Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

211

HOUSE BILL NO. ______

Introduced by Hon. Roberto "Robbie" V. Puno

EXPLANATORY NOTE

Article XIV, Section 19 (1) of the 1987 Philippine Constitution recognizes that "the State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry."

To allow greater access to the untapped pool of gifted individuals and to showcase the talents of Filipino athletes to the world, this bill recognizes their right to participate in training programs and to represent the country in international sports competitions.

This bill likewise prohibits and penalizes any act that curtails the right of an athlete to try out for, and train with, the national team, and thereafter participate in international competitions representing the country.

Through the passage of this bill, nationalism would be promoted and the significant role played by athletes in nation-building shall be recognized.

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

ROBERTO "ROBBIE" V. PUNO
Republic of the Philippines
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HOUSE BILL NO. 211

INTRODUCED BY HON. ROBERTO "ROBBIE" V. PUNO

AN ACT PROTECTING THE RIGHT OF ATHLETES TO SERVE THE PHILIPPINES AS PART OF THE NATIONAL TEAM

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

SEC. 1. Title. – This Act shall be known as the "Athletes' Right to Represent the Philippines Act."

SEC. 2. Coverage. This Act shall apply to all Filipino athletes, including those belonging to any athletic associations, sports organization or club, whether amateur, semi-professional, or professional.

SEC. 3. Declaration of Policy. – Article II, Section 17 of the 1987 Constitution provides that the State shall give priority to sports “to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development”.

Further, Article XIV, Section 19 (1) provides that “the State shall promote physical education, sports programs and competition alongside training for international competitions to foster self-discipline, teamwork and excellence for the attainment of a healthy and alert citizenry”. To this end, the State shall recognize, protect, and uphold the rights of athletes to represent the country in international sports competitions.

SEC. 4. Right to Participate in International Competitions. - It is the right of an eligible athlete to try out, train, and participate in international sports competitions and represent the country as part of the national team.
SEC. 4. **Decline of Invitation.** The Filipino athlete who declined the invitation shall submit to the NSA a sworn statement stating the reason which prevents him/her from accepting the invitation.

SEC. 5. **Obligation of Employers, Educational Institutions, Athletic Associations, Sports Organizations and Clubs.** - It is the obligation of employers, educational institutions, athletic associations, sports organizations and clubs, whether amateur, semi-professional and professional as well as their officials to allow an athlete to try out, train, and thereafter participate in international sports competitions representing the country. *Provided,* That such decision to represent the country came from the athlete's free will.

SEC. 6. **Prohibited Acts.** – Pursuant to the right herein granted, it shall be unlawful for any person, natural or juridical, to perform the following acts that directly or indirectly, induces, threatens, or denies an athlete from participating in try outs, training programs, and/or from representing the country in sports competitions:

**(A) For An Educational Institution or School Athletic Association to:**

1. Refuse to release a student-athlete to the national team to try-out, train, and to participate in international competitions;
2. Revoke the scholarship of an student-athlete which may include the payment of tuition and other miscellaneous fees covered by the scholarship granted, including monetary and non-monetary benefits;
3. Give incomplete grades in subjects in which the student-athlete is exempted by virtue of being a student-athlete;
4. Mark the student-athlete as absent in class for the duration of the try out, training, and competition; *Provided,* That the student-athlete must not exceed the number of excused absences allowed;
5. Disallow a student-athlete to attend trainings, practices and regular games;
6. Suspend a student-athlete from the varsity and/or school athletic association;
7. Expel a student-athlete from the educational institution and/or school athletic association; or
8. Impose other forms of punishment.
(b) National Sports Associations (NSAs) and amateur sports organizations and clubs to:

1. Refuse to release any of their athletes to the national team to try-out, train, and to participate in international competitions;
2. Withhold an athlete’s allowances, including monetary and non-monetary benefits;
3. Disallow an athlete from attending trainings, practices and regular games;
4. Suspend an athlete from membership in the NSA and/or sports organization or club;
5. Expel an athlete from the NSA and/or sports organization or club; or
6. Impose other forms of punishment.

(c) Professional sports organizations and clubs, and employers to:

1. Refuse to release any of their athletes to the national team to try-out, train, and to participate in international competitions;
2. Withhold an athlete’s salary, allowances, and benefits;
3. Disallow an athlete from attending trainings, practices and regular games;
4. Suspend an athlete from membership in the professional organization/club;
5. Deny an athlete’s promotion;
6. Forcibly lay off an athlete from work; or
7. Impose other forms of punishment.

SEC. 7. Investigation and Imposition of Penalty –

(a) Who May File. – For purposes of this Act, a complaint shall be filed by an athlete, an athlete’s parents or guardians, the concerned NSAs, or any person or any entity on behalf of an athlete who may be affected by the violation of this Act.

(b) Investigation. – A written complaint for violations of this Act may be filed with the following bodies:

i. Philippines Sports Commission (PSC) – for violations committed in relation to amateur sports and NSAs;
ii. Games and Amusement Board (GAB) - for violations committed in professional sports;

iii. Department of Education (DepEd) or Commission on Higher Education (CHED) – for violations committed in educational institutions and school athletic associations; and

iv. Department of Labor and Employment (DOLE) for violations committed in the workplace.

(c) Sanctions and penalties. – Upon notice and hearing, the PSC, DepEd, CHED, GAB, and DOLE may impose a fine ranging from One Hundred Thousand Pesos (P100,000.00) to One Million Pesos (P1,000,000.00) depending on the gravity of the offense, and the suspension of his/her/its GAB license or permit, if applicable for violations of this Act.

The availment of remedies under this Act will not preclude the complainant from seeking further recourse from the courts of law.

i. Reconsideration. – Within fifteen (15) days upon receipt of the decision, a motion for reconsideration may be filed with the same agency, otherwise the decision shall be final.

ii. Nothing in this section shall prevent the filing of a temporary restraining order or any other injunctive relief in court if there is no other plain, speedy, and adequate remedy in the ordinary course of law.

SEC. 8. Implementing Rules and Regulations. – The PSC, GAB, CHED, DepEd, and DOLE, together with athletic associations, NSAs, and the Philippine Olympic Committee, and with the participation of representatives from sports organizations and clubs with proven track records of involvement and promotion of the rights and welfare of athletes, shall issue the Implementing Rules and Regulations of this Act within thirty (30) days from its effectivity.

SEC. 9. Separability Clause. – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.
SEC. 10. **Repealing Clause.** – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SEC. 11. **Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.