

Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 0213

Introduced by Hon. Roberto "Robbie" V. Puno

EXPLANATORY NOTE

On the heels of doping scandals, the Southeast Asian Regional Anti-Doping Organization (SEA RADO) 2019 Board Meeting and Doping Control Officer (DCO) Training Course was held in the Philippines.

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."

The Philippines ratified the UNESCO International Convention Against Doping in Sport (Convention) on March 17, 2010. The Convention recognized the authority of World Anti-Doping Agency (WADA) as the international independent organization for the promotion, coordination, and monitoring of the fight against doping in all its forms. The Convention likewise recognized WADA's World Anti-Doping Code (Code), the document that provides a comprehensive framework to protect the fundamental right of athletes to participate in doping-free sport and to ensure harmonized, coordinated and effective anti-doping programs at the international and national levels with regard to the detection, deterrence and prevention of doping.

To date, the Philippine has limited its legislation to the regulation of drugs or narcotics through the Comprehensive Dangerous Drugs Act of 2002 or Republic Act No. 9165. The country has yet to legislate any measure in controlling the use of performance enhancing drugs or doping in sports. Doping has resulted to unfair advantage in competitions and posed extreme danger to the health of the athletes.

Through the passage of this bill, the Philippines will be able to comply with its duties as a State Party to the Convention, specifically to "adopt appropriate measures at the national and international level consistent with the principles of the Code."

This bill seeks to protect the athletes' fundamental right to participate in a doping-free sport. To ensure the effective implementation of anti-doping programs in the international and national level, an independent Philippine National Anti-Doping Organization (PH-NADO) shall be established as the only organization permitted to carry out anti-doping activities in the Philippines. The proposed legislation provides for basic principles of state policy in the field of prevention of and fight against doping in all sports covering both international and national-level athletes; testing for prohibited substances and methods; duties and responsibilities of athletes, athlete support personnel, and other sports associations to comply with anti-doping rules; provisions on doping control; and penalties and sanctions for its violations.

In sum, this piece of legislation is aimed at adopting and realizing an anti-doping policy in compliance with the principles of fairness, equity, legality, and transparency in sporting activities and promoting the health of athletes globally.

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



ROBERTO "ROBBIE" V. PUNO

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HOUSE BILL NO. 0213

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AN ACT
ESTABLISHING A NATIONAL ANTI-DOPING POLICY IN
SPORT IN COMPLIANCE WITH THE UNITED NATIONS
EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION - INTERNATIONAL CONVENTION
AGAINST DOPING IN SPORT, ESTABLISHING THE
PHILIPPINE NATIONAL ANTI-DOPING ORGANIZATION,
PROVIDING FOR ITS POWERS, FUNCTIONS AND
MANAGEMENT, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

*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-Doping in Sports
2 Act."

3
4 **SEC. 2. *Declaration of Policy.*** - Article II, Section 17 of the 1987 Constitution
5 provides that the State shall give priority to sports "to foster patriotism and
6 nationalism, accelerate social progress, and promote total human liberation and
7 development".

8
9 Further, Article XIV, Section 19 (1) provides that "the State shall promote
10 physical education, sports programs and competition alongside training for
11 international competitions to foster self-discipline, teamwork and excellence for
12 the attainment of a healthy and alert citizenry". To this end, the State shall
13 promote and support the eradication of doping in sport in the country.

14
15 The State shall comply with its obligations under the United Nations Educational,
16 Scientific and Cultural Organization International Convention Against Doping in

1 Sport, which aims to formalize global anti-doping rules, policies and guidelines
2 in order to provide an honest and equitable playing environment for all athletes
3 and promote the health of athletes globally.

4 The State shall adopt the general principles of legitimacy, confidentiality,
5 ensuring rights and freedoms, mandatory nature of doping control, and
6 maintenance of fair games in doping control in sport:

7 **SEC. 3. Definitions.** As used in this Act, the following terms are defined as
8 follows:

- 9
- 10 a. *Accredited laboratory* refers to a laboratory approved by the WADA to test
11 samples for the presence of prohibited substances in accordance with
12 International Standards;
- 13
- 14 b. *Adverse analytical finding* refers to a report from an accredited laboratory
15 that identifies in a sample, the presence of a prohibited substance or its
16 metabolites or markers or evidence of the use of a prohibited method;
- 17
- 18 c. *Administration* means providing, supplying, supervising, facilitating, or
19 otherwise participating in the use or attempted use by another person of a
20 prohibited substance or prohibited method. *Provided that it shall not*
21 *include the actions:*
- 22 i. *of bona fide medical personnel involving a prohibited substance or*
23 *prohibited method used for genuine and legal therapeutic purposes*
24 *or other acceptable justification; and*
- 25 ii. *involving a prohibited substance which is not prohibited in out-of-*
26 *competition testing unless the circumstances as a whole demonstrate*
27 *that such a prohibited substance is not intended for genuine and*
28 *legal therapeutic purposes or is intended to enhance sport*
29 *performance;*
- 30
- 31 d. *Anti-doping* refers to the prevention or control of doping;
- 32
- 33 e. *Anti-doping organization* refers to a signatory to the Code that is
34 responsible for adopting rules for initiating, implementing or enforcing any
35 part of the doping control process, and includes-
- 36 i. The International Olympic Committee;
- 37 ii. The International Paralympic Committee;
- 38 iii. The WADA;
- 39 iv. An international sporting federation;
- 40 v. A major event organization that conducts testing at its events;
- 41 vi. The PH-NADO; and

- 1 vii. Any other National Anti-Doping Organization;
- 2
- 3 f. *Anti-doping rules* refers to regulations on anti-doping, including but not
- 4 limited regulations under this Act, Code, the Convention, and their
- 5 amendments;
- 6
- 7 g. *Athlete* refers to –
- 8 i. Any person who participates in a sport-
- 9 1. As an international-level athlete,
- 10 2. As a national-level athlete,
- 11 including but not limited to any person in the Registered Testing
- 12 Pool who is otherwise subject to the jurisdiction of this Act.
- 13 ii. For purposes of information and education, any person referred to in
- 14 paragraph (i) and any other competitor in sports;
- 15
- 16 h. *Athlete Support Personnel* refers to any of the following –
- 17 i. Parent or guardian of an athlete who is a minor;
- 18 ii. Medical practitioner or paramedical personnel;
- 19 iii. Coach, trainer, manager, official, agent, or team staff;
- 20 iv. Any other person working with or treating or assisting an athlete
- 21 participating in or preparing for sports competition;
- 22
- 23 i. *Code* refers to the World Anti-Doping Code adopted by the WADA, and
- 24 includes any amendments to the Code adopted by WADA, from time to
- 25 time;
- 26
- 27 j. *Competition* or *Sporting Competition* refers to a sporting activity
- 28 consisting of a single race, match, game or athletic contest;
- 29
- 30 k. *Complicity* refers to assisting, encouraging, aiding, abetting, conspiring,
- 31 covering up or any other type of intentional act or omission involving an
- 32 anti-doping rule violation, an attempted anti-doping rule violation or
- 33 violation of Article 10.12.1 of the Code by another person;
- 34
- 35 l. *Convention* refers to the *United Nations Educational Scientific and*
- 36 *Cultural Organization Convention Against Doping in Sport* adopted by the
- 37 33rd session of the United Nations Educational Scientific and Cultural
- 38 Organization General Conference on 19th October, 2005, including any
- 39 and all amendments adopted by the States Parties to the Convention and
- 40 the Conference of Parties to the International Convention against Doping
- 41 in Sport;
- 42

- 1 m. *Doping* refers to the use of prohibited substances and methods in any
2 sporting activity in order to artificially enhance performance;
3
- 4 n. *Doping Control* refers to all the steps and processes from test distribution
5 planning, through ultimate disposition of any appeal including all steps and
6 processes in between, such as provisions of whereabouts information,
7 sample collection and handling, results management and hearings;
8
- 9 o. *Event* refers to a series of individual competitions conducted together under
10 one international sporting federation or national sporting organization or
11 ruling body;
12
- 13 p. *In-competition* refers to the period commencing twelve hours before a
14 competition in which the athlete is scheduled to participate through the end
15 of such competition and the sample collection process related to such
16 competition, unless provided otherwise in the rules of an international
17 federation or the body in charge of an event;
18
- 19 q. *International-level athlete* refers to an athlete who competes in sport at the
20 international level, as defined by each international federation, consistent
21 with the International Standard for Testing and Investigations;
22
- 23 r. *International Standard* refers to a standard adopted by the WADA in
24 support of the Code and includes any technical documents issued pursuant
25 to the International Standard;
26
- 27 s. *National Anti-Doping Organization* refers to the entity designated by each
28 country as possessing the primary authority and responsibility to adopt and
29 implement Anti-Doping Rules, direct the collection of samples, the
30 management of test results, and the conduct of hearings at the national level
31 and where this designation has not been made by the competent public
32 authorities, the entity shall be the country's National Olympic Committee
33 or its designee;
34
- 35 t. *National-Level Athlete* refers to athletes who compete in sport at the
36 national level, as defined by each national anti-doping organisation,
37 consistent with the International Standard for Testing and Investigations.
38 In the Philippines, national-level athletes are defined as any athletes who:
39
- 40 i. participate in the national leagues, events or competitions organized
41 by their NSA or by any sports organisation or club;
42 ii. are affiliated to a federation, national league, sports organisation or
43 club; or

