

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

COMMITTEE REPORT NO. 101

Submitted by the Committee on Women & Gender Equality on FEB 07 2017

Re: House Bill No. 4982

Recommending its approval in substitution of House Bills Numbered 00051, 00267, 00949, 01034, 01108, 01451, 01854, 03245, 03555, 03701 and 04414

Sponsors: Representatives Emmeline Y. Aglipay-Villar, Kaka J. Bag-ao, and Geraldine B. Roman

Mr. Speaker:

The Committee on Women and Gender Equality to which were referred House Bill No. 00051, introduced by Representative Kaka J. Bag-ao, entitled:

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY (SOGI)
AND PROVIDING PENALTIES THEREFOR;

House Bill No. 00267, introduced by Representative Geraldine B. Roman, entitled:

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY (SOGI)
AND PROVIDING PENALTIES THEREFOR;

House Bill No. 00949, introduced by Representative Rosenda Ann M. Ocampo, entitled:

AN ACT
DEFINING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY AND
PROVIDING PENALTIES THEREFOR;

House Bill No. 01034 introduced by Representative Winston "Winnie" Castelo, entitled:

AN ACT
PROSCRIBING DISCRIMINATION AGAINST MEMBERS OF THE LGBT COMMUNITY AND
PRESCRIBING PENALTIES THEREFOR;

House Bill No. 01108, introduced by Representative Teddy Brawner Baguilat, Jr., entitled:

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY (SOGI)
AND PROVIDING PENALTIES THEREFOR;

House Bill No. 01451, introduced by Representative Salvador B. Belaro, Jr., entitled:

AN ACT
PROHIBITING DISCRIMINATION OF TEACHERS WHO ARE UNWED MOTHERS, SINGLE PARENTS
AND MEMBERS OF THE LGBT COMMUNITY;

House Bill No. 01854, introduced by Representative Sol Aragonés, entitled:

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY,
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES;

House Bill No. 03245, introduced by Representative Linabelle Ruth R. Villarica, entitled:

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY (SOGI)
AND PROVIDING PENALTIES THEREFOR;

House Bill No. 03555, introduced by Representative Tomasito S. Villarin, entitled:

AN ACT
PROHIBING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY AND
PROVIDING PENALTIES THEREFOR;

House Bill No. 3701, introduced by Representative Emmeline Y. Aglipay-Villar, entitled:

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY
AND PROVIDING PENALTIES THEREFOR;

and House Bill No. 4414, introduced by Rep. Carlos Isagani T. Zarate, entitled:

AN ACT
DEFINING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY AND
PROVIDING PENALTIES THEREFOR

has considered the same and recommends that the attached House Bill No. 4982, entitled:

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

be approved in substitution of House Bills Numbered 00051, 00267, 00949, 01034, 01108, 01451, 01854, 03245, 03555, 03701 and 04414 with Representatives Kaka J. Bag-ao, Geraldine B. Roman, Rosenda Ann M. Ocampo, Winston "Winnie" Castelo, Teddy Brawner Baguilat, Jr., Salvador B. Belaro, Jr., Sol Aragonés, Linabelle Ruth R. Villarica, Tomasito S. Villarin, Emmeline Y. Aglipay-Villar, Carlos Isagani T. Zarate, Christopher de Venecia, Henedina R. Abad, Henry C. Ong, Jorge "Bolet" Banal, Arthur R. Defensor, Jr., Victoria Isabel G. Noel, Sharon S. Garin, Nancy A. Catamco, Raul "Boboy" C. Tupas, Gabriel H. Bordado, Jr., Jose Christopher Y. Belmonte, Xavier Jesus D. Romualdo, Lawrence H. Fortun, Sitti Djalia A. Turabin-Hataman, Ma. Lourdes Acosta-Alba, Mercedes K. Alvarez, Yedda Marie K. Romualdez, Juliet Marie D. Ferrer, Cristal L. Bagatsing, Cristina "Chiqui" Roa-Puno, Lorna C. Silverio, Aileen C. Radaza, Lorna P. Bautista-Bandigan, Michelle M. Antonio, Ma. Lourdes R. Aggabao, Ann K. Hofer, Jose Antonio "Kuya Jonathan" R. Sy-Alvarado, Rogelio "Ruel" D. Pacquiao, Arlene B. Arcillas, Gwendolyn F. Garcia, Len B. Alonte-Naguiat, Jennifer Austria Barzaga, Edgar Mary S. Sarmiento, John Marvin "Yul Servo" C. Nieto,

