

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

3 11 14

SENATE

SECRETARY 

S. NO. 2001

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The Bill of Rights of the 1987 Philippine Constitution, particularly Article III, Section 1, provides for "equal protection of the laws" a specific constitutional guarantee of the Equality of all persons. Under it, each individual is dealt with as an equal person in the law, regardless of who he/she is or what he/she possesses. However, when this does not happen in the realities of life, like the different and adverse treatment or discrimination against Muslims, Indigenous Peoples or Lumads, Highlanders in Mindanao and elsewhere in the Philippines, then the constitutional state policy of social justice (Art. II, Sec. 10) that those who have less in life must have more in law, steps in.

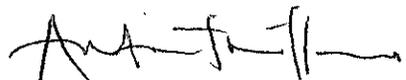
It is an established principle of constitutional law that the equal protection clause is not violated by a legislation based on reasonable classification, which rests on substantial distinctions, is germane to the purpose of the law, is not limited to existing conditions only, and applies equally to all members of the same class. There are indeed substantial distinctions between/among the three classes of peoples in Mindanao — the majority Christian settlers (and their descendants), the Muslims or MORO people, and the Indigenous Peoples. Unfortunately, their inter-relationships have been characterized, among others, by a historical and current minoritization, marginalization, and discrimination in various areas of life. This condition must be addressed.

The Constitution likewise provides that the Philippines adopts the generally accepted principles of international law as part of the law of the land (Art. II, Sec. 2). Under the International Covenants on Economic, Social and Cultural Rights, as well as on Civil and Political Rights, States Parties like the Philippines undertake to guarantee and ensure respect for the rights enunciated therein, without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to adopt such legislative or other measures as may be necessary to give effect to those rights.

As part of the global community, the Philippines is aware of the United Nations declarations on religious intolerance, which have become more relevant in present times where the backlash of the September 11, 2001 terrorist act has been greatly felt by Muslims all over the world. The Muslims in Mindanao and elsewhere in the Philippines are no exception. Thus, in keeping with the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the 1993 Resolution on the Elimination of All Forms of Religious Intolerance, this Act addresses religious and other forms of discrimination.

To be sure, discriminatory attitudes or practice will not be corrected by legislation alone, even penal ones like this bill. But these legislative sanctions, which are the contribution of Congress, are part of what should be a holistic response to the fight against discrimination.

Approval of this bill is earnestly sought.



ANTONIO "SONNY" F. TRILLANES IV
Senator

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AN ACT
PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC
ORIGIN AND/OR RELIGIOUS BELIEF

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-Discrimination Act of*
2 *2008.*"

3
4 **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to:

- 5 a) Maintain peace and order, protect life, liberty, and property, and promote the general
6 welfare for the enjoyment by all people the blessings of democracy;
- 7 b) Promote a just and dynamic social order that will insure the prosperity and
8 independence of the nation and free the people from poverty through policies that
9 provide adequate social services, promote full employment, a rising standard of
10 living, and an improved quality of life for all;
- 11 c) Recognize and promote the rights of indigenous cultural communities within the
12 framework of national unity and development;
- 13 d) Give highest priority to the enactment of measures that protect and enhance the right
14 of all the people to human dignity, reduce social, economic, and political inequalities,

1 and remove cultural inequities by equitably diffusing wealth and political power for
2 the common good.

3
4 **SEC. 3. *Meaning of Discrimination.*** — The term “discrimination” as used in this Act
5 shall mean any distinction, exclusion or restriction made on the basis of ethnic origin or religious
6 affiliation or beliefs, which has the effect or purpose of impairing or nullifying the recognition,
7 enjoyment or exercise by them of their human rights and fundamental freedoms in the political,
8 economic, social, cultural, civil or any other field, especially including but not limited to,
9 employment, livelihood, housing, education and basic services.

10
11 **SEC. 4. *Definition of Terms.***—

12 1) ***Ethnic origin*** includes race, national origin and ethno-linguistics origin.

13 ***a. Indigenous People*** shall, as provided under Section 3(h), Chapter II of Republic
14 Act No. 8371 otherwise known as “The Indigenous People’s Rights Act of 1997”
15 (IPRA of 1997), refer to a group of people who are regarded as indigenous on
16 account of their descent from the populations which inhabited the country at the
17 time of conquest or colonization, or at the time of inroads of non-indigenous
18 religions and cultures, or the establishment of present state boundaries; who retain
19 some or all of their own social, economic, cultural and political institutions, but
20 who may have been displaced from their traditional domains or have resettled
21 outside their ancestral domains;

22 ***b. Moro People*** refers to the collective people belonging to the thirteen Ethno-
23 linguistic groupings, who are largely of the Islamic faith.

24 2) ***Muslims*** refers to those who are followers of the Islamic Faith, whether from birth or by
25 conversion.

1 3) *Religious belief* refers to the strong and profound belief affecting a way of life; a belief is
2 religious not because a religious group professes that belief, but because the individual
3 sincerely holds that belief with the strength of traditional religious views.

4 4) *Accommodation* as mentioned herein includes a house, apartment, condominium, town
5 houses, flat, hotel, motel, boarding house, hostel, and dormitories.

