

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 2211



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Introduced by **Hon. Sol Aragon**

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**EXPLANATORY NOTE**

In 2010, women's group Isis International said transgender Filipino women are especially vulnerable to employment-based discrimination. Many corporations hinge employment prospects on gays and transgender persons following traditional dress codes.

In 2011, lesbian, gay, bisexual, and transgender (LGBT) activists submitted to the United Nations two reports on the human rights violations against LGBT people in the Philippines. In the same year, the Psychological Association in the Philippines called for an end to discrimination based on gender identity and expression.

In one report named "The Status of LGBT Rights in the Philippines, Submission to the Human Rights Council for the Universal Periodic Review 13<sup>th</sup> Session," the groups Rainbow Rights Project (R-Rights) and the Philippine LGBT Hate Crime Watch (PLHCW) co-authored a documentation of different abuses based on sexual orientation and gender identity in the country since 2007. Another report entitled "A Report on Violations of Human Rights Based on Sexual Orientation and Gender Identity in the Philippines" was authored by the Progressive Organization of Gays in the Philippines (ProGay).

Education and sports institutions also present problems for young Filipino men attracted to the same sex, according to a 2013 Philippine Journal of Psychology study by Eric Manalastas. In a 2015 news report, it was said that LGBT Filipinos are still endangered by physical acts of bigotry and by a pervasive discrimination that infringes on their basic economic and human rights. Former Commissioner on Human Rights Chair Etta Rosales in 2013 cited 141 cases of abuse against members of the LGBT community.

Apart from bullying and harassment, members of the community say that they are often pigeonholed into limited roles and occupations. Outside of these assigned roles, they are expected to curb their identities and expressions "as conditions for their social acceptance and enjoyment of rights."

Scouring data from the Young Adult Fertility and Sexuality Survey, Manalastas found that young gays, between ages of 15 and 24, contemplate suicide more than their heterosexual peers, although they may not act on it. He cited as factors experiences of threat and victimization.

These reports highlighted the very real and pressing problem confronting the LGBT community in the Philippines. There can be no true and meaningful democracy if we continue to systematically oppress the LGBT community and turn a blind eye to the abuses committed against them. This bill seeks to address these problems and correct the impression that the Government is powerless to help the LGBT sector. Therefore, immediate approval of this measure is earnestly sought.

  
**HON. SOL ARAGONES**  
**Representative, Third District of Laguna**

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**AN ACT**  
**PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION**  
**OR GENDER IDENTITY OR EXPRESSION (SOGIE) AND PROVIDING**  
**PENALTIES THEREFOR**

*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 "SOGIE Equality Act".

2       SEC. 2. *Declaration of Policy.* - The State recognizes the fundamental right of every  
3 person regardless of sex, age, class, status, ethnicity, color, disability, religious, and political  
4 beliefs, sexual orientation, or gender identity or expression, to be free from any form of  
5 discrimination. It shall therefore intensify its efforts to fulfill its duties under the Equal  
6 Protection Clause and the Bill of Rights provisions of the Philippine Constitution, and  
7 international and domestic laws to respect, protect, and fulfill the rights and dignity of every  
8 individual.

9       Towards this end, the State shall exert efforts to address all forms of discrimination,  
10 marginalization and violence on the basis of sexual orientation, or gender identity or  
11 expression, and to promote human dignity as enshrined in the United Nations Universal  
12 Declaration on Human Rights, the Convention on the Elimination of All Forms of

1 Discrimination Against Women, particularly the General Recommendation No. 28 on Non-  
2 discrimination Based on Sexual Orientation and Gender Identity, Convention on the Rights of  
3 the Child, International Covenant on Civil and Political Rights, International Covenant on  
4 Economic, Social and Cultural Rights, and all other relevant and universally-accepted human  
5 rights instruments and other international conventions to which the Philippines is a signatory.  
6 In the enforcement of this Act, all due respect shall be accorded to the fundamental right of  
7 parents in the upbringing of their children in accordance with their religious convictions. In all  
8 matters, the best interest of children shall be paramount.

