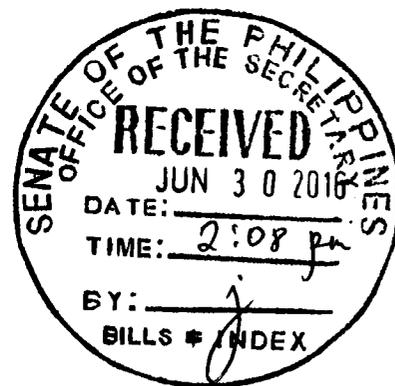


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. B. NO. 39

Introduced by SENATOR LOREN LEGARDA

AN ACT PROHIBITING DISCRIMINATION, PROFILING, VIOLENCE AND ALL FORMS OF INTOLERANCE AGAINST PERSONS BASED ON ETHNICITY, RACE, RELIGION OR BELIEF, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, LANGUAGE, DISABILITY, OR OTHER STATUS

Explanatory Note

The Philippine population is composed of many religious and ethnic groups. This diversity, however, has given way to a number of incidents on racial and religious discrimination. There exists profiling, a police and criminology term that follows the basic sociological science method of understanding the complexities of human society by breaking down members of a population into groups that share common characteristics. Certain crimes, such as terrorism, murder, and kidnapping, are sometimes deliberately attributed to a religious affiliation.

Profiling has also resulted in stereotyping, causing minority groups, particularly individuals of a certain gender and sexual orientation, to be discriminated against in many ways including in employment. An obvious prejudice against these groups has sprouted, running counter to our country's policy to promote equality and justice.

In recognition of the these issues, this bill seeks to promote a society that values the dignity of every human person and guarantees full respect for human rights, regardless of race, religion, ethnicity, sex, gender and sexual orientation. Society should, therefore, prohibit religious and racial profiling, effectively penalizing those who commit discriminatory acts such as:

- Subjecting a person to unnecessary, unjustified, illegal and degrading search; discriminating against a person who is applying for a job; or disallowing the entry of a person to an establishment open to the public such as a restaurant, shopping mall, or hotel, because of religion, color, creed or ethnic identity, the manner of clothing, gender or sexual orientation, or the person's name; or
- Employing religious characterization as words of religious import in print and broadcast media when geographic, political, socio-economic or other distinction might be more accurate.

The Constitution clearly provides for the freedom of every Filipino to religion and racial identity. No Filipino is excluded. Even indigent people of ethnic background, as citizens of our country, should be accorded with such rights. Through this proposed measure, we should be able to reduce the discrimination that causes a different kind of terrorism—the one that fosters hatred, thus fueling disunity in our country.

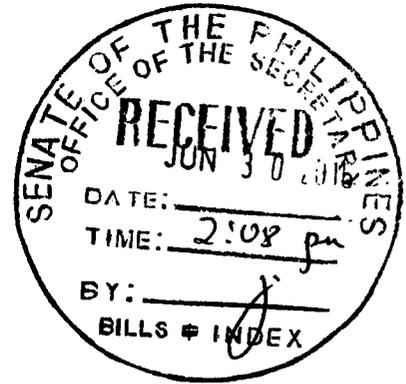
In view of the foregoing, passage of this measure is earnestly sought.



LOREN LEGARDA

Senator

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



SENATE
S. B. NO. 39

Introduced by SENATOR LOREN LEGARDA

AN ACT PROHIBITING DISCRIMINATION, PROFILING, VIOLENCE AND ALL FORMS OF INTOLERANCE AGAINST PERSONS BASED ON ETHNICITY, RACE, RELIGION OR BELIEF, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, LANGUAGE, DISABILITY, OR OTHER STATUS

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 “Anti-Ethnic, Racial,
2 Religious and Sexual Discrimination and Profiling Act”.

