or training institution on the basis of the grounds defined in Section 4, without prejudice to the right of educational or training institutions to determine the academic qualifications of their students or trainees;
2. Grant or refuse to grant honors, scholarship/s, or other forms of assistance on the basis of the grounds defined in Section 4;
3. Impose 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 the grounds identified in Section 4;
4. Fail to make reasonable efforts to make facilities accessible to persons with disabilities; or
5. Subject a person to any act of discrimination and intolerance related to education and training.

This prohibition to deny the right to education on the basis of the grounds in Section 4 extends to acts committed against a student or trainee to discriminate against his or her parents or legal guardians.

e. *Denial of right to work* –

1. It shall be unlawful for any employer or head of a firm, company, or organization to:
 - i. Refuse or fail to employ a person for work of any type or kind which is available and for which the person is qualified, or impose on the person onerous terms and conditions, on the basis of the protected attributes under Section 4 of this Act;

ii. Fail to take reasonable efforts to make facilities accessible to persons with disabilities;

iii. Deny or limit access of an employee to the same terms and conditions of work, opportunities for training, transfer or promotion, or to other benefits connected with employment, as are made available for other employees having the same qualifications and employed in the same circumstances or work of the same kind or type, or impose on the person onerous terms and conditions, on the basis of the protected attributes under Section 4 of this Act; or

iv. Dismiss, demote, reassign, or transfer an employee on the basis of the protected attributes under Section 4 of this Act, or subject an applicant for employment or an employee to any act of discrimination on account of his hiring or employment;

2. It shall be unlawful for any person acting as job contractor or recruitment or placement agency, or agent in procuring workers for a principal or an employer to treat an applicant seeking employment less favorably than another person in the same circumstances who is likewise seeking employment on the basis of the protected attributes under Section 4 of this Act.

3. It shall likewise be unlawful for any person to:

i. Deny employment in government institutions, including police and military service, based directly or indirectly on the grounds referred to in Section 4;

ii. Refuse to enter into contract or agreement with persons or group of persons based solely or partly on the grounds provided in Section 4; or

iii. Deny an application for or revoke a professional license issued by the government directly or indirectly due to the grounds included in Section 4.

f. *Denial of access to goods and services* – it shall be unlawful for any person to:

1. Deny a person, solely on the basis of the grounds in Section 4, of goods and services available to the general public, such as but not limited to, private and public insurance, housing and other forms of accommodation, and medical and clinical services; *Provided*, That to impose onerous or less favorable terms and conditions not otherwise offered to others in the same circumstances for the access of such goods is considered tantamount to discrimination;
2. Refuse entry to or evict a person from any establishment, facility or utility that is open to the general public, such as but not limited to, restaurants, bars, hotels, shopping malls, solely or partly on the basis of the grounds listed in Section 4: *Provided*, That to impose onerous or less favorable terms and conditions not otherwise offered to others in the same circumstances for the access of such public services is tantamount to discrimination; or
3. Cause undue and unjust deferral of services or provision of inferior services to persons due to the grounds in Section 4; and
4. There is discrimination if the acts above are committed against organizations or groups of persons based on the grounds identified in Section 4.

g. *Denial of right to organize* - it shall be unlawful to prohibit, prevent, or revoke the accreditation, formal recognition, and/or registration of any organization, group, political party, institution or establishment, in

educational institutions, workplaces, communities, and other settings, based partly or solely on the grounds provided for in Section 4. Discrimination is also committed when additional requirements beyond the customary are imposed directly or indirectly due to the grounds stipulated in Section 4;

- h. *Inflicting harm on health and well-being* – it shall be unlawful to subject any person, without full, free, informed, and prior consent, to any unnecessary medical or physical examination, psychological treatment, faith based practices, and other similar procedures based solely or partly on any of the grounds referred to in Section 4 that aim to change identity or physical attributes or impose behavior or expressions;
- i. *Engaging in profiling* – it shall be illegal for any person, including members of the military and law enforcement agencies, to engage in profiling based solely or partly on the grounds included in Section 4. For the purposes of investigation, application for or access to public or private medical and other health services, including private and public health insurance and HMO-provided medical plans, and other acts which have the intention or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of political, civil, economic, social, or cultural rights;
- j. *Abuses by State and Non-State actors* – it shall be unlawful for any government agency, including local government units, police, military, and immigration agencies, to harass verbally or physically, to curtail freedom of movement, or to extort from a person or a group of persons on the basis of the grounds stipulated in section 4. This prohibition applies to similar abuses committed by private actors;