9 SEC. 3. *Definition of Terms.* – As used in this Act:

10 (a) *Child* refers to a person below eighteen (18) years of age or older but who is  
11 incapable of taking care of oneself as defined under Republic Act No. 7610, as amended;

12 (b) *Discrimination* refers to any distinction, exclusion, restriction, or preference  
13 which is based on any ground such as sex, sexual orientation, gender identity or expression,  
14 and which has the purpose or effect of nullifying or impairing the recognition, access to,  
15 enjoyment, or exercise by all persons on an equal footing of all rights and freedoms. The  
16 actual sex, sexual orientation, or gender identity or expression of the person subjected to  
17 discrimination shall not be relevant for the purpose of determining whether an act of  
18 discrimination has been committed;

19 (c) *Gender Expression* refers to the way a person communicates gender identity to  
20 others through behavior, clothing, hairstyles, communication or speech pattern, or body  
21 characteristics;

22 (d) *Gender Identity* refers to the personal sense of identity as characterized, among  
23 others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine  
24 conventions. A person may have a male or female identity with the physiological  
25 characteristics of the opposite sex, in which case this person is considered transgender;



(e) *Hate Crimes* refer to criminal offenses committed against a person or a group of persons, or against such targeted person's or group's honor or property, motivated in whole or in part by the offender's bias against gender, sexual orientation, gender identity or expression;

(f) *LGBT Community* refers to the collective of persons who are male and female homosexuals (gays and lesbians, respectively), bisexual, and transgender;

(g) *Marginalization* refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life;

(h) *Sex* refers to male, female, or intersex. Intersex refers to people born with the sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies, all of which are natural bodily variations along a spectrum;

(i) *Sexual Orientation* refers to the direction of emotional, sexual attraction, or conduct towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation), or towards people of the opposite sex (heterosexual orientation) or to the absence of sexual attraction (asexual orientation); and

(j) *Stigma* refers to the dynamic devaluation and dehumanization of an individual in the eyes of others which may be based on attributes that are arbitrarily defined by others as discreditable or unworthy, and which result in discrimination when acted upon.

SEC. 4. *Discriminatory Practices.* - It shall be unlawful for any person, natural or juridical, to engage in discrimination as defined in this Act, which shall include:

(a) Denying access to public services to any person on the basis of sexual orientation or gender identity or expression;

1 (b) Including sexual orientation or gender identity or expression, as well as the  
2 disclosure of sexual orientation, in the criteria for hiring, promotion, transfer, designation,  
3 work assignment, re-assignment, dismissal of workers, and other human resource movement  
4 and action, performance review, and in the determination of employee compensation, access  
5 to career development opportunities, training, and other learning and development  
6 interventions, incentives, privileges, benefits or allowances, and other terms and conditions  
7 of employment: *Provided That*, this provision shall apply to employment and skills training  
8 in both the private sector and public service, including military, police, and other similar  
9 services: *Provided, Further That* this prohibition shall likewise apply to the contracting and  
10 engaging of the services of juridical persons;

11 (c) Refusing admission or expelling a person from any educational or training  
12 institution on the basis of sexual orientation or gender identity or expression, including  
13 discriminating against a student or trainee due to the sexual orientation or gender identity or  
14 expression of the student's parents or guardian: *Provided, However, That* the right of  
15 educational and training institutions to determine the academic qualifications of their  
16 students or trainees shall be duly upheld;

17 (d) Imposing disciplinary sanctions, penalties harsher than customary or similar  
18 punishments, requirements, restrictions or prohibitions that infringe on the rights of the  
19 students on the basis of sexual orientation or gender identity or expression, including  
20 discriminating against a student or trainee due to the sexual orientation or gender identity or  
21 expression of the student's parents or guardian;

22 (e) Refusing or revoking the accreditation, formal recognition, registration or plan  
23 to organize of any organization, group, political party, institution, or establishment in  
24 educational institutions, workplaces, communities, and other settings, solely on the basis of

1 the sexual orientation or gender identity or expression of their members or of their target  
2 constituencies;

3 (f) Denying a person access to public or private medical and other health services  
4 open to the general public on the basis of such person's sexual orientation or gender identity  
5 or expression;

6 (g) Denying an application for or revoking a professional or other similar kind of  
7 license, clearance, certification on, or any other similar document, except marriage license,  
8 issued by the government due to the applicant's sexual orientation or gender identity or  
9 expression;

10 (h) Denying a person access to or the use of establishments, facilities, utilities, or  
11 services, including housing, open to the general public on the basis of sexual orientation or  
12 gender identity or expression: *Provided, That* the act of giving inferior accommodations or  
13 services shall be considered a denial of access or use of such facility or service: *Provided*  
14 *further, That* this prohibition covers acts of discrimination against juridical persons solely  
15 on the basis of the sexual orientation or gender identity or expression of their members or  
16 of their target constituencies;