3
4 **SEC. 2. Declaration of Policy.** – It is hereby declared as the policy of the
5 State to adhere to full respect for human rights based on international human
6 rights standards as well as recognize and accommodate different ethnic,
7 religious and cultural practices with the intention of fostering unity among
8 Filipinos and contributing to our integration as a nation. Towards this end, the
9 State shall endeavor to:

- 10
11 a) Value the dignity and equality of every human person and to guarantee
12 full respect for human rights and the universality, interdependence,
13 indivisibility and interrelatedness of human rights without any
14 distinction of any kind, such as ethnicity, race, religion or belief, sex,
15 gender, sexual orientation, gender identity, language, disability or other
16 status;
- 17
18 b) Give the highest priority to the enactment of measures that protect and
19 enhance the rights of all people to human dignity; reduce social
20 economic, and political inequalities; and remove cultural inequities by
21 equitably diffusing wealth and political power for the common good;
- 22
23 c) Promote just and dynamic social order that will ensure the prosperity
24 and independence of the nation and free people from poverty through
25 policies that provide adequate social services, promote full employment,
26 a rising standard of living and an improved quality of life for all;
- 27
28 d) Maintain peace and order, protect life, liberty and property, and promote
29 the general welfare for the enjoyment by all people of the blessings of
30 democracy;
- 31
32 e) Recognize and promote the rights of indigenous cultural communities
33 within the framework of national unity and development

- 1 f) Protect and promote freedom of religion and belief and the practice and
2 observance thereof as well as respect for and promotion of plurality of
3 religious and spiritual beliefs; and;
4 g) Promote anti-racial, multicultural and interfaith harmony, dialogue and
5 cooperation for peace and development.
6

7 The State further condemns killings and executions, torture, arbitrary arrest
8 and deprivation of economic, social and cultural rights based on sexual
9 orientation and gender identity.
10

11 **SEC. 3. Definition of Terms. –**
12

- 13 1) "Discrimination" shall mean any distinction, exclusion, restriction or
14 preference made on the basis of ethnicity, race or religion or belief, sex,
15 gender, sexual orientation, gender identity, language, disability, or other
16 status which has an effect or purpose of impairing or nullifying the
17 recognition, enjoyment, or exercise by a person, group or persons or
18 institutions of their human rights and fundamental freedoms in the
19 political, economic, social, cultural, civil, or any other field, especially
20 including, but not limited to, employment, livelihood, housing, education
21 and basic services;
22
- 23 2) "Ethnic Origin" includes race, national origin, and ethno-linguistics
24 origin;
25
- 26 3) "Indigenous Peoples" shall, as provided under Section 3 (h) of Chapter II
27 of RA No. 8371 or the "Indigenous People's Rights Act (IPRA) of 1997",
28 refers to a group of people or homogenous societies indentified by self-
29 ascription by others, who have continuously lived as an organized
30 community on communally-bounded and defined territory, and who
31 have, under claims of ownership since time immemorial, occupied,
32 possessed and utilized such territories, sharing common bonds of
33 language, customs, traditions, and other distinctive cultural traits, or
34 who have, through resistance to political, social, and cultural inroads of
35 colonization, non-indigenous religions and cultures, became historically
36 differentiated from the majority of Filipinos. ICCs/IPs shall likewise
37 include peoples who are regarded as indigenous on account of their
38 descent from the populations which inhabited the country, at the time of
39 conquest or colonization, or at the time of inroads of non-indigenous
40 religions and cultures, or the establishment of present state boundaries,
41 who retain some or all of their own social, economic, cultural and
42 political institutions, but who may have been displaced from their
43 traditional domains or who may have resettled outside their ancestral
44 domains;
45
- 46 4) "Religious Belief" includes the freedom of thought, conscience, and
47 religion; including the freedom to change one's religion or belief, and
48 freedom, either alone or in community with others and in public or
49 private, to manifest his religion or belief in teaching, practice, worship
50 and observance;
51
- 52 5) "Racial and Religious Profiling" means the practice of relying to any
53 degree, on race, ethnicity, and religious affiliations, in selecting
54 individuals to subject to routine or spontaneous investigatory activities
55 or targeting individuals for suspicion of crime. Racial Profiling rests on
56 the erroneous assumption that any particular individual of one race or

1 ethnicity is more likely to engage in misconduct than any particular
2 individual of other races or ethnicities;

