

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

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SENATE
S. B. No. 137

RECEIVED

Introduced by Senator SONNY ANGARA

AN ACT

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

EXPLANATORY NOTE

"Profound social instability" remains to be one of the global risks according to *The Global Risks Report 2019* of the World Economic Forum (WEF) lists. In its 2016 Report, "profound social instability" is listed as one of the Top 5 Global Risks of Highest Concern for the next 10 years. It is rated as highly impactful or likely and one of the most highly interconnected risks, and is gaining in prominence in perceptions of likelihood and impact. The economic risks of unemployment and underemployment have also increased in both likelihood and impact over the past two years.

Any form of discrimination threatens social stability and economic progress in the Philippines, making it imperative that discrimination — or any act that establishes, promotes and perpetuates standing inequalities and disregards the right to "equality of treatment" afforded by the *1987 Constitution* — be reduced.

Moreover, the Philippines is a signatory to the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the *International Covenant on Civil and Political Rights* (ICCPR) of the United Nations that guarantee broad respect for the human rights of every individual, without discrimination based on race, skin

color and outward appearance, sex and gender identification, language, religion and opinion, national or social origin, property, and birth or other status.

We sought to follow through on these imperatives and international commitments since the 14th Congress by filing various versions of an Anti-Discrimination Bill.

To some extent, based on selected global studies, the Philippines is a relatively open and equitable society. For instance, the country scores high on global gender equality indices and ranks 8th overall in WEF's *Global Gender Gap Report 2018*. However, many forms of discrimination persist.

Women

The October 2018 Labor Force Survey reveals that labor force is dominated by men who account for 62 percent of the economically active workers. Despite faster growth since 2008 of women (13.6 percent) compared to that of men (10.1 percent) in the labor force, there is still a substantial gender gap. In 2016, the labor force participation rate was 63.5 percent overall: 77.6 percent of these were men, while only 49.3 percent were women.

Violence against women, both in and out of the home, remains a serious societal problem. According to the PNP Statistics on Crime Incidents, there are 2,962 reported rape cases during the first half of 2018 alone. In 2016 the number of Violence Against Women cases reported to the PNP is 40,536 which is 13 percent higher than the 2015 report at 35,897 cases. In the *Annual Comparative Statistics on Violence Against Women* released by the PNP-Women and Children Protection Center in 2014 13,564 cases of physical injuries against women were recorded in 2013; 1,744 in 2012, and 1,588 in 2011. From 2011 to 2013, there were 300 sexual harassments and 148 Anti-Trafficking cases reported to PNP-Women and Children Protection Center.

Lesbian, Gays, Bisexuals, and Transgenders

Discrimination is not limited to women alone. While consensual same-sex relations, homosexuality, and transgenderism are not illegal in the Philippines, major government agencies have yet to formally articulate specific affirmative policies.

Kwentong Bebot: Lived Experiences of Lesbians, Bisexual and Transgender Women in the Philippines, a study conducted by Rainbow Rights and published by the International Gay and Lesbian Human Rights Commission, stated that members

of the LGBT community reported having experienced physical, verbal, emotional and sexual abuse within their homes, in schools, in their workplaces. Some report having been denied health care and restricted from using public facilities (such as the LRT and MRT).

According to the Trans Murder Monitoring Project, a pilot project of Transgender Europe, there were 40 transgender or gender-variant people who were killed in the Philippines between January 2008 and December 2015.

Children

Discrimination against children takes the form of physical, sexual and psychological abuse.

According to International Labor Organization (ILO) studies in 2012, approximately 2 million Filipino children were exposed to hazardous working environments, such as in quarries and mines. There were also at least 246,011 street children nationwide, 11,346 of which were in Metro Manila alone.

Children continue to be recruited by non-state armed groups. According to anecdotal reports, some criminal syndicates use minors to carry out their illegal activities. They were also victims of police abuse while in detention for committing minor crimes.

Persons With Disabilities (PWDs)

Despite the passage of Republic Act No. 10070 in 2010, which established institutional mechanisms to ensure implementation of programs and services for PWDs, only six of every 10 local government units had Persons with Disability Affairs Office in 2018. More than half of the provinces (58%) and higher income municipalities (63%) are non-compliant with the Act.