17 (i) Subjecting or forcing any person to undertake any medical or psychological  
18 examination to determine or alter, or both, the person's sexual orientation or gender identity  
19 or expression without the expressed approval of the person involved, except in cases where  
20 the person involved is a minor and below the age of discernment in which case prior  
21 approval of the appropriate Family Court shall be required. In the latter case, the child shall  
22 be represented in the proceedings by the Solicitor General or the latter's authorized  
23 representative;

24 (j) Harassment, coercion, or threats committed by members of institutions involved  
25 in the enforcement of law and the protection of rights of any person on the basis of sexual



1 orientation or gender identity or expression. Among other cases, prohibited acts under this  
2 section include arresting or placing under custody, and subjecting a person to extortion,  
3 physical, verbal abuse, or sexual abuse, regardless of whether such arrest has legal or factual  
4 basis. Harassment, coercion, or threat of juridical persons on the basis of the sexual  
5 orientation or gender identity or expression of their members, stockholders, benefactors,  
6 clients, or patrons is likewise covered by this provision;

7 (k) Publishing information intended to “out” or reveal the sex, sexual orientation,  
8 or gender identity of persons without their consent, when such has not been made known by  
9 the person/s concerned, and has been made with malicious intent or is primarily motivated  
10 by a desire for commercial profit;

11 (l) Engaging in public speech, except religious speech meant to shame, insult,  
12 vilify, or which tends to incite or normalize the commission of discriminatory practices  
13 against LGBTs, and which acts or practices in turn, intimidate them or result in the loss of  
14 their self-esteem;

15 (m) Subjecting persons or groups of persons to harassment generally defined as such  
16 unwanted conduct, pattern of conduct, act, or series of acts which tend to annoy, insult,  
17 bully, demean, offend, threaten, intimidate, alarm, or create a hostile or emotionally  
18 distressing environment, or put them in fear of their safety; and which behavior is motivated  
19 in whole or in part by the offender’s bias, belief, or perception regarding the offended party’s  
20 gender, sexual orientation, gender identity or expression, regardless of whether the belief or  
21 perception is correct. Such prohibited act may include physical assault, stalking, or making  
22 derogatory comments, slurs or lewd propositions, and may be conducted through any form  
23 of medium, including but not limited to, visual representation, broadcast communication,  
24 correspondence or communication through mail or any telecommunication device, or  
25 through the internet or cyberspace;



1           (n)       Subjecting any person to gender profiling or to any investigatory activities,  
2       which include (i) unnecessary, unjustified, illegal, or degrading searches to determine  
3       whether an individual is engaged in an activity presumed to be unlawful, immoral, or  
4       socially unacceptable; (ii) recording and analyzing a person's psychological and behavioral  
5       characteristics to make generalizations about a person's sexuality or to assist in identifying  
6       a particular subgroup of people's sexual orientation or gender identity;

7           (o)       Preventing a child under parental authority, custody, or guardianship from  
8       exhibiting or expressing one's sexual orientation or gender identity; or manifesting rejection  
9       of such child's sexual orientation or gender identity or expression by inflicting or  
10      threatening to inflict bodily or physical harm against the child or by causing mental or  
11      emotional suffering of the child through intimidation, harassment, public ridicule or  
12      humiliation, repeated verbal abuse, or other similar means, or in general, commit any act or  
13      omission prejudicial to the welfare and interest of the child as a result of the bias against the  
14      sexual orientation or gender identity of the child;

15          (p)       Subjecting a person to any other analogous acts that shall have the effect or  
16      purpose of impairing or nullifying the enjoyment, recognition, or exercise of a person's  
17      rights and freedoms.

18          SEC. 5. *Privacy Rights.* – No person shall be burdened, prejudiced, or prosecuted by  
19      reason of the exercise of the right to personal privacy.

20          SEC. 6. *Administrative Sanctions.* - Refusal of a government official whose duty is to  
21      investigate, prosecute, or otherwise act on a complaint for a violation of this Act or causing  
22      unreasonable delay to perform such a duty without a valid ground shall constitute gross  
23      negligence on the part of the official who shall suffer the appropriate penalty under civil service  
24      laws, rules and regulations.

