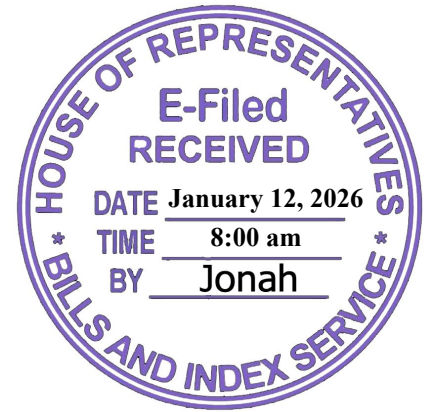


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7069



Introduced by Representative LEILA M. DE LIMA

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 SOGIESC Equality Bill, formerly known as the SOGIE Bill or the Anti-Discrimination Bill, has been repeatedly filed and re-filed in both Houses of Congress for more than 25 years¹ without much success despite the bill's laudable provisions and lofty aims that are consistent with the 1987 Constitution, aligned with State policies, and consonant with international human rights treaties to which the Philippines is a signatory.

In particular, Article II, Section 11 of the 1987 Constitution provides that, "[t]he State values the dignity of every human person and guarantees full respect for human rights" while Section 14 of the same article provides that, "[t]he State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." Additionally, Article III, Section 1 provides that, "[n]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

Furthermore, the Philippines is a State Party and signatory to the following international human rights instruments: United Nations Universal Declaration of Human Rights (UN UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), particularly the General Recommendation No. 28 on Non-discrimination Based on Sexual Orientation and Gender Identity, the Convention on the Rights of the Child (CRC), the International Covenant on Civil and

¹ Abad, M. (28 August 2019). TIMELINE: SOGIE equality in the Philippines. Rappler. Retrieved from <https://www.rappler.com/newsbreak/iq/238593-timeline-sogie-equality-philippines/>.

Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), all of which recognize and obligate States to protect the human rights of all people, including LGBTI (lesbian, gay, bisexual, transgender, and intersex) people.² In particular, Article 26 of the ICCPR guarantees that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as ... sex... or any other status.”

However, while non-discrimination and equal protection of laws for all are well-recognized on paper, the lived realities of Filipinos of diverse SOGIESC or LGBTQIA+ Filipinos paint a starkly different picture.

In the Philippines, stigma, discrimination, hate crimes, and abuse on the basis of SOGIESC are very much present in everyday lives of ordinary LGBTQIA+ Filipinos. From discriminatory portrayals on media that reinforce and reflect stigma, to cases of murder and illegal detention, such as the cases of the murder of transgender woman Jennifer Laude by a US Marine on October 11, 2014, the illegal detainment of transgender woman Gretchen Diez for entering and using the women’s restroom on August 13, 2019,³ and the “persona non grata” declarations of several cities against drag artist Pura Luka Vega following her portrayal of Jesus Christ in a rock rendition of the Lord’s Prayer in 2023,⁴ the need is very clear for a national legislation -- in addition to the necessary but insufficient local ordinances in some local government units (LGUs) -- defining, prohibiting, and penalizing acts and practices of exclusion and discrimination based on SOGIESC is clear.

This bill seeks to address the gaps in legislation that prevent members of the LGBTQIA+ community from the full enjoyment of their human rights, and that enable the violation of their human dignity on the basis of their SOGIESC. The measure aims to ensure that all Filipinos, regardless of their sexual orientation, gender identity and expression, and sexual characteristics (SOGIESC), can exercise their rights to life, education, employment, and expression, thus upholding their human dignity without fear of exclusion, discrimination, violence, or abuse.

To build a nation where the dignity and equality of every Filipino, regardless of their SOGIESC, is truly upheld, recognized, and protected, early approval of this measure is urged.

² United Nations Human Rights Office of the High Commissioner. About LGBTI people and human rights. Retrieved from <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/about-lgbti-people-and-human-rights#:~:text=Core%20legal%20obligations%20of%20States,peaceful%20assembly%20for%20LGBTI%20people>.

³ Abad, M. TIMELINE: SOGIE equality in the Philippines.