- 1 iii. participate in competitions or events organized by schools, colleges,
2 other institutions, and other intercollegiate events;
3 iv. participate in professional sports.
4
- 5 u. *National Sports Association* (NSA) includes an umbrella body responsible
6 for Olympic, non-Olympic, or Paralympic sports or multi-sport
7 organization responsible for all sports disciplines or body responsible for a
8 particular sport nationally and it may be affiliated to an international
9 federation or not;
10
- 11 v. *Out-of-Competition* refers to any period when not in competition;
12
- 13 w. *Possession* refers to the actual and physical possession, or the
14 constructive possession. Provided that:
15
- 16 i. if the person does not have exclusive control over the prohibited
17 substance or prohibited method or the premises in which a prohibited
18 substance or prohibited method exists, constructive possession shall
19 only be found if the person knew about the presence of the prohibited
20 substance or prohibited method and intended to exercise control over
21 it; and
22 ii. there shall be no Anti-Doping Rule violation based solely on
23 possession if, prior to receiving notification of any kind that the
24 person has committed an Anti-Doping Rule violation, the person has
25 taken concrete action demonstrating that the person never intended
26 to have possession and has renounced possession by explicitly
27 declaring it to an Anti-Doping Organization;
28 iii. the purchase of a prohibited substance or prohibited method
29 constitutes possession by the person who makes the purchase;
30
- 31 x. *Prohibited List* refers to the list developed by the WADA for purposes of
32 identifying the prohibited substances and prohibited methods;
33
- 34 y. Prohibited Method refers to any method so described on the prohibited
35 list;
36
- 37 z. *Prohibited Substance* refers to any substance, or class of substances, so
38 described on the Prohibited List;
39
- 40 aa. *Registered Testing Pool* refers to the pool of highest- priority athletes
41 established separately at the international level by International
42 Federations and at the national level by National Anti-Doping

1 Organizations, who are subject to focused In-Competition and Out-of-
2 Competition Testing as part of that International Federation's or National
3 Anti- Doping Organization's test distribution plan and therefore are
4 required to provide whereabouts information as provided in Article 5.6 of
5 the World Anti-Doping Code and the International Standard for Testing
6 and Investigations;

7
8 bb. *Sample* refers to any biological material collected for the purposes of
9 doping control;

10
11 cc. *Tampering* refers to altering for an improper purpose or in an improper
12 way; bringing improper influence to bear; interfering improperly;
13 obstructing, misleading or engaging in any fraudulent conduct to alter
14 results or prevent normal procedures from occurring;

15
16 dd. *Testing* refers to the parts of the doping control process involving test
17 distribution planning, sample collection, sample handling, and sample
18 transport to the laboratory;

19
20 ee. *Therapeutic Use Exemption* refers to an exemption to use a prohibited
21 substance or prohibited method and which is obtained in a manner as
22 described in Appendix 1 and Article 4.4. of the Code;

23
24 ff. *Trafficking* refers to selling, giving, transporting, sending, delivering or
25 distributing, or possessing for any such purpose, a prohibited substance or
26 prohibited method (either physically or by any electronic or other refers to)
27 by an athlete, athlete support person or any other person subject to the
28 jurisdiction of an anti-doping organisation; Provided, however, this
29 definition shall not include the actions of "bona fide" medical personnel
30 involving a prohibited substance used for genuine and legal therapeutic
31 purposes or other acceptable justification, and shall not include actions
32 involving prohibited substances which are not prohibited in out-of-
33 competition testing unless the circumstances as a whole demonstrate such
34 prohibited substances are not intended for genuine and legal therapeutic
35 purposes or are intended to enhance sport performance;

