

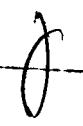
SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE

S.B. No. 948

RECEIVED BY: 

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

The *Global Risks Report 2016* of the World Economic Forum (WEF) lists “profound social instability” 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 7th overall in WEF's *Global Gender Gap Report 2015*. However, many forms of discrimination persist.

Women

The International Labour Organization (ILO) study *Philippine Employment Trends 2015* reveals that the labor force is dominated by men who account for three for every five 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 2013, the labor force participation rate was 63.9 percent overall: 78.1 percent of these were men, while only 49.9 percent were women.

Violence against women, both in and out of the home, remains a serious societal problem. In the *Annual Comparative Statistics on Violence Against Women* released by the PNP-Women and Children Protection Center in 2014, there were 1,602 reported rape cases in 2013, which is 283 cases more than the 1,319 in 2012, and 546 more than the 1,056 reported in 2011. 3,564 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 harassment 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)

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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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 2016.**"

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

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

14
15 **SEC. 3. Definition of Terms.** For the purposes of this Act, the following terms shall be defined
16 as follows:

17
18 a. "**Disability**" shall mean: 1) a physical or mental impairment that substantially limits one or
19 more psychological, physiological or anatomical function of an individual or activities of
20 that individual; 2) a record of such an impairment; or, 3) being regarded as having such
21 an impairment.

22

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

9
10 Direct discrimination occurs where a person is treated less favorably than
11 another person in the same or comparable circumstances on the ground of their
12 protected attribute (i.e. age, racial or ethnic origin, religious belief or activity, political
13 inclination or conviction, social class, sex, gender, sexual orientation, gender identity and
14 expressions, marital or relationship status, disability, HIV status, health status or medical
15 history, language, physical features, or other status).

16
17 Indirect discrimination occurs where an apparently neutral condition or
18 requirement is imposed which has the effect of disadvantaging a group with a particular
19 protected attribute and which is not reasonable in the circumstances. Indirect
20 discrimination may not be unlawful if a respondent can show that there is an objective
21 justification for it. This involves demonstrating a proportionate means of achieving a
22 legitimate aim.

23
24 c. *"Education and Training"* refers to all types and levels of education, training, and other
25 avenues for learning, and includes access thereto, the standard and quality thereof and
26 the conditions under which the same is given.

27
28 d. *"Ethnic Origin"* includes race, national origin, and ethno-linguistic origin.

29
30 e. *"Employment"* refers to all terms conditions, and privileges relating to work in public and
31 private institutions, including recruitment policies, application, procedures, training,
32 incentives, compensation, determination of benefits or allowances, promotion,
33 advancement opportunities, transfer, and dismissal.

34
35 This definition shall apply to regular, probationary, casual, contractual, fixed-term,
36 and seasonal workers. In legitimate contracting arrangements, the
37 contractor/subcontractor shall be deemed the employer of the contractual employee.

38
39 For the purpose of this Act, the terms employment and occupation include
40 access to vocational training, access to employment and to particular occupations, and
41 terms and conditions of employment.

