



# LEGISLATIVE RESEARCH SERVICE QUICK NOTES

Second Regular Session, 19<sup>th</sup> Congress

## **Public Hearing of the Committee on Social Justice, Welfare and Rural Development, joint with the Committees on Cultural Communities and Muslim Affairs; and Finance**

**Chairperson: Sen. Imee R. Marcos**

**8 May 2024, Wednesday, 10:00 AM, Sen. Recto Room, Senate**

**Re the following agenda:**

- 1. S. Nos. 108, 747 and 1264 on the Comprehensive Anti-Discrimination Act—Senators Poe, Villanueva, and Marcos**
- 2. S. No. 233 on Anti-Discriminatory Act—Senator Padilla**
- 3. S. No. 1300 on Equity and Nondiscrimination on Race, Ethnicity and Religion Act—Senator Estrada**

### **Background**

1. The principle of equality is enshrined in our Constitution. In many of its provisions, every citizen is guaranteed equal access to opportunities and protection of the laws. In addition, it directs Congress to give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities. The country is also a State Party to numerous human rights instruments that uphold human dignity and equality of all persons, regardless of race, gender, ethnicity, or religion.<sup>1</sup>
2. Additionally, the United Nations Universal Declaration of Human Rights (UDHR), which the Philippines is a signatory of, provides that the "*recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.*" Article 2 of the UDHR also provides that everyone is entitled to all the rights and freedoms outlined in the said Declaration "*without distinction of any kind such as race, color, sex.*"<sup>2</sup>

---

<sup>1</sup> Paraphrased from Explanatory Note of S. No. 1300

<sup>2</sup> Paraphrased from Explanatory Note of S. No. 108

3. Despite these exalted principles that the country is supposed to recognize and uphold, the Philippines still faces considerable problems regarding discrimination.<sup>3</sup>

For example, back in August 2021, the Yapayao-Isneg Tribe in Ilocos Norte was mocked and shamed by several netizens for their ethnic clothes, prompting condemnation and response from the National Commission on Indigenous Peoples.<sup>4</sup>

Moreover, despite the country's high score in the Global Gender Gap Report, Filipino women still face considerable challenges and discrimination in society, such as during the hiring process or job interviews where one out of six women are reportedly being asked by their job interviewers if they have plans to have children.<sup>5</sup>

Lastly, Muslim Filipinos still face extensive discrimination on account of their religion, including difficulty in finding employment as well as the continuing malicious perception of being linked with problems in peace and order.<sup>6</sup>

### Highlights of the Bills

1. *S. Nos. 108, 747, and 1264* - These proposed bills aim to actualize the principles enshrined in the Constitution and international declarations by prohibiting all forms of discrimination otherwise rooted in characteristics such as age, indigenous, racial, or ethnic origin, religious belief or activity, political inclination or conviction, social classes, gender, sexual orientation, sex characteristics, gender identity, gender expression, marital or relationship status, disability, HIV status, profession or occupation, health status or medical history, language, physical features, and other status.



The commission of any of the listed discriminatory acts has a corresponding penalty. For easier redress of grievances, existing women and children's desks in all police stations shall now accept and act on complaints of discrimination under these bills.

The Commission on Human Rights is empowered to investigate, *motu proprio* or on complaint by any person, any act or omission in violation of the law, and may issue appropriate legal, preventive, and provisional remedies, among others.

These bills establish the duty of every institution, whether public or private, to end discrimination and ensure equal opportunity for all, including the development of appropriate plans of action to address discrimination and the creation of diversity and inclusion programs and training.

---

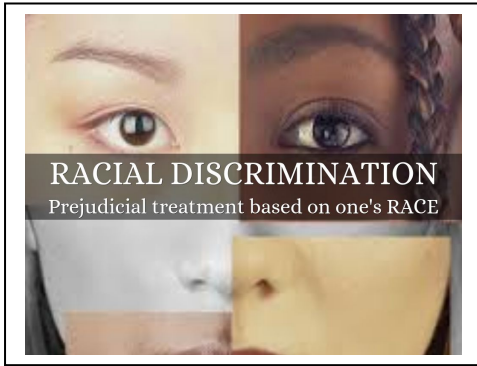
<sup>3</sup> *Ibid.*

<sup>4</sup> Paraphrased from Explanatory Note of S. No. 108

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

These proposed measures provide a clear message to the government body as well as to the citizens that the fight against discrimination is a shared cause and one that would need a whole-of-nation approach to achieve results.



2. *S. No. 1300* - This bill provides that it is unlawful for any person to perform any act involving a distinction, exclusion, restriction or preference based on race, color, descent, national or ethnic origin, religion, or religious affiliation or beliefs that have the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of any human right or fundamental freedom in the political, economic, social, cultural, civil or any other field of public life.<sup>7</sup>

3. *S. No. 233* - This bill lays down the prohibited and punishable acts of discrimination against a person, his/her relative up to the fourth degree of consanguinity or affinity, or representative when committed based on race, color, descent, national or ethnic origin, religion, or religious affiliation or beliefs, or being formerly incarcerated.

### **Possible Points for Discussion**

1. What challenges do population groups encounter due to discrimination?
2. What is the impact of discrimination on academic, healthcare, employment, and housing trajectories, to name just a few areas in which discrimination may occur?
3. How does discrimination affect the victims, and what are the effects therein?
4. What is the degree of awareness and level of understanding of Filipinos on the existence of anti-discrimination laws in the Philippines?
5. How are these laws being enforced? What are the current gaps in enforcement mechanisms of anti-discriminatory policies of the country? What are the ongoing programs to strengthen the implementation of anti-discrimination laws and promote a more inclusive and equitable society in the Philippines? Are there collaborative efforts that include education among government agencies, civil society organizations, and other stakeholders to raise awareness, enhance enforcement mechanisms, and promote a culture of diversity and inclusion?<sup>8</sup>

Source of images:

<https://www.bing.com/images/search?q=image+of+contering+discrimination+in+>

<sup>7</sup> Paraphrased from Explanatory Note of S. No. 1300

<sup>8</sup> Sourced from: <https://www.attorney.org.ph/legal-news/402-anti-discrimination-law>