36
37 gg. *Use* refers to the utilization, application, ingestion, injection or
38 consumption by any means of any prohibited substance or prohibited
39 method; and

40
41 hh. *World Anti-Doping Agency or WADA* refers to a sports body set up for the
42 purposes of coordinating anti-doping activities worldwide
43

1 **SEC. 4. Coverage.** This Act shall apply to:

- 2
- 3 1. Philippine National Anti-Doping Organization;
- 4 2. International-level and National Level Athletes; and
- 5 3. Athlete Support Personnel; and
- 6 4. NSAs, sports organizations, sports associations, and sports clubs.
- 7

8 **SEC. 5. Establishment of the Philippine National Anti-Doping Organization**
9 **(PH-NADO).** - The Philippine National Anti-Doping Organization, herein
10 referred to as PH-NADO, is hereby established as an attached agency to the
11 Philippine Sports Commission, to be the only organization permitted to carry-out
12 anti-doping activities in the Philippines and its authority shall be recognized by
13 all national sports associations, athletes, and athlete support personnel in the
14 country.
15

16 **SEC. 6. Duties and Functions of the Philippine National Anti-Doping**
17 **Organization (PH-NADO)-** The PH-NADO shall exercise the following duties
18 as are necessary to facilitate the control and prevention of doping in sports,
19 including:
20

- 21 a. Promote participation in sport, free from doping in order to protect
22 the health and well-being of competitors and the rights of all persons
23 who take part in sport;
- 24 b. Prepare and implement PH-NADO's anti-doping rules for the
25 purposes of:
 - 26 i. Setting out the procedure for adopting testing methods,
27 establishment of Registered Testing Pools, sample collection,
28 accreditation of testing laboratories, standards to be maintained
29 by testing laboratories based on the Code of International
30 Standards for testing Laboratories;
 - 31 ii. Procedure to be followed in the analysis of samples, results
32 management;
 - 33 iii. Specifying anti-doping rules applicable and consequences of
34 anti-doping rule violation;
 - 35 iv. Specifying anti-doping control activities;
 - 36 v. Specifying the procedures applicable in relation to Negative
37 Analytical findings and Adverse Analytical findings and
38 principles governing provisional suspension of an athlete;
 - 39 vi. Specifying matters connected with the granting of TUE;
 - 40 vii. Specifying the Philippines Code of Standards for the testing of
41 samples based on the Code of International Standards for
42 testing of samples;
 - 43 viii. Procedure for re-entry of a banned athlete;

- ix. Procedure for the providing access to independent observers;
- x. Procedure in relation to in competition testing and out of competition testing of athletes.
- c. create awareness in order to discourage the practice of doping in sport among the public and the sporting community in particular.
- d. develop a national strategy to address doping in sport in collaboration with the Philippine Sports Commission and other concerned agencies;
- e. implement the Code and associated International Standards;
- f. periodically publish International Standards;
- g. use WADA accredited laboratories for analysis of samples and other required specimen;
- h. implement anti-doping activities in the country including the testing of collected samples in all sports, sport associations, sport organizations, and sport clubs;
- i. undertake, coordinate or arrange for research to be undertaken in the field of performance-enhancing substances and methods and doping practices in sport;
- j. promote and implement the application of various guidelines and international standards in matters related to anti-doping;
- k. oversee the processes of the Committee and Panel;
- l. carry out investigations in matters of doping in sports;
- m. provide information to athletes, athlete support personnel and on the procedures for, and developments concerning the collection and testing of samples in accordance with the Code and any standards developed by WADA;
- n. implement the Prohibited List as published by the WADA from time to time;
- o. select athletes who are to be requested to provide samples for testing when necessary;
- p. collect samples from athletes in accordance with approved guidelines and International Standards, and secure the safe transit of samples to laboratories accredited by WADA for testing;
- q. summon, investigate and call for any document, evidence or person that may be required for the enforcement of the Act;
- r. co-operate with state agencies, non-governmental organisations and other persons within the Philippines and internationally to achieve the PH-NADO's mandate;
- s. take steps aimed at ensuring that the Government and the Philippine Olympic Committee complies with international agreements and

- 1 other arrangements to which the Philippines is a party concerning
2 the use of drugs and doping in sport;
- 3 t. maintain data of all prohibited substances in accordance with the
4 directions of the WADA;
 - 5 u. maintain the Whereabouts Register and a Registered Testing Pool in
6 accordance with the Code;
 - 7 v. prosecute anti-doping offenses;
 - 8 w. promote anti-doping education;
 - 9 x. undertake results management in accordance with the PH-NADO's
10 rules and the Code;
 - 11 y. oversee all activities of the Therapeutic Use Exemption Committee
 - 12 z. generally taking all steps necessary or desirable to achieve the
13 purposes of this Act.
- 14

15 In the performance of its functions, the PH-NADO shall address the needs of
16 minors, take into account the needs of persons with disabilities or other persons
17 with special needs, and ensure that the rights of everyone involved in the doping
18 control procedures are respected.