⁴ Derek Cai and Joel Guinto, “Pura Luka Vega: Philippine drag queen faces backlash for Jesus act”, 18 August 2023. Retrieved from <https://www.bbc.com/news/world-asia-66541089>

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(SOGIESC), AND PROVIDING PENALTIES THEREFOR

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “SOGIESC Equality
2 Act.”
3

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

13 Towards this end, the State shall exert efforts to address all forms of
14 discrimination, marginalization, and violence on the basis of SOGIESC, and to uplift
15 human dignity, as enshrined in the United Nations Universal Declaration on Human
16 Rights (UN UDHR), the Convention on the Elimination of All Forms of Discrimination
17 Against Women (CEDAW), Convention on the Rights of the Child (CRC), International
18 Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic,
19 Social, and Cultural Rights (ICESCR), and all other relevant treaties to which the
20 Philippines is a signatory, as well as pertinent international customary laws and
21 general principles of law.
22

1 The State shall likewise provide for mechanisms to address SOGIESC-based
2 disadvantages or limitations, as a result of which Persons of Diverse SOGIESC are
3 denied or restricted in the recognition and protection of their rights and in their access
4 to and enjoyment of opportunities, benefits, or privileges otherwise available to other
5 persons. The State shall ensure reasonable accommodation in the interpretation of its
6 policies and programs, so that households consisting of couples of diverse SOGIESC
7 are not excluded from economic assistance programs and social protection
8 instruments.

9
10 In the implementation of this Act, the free exercise and enjoyment of religious
11 freedom and of the fundamental rights of parents in the upbringing of their children in
12 accordance with their religious convictions shall be given all due respect. In all matters,
13 the best interest of children shall be paramount.

14
15 **SEC. 3. *Definition of Terms.* –**

- 16
17 a) *Asexual* refers to a person who does not experience attraction or
18 experiences markedly reduced attraction toward individuals of any
19 gender;
20
21 b) *Bisexual* refers to a person who has the capacity to form enduring
22 physical, romantic, and/or emotional attractions to those of the same
23 gender or to those of another gender;
24
25 c) *Child* refers to a person below eighteen (18) years of age, or who is older
26 than 18 years of age but incapable of taking care of oneself as defined
27 under Republic Act No. 7610, as amended, otherwise known as the
28 “Special Protection of Children Against Abuse, Exploitation, and
29 Discrimination Act”;
30
31 d) *Discrimination* refers to any distinction, exclusion, restriction, or
32 preference which is based on any ground such as sex or SOGIESC, and
33 which has the purpose or effect, whether direct or indirect, of nullifying
34 or impairing the recognition, access to, enjoyment, or exercise by all
35 persons on an equal footing of all rights and freedoms. The actual sex
36 or SOGIESC of the person subjected to discrimination shall not be
37 relevant for the purpose of determining whether an act of discrimination
38 has been committed.

39
40 *Direct discrimination* occurs where a person is treated less favorably
41 than another person in the same or comparable circumstances on the
42 ground of their SOGIESC.
43

1 *Indirect discrimination* occurs when an apparently neutral condition or
2 requirement is imposed, which has the effect of disadvantaging a person
3 of diverse SOGIESC, and which is not reasonable in the circumstances;
4

5 e) *Gay* refers to a person who identifies oneself as a man and whose
6 enduring physical, romantic, and/or emotional attractions are to people
7 who also identify themselves as men;
8

9 f) *Gender* refers to a social construct used to categorize a person as man,
10 woman, or other gender identity, which is usually based on one's sex
11 assigned at birth;
12

13 g) *Gender Expression* refers to the way a person communicates gender
14 identity to others through behavior, clothing, hairstyles, communication
15 or speech pattern, or body characteristics;
16

17 h) *Gender Identity* refers to a person's innermost concept of self as man,
18 woman, or another non-binary identity, which may or may not
19 correspond with their sex or gender assigned at birth;
20

21 i) *Harassment* refers to such unwanted conduct, pattern of conduct, act, or
22 series of acts which tend to annoy, insult, bully, demean, offend,
23 threaten, intimidate, alarm, or create a hostile or emotionally distressing
24 environment, or put a person or group of persons in fear for their safety;
25

26 j) *Hate Crimes* refer to criminal offenses committed against a person or a
27 group of persons, or against such targeted person's or group's honor or
28 property, motivated in whole or in part by the offender's bias against
29 people with diverse SOGIESC;
30

31 k) *Intersex* refers to people born with sex characteristics (including genitals,
32 gonads, and chromosome patterns) that do not fit typical binary notions
33 of male or female bodies, all of which are natural bodily variations along
34 a spectrum;
35

36 l) *Lesbian* refers to a person who identifies oneself as a woman and whose
37 enduring physical, romantic, and/or emotional attractions are to people
38 who also identify themselves as women;
39