A 2013 study conducted by Christian D. Mina entitled, "*Employment of Persons with Disabilities (PWDs) in the Philippines: The Case of Metro Manila and Rosario, Batangas*" as part of the Discussion Paper Series No. 2013 of the Philippine Institute for Development Studies stated that less than 10 percent of more than 100,000 employable PWDs registered with the DOLE were wage-employed. Majority of the employed PWDs in rural and urban areas are considered "vulnerable workers" since most have informal work arrangements and are less likely to have access to employment benefits or social protection programs.

Indigenous Cultural Communities/Indigenous People (ICC/IPs)

Indigenous people continue to experience abuses involving arbitrary detention, persecution, killing of community representatives, coercion, torture, demolition of houses, involuntary displacements, rape, and disruption of their rights to food and shelter.

These are but selected instances of discrimination in Philippine society that this measure aims to mitigate or eliminate.

Its swift approval is therefore earnestly sought.



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

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

1 Section 1. *Short Title.* – This Act shall be known as the "Comprehensive Anti-
2 *Discrimination Act of 2019.*"

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to work actively for
4 the elimination of all forms of discrimination that offends the equal protection clause
5 of the Bill of Rights, and the State's obligations under human rights instruments
6 acceded to by the Republic of the Philippines, particularly those discriminatory
7 practices based on age, racial or ethnic origin, religious belief or activity, political
8 inclination or conviction, social class, sex, gender, sexual orientation, gender identity
9 and expressions, marital or relationship status, disability, HIV status, health status or
10 medical history, language, physical features, or other status.

11 Towards this end, discriminatory practices as defined herein shall be
12 proscribed and penalized.

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

3 a. *Disability* refers to: 1) a physical or mental impairment that substantially limits
4 one or more psychological, physiological or anatomical function of an
5 individual or activities of that individual; 2) a record of such an impairment;
6 or, 3) being regarded as having such an impairment.

7 b. *Discrimination* constitutes any distinction, exclusion, restriction or preference
8 or other differential treatment that is directly or indirectly based on age, racial
9 or ethnic origin, religious belief or activity, political inclination or conviction,
10 social class, sex, gender, sexual orientation, gender identity and expressions,
11 marital or relationship status, disability, HIV status, health status or medical
12 history, language, physical features, or other status, which has the purpose or
13 effect of nullifying or impairing the recognition, enjoyment or exercise, on
14 equal footing, of the political, civil, economic, social and cultural rights.
15 Discrimination also includes incitement to discriminate and harassment.

16 Direct discrimination occurs where a person is treated less favorably
17 than another person in the same or comparable circumstances on the ground
18 of their protected attribute (i.e. age, racial or ethnic origin, religious belief or
19 activity, political inclination or conviction, social class, sex, gender, sexual
20 orientation, gender identity and expressions, marital or relationship status,
21 disability, HIV status, health status or medical history, language, physical
22 features, or other status).

23 Indirect discrimination occurs where an apparently neutral condition or
24 requirement is imposed which has the effect of disadvantaging a group with a
25 particular protected attribute and which is not reasonable in the
26 circumstances. Indirect discrimination may not be unlawful if a respondent
27 can show that there is an objective justification for it. This involves
28 demonstrating a proportionate means of achieving a legitimate aim.

29 c. *Education and Training* refers to all types and levels of education, training,
30 and other avenues for learning, and includes access thereto, the standard and
31 quality thereof and the conditions under which the same is given.

32 d. *Ethnic Origin* includes race, national origin, and ethno-linguistic origin.

1 e. *Employment* refers to all terms conditions, and privileges relating to work in
2 public and private institutions, including recruitment policies, application,
3 procedures, training, incentives, compensation, determination of benefits or
4 allowances, promotion, advancement opportunities, transfer, and dismissal.

5 This definition shall apply to regular, probationary, casual, contractual,
6 fixed-term, and seasonal workers. In legitimate contracting arrangements, the
7 contractor/subcontractor shall be deemed the employer of the contractual
8 employee.

9 For the purpose of this Act, the terms employment
10 and occupation include access to vocational training, access to employment
11 and to particular occupations, and terms and conditions of employment.

12 f. *Gender Identity* refers to each person's deeply felt internal and individual
13 experience of gender, which may or may not correspond with the sex
14 assigned at birth (e.g. the sex listed on their birth certificate) including the
15 personal sense of the body and other expressions of gender, including dress,
16 speech and mannerisms.

