

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

8 SEP -3

S E N A T E

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S.B. No. 2594

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

The Philippines being a group of islands houses a variety of religious and ethnic groups. This diversity, however, gave way to a number of incidences 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 deliberately attributed to a religious affiliation. Profiling has resulted in stereotyping, causing minority groups to be treated unjustly in restaurants, department stores or shopping malls and even in employment. An obvious prejudice against these groups has sprouted, running counter to our country's policy in promoting equality and justice.

In recognition of the abovementioned problems, the 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 and ethnicity. It therefore prohibits religious and racial profiling, effectively penalizing those who commit profiling acts enumerated as follows:

- Subjecting a person to unnecessary, unjustified, illegal and degrading search because of his manner of clothing, religion, color, creed or ethnic identity;
- Discriminating a person who is applying for a job because of his name, religion or ethnic background;
- Disallowing the entry of a person to establishment such as restaurants, shopping malls, hotels and similar nature because of his manner of clothing, religion, color, creed or ethnic identity; and
- 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 tribes and 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 kind that fuels hatred, thereby instigating deeper disunity among the people in our country.

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



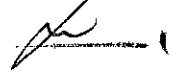
LOREN LEGARDA
Senator

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AN ACT
PROHIBITING RELIGIOUS OR RACIAL PROFILING AGAINST INDIGENOUS
CULTURAL COMMUNITIES

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

SECTION 1. Title - This act shall be known as the Anti- Religious and Racial Profiling Act of 2008.

SECTION 2. Declaration of Policy. It is hereby declared as the policy of the State to value the dignity of every human person and to guarantee full respect for human rights.

SECTION 3. Racial Profiling, as defined. The term means the practice of relying to any degree, on race, ethnicity, and religious affiliations in selecting individuals to subject to routine or spontaneous investigatory activities, except when there is trustworthy information, relevant to the locality and timeframe, that links persons of a particular race, ethnicity, religion or national origin to an identified criminal incident or scheme and such other prohibited acts as enumerated in this Act.

SECTION 4. Prohibited Acts. The following shall constitute religious and racial profiling and shall be deemed punishable under this Act:

- (a) To subject a person to unnecessary, unjustified, illegal and degrading search because of his manner of clothing or by reason of his religion, color, creed or ethnic identity;
- (b) To discriminate a person who is applying for a job just because of his name, religion or ethnic background;
- (c) To disallow an individual from entering any establishment such as restaurants, hotels, shopping malls and other places of similar nature or to subject him to discrimination or harassment in relation to other passengers in buses, taxis, ship or airplanes because he happens to don a peculiar attire such as wearing of veil, turban or any other traditional costumes or because of his color, creed, belief and ethnicity;
- (d) To employ religious characterization such as words of religious import in print and broadcast media when geographic, political, socio- economic or other distinction might be more accurate; and

(e) To mimic or imitate a person's way of speaking particularly his peculiar accent and diction in an insulting and degrading manner.

SECTION 5. *Penalties* - The penalty of arresto mayor minimum to prison correctional minimum or a fine of ten thousand (10,000) to thirty thousand (30,000) pesos, or both shall be imposed upon any person who shall commit any of the acts which constitute religious and racial profiling.

SECTION 6. *Repealing Clause*. - All laws, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 7. *Separability Clause*. - If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration.

SECTION 8. *Effectivity*. This act shall take effect after fifteen days (15) following its complete publication in at least two national newspapers of general circulation. The publication shall not be later than seven (7) days after approval hereof.

Approved,