40 m) *LGBTQIA+ community* refers to the collective of persons who are
41 Lesbian, Gay, Bisexual, Transgender/Transsexual, Queer/Questioning,
42 Intersex, Asexual/Allies, Non-Binary/Genderqueer, and other Persons of
43 Diverse SOGIESC;
44

- 1 n) *Marginalization* refers to a condition where a whole category of people
2 is excluded from useful and meaningful participation in political,
3 economic, social, and cultural life;
4
- 5 o) *Persons of Diverse SOGIESC* refer to the collective of persons who are
6 gay, lesbian, bisexual, transgender/transsexual, queer/questioning,
7 intersex, or asexual, persons who fall under cultural non-binary
8 categories, and/or persons whose lives convey distinct cultural
9 experiences of gender and sexuality;
10
- 11 p) *Profiling* refers to subjecting a person or group of persons to
12 investigatory activities, which include unnecessary, unjustified, illegal,
13 and degrading searches, or other investigatory activities, in determining
14 whether an individual is engaged in an activity presumed to be unlawful,
15 immoral, or socially unacceptable;
16
- 17 q) *Reasonable accommodation* means necessary and appropriate
18 modification and adjustments not imposing a disproportionate or undue
19 burden, where needed in a particular case, to ensure to people with
20 diverse SOGIESC the enjoyment or exercise on an equal basis with
21 others of all human rights and fundamental freedoms;
22
- 23 r) *Sex* refers to the civil status of a person acquired by birth, having a
24 system of reproduction corresponding to that belonging to either male,
25 female, or intersex;
26
- 27 s) *Sex Characteristics* refer to a person's physical traits that indicate their
28 biological sex, such as chromosomes, external genitalia, gonads,
29 hormones, and internal reproductive organs. Traits present at birth are
30 called primary sex characteristics, whereas those that develop during
31 puberty are called secondary sex characteristics. This is distinct from
32 sex, which is a civil status of a person acquired by birth;
33
- 34 t) *Sexual Orientation* refers to the direction of emotional, sexual attraction,
35 or conduct towards people of the same gender (homosexual orientation),
36 or towards people of more than one gender (bisexual orientation), or
37 towards people of different genders (heterosexual orientation), or to the
38 reduced or absent attraction towards any gender (asexual attraction);
39
- 40 u) *Stigma* refers to the dynamic devaluation and dehumanization of an
41 individual in the eyes of others, which may be based on attributes that
42 are arbitrarily defined by others as discreditable or unworthy, and which
43 result in discrimination when acted upon;
44

- 1 v) *Transgender* refers to a person whose gender identity does not align
2 with the sex or gender assigned at birth, frequently abbreviated to
3 "trans"; and
4
5 w) Queer is a term used to express a variety of identities that do not align
6 with mainstream, heteronormative, and/or binary assumptions.
7

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

15 For this purpose, discrimination on the grounds of a person's SOGIESC
16 intersecting with, or compounded by other grounds and factors such as age, racial or
17 ethnic origin, religious belief or activity, political inclination or conviction, social class,
18 marital or relationship status, disability, human immunodeficiency virus (HIV) status,
19 health status or medical history, language, physical features, or other status shall be
20 considered a discriminatory practice.
21

22 **SEC. 5. *Discriminatory Practices.*** – It shall be unlawful for any person, natural
23 or juridical, to engage in discrimination as defined in this Act, which shall include:
24

- 25 a) Advertising, producing, and publishing in the media, in educational
26 textbooks, and other media that have the effect of promoting,
27 encouraging, and perpetuating stigma or inciting violence, sexual abuse,
28 and discrimination against any person or group on the basis of
29 SOGIESC;
30
31 b) Denying access to public services to any person on the basis of
32 SOGIESC;
33
34 c) Including SOGIESC, as well as the disclosure of one's SOGIESC, in the
35 criteria for hiring, promotion, transfer, designation, work assignment,
36 reassignment, dismissal of workers, subcontracting, and other human
37 resource movement and action, performance review, and in the
38 determination of employee compensation, access to career
39 development opportunities, training, and other learning and
40 development interventions, incentives, privileges, benefits or
41 allowances, and other terms and conditions of employment: *Provided,*
42 That this provision shall likewise apply to employment and skills training
43 in both the private and public sectors, including the military, police, and
44 other similar services: *Provided further,* That this prohibition shall

1 likewise apply to the contracting and engaging of the services of juridical
2 persons, associations or organizations with LGBTQIA+ members, or of
3 associations or organizations advocating LGBTQIA+ rights;
4