19

20 Pursuant to the Code and the Convention, the PH-NADO, and its the Disciplinary
21 Panel and Therapeutic Use Committee shall:

- 22 a. not require the consent of any person or authority to commence any
23 investigations or impose any administrative sanctions; and
 - 24 b. not be under the direction or control of any person or authority in the
25 exercise of their powers under this Act or any other written law.
- 26

27 **SEC. 7. The PH-NADO Board (Board).** – The Board shall be composed of the
28 following:

- 29 a. Chairperson of the Philippine Sports Commission (PSC), as Chairperson;
 - 30 b. Secretary of Department of Health (DOH);
 - 31 c. Secretary of Department of Education (DepEd);
 - 32 d. Chairperson of Commission on Higher Education (CHED);
 - 33 e. President of the Games and Amusement Board (GAB);
 - 34 f. Chairperson of President of the Philippine Olympic Committee (POC);
 - 35 g. Three (3) representatives distinguished in the field of law, sports medicine
36 and sports science.
- 37

38 The members of the Board from the government may designate their permanent
39 authorized representatives.

40

1 Within thirty (30) days from the effectivity of this Act, the members of the Board
2 from the private sector shall be appointed by the President of the Philippines from
3 a list of three nominees submitted by the other members of the Board. To ensure
4 their independence, members of the private sector should not be appointed if that
5 person:

- 6 a. Is a member of or an official of a NSA;
- 7 b. Is employed by or is associated with any person who supplies goods or
8 services to the PH-NADO or whose spouse or family member is so
9 employed or associated; or
- 10 c. Is an athlete, athlete support personnel or an official of a sports
11 organization, sports club or sports federation;

12
13 Members representing the private sector of the Board shall serve for a term of
14 three (3) years. In case a vacancy occurs in the Board, any person chosen to fill
15 the position vacated.

16
17 Upon the expiry of the term of office, if a qualified member has yet to be
18 appointed, the qualified member whose term of office has expired shall remain in
19 office to continue to perform his or her duties until a new member assumes his or
20 her duties.

21
22 **SEC. 8. Duties and Functions of the Philippine National Anti-Doping Board –**

23 The Board shall have the powers necessary for the proper performance of the
24 functions of the PH-NADO under this Act, including:

- 25 a. control, supervise and administer the assets of the PH-NADO in such
26 manner as best promotes the purpose for which the PH-NADO is
27 established;
- 28 b. determine the provisions to be made for capital and recurrent expenditure
29 and for the reserves of the PH-NADO;
- 30 c. receive any grants, gifts, donations or endowments and make legitimate
31 disbursements therefrom;
- 32 d. open such banking accounts for the funds of the PH-NADO as may be
33 necessary;
- 34 e. invest any of the funds of the PH-NADO not immediately required for its
35 purposes;
- 36 f. lay down policy guidelines for operations and management of all funds
37 collected by the PH-NADO; and
- 38 g. enter into associations with other bodies or organizations within and
39 outside Philippines as the PH-NADO may consider desirable or
40 appropriate in furtherance of the purpose for which the PH-NADO is
41 established; and

- 1 h. perform all such other acts or undertake any activity as may be incidental
2 or conducive to the attainment or fulfillment of any of the functions of the
3 PH-NADO under this Act.
4

5 The PH-NADO shall have a Director who shall be appointed by the Board, who
6 shall have the power and duties to manage the affairs of the Office so that they
7 may comply with the powers and duties of the office, and with the Rules,
8 Regulations and policy prescribed by the Board.
9

10 The PH-NADO may appoint such officers and members of staff upon such terms
11 and conditions of service as it may consider necessary for the proper performance
12 of its functions. A person shall be qualified to be employed by the PH-NADO if
13 such person was not a member or official of a national sports body for the two (2)
14 years immediately preceding the appointment.
15