- 3
- 4 6) "Religious Intolerance" means any distinction, exclusion, restriction or
5 preference based on religion or belief and having as its purpose or as its
6 effect nullification or impairment of the recognition, enjoyment or
7 exercise of human rights and fundamental freedoms on an equal basis.
8 This includes practices when a group (e.g. a society, religious group,
9 non-religious group) specifically refuses to tolerate practices, persons or
10 beliefs on religious grounds (i.e., intolerance in practice);
- 11
- 12 7) "Ethnic Intolerance" refers to feelings and acts of prejudice and hostility
13 towards an ethnic group in various degrees including ethnic hatred,
14 ethnic conflict, discrimination, racism, ethnic nationalism;
- 15
- 16 8) "Hate Crime" refers to crimes committed because of the actual or
17 perceived ethnicity, race, religion or belief, sex, gender, sexual
18 orientation, gender identity, language, disability, or other status;
- 19
- 20 9) "Accommodation" as mentioned herein, includes a house, apartment,
21 condominium, townhouse, flat, motel, boarding house, hotel and
22 dormitory;
- 23
- 24 10) "Employment" pertains to the existence of an employer-employee
25 relationship, which is determined by the four-fold test: 1) selection of the
26 employee; 2) payment of wages; 3) power of dismissal; and 4) power of
27 control. This definition shall apply to regular, probational, contractual,
28 seasonal, and project-based workers. In legitimate contracting or sub-
29 contracting arrangements, the contractor/subcontractor shall be deemed
30 the employer of the contractual employee;
- 31
- 32 11) "Education and Training" refers to all types and levels of education and
33 training, and includes access to education, the standard and quality of
34 education, and the conditions under which it is given;
- 35
- 36 12) "Goods and Services" as applied herein includes but shall not be limited
37 to establishments, individuals and groups of individuals supplying
38 physical goods and services such as restaurants, resorts, hotels, clubs,
39 and shopping malls as well as those providing cleaning, repair,
40 maintenance, construction, financial, health, transportation and public
41 utility services;
- 42
- 43 13) "Sexual Orientation" is understood to refer to its person's capacity to for
44 profound emotional, affectional, and sexual attraction to an intimate and
45 sexual relations with individuals of different gender or the same gender
46 or more than one gender;
- 47
- 48 14) "Gender Identity" is understood to refer to its person's deeply felt
49 internal and individual experience of gender which may or may not
50 correspond with the sex assigned at birth including the personal sense of
51 the body (which may involve, if really chosen, modification of bodily
52 appearance or function by medical, surgical or other means) and other
53 expressions of gender including dress, speech and mannerisms;
- 54
- 55 15) "Profiling" means a practice of relying to any degree on race, color,
56 descent or national or ethnic origin and religious belief or affiliation as a

1 basis for subjecting persons to investigatory activities or for determining
2 whether an individual is engaged in criminal activity;

3
4 **SEC. 4. Acts of Discrimination, Violence and Intolerance.** - Acts of
5 discrimination and intolerance are committed when a person treats another
6 less favorably on the basis of ethnicity, race, religion or belief, sex, gender,
7 sexual orientation, gender identity, language, disability or other status than the
8 person treats or would treat another without that attribute, or with a different
9 attribute, on the same or similar circumstances in employment, education,
10 accommodation and delivery of services, to wit:

11
12 1) General acts - it shall be unlawful to commit any discrimination and
13 intolerance based on ethnicity, race, religion or belief, sex, gender, sexual
14 orientation, gender identity, language, disability or other status;

15
16 (2) Acts of Discrimination in Employment - It shall be unlawful for an
17 employer to discriminate against a person on the ground of ethnicity, race or
18 religious affiliation or belief:

- 19
20 1. In the arrangements made by the employer in determining who
21 should be offered employment;
22 2. In determining who should be hired for employment; or
23 3. In the terms and conditions in which the employer offers employment.
24

25 Likewise, it shall be unlawful for an employer to discriminate against an
26 employee on the ground of ethnicity, race or religious affiliation or belief:

- 27
28 1. In the terms and conditions of employment which the employer
29 affords the employee;
30 2. By denying the employee access or limiting the employee's access, to
31 opportunities for promotion, transfer or training, or to any other
32 benefits associated with employment; or
33 3. By dismissing the employee or subjecting the employee to any other
34 detriment.
35

36 (3) Acts of Discrimination in Education - It shall be unlawful for an educational
37 institution, both public and private, along with their officers and employees, to
38 discriminate against a person on the ground of ethnicity, race or religious
39 affiliation or belief:

- 40
41 1. By unduly delaying, refusing or failing to accept a person's application
42 for admission as a student; or
43 2. By providing onerous or unjust terms and conditions for admission of
44 a person as a student.
45 3. By subjecting the person to any other detriment on the basis of ethnic
46 background and/or religious affiliation or belief.
47

48 It is likewise unlawful for an educational institution, both public and
49 private, along with their officers and employees, to discriminate against a
50 student on the ground of ethnicity, race or religious affiliation or belief:

- 51
52 1. By denying the student access, or limiting the student's access, to
53 any benefit provided by the educational authority;
54 2. By expelling the student or subjecting the student to any other
55 detriment.
56

1 4. Acts of Discrimination in the Delivery of Goods and Services – It shall be
2 unlawful for a person, whether as principal or agent, to discriminate against
3 another person on the ground of ethnicity, race, religious affiliation or belief:
4

- 5 1. By refusing to provide goods and services to another;
- 6 2. By imposing onerous terms on which goods or services are
7 provided; or
- 8 3. By subjecting another to any detriment in connection with the
9 provision of goods and services.

10
11 5. Acts of Discrimination in Accommodation – It is unlawful for a person,
12 whether as principal or agent, to discriminate against another person on the
13 ground of ethnicity, race or religious affiliation or belief:
14

- 15 1. By refusing the person's application for accommodation;
- 16 2. In the terms and conditions imposed on the other person's
17 accommodation;
- 18 3. By deferring the person's application for accommodation or
19 according the person a lower order of preference in any list of
20 applicants for accommodation;
- 21 4. By denying access or limiting access to any benefit associated with
22 the accommodation occupied by the person;
- 23 5. To refuse/ deny a person or group of persons entrance or service in
24 any establishment such as restaurants, hotels, shopping malls,
25 and other places of similar nature and public commercial
26 transactions solely because of color, race, ethnicity, nationality, or
27 because such person or persons is/are attired in clothing or
28 carries/wears symbols or accessories associated with religious
29 affiliation or belief;" and
- 30 6. By evicting the person or subjecting the person to any other
31 detriment.

32
33 6) Acts of Racial, Religious and Belief Profiling – It shall be unlawful to commit
34 racial and religious profiling including to subject a person to unnecessary,
35 unjustified, illegal, and degrading routine or spontaneous search, arrest and
36 detention, questioning and other investigative activity because of one's
37 ethnicity, race or religious affiliation or belief;
38

39 (7) Harassment, unjust detention, and involuntary confinement – it shall be
40 unlawful to commit harassment, unjust detention and involuntary confinement
41 because of one's based on sex, gender, sexual orientation, gender identity or
42 other status;
43

44 (8) To disallow a person or group of persons from entering any establishment
45 such as restaurants, hotels, shopping malls, and other places of similar nature
46 or to subject one to discrimination or harassment in buses, taxis, ships,
47 airplanes, solely because he happens to don an attire based on his ethnicity,
48 race, religion or belief, sex, gender, sexual orientation, gender identity,
49 language, disability, or other status;
50

51 (9) Organizing groups and activities which promote and incite discrimination
52 based on ethnicity, race, religion or belief, sex, gender, sexual orientation,
53 gender identity, language, disability or other status;
54

55 (10) Discriminatory attacks – it shall be illegal to commit attacks on any person
56 or group of persons based on or relating to color, race, ethnicity, nationality or

1 religious affiliation or belief. Such unlawful attacks include but are not limited
2 to:

3
4 a) attacks in violation of the security on the person, family, home,
5 correspondence, usual place of meetings/associations/
6 worship/gathering of any individuals or group of individuals;

7
8 b) threat of attack or violence against the person, family, home,
9 correspondence, usual place of meetings/ association/ worship/
10 gathering or any individuals or group of individuals;

11
12 3) intimidation, acts of coercion, psychological and emotional attacks;
13 and

14
15 4) similar attacks, as well as frustrated and attempted attacks.
16

17 (11) Discrimination in political and civil life. It shall be unlawful to deny,
18 prevent or deprive a person or group of persons from enjoying their right to
19 participate equally in political and civic life where qualified and not disqualified
20 by law;

