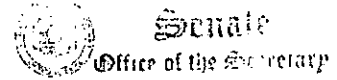


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 DEC -6 P12 :35

SENATE

RECEIVED BY: _____

COMMITTEE REPORT NO. 15

Submitted *jointly* by the Committees on Women, Children, Family
Relations and Gender Equality and Finance on

DEC - 6 2022

RE : S. B. No. 1600 prepared by the Committees

Recommending its approval in substitution of S. B. Nos. 139, 245 and 442.

Sponsor : Senator Risa Hontiveros

MR. PRESIDENT:

The Senate Committee on Women, Children, Family Relations and Gender Equality joint with the Committee on Finance to which were referred S. B. No. 139, introduced by Senator Hontiveros, *entitled:*

**"AN ACT
AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF
SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,
OR SEX CHARACTERISTICS (SOGIESC) AND PROVIDING
PENALTIES THEREFOR",**

S. B. No. 245, introduced by Senator Legarda, *entitled:*

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

S. B. No. 442, introduced by Senator Villar M., *entitled:*

**"AN ACT
PENALIZING DISCRIMINATORY ACTIONS BASED ON GENDER
IDENTITY OR EXPRESSION AND SEXUAL ORIENTATION"**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached S. B. No. 1600, prepared by the Committees, *entitled:*


**"AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF
SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX
CHARACTERISTICS (SOGIESC) AND PROVIDING PENALTIES
THEREFOR"**

be approved in substitution of S. B. Nos. 139, 245 and 442 with Senators Hontiveros, Legarda and Villar M. as authors thereof.


Respectfully submitted:

CHAIRPERSONS:


SEN. SONNY ANGARA
Committee on Finance

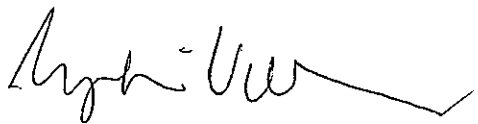

SEN. RISA HONTIVEROS
Committee on Women, Children, Family
Relations and Gender Equality;
Vice Chairperson, Committee on Finance


SENIOR VICE CHAIRPERSONS:

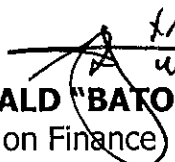

SEN. PIA S. CAYETANO
Committee on Finance;
Member, Committee on Women,
Children, Family Relations and Gender
Equality

SEN. IMEE R. MARCOS
Committee on Finance;
Member, Committee on Women, Children,
Family Relations and Gender Equality

VICE CHAIRPERSONS:


SEN. CYNTHIA A. VILLAR
Committee on Finance;
Member, Committee on Women,
Children, Family Relations and Gender
Equality


SEN. MARIA LOURDES NANCY BINAY
Committee on Women, Children, Family
Relations and Gender Equality;
Committee on Finance


SEN. RONALD "BATO" DELA ROSA
Committee on Finance

SEN. WIN GATCHALIAN
Committee on Finance

*MAY INTERPELLATE
w/ RESERVATION*

small
SEN. GRACE POE

Committee on Finance;
Member, Committee on Women, Children, Family Relations and Gender Equality

SEN. CHRISTOPHER LAWRENCE T. GO

Committee on Finance;
Member, Committee on Women, Children, Family Relations and Gender Equality

will reservation
SEN. MARK VILLAR

Committee on Finance;
Member, Committee on Women, Children, Family Relations and Gender Equality

may amend / interp.
SEN. FRANCIS "TOL" N. TOLENTINO

Committee on Finance

SEN. JOSEPH VICTOR "JV" G. EJERCITO

Committee on Finance;
Member, Committee on Women, Children, Family Relations and Gender Equality

MEMBERS:

Jup
SEN. ROBINHOOD PADILLA

Committees on Women, Children, Family Relations and Gender Equality; and Finance

SEN. RAFFY T. TULFO

Committees on Women, Children, Family Relations and Gender Equality; and Finance

SEN. ALAN PETER "COMPAÑERO" S. CAYETANO

Committee on Finance

SEN. FRANCIS "CHIZ" G. ESCUDERO

Committee on Finance

SEN. MANUEL "LITO" M. LAPID

Committee on Finance

Jinggoy
SEN. JINGGOY EJERCITO ESTRADA

Committee on Finance

Ramon
SEN. RAMON BONG REVILLA, JR.