17 g. *Gender Expression* refers to the outward manifestations of the cultural traits
18 that enable a person to identify as male or female according to patters that,
19 at a particular moment in history, a given society defines as gender
20 appropriate.

21 h. *HIV Status* refers to the presence or absence of the human immunodeficiency
22 virus (HIV) in the body of an individual.

23 i. *Indigenous Cultural Communities/ Indigenous Peoples (ICC/IPs)* shall, as
24 provided under Section 3 (h), Chapter II of Republic Act No. 8371 or the
25 Indigenous People's Rights Act (IPRA) of 1997, refer to a group of people or
26 homogenous societies identified by self-ascription and ascription by others,
27 who have continuously lived as organized community on communally
28 bounded and defined territory, and who have, under claims of ownership
29 since time immemorial, occupied, possessed and utilized such territories,
30 sharing common bonds of language, customs, traditions and other distinctive
31 cultural traits, or who have, through resistance to political, social and cultural
32 inroads of colonization, non-indigenous religions and cultures, became

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

9 j. *Bangsamoro People* are those who, at the advent of the Spanish colonization,
10 were considered natives or original inhabitants of Mindanao and the Sulu
11 archipelago and its adjacent islands, whether of mixed or full blood, shall
12 have the right identity themselves, their spouses and descendants, as
13 Bangsamoro.

14 k. *Linguistic Discrimination* refers to the unfair treatment of an individual based
15 solely on the use of language. This use of language may include the
16 individual's native language or other characteristics of the person's speech,
17 such as an accent, the size of vocabulary (whether the person uses complex
18 and varied words), and syntax.

19 l. *Muslims* refer to those who are followers of Islamic faith, whether from birth
20 or by conversion.

21 m. *Marital or Relationship Status* refers to the personal status of each individual
22 in relation to the marriage laws or customs of the country. The categories of
23 marital status to be identified are the following: (a) single; (b) married; (c)
24 separated (d) widowed; or (e) de facto spouse of another person. A de facto
25 spouse of another person is defined to mean a person who cohabits or lives
26 with another person in a relationship similar to marriage but is not legally
27 married to that person.

28 n. *Physical Features* refer to a person's height, size, weight or other bodily
29 characteristics. It shall also include features that a person chooses to acquire,
30 such as tattoos and piercings.

31 o. *Political Inclination* refers to a person's preference with regards to
32 membership or belief in a particular political party, organization or ideology.

1 p. *Profiling* means relying on the prohibited grounds of discrimination in
2 subjecting a person or group of persons to investigatory activities, which
3 include unnecessary, unjustified, illegal, and degrading searches, questioning
4 or other investigatory activities, in determining whether an individual is
5 engaged in an activity presumed to be unlawful, immoral, or socially
6 unacceptable.

7 q. *Religious Belief* covers the profession or non-profession of religion or belief of
8 one's choice that may be publicly or privately manifested in worship,
9 observance, practice and teaching.

10 r. *Sexual Orientation* refers to each person's capacity for profound emotional,
11 affectional and sexual attraction to, and intimate relations with, individuals of
12 a different gender or the same gender or more than one gender.

13 It encompasses the broad concept of a person's sexual attraction to,
14 and sexual activity with, people of a particular gender. This can be towards
15 people of the same sex (homosexual orientation); towards people of both
16 sexes (bisexual orientation), towards neither, or towards people of the
17 opposite sex (heterosexual orientation). A person's sexual orientation is
18 distinct from a person's gender identity and expression.

19 s. *Social Class* refers to groupings of individuals usually based on wealth,
20 educational attainment, occupation, income, and membership in a subculture
21 or social network.

22 t. *Stigma* refers to the dynamic process of devaluation that significantly
23 discredits an individual in the eyes of others. When stigma is acted upon, the
24 result is discrimination.

25 u. *Other Status* refers to other forms of differential treatment or grounds of
26 discrimination which either undermines human dignity, causes or perpetuates
27 systemic disadvantage, or adversely affects the equal enjoyment of a person's
28 rights and freedoms in a serious manner that is comparable to the protected
29 attributes enumerated in Section 4 of this Act. These grounds include, but are
30 not limited to the following: pregnancy or maternity/paternity status, family
31 responsibilities, health status or medical condition, criminal record.