21
22 (12) Discrimination in cultural and social life. It shall be unlawful to deny,
23 prevent or deprive a person or group of persons from participation in the social
24 and cultural life of one's ethnic, racial, cultural or religious community, and
25 practice of religion.”
26

27 (13) Any analogous act which has the effect or purpose of impairing or
28 nullifying the recognition, enjoyment, or exercise of the person's human rights
29 and fundamental freedoms in the political, economic, social, cultural, and civil
30 spheres on the basis of ethnic or racial background and/or religious affiliations
31 or beliefs.
32

33 **SEC. 5. Racial Profiling.** - It shall be illegal to subject a person to
34 unnecessary, unjustified, illegal, and degrading search, questioning or other
35 investigative activity solely because of his race, color, ethnicity, nationality, or
36 religious affiliation or belief, sex, gender, sexual orientation, gender identity,
37 language, disability or other status;
38

39 The government shall take the necessary steps to prevent questioning, arrests
40 and deprivation of liberty, searches and determination of guilt in criminal
41 activity which are in reality based solely on the physical appearance of a
42 person, that person's color or features or membership of a racial or ethnic
43 group, or any profiling which exposes him or her to greater suspicion.”
44

45 **SEC. 6. Persons Liable.** - Any person, natural or juridical, including the
46 government, government-owned and controlled corporations or any private
47 corporation, institution or company, who commits discrimination or profiling
48 against any person on account of ethnicity, race, religion or belief, sex, gender,
49 sexual orientation, gender identity, language, disability or other status, as
50 provided for above, shall be liable under this Act
51

52 For acts of violence, intimidation or coercion as prohibited under this Act. -
53 Any person who participated in conspiracy to commit such attacks shall be
54 liable as principal under this act.
55

1 When any officers, personnel or agents of law enforcement agencies, military
2 and intelligence organization are involved, their immediate superiors and other
3 superior officers in direct control and in the direct line administrative
4 command of the act, operation, and unit/s of the involved officers, personnel
5 and agents are also liable as principals under the principle of command
6 responsibility.”
7

8 **SEC. 7. Right to Equality and Non-discrimination and Repeal of**
9 **Discriminatory Laws.-** All persons shall have equal rights in matters of
10 marriage, adoption, tax exemption, social security and health care benefits,
11 health/life insurance benefits, next of kin during hospitalization, death and
12 burial benefits, immigration, succession, custody and other related matters
13 without distinction or restriction based on one's ethnicity, race, religion or
14 belief, sex, gender, sexual orientation, gender identity, language, disability or
15 other status.
16

17 Except for the statutory provisions of the Family Code of the Philippines, as
18 amended, which shall remain in force, all laws that discriminate on matters
19 related to marriage, adoption, tax exemption, social security and health care
20 benefits, health/life insurance benefits, next of kin during hospitalization,
21 death and burial benefits, immigration, succession, custody and other related
22 matters without distinction or restriction based on one's ethnicity, race,
23 religion or belief, sex, gender, sexual orientation, gender identity, language,
24 disability or other status shall be repealed within three (3) years.
25

26 **SEC. 8. Public Information and Education.** Public information and education
27 on discrimination, profiling, violence and intolerance and acts that constitute
28 discrimination based on ethnicity, race, religion or belief, sex, gender, sexual
29 orientation, gender identity, language, disability or other status shall be
30 conducted in communities, schools and places of employment.
31

32 It shall be ensured that the curriculum of public and private schools, from
33 primary to tertiary levels, shall include discussions on discriminations based
34 on ethnicity, race, religion or belief, sex, gender, sexual orientation, gender
35 identity, language, disability, or other status.
36

37 **SEC. 9. Equal Opportunity.** – It shall be the duty of every person, natural or
38 juridical, public or private, to ensure that there is equal opportunity for all
39 persons in relation to actual or prospective employees, students, tenants,
40 customers, clients, and that no discriminatory acts, as defined herein, is
41 committed by them or their agents in the areas of employment, housing,
42 education and delivery of basic goods and services.
43

44 For this purpose, every agency, corporation, company and education
45 institution, as well as any other person providing employment, housing,
46 education and delivery of basic goods and services, shall issue an equal
47 opportunity policy, including the creation of an Equal Opportunity Committee,
48 as provided in the following section. Failure to do so shall be deemed refusal to
49 address discrimination and shall be penalized as an analogous act of
50 discrimination.
51

52 **SEC. 10. Equal Opportunity Committees.** – In order to ensure the
53 compliance of this Act, agencies, corporations, companies and educational
54 institutions, whether private or public, shall create an Equal Opportunity
55 Committee which shall have administrative jurisdiction over cases involving
56 discrimination under this Act. Administrative sanctions shall not be a bar to

1 any prosecution in the proper courts for any act of discrimination committed
2 under this Act or to any civil claims for damages by said act.