Committee on Finance

SEN. GRACE POE

Committee on Finance;
Member, Committee on Women, Children, Family Relations and Gender Equality

SEN. CHRISTOPHER LAWRENCE T. GO

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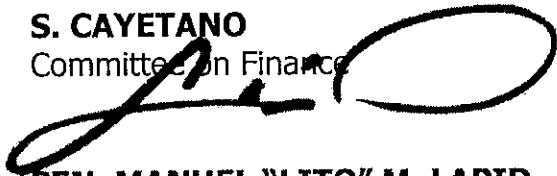


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Committee on Finance

SEN. FRANCIS "CHIZ" G. ESCUDERO

Committee on Finance



SEN. MANUEL "LITO" M. LAPID

Committee on Finance

SEN. JINGGOY EJERCITO ESTRADA

Committee on Finance

SEN. RAMON BONG REVILLA, JR.

Committee on Finance

EX- OFFICIO MEMBERS:

SEN. JOEL VILLANUEVA
Majority Leader

with interpellate
A. Pimentel III
SEN. AQUILINO "KOKO" PIMENTEL III
Minority Leader

SEN. LOREN LEGARDA
Senate President Pro-Tempore
Senior Vice Chairperson, Committee on Finance

SEN. JUAN MIGUEL F. ZUBIRI
Senate President

EX- OFFICIO MEMBERS:

SEN. JOEL VILLANUEVA
Majority Leader

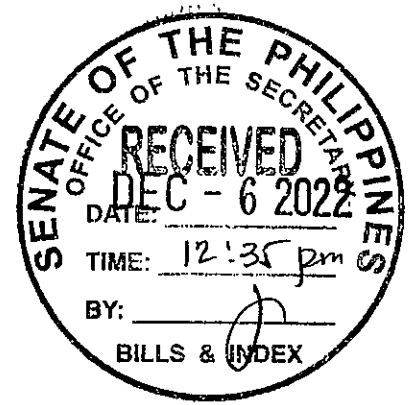
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Senate President Pro-Tempore
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Senate President

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S.B. NO. 1600

(In substitution of Senate Bill Nos. 139, 245 and 442)

Submitted by the Committee on Women, Children, Family Relations and Gender Equality, and Finance, with Senators Hontiveros, Legarda and Villar M. as authors.

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

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "SOGIESC Equality
2 Act".

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

1 Towards this end, the State shall exert efforts to address all forms of
2 discrimination, marginalization and violence on the basis of SOGIESC, and to
3 promote human dignity as enshrined in the United Nations Universal Declaration on
4 Human Rights, the Convention on the Elimination of All Forms of Discrimination
5 Against Women, particularly the General Recommendation No. 28 on Non-
6 discrimination Based on Sexual Orientation and Gender Identity, Convention on the
7 Rights of the Child, International Covenant on Civil and Political Rights, International
8 Covenant on Economic, Social, and Cultural Rights and all other relevant and
9 universally accepted human rights instruments and other international conventions
10 to which the Philippines is a signatory.

11 The State shall likewise provide for mechanisms to offset or address
12 SOGIESC-based disadvantages or limitations, as a result of which persons of diverse
13 SOGIESC are denied or restricted in the recognition and protection of their rights
14 and in their access to and enjoyment of opportunities, benefits, or privileges
15 otherwise available to other persons. The State shall ensure reasonable
16 accommodation in the interpretation of its policies and programs, so that household
17 consisting of couples of diverse SOGIESC are not excluded from economic assistance
18 programs and social protection instruments.

19 Nothing in this Act shall be interpreted to disturb the exercise of parental
20 authority vested on the parent or guardian by the Family Code of the Philippines,
21 provided that such exercise shall be subject to the limitations provided for by law
22 and the rights and the best interests of the child.

23 SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall be
24 defined as follows:

25 A. *Bisexual* refers to a person who has the capacity to form physical,

1 romantic, and/or emotional attractions to those of the same gender or
2 to those of another gender;

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

6 C. *Discrimination* refers to any distinction, exclusion, restriction, or
7 preference which is based on any ground such as sex or SOGIESC, and
8 which has the purpose or effect, whether direct or indirect, of nullifying
9 or impairing the recognition, access to, enjoyment, or exercise by all
10 persons on an equal footing of all rights and freedoms. The actual sex
11 or SOGIESC of the person subjected to discrimination shall not be
12 relevant for the purpose of determining whether an act of
13 discrimination has been committed;

14 *Direct Discrimination* occurs where a person is treated less favorably
15 than another person in the same or comparable circumstances on the
16 ground of their SOGIESC.