5 d) Refusing admission or expelling a person from any educational or
6 training institution, such as police and military academies or training
7 institutions, on the basis of SOGIESC. This includes discriminating
8 against a student or trainee due to the SOGIESC of the student's parents
9 or guardian, court-appointed or otherwise: *Provided, however,* That the
10 right of educational and training institutions to determine the academic
11 qualifications of their students or trainees shall be duly upheld;
12

13 e) Imposing disciplinary sanctions, penalties harsher than customary or
14 similar punishments, requirements, restrictions, or prohibitions that
15 infringe on the rights of the students on the basis of SOGIESC, including
16 discriminating against a student or trainee due to the SOGIESC of the
17 student's parents or guardian, court-appointed or otherwise;
18

19 f) Refusing or revoking the accreditation, formal recognition and
20 registration of, or plan to organize, any organization, group, political
21 party, institution, or establishment in educational institutions,
22 workplaces, communities, and other settings, solely on the basis of the
23 SOGIESC of their members or of their target constituencies;
24

25 g) Denying a person access to public or private medical and other health
26 services open to the general public on the basis of such person's
27 SOGIESC, as well as access to public and private health insurance,
28 including health maintenance organizations, on the basis of SOGIESC;
29

30 h) Denying an application for or revoking a professional or other similar
31 kinds of license, clearance, certification, or any other similar document,
32 except marriage license, issued by the government due to the applicant's
33 SOGIESC;
34

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

- 1
2 j) Subjecting or forcing any person to undertake any medical or
3 psychological examination to determine or alter, or both, the person's
4 SOGIESC without the express approval of the person involved:
5 *Provided*, That in cases where the person involved is a minor and below
6 the age of discernment and who agrees to undertake the examination,
7 prior approval of the appropriate Family Court shall be required. In this
8 case, the child shall be represented in the proceedings by the Solicitor
9 General or the latter's authorized representative. In no case shall a minor
10 be forced to undertake said examination against their will and consent;
11
- 12 k) Harassment, coercion, or threats committed on the basis of one's
13 SOGIESC by those involved in the enforcement of laws, regulations, or
14 directives, and the protection of rights of any person, whether they
15 belong to the public or private sector. Among other cases, prohibited acts
16 under this section include arresting or placing under custody, and
17 subjecting a person to extortion, physical abuse, verbal abuse, or sexual
18 abuse, regardless of whether such arrest has legal or factual basis.
19 Harassment, coercion, or threat of juridical persons on the basis of the
20 SOGIESC of their members, stockholders, benefactors, clients, or
21 patrons is likewise covered by this provision;
22
- 23 l) Publishing information intended to "out" or reveal the sex or SOGIESC
24 of persons without their consent, whether or not done in good faith, when
25 such has not been made known by the person/s concerned and has
26 been made with malicious intent or is primarily motivated by a desire for
27 commercial profit;
28
- 29 m) Engaging in public speech, except religious speech or comments made
30 in the context of a religious service, ceremony, or activity, meant to
31 shame, insult, vilify, or which tends to incite or normalize the commission
32 of discriminatory practices against Persons of Diverse SOGIESC, and
33 which acts or practices in turn, intimidate them or result in the loss of
34 their self-esteem;
35
- 36 n) Subjecting persons or groups of persons to harassment which is
37 motivated in whole or in part by the offender's bias, belief, or perception
38 regarding the offended party's SOGIESC, regardless of whether the
39 belief or perception is correct. Such prohibited acts may include physical
40 assault, stalking, or making derogatory comments, slurs, or lewd
41 propositions, and may be conducted through any form of medium,
42 including but not limited to, visual representation, broadcast
43 communication, correspondence, or communication through mail or any
44 telecommunication device, or through the internet or cyberspace;