3
4 **SEC. 11. Promotion of Equitable Enjoyment of Rights.** Government shall
5 take measures to progressively minimize the obstacles to equal enjoyment of
6 rights faced by vulnerable and marginalized ethnic, racial, religious and
7 cultural communities.

8
9 (a) It shall adopt measures to ensure and promote, among others:

- 10
11 1. Full access to political participation;
12 2. Access to justice; and
13 3. Equitable opportunities in the academic, employment, economic,
14 commercial and professional spheres.

15
16 (b) Agencies in charge of scheduling national examinations for educational
17 purposes, scholarships or professional qualifications are encouraged to:

- 18
19 1. Take measures to prevent possible cultural skewing of examination
20 questions and techniques; and
21 2. to take into account where possible and where not overly burdensome to
22 the public good and public purposes, practices that affect the ability to
23 participate of a significant number of persons who are qualified to and
24 would wish to take such exams.

25
26 **SEC. 12. Civil Liability and Reparations.** - Persons liable for any of the acts
27 prohibited by Sections 4 and 5 of this Act shall be civilly liable for actual,
28 moral, punitive and other damages.

29
30 The courts, quasi-judicial, and administrative bodies before which any
31 complaint is brought shall, on petition or motu proprio, also determine
32 appropriate measures for restitution, reparation and compensation to victims.

33
34 **SEC. 13. Penal Clause.** - Any person liable under Section 4 (1), (2), (3), (4), (5),
35 (6), (7), (8), (9), (12) and (13) shall be penalized with:

36
37 a. For the first violation, reprimand on the record and a fine of not less than
38 seven thousand pesos (P7,000.00) nor more than fifteen thousand pesos
39 (P15,000.00) taking into consideration the circumstances and gravity of the
40 offense;

41
42 b. For the second violation, reprimand on record and a fine of not less than ten
43 thousand pesos (P10,000.00) nor more than ninety thousand pesos
44 (P90,000.00), taking into consideration the circumstances and gravity of the
45 offense. When the circumstances and gravity of the offense justify
46 imprisonment, the court may also impose a penalty of imprisonment for a
47 period of not less than ten (10) days to not more than one (1) year in addition
48 to or in alternative to monetary fine;

49
50 c. For the third and further violations, imprisonment of not less than sixty (60)
51 days to not more than five (5) years and/or a fine of not less than fifty
52 thousand (P50,000.00) nor more than two hundred thousand pesos
53 (P200,000.00), taking into consideration the circumstances, gravity of the
54 offense, and repetitive behavior of the person/s liable.

55
56 Any person liable under Section 4 (11) shall be penalized with:

1
2 a) If no serious physical injuries or death have resulted – imprisonment for a
3 period of not less than sixty (60) days to not more than twenty-five (25) years
4 and/or a fine of not less than ten thousand (P10,000.00) nor more than three
5 hundred thousand pesos (P300,000.00), taking into consideration the
6 circumstances and gravity of the offense;

7
8 b) if serious physical injuries and/or death have resulted – imprisonment for a
9 period of not less than twelve (12) years to not more than thirty (30) days
10 and/or fine of not less than fifty thousand pesos (P50,000.00) nor more than
11 five hundred thousand pesos (P500,000.00), taking into consideration the
12 circumstances and gravity of the offense.

13
14 For violations of Section 4 (10) of this Act:

15
16 There shall be imposed a fine between fifteen-thousand (P15,000) to fifty-
17 thousand (P50,000), in addition to the civil action which may be brought by the
18 offended party, taking into consideration the circumstances, gravity of the
19 offense, and repetitive behavior of the person/s liable.