Aniceto "John" D. Bertiz, III, Juan Pablo Bondoc, Raul A. Daza, Cheryl P. Deloso-Montalla, Edward Vera Perez Maceda, Ana Cristina Siquian Go, Vilma Santos-Recto, Benhur L. Salimbangon, Romero Quimbo, Alfred D. Vargas, Tricia Nicole Q. Velasco-Catera, Arnolfo "Arnie" A. Teves, Jr., Eric L. Olivarez, Rodolfo T. Albano III, Joel Mayo Z. Almario, Jorge T. Almonte, Isagani S. Amatong, Rolando G. Andaya, Jr., Bellaflor J. Angara-Castillo, Rozzano Rufino B. Biazon, Emmanuel A. Billones, Lianda B. Bolilia, Anthony M. Bravo, Ph.D., Mercedes "Didi" C. Cagas, Peter John D. Calderon, Wilfredo S. Caminero, Sabiniano S. Canama, Fredenil "Fred" H. Castro, Arnel M. Cerafica, Cecilia Leonila V. Chavez, Ma. Theresa V. Collantes, Jonas C. Cortes, Julieta R. Cortuna, Leo Rafael M. Cueva, Raul V. del Mar, Mohamad Khalid Q. Dimaporo, Ramon "Red" H. Durano VI, Anna Katrina "Trina" M. Enverga, Edgar R. Erice, Sandra Y. Eriguel, M.D., Bayani F. Fernando, Antonio R. Floirendo, Jr., Florencio T. Flores, Jr., M.D., Wes Gatchalian, Fernando V. Gonzalez, Arcadio H. Gorriceta, Gerald Anthony "Samsam" V. Gullas, Jr., Bernadette "BH" Herrera-Dy, Elisa "Olga" Kho, Glona G. Labadlabad, Virgilio S. Lacson, Dennis C. Laogan, Carmelo "Jon" B. Lazatin II, Benhur B. Lopez, Jr., Carlo V. Lopez, Manuel Luis T. Lopez, Jesulito "Jess" A. Manalo, Carlito S. Marquez, Eric M. Martinez, Alejandro Y. Mirasol, Jericho Jonas B. Nograles, Henry S. Oaminal, Pablo C. Ortega, Vini Nola A. Ortega, Marisol C. Panotes, Isidro S. Rodriguez, Jr., Michael L. Romero, PhD., Ron P. Salo, Orestes C. Salon, Josephine Ramirez-Sato, Deogracias Victor "DV" B. Savellano, Frederick W. Siao, Eric D. Singson, Tobias "Toby" M. Tiangco, Antonio L. Tinio, Alberto T. Ungab, Juliette T. Uy, Rolando Uy, Pantaleon D. Alvarez, Pedro B. Acharon, Jr., Teodoro "Ted" G. Montoro, Anna Marie Villaraza-Suarez, Manuel Monsour T. del Rosario III, Edcel C. Lagman, Ma. Lucille L. Nava, M.D., Carlos Roman Uybareta, Jerry B. Treñas, Rene L. Relampagos, Manuel Jose "Mannix" Dalipe, Jose T. Panganiban, Jr., CPA, LLB, Pia S. Cayetano, Joseph Sto. Niño B. Bernos, Emmi A. de Jesus, Arlene D. Brosas, Micaela S. Violago, Roger G. Mercado, France L. Castro, Estrellita B. Suansing and Rodolfo C. Fariñas as authors thereof.

