

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



**EIGHTEENTH CONGRESS
First Regular Session**

House Bill No. 4092

Introduced by **Hon. RONNIE L. ONG**

EXPLANATORY NOTE

The issue addressed in this bill is simple. Yet the right being protected is as fundamental as any other rights. For how can the transacting public, especially the poor and the persons with disabilities, avail of the numerous rights and privileges they are entitled under existing laws if their mere entrance and access to government offices is denied on the basis of their appearance or clothing?

The issue on discrimination and preventing access on the basis of dress code requirements has permeated government offices despite the existence of various laws. For one, even with the Anti-Red Tape Act in existence for 12 years and an amendment (RA 11032) passed into law last year, the issue still persists even though government transaction systems have been improved and simplified already.

The Magna Carta of the Poor, approved last April 2019, details the fundamental rights of the poor. Yet it does not touch on the issue of discrimination on the basis of appearance or clothing. Hence, poor people have countless tales of having to extend their time in a particular government office or to return another day just because they were prevented access on the basis of the slippers, sandals, sando or informal attire they wear.

This is true even in our own backyard. *Probinsyanos* requesting for congressional assistance have been told time and again that they cannot enter the House of Representatives if they are wearing shorts or slippers and they better buy such stuff at the *ukay ukay* nearby. This despite the fact that they are in dire need of assistance and have less than enough money to spare for these unnecessary things.

Lastly, even with the Magna Carta for Disable Persons in place since 1992, with succeeding amendments to strengthen it, discrimination still happens. One example is the case of Nancy Torrelino Boroc, who despite being born without legs, was prevented by the security guard from entering the BIR office in Calbayog City more than a week ago because she was wearing shorts and not pants.

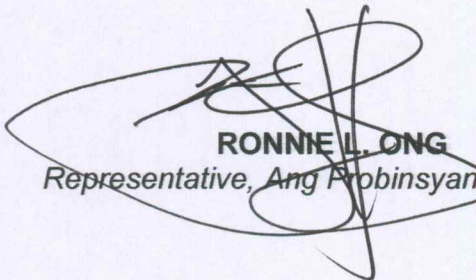
Ms. Boroc stressed that such unfortunate event was not her first time. It usually happens also in other government offices with different people preventing her entrance and access.

Such insensitivity treats the poor and the persons with disabilities as if they are second class citizens. This discrimination, while not capturing headlines, is very rampant and has been happening for a long time already yet no one is listening and no one is paying attention. The hapless *probinsyanos*, who traveled far just to seek help and redress, for the most part, do not also protest such inhumane treatment anymore for the simple reason that they do not have time to complain such things and are more consumed by the thought of how to swiftly receive the assistance they so need for themselves and their families.

It is about time that the government removes the dress code requirements and attitudinal barriers prejudicial to the welfare of our people. This bill promotes the unhindered access of the transacting public, especially the poor and the persons with disabilities, and penalizes discrimination and prevention of access on the basis of appearance or clothing.

It is about time that we make government a government of the people, by the people and for the people.

In view of the foregoing, immediate approval of this bill is immediately sought.



RONNIE L. ONG
Representative, Ang Probinsyano Party-list

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**AN ACT PROHIBITING DISCRIMINATION AGAINST PERSONS, ESPECIALLY
THE POOR AND THE PERSONS WITH DISABILITIES, WITH RESPECT TO
THEIR ACCESS TO GOVERNMENT OFFICES NATIONWIDE ON THE BASIS OF
DRESS CODE, CLOTHING OR APPEARANCE AND PROVIDING PENALTIES
THEREFOR**

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

Section 1. Short Title. This Act shall be known as the "Pro-Poor and PWD
Access to Government Act."

SEC. 2. Declaration of Policy. The State recognizes that the poor and the
persons with disabilities have the same rights as any other people. It is therefore the
policy of the State to exert all efforts to remove social and attitudinal barriers that are
prejudicial to their interests.