- 1
- 2 o) Subjecting any person, natural or juridical, to gender profiling or to any
- 3 investigatory activities, which includes (1) unnecessary, unjustified,
- 4 illegal, or degrading searches to determine whether they are engaged in
- 5 an activity presumed to be unlawful, immoral, or socially unacceptable;
- 6 and (2) recording and analyzing the psychological and behavioral
- 7 characteristics of a person or members or constituents of a juridical
- 8 person to make generalizations about their SOGIESC or to assist in
- 9 identifying a particular subgroup of people's SOGIESC;
- 10
- 11 p) Preventing a child under parental authority, custody, or guardianship,
- 12 whether court appointed or otherwise, from exhibiting or expressing
- 13 one's SOGIESC; or manifesting rejection of such child's SOGIESC by
- 14 inflicting or threatening to inflict bodily or physical harm against the child
- 15 or by causing mental or emotional suffering of the child through
- 16 intimidation, harassment, public ridicule or humiliation, repeated verbal
- 17 abuse, or other similar means; or in general, committing any act or
- 18 omission prejudicial to the welfare and interest of the child as a result of
- 19 the bias against the SOGIESC of the child;
- 20
- 21 q) Adopting a measure or practice of general or neutral application which
- 22 fails to provide for mechanisms to offset or address SOGIESC-based
- 23 disadvantages or limitations as a result of which Persons of Diverse
- 24 SOGIESC are denied or restricted in the recognition and protection of
- 25 their rights and in their access to and enjoyment of opportunities,
- 26 benefits, or privileges otherwise available to other persons: *Provided,*
- 27 *That this provision includes denial of reasonable accommodation;*
- 28 *Provided further,* *That such prohibited acts may include, among others,*
- 29 *social services or assistance programs extended only to families*
- 30 *traditionally consisting of heterosexual couples, whether de facto or*
- 31 *legally recognized, to the exclusion of couples of diverse SOGIESC; and*
- 32
- 33 r) Subjecting a person to any other analogous acts that shall have the
- 34 effect or purpose of impairing or nullifying the enjoyment, recognition, or
- 35 exercise of a person's rights and freedoms.
- 36

37 SEC. 6. *Privacy Rights.* – No person shall be burdened, prejudiced, or

38 prosecuted by reason of, or in connection with the exercise of the right to personal

39 privacy, unless it can be shown that there is a compelling reason or interest justifying

40 the infringement of said constitutional right, and there is no other less restrictive means

41 to achieve said reason or interest.

42

43 SEC. 7. *Administrative Sanctions.* – Refusal of a government official or

44 employee or those involved in the enforcement of law whose duty is to implement any

1 part of this Act, to investigate, prosecute, comply with the directive of the Commission
2 on Human Rights (CHR), or otherwise act on a complaint for a violation of this Act, or
3 causing unreasonable delay to perform such a duty without a valid ground, shall
4 constitute gross negligence on the part of the official who shall suffer the appropriate
5 penalty under civil service laws, rules, and regulations.

6
7 **SEC. 8. *Penalties.*** – A person who commits any discriminatory practice
8 described in Section 5 shall, upon conviction, be penalized by a fine of not less than
9 One hundred thousand pesos (P100,000) but not more than Five hundred thousand
10 pesos (P500,000) or imprisonment of not less than one (1) year but not more than
11 twelve (12) years, or both, at the discretion of the court. In addition, the court may
12 impose upon a person found to have committed any of the prohibited acts the rendition
13 of community service in terms of attendance in human rights education, familiarization
14 with, and exposure to the plight of the victims.

15
16 If the violation or offense is committed on the grounds of a person's SOGIESC
17 intersecting or compounded by other grounds and factors mentioned in Section 4, the
18 penalty shall be imposed in its maximum.

19
20 If the violation or offense is committed by a corporation, trust, firm, partnership,
21 association, or other entities, the penalty shall be imposed upon the directors, officers,
22 employees, or other officials or persons therein responsible for the offense without
23 prejudice to the civil liabilities of the entity arising from the criminal offense.

24
25 Any action arising from the violation of the provisions of this Act shall prescribe
26 in three (3) years.

27
28 Nothing in this Act shall preclude the victim from instituting a separate and
29 independent action for damages and other affirmative reliefs or such other cases for
30 violation of other applicable penal laws.

31
32 The penalties provided under this Section shall be meted without prejudice to
33 the imposition of administrative liability for government officials and employees.

34
35 **SEC. 9. *Special Aggravating Circumstance.*** – If any civil, criminal, or
36 administrative offense, not falling under this act, is committed and proven to be
37 motivated by bias, prejudice, or hate based on SOGIESC, said offense shall be
38 aggravated and the corresponding penalty provided thereto shall be imposed in its
39 maximum.

40
41 **SEC. 10. *Redress Mechanism for SOGIE-Related Cases.*** –

- 42
43 a) *Inclusion of SOGIE Concerns in All Police Station Activities and Services*
44 – The Women and Children's Desks now existing in all police stations

1 shall be renamed as Women, Children, and Persons of Diverse
2 SOGIESC Protection Desk, which shall also act on and attend to
3 complaints/cases covered by this Act. In this regard, police handling said
4 desks shall undergo appropriate training with human rights-based
5 approach to include, among others, gender sensitivity and awareness in
6 proper terminology and in the dynamics of relationships existing
7 between Persons of Diverse SOGIESC as applied in hate crime
8 investigations, case handling, and case documentation.

