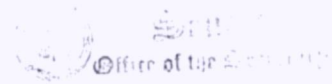


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

'19 JUL 16 A8:58

S. No. 509

RECEIVED BY

Introduced by Senator **PIA S. CAYETANO**

**AN ACT
PROTECTING THE RIGHT OF ATHLETES TO REPRESENT THE PHILIPPINES
AS PART OF THE NATIONAL TEAM AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF**

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."

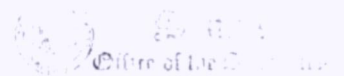
To allow greater access to the untapped pool of gifted individuals and to showcase the talents of Filipino athletes to the world, this bill recognizes their right to try-out, train, and participate in international sports competitions and represent the country as part of the national team.

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.


PIA S. CAYETANO



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*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 “Athletes’ Right to
2 Represent the Philippines Act.”

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

7 Further, Section 19 (1), Article XIV of the Constitution provides that “the State
8 shall promote physical education and encourage sports programs, league
9 competitions, and amateur sports, including training for international competitions,
10 to foster self-discipline, teamwork, and excellence for the development of a healthy
11 and alert citizenry.” To this end, the State shall recognize, protect, and uphold the
12 rights of athletes to represent the country in international sports competitions.

13 Sec. 3. *Coverage.* – The right granted under this Act shall be enjoyed by all
14 Filipino athletes, including those belonging to any athletic association, sports
15 organization or club, whether amateur, semi-professional, or professional.

16 Sec. 4. *Right to Participate in International Competitions.* – It is the right of
17 an eligible athlete to try out, train, and participate in international sports
18 competitions and represent the country as part of the national team.

1 Sec. 5. *Duty of Employers, Educational Institutions, Athletic Associations,*
2 *Sports Organizations and Clubs.* – It is the duty or responsibility of employers,
3 educational institutions, athletic associations, sports organizations and clubs,
4 whether amateur, semi-professional or professional, and their officials to allow an
5 athlete to try out, train, or to participate in international sports competitions:
6 *Provided,* That such decision to represent the country as part of the national team is
7 the athlete's own free will.

8 Sec. 6. *Prohibited Acts.* – Pursuant to the right granted under Section 4 of this
9 Act, it shall be unlawful for any person, natural or juridical, to perform the following
10 acts that directly or indirectly, induce, threaten, or deny an athlete from participating
11 in try outs, training programs, or from representing the country in sports
12 competitions:

13 (a) For an educational institution or school athletic association to:

- 14 1. Refuse to release a student-athlete to the national team to try out,
15 train, or to participate in international sports competitions;
- 16 2. Revoke or withhold the benefits of the scholarship of a student-
17 athlete, without cause, which may include the non-payment of
18 tuition and other miscellaneous fees covered by the scholarship
19 granted, and other monetary and non-monetary benefits;
- 20 3. Give an incomplete grade in subjects which the student-athlete is
21 exempted from by virtue of being a student-athlete;
- 22 4. Mark the student-athlete as absent in class for the duration of the
23 try out, training, or competition: *Provided,* That the student-athlete
24 must not exceed the number of excused absences allowed;
- 25 5. Disallow a student-athlete to attend trainings, practices, and regular
26 games;
- 27 6. Suspend, without cause, a student-athlete from the varsity or
28 school athletic association;
- 29 7. Expel, without cause, a student-athlete from the educational
30 institution or school athletic association; or
- 31 8. Impose other forms of punishment.

1 (b) For national sports association (NSA), amateur sport organization or
2 club to:

- 3 1. Refuse to release any of its athletes to the national team to try out,
4 train, or to participate in international sports competitions;
- 5 2. Withhold, without cause, an athlete's allowances, including
6 monetary and non-monetary benefits;
- 7 3. Disallow an athlete from attending trainings, practices, and regular
8 games;
- 9 4. Suspend, without cause, an athlete from membership in the NSA,
10 sports organization or club;
- 11 5. Expel, without cause, an athlete from the NSA, sports organization
12 or club; or
- 13 6. Impose other forms of punishment.

14 (c) For a professional sports organization, club, or employer to:

- 15 1. Refuse to release any of its employee-athletes to the national team
16 to try out, train, or to participate in international sports
17 competitions;
- 18 2. Withhold, without cause, an employee-athlete's salary, allowances,
19 and benefits;
- 20 3. Disallow an employee-athlete from attending trainings, practices
21 and regular games;
- 22 4. Suspend, without cause, an employee-athlete from membership in
23 the professional organization or club;
- 24 5. Deny an employee-athlete's application for a deserved promotion at
25 work;
- 26 6. Forcibly lay off an employee-athlete from work; or
- 27 7. Impose other forms of punishment.

28 *Sec. 7. Prosecution of Offenses.* – The commission of any of the acts
29 prohibited under Section 6 of this Act shall be prosecuted in the following manner:

30 (a) *Who May File.* – For purposes of this Act, a complaint may be filed
31 by an athlete, an athlete's parent or guardian, the concerned NSAs,

1 or any person or any entity on behalf of an athlete who may be
2 affected by the violation of this Act.

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

- 5 i. Philippines Sports Commission (PSC) – for violations committed in
6 relation to amateur sports and NSAs;
- 7 ii. Games and Amusement Board (GAB) – for violations committed by
8 professional sports organizations or clubs;
- 9 iii. Department of Education (DepEd) or Commission on Higher
10 Education (CHED) – for violations committed by educational
11 institutions and school athletic associations; and
- 12 iv. Department of Labor and Employment (DOLE)- for violations
13 committed in the workplace.

14 (c) Relief. - In case of an unfavourable decision, the complainant may,
15 within fifteen (15) days upon receipt of the decision, file a motion for
16 reconsideration with the same agency, otherwise, the decision shall be
17 final.

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

22 Sec. 8. *Penalties.* – Upon notice and hearing, the PSC, DepEd, CHED, GAB,
23 and DOLE, respectively, may impose a fine ranging from One Hundred Thousand
24 Pesos (P100,000.00) to One Million Pesos (P1,000,000.00) depending on the gravity
25 of the offense, and the suspension of the GAB license or permit, if applicable, for
26 violations of this Act.

27 Availing of remedies under this Act shall not preclude the complainant from
28 seeking further recourse from the courts of law.

29 Sec. 9. *Implementing Rules and Regulations.* – The PSC, GAB, CHED, DepEd,
30 and DOLE, in consultation with athletic associations, NSAs, and the Philippine

1 Olympic Committee, shall issue the implementing rules and regulations of this Act
2 within sixty (60) days after its effectivity.

3 Sec. 10. *Separability Clause.* – If any part or provision of this Act is held
4 invalid or unconstitutional, the other provisions not affected thereby shall remain in
5 full force and effect.

6 Sec. 11. *Repealing Clause.* – All laws, presidential decrees, executive orders,
7 letters of instruction, administrative orders, rules or regulations contrary to or
8 inconsistent with the provisions of this Act are hereby repealed, modified, or
9 amended accordingly.

10 Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
11 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,