

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 576



Introduced by Rep. Jose T. Panganiban, Jr.
of ANAC-IP Partylist

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Constitution provides that "The State Values The Dignity Of Every Human Person And Guarantees Full Respect For Human Rights". Hence, the promotion of a society that values the dignity of every human person and guarantees full respect for human rights regardless of a person's social status, personal preference, ethnic origin, beliefs, and affiliation.

The primary objective of this measure is to lessen, if not eliminate, cases of discrimination in the Philippine society by:

1. Enumerating potential acts of discrimination, profiling, violence, and all forms of intolerance in employment, education, delivery of goods, facilities and services, accommodation, transportation, media, in search and investigatory activities, and in political, civil, cultural and social life on the basis of ethnicity, race, religion or belief, sex, gender, orientation, gender identity, language, disability and other status;
2. Penalizing all forms of discrimination;
3. Mandating government and non-government, agencies, corporations, companies and educational institutions, whether private or public, to create an Equal Opportunity Committee, which shall have administrative jurisdiction over cases involving discrimination; and
4. Instilling in the youth the value of respect to the identity, affiliation, status and preferences of other people by including in the curriculum of public and private schools, from primary to tertiary levels, discussions on discriminations based on ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, language, disability, or other status.

The urgent passage of the bill is therefore paramount for the adoption of an effective and comprehensive legal framework to fight against all forms of discrimination and to give equal opportunity to each individual to achieve his full potential as a person and as a Filipino citizen..


JOSE T. PANGANIBAN, JR.
Representative, ANAC-IP Partylist

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AN ACT
PROHIBITING RACIAL, ETHNIC, AND RELIGIOUS DISCRIMINATION

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

SECTION 1. *Short Title.* – This Act shall be known as “*The Anti-Racial, Ethnic and Religious Discrimination Act of 2016*”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to:

- (a) Maintain peace and order, protect life, liberty and property, and promote the general welfare for the enjoyment of the blessings of democracy by all people;
- (b) Promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free peoples from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life;
- (c) Recognize and promote the rights of the indigenous cultural communities within the Framework of national unity and development; and
- (d) Give the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity; reduce social, economic and political inequalities; and remove cultural inequities by equitably diffusing wealth and political power for the common good.

SECTION 3. *Definition of Terms.* – For the purpose of this Act, the following terms shall mean:

- (a) *Accommodation* shall refer to a house, apartment, condominium, townhouse, flat, hotel, villa, motel, boarding house, hostel and dormitory.

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(b) **Discrimination** shall refer to any distinction, exclusion, restriction or reference made on the basis of race, color, descent, national or ethnic origin, religion, or religious affiliation or beliefs whether perceived or actual, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise, on an equal footing of the human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field of public life of a person.

(c) **Education** shall refer to all types and levels of education, and includes access to education, and the conditions under which it is given.

(d) **Employment** shall refer to the existence of an employer-employee relationship, which is determined by the four-fold test:

- (1) Selection of the employee;
- (2) Payment of wages
- (3) Power of dismissal; and
- (4) Power of control.

This definition shall apply to regular, probational, contractual, seasonal and project-based workers. In legitimate contracting or subcontracting arrangements, the contractor/subcontractor shall be deemed the employer of the contractual employee.

(e) **Ethnic Origin** shall refer to the race, color, descent, national origin and ethnolinguistic origin of a person.

(f) **Goods and Services** shall refer to the material and non-material products or things of value offered for sale to satisfy needs or wants for survival, comfort or pleasure such as, but not limited to, that provided by restaurants, resorts, hotels, clubs, stores and shopping malls or acts or services provided by financial establishments, public utilities, professionals, maintenance and repair workers, laborers, etc.

(g) **Indigenous Peoples** as provided by Section 3 (h), Chapter II of Republic Act No. 8371 or the "Indigenous Peoples Rights Act of 1997", shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilize such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, nonindigenous religions and cultures, become historically differentiated from the majority of Filipinos. Indigenous Cultural Communities/Indigenous peoples (ICCs/Ips) shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

(h) **Moro Peoples** shall refer to the indigenous peoples who are of the Islamic faith, and who have historically inhabited some parts of Mindanao and other parts of the Philippine archipelago.

(i) **Muslims or Moslems** shall refer to followers of Islamic faith, whether from birth or by conversion.

(j) **Religious belief** refers to a strong belief in a supernatural power or powers that control human destiny.

SECTION 4. Acts of Discrimination. – Discrimination is committed when a person treats another less favorably on the basis of race, ethnic origin, religion, or religious affiliation or beliefs than the person treats or would treat another without that attribute, or with a different attribute, on the same or similar circumstances in the political, economic, social, cultural, civil, or any other field of public life, to include, but not limited to:

(a) **Discrimination in Political Participation.**– Any person acting as principal or agent shall be liable for discrimination through the commission of any of the following acts;

(1) Preventing, impeding, prohibiting, obstructing or intervening in the exercise of political rights by another including, but not limited to, the right to vote in a national or local election, both regular or special , or in a plebiscite, both initiative or referendum;

(2) Imposing onerous terms before these political rights are granted, preserved or protected or

(3) Subjecting another person who wishes to exercise a political right to any other detriment, on the basis of race, ethnic origin, religion or religious affiliation or beliefs of the person or of any relative, representative or assignee of the person.

(b) **Discrimination in Employment.** – (1) Any employer or head of a firm, company or organization shall be liable for discrimination by:

(i) Refusing or failing to employ another for work of any type or kind which is available and for which the person is qualified, or by imposing on the person onerous terms and conditions on the basis of race, ethnic origin, religion or religious affiliation or beliefs;

(ii) Denying or limiting access of an employee to the same terms and conditions of work, opportunities for training, transfer or promotion, or to other benefits connected with the employment, as are made available for other employees having the same qualifications and employed in the same circumstances of work of the same kind or type, or by imposing on the person onerous terms and conditions on the basis of race, ethnic origin, religion or religious affiliation or beliefs; or

(iii) Dismissing an employee, or subjecting an applicant for employment or an employee to any other detriment, on the basis of race, ethnic origin, religion or religious affiliation or beliefs.

(2) Any person acting as principal or agent in procuring, employment for other persons or procuring employees for an employer shall be liable for discrimination by treating an applicant seeking employment less favorably than another person in the same circumstances on the basis of race, ethnic origin, religion or religious affiliation or beliefs of the person or of any relative, representative or assignee of the person seeking employment.

(3) Any person acting as principal or agent of an organization of employers or employees, or any person acting or purporting to act on behalf of such organization, shall be liable for discrimination by preventing or seeking to prevent another person from offering employment or from continuing another person in employment on the basis of race, ethnic