17 *Indirect Discrimination* occurs where an apparently neutral condition or
18 requirement is imposed which has the effect of disadvantaging a
19 person of diverse SOGIESC and which is not reasonable in the
20 circumstances.

21 D. *Gay* refers to a person who identifies himself as a man and whose
22 enduring physical, romantic, and/or emotional attractions are to people
23 who also indentifies themselves as men;

- 1 E. *Gender* refers to a set of socially ascribed characteristics, norms, roles,
2 attitudes, values and expectations identifying the social behavior of
3 men and women, and the relations between them;
- 4 F. *Gender Expression* refers to the way a person communicates gender
5 identity to others through behavior, clothing, hairstyles, communication
6 or speech pattern, or body characteristics;
- 7 G. *Gender Identity* refers to a person's innermost concept of self as man,
8 woman, or another non-binary identity which may or may not
9 correspond with their sex or gender assigned at birth;
- 10 H. *Harassment* refers to such unwanted conduct, pattern of conduct, act,
11 or series of acts which tend to annoy, insult, bully, demean, offend,
12 threaten, intimidate, alarm, or create a hostile or emotionally
13 distressing environment, or put a person or group of persons in fear of
14 their safety;
- 15 I. *Hate Crimes* refer to criminal offenses committed against a person or a
16 group of persons, or against such targeted person's or group's honor
17 or property, motivated in whole or in part by the offender's bias
18 against SOGIESC;
- 19 J. *Intersex* refers to people born with the sex characteristics (including
20 genitals, gonads and chromosome patterns) that do not fit typical
21 binary notions of male or female bodies, all of which are natural bodily
22 variations along a spectrum;
- 23 K. *Lesbian* refers to a person who identifies herself as a woman and

1 whose consistent physical, romantic, and/or emotional attractions are
2 to people who also self-identify as women;

3 L. *Marginalization* refers to a condition where a whole category of people
4 is excluded from useful and meaningful participation in political,
5 economic, social, and cultural life;

6 M. *Persons of Diverse SOGIESC* refer to the collective of persons who are
7 man and woman homosexuals (gays and lesbians, respectively),
8 bisexual, transgender, and intersex, among others;

9 N. *Reasonable Accommodation* means necessary and appropriate
10 modification and adjustments not imposing a disproportionate or
11 undue burden, where needed in a particular case, to ensure to persons
12 of diverse SOGIESC, the enjoyment or exercise on an equal basis with
13 others of all human rights and fundamental freedoms;

14 O. *Sex* refers to the civil status of a person acquired by birth having a
15 system of reproduction corresponding to that belonging to either male,
16 female or intersex;

17 P. *Sex Characteristics* refers to a person's physical traits that indicate their
18 biological sex, such as chromosomes, external genitalia, gonads,
19 hormones, and internal reproductive organs. traits present at birth are
20 called primary sex characteristics, whereas those that develop during
21 puberty are called secondary sex characteristics;

22 Q. *Sexual Orientation* refers to the direction of emotional, sexual
23 attraction, or conduct towards people of the same gender (homosexual

1 orientation) or towards people of more than one gender (bisexual
2 orientation), or towards people of different gender (heterosexual
3 orientation) or to the absence of sexual orientation (asexual
4 attraction);

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

9 S. *Transgender* refers to a person whose gender identity does not align
10 with the sex or gender assigned at birth, frequently abbreviated to
11 "Trans".

12 SEC. 4. *Communities Vulnerable to Discrimination and Abuse on the Basis of*
13 *SOGIESC*. - This Act seeks to protect individuals and communities that are at a
14 greater risk of experiencing human rights violations on the basis of SOGIESC,
15 including individuals and communities of diverse SOGIESC who are children, young,
16 poor, differently abled, of different ethnic background, or cultural background, and
17 of various religious belief.

