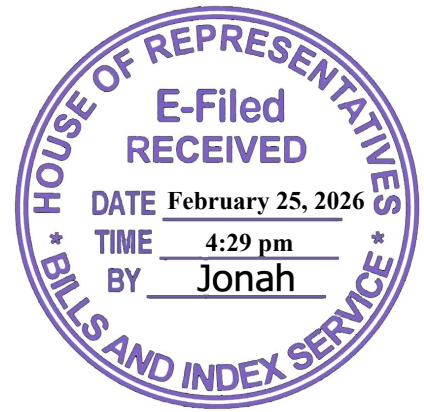


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **8098**



Introduced by: **REPRESENTATIVE FLORABEL C. YATCO**

EXPLANATORY NOTE

The 1987 Constitution of the Republic of the Philippines affirms that the State “values the dignity of every human person and guarantees full respect for human rights” (Art. II, Sec. 11), and that “no person shall be denied the equal protection of the laws” (Art. III, Sec. 1). These principles are not abstract ideals; they are commitments meant to shape everyday life and ensure that justice is felt in our workplaces, schools, hospitals, and communities.

Yet despite these constitutional guarantees, documented cases of discrimination in employment, education, healthcare, housing, and access to public services continue to affect many Filipinos on the basis of sexual orientation, gender identity, and gender expression (SOGIE). For too many, the promise of equal protection remains unevenly applied.

While existing statutes such as the Labor Code of the Philippines (PD No. 442), the Civil Code of the Philippines (RA No. 386), the Anti-Sexual Harassment Act of 1995 (RA No. 7877), the Safe Spaces Act (RA No. 11313), and the Universal Health Care Act (RA No. 11223) provide protections against certain forms of discrimination and abuse, there remains no comprehensive national law that explicitly defines and penalizes discrimination on the basis of SOGIE. At present, protection largely depends on local government ordinances enacted only in select provinces, cities, and municipalities, leaving many Filipinos without clear and consistent safeguards.

This bill seeks to address that gap. It defines and penalizes discriminatory acts committed on the basis of sexual orientation, gender identity, and gender expression, and provides enforceable remedies for individuals who experience unfair treatment solely because of who they are.

This measure does not create new or special rights. Rather, its purpose is to ensure that the constitutional protections of equal protection and human dignity are applied consistently and clearly across the country.

When workers are protected from unjust treatment, household income is safeguarded. When students are able to learn in safe and inclusive environments, their potential is nurtured. When access to healthcare and essential services is free from discrimination, communities become stronger and more resilient.

In passing the Anti-Discrimination Act, we affirm our commitment to the principles enshrined in our Constitution. We send a powerful message that every Filipino, regardless of their sexual orientation, gender identity, or expression, is valued and protected under the law. Let us stand together to advance a future where equality and justice are not just ideals, but a lived reality for all.

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

Para sa isang lipunang pantay, makatao, at tunay na nagmamalasakit sa bawat Pilipino.


FLORABEL C. YATCO
Representative
Nanay Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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HOUSE BILL NO. **8098**

Introduced by REPRESENTATIVE FLORABEL C. YATCO

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL
ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX
CHARACTERISTICS (SOGIESC), 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 “Anti-Discrimination Act”

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

Towards this end, the State shall exert efforts to address all forms of discrimination, marginalization, and violence on the basis of SOGIESC, and to uplift human dignity, as enshrined in the United Nations Universal Declaration on Human Rights (UN UDHR), the Convention on the Elimination of All Forms of

Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, and Cultural Rights (ICESCR), and all other relevant treaties to which the Philippines is a signatory, as well as pertinent international customary laws and general principles of law.