- k. *Detention and confinement* – it shall be unlawful to detain and confine a person or group of persons based directly or indirectly on the grounds under Section 4;
- l. *Inciting hatred or violence* – It shall be unlawful to incite hatred or violence based on any of the grounds included in Section 4, by use of words or a behavior, such as but not limited to delivering speeches or making utterances, doing acts of hatred or violence against another person, or mocking or ridiculing another, or display of written material, publishing or distributing written material; the public performance of a play; distributing, showing or playing a recording; broadcasting or including a program in a program service, and possession of inflammatory material: Provided, That the test to determine incitement to hatred or violence should be whether the speech or work, taken as a whole, lacks serious literary, artistic, political, or scientific value;
- m. *Denial of right to expression* – It shall be unlawful to deny a person of his freedom of opinion and expression based on the grounds included in Section 4. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or other means, as well as the freedom to seek, receive, and impart information and ideas of all kinds through any medium;
- n. *Retaliation and coercion* – No person, whether natural or juridical, shall discriminate against an individual who made a charge, assisted, testified, and/or participated in any means regarding an investigation, proceeding, and/or hearing under this Act. No person, whether natural or juridical, shall coerce, intimidate, threaten, and/or harass any individual regarding the latter's exercise or enjoyment of any right granted and/or protected under this Act;

- o. *Denial of right against wrongful portrayal* – It shall be unlawful for any person to portray, intimate, depict, or describe in learning institutions, instructional materials, teaching devices, books, and reference materials, especially in civics and history, and in mass media, including social media, certain individuals and/or group/s as inferior, or encouraging the commission of any of the acts of discrimination against any person and/or group as provided in this Act: *Provided*, That the test to determine wrongful portrayal should be whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. Information regarding the dignity and diversity of the cultures, traditions, histories, and aspirations of the ICCs/IPs should be appropriately reflected in all forms of education, public information, cultural-educational exchange, and information education campaigns including the use of social media platforms; and
- p. *Other analogous circumstances* – Any analogous act, which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise of the person’s human rights and fundamental freedoms, are also prohibited.

SECTION 6. *Persons Liable.* – Any person, natural or juridical, or their representatives, including government instrumentalities and agencies, or government-owned-and-controlled corporations, or any private corporation, institution or company, who commit discrimination through any of the acts described in Section 5, shall be liable under this Act.

Any person, natural or juridical, or their representatives, who requests, instructs, induces, encourages, authorizes or assists another to commit acts of discrimination under Section 5 shall also be liable under this Act.

The failure or refusal to act of a head or agency or government official or employee, or any person whose duty is to prosecute or otherwise act on a complaint for violation of this Act shall be deemed *prima facie* as sanctioning the discriminatory act on the part of said head of agency, official, or employee, and the latter shall consequently be held equally liable for discrimination under this Act.

All government officers and workers are obliged to promote non-discrimination in the discharge of their duties and responsibilities.

SECTION 7. *Exceptions.* – Any action or conduct, otherwise prohibited under Sections 4 and 5 of this Act, shall not be unlawful and shall not be considered as discrimination:

- a. Where any of the protected attributes is a bona fide occupational qualification (BFOQ) reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors;
- b. Where distinction, exclusion, or preference in respect of a particular job is based on inherent requirement, which is a proportionate means of achieving a legitimate aim;
- c. Deeply held fundamental religious doctrines, dogma, or beliefs of a person or of a Body established exclusively for religious purposes require or compel such person or Body to perform acts or practice necessary to avoid injury to the religious sensitivities of adherents of that religion: *Provided*, That such acts or practices should be in accordance with law, public order, or public policy;
- d. Where the act or omission is done in good faith for the purpose of assisting or advancing a person or group of persons who need or may reasonably be

supposed to need assistance or advancement in order to achieve an equal place in society with other members of the community (Measures of Equality or Affirmative Action Program); or

- e. Where a difference in treatment based on a protected attribute is reasonable and objective and if the aim is to achieve a legitimate purpose.

The exceptions shall be without prejudice to the existing laws prohibiting discrimination on account of the protected attributes such as State principles and mandates underscored in R.A. No. 7277, as amended, entitled, “Magna Carta for Disabled Persons”, R.A. No. 8371 entitled, "The Indigenous Peoples' Rights Act of 1997", R.A. No. 9710 entitled, "The Magna Carta of Women", R.A. No. 10911 entitled, the "Anti-Age Discrimination in Employment Act", and P.D. No. 442, as amended, entitled "Labor Code of the Philippines”.