1 Sec. 4. *Prohibited Grounds for Discrimination/Protected Attributes.* –
2 Discrimination that is directly or indirectly based on the following personal
3 characteristics such as age, racial or ethnic origin, religious belief or activity, political
4 inclination or conviction, social class, sex, gender, sexual orientation, gender identity
5 and expressions, marital or relationship status, disability, HIV status, health status or
6 medical history, language, physical features, or other status, is prohibited. For
7 purposes of this Act, these personal characteristics shall be collectively termed as
8 Protected Attributes.

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

11 (a) Inflicting stigma.

12 It shall be unlawful for any person to commit any acts that promote and
13 encourage stigma based on the grounds referred to in Section 4. Content in
14 the media, in educational textbooks, or in other medium that aims to inflict
15 stigma is likewise prohibited.

16 (b) Denial of political, civil and cultural rights.

17 It shall be unlawful to deny a person enjoyment of political, civil and
18 cultural rights based on the grounds referred to in Section 4.

19 (c) Denial of right to education.

20 It is unlawful for any person to:

- 21 (1) Refuse admission or expel a person from any educational or training
22 institution on the basis of the grounds defined in Section 4, without
23 prejudice to the right of educational or training institutions to
24 determine the academic qualifications of their students or trainees;
25 (2) Grant or refuse to grant honors, scholarship/s, or other forms of
26 assistance on the basis of the grounds defined in Section 4; and
27 (3) Impose disciplinary sanctions, penalties harsher than customary, or
28 similar punishments, requirements, restrictions, or prohibitions that
29 infringe on the rights of the students on the basis of the grounds
30 identified in Section 4.

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

4 (d) Denial of right to work.

5 It is unlawful for any person to:

6 (1) Use the grounds in Section 4 or require the disclosure thereof in the
7 selection, promotion, and termination of workers, and in the
8 determination of compensation, training, incentives, privileges, benefits
9 or allowances, as well as other terms and conditions of employment;

10 (2) Deny employment in government institutions, including police and
11 military service, based directly or indirectly on the grounds referred to
12 in Section 4;

13 (3) Refuse to enter into contract or agreement with persons or group of
14 persons based solely or partly on the grounds provided in Section 4;
15 and

16 (4) Deny an application for or revoke a professional license issued by the
17 government directly or indirectly due to the grounds included in
18 Section 4.

19 (e) Denial of access to goods and services

20 It is unlawful for any person to:

21 (1) Deny a person, solely or partly on the basis of the grounds in Section
22 4, of goods and services available to the general public, such as but
23 not limited to private and public insurance, housing and other forms of
24 accommodation, medical and clinical services;

25 (2) Refuse entry to or evict a person from any establishment, facility or
26 utility that is open to the general public, such as but not limited to,
27 restaurants, bars, hotels, shopping malls, solely or partly on the basis
28 of the grounds listed in Section 4; and,

29 (3) Cause undue and unjust deferral of services or provision of inferior
30 services to persons due to the grounds in Section 4.

1 There is discrimination if the acts above are committed against
2 organizations or groups of persons based on the grounds identified in Section
3 4.

4 (f) Denial of right to organize.

5 It shall be unlawful to prohibit, prevent, or revoke the accreditation,
6 formal recognition, and/or registration of any organization, group, political
7 party, institution or establishment, in educational institutions, workplaces,
8 communities, and other settings, based partly or solely on the grounds
9 provided for in Section 4.

10 Discrimination is also committed when additional requirements beyond the
11 customary are imposed directly or indirectly due to the grounds stipulated in
12 Section 4.

13 (g) Inflicting harm on health and well-being.

14 It shall be unlawful to subject any person, without consent, to any
15 unnecessary medical or physical examination, psychological treatment, faith-
16 based practices, and other similar procedures based solely or partly on any of
17 the grounds referred to in Section 4 that aim to change identity or physical
18 attributes or impose behavior or expressions.

19 (h) Engaging in profiling.

20 It shall be illegal for any person, including members of the military and
21 law enforcement agencies, to engage in profiling based solely or partly on the
22 grounds included in Section 4.

23 (i) Abuses by state and non-state actors.