18 For this purpose, discrimination on the grounds of a person's SOGIESC
19 intersecting or compounded by other grounds and factors such as age, racial or
20 ethnic origin, religious belief or activity, political inclination or conviction, social class,
21 economic status, marital or relationship status, disability, HIV status, health status or
22 medical history, language, physical features, or other status shall be considered a
23 discriminatory practice.

24 SEC. 5. *Discriminatory Practices*. - It shall be unlawful for any person, natural

1 or juridical, to engage in discrimination as defined in this Act, which shall include:

2 A. Including SOGIESC, as well as the mandatory disclosure of one's SOGIESC, in
3 the criteria for hiring, promotion, transfer, designation, work assignment,
4 reassignment, dismissal of workers, and other human resource movement
5 and action, performance review, and in the determination of employee
6 compensation, access to career development opportunities, training, and
7 other learning and development interventions, incentives, privileges, benefits
8 or allowances, and other terms and conditions of employment: *Provided*, that
9 this provision shall apply to employment and skills training in both the private
10 and public sectors, including military, police, and other similar services:
11 *Provided further*, that this prohibition shall likewise apply to the contracting
12 and engaging of the services of juridical persons; *Provided finally*, that
13 nothing in this paragraph shall be construed as preventing employers or
14 contractors from setting criteria or standards germane to the work involved
15 and the services required.

16 B. Refusing admission or expelling a person from any educational or training
17 institution open to the general public, including police and military academies
18 or training institutions, on the basis of SOGIESC, including discriminating
19 against a student or trainee due to the SOGIESC of the student's parents or
20 guardian, court-appointed or otherwise; *Provided*, that nothing in this section
21 shall be construed as violating the right of these institutions to academic and
22 religious freedom subject to legitimate restrictions provided by the
23 Constitution and other laws; *Provided further*, that in all cases, the rights and
24 best interests of the child shall be paramount.

- 1 C. Imposing disciplinary sanctions, penalties harsher than customary or similar
2 punishments, requirements, restrictions or prohibitions that infringe on the
3 rights of the students on the basis of SOGIESC, including discriminating
4 against a student or trainee due to the SOGIESC of the student's parents or
5 guardian, court-appointed or otherwise; *Provided*, that nothing in this section
6 shall be construed as violating the right of these institutions to academic and
7 religious freedom subject to legitimate restrictions provided by the
8 Constitution and other laws; *Provided further*, that in all cases, the rights best
9 interests of the child shall be paramount;
- 10 D. Refusing or revoking the accreditation, formal recognition, registration or plan
11 to organize of any organization, group, political party, institution, or
12 establishment solely on the basis of the SOGIESC of their members or of their
13 target constituencies;
- 14 E. Denying a person access to emergency and/or necessary health services open
15 to the general public on the basis of such person's SOGIESC;
- 16 F. Subjecting a person deprived of liberty to extortion, physical, verbal abuse, or
17 sexual abuse, and cruel and degrading punishment, because of their
18 SOGIESC;
- 19 G. Subjecting or forcing a child to undertake any medical or psychological
20 examination or procedures, invasive or non-invasive, western or traditional, to
21 determine or alter, or both, their SOGIESC;
- 22 H. Preventing a child under parental authority, custody, or guardianship,
23 whether court appointment or otherwise, from exhibiting or expressing one's
24 sexual orientation or gender identity; or manifesting rejection of such child's

1 SOGIESC by inflicting or threatening to inflict physical harm or emotional
2 suffering against the child through intimidation, harassment, public ridicule or
3 humiliation, repeated verbal abuse, or committing any act or omission
4 prejudicial to the welfare and interest of the child as a result of the bias
5 against the SOGIESC of the child;

6 I. Denying access to public services to any person on the basis of SOGIESC;

7 J. Denying an application for or revoking a professional or other similar kind of
8 license, clearance, certification, or any other similar document, issued by the
9 government due to the applicant's SOGIESC;

10 K. 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
12 SOGIESC: Provided, that the act of giving inferior accommodations or services
13 shall be considered a denial of access or use of such facility or service;

14 L. Subjecting any person or groups to unwarranted investigatory activities on
15 the basis of their SOGIESC or presumptions about their SOGIESC, including
16 the conduct of unnecessary and degrading searches to determine whether
17 such person or group is engaged in an activity presumed to be unlawful,
18 immoral, or socially unacceptable, *Provided*, that nothing in this bill shall
19 prevent the conduct of legitimate law enforcement activities or operations;

20 SEC. 6. *Privacy Rights.* - No person shall be burdened, prejudiced, or
21 prosecuted by reason of the exercise of the right to personal privacy, unless it can
22 be shown that there is a compelling reason or interest justifying the infringement of
23 said constitutional right, and there is no other less restrictive means to achieve said

1 reason or interest.