SECTION 8. *Penalties.* – The penalty of not less than nine (9) months but not more than twelve (12) years imprisonment or a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00), or both, upon the discretion of the Court.

The penalty provided under this Section shall be imposed in its maximum period:

- a. If the offender has been previously convicted under this Act;
- b. If the offender is a direct ascendant or descendant, a relative within the fourth degree of consanguinity or affinity, a step-parent or a step-child, or a guardian or a ward of the victim;
- c. If the offender is the manager or owner of an establishment which has no license to operate or whenever such license has expired or has been previously revoked;

- d. If the offender is a public official, officer, or employee: *Provided*, That the penalty of suspension shall be imposed: *Provided, further*, That the public official, officer, or employee may be asked to undergo gender and development training and community service during the duration of suspension. An accessory penalty of perpetual disqualification to hold public office is likewise imposed on the public official, officer, or employee.

If the person liable for the discriminatory act is a juridical person, an accessory penalty of cancellation of certificate of registration and/or license shall be imposed.

An offender who is a foreigner shall be deported immediately after service of sentence and shall be barred entry into the country.

Whenever the courts determine that a fine shall be imposed pursuant to the criminal case filed under this Act, the fine thus collected shall be remitted by the court to the Commission on Human Rights which shall administer the fund for the assistance of victims of discrimination.

In addition, the court may require the offender to render community service, which shall include attending seminars that advocate anti-discrimination agenda, such as gender and culture sensitivity training, human rights education, familiarization with and exposure to the plight of the victims, or any of the circumstances enumerated under this act.

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

The Administrative remedies provided under this Act do not bar prosecution of civil claims in proper courts for an act of discrimination committed under this Act.

If any crime penalized under the Revised Penal Code is committed in pursuit of discrimination, the penalty provided under the Revised Penal

Code shall be applied and the discrimination committed shall be considered as an aggravating circumstance.

SECTION 9. *Redress Mechanisms for Discrimination Cases.* –

- a. Inclusion of Discrimination Concerns in All Police Stations. – The Women and Children's Desks now existing in all police stations shall also act on and attend to complaints/cases covered by this Act. In this regard, the police officers handling said desks shall undergo trainings on human rights and sensitization on the issues of violence and abuse on the basis of the grounds referred to in this Act. Complainant-minors can be represented by parents, guardians, social workers, or a non-government organization of good standing and reputation.
- b. Inter-agency Technical Committee. - An Inter-agency Technical Committee composed of the Commission on Human Rights (CHR) as the lead agency, and representatives from the Department of Justice (DOJ), National Commission on Indigenous Peoples (NCIP), National Commission on Disability Affairs (NCDA), National Commission on Muslim Filipinos (NCMF), Philippine Commission on Women (PCW), National Youth Commission (NYC), Civil Service Commission (CSC), Department of Labor and Employment (DOLE), Department of the Interior and Local Government (DILG), Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Department of Health (DOH), Armed Forces of the Philippines (AFP), and the Philippine National Police (PNP), shall be constituted and shall act as an advisory and recommendatory body on establishing developmental programs that will promote non-discrimination and management of diversity, in consultation with civil society organizations

with proven expertise and track record on concerns regarding the protected attributes under Section 4, and other stakeholders.

- c. Role of the Civil Service Commission (CSC). - The CSC, in consultation with the Inter-agency Technical Committee, shall modify the existing rules on grievance machinery to address discriminatory practices committed in, and by officers or employees of, government agencies, instrumentalities, and in government-owned-and-controlled corporations (GOCCs) and other offices under its jurisdiction.
- d. Role of the Department of Labor and Employment (DOLE). - The DOLE, in consultation with the Inter-Agency Technical Committee, shall promulgate the rules and regulations necessary to enhance anti-discrimination protection in workplaces, including the establishment of a grievance mechanism to address discriminatory practices committed in the workplace.

SECTION 10. *Programs to Promote Non-Discrimination and Diversity.* – It shall be the duty of every person, natural or juridical, public or private, to ensure non-discrimination and equal opportunity for all persons in relating to actual or prospective employees, students, tenants, customers or clients, and that no discriminatory acts, as defined herein, is committed by them or their agents in the areas defined under Section 5 of this Act.