24 It shall be unlawful for any government agency, including local
25 government units, police, military, and immigration agencies, to harass
26 verbally or physically, to curtail freedom of movement, or to extort from a
27 person or a group of persons on the basis of the grounds stipulated in Section
28 4.

29 This prohibition applies to similar abuses committed by non-state actors.

30 (j) Detention and confinement.

31 It shall be unlawful to detain and confine a person or groups of persons
32 based directly or indirectly on the grounds under Section 4.

1 (k) Inciting hatred or violence

2 It shall be unlawful to incite hatred or violence based on any of the
3 grounds included in Section 4, by use of words or behavior or display of
4 written material, publishing or distributing written material; the public
5 performance of a play; distributing, showing or playing a recording;
6 broadcasting or including a program in a program service, and possession of
7 inflammatory material. The words, behavior, written material, or recordings,
8 or program must be threatening and not just abusive or insulting.

9 (l) Denial of right to expression

10 It shall be unlawful to deny a person of his freedom of opinion and
11 expression based on the grounds included in Section 4. This includes the
12 expression of identity or personhood through speech, deportment, dress,
13 bodily characteristics, choice of name, or other means, as well as the freedom
14 to seek, receive, and impart information and ideas of all kinds through any
15 medium.

16 (m) Other analogous circumstances.

17 Any analogous act, which has the effect or purpose of impairing or
18 nullifying the recognition, enjoyment, or exercise of the person's human rights
19 and fundamental freedoms, are also prohibited.

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

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

28 Any person who is duty-bound to act on complaints of discrimination under
29 this Act but fails or refuses to do so shall be deemed prima facie to have sanctioned
30 the discriminatory act, and shall be held equally liable for discrimination.

31 All government officers and workers are obliged to promote nondiscrimination
32 in the discharge of their duties and responsibilities.

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

4 1) Where any of the protected attributes are bona fide occupational
5 qualifications reasonably necessary to the normal operation of the particular
6 business or where the differentiation is based on reasonable factors (Genuine
7 Occupational Qualifications);

8 2) Where distinction, exclusion, or preference in respect of a particular job is
9 based on inherent requirement and requirement is a proportionate means of
10 achieving a legitimate aim (Inherent Requirement);

11 3) Where the acts or practices of a body established for religious purposes
12 conform to the doctrines, tenets or beliefs of the relevant religion or that such
13 acts or practices are necessary to avoid injury to the religious sensitivities of
14 adherents of that religion;

15 4) Where the act or omission is done in good faith for the purpose of
16 assisting or advancing a person or group of persons who need or may
17 reasonably be supposed to need assistance or advancement in order to
18 achieve an equal place in society with other members of the community
19 (Measures of Equality or Affirmative Action Program).

20 Sec. 8. *Penalties.* – The penalty of not less than one (1) year but not more
21 than six (6) years imprisonment or a fine of not more than Five Hundred Thousand
22 Philippine Pesos (PhP500,000.00), or both, in the discretion of the court, and taking
23 into consideration the circumstances and gravity of the offense.

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

26 (a) If the offender has been previously convicted under this Act;

27 (b) When the offender is an ascendant, parent, guardian, stepparent or
28 collateral relative within the second degree of consanguinity or affinity
29 of the victim;

30 (c) When the offender is the manager or owner of an establishment which
31 has no license to operate or whenever such license has expired or has
32 been previously revoked;

1 (d) When the offender is a public official, officer or employee: *Provided,*
2 That the penalty of suspension shall also be imposed: *Provided,*
3 *further,* That the public official, officer or employee may be asked to
4 undergo gender and development training and community service
5 during the duration of suspension.

6 When the offender is a corporation, partnership or association, the officer or
7 employee thereof who is responsible for the violation of this Act shall suffer the
8 penalty imposed in its maximum period. The corporation shall be jointly liable for
9 any fine imposed.

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

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

16 *Sec. 9. Programs to Promote Non-discrimination and Diversity.* – The State
17 shall endeavor to eliminate all forms of discrimination and shall therefore pursue
18 initiatives and programs that seek to enable an environment free of stigma and
19 discrimination. It shall direct the machinery and resources of the State to ensure
20 non-discrimination and promote equality and shall encourage other sectors of the
21 society to engage and participate in these efforts. It shall ensure the establishment
22 of the following programs:

23 (a) Social Protection Program – The national government shall implement
24 social protection measures for communities affected by and vulnerable to
25 stigma and discrimination.

