

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6873



Introduced by:

HON. CHRISTOPHERSON "COCO" M. YAP

EXPLANATORY NOTE

The Constitution commands the State to respect the dignity of every human person and to guarantee equal protection of the laws. It affirms that all Filipinos have a role in nation building and that no one should be treated as less human because of who they are.

Congress has already begun to give life to these principles. The Safe Spaces Act recognizes that dignity, equality, security, and safety must be enjoyed by all, not only in private spaces but in public, online, educational, and work environments. It expressly condemns gender based sexual harassment, including misogynistic, homophobic, transphobic, and sexist slurs. The Supreme Court has affirmed this development, recognizing that discrimination based on sexual orientation, gender identity, and expression undermines constitutional freedoms and harms the national interest.

Yet despite these advances, there remains no single national law that clearly and uniformly protects Filipinos from discrimination based on sexual orientation, gender identity or expression, or sex characteristics. Because of this gap, many continue to lose jobs, face harassment at work, endure humiliation in schools, and are denied services, housing, or safety in public spaces simply for being who they are. These daily indignities strike at the heart of human dignity and contradict the Constitution's promise of equality and justice.

This bill answers that injustice. It establishes a clear national standard against discrimination, provides meaningful remedies for victims, and requires institutions

to prevent and address abuse. It does not grant special privileges. It asks only that every person be treated with fairness, respect, and equal concern under the law. By prohibiting discrimination based on SOGIESC, this measure faithfully carries out the Constitution's mandate of human dignity, full respect for human rights, and equal protection. It strengthens existing laws, harmonizes local initiatives, and affirms that equality and freedom can and must coexist.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte

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**AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL
ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS
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 “*SOGIESC Equality Act.*”

SECTION 2. Declaration of Policy. — It is the policy of the State to:

- (a) Recognize the dignity and worth of every human person and guarantee full respect for human rights, consistent with the Constitution;
- (b) Uphold the equal protection of the laws and ensure that no person shall be denied the same rights and opportunities enjoyed by others on the basis of sexual orientation, gender identity or expression, or sex characteristics;
- (c) Prohibit and eliminate all forms of discrimination that have the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms on the basis of SOGIESC; and

- (d) Clarify that this Act does **not** create special or superior rights for any group, but merely **secures equal treatment** and equal protection to all persons regardless of SOGIESC.

SECTION 3. Construction. — This Act shall be liberally construed in favor of the protection of the right to equality and non-discrimination. Nothing in this Act shall be interpreted to diminish or restrict any rights and protections already recognized by the Constitution, existing laws, or international human rights obligations of the Philippines.

SECTION 4. Definition of Terms. — For purposes of this Act:

- (a) ***Sexual Orientation*** refers to a person's enduring physical, romantic, and/or emotional attraction to persons of the same sex, a different sex, or more than one sex, including but not limited to heterosexuality, homosexuality, and bisexuality.
- (b) ***Gender Identity*** refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body and other expressions of gender, such as name, pronouns, clothing, mannerisms, and behavior.
- (c) ***Gender Expression*** refers to how a person outwardly manifests or communicates gender identity, through name, pronouns, clothing, haircut, behavior, voice, body characteristics, or other forms of presentation.
- (d) ***Sex Characteristics*** refers to a person's physical features relating to sex, including but not limited to chromosomes, gonads, hormones, internal and external genitalia, and secondary physical features emerging from puberty.
- (e) ***SOGIESC*** is a collective term referring to sexual orientation, gender identity or expression, and sex characteristics.
- (f) ***Discrimination on the Basis of SOGIESC*** refers to any distinction, exclusion, restriction, or preference, or any act or practice, including a policy, rule, measure, or requirement, whether formal or informal, which has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise, on an equal basis, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field of life, on the basis of SOGIESC.

- (g) **Direct Discrimination** occurs when, on account of the SOGIESC of a person or of a person associated with them, a person is treated less favorably than another person in a comparable situation.
- (h) **Indirect Discrimination** occurs when an apparently neutral provision, criterion, policy, or practice would put persons of a particular SOGIESC at a particular disadvantage compared with others, unless such provision, criterion, policy, or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- (i) **Harassment on the Basis of SOGIESC** refers to any unwelcome conduct related to SOGIESC which has the purpose or effect of violating the dignity of a person, or of creating an intimidating, hostile, degrading, humiliating, or offensive environment.
- (j) **Victimization** refers to any adverse treatment or reprisal against a person on the ground that such person has made or intends to make a complaint, given evidence, or otherwise participated in any proceeding under this Act.
- (k) **Public Officer or Employee** refers to any person holding any public office in the government, including any of its branches, subdivisions, instrumentalities, agencies, and government-owned or controlled corporations, including those with original charters, as defined by law.
- (l) **Employer** refers to any person, natural or juridical, including the government and all its branches and instrumentalities, who employs the services of another person and exercises control over such employee.
- (m) **Educational or Training Institution** refers to any school, college, university, learning center, or training institution, whether public or private, and all its offices, departments, and units, including their officials, faculty, staff, and personnel.