The State shall endeavor to eliminate all forms of discrimination and shall therefore pursue initiatives and programs that seek to enable an environment free of stigma and discrimination, including ensuring reasonable accommodation is provided for disadvantaged and marginalized sectors. It shall direct the machinery and resources of the State to ensure non-discrimination and promote equality and shall encourage other sectors of the society to engage and participate in these efforts. The Inter-Agency

Technical Committee shall, by rules and regulations and in consultation with the Bureau of Internal Revenue (BIR), develop, prescribe and administer incentive and award schemes to encourage public and private establishments to provide programs that promote non-discrimination and contribute to the empowerment of vulnerable and marginalized groups. It shall ensure the establishment of the following programs:

- a. *Social Protection Program* – The national government shall ensure the integration of the communities affected by or vulnerable to stigma and discrimination into government-run social programs.
- b. *Diversity and Inclusion Programs and Trainings* – All government agencies, including government-owned-and-controlled corporations, local government units (LGUs), and private establishments and entities shall develop plans of action to address discrimination and establish diversity and sensitivity programs to ensure that discrimination and abuse are prevented and addressed. They shall:
 1. Create an internal redress mechanism to address cases of discrimination and grant administrative remedies or sanctions for such cases;
 2. Conduct human rights education and training programs for public officials, including judges and candidates for judicial appointments, in coordination with the CHR. DepEd and CHED, in particular, shall integrate teaching on the principles of equality and non-discrimination in formal and non-formal inclusive and multicultural education, with a view of dismantling notions of superiority or inferiority based on protected attributes and to promote dialogue and tolerance between different groups in society; and

3. Endeavor to provide or conduct human rights education, gender sensitivity, and culture sensitivity training programs for their staff, employees, students and trainees, and constituents to ensure that discrimination and abuse are prevented in their institutions.
- c. Monitoring and evaluation. – All government agencies and instrumentalities shall monitor the implementation of measures to promote non-discrimination and equality. Monitoring shall assess both the steps taken and the results achieved in the elimination of discrimination. Annual reports in this regard shall be submitted to Congress and the CHR.
 - d. Disaggregation of data. - All government agencies and instrumentalities shall ensure that all national strategies, policies, and plans shall use appropriate indicators and benchmarks, disaggregated on the basis of the prohibited grounds of discrimination. The rights of individuals or groups of individuals, who may be distinguished by one or more of the prohibited grounds, to participate in the decision-making processes over the selection of measures to promote non-discrimination and diversity shall always be upheld by the government in the implementation of the programs enumerated above.
 - e. Information and Education Campaign. - All government agencies and instrumentalities are mandated to develop and implement information dissemination on any of the prohibited forms of discrimination. They shall endeavor to produce and publish information campaign materials on discrimination.
 - f. Affirmative Action. - The State shall develop a system of affirmative actions towards protecting the rights of IPs, other cultural minority groups, and other vulnerable groups. Support and protection for research

and development and learning materials on cultural heritage preservation and sensitivity for other vulnerable groups shall be provided to all State Universities and Colleges. All entities, agencies, corporations, companies, organizations, and educational/training institutions, whether private or public, shall ensure the implementation of this section.

SECTION 11. *Enforcement.* – Criminal complaints brought under this Act shall be filed with the proper court. In addition to the criminal complaint, a person who has been subjected to any acts of discrimination as defined in this Act may file a complaint with the CHR. For this purpose, the CHR may investigate, *motu proprio* or on complaint by any person, acts or omissions in violation of this Act.

In all cases under investigation, the Commission may issue legal and preventive measures, as well as provisional remedies. These measures or remedies shall include, but not limited to, general writs of injunction, restraining orders, status quo ante orders, cease and desist orders, protection orders, or such other orders to protect the life and security of persons, preserve evidence, protect properties, and other considerations to ensure the efficient investigation of the alleged violation of this Act.

The Commission shall also direct the officer concerned to take appropriate action against a public officer or employee at fault or who neglected to perform an act or discharge a duty required under this Act, and other revocation of license, removal from office or employment, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith. Refusal by any officer without just cause to comply with an order of the Commission 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.

The CHR, consistent with its mandate under this Act, shall designate a focal commissioner and/or create an Anti-Discrimination Center/Office to be primarily responsible for formulating and implementing programs and activities relating to the right of all persons against discrimination, including the investigation and handling of complaints of violations of this Act.