1           SEC. 7. *Penalties.* - A person who commits any discriminatory practice described in  
2 Section 4 shall, upon conviction, be penalized by a fine of not less than One hundred thousand  
3 pesos (P100,000) but not more than Five hundred thousand pesos (P500,000) or imprisonment  
4 of not less than one (1) year but not more than six (6) years or both, at the discretion of the  
5 court. In addition, the court may impose upon a person found to have committed any of the  
6 prohibited acts the rendition of community service in terms of attendance in human rights  
7 education's familiarization with and exposure to the plight of the victims.

8           If the violation or offense is committed by a corporation, partnership, association or  
9 other juridical entities, the penalty provided for in this section shall be imposed upon the  
10 directors, officers, employees or other officials or persons therein responsible for the offense  
11 without prejudice to the civil liabilities arising from the criminal offense;

12           If a graver offense motivated by bias, prejudice, or hatred against sexual orientation or  
13 gender identity or expression is committed, such shall be meted the corresponding maximum  
14 penalties.

15           Any action arising from the violation of the provisions of this Act shall prescribe in  
16 three (3) years.

17           Nothing in this Act shall preclude the victim from instituting a separate and independent  
18 action for damages and other affirmative reliefs or such other cases for violation of other  
19 applicable penal laws. Further, nothing in this Act shall be construed as giving authority to the  
20 State to unduly interfere with the legitimate exercise by the parents or the guardians of their  
21 right to discipline a child under their parental authority, custody or guardianship.

22           The penalties provided under this Section shall be meted without prejudice to the  
23 imposition of administrative liability for government officials and employees.

24           SEC. 8. *Special Aggravating Circumstance.* - A person who commits any of the crimes  
25 in the Revised Penal Code or any special law and who is proven to have committed the same

1 motivated by bias, prejudice, or hate based on sex, sexual orientation, or gender identity or  
2 expression, shall suffer the maximum penalty imposed by the Code or the relevant special law  
3 for such prohibited act.

4 *SEC. 9. Redress mechanisms for SOGIE-related cases*

5 A. Inclusion of SOGIE Concerns in All Police Station Activities and Services. – The  
6 Women and Children’s Desks now existing in all police stations shall be renamed as Women,  
7 Children and LGBTQ++ Protection Desk, which shall also act on and attend to  
8 complaints/cases covered by this Act. In this regard, police handling said desks shall undergo  
9 appropriate trainings with human rights-based approach to include among others gender  
10 sensitivity and awareness in proper terminology, dynamics of lesbian, gay, bisexual, and  
11 transgender (LGBT) relationships and hate crime investigations.

12 Complainant-minors can be represented by parents, guardians, or a non-government  
13 organization of good standing and reputation.

14 B. Role of the Commission on Human Rights (CHR) – The CHR shall investigate and  
15 recommend the filing of a complaint against any person violating this Act. If the CHR has  
16 reasonable cause to believe that any person or group of persons is committing acts penalized  
17 in Section 4 of this Act, the CHR shall recommend a legal action in the appropriate prosecutor’s  
18 office or court.

19 The CHR shall also direct the officer concerned to take appropriate action against a  
20 public officer or employee at fault or who neglects to perform an act or discharge a duty  
21 required under this Act, and recommend the revocation of license, removal from office or  
22 employment, suspension, demotion, fine, censure, or prosecution, and ensure compliance  
23 therewith. Refusal by any officer without just cause to act on the recommendation of the CHR  
24 to revoke the license, remove, suspend, demote, fine, censure, or prosecute an officer or



1 employee who is at fault, or who neglects to perform an act or discharge a duty required under  
2 this Act, shall be a ground for disciplinary action against said officer.

3 The CHR shall also document cases of discrimination on the basis of sexual orientation  
4 or gender identity or expression and shall include these documented cases in its annual human  
5 rights report. The Commission shall actively provide recommendations to different branches  
6 of government on how to address and eliminate discrimination on the basis of sexual  
7 orientation or gender identity or expression.

8 SEC. 10. *Government Programs and Policies* – The State shall pursue initiatives and  
9 programs that seek to establish and maintain an environment free of stigma and discrimination.  
10 It shall direct the machinery and resources of the State to promote non-discrimination and shall  
11 encourage other sectors of the society to engage and participate in these efforts. It shall ensure  
12 the implementation of the following programs:

13 A. Social Protection Programs - The national government shall ensure that  
14 communities vulnerable to stigma and discrimination on the basis of sexual  
15 orientation or gender identity or expression are integrated into government-run  
16 social protection programs.