2 **SEC. 7. *Administrative Sanctions.*** - Refusal of a government official or
3 employee or those involved in the enforcement of law whose duty it is to implement
4 any part of this act, investigate, prosecute, or otherwise act on a complaint for a
5 violation of this Act or causing unreasonable delay to perform such a duty without a
6 valid ground shall constitute gross negligence on the part of the official who shall
7 suffer the appropriate penalty under civil service laws, rules and regulations.

8 **SEC. 8. *Penalties.*** – Discriminatory practices under Section 5 of this Act shall be
9 penalized as follows:

10 (a) For acts falling under Section 5 (a), (b), (c) and (d) of this Act, the penalty
11 shall be a fine of not less than One Hundred Thousand Pesos (Php
12 100,000.00), but not more than Two Hundred Fifty Thousand Pesos (Php
13 250,000.00), or imprisonment of not less than one year, but not more than
14 six (6) years, subject to the discretion of the court;

15 (b) For acts falling under Section 5 (e) of this Act, the penalty shall be a fine of
16 not less than One Hundred Thousand Pesos (Php 100,000.00), but not more
17 than Three Hundred Thousand Pesos (Php 300,000.00), or imprisonment of
18 not less than six months, but not more than two (2) years and four (4)
19 months, or both at the discretion of the court; *Provided*, that in the event of
20 death or permanent disability of the patient-complainant proceeding from the
21 denial of medical treatment, the maximum penalty shall be imposed; *Provided*
22 *further*, that if the discriminatory act is committed by a physician, such shall
23 also be ground for the suspension or revocation of their license or registration
24 certificate;

25 (c) For acts under Section 5(f) of this Act, the penalty shall be a fine of not less
26 than One Hundred Thousand Pesos (Php 100,000.00), but not more than Two

1 Hundred Fifty Thousand Pesos (Php 250,000.00), and imprisonment of not
2 less than one year, but not more than six (6) years, *Provided*, that this is
3 without prejudice to the provisions of Republic Act No. 9745 or the Anti-
4 Torture Act, which designates torture as a separate and independent crime;

5 (d) For acts falling under Section 5(g), the penalty shall be a fine of Ten
6 Thousand Pesos or imprisonment of eleven (11) to thirty (30) days, *Provided*,
7 that if the act is committed by a medical practitioner, such shall also be
8 ground for the suspension or revocation of their registration certificate;

9 (e) For acts falling under Section(h), the same shall be shall be penalized with the
10 same penalty as the prohibited act/s under Republic Act No. 7610 or the
11 "Special Protection of Children Against Abuse, Exploitation and Discrimination
12 Act" to which they may are analogous.

13 (f) For all other acts under Section 5-

- 14 • The first offense shall be punished by a fine of Five Thousand Pesos (PhP
15 5,000.00) and community service of twelve (12) hours inclusive of
16 attendance to a Gender Sensitivity Seminar to be conducted by the
17 Commission on Human Rights;
- 18 • The second offense shall be punished by a fine of Fifteen Thousand Pesos
19 (PhP 15,000.00) or imprisonment of eleven (11) to thirty (30) days;
- 20 • The third offense shall be punished by a fine of Thirty Thousand Pesos
21 (PhP 30,000.00) and imprisonment of one month and one day (1 month
22 and 1 day) to six (6) months.

23 If the discriminatory practice is committed by a corporation, trust, firm,
24 partnership, association or other entities, the penalty of a fine of not less than Two
25 Hundred Fifty Thousand Pesos (Php 250,000.00) but not more than Five Hundred
26 Thousand Pesos (Php 500,000.00) or imprisonment of not less than six (6) years

1 but not more than twelve (12) years, subject to the discretion of the court, shall be
2 imposed upon the guilty officials, officers, or employees without prejudice to the
3 civil liabilities of the entity arising from the criminal offense; Provided that, in case
4 of repeated commission of discriminatory practices, the offender's license to
5 operate shall be revoked.