Towards this end, the State shall prohibit any discrimination against persons,
especially the poor and the persons with disabilities, on the basis of dress code,
clothing or appearance, thereby preventing their entrance and access to government
offices.

SEC. 3. Unhindered Access to Government Offices Nationwide. All
government offices in all branches of government, including constitutional bodies, local
government units and government-owned and controlled corporations, shall not
prevent any person, especially the poor and the persons with disabilities, to enter and
access government offices on the basis of dress code, clothing or appearance.

Access shall be given to individuals even with informal attire, including those
wearing shorts, slippers, sandals, sandos or sleeveless shirts, except in cases where
the dress code or clothing of the individual, or the lack thereof, contains or shows
vulgarity or lewdness in accordance with generally acceptable standards to be
provided in the Implementing Rules and Regulations.

Nothing in this Act prevents government offices from imposing dress code requirements for their employees, regardless of contractual arrangement, and for private concessionaires or individuals whose services they engaged. Government offices may also inform the public or expected clients in advance of their dress code requirements for upcoming meetings, hearings or consultations but the non-compliance thereof shall not be ground to limit or prevent the latter from entering and accessing the government offices.

Nothing in this Act too prevents government offices from removing other restrictions or barriers that will enable them to promptly receive and respond to the requests, queries or grievances of the transacting public, especially the poor and the persons with disabilities, desiring to enter and access their offices.

SEC. 4. *Limits of Access and Improvement of Government Services.* The unhindered access provided to the transacting public, especially the poor and the persons with disabilities, shall only extend to the premises where the frontline services, reception areas and public affairs or complaints offices are located and shall be subject to reasonable security protocols of government offices.

For this purpose, all government offices in all branches of government, including constitutional bodies, local government units and government-owned and controlled corporations, shall ensure that frontline services or one-stop shop processing of requests, queries or grievances are available at the accessible areas.

SEC. 5. *Outsourced Services.* The responsibility to ensure unhindered access as mandated under this Act extends to private concessionaires providing basic utilities and to private individuals contracted by government offices such as, but not limited to, security guards, clerks, messengers, janitors and drivers.

All government offices are hereby directed to require sensitivity training among its frontline staff, including such private firms or individuals whose services they engage, in order to ensure, at all times, that unhindered access is provided to the transacting public, especially the poor and the persons with disabilities, in compliance with this Act.

SEC. 6. *Penalties.* Any government employee refusing or preventing entry or access to any individual, especially the poor and the persons with disabilities, or refusing to process their requests, queries or grievances, on the basis of dress code, clothing or appearance, shall be penalized as follows:

First Offense - Three (3) months suspension without pay and mandatory attendance in Values Orientation Program and Sensitivity Training;

Second Offense – Six (6) months suspension without pay and mandatory attendance in Values Orientation Program and Sensitivity Training; and

Third Offense – Dismissal and perpetual disqualification from public service.

For private individuals engaged by government offices, who committed the foregoing act, they shall be punished with a fine of not less than twenty thousand pesos

(P20,000.00) but not more than five hundred thousand pesos (P500,000.00), or imprisonment of not less than one (1) month but not more than three (3) months, or both, at the discretion of the court. If the offense is committed by a corporation, trust, firm, partnership or association or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association or entity.

SEC. 7. *Implementing Rules and Regulations.* The Anti-Red Tape Authority, the National Anti-Poverty Commission, the Presidential Commission for the Urban Poor and the National Council For Disability Affairs, in coordination with concerned agencies and private stakeholders, shall formulate the implementing rules and regulations within sixty (60) days after the effectivity of this Act.

SEC. 8. *Suppletory Application.* The Anti-Red Tape Act of 2007, as amended, the Magna Carta of the Poor, the Magna Carta for Disable Persons, as amended, and all other rules and regulations promulgated in relation thereto shall have suppletory application in cases not provided for under this Act.

SEC. 9. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

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 provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 11. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,