17 B. Diversity Programs and Trainings - All government agencies, including  
18 government-owned and controlled corporations, local government units (LGUs),  
19 private companies, public and private education institutions, and other entities shall  
20 establish diversity programs and shall endeavor to provide or conduct trainings for  
21 their staff, employees, students and trainees, and constituents on human rights,  
22 gender sensitivity and awareness, and sensitization on the issue of violence and  
23 abuse to ensure that human rights violations and violence on the basis of sexual  
24 orientation or gender identity or expression are prevented. Such institutions may  
25 incorporate these activities into existing gender sensitivity and development



1 training programs or school curricula. Finally, the above-listed agencies, companies  
2 and institutions shall create an internal redress mechanism to address cases of  
3 discrimination and develop administrative remedies or sanction for such cases.

4 SEC. 11. *Empowering portrayal of LGBT persons in Media* – The positive and  
5 empowering portrayal of LGBT by media shall be encouraged to counter existing stereotypes  
6 and misconceptions that often lead to discriminatory practices. Towards this end, incentives  
7 and awards shall be provided to programs that defend the human rights of LGBT and contribute  
8 to the empowerment of the LGBT community and its members.

9 SEC. 12. *SOGIE Equality Oversight Committee* - For the effective implementation of  
10 this Act, there shall be created a Congressional Oversight Committee, hereinafter referred to  
11 as the SOGIE Equality Oversight Committee, within sixty (60) days after the enactment of this  
12 Act. The SOGIE Equality Oversight Committee shall be composed of five (5) members each  
13 from the Senate and the House of Representatives, which shall include the Chairpersons of the  
14 Senate Committees on Women, Children, Family Relations and Gender Equality, and of  
15 Justice and Human Rights, and the Chairpersons of the House of Representatives Committees  
16 on Women and Gender Equality, and of Human Rights. The members from the Senate and the  
17 House of Representatives shall be appointed by the Senate President and the Speaker,  
18 respectively, with at least one (1) member representing the minority.

19 The SOGIE Equality Oversight Committee shall be chaired jointly by the Chairpersons  
20 of the Senate Committee on Women, Children, Family Relations and Gender Equality and the  
21 House Committee on Women and Gender Equality. The position of Vice-Chairperson of the  
22 SOGIE Equality Oversight Committee shall be jointly held by the Chairpersons of the Senate  
23 Committee on Justice and Human Rights and the House Committee on Human Rights. The  
24 Secretariat of the SOGIE Equality Committee shall come from the Secretariat personnel of the  
25 Senate and the House of Representatives committees concerned.

1           The SOGIE Equality Oversight Committee shall monitor the compliance of public  
2 institutions to the provisions of this Act. Within three (3) years after the enactment of this Act,  
3 the SOGIE Equality Oversight Committee shall conduct an audit of national and local policies  
4 that discriminate on the basis of sexual orientation or gender identity and expression, and shall  
5 submit a report to Congress, the Office of the President, and the Supreme Court, on this subject.

6           The SOGIE Equality Oversight Committee shall cease to exist six (6) years after its  
7 organization.

8           SEC. 13. *Implementing Rules and Regulations* – Within sixty (60) days from the  
9 effectivity of this Act, the CHR, Department of Justice (DOJ), Civil Service Commission  
10 (CSC), Philippine National Police (PNP), Department of National Defense (DND), National  
11 Youth Commission (NYC), Philippine Commission on Women (PCW), Commission on  
12 Population (POPCOM), Department of Labor and Employment (DOLE), Department of  
13 Education (DepEd), Commission on Higher Education (CHED), Technical Education and  
14 Skills Development Authority (TESDA), Department of Health (DOH), and at least three (3)  
15 civil society organizations (CSOs) with proven expertise and track record on SOGIE concerns,  
16 shall promulgate the necessary rules and regulations for the effective implementation of the  
17 provisions of this Act.

18           SEC. 14. *Separability Clause*. - If any provision of this Act is declared unconstitutional  
19 or otherwise invalid, the validity of the other provisions shall not be affected thereby.

20           SEC. 15. *Repealing Clause*. - All laws, decrees, orders, rules and regulations, or parts  
21 thereof inconsistent with this Act are hereby repealed or modified accordingly.

22           SEC. 16. *Effectivity*. - This Act shall take effect fifteen (15) days after its publication  
23 in the *Official Gazette* or in a newspaper of general circulation.

1 Approved,