6
7 **SEC. 5. Acts of Discrimination.** - Discrimination is committed when a person treats
8 another less favorably on the basis of ethnic origin and/or religious affiliation or belief than the
9 person treats or would treat another without that attribute, or with a *different attribute*, on the
10 same or similar circumstances in employment, education, housing, and delivery of basic services,
11 to wit:

12 a.) **Discrimination in Employment.**— An employer or his/her agents must not
13 discriminate against an applicant for a job by refusing employment to the person
14 or imposing on that person onerous terms and conditions on the basis of his/her
15 ethnic background and/or religious affiliation or beliefs. Likewise, an employer or
16 his/her agents shall be liable for discrimination by denying or limiting access of
17 the employee to opportunities for promotion, transfer or training, or to any other
18 benefits connected with the employment or by dismissing the employee, or by
19 subjecting the employee to any other detriment on the basis of ethnic background
20 and/or religious affiliation or beliefs.

21 b.) **Discrimination in Education.** — A public or private educational institution, their
22 officers or employees, or any person acting on their behalf shall be liable for
23 discrimination by refusing, or failing to accept, another for application for
24 admission as a student or by denying or limiting access of a student to any benefit
25 or privilege provided by said institution, or by expelling the student, or by

1 subjecting the student to any other detriment on the basis of ethnic background
2 and/or religious affiliation or belief.

3 **c.) Discrimination in the Delivery of Goods and Services.** — Any person shall, by
4 reason of ethnic background and/or religious affiliation or belief, shall be liable
5 for discrimination if he/she refuses to provide goods or services to another, or
6 imposes onerous terms on which goods or services are provided, or subjects
7 another to any other detriment in connection with the provision of goods or
8 services to him or her.

9 **d.) Discrimination in Accommodation.** — A person or his/her agents shall be liable
10 for discrimination by refusing, or failing to accept or process, the application for
11 accommodation of another by providing onerous terms and conditions not similar
12 to other applicants, or by subjecting another to any other detriment in connection
13 with the provision of accommodation to that person on the basis of ethnic
14 background and/or religious belief.

15 **e.) Any other analogous act which has the effect or purpose of impairing or**
16 **nullifying the recognition, enjoyment or exercise of the person's human rights and**
17 **fundamental freedoms in the political, economic, social, cultural and civil**
18 **spheres, on the basis of ethnic background or religious belief.**

19
20 **SEC. 6. *Persons Liable.*** - Any person, natural or juridical, who commits discrimination
21 against any person on account of ethnic origin and/or religious affiliations or beliefs, as provided
22 for above, shall be liable under this act. Provided, in case of corporation, company, institution or
23 agency, whether public or private, the officers of such juridical entities shall be liable under this
24 act.

25 Any person who requests, instructs, induces, encourages, authorizes or assists another
26 person to commit acts of discrimination shall also be liable under this Act. Likewise, a person

1 who is duty-bound to act on complaints for discrimination under this Act but fails or refuses to
2 do so, shall be deemed to have sanctioned the discriminatory act, and shall consequently be held
3 equally liable for discrimination.

4
5 **SEC. 7. *Equal Opportunity*** — It shall be the duty of every person, natural or juridical,
6 public or private, to ensure that there is equal opportunity for all persons in relating to actual or
7 prospective employees, students, tenants, customers or clients, and that no discriminatory acts, as
8 defined herein is committed by them or their agents in the areas of employment, housing,
9 education, and delivery of basic goods and services.

10 For this purpose, every agency, corporation, company, and educational institution, as well
11 as any other person providing employment, housing, education, and delivery of basic goods and
12 services, shall issue an equal opportunity policy, including the creation of an Equal Opportunity
13 Committee, as provided in the next section. Failure to do so shall be deemed refusal to address
14 discrimination, and shall be penalized as an act of discrimination.

15
16 **SEC. 8. *Equal Opportunity Committees***. — In order to insure the compliance of this Act,
17 agencies, corporations, companies and educational institutions, whether private or public, shall
18 create an Equal Opportunity Committee which shall have administrative jurisdiction over cases
19 involving discrimination under this Act.

20 The committee shall be tasked, among others, to conduct the investigation of alleged
21 cases constituting discrimination on the basis of ethnic origin and/or religious affiliation or
22 beliefs.

23 Administrative sanctions shall not be a bar to any prosecution in the proper courts of any
24 act of discrimination committed on the basis of ethnic origin and/or religious affiliation or
25 beliefs, or to any civil claims for damages caused by said act.

1 **SEC. 9. Penal Clause.** — Any person liable under this Act shall be penalized by
2 imprisonment for a period of not less than thirty days nor more than six months and/or a fine of
3 not less than ten thousand pesos nor more than one hundred thousand pesos, taking into
4 consideration the circumstances and gravity of the offense.

5
6 **SEC. 10. Duty of the Office on Muslim Affairs and the National Commission on**
7 **Indigenous Peoples.** - It shall be the duty of the Office on Muslim Affairs (OMA) and National
8 Commission on Indigenous People (NCIP) to prevent or deter the commission of acts of
9 discrimination and to provide the procedures for the resolution, settlement or prosecution of acts
10 of discrimination. Towards this end, OMA and NCIP shall:

11 (a) Promulgate appropriate rules and regulations prescribing the procedure for the
12 investigation of discrimination cases against their people and the administrative sanctions
13 therefor,

14 (b) Ensure the creation of committees on equal opportunity in the different agencies,
15 corporations, companies and educational institutions, whether private or public, and

16 (c) Supervise the agencies, corporations, companies and educational institutions, whether
17 private or public, in the implementation of this Act.

18
19 **SEC. 11. Separability Clause.** - If any portion or provision of this Act is declared void or
20 unconstitutional, the remaining portions or provisions hereof shall not be affected by such
21 declaration.

22
23 **SEC. 12. Repealing Clause.** - Any provision of law or regulations inconsistent herewith
24 is hereby repealed, revoked, or modified accordingly.

25

1 **SEC. 13. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after
2 publication in a newspaper of general circulation.

Approved,