- 1 f. "*Gender Identity*" refers to each person's deeply felt internal and individual experience of
2 gender, which may or may not correspond with the sex assigned at birth (e.g. the sex
3 listed on their birth certificate) including the personal sense of the body and other
4 expressions of gender, including dress, speech and mannerisms.
5
- 6 g. "*Gender Expression*" refers to the outward manifestations of the cultural traits that
7 enable a person to identify as male or female according to patters that, at a particular
8 moment in history, a given society defines as gender appropriate.
9
- 10 h. "*HIV Status*" pertains to the presence or absence of the human immunodeficiency virus
11 (HIV) in the body of an individual.
12
- 13 i. "*Indigenous Cultural Communities/ Indigenous Peoples*" (ICC/IPs) shall, as provided
14 under Section 3 (h), Chapter II of Republic Act No. 8371 or the Indigenous People's
15 Rights Act (IPRA) of 1997, refer to a group of people or homogenous societies identified
16 by self-ascription and ascription by others, who have continuously lived as organized
17 community on communally bounded and defined territory, and who have, under claims
18 of ownership since time immemorial, occupied, possessed and utilized such territories,
19 sharing common bonds of language, customs, traditions and other distinctive cultural
20 traits, or who have, through resistance to political, social and cultural inroads of
21 colonization, non-indigenous religions and cultures, became historically differentiated
22 from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded
23 as indigenous on account of their descent from the populations which inhabited the
24 country, at the time of conquest or colonization, or at the time of inroads of non-
25 indigenous religions and cultures, or the establishment of present state boundaries, who
26 retain some or all of their own social, economic, cultural and political institutions, but who
27 may have been displaced from their traditional domains or who may have resettled
28 outside their ancestral domains.
29
- 30 j. "*Bangsamoro People*" are those who at the time of conquest and colonization were
31 considered natives or original inhabitants of Mindanao and the Sulu archipelago and its
32 adjacent islands including Palawan, and their descendants whether of mixed or of full
33 blood shall have the right to identify themselves as Bangsamoro by ascription or self-
34 ascription. Spouses and their descendants are classified as Bangsamoro.
35
- 36 k. "*Linguistic Discrimination*" refers to the unfair treatment of an individual based solely on
37 the use of language. This use of language may include the individual's native language
38 or other characteristics of the person's speech, such as an accent, the size of
39 vocabulary (whether the person uses complex and varied words), and syntax.
40
- 41 l. "*Muslims*" refer to those who are followers of Islamic faith, whether from birth or by
42 conversion.

1
2 m. *"Marital or Relationship Status"* is defined as the personal status of each individual in
3 relation to the marriage laws or customs of the country. The categories of marital status
4 to be identified are the following: (a) single; (b) married; (c) separated (d) widowed; or (e)
5 de facto spouse of another person. A de facto spouse of another person is defined to
6 mean a person who cohabits or lives with another person in a relationship similar to
7 marriage but is not legally married to that person.

8
9 n. *"Physical Features"* refers to a person's height, size, weight or other bodily
10 characteristics. It shall also include features that a person chooses to acquire, such as
11 tattoos and piercings.

12
13 o. *"Political Inclination"* refers to a person's preference with regards to membership or belief
14 in a particular political party, organization or ideology.

15
16 p. *"Profiling"* means relying on the prohibited grounds of discrimination in subjecting a
17 person or group of persons to investigatory activities, which include unnecessary,
18 unjustified, illegal, and degrading searches, questioning or other investigatory activities,
19 in determining whether an individual is engaged in an activity presumed to be unlawful,
20 immoral, or socially unacceptable.

21
22 q. *"Religious Belief"* covers the profession or non-profession of religion or belief of one's
23 choice that may be publicly or privately manifested in worship, observance, practice and
24 teaching.

25
26 r. *"Sexual Orientation"* refers to each person's capacity for profound emotional, affectional
27 and sexual attraction to, and intimate relations with, individuals of a different gender or
28 the same gender or more than one gender.

29
30 It encompasses the broad concept of a person's sexual attraction to, and sexual
31 activity with, people of a particular gender. This can be towards people of the same sex
32 (homosexual orientation); towards people of both sexes (bisexual orientation), towards
33 neither, or towards people of the opposite sex (heterosexual orientation). A person's
34 sexual orientation is distinct from a person's gender identity and expression.

35
36 s. *"Social Class"* refers to groupings of individuals usually based on wealth, educational
37 attainment, occupation, income, and membership in a subculture or social network.

38
39 t. *"Stigma"* refers to the dynamic process of devaluation that significantly discredits an
40 individual in the eyes of others. When stigma is acted upon, the result is discrimination.

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

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

16
17 **SEC. 5. Acts of Discrimination, Unlawful.** Subject to Section 7 of this Act, the Acts of
18 Discrimination include, but are not limited to, the following:

19
20 (a) Inflicting stigma.