20
21 For violations of Section 5 Racial Profiling, the following shall be imposed:

22
23 (a) for the first violation, reprimand on the record and a fine of not less than
24 seven thousand pesos (P7,000) nor more than fifteen thousand pesos
25 (P15,000), taking into consideration the circumstances and gravity of the
26 offense;

27
28 (b) for the second violation, imprisonment for a period of not less than twenty
29 (20) days to not more than one (1) year and/or a fine of not less than fifteen
30 thousand pesos (P15,000) nor more than one hundred thousand pesos
31 (P100,000), taking into consideration the circumstances and gravity of the
32 offense;

33
34 (c) for the third and further violations, imprisonment of not less than seventy
35 (70) days to not more than seven (7) years and/ or a fine of not less than fifty
36 thousand pesos (P50,000) nor more than two hundred-fifty thousand pesos
37 (P250,000), taking into consideration the circumstances, gravity of the offense,
38 and repetitive behavior of the person/s liable.

39
40 In all the penalties prescribed under this Act, the following shall constitute
41 aggravating circumstances in the application of the penalties provided under
42 this Act:

- 43
44 1. When act is committed in performance of official/public functions;
45 2. When act is committed making use of or abusing official/government
46 authority, access, resources and discretion;
47 3. If goods/ services are denied at a time of urgent need for human life/
48 safety to prevent human injury or death; and
49 4. When the discriminatory act has been committed by a corporation, a
50 duly-accredited school, or a large organization with substantial
51 membership, reach and resources, the responsibility and liability is
52 larger than when committed by an individual or small group.
53

54 This liability is without prejudice to any applicable criminal action that may be
55 instituted under the Indigenous Peoples Rights Act (RA 8371) or the Revised
56 Penal Code (Act No. 3815); including but not limited to the acts of violence as

1 defined in R.A. Nos. 9262, 7610, 8353, 9208, 7877, 9995 and 9775 any
2 administrative action or disciplinary measures under Civil Service rules or any
3 civil action for damages under the Civil Code.
4

5 **SEC. 14. Duty of the Commission on Human Rights (CHR) and other**
6 **Government Bodies and Agencies.** – It shall be the duty of the Commission
7 on Human Rights (CHR), in coordination with the National Commission on
8 Indigenous Peoples and the National Commission on Muslim Filipinos to
9 prevent or deter the commission of acts of discrimination and to provide the
10 procedures for the resolution, settlement or prosecution of acts of
11 discrimination.
12

13 Towards this end, the CHR shall:
14

- 15 (a) Protect and promote the economic, social and cultural rights;
16 (b) Promulgate appropriate rules and regulations prescribing the
17 composition and details of the equal Opportunity Committee as well as
18 the procedure for the investigation of discrimination cases against
19 citizens falling under their jurisdiction and the administrative sanctions
20 therefore;
21 (c) With the assistance of the Department of Labor and Employment (DOLE),
22 Civil Service Commission (CSC), Department of Education (DepEd),
23 Commission on Higher Education (CHED) and other relevant agencies,
24 oversee and assist in the creation of equal opportunity committees in
25 different agencies, corporations, companies and educational institutions,
26 whether private or public and monitor their work; and
27 (d) Require and supervise the agencies, corporations, companies and
28 educational institutions, whether private and public, in the
29 implementation of this Act.
30

31 It shall be the duty of the DOLE, CSC, DepEd, CHED, Department of Health
32 (DOH), Department of Trade and Industry (DTI) and other relevant agencies as
33 identified by the CHR, including independent government bodies to:
34

- 35 (a) Ensure creation of equal opportunity committees in different agencies,
36 corporations, companies and educational institutions, whether private or
37 public and monitor their work and report to the CHR;
38
39 (b) Ensure the compliance of the agencies, corporations, companies and other
40 entities and educational institutions, whether private or public, with the
41 provisions of this act.
42

43 **SEC. 15. Separability Clause.** – If any portion of this Act is declared void or
44 unconstitutional, the remaining portions hereof shall not be affected by such
45 declaration.
46

47 **SEC. 16. Repealing Clause.** – Any provision of law or regulations inconsistent
48 herewith is hereby repealed, revoked or modified accordingly.
49

50 **SEC. 17. Effectivity.** – This Act shall take effect fifteen (15) days after its
51 publication in two (2) newspapers of general circulation.
52

53 Approved,