9
10 Complainant-minors can be represented by parents, guardians,
11 or a non-government organization of good standing and reputation.

12
13 b) *Role of the Civil Service Commission (CSC)* – In appropriate cases, the
14 Civil Service Commission (CSC) shall, by regulation, require
15 government establishments, including government-owned and
16 controlled corporations (GOCCs) and financial institutions, to establish a
17 grievance mechanism to address discriminatory practices in the
18 workplace and in the provision of services to the public. For this purpose,
19 failure or delay in establishing a grievance mechanism by the Head of
20 Agency shall be a ground for the imposition of an administrative fine as
21 may be prescribed by the CSC.

22
23 c) *Role of the Department of Labor and Employment (DOLE)* – In
24 appropriate cases, the Department of Labor and Employment (DOLE)
25 shall, by regulation, require private establishments to establish a
26 grievance mechanism to address discriminatory practices committed in
27 the workplace and in the provision of services to the public. For this
28 purpose, failure or delay in establishing a grievance mechanism shall be
29 a ground for the imposition of an administrative fine as may be
30 prescribed by the DOLE.

31
32 d) *Role of the Commission on Human Rights (CHR)* – The Commission on
33 Human Rights (CHR) shall investigate and recommend the filing of a
34 complaint against any person violating this Act. If the CHR has
35 reasonable cause to believe that any person or group of persons is
36 committing acts penalized in Section 5 of this Act, the CHR shall
37 recommend a legal action in the appropriate prosecutor's office or court.

38
39 The CHR shall also direct the officer concerned to take appropriate
40 action against a public officer or employee at fault or who neglects to
41 perform an act or discharge a duty required under this Act, and
42 recommend the revocation of license, removal from office or
43 employment, suspension, demotion, fine, censure, or prosecution, and
44 ensure compliance therewith. The refusal or delay in the compliance

1 with the directive of the CHR, without valid cause, to revoke the license,
2 remove, suspend, demote, fine, censure, or prosecute an officer or
3 employee who is at fault, or who neglects to perform an act or discharge
4 a duty required under this Act, shall be a ground for disciplinary action
5 against said officer or employee.

6
7 The CHR shall also document cases of discrimination on the basis of
8 SOGIESC and shall include these documented cases in its annual
9 human rights report. The Commission shall actively provide
10 recommendations to different branches of government on how to
11 address and eliminate discrimination on the basis of SOGIESC.
12

13 SEC. 11. *Government Programs and Policies.* – The State shall pursue
14 initiatives and programs that seek to establish and maintain an environment free of
15 stigma and discrimination. It shall direct the machinery and resources of the State to
16 promote non-discrimination and shall encourage other sectors of society to engage
17 and participate in these efforts. To this end, the Council as established under Section
18 hereof shall, by rules and regulations, develop, prescribe, and administer incentives
19 and awards schemes to encourage public and private establishments to provide
20 programs that defend the human rights of Persons of Diverse SOGIESC and
21 contribute to their empowerment. The State shall ensure the implementation of the
22 following programs:
23

- 24 a) *Social Protection Programs (SPPs)* – The national government shall
25 ensure that communities vulnerable to stigma and discrimination on the
26 basis of SOGIESC are integrated into government-run social protection
27 programs.
28
- 29 b) *Diversity and Inclusion Programs and Trainings (DIPT)* – All government
30 agencies, including government-owned and controlled corporations
31 (GOCCs), local government units (LGUs), private companies, public and
32 private educational institutions, and other entities, whether public or
33 private, shall establish diversity and inclusion programs and shall
34 endeavor to provide or conduct trainings for their staff, employees,
35 students and trainees, and constituents on human rights, gender
36 sensitivity and awareness, and sensitization on the issue of violence and
37 abuse to ensure that human rights violations and violence on the basis
38 of SOGIESC are prevented. Such institutions may incorporate these
39 activities into existing gender sensitivity and development training
40 programs or school curricula. Finally, the above-listed agencies,
41 companies, and institutions shall create an internal redress mechanism
42 to address cases of discrimination and develop administrative remedies
43 or sanctions for such cases.
44