21
22 It shall be unlawful for any person to commit any acts that promote and encourage
23 stigma based on the grounds referred to in Section 4. Content in the media, in
24 educational textbooks, or in other medium that aims to inflict stigma is likewise
25 prohibited.

26
27 (b) Denial of political, civil and cultural rights.

28
29 It shall be unlawful to deny a person enjoyment of political, civil and cultural rights
30 based on the grounds referred to in Section 4.

31
32 (c) Denial of right to education.

33
34 It is unlawful for any person to:

35 (1) Refuse admission or expel a person from any educational or training institution
36 on the basis of the grounds defined in Section 4, without prejudice to the right of
37 educational or training institutions to determine the academic qualifications of
38 their students or trainees;

39
40 (2) Grant or refuse to grant honors, scholarship/s, or other forms of assistance on
41 the basis of the grounds defined in Section 4; and
42

1 (3) Impose disciplinary sanctions, penalties harsher than customary, or similar
2 punishments, requirements, restrictions, or prohibitions that infringe on the rights
3 of the students on the basis of the grounds identified in Section 4.
4

5 The prohibition to deny the right to education on the basis of the grounds in Section 4
6 extends to acts committed against a student or trainee to discriminate his or her parents
7 or legal guardians.
8

9 (d) Denial of right to work.
10

11 It is unlawful for any person to:
12

13 (1) Use the grounds in Section 4 or require the disclosure thereof in the selection,
14 promotion, and termination of workers, and in the determination of compensation,
15 training, incentives, privileges, benefits or allowances, as well as other terms and
16 conditions of employment;
17

18 (2) Deny employment in government institutions, including police and military
19 service, based directly or indirectly on the grounds referred to in Section 4;
20

21 (3) Refuse to enter into contract or agreement with persons or group of persons
22 based solely or partly on the grounds provided in Section 4; and
23

24 (4) Deny an application for or revoke a professional license issued by the
25 government directly or indirectly due to the grounds included in Section 4.
26

27 (e) Denial of access to goods and services
28

29 It is unlawful for any person to:
30

31 (1) Deny a person, solely or partly on the basis of the grounds in Section 4, of goods
32 and services available to the general public, such as but not limited to private and
33 public insurance, housing and other forms of accommodation, medical and
34 clinical services;
35

36 (2) Refuse entry to or evict a person from any establishment, facility or utility that is
37 open to the general public, such as but not limited to, restaurants, bars, hotels,
38 shopping malls, solely or partly on the basis of the grounds listed in Section 4;
39 and,
40

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

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

5 (f) Denial of right to organize.
6

7 It shall be unlawful to prohibit, prevent, or revoke the accreditation, formal
8 recognition, and/or registration of any organization, group, political party, institution or
9 establishment, in educational institutions, workplaces, communities, and other settings,
10 based partly or solely on the grounds provided for in Section 4.
11

12 Discrimination is also committed when additional requirements beyond the
13 customary are imposed directly or indirectly due to the grounds stipulated in Section 4.
14

15 (g) Inflicting harm on health and well-being.
16

17 It shall be unlawful to subject any person, without consent, to any unnecessary
18 medical or physical examination, psychological treatment, faith-based practices, and
19 other similar procedures based solely or partly on any of the grounds referred to in
20 Section 4 that aim to change identity or physical attributes or impose behavior or
21 expressions.
22

23 (h) Engaging in profiling.
24

25 It shall be illegal for any person, including members of the military and law
26 enforcement agencies, to engage in profiling based solely or partly on the grounds
27 included in Section 4.
28

29 (i) Abuses by state and non-state actors.
30

31 It shall be unlawful for any government agency, including local government units,
32 police, military, and immigration agencies, to harass verbally or physically, to curtail
33 freedom of movement, or to extort from a person or a group of persons on the basis of
34 the grounds stipulated in Section 4.
35

36 This prohibition applies to similar abuses committed by non-state actors.
37

38 (j) Detention and confinement.
39

40 It shall be unlawful to detain and confine a person or groups of persons based
41 directly or indirectly on the grounds under Section 4.
42