Notwithstanding the foregoing provisions, NCIP shall have exclusive jurisdiction over the conduct of investigations on the basis of complaints filed by ICCs/IPs against natural or juridical persons believed to have violated ICCs/IPs rights.

SECTION 12. *Administrative Proceedings and Sanctions Against Public Officials and Employees.* – Pursuant to Section 11 of this Act, which makes it a duty of the CHR to investigate alleged cases of discrimination, a finding by the CHR that a department, agency, or instrumentality of the government, a government-owned-and-controlled corporation, or a local government unit has violated any provision of this Act and its implementing rules and regulations, shall carry with it a recommendation to the CSC and/or the DILG for the imposition of sanctions under administrative law, civil service, or other appropriate laws. Such recommendation shall include the names of the person directly responsible for the violation, and a statement that the sanctions be imposed upon the person directly responsible and the head of the agency or local chief executive.

Notwithstanding the foregoing provisions, NCIP shall have exclusive jurisdiction over the conduct of investigations on the basis of complaints filed by ICCs/IPs against natural or juridical persons believed to have violated ICCs/IPs rights.

SECTION 13. *Fines Against Private Persons, Provisional Remedy.*

– Upon a *prima facie* finding that any provision of this Act was violated and upon its issuance of a cease and desist order, the CHR may impose a fine of Twenty Thousand Pesos (P20,000.00) for every day that the act of discrimination complained of has not ceased. The fine thus collected shall be for the assistance of victims of discrimination.

For purposes of this section and the imposition of the provisional remedy of fine, the CHR may ask the assistance of DTI, CHED, DOLE, DepEd, and TESDA.

Notwithstanding the foregoing provisions, NCIP shall have exclusive jurisdiction over the conduct of investigations on the basis of complaints filed by ICCs/IPs against natural or juridical persons believed to have violated ICCs/IPs rights.

SECTION 14. *Joint Congressional Oversight Committee.* – A Joint Congressional Oversight Committee on Anti-Discrimination (JCOC-AD) is hereby created for the purpose of monitoring and evaluating the effective implementation of this Act as well as other Acts that affect the right of persons against discrimination.

The JCOC-AD shall be composed of five members each from the Senate and the House of Representatives.

The Senate Panel shall be composed of the Chairperson of the Committee on Social Justice, Welfare and Rural Development as Chairperson of the Senate Panel, the Chairperson of the Committee on Women, Children, Family Relations and Gender Equality, the Chairperson of the Committee on Cultural Communities, and the remaining seats to other

members of the Senate regardless of the Committee with at least one member from the minority.

The House of Representatives Panel shall be composed of the Chairperson of the Committee on Human Rights as Chairperson of the House of Representatives Panel, the Chairperson of the Committee on Women and Gender Equality, the Chairperson of the Indigenous Cultural Communities and Indigenous Peoples, and the remaining seats to other members of the House of Representatives with at least one member from the minority.

All government agencies shall submit to the JCOC-AD annual reports on the monitoring and evaluation of measures to promote non-discrimination and equality which shall include recommendations for Congress.

The JCOC-AD shall convene regularly, at least once a year, to review the annual reports from government agencies and to evaluate the effectivity and effective implementation of this Act and other relevant Acts. It shall invite the Inter-agency Technical Committee in all its meetings.

The JCOC-AD shall submit a report to Congress on its review and evaluation of relevant Acts and its recommendations.

SEC 15. *Implementing Rules and Regulations.* – The Inter-Agency Technical Committee, in consultation with appropriate civil society organizations and other stakeholders, shall promulgate the necessary implementing rules and regulations within ninety (90) days from the effectivity of this Act.

SECTION 16. *Separability Clause.* – Should any provision of this Act or part hereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SECTION 17. *Repealing Clause.* – This Act shall be without prejudice to the existing special laws prohibiting discrimination on account of the protected attributes such as State principles and mandates underscored in R.A. No. 7277, as amended, entitled, "The Magna Carta for Disabled Persons", R.A. No. 8371 entitled, "The Indigenous Peoples' Rights Act of 1997", R.A. No. 9710 entitled, "The Magna Carta of Women", R.A. No. 10911 entitled the "Anti-Age Discrimination in Employment Act", and P.D. No. 442, as amended, entitled "Labor Code of the Philippines".

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

SECTION 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official gazette or in at least two (2) newspaper of general circulation.

Approved,


HON. BRIAN POE, PHD, MNSA
Representative
FPJ Panday Bayanihan Party-List