6 Nothing in this Act shall preclude the victim from instituting a separate and
7 independent action for damages and other affirmative reliefs.

8 The penalties provided under this Sec shall be without prejudice to the imposition of
9 administrative liability for government officials and employees.

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

12 Acts that are legitimate and long-standing expressions of indigenous culture and
13 tradition shall not be penalized, provided that they do not violate the human rights
14 of others.

15 SEC. 9. *Special Aggravating Circumstance.* - if any civil, criminal, or
16 administrative offense, not falling under this Act, is committed and proven to be
17 motivated by bias, prejudice, or hate based on SOGIESC, said offense shall be
18 aggravated and the corresponding penalty provided thereto shall be imposed in its
19 maximum.

20 SEC. 10. *Redress Mechanisms for SOGIE-related cases.*

21 A. *Inclusion of SOGIE Concerns in All Police Station Activities and*
22 *Services.* - The Women and Children's Desks now existing in all police

1 stations shall be renamed as Women, Children and Persons of Diverse
2 SOGIESC Protection Desk, which shall also act on and attend to
3 complaints/cases covered by this Act. In this regard, police handling
4 said desks shall undergo appropriate trainings with human rights-based
5 approach to include among others gender sensitivity and awareness in
6 proper terminology and in the dynamics of relationships existing
7 between persons of diverse SOGIESC as applied in hate crime
8 investigations, case handlings, and case documentations.

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

11 B. *Role of the Civil Service Commission* - In appropriate cases, the Civil
12 Service Commission (CSC) shall, by regulation, require government
13 establishments, including government-owned and controlled
14 corporations and financial institutions to establish a grievance
15 mechanism to address discriminatory practices in the workplace and in
16 the provision of services to the public. For this purpose, failure or delay
17 in establishing a grievance mechanism shall be a ground for the
18 imposition of an administrative fine as may be prescribed by the CSC.

19 C. *Role of the Department of Labor and Employment* - In appropriate
20 cases, the Department of Labor and Employment (DOLE) shall, by
21 regulation, require private establishments to establish a grievance
22 mechanism to address discriminatory practices committed in the
23 workplace and in the provision of services to the public. For this
24 purpose, failure or delay in establishing a grievance mechanism shall
25 be a ground for the imposition of an administrative fine as may be
26 prescribed by the DOLE.

1
2 D. *Role of the Commission on Human Rights (CHR).* - The CHR shall
3 investigate and recommend the filing of a complaint against any
4 person violating this Act. If the CHR has reasonable cause to believe
5 that any person or group of persons is committing acts penalized in
6 Section 5 of this Act, the CHR shall recommend a legal action in the
7 appropriate prosecutor's office or court.

8 The CHR shall also direct the officer concerned to take appropriate
9 action against a public officer or employee at fault or who neglects to
10 perform an act or discharge a duty required under this Act, and
11 recommend the revocation of license, removal from office or
12 employment, suspension, demotion, fine, censure, or prosecution, and
13 ensure compliance therewith. the refusal or delay in the compliance
14 with the directive of the chr, without valid cause, to revoke the license,
15 remove, suspend, demote, fine, censure, or prosecute an officer or
16 employee who is at fault, or who neglects to perform an act or
17 discharge a duty required under this Act, shall be a ground for
18 disciplinary action against said officer.

19 The CHR shall also document cases of discrimination on the basis of
20 SOGIESC and shall include these documented cases in its annual
21 human rights report. The Commission shall actively provide
22 recommendations to different branches of government on how to
23 address and eliminate discrimination on the basis of SOGIESC.

24 SEC. 11. *Government Programs and Policies.* - The State shall pursue
25 initiatives and programs that seek to establish and maintain an environment free of
26 stigma and discrimination. It shall direct the machinery and resources of the State to

1 promote non-discrimination and shall encourage other sectors of the society to
2 engage and participate in these efforts.

3 Towards this end, the Council, shall, by rules and regulations, develop,
4 prescribe and administer incentive and award scheme to encourage public and
5 private establishments to provide programs that defend the human rights of persons
6 of diverse SOGIESC and contribute to their empowerment.

7 The State shall ensure the implementation of the following programs:

8 A. *Social Protection Programs (SPP)*. - The national government shall
9 ensure that communities vulnerable to stigma and discrimination on
10 the basis of SOGIESC are integrated into government-run social
11 protection programs.