16 **SEC. 9. Therapeutic Use Exemption Committee (TUEC or Committee)–**

17 There shall be created a Therapeutic Use Exemption Committee, which shall
18 consist of:

- 19 a. chairperson who is a medical doctor with over seven (7) years' experience
20 in matters related to sport;
21 b. a medical doctor of not less than five (5) years experience in matters
22 relating to sports;
23 c. a clinical pharmacist of not less than five years experience in matters
24 relating to sports;
25 d. an international level athlete who has since retired; and
26 e. a sports administrator who shall have retired at least two (2) years prior to
27 the appointment.
28

29 The Chairperson and members appointed under this section shall hold office for
30 a term of three (3) years and shall be eligible for reappointment for one further
31 term. The quorum for the conduct of the business of the Committee shall be three
32 members of whom at least two, shall be doctors.
33

34 **SEC.10. Duties of the TUEC –** The TUEC shall exercise the following duties:
35

- 36 a. receive, review, reject, and approve applications for the grant of therapeutic
37 use exemption by athletes who compete at the national level;
38 b. receive, review, reject, and approve applications for the grant of therapeutic
39 use exemption by athletes who compete at the international level, if
40 requested to do so by an international federation;
41 c. review therapeutic use exemptions issued by an international federation for
42 compliance with the International Standard for Therapeutic Use
43 Exemptions;

- d. refer to the WADA any therapeutic use exemption issued by an international federation which in its view does not meet the requirements of the International Standard for Therapeutic Use Exemption
- e. notify the Board of its decision to grant therapeutic use exemption; and
- f. perform any other functions that are conferred or imposed on it by this Act.

The TUEC shall be guided by the following in the performance of their work:

- a. the Convention;
- b. the Code;
- c. International Guidelines on Therapeutic Use Exemption;
- d. the Prohibited List;
- e. the provisions of this Act; and
- f. the PH-NADO's Anti-Doping Rules.

SEC.11. Therapeutic Use Exemption (TUE) - An athlete, other than an international-level athlete, with a medical condition requiring the use of a prohibited substance or prohibited method, may, in accordance with the provisions of this Act and the Anti- Doping Rules, apply to the Committee for a therapeutic use exemption.

An international-level athlete, or an athlete who participates in an international event, with a medical condition requiring the use of a prohibited substance or prohibited method, may, in accordance with the International Standard for Therapeutic Use Exemptions, apply no later, except in emergency situations, than:

- a. thirty days before his participation in an international event; or
- b. such other period as may be provided for in the anti-doping rules of the relevant International Federation, to the relevant International Federation for an exemption and provide the Committee with a copy of the application prior to the international event.

An application for therapeutic use exemption shall be made:

- a. immediately after the athlete becomes aware that the use of a prohibited substance or prohibited method is required; and
- b. subject to any circumstance of emergency, no later than thirty days prior to the participation of the athlete in any competition or event.

Regulations may be made prescribing any other matters, procedures or documents which may be required for the consideration and grant of a TUE.

SEC.12. Accredited Laboratories. - A sample taken from an athlete shall be analyzed at an accredited laboratory to detect prohibited substances and

1 prohibited methods. A sample shall not be analyzed for a purpose other than that
2 referred to under subsection (1) unless:

- 3 a. the athlete consents in writing; and
- 4 b. any means of identification is removed to ensure that the sample cannot be
5 traced back to the athlete.

6
7 The results of all tests shall be submitted to the PH-NADO.

8
9 **SEC.13. Disciplinary Panel** – There shall be created a Disciplinary Panel
10 (Panel), which shall consist of:

- 11 a. an officer of the PSC designated by its Chairperson, who shall be the
12 Chairman;
- 13 b. two (2) persons from among lawyers who have more than five (5) years
14 experience in court appearances, who shall both be Vice Chairmen;
- 15 c. two (2) persons from among medical practitioners who have more than five
16 (5) years experience in the field of sports medicine;
- 17 d. two (2) persons who shall be persons who have had previous experience in
18 sports administration.

19
20 The Chairperson and members appointed under this section shall hold office for
21 a term of three (3) years and shall be eligible for reappointment for one further
22 term. The quorum for the conduct of the business of the Panel shall be three
23 members of whom at least two, shall be doctors.