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

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

SEC. 3. *Definition of Terms.* –

- a) *Asexual* refers to a person who does not experience attraction or experiences markedly reduced attraction toward individuals of any gender;
- b) *Bisexual* refers to a person who has the capacity to form enduring physical, romantic, and/or emotional attractions to those of the same gender or to those of another gender;
- c) *Child* refers to a person below eighteen (18) years of age, or who is older than 18 years of age but incapable of taking care of oneself as defined under Republic Act No. 7610, as amended, otherwise known as the “Special Protection of Children Against Abuse, Exploitation, and Discrimination Act”;
- d) *Discrimination* refers to any distinction, exclusion, restriction, or preference which is based on any ground such as sex or SOGIESC, and

which has the purpose or effect, whether direct or indirect, of nullifying or impairing the recognition, access to, enjoyment, or exercise by all persons on an equal footing of all rights and freedoms. The actual sex or SOGIESC of the person subjected to discrimination shall not be relevant for the purpose of determining whether an act of discrimination has been committed.

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

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

- e) *Gay* refers to a person who identifies oneself as a man and whose enduring physical, romantic, and/or emotional attractions are to people who also identify themselves as men;
- f) *Gender* refers to a social construct used to categorize a person as man, woman, or other gender identity, which is usually based on one's sex assigned at birth;
- g) *Gender Expression* refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, communication or speech pattern, or body characteristics;
- h) *Gender Identity* refers to a person's innermost concept of self as man, woman, or another non-binary identity, which may or may not correspond with their sex or gender assigned at birth;
- i) *Harassment* refers to such unwanted conduct, pattern of conduct, act, or series of acts which tend to annoy, insult, bully, demean, offend, threaten, intimidate, alarm, or create a hostile or emotionally distressing environment, or put a person or group of persons in fear for their safety;

- j) *Hate Crimes* refer to criminal offenses committed against a person or a group of persons, or against such targeted person's or group's honor or property, motivated in whole or in part by the offender's bias against people with diverse SOGIESC;
- k) *Intersex* refers to people born with sex characteristics (including genitals, gonads, and chromosome patterns) that do not fit typical binary notions of male or female bodies, all of which are natural bodily variations along a spectrum;
- l) *Lesbian* refers to a person who identifies oneself as a woman and whose enduring physical, romantic, and/or emotional attractions are to people who also identify themselves as women;
- m) *LGBTQIA+ community* refers to the collective of persons who are Lesbian, Gay, Bisexual, Transgender/Transsexual, Queer/Questioning, Intersex, Asexual/Allies, Non-Binary/Genderqueer, and other Persons of Diverse SOGIESC;
- n) *Marginalization* refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life;
- o) *Persons of Diverse SOGIESC* refer to the collective of persons who are gay, lesbian, bisexual, transgender/transsexual, queer/questioning, intersex, or asexual, persons who fall under cultural non-binary categories, and/or persons whose lives convey distinct cultural experiences of gender and sexuality;
- p) *Profiling* refers to subjecting a person or group of persons to investigatory activities, which include unnecessary, unjustified, illegal, and degrading searches, or other investigatory activities, in determining whether an individual is engaged in an activity presumed to be unlawful, immoral, or socially unacceptable;
- q) *Reasonable accommodation* means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to people

with diverse SOGIESC the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

- r) *Sex* refers to the civil status of a person acquired by birth, having a system of reproduction corresponding to that belonging to either male, female, or intersex;
- s) *Sex Characteristics* refer to a person's physical traits that indicate their biological sex, such as chromosomes, external genitalia, gonads, hormones, and internal reproductive organs. Traits present at birth are called primary sex characteristics, whereas those that develop during puberty are called secondary sex characteristics. This is distinct from sex, which is a civil status of a person acquired by birth;
- t) *Sexual Orientation* refers to the direction of emotional, sexual attraction, or conduct towards people of the same gender (homosexual orientation), or towards people of more than one gender (bisexual orientation), or towards people of different genders (heterosexual orientation), or to the reduced or absent attraction towards any gender (asexual attraction);
- u) *Stigma* refers to the dynamic devaluation and dehumanization of an individual in the eyes of others, which may be based on attributes that are arbitrarily defined by others as discreditable or unworthy, and which result in discrimination when acted upon;
- v) *Transgender* refers to a person whose gender identity does not align with the sex or gender assigned at birth, frequently abbreviated to "trans"; and
- w) *Queer* is a term used to express a variety of identities that do not align with mainstream, heteronormative, and/or binary assumptions.