12 B. *Diversity and Inclusion Programs and Trainings (DIPT)*. - All
13 government agencies, including government-owned and controlled
14 corporations, local government units (LGUs), private companies, public
15 and private educational institutions, and other entities, whether public
16 or private, shall establish diversity and inclusion programs and shall
17 endeavor to provide or conduct trainings for their staff, employees,
18 students and trainees, and constituents on human rights, gender
19 sensitivity and awareness, and sensitization on the issue of violence
20 and abuse to ensure that human rights violations and violence on the
21 basis of SOGIESC are prevented. Such institutions may incorporate
22 these activities into existing gender sensitivity and development
23 training programs or school curricula. Finally, the above-listed
24 agencies, companies and institutions shall create an internal redress
25 mechanism to address cases of discrimination and develop

1 administrative remedies or sanctions for such cases.

2 C. *Information and Education Campaign (IEC)*. - All government agencies
3 and instrumentalities are mandated to develop and implement
4 SOGIESC-specific gender sensitivity education and information
5 dissemination. They shall endeavor to produce and publish information
6 and education campaign materials on gender and human rights.

7 SEC. 12. *Empowering Portrayal of Persons of Diverse SOGIESC in Media*. -

8 The positive and empowering portrayal of persons of diverse SOGIESC by media
9 shall be encouraged to counter existing stereotypes and misconceptions that often
10 lead to discriminatory practices. Towards this end, incentive and award scheme shall
11 be provided to programs that defend the human rights of persons of diverse
12 SOGIESC and contribute to their empowerment, pursuant to Sec. 11 of this Act.

13 SEC. 13. *SOGIESC Congressional Oversight Committee*. - For the effective

14 implementation of this Act, there shall be created a Congressional Oversight
15 Committee, hereinafter referred to as the SOGIESC Equality Congressional Oversight
16 Committee (SECOC), within sixty (60) days after the enactment of this Act. The
17 SECOC shall be composed of five (5) members each from the Senate and the House
18 of Representatives, which shall include the Chair of the Senate Committees on
19 Women, Children, Family Relations and Gender Equality, and of Justice and Human
20 Rights, and the Chair of the House of Representatives Committees on Women and
21 Gender Equality, and of Human Rights. The members from the Senate and the
22 House of Representatives shall be appointed by the Senate President and the
23 Speaker, respectively, with at least one (1) member representing the minority.

24 The SECOC shall be chaired jointly by the Chair of the Senate Committee on
25 Women, Children, Family Relations and Gender Equality and the House Committee

1 on Women and Gender Equality. The position of Vice-Chair of the SECOC shall be
2 jointly held by the Chair of the Senate Committee on Justice and Human Rights and
3 the House Committee on Human Rights. The Secretariat of the SECOC shall come
4 from the Secretariat personnel of the Senate and the House of Representatives
5 concerned.

6 The SECOC shall monitor the compliance of public institutions to the
7 provisions of this Act. Within three (3) years after the enactment of this Act, the
8 SECOC shall conduct an audit of national and local policies that discriminate on the
9 basis of SOGIESC, and shall submit a report to Congress, the Office of the President,
10 and the Supreme Court, on this subject.

11 The SECOC shall cease to exist ten years after its organization.

12 SEC. 14. *Inter-Agency Council on SOGIESC Equality.* - In pursuance of the
13 abovementioned government programs and policies, there is hereby established an
14 Inter-agency Council on SOGIESC Equality, hereinafter known as the Council, which
15 shall be composed of the following agencies and organizations:

- 16 A. Commission on Human Rights (CHR);
- 17 B. Department of Justice (DOJ);
- 18 C. Civil Service Commission (CSC);
- 19 D. Philippine National Police (PNP);
- 20 E. Department of Information and Communications Technology (DICT);
- 21 F. National Youth Commission (NYC);
- 22 G. Philippine Commission on Women (PCW);
- 23 H. Commission on Population (POPCOM);
- 24 I. Department of Labor and Employment (DOLE);
- 25 J. Department of Education (DepEd);
- 26 K. Commission on Higher Education (CHED);

- 1 L. Technical Education and Skills Development Authority (TESDA);
- 2 M. Department of Health (DOH);
- 3 N. Department of Social Welfare and Development (DSWD); and
- 4 O. At least three (3) representatives from Civil Society Organizations
- 5 (CSOs) with proven expertise and track record on SOGIESC concerns.