24
25 **SEC. 14. Duties and Jurisdiction of the Disciplinary Panel (Panel).** - The
26 Panel shall exercise the following duties:

- 27
28 a. Receive, examine and hear Anti-Doping Rules violation;
- 29 b. Conduct disciplinary hearings related to Anti-Doping Rules violations;
- 30 c. Determine whether a violation of the Anti-Doping Rules has occurred;
- 31 d. Impose sanctions and penalties of Anti-Doping Rules violations;
- 32 e. Perform any other functions that are conferred or imposed on the DP by
33 this Act;

34
35 The Panel shall be guided by the following in the performance of their work:

- 36 a. the Convention;
 - 37 b. the Code;
 - 38 c. International Guidelines on Therapeutic Use Exemption;
 - 39 d. the Prohibited List;
 - 40 e. the provisions of this Act; and
 - 41 f. the PH-NADO's Anti-Doping Rules.
- 42

1 Anti-Doping Rules violations involving national level athletes, athlete support
2 personnel, NSAs, and sports organizations, shall be resolved by the Panel both at
3 the first instance and at appeal.

4
5 Except as otherwise provided for under the Code on Therapeutic Use
6 Exemptions, disputes involving International level athletes shall be resolved by
7 the Panel at the first instance with an appeal to Court of Arbitration for Sport as
8 provided for in the Code.

9
10 In all disputes, there shall be a right of appeal within thirty (30) working days
11 from the date of communication of the Panel's decision by the violator, the PH-
12 NADO, the NADO of the person's country of residence, WADA, International
13 Paralympic Committee International Sports Federation, the International
14 Olympic Committee and any other international sports body.

15
16 No final decision by the Disciplinary Panel shall be quashed, reversed, modified,
17 or held invalid, by any court, arbitrator, tribunal or other hearing body other than
18 Court of Arbitration for Sport for any reason, including for reason of any defect,
19 irregularity, omission or departure from the procedures set out in this Act.

20
21 **SEC. 15. Conformity to Anti-doping Rules.** - Each NSA, sports association,
22 sports organization, sports club, and sports federation shall require all athletes
23 and each athlete support personnel to agree to be bound by all Anti-Doping Rules
24 and the PH-NADO's results' management authority in conformity with the Code
25 as a condition for such participation.

26
27 An athlete or an athlete support personnel who is not a minor shall be required to
28 sign a declaration of the Anti-Doping Rules and submit the same to the PH-
29 NADO. In the case of a minor, the parent/s or guardian shall sign such acceptance
30 and submit the acceptance to the PH-NADO.

31
32 **SEC. 16. Registered Testing Pool.** - The PH-NADO shall establish a Registered
33 Testing Pool. The PH-NADO shall, in accordance with the Anti-Doping Rules,
34 publish criteria for the inclusion of the name of an athlete in its Registered Testing
35 Pool. The PH-NADO shall notify an athlete, in writing, of the inclusion of his or
36 her name in its Registered Testing Pool.

37
38 **Sec. 17. Duties and Responsibilities of Athletes, Athlete Support Personnel;**
39 **and NSAs, sports organizations, sports associations, and sports clubs.** - The
40 Athletes, Athlete Support Personnel, and NSAs, sports organizations, sports
41 associations, and sports clubs shall:

- 42 a. respect PH-NADO's, TUEC's, Disciplinary Panel's autonomy and not to
43 interfere with its operational decisions or activities.

- b. require clubs and other similar bodies under its authority to report to PH-NADO any information related to an anti-doping rule violation and to cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation.
- c. cooperate with the operation of an investigation, including establishment of a doping test rooms at an Event sponsored by it or subordinated bodies.
- d. take appropriate information delivery and implement support measures towards Athletes who are part of the PH-NADO's Registered Testing Pool such as ensuring them to submit whereabouts filing in the Registered Testing Pool.
- e. report to PH-NADO, and to ensure the appropriate enforcement of Sanctions, Penalties and other consequences of, all potential anti-doping rule violations within its jurisdiction including investigation into whether Athlete Support Personnel or other Persons may have been involved in each case of doping, as well as to implement automatic investigation into anti-doping rule violations related to a minor.
- f. comply with anti-doping rules;

Lack of knowledge about anti-doping regulations and the substances and methods, which have been included on the Prohibited List shall not be considered as a release from the responsibility.

NSAs shall obey the provisions of this Act and PH-NADO rules in case of adoption of sanctions against athlete or athlete support personnel. Non-execution of obligations stipulated herein by the NSA shall be considered as violation.

SEC. 18. Anti-doping Rule Violation. – The following acts committed by athletes, athlete support personnel, sports federations, or sports organizations are considered anti-doping violations:

- a. the presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen;
- b. the use or attempted use of a prohibited substance or method;
- c. the refusal or failure, without compelling justification, to submit to sample collection after notification as authorized in terms of applicable anti-doping rules or otherwise evading sample collection; [SEP]
- d. the violation of applicable requirements regarding athlete availability for out of competition testing, including failure to provide required whereabouts information and missed tests which are declared based on reasonable rules; [SEP]
- e. the tampering, or attempting to tamper, with any part of doping control;
- f. the possession of prohibited substances and methods; [SEP]
- g. the trafficking in any prohibited substance or method; and [SEP]

- h. the administration or attempted administration of a prohibited substance or method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation;
- i. violation of any provision of this Act, PH-NADO Anti-doping Rules, the Code, and Convention, and their amendments.

SEC. 19. Administrative Sanctions and Penalties. – Where any athlete, athlete support personnel, NSA, sports association/organisation/club has been found to have committed anti-doping violations, he may be punished in terms of the applicable provisions of the Code and the PH-NADO Rules, including but not limited to:

- a. **Disqualification:** the results in a particular competition or event are invalidated, with all resulting consequences including forfeiture of my medals, points and prizes;
- b. **Ineligibility:** barred for a specified period of time (temporary or perpetual) from participating in any competition or other activity, withholding of financial support and access to sporting facilities; and
- c. **Provisional suspension:** barred temporarily from participating in any competition prior to a final decision.
- d. **Fine:** imposition of a fine of not less than ONE HUNDRED THOUSAND PESOS (P100,000.00) but not more than ONE MILLION PESOS (P1,000,000.00).

Where a medical professional is found to be in complicity with Anti-doping violations, the DP shall endorse the violation to the Professional Regulatory Commission (PRC), who shall also impose, depending on the gravity of the violation, the penalty of suspension or revocation of his professional license.

SEC. 20. Integration of Anti-Doping Policy into the Educational System. – The State shall ensure the integration of age-appropriate content pertaining to anti-doping into the physical education curriculum at all educational levels, both in public and private institutions.

SEC. 21. Appropriations. – The amount needed for the initial implementation of this Act shall be charged against the current year's appropriations of the PSC for the maintenance and other operating expenses of the PH-NADO. Thereafter, the required budget as recommended by the PH-NADO Board for the continued implementation of this Act shall be submitted to DBM for inclusion in the General Appropriations Act.

1 **SEC. 22. *Implementation Rules and Regulations.*** – The PH-NADO, in
2 consultation with PSC, CHED, DepEd, DOH, PRC, Games and Amusement
3 Board, NSAs, Philippine Olympic Committee, and with the participation of
4 representatives from sports organizations and clubs with proven track records of
5 involvement and promotion of the rights and welfare of athletes, shall issue the
6 Implementing Rules and Regulations of this Act within thirty (30) days from its
7 effectivity.

8
9 **SEC. 23. *Transitory Clause.*** - All property, assets, rights, liabilities,
10 obligations, agreements, conveyances, deeds, leases, licences, permits,
11 exemptions, power of attorney, undertakings, securities and other arrangements
12 existing at the commencement of this Act and vested in, acquired, incurred or
13 entered into by or on behalf of the former PH-NADO under the PSC, shall upon
14 the commencement of this Act, be deemed to have vested in or to have been
15 acquired, incurred or entered into by or on behalf of the PH-NADO established
16 under this Act to the same extent as they were enforceable by or against the
17 former PH-NADO before the commencement of this Act.

18
19 A person who, immediately before the commencement of this Act, was an
20 employee of former PH-NADO shall, on the commencement of this Act, be
21 deemed to be an employee of the PH-NADO established under this Act.

22
23 **SEC. 24. *Separability Clause.*** - If any provision or part hereof is held invalid or
24 unconstitutional, the remainder of the law or the provisions not otherwise affected
25 shall remain valid and subsisting.

26
27 **SEC. 25. *Repealing Clause.*** - Any law, presidential decree or issuance, executive
28 order, letter of instruction, administrative order, rule or regulation contrary to or
29 inconsistent with the provision of this Act is hereby repealed, modified, or
30 amended accordingly.

31
32 **SEC. 26. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
33 publication in the Official Gazette or at least two (2) newspapers of general
34 circulation.

Approved,