SEC. 4. *Communities Vulnerable to Discrimination and Abuse on the Basis of SOGIESC.* – This Act seeks to protect individuals and communities that are at a greater risk of experiencing human rights violations on the basis of SOGIESC, including individuals and communities of diverse SOGIESC who are children,

young, poor, persons with disabilities, indigenous peoples, or persons of different ethnic background, or cultural affinity, and of various religious beliefs.

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

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

- a) Advertising, producing, and publishing in the media, in educational textbooks, and other media that have the effect of promoting, encouraging, and perpetuating stigma or inciting violence, sexual abuse, and discrimination against any person or group on the basis of SOGIESC;
- b) Denying access to public services to any person on the basis of SOGIESC;
- c) Including SOGIESC, as well as the disclosure of one's SOGIESC, in the criteria for hiring, promotion, transfer, designation, work assignment, reassignment, dismissal of workers, subcontracting, and other human resource movement and action, performance review, and in the determination of employee compensation, access to career development opportunities, training, and other learning and development interventions, incentives, privileges, benefits or allowances, and other terms and conditions of employment: *Provided*, That this provision shall likewise apply to employment and skills training in both the private and public sectors, including the military, police, and other similar services: *Provided further*, That this prohibition shall likewise apply to the contracting and engaging of the services of juridical persons, associations or organizations with LGBTQIA+ members, or of associations or organizations advocating LGBTQIA+ rights;

- d) Refusing admission or expelling a person from any educational or training institution, such as police and military academies or training institutions, on the basis of SOGIESC. This includes discriminating against a student or trainee due to the SOGIESC of the student's parents or guardian, court-appointed or otherwise: *Provided, however,* That the right of educational and training institutions to determine the academic qualifications of their students or trainees shall be duly upheld;
- e) Imposing disciplinary sanctions, penalties harsher than customary or similar punishments, requirements, restrictions, or prohibitions that infringe on the rights of the students on the basis of SOGIESC, including discriminating against a student or trainee due to the SOGIESC of the student's parents or guardian, court-appointed or otherwise;
- f) Refusing or revoking the accreditation, formal recognition and registration of, or plan to organize, any organization, group, political party, institution, or establishment in educational institutions, workplaces, communities, and other settings, solely on the basis of the SOGIESC of their members or of their target constituencies;
- g) Denying a person access to public or private medical and other health services open to the general public on the basis of such person's SOGIESC, as well as access to public and private health insurance, including health maintenance organizations, on the basis of SOGIESC;
- h) Denying an application for or revoking a professional or other similar kinds of license, clearance, certification, or any other similar document, except marriage license, issued by the government due to the applicant's SOGIESC;
- i) Denying a person access to or the use of establishments, facilities, utilities, or services, including housing, open to the general public on the basis of SOGIESC: *Provided,* That the act of giving inferior accommodations or services shall be considered a denial of access or use of such facility or service: *Provided further,* That establishments will

make available their existing toilets with facilities designated for persons with disabilities also as gender neutral toilets: *Provided finally,* That this prohibition covers acts of discrimination against juridical persons solely on the basis of the SOGIESC of their members or of their target constituencies;

- j) Subjecting or forcing any person to undertake any medical or psychological examination to determine or alter, or both, the person's SOGIESC without the express approval of the person involved: *Provided,* That in cases where the person involved is a minor and below the age of discernment and who agrees to undertake the examination, prior approval of the appropriate Family Court shall be required. In this case, the child shall be represented in the proceedings by the Solicitor General or the latter's authorized representative. In no case shall a minor be forced to undertake said examination against their will and consent;
- k) Harassment, coercion, or threats committed on the basis of one's SOGIESC by those involved in the enforcement of laws, regulations, or directives, and the protection of rights of any person, whether they belong to the public or private sector. Among other cases, prohibited acts under this section include arresting or placing under custody, and subjecting a person to extortion, physical abuse, verbal abuse, or sexual abuse, regardless of whether such arrest has legal or factual basis. Harassment, coercion, or threat of juridical persons on the basis of the SOGIESC of their members, stockholders, benefactors, clients, or patrons is likewise covered by this provision;
- l) Publishing information intended to “out” or reveal the sex or SOGIESC of persons without their consent, whether or not done in good faith, when such has not been made known by the person/s concerned and has been made with malicious intent or is primarily motivated by a desire for commercial profit;
- m) Engaging in public speech, except religious speech or comments made in the context of a religious service, ceremony, or activity, meant to shame, insult, vilify, or which tends to incite or normalize the commission of discriminatory practices against Persons of Diverse