1 c) *Information and Education Campaign (IEC)* – All government agencies
2 and instrumentalities are mandated to develop and implement
3 SOGIESC-specific gender sensitivity education and information
4 dissemination programs. They shall endeavor to produce and publish
5 information and educational campaign materials on gender and human
6 rights.
7

8 **SEC. 12. *Empowering Portrayal of People of Diverse SOGIESC in Media.*** –
9 The State shall provide appropriate measures to ensure that media shall undertake
10 positive and empowering portrayal of Persons of Diverse SOGIESC to counter existing
11 stereotypes and misconceptions that often lead to discriminatory practices. Towards
12 this end, incentives and awards schemes shall be provided to programs that defend
13 the human rights of Persons of Diverse SOGIESC and contribute to their
14 empowerment, pursuant to Section 11 of this Act.
15

16 **SEC. 13. *SOGIESC Congressional Oversight Committee.*** – For the effective
17 implementation of this Act, there shall be created a Congressional Oversight
18 Committee, hereinafter referred to as the SOGIESC Equality Congressional Oversight
19 Committee (SECOC), within sixty (60) days after the enactment of this Act. The
20 SECOC shall be composed of five (5) members each from the Senate and the House
21 of Representatives, which shall include the Chairpersons of the Senate Committees
22 on Women, Children, Family Relations and Gender Equality, and of Justice and
23 Human Rights, and the Chairpersons of the House of Representatives Committees on
24 Women and Gender Equality, and of Human Rights. The members from the Senate
25 and the House of Representatives shall be appointed by the Senate President and the
26 Speaker, respectively, with at least one (1) member representing the minority from
27 each Chamber.
28

29 The SECOC shall be chaired jointly by the Chairpersons of the Senate
30 Committee on Women, Children, Family Relations, and Gender Equality and the
31 House Committee on Women and Gender Equality. The position of Vice-Chairperson
32 of the SECOC shall be jointly held by the Chairpersons of the Senate Committee on
33 Justice and Human Rights and the House Committee on Human Rights. The
34 Secretariat of the SECOC shall come from the Secretariat personnel of the Senate
35 and the House of Representatives Committees concerned.
36

37 The SECOC shall monitor the compliance of public institutions with the
38 provisions of this Act. Within three (3) years after the enactment of this Act, the SECOC
39 shall conduct an audit of national and local policies that discriminate on the basis of
40 SOGIESC, and shall submit a report to Congress, the Office of the President, and the
41 Supreme Court, on this subject. Thereafter, the Council shall submit to Congress an
42 annual report on the implementation of this Act.
43

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

1
2 SEC. 14. *Inter-Agency Council on SOGIESC Equality.* – In pursuance of the
3 abovementioned government programs and policies, there is hereby established an
4 Inter-agency Council on SOGIESC Equality, hereinafter known as the Council, which
5 shall be composed of the following agencies and organizations:
6

- 7 a) Commission on Human Rights (CHR);
- 8 b) Department of Justice (DOJ);
- 9 c) Civil Service Commission (CSC);
- 10 d) Philippine National Police (PNP);
- 11 e) Department of Information and Communications Technology (DICT);
- 12 f) National Youth Commission (NYC);
- 13 g) Philippine Commission on Women (PCW);
- 14 h) Commission on Population and Development (CPD);
- 15 i) Department of Labor And Employment (DOLE);
- 16 j) Department of Education (DepEd);
- 17 k) Commission on Higher Education (CHED);
- 18 l) Technical Education and Skills Development Authority (TESDA);
- 19 m) Philippine Statistics Authority (PSA);
- 20 n) Department of Health (DOH);
- 21 o) Department of Social Welfare and Development (DSWD);
- 22 p) Department of the Interior and Local Government (DILG); and
- 23 q) At least three (3) representatives from civil society organizations (CSOs)
24 with proven expertise and track record on SOGIESC concerns.

25
26 The Chairperson of the CHR shall be the permanent Chairperson of the
27 Council, and the Secretary of Justice shall be the permanent Vice-Chairperson. The
28 Council members may designate their permanent representative, who shall have a
29 rank not lower than an assistant secretary or its equivalent, and shall receive
30 emoluments as may be determined by the Council in accordance with existing budget
31 and accounting rules and regulations.
32

33 The CSOs forming part of the Council shall be selected based on proven
34 expertise and track record on SOGIESC concerns, subject to the implementing rules
35 and regulations (IRR) of this Act. The representatives of the CSOs shall serve for a
36 term of three (3) years, renewable at the discretion of the Chairperson upon
37 recommendation of the Council for a maximum of two (2) consecutive terms.
38