SECTION 5. Scope and Application. — This Act shall apply to:

1. All public officers and employees;
2. All natural and juridical persons in both the public and private sectors;
3. All educational or training institutions;

4. All employers, employees, and applicants for employment; and
5. All providers of goods, services, and facilities made available to the public.

SECTION 6. Prohibited Acts. — Without prejudice to the applicability of other laws, it shall be unlawful for any person, natural or juridical, public or private, to commit any of the following acts on the basis of the actual or perceived SOGIESC of a person, or of a person associated with them:

(a) Employment

1. To refuse employment to, or to dismiss, discharge, lay off, or otherwise terminate the employment of, or to refuse to renew the contract of, a person.
2. To discriminate with respect to compensation, terms, conditions, or privileges of employment, including promotion, training, transfer, assignment, leave, benefits, or other employment-related decisions.
3. To limit, segregate, or classify an employee or applicant in any way which would deprive or tend to deprive such person of employment opportunities or otherwise adversely affect status as an employee.
4. To subject an employee or applicant to harassment or a hostile work environment on the basis of SOGIESC.
5. To deny or limit access to public employment examinations, eligibility, or appointments on the basis of SOGIESC.

(b) Education and Training

1. To refuse admission to or expel any person from any educational or training institution.
2. To impose disciplinary sanctions, refuse or withdraw scholarships, or otherwise deny or limit benefits, services, or opportunities offered by an educational or training institution.
3. To subject any person in an educational or training setting to harassment, bullying, or any act that creates a hostile or offensive environment on the basis of SOGIESC.

4. To refuse or fail to protect students or trainees from SOGIESC-based bullying, harassment, or violence, when such acts are known or reasonably ought to be known to the school or its authorities.

(c) Access to Public Services, Facilities, and Accommodation

1. To deny or restrict access to or enjoyment of services, facilities, or accommodations, including housing, transportation, restrooms, or other public or commercial facilities, that are open to the general public.
2. To impose on a person a different or more burdensome requirement, condition, or charge than that imposed on others in comparable circumstances.
3. To deny or restrict access to government services, licenses, certificates, permits, or clearances, including but not limited to civil registry documents, health services, social welfare services, and other government programs.

(d) Access to Goods and Services; Commercial Establishments

1. To refuse to sell, lease, or provide goods or services to a person.
2. To refuse entry to or eject a person from restaurants, bars, stores, malls, hotels, entertainment venues, or other places of business or leisure open to the public.
3. To tolerate or allow SOGIESC-based harassment or discrimination by staff or personnel towards clients, customers, or guests.

(e) Health, Protection, and Social Services

1. To deny or impede access to health services, including emergency care, preventive services, or treatment, on the basis of SOGIESC.
2. To subject any person seeking health or social services to degrading, humiliating, or harassing treatment on the basis of SOGIESC.

3. To deny or limit access to shelters, crisis centers, protective services, or social welfare assistance.

(f) Civil, Political, and Other Rights

1. To deny or restrict the exercise of civil and political rights, including the right to vote, to participate in public affairs, to seek public office, or to access justice, on the basis of SOGIESC.
2. To deny or restrict membership in or participation in associations, organizations, or groups open to the general public, including professional organizations and unions, on the basis of SOGIESC.
3. To engage in profiling, arbitrary interference with privacy, or arbitrary arrest or detention on the basis of SOGIESC, or to tolerate such acts.

(g) Publication, Advertisement, and Speech Related to Discriminatory Acts

1. To publish, broadcast, or disseminate, including through online or digital platforms, any notice, advertisement, or information that explicitly or implicitly intends to deny or limit access to employment, education, goods or services, housing, or public accommodations on the basis of SOGIESC.
2. To incite, direct, or encourage the commission of discriminatory acts prohibited under this Act.

(h) Miscellaneous Prohibited Acts

1. To subject any person to SOGIESC-based harassment, bullying, or vilification in any setting covered by this Act.
2. To refuse to recognize or deliberately disregard a person's self-identified name or pronouns in official or employment records and communications, when such recognition does not conflict with an overriding and legitimate legal requirement.
3. To deny or restrict reasonable accommodations that do not impose undue hardship, when such accommodations are necessary to ensure equal enjoyment of rights on the basis of SOGIESC.

4. To commit any analogous act that has the purpose or effect of nullifying or impairing the equal recognition, enjoyment, or exercise of human rights and fundamental freedoms on the basis of SOGIESC.

SECTION 7. Exemptions. —

1. **Genuine Occupational Qualification.** A difference of treatment based on SOGIESC shall not constitute discrimination under this Act if, by reason of the nature of the particular occupational activities concerned or the context in which they are carried out, such characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate and strictly necessary.
2. **Freedom of Religion.** Nothing in this Act shall be construed to compel religious ministers or religious denominations to solemnize or recognize religious rites in a manner contrary to their sincerely held religious beliefs, or to alter the content of religious doctrine, teaching, or worship, provided that:
 - (a) Such exercise of religious freedom does not involve the denial of civil and legal rights, government services, or public accommodations; and
 - (b) No person shall be subjected to violence, coercion, or threats in the exercise of religious belief or in the exercise of rights under this Act.