26 (b) Diversity Programs and Policies – All government agencies, government-
27 owned and controlled corporations, private companies, public and private
28 educational institutions, and other entities shall establish diversity
29 programs to ensure that discrimination and abuse are prevented. They
30 shall also create an internal redress mechanism to address cases of
31 discrimination and grant administrative remedies or sanctions for such
32 cases.

1 The Civil Service Commission (CSC), Department of Labor and Employment
2 (DOLE), Department of Interior and Local Government (DILG), Department of Trade
3 and Industry (DTI), the Armed Forces of the Philippines (AFP), Department of
4 Education (DepEd), Commission on Higher Education (CHED), Technical Education
5 and Skills Development Authority (TESDA), Department of Justice (DOJ),
6 Department of Foreign Affairs (DFA), and Department of Health (DOH) shall ensure
7 the implementation of this Section.

8 Failure of the above agencies, without justifiable cause, to ensure the
9 implementation of this provision shall be deemed refusal to address discrimination
10 and shall be penalized as an analogous act of discrimination.

11 Sec. 10. *Enforcement.* – Criminal complaints brought under this Act shall be
12 filed with the proper court. In addition to the criminal complaint, a person who has
13 been subjected to any acts of discrimination as defined in this Act may file a
14 complaint with the Commission on Human Rights (CHR). For this purpose, the CHR
15 may investigate, *motu proprio* or on complaint by any person, acts or omissions in
16 violation of this Act.

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

24 The Commission shall also direct the officer concerned to take appropriate
25 action against a public officer or employee at fault or who neglected to perform an
26 act or discharge a duty required under this Act, and order revocation of license,
27 removal from office or employment, suspension, demotion, fine, censure, or
28 prosecution, and ensure compliance therewith. Refusal by any officer without just
29 cause to comply with an order of the Commission to revoke the license, remove,
30 suspend, demote, fine, censure, or prosecute an officer or employee who is at fault,
31 or who neglects to perform an act or discharge a duty required under this Act, shall
32 be a ground for disciplinary action against said officer.

1 Sec. 11. *Administrative Proceedings and Sanctions against Public Officials and*
2 *Employees.* – Pursuant to Section 8 of this Act, which makes it a duty of the CHR to
3 investigate alleged cases of discrimination, a finding by the CHR that a department,
4 agency or instrumentality of the government, a government-owned and controlled
5 corporation, or a local government unit has violated any provision of this Act and its
6 implementing rules and regulations, shall carry with it a recommendation to the CSC
7 and/or the DILG for the imposition of sanctions under administrative law, civil
8 service, or other appropriate laws. Such recommendation shall include the names of
9 the person directly responsible for the violation, and a statement that the sanctions
10 be imposed upon the person directly responsible and the head of the agency or the
11 local chief executive.

12 Sec. 12. *Fines against Private Persons, Provisional Remedy.* – Upon a *prima*
13 *facie* finding that any provision of this Act was violated and upon its issuance of a
14 cease and desist order, the CHR may impose a fine of Twenty Thousand Pesos
15 (P20,000.00), for every day that the act of discrimination complained of has not
16 ceased.

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

19 The fine thus collected shall be for the assistance of victims of discrimination.

20 Sec. 13. *Implementing Rules and Regulations.* – The CHR, CSC, DOLE, DILG,
21 AFP, DepEd, CHED, TESDA, DOJ, DFA, DOH, National Commission on Indigenous
22 Peoples, and National Commission on Muslim Filipinos shall promulgate the
23 necessary implementing rules and regulations within sixty (60) days from the
24 effectivity of this Act. Thereafter, this Act shall be fully implemented with or without
25 the IRR.

26 Sec. 14. *Separability Clause.* – If, for any reason, any part, section or
27 provision of this Act is held invalid or unconstitutional, the remaining provisions not
28 affected thereby shall continue to be in force and effect.

29 Sec. 15. *Repealing Clause.* – All laws, decrees, executive orders,
30 proclamations, rules and regulations, and other issuances, or part or parts thereof,
31 which are inconsistent with the provisions of this Act are hereby repealed, amended
32 or modified accordingly.

1 Sec. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or at least two (2) newspapers of general
3 circulation, whichever comes earlier.

Approved,