1 (k) Inciting hatred or violence
2

3 It shall be unlawful to incite hatred or violence based on any of the grounds included
4 in Section 4, by use of words or behavior or display of written material, publishing or
5 distributing written material; the public performance of a play; distributing, showing or
6 playing a recording; broadcasting or including a program in a program service, and
7 possession of inflammatory material. The words, behavior, written material, or
8 recordings, or program must be threatening and not just abusive or insulting.
9

10 (l) Denial of right to expression
11

12 It shall be unlawful to deny a person of his freedom of opinion and expression based
13 on the grounds included in Section 4. This includes the expression of identity or
14 personhood through speech, deportment, dress, bodily characteristics, choice of name,
15 or other means, as well as the freedom to seek, receive, and impart information and
16 ideas of all kinds through any medium.
17

18 (m) Other analogous circumstances.
19

20 Any analogous act, which has the effect or purpose of impairing or nullifying the
21 recognition, enjoyment, or exercise of the person's human rights and fundamental
22 freedoms, are also prohibited.
23

24 **SEC. 6. *Persons Liable.*** Any person, natural or juridical, or their representatives, including
25 government instrumentalities and agencies, or government-owned and controlled corporations,
26 or any private corporation, institution or company who commits discrimination through any of the
27 acts described in Section 5 shall be liable under this Act.
28

29 Any person, natural or juridical, or their representatives, who requests, instructs,
30 induces, encourages, authorizes or assists another to commit acts of discrimination under
31 Section 5 shall also be liable under this Act.
32

33 Any person who is duty-bound to act on complaints of discrimination under this Act but
34 fails or refuses to do so shall be deemed prima facie to have sanctioned the discriminatory act,
35 and shall be held equally liable for discrimination.
36

37 All government officers and workers are obliged to promote nondiscrimination in the
38 discharge of their duties and responsibilities.
39

40 **SEC. 7. *Exceptions.*** Any action or conduct, otherwise prohibited under Sections 4 and 5 of this
41 Act shall not be unlawful and shall not be considered as discrimination:
42

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

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

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

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

18 **SEC. 8. Penalties.** The penalty of not less than one (1) year but not more than six (6) years
19 imprisonment or a fine of not more than Five Hundred Thousand Philippine Pesos
20 (Php500,000.00), or both, in the discretion of the court, and taking into consideration the
21 circumstances and gravity of the offense.
22

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

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

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

30 (c) When the offender is the manager or owner of an establishment which has no
31 license to operate or whenever such license has expired or has been
32 previously revoked;
33

34 (d) When the offender is a public official, officer or employee: *Provided*, That the
35 penalty of suspension shall also be imposed: *Provided, further*, That the
36 public official, officer or employee may be asked to undergo gender and
37 development training and community service during the duration of
38 suspension.
39

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

1
2 An offender who is a foreigner shall be deported immediately after service of sentence
3 and shall be barred entry into the country.
4

5 Whenever the courts determine that a fine shall be imposed pursuant to the criminal
6 case filed under this Act, the fine thus collected shall be remitted by the court to the Commission
7 on Human Rights which shall administer the fund for the assistance of victims of discrimination.
8

9 **SEC. 9. Programs to Promote Non-discrimination and Diversity.** The State shall endeavor
10 to eliminate all forms of discrimination and shall therefore pursue initiatives and programs that
11 seek to enable an environment free of stigma and discrimination. It shall direct the machinery
12 and resources of the State to ensure non-discrimination and promote equality and shall
13 encourage other sectors of the society to engage and participate in these efforts. It shall ensure
14 the establishment of the following programs:
15

16 (a) Social Protection Program – The national government shall implement social
17 protection measures for communities affected by and vulnerable to stigma and
18 discrimination.
19