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

- n) Subjecting persons or groups of persons to harassment which is motivated in whole or in part by the offender's bias, belief, or perception regarding the offended party's SOGIESC, regardless of whether the belief or perception is correct. Such prohibited acts may include physical assault, stalking, or making derogatory comments, slurs, or lewd propositions, and may be conducted through any form of medium, including but not limited to, visual representation, broadcast communication, correspondence, or communication through mail or any telecommunication device, or through the internet or cyberspace;
- o) Subjecting any person, natural or juridical, to gender profiling or to any investigatory activities, which includes (1) unnecessary, unjustified, illegal, or degrading searches to determine whether they are engaged in an activity presumed to be unlawful, immoral, or socially unacceptable; and (2) recording and analyzing the psychological and behavioral characteristics of a person or members or constituents of a juridical person to make generalizations about their SOGIESC or to assist in identifying a particular subgroup of people's SOGIESC;
- p) Preventing a child under parental authority, custody, or guardianship, whether court appointed or otherwise, from exhibiting or expressing one's SOGIESC; or manifesting rejection of such child's SOGIESC by inflicting or threatening to inflict bodily or physical harm against the child or by causing mental or emotional suffering of the child through intimidation, harassment, public ridicule or humiliation, repeated verbal abuse, or other similar means; or in general, committing any act or omission prejudicial to the welfare and interest of the child as a result of the bias against the SOGIESC of the child;
- q) Adopting a measure or practice of general or neutral application which fails to provide for mechanisms to offset or address SOGIESC-based disadvantages or limitations as a result of which Persons of Diverse SOGIESC are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities,

benefits, or privileges otherwise available to other persons: *Provided*, That this provision includes denial of reasonable accommodation; *Provided further*, That such prohibited acts may include, among others, social services or assistance programs extended only to families traditionally consisting of heterosexual couples, whether *de facto* or legally recognized, to the exclusion of couples of diverse SOGIESC; and

- r) Subjecting a person to any other analogous acts that shall have the effect or purpose of impairing or nullifying the enjoyment, recognition, or exercise of a person's rights and freedoms.

SEC. 6. *Privacy Rights.* – No person shall be burdened, prejudiced, or prosecuted by reason of, or in connection with the exercise of the right to personal privacy, unless it can be shown that there is a compelling reason or interest justifying the infringement of said constitutional right, and there is no other less restrictive means to achieve said reason or interest.

SEC. 7. *Administrative Sanctions.* – Refusal of a government official or employee or those involved in the enforcement of law whose duty is to implement any part of this Act, to investigate, prosecute, comply with the directive of the Commission on Human Rights (CHR), or otherwise act on a complaint for a violation of this Act, or causing unreasonable delay to perform such a duty without a valid ground, shall constitute gross negligence on the part of the official who shall suffer the appropriate penalty under civil service laws, rules, and regulations.

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

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

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

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

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

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

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

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

- a) *Inclusion of SOGIE Concerns in All Police Station Activities and Services* – The Women and Children's Desks now existing in all police stations shall be renamed as Women, Children, and Persons of Diverse SOGIESC Protection Desk, which shall also act on and attend to complaints/cases covered by this Act. In this regard, police handling said desks shall undergo appropriate training with human rights-based approach to include, among others, gender sensitivity and awareness in proper terminology and in the dynamics of relationships existing between Persons of Diverse SOGIESC as applied in hate crime investigations, case handling, and case documentation.