SECTION 8. Duties of the State and of Institutions. —

1. All government agencies and instrumentalities, including government-owned or controlled corporations and local government units, shall:
 - (a) Review and, when necessary, amend their policies, procedures, and programs to ensure conformity with this Act;
 - (b) Adopt and implement policies and programs to promote equality and prevent and address discrimination on the basis of SOGIESC; and
 - (c) Designate or establish focal persons or units to receive and address complaints under this Act.

2. Employers shall:

- (a) Adopt a workplace policy or code of conduct expressly prohibiting SOGIESC-based discrimination and harassment;
- (b) Establish internal grievance mechanisms for receiving and addressing complaints; and
- (c) Conduct regular information and education campaigns on equality and non-discrimination.

3. Educational and training institutions shall:

- (a) Integrate human rights, equality, and non-discrimination principles, including respect for diverse SOGIESC, in relevant curricula and programs, consistent with academic freedom;
- (b) Adopt and implement anti-bullying and anti-discrimination policies; and
- (c) Establish complaint mechanisms accessible to students, trainees, faculty, and staff.

SECTION 9. Complaints and Procedures. —

1. Any person who believes they have been subjected to discrimination on the basis of SOGIESC under this Act may file a complaint with:

- (a) The appropriate government agency having jurisdiction;
- (b) The barangay, under existing barangay justice mechanisms, without prejudice to resort to other remedies; or
- (c) The proper courts.

2. Existing administrative and quasi-judicial bodies (including labor tribunals, civil service bodies, and human rights institutions) shall have concurrent jurisdiction over complaints falling within their respective mandates.

3. Procedures shall at all times respect due process, confidentiality to the greatest extent possible, and the right of all parties to be heard, to present evidence, and to avail of legal assistance.

SECTION 10. Penalties. —

1. **Criminal Liability.** Unless a higher penalty is provided by other laws, any person who commits any of the prohibited acts under Section 6 shall, upon conviction, suffer:
 - (a) For the **first offense**: *Arresto menor* or a fine of not less than Twenty thousand pesos (₱20,000.00) but not more than Fifty thousand pesos (₱50,000.00), or both;
 - (b) For the **second offense**: *Arresto mayor* in its minimum to medium period or a fine of not less than Fifty thousand pesos (₱50,000.00) but not more than One hundred thousand pesos (₱100,000.00), or both;
 - (c) For the **third and subsequent offenses**: *Arresto mayor* in its maximum period to *prision correccional* in its minimum period, and a fine of not less than One hundred thousand pesos (₱100,000.00) but not more than Two hundred fifty thousand pesos (₱250,000.00).
2. **Liability of Juridical Persons.** When the offender is a juridical person, the penalty shall be a fine of not less than One hundred thousand pesos (₱100,000.00) but not more than Five hundred thousand pesos (₱500,000.00), without prejudice to civil and administrative liabilities. The responsible officers, directors, managers, or agents who participated in, consented to, or tolerated the commission of the offense shall be liable as principals.
3. **Administrative Sanctions.** Public officers and employees found administratively liable for acts of discrimination under this Act shall, in addition to criminal and civil liability, be subject to appropriate administrative sanctions, including suspension, dismissal, and forfeiture of benefits, in accordance with civil service rules and other applicable laws.
4. **Civil Liability.** The offender shall be liable to pay the victim actual, moral, and exemplary damages, and attorney's fees, as may be awarded by the court.

SECTION 11. Protection Against Retaliation. — Any person who, in good faith, files a complaint, participates or assists in any proceeding under this Act, or opposes any act or practice made unlawful by this Act, shall be protected against retaliation, victimization, or any adverse treatment. Retaliation shall be deemed a separate and distinct offense punishable under this Act.

SECTION 12. Information, Education, and Advocacy. — The State, through the appropriate agencies and in partnership with civil society, shall undertake continuing information, education, and advocacy campaigns to promote respect for human dignity, equality, and non-discrimination regardless of SOGIESC.

SECTION 13. Data Collection and Research. — Subject to existing laws on data privacy and confidentiality, relevant government agencies shall collect and analyze data on discrimination cases, and conduct or commission studies to inform policies and programs promoting equality and non-discrimination on the basis of SOGIESC.

SECTION 14. Relation to Other Laws. — This Act shall be without prejudice to the rights and remedies available under the Constitution, the Civil Code, the Labor Code, the Safe Spaces Act, the Anti-Sexual Harassment Act, and all other laws, decrees, orders, rules, and regulations protecting human rights and prohibiting discrimination.

SECTION 15. Implementing Rules and Regulations. — Within ninety (90) days from the effectivity of this Act, the Department of Justice (DOJ), in coordination with the Commission on Human Rights (CHR), the Civil Service Commission (CSC), the Department of Labor and Employment (DOLE), the Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), and relevant stakeholders, shall promulgate the necessary implementing rules and regulations (IRR) to effectively implement this Act.

SECTION 16. Separability Clause. — If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 17. Repealing Clause. — All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SECTION 18. Effectivity. — This Act shall take effect fifteen (15) days after its publication s after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,