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

27 The Civil Service Commission, Department of Labor and Employment, Department of
28 Interior and Local Government, Department of Trade and Industry, the Armed Forces of the
29 Philippines, Department of Education, Commission on Higher Education, Technical Education
30 and Skills Development Authority, Department of Justice, Department of Foreign Affairs, and
31 Department of Health shall ensure the implementation of this Section.
32

33 Failure of the above agencies, without justifiable cause, to ensure the implementation of
34 this provision shall be deemed refusal to address discrimination and shall be penalized as an
35 analogous act of discrimination.
36

37 **SEC. 10. Enforcement.** Criminal complaints brought under this Act shall be filed with the proper
38 court. In addition to the criminal complaint, a person who has been subjected to any acts of
39 discrimination as defined in this Act may file a complaint with the Commission on Human Rights.
40 For this purpose, the Commission on Human Rights may investigate, *motu proprio* or on
41 complaint by any person, acts or omissions in violation of this Act.
42

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

7
8 The Commission shall also direct the officer concerned to take appropriate action
9 against a public officer or employee at fault or who neglected to perform an act or discharge a
10 duty required under this Act, and order revocation of license, removal from office or
11 employment, suspension, demotion, fine, censure, or prosecution, and ensure compliance
12 therewith. Refusal by any officer without just cause to comply with an order of the Commission
13 to revoke the license, remove, suspend, demote, fine, censure, or prosecute an officer or
14 employee who is at fault, or who neglects to perform an act or discharge a duty required under
15 this Act, shall be a ground for disciplinary action against said officer.

16
17 **SEC. 11. Administrative Proceedings and Sanctions against Public Officials and**
18 **Employees.** Pursuant to Section 8 of this Act, which makes it a duty of the Commission on
19 Human Rights to investigate alleged cases of discrimination, a finding by the Commission on
20 Human Rights that a department, agency or instrumentality of the government, a government-
21 owned and controlled corporation, or a local government unit has violated any provision of this
22 Act and its implementing rules and regulations, shall carry with it a recommendation to the Civil
23 Service Commission and/or the Department of Interior and Local Government for the imposition
24 of sanctions under administrative law, civil service, or other appropriate laws. Such
25 recommendation shall include the names of the person directly responsible for the violation, and
26 a statement that the sanctions be imposed upon the person directly responsible and the head of
27 the agency or the local chief executive.

28
29 **SEC. 12. Fines against Private Persons, Provisional Remedy.** Upon a prima facie finding
30 that any provision of this Act was violated and upon its issuance of a cease and desist order, the
31 Commission on Human Rights may impose a fine of Twenty Thousand Pesos (P20,000.00), for
32 every day that the act of discrimination complained of has not ceased.

33
34 For purposes of this section and the imposition of the provisional remedy of fine, the
35 Commission on Human Rights may ask the assistance of the Department of Trade and Industry,
36 the Commission on Higher Education, Department of Labor and Employment, Department of
37 Education, and the Technical Education and Skills Development Authority.

38
39 The fine thus collected shall be for the assistance of victims of discrimination.

40
41 **SEC. 13. Implementing Rules and Regulations.** The Commission on Human Rights, Civil
42 Service Commission, Department of Labor and Employment, Department of Interior and Local

1 Government, the Armed Forces of the Philippines, Department of Education, Commission on
2 Higher Education, Technical Education and Skills Development Authority, Department of
3 Justice, Department of Foreign Affairs, Department of Health, National Commission on
4 Indigenous Peoples, and National Commission on Muslim Filipinos shall promulgate the
5 necessary implementing rules and regulations within sixty (60) days from the effectivity of this
6 Act. Thereafter, this Act shall be fully implemented with or without the IRR.

7

8 **SEC. 14. Separability Clause.** If, for any reason, any part, section or provision of this Act is
9 held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to
10 be in force and effect.

11

12 **SEC. 15. Repealing Clause.** All laws, decrees, executive orders, proclamations, rules and
13 regulations, and other issuances, or part or parts thereof, which are inconsistent with the
14 provisions of this Act are hereby repealed, amended or modified accordingly.

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

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20 Approved,