6 The Chair of the CHR shall be the permanent Chair of the Council, and the
7 Secretary of Justice as its permanent Vice-Chair. The Council members may
8 designate their permanent representative who shall have a rank not lower than an
9 Assistant Secretary or its equivalent, and shall receive emoluments as may be
10 determined by the Council in accordance with existing budget and accounting rules
11 and regulations.

12 The CSOs forming part of the Council shall be identified by the government
13 agency representatives of the Council. The representatives of the CSOs shall serve
14 for a term of three (3) years renewable at the discretion of the Chair upon
15 recommendation of the council for a maximum of two (2) consecutive terms.

16 The Council shall meet at least once every quarter. The presence of the Chair
17 or the Vice-Chair of the Council, and at least ten (10) other representatives of the
18 Council members shall constitute a quorum to do business, and a majority vote of
19 those present shall be sufficient to pass resolutions or render decisions.

20 SEC. 15. *Powers and Functions of the Council.* - The Council shall have the
21 following powers and functions:

- 22 A. Develop DIPTs and IECs for the national government;
- 23 B. Provide overall direction to the DIPTs, and IECs of the national

1 government, and guidance and technical assistance to agencies in the
2 implementation of the DIPTs, IECs, and SPPs in their respective
3 agencies;

4 C. Encourage LGUs to issue ordinances promoting DIPTs and IECs within
5 their respective jurisdictions;

6 D. Ensure that branches, departments, bureaus, offices, agencies and
7 instrumentalities of the government, including GOCCs, SUCs and LGUs,
8 undertake appropriate measures, subject to existing laws, rules and
9 issuances, relative to the violation of non-discrimination laws or
10 issuances, and/or filing of appropriate action against erring persons;

11 E. Establish a system for monitoring the progress of branches,
12 departments, bureaus, offices, agencies and instrumentalities of the
13 government, including GOCCs, SUCs and LGUs, in the implementation
14 of DIPTs, IECs and SSPs;

15 F. Enlist the support and assistance of other government agencies and
16 instrumentalities in the attainment of the objectives of Sec. 10 of this
17 Act; and

18 G. Submit to the SEOC regular reports on the progress of the
19 implementation of this Act, highlighting the impact thereof on the
20 status and human rights of persons of diverse SOGIESC and
21 recommend possible legislation to address gaps in existing laws.

22 SEC. 16. *Secretariat to the Council.* - The Commission on Human Rights shall
23 establish the necessary Secretariat for the Council consisting of personnel with the

1 necessary technical expertise and capacity that shall be conferred permanent
2 appointments, subject to civil service rules and regulations. The Secretariat shall be
3 headed by an Executive Director who shall be under the direct supervision of the
4 Chair of the Council.

5 The secretariat shall perform the following functions:

- 6 A. Coordinate and manage the day-to-day affairs of the Council;
- 7 B. Assist in the formulation, monitoring, and evaluation of DIPTs, and
8 IECs;
- 9 C. Provide technical assistance, support and advisory services to the
10 Council and its external partners;
- 11 D. Assist the Council in identifying and building internal and external
12 networks and partnerships;
- 13 E. Coordinate and support the efforts of the Council and its members to
14 mobilize resources; and
- 15 F. Provide administrative support to the Council.

16 SEC. 17. *Appropriations.* - Such amounts as may be necessary for the
17 implementation of this Act shall be indicated under the annual General
18 Appropriations Act (GAA). National and local government agencies shall be
19 authorized to utilize their mandatory gender and development (GAD) budget. In
20 addition, LGUs may also use their mandatory twenty percent (20%) allocation of the
21 annual internal revenue allotments for local development projects as provided under
22 SSection 287 of Republic Act No. 7160, otherwise known as the "Local Government
23 Code of 1991".

24 SEC. 18. *Implementing Rules and Regulations.* - Within sixty (60) days from
25 the effectivity of this Act, the Council shall promulgate the necessary rules and

1 regulations for the effective implementation of the provisions of this Act. Thereafter,
2 this act shall be fully implemented with or without the IRR.

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

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

9 SEC. 21. *Effectivity.* - This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or in a newspaper of general circulation.

11 *Approved,*