39 The Council shall meet at least once every quarter. The presence of the
40 Chairperson or the Vice-Chairperson of the Council, and at least ten (10) other
41 representatives of the Council members, shall constitute a quorum to do business, and
42 a majority vote of those present shall be sufficient to pass resolutions or render
43 decisions.
44

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

- 3
- 4 a) Develop DIPTs and IECs for the national government;
- 5
- 6 b) Provide overall direction to the DIPTs, IECs, and SPPs of the national
7 government, and guidance and technical assistance to agencies in the
8 implementation of the DIPTs, IECs, and SPPs in their respective
9 agencies;
- 10
- 11 c) Encourage LGUs to issue ordinances promoting DIPTs and IECs within
12 their respective jurisdictions;
- 13
- 14 d) Ensure that branches, departments, bureaus, offices, agencies, and
15 instrumentalities of the government, including government-owned and
16 controlled corporations (GOCCs), state universities and colleges
17 (SUCs), and local government units (LGUs), undertake appropriate
18 measures, subject to existing laws, rules, and issuances, relative to the
19 violation of nondiscrimination laws or issuances, and/or filing of
20 appropriate action against erring persons;
- 21
- 22 e) Establish a system for monitoring the progress of branches,
23 departments, bureaus, offices, agencies, and instrumentalities of the
24 government, including GOCCs, SUCs, and LGUs, in the implementation
25 of DIPTs, IECs, and SSPs;
- 26
- 27 f) Enlist the support and assistance of other government agencies and
28 instrumentalities in the attainment of the objectives of Section 10 of this
29 Act; and
- 30
- 31 g) Submit to the SECOC regular reports on the progress of the
32 implementation of this Act, highlighting the impact thereof on the status
33 and human rights of Persons of Diverse SOGIESC and recommend
34 possible legislation to address gaps in existing laws.
- 35

36 SEC. 16. *Secretariat to the Council.* – A Secretariat shall be organized to
37 provide technical and administrative support to the Council in the exercise of its
38 powers and functions under Section 15 of this Act. The CHR shall determine the
39 additional positions required for the purpose, consisting of personnel with the
40 necessary technical expertise and capacity, in accordance with the Revised
41 Compensation and Position Classification System subject to the evaluation and
42 approval of the Department of Budget and Management and in accordance with the
43 civil service laws, rules, and regulations.

44

1 The Secretariat shall perform the following functions:

- 2 a) Coordinate and manage the day-to-day affairs of the Council;
- 3 b) Assist in the formulation, monitoring, and evaluation of DIPTs and IECs;
- 4 c) Provide technical assistance, support, and advisory services to the
- 5 Council and its external partners;
- 6 d) Assist the Council in identifying and building internal and external
- 7 networks and partnerships;
- 8 e) Coordinate and support the efforts of the Council and its members to
- 9 mobilize resources; and
- 10 f) Provide administrative support to the Council.

11
12 SEC. 17. *Appropriations.* – The amounts necessary for the implementation of
13 this Act shall be included in the annual General Appropriations Act (GAA). The
14 National and Local Government Agencies shall be authorized to utilize their mandatory
15 Gender and Development (GAD) budget. In addition, LGUs may also use their
16 mandatory twenty percent (20%) allocation of the annual National Tax Allotments
17 (NTAs) for local development projects as provided under Section 287 of Republic Act
18 No. 7160, otherwise known as the "Local Government Code of 1991."

19
20 SEC. 18. *Implementing Rules and Regulations.* – Within sixty (60) days from
21 the effectivity of this Act, the CHR, DOJ, CSC, PNP, NYC, PCW, CPD, DOLE, DepEd,
22 CHED, TESDA, DOH, DSWD, DILG, and at least three (3) CSOs with proven expertise
23 and track record on SOGIESC concerns, shall promulgate the necessary rules and
24 regulations for the effective implementation of the provisions of this Act.

25
26 SEC. 19. *Separability Clause.* – If any provision of this Act is declared invalid
27 or unconstitutional, the provisions not affected thereby shall continue to be in full force
28 and effect.

29
30 SEC. 20. *Repealing Clause.* – All laws, executive orders, presidential decrees,
31 presidential proclamations, letters of instruction, rules and regulations, or parts thereof
32 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
33 accordingly.

34
35 SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days following its
36 publication in the Official Gazette or in two (2) newspapers of general circulation in the
37 Philippines.

Approved,