Respectfully submitted:



EMMELINE Y. AGLIPAY-VILLAR

Chairperson

Committee on Women and Gender Equality

HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4982**

(In Substitution of House Bills Numbered 51, 267, 949, 1034, 1108, 1451, 1854,
3245, 3555, 3701, and 4414)

Introduced by Representatives Kaka J. Bag-ao, Geraldine B. Roman, Rosenda Ann M. Ocampo, Winston "Winnie" Castelo, Teddy Brawner Baguilat, Jr., Salvador B. Belaro, Jr., Sol Aragones, Linabelle Ruth R. Villarica, Tomasito S. Villarin, Emmeline Y. Aglipay-Villar, Carlos Isagani T. Zarate, Christopher de Venecia, Henedina R. Abad, Henry C. Ong, Jorge "Bolet" Banal, Arthur R. Defensor, Jr., Victoria Isabel G. Noel, Sharon S. Garin, Nancy A. Catamco, Raul "Boboy" C. Tupas, Gabriel H. Bordado, Jr., Jose Christopher Y. Belmonte, Xavier Jesus D. Romualdo, Lawrence H. Fortun, Sitti Djalila A. Turabin-Hataman, Ma. Lourdes Acosta-Alba, Mercedes K. Alvarez, Yedda Marie K. Romualdez, Juliet Marie D. Ferrer, Cristal L. Bagatsing, Cristina "Chiqui" Roa-Puno, Lorna C. Silverio, Aileen C. Radaza, Lorna P. Bautista-Bandigan, Michelle M. Antonio, Ma. Lourdes R. Aggabao, Ann K. Hofer, Jose Antonio "Kuya Jonathan" R. Sy-Alvarado, Rogelio "Ruel" D. Pacquiao, Arlene B. Arcillas, Gwendolyn F. Garcia, Len B. Alonte-Naguiat, Jennifer Austria Barzaga, Edgar Mary S. Sarmiento, John Marvin "Yul Servo" C. Nieto, Aniceto "John" D. Bertiz, III, Juan Pablo Bondoc, Raul A. Daza, Cheryl P. Deloso-Montalla, Edward Vera Perez Maceda, Ana Cristina Siquian Go, Vilma Santos-Recto, Benhur L. Salimbangon, Romero Quimbo, Alfred D. Vargas, Tricia Nicole Q. Velasco-Catera, Arnolfo "Arnie" A. Teves, Jr., Eric L. Olivarez, Rodolfo T. Albano III, Joel Mayo Z. Almario, Jorge T. Almonte, Isagani S. Amatong, Rolando G. Andaya, Jr., Bellaflor J. Angara-Castillo, Rozzano Rufino B. Biazon, Emmanuel A. Billones, Lianda B. Bolilia, Anthony M. Bravo, Ph.D., Mercedes "Didi" C. Cagas, Peter John D. Calderon, Wilfredo S. Caminero, Sabiniano S. Canama, Fredenil "Fred" H. Castro, Arnel M. Cerafica, Cecilia Leonila V. Chavez, Ma. Theresa V. Collantes, Jonas C. Cortes, Julieta R. Cortuna, Leo Rafael M. Cueva, Raul V. del Mar, Mohamad Khalid Q. Dimaporo, Ramon "Red" H. Durano VI, Anna Katrina "Trina" M. Enverga, Edgar R. Erice, Sandra Y. Eriguel, M.D., Bayani F. Fernando, Antonio R. Floirendo, Jr., Florencio T. Flores, Jr., M.D., Wes Gatchalian, Fernando V. Gonzalez, Arcadio H. Gorriceta, Gerald Anthony "Samsam" V. Gullas, Jr., Bernadette "BH" Herrera-Dy, Elisa "Olga" Kho, Glona G. Labadlabad, Virgilio S. Lacson, Dennis C. Laogan, Carmelo "Jon" B. Lazatin II, Benhur B. Lopez, Jr., Carlo V. Lopez, Manuel Luis T. Lopez, Jesulito "Jess" A. Manalo, Carlito S. Marquez, Eric M. Martinez, Alejandro Y. Mirasol, Jericho Jonas B. Nograles, Henry S. Oaminal, Pablo C. Ortega, Vini Nola A. Ortega, Marisol C. Panotes, Isidro S. Rodriguez, Jr., Michael L. Romero, Ph.D., Ron P. Salo, Orestes C. Salon, Josephine Ramirez-Sato, Deogracias Victor "DV" B. Savellano, Frederick W. Siao, Eric D. Singson, Tobias "Toby" M. Tiangco, Antonio L. Tinio, Alberto T. Ungab, Juliette T. Uy, Rolando Uy, Pantaleon D. Alvarez, Pedro B. Acharon, Jr., Teodoro "Ted" G. Montoro, Anna Marie Villaraza-Suarez, Manuel Monsour T. del Rosario III, Edcel C. Lagman, Ma. Lucille L. Nava, M.D., Carlos Roman Uybareta, Jerry B. Treñas, Rene L. Relampagos, Manuel Jose "Mannix" Dalipe, Jose T. Panganiban, Jr., CPA, LLB, Pia S. Cayetano, Joseph Sto. Niño B. Bernos, Emmi A. de Jesus, Arlene D. Brosas, Micaela S. Violago, Roger G. Mercado, France L. Castro, Estrellita B. Suansing and Rodolfo C. Fariñas

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

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

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

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

11 c. *Gender Expression* refers to the way a person communicates gender identity
12 to others through behavior, clothing, hairstyles, communication or speech pattern, or body
13 characteristics;

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

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

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

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

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

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

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

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

17 (a) Denying access to public services, including military service, to any person on
18 the basis of sexual orientation or gender identity or expression;

19 (b) Including sexual orientation or gender identity or expression, as well as the
20 disclosure of sexual orientation, in the criteria for hiring, promotion, transfer, designation,
21 work assignment, re-assignment, dismissal of workers, and other human resource
22 movement and action, performance review, and in the determination of employee
23 compensation, access to career development opportunities, training, and other learning
24 and development interventions, incentives, privileges, benefits or allowances, and other

1 terms and conditions of employment: *Provided That*, this provision shall apply to
2 employment and skills training in both the private sector and public service, including
3 military, police, and other similar services: *Provided, Further That* this prohibition shall
4 likewise apply to the contracting and engaging of the services of juridical persons;

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

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

16 (e) Refusing or revoking the accreditation, formal recognition, registration or plan
17 to organize of any organization, group, political party, institution, or establishment in
18 educational institutions, workplaces, communities, and other settings, solely on the basis
19 of the sexual orientation or gender identity or expression of their members or of their
20 target constituencies;

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

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

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

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

19 (j) Harassment, coercion, or threats committed by members of institutions
20 involved in the enforcement of law and the protection of rights of any person on the basis
21 of sexual orientation or gender identity or expression. Among other cases, prohibited acts
22 under this section include arresting or placing under custody, and subjecting a person to
23 extortion, physical, verbal abuse, or sexual abuse, regardless of whether such arrest has
24 legal or factual basis. Harassment, coercion, or threat of juridical persons on the basis of

1 the sexual orientation or gender identity or expression of their members, stockholders,
2 benefactors, clients, or patrons is likewise covered by this provision;

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

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

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

21 (n) Subjecting any person to gender profiling or to any investigatory activities,
22 which include (i) unnecessary, unjustified, illegal, or degrading searches to determine
23 whether an individual is engaged in an activity presumed to be unlawful, immoral, or
24 socially unacceptable; (ii) recording and analyzing a person's psychological and behavioral

1 characteristics to make generalizations about a person's sexuality or to assist in identifying
2 a particular subgroup of people's sexual orientation or gender identity;

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

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

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

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

21 SEC. 7. *Penalties.* - A person who commits any discriminatory practice described in
22 