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

- b) *Role of the Civil Service Commission (CSC)* – In appropriate cases, the Civil Service Commission (CSC) shall, by regulation, require government establishments, including government-owned and controlled corporations (GOCCs) and financial institutions, to establish a grievance mechanism to address discriminatory practices in the workplace and in the provision of services to the public. For this purpose, failure or delay in establishing a grievance mechanism by the Head of Agency shall be a ground for the imposition of an administrative fine as may be prescribed by the CSC.
- c) *Role of the Department of Labor and Employment (DOLE)* – In appropriate cases, the Department of Labor and Employment (DOLE) shall, by regulation, require private establishments to establish a grievance mechanism to address discriminatory practices committed in the workplace and in the provision of services to the public. For this purpose, failure or delay in establishing a grievance mechanism shall be a ground for the imposition of an administrative fine as may be prescribed by the DOLE.
- d) *Role of the Commission on Human Rights (CHR)* – The Commission on Human Rights (CHR) shall investigate and recommend the filing of a complaint against any person violating this Act. If the CHR has reasonable cause to believe that any person or group of persons is committing acts penalized in Section 5 of this Act, the CHR shall recommend a legal action in the appropriate prosecutor's office or court.

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

or discharge a duty required under this Act, shall be a ground for disciplinary action against said officer or employee.

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

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

- a) *Social Protection Programs (SPPs)* – The national government shall ensure that communities vulnerable to stigma and discrimination on the basis of SOGIESC are integrated into government-run social protection programs.
- b) *Diversity and Inclusion Programs and Trainings (DIPT)* – All government agencies, including government-owned and controlled corporations (GOCCs), local government units (LGUs), private companies, public and private educational institutions, and other entities, whether public or private, shall establish diversity and inclusion programs and shall endeavor to provide or conduct trainings for their staff, employees, students and trainees, and constituents on human rights, gender sensitivity and awareness, and sensitization on the issue of violence and abuse to ensure that human rights violations and violence on the basis of SOGIESC are prevented. Such institutions may incorporate these activities into existing gender sensitivity and development training programs or school curricula. Finally, the above-listed agencies, companies, and institutions shall create an internal redress

mechanism to address cases of discrimination and develop administrative remedies or sanctions for such cases.

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

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

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

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

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

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

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

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

The Chairperson of the CHR shall be the permanent Chairperson of the Council, and the Secretary of Justice shall be the permanent Vice-Chairperson. The Council members may designate their permanent representative, who shall have a rank not lower than an assistant secretary or its equivalent, and shall receive

emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

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

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

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

- a) Develop DIPTs and IECs for the national government;
- b) Provide overall direction to the DIPTs, IECs, and SPPs of the national government, and guidance and technical assistance to agencies in the implementation of the DIPTs, IECs, and SPPs in their respective agencies;
- c) Encourage LGUs to issue ordinances promoting DIPTs and IECs within their respective jurisdictions;
- d) Ensure that branches, departments, bureaus, offices, agencies, and instrumentalities of the government, including government-owned and controlled corporations (GOCCs), state universities and colleges (SUCs), and local government units (LGUs), undertake appropriate measures, subject to existing laws, rules, and issuances, relative to the violation of nondiscrimination laws or issuances, and/or filing of appropriate action against erring persons;
- e) Establish a system for monitoring the progress of branches, departments, bureaus, offices, agencies, and instrumentalities of the

government, including GOCCs, SUCs, and LGUs, in the implementation of DIPTs, IECs, and SSPs;

- f) Enlist the support and assistance of other government agencies and instrumentalities in the attainment of the objectives of Section 10 of this Act; and
- g) Submit to the SECOC regular reports on the progress of the implementation of this Act, highlighting the impact thereof on the status and human rights of Persons of Diverse SOGIESC and recommend possible legislation to address gaps in existing laws.

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

The Secretariat shall perform the following functions:

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

SEC. 17. *Appropriations.* – The amounts necessary for the implementation of this Act shall be included in the annual General Appropriations Act (GAA). The National and Local Government Agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of the annual National Tax

Allotments (NTAs) for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991."

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

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

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

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

Approved,