

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**Eighteenth Congress**  
*First Regular Session*

House Bill No. 6098

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Introduced by Representative Ferdinand L. Hernandez

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**AN ACT**

**PROHIBITING ANY FORM OF DISCRIMINATION ON THE BASIS OF ETHNICITY, RACE, RELIGION, SEX, GENDER, ORIENTATION, LANGUAGE, DISABILITY, EDUCATIONAL ATTAINMENT, ECONOMIC STATUS, AND OTHER STANDARDS, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

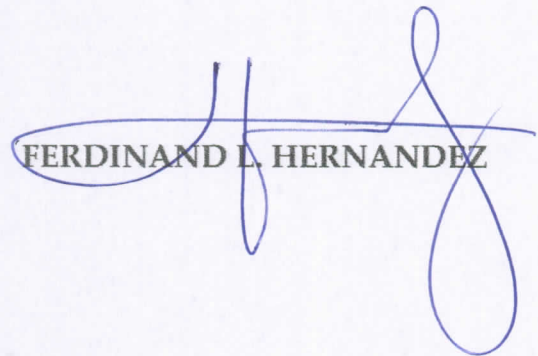
The Equal Protection Clause embodied in the 1987 Philippine Constitution is a constitutional guarantee of the equality of all persons before the law – in the same way that the highest law of the land values the dignity of every human being and guarantees full respect of human rights.

Despite this however, discrimination in the country still widely persists, and it affects not just the emotional and psychological well-being of the individuals discriminated upon, but threatens social instability and economic progress in our country, as well.

To this end, this proposed bill seeks to mandate the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities.

It is in this context that Congress must now take a definitive stand and give teeth to the often intentionally overlooked laws against discrimination. This measure shall do so by expressly penalizing the act of discrimination, toward the end that discrimination, not in accord with fairness and justice, will end once and for all.

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



FERDINAND L. HERNANDEZ



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AND OTHER STANDARDS, PROVIDING PENALTIES THEREFOR, AND FOR  
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*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-Discrimination Act  
of 2019.”

Sec. 2. *Declaration of Policy.* – It is the State’s policy and mandate to eliminate  
and penalize any and all forms of discrimination under both domestic and  
international law.

Sec. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall  
be defined as follows:



- a. *Discrimination* – refers to any distinction, exclusion, restriction, preference or otherwise differential treatment directly or indirectly based on ethnicity, race, religion, belief, sex, gender, gender identity, sexual orientation, disability, or any other status or standard where such differential treatment withholds, excludes, restricts, curtails, or demeans human dignity or otherwise impairs the recognition, enjoyment, and exercise of fundamental human rights and basic freedoms.
- b. *Gender expression* – refers to a person's gender identity expressed outwardly through factors such as but not limited to name, clothing, haircut, behavior, voice, and body characteristics.
- c. *Gender identity* – refers to a personal conception of oneself as male or female as a result of a combination of inherent and extrinsic or environmental factors.
- d. *Sexual orientation* – refers to a person's patterns of emotional, romantic, and sexual attraction.
- e. *Subject of discrimination* – refers to a person who is discriminated against.

Sec. 4. *Discrimination as a crime.* – Discrimination is hereby declared as a crime and is punished in accordance with the provisions of this Act and other relevant penal laws and rules.

Discrimination is committed when a person or entity distinguishes, excludes, restricts, prefers or otherwise treats differently another person on the basis of

ethnicity, race, religion, belief, sex, gender, gender identity, sexual orientation, disability, or any other status or standard.

Sec. 5. *Acts which constitute discrimination.* The following acts, where not reasonable under Section 4 of this Act, are punishable:

- a. By refusing employment to a job applicant or imposing onerous or additional terms or conditions which are not imposed on another similarly situated or circumstanced, on the basis of ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, descent, race or color of the skin; by denying or limiting access to an employee, opportunities of promotion, transfer, training, schooling or to any other benefit which are otherwise granted to other employees similarly situated or circumstanced, on the basis of national or ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, descent, race or color of the skin;
- b. By refusing or failing to accept any person for admission as a student in any public or private educational and/or vocational institution, or by subjecting said person to terms and conditions for his acceptance in the said institution which are not imposed on applicants or students similarly circumstanced as him, or limiting the access of a student to any benefit or privilege provided by said educational or vocational institution, by reason of ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, race and color of the skin;
- c. By refusing to provide goods or services and/or imposing onerous terms or conditions as a requisite for providing goods or services to a person which are not refused or subjected to such onerous terms or conditions when extended to



others similarly circumstanced, by reason of ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, race and color of skin;

- d. By refusing or failing to allow any person, by reason of his ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation race, or color of the skin to avail of quarters or accommodation in a house, apartment condominium, townhouse, flat, hotel, inn, dormitory or any other places of dwelling being rented out or offered to the public for a fee, rental or other forms of compensation;
- e. By subjecting either by verbal or written word or publication, to ridicule or insult or attributing despicable behavior and habits or associating with violence and criminal activities, any person or group of persons by reason of his ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, race or color of the skin; or
- f. By doing any other analogous act which demeans the dignity and self-respect of a person or impairs, mars, reduces or nullifies the recognition, enjoyment or exercise of his human and legal rights basic freedoms in the political, labor economic, social, cultural and education spheres on the basis of ethnic origin, religious affiliation or belief, sex, gender identity, sexual orientation, race and color of his skin.

Sec. 5. *Person Liable.* – Any person, natural or juridical, who commits any of the acts herein prohibited and enumerated in the immediately preceding section shall be criminally liable therefore, and penalized accordingly, provided that in the case of a juridical person such as, but not limited to, corporations, associations, partnerships,

educational and vocational institutions, whether public or private, the manager, head and the officers thereof shall also be criminally accountable and responsible.

Willful refusal of a government officer or official whose duty is to investigate, prosecute, or otherwise act on a complaint for violation of this Act to perform such duty without any valid ground shall constitute gross negligence on the part of such officer or official and shall be subjected to pertinent administrative sanctions.

Sec. 6. *Reasonable discrimination.* - Discrimination is considered reasonable where all of the following elements are present:

- a. The discrimination rests on substantial distinctions between the subject of the discrimination and all others differently treated;
- b. The discrimination is germane to the purpose for which such discrimination is committed;
- c. The discrimination is not limited to the subject of the discrimination only; and
- d. The discrimination applies equally to all members of the class to which the subject of the discrimination belongs.

Sec. 7. *Penalties.* - The following penalties for violations of any provisions of this Act are hereby imposed as follows:

- a. For the first (1<sup>st</sup>) conviction, imprisonment for a period of not less than one (1) month but not more than six (6) months, at the discretion of the court, and a fine of One Hundred Thousand Pesos (PHP 100,000.00);



- b. For the second (2<sup>nd</sup>) conviction, imprisonment for a period of not less than six (6) months but not more two (2) years, at the discretion of the court, and a fine of Two Hundred Fifty Thousand Pesos (PHP 250,000.00);
- c. For the third (3<sup>rd</sup>) and succeeding convictions, imprisonment of not less than two (2) years but not more than six (6) years, at the discretion of the court, and a fine of Five Hundred Thousand Pesos (PHP 500,000.00) for every conviction.

Sec. 8. *Liability under Other Penal Laws.* – A criminal prosecution or conviction under this Act shall not bar prosecution or conviction under other penal laws.

Sec. 9. *Government Mechanism for Anti-Discrimination.* – The Department of Labor and Employment or the Civil Service Commission, as the case may be, are hereby mandated to establish a grievance mechanism to address discriminatory practices committed in the workplace.

The Department of Education and the Commission on Higher Education are hereby mandated to create and implement a policy for the establishment of mechanisms to address discriminatory practices committed in the education sector.

Sec. 10. *Implementing Rules and Regulations.* – Within sixty (60) days from the approval of this Act, the Department of Justice, in coordination with the Department of Labor and Employment, the Civil Service Commission, the Department of Education, the Commission on Higher Education, the Department of Social Welfare and Development, and other relevant agencies shall promulgate the Implementing Rules and Regulations of this Act.



Sec. 11. *Information Campaign.* – Within thirty (30) days from the enactment of this Act, the government shall conduct an information campaign to apprise the public of the provisions of this Act.

Sec. 12. *Separability Clause.* – If any portion or provision of this Act is declared void or unconstitutional, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect.

Sec. 14. *Effectivity Clause.* – This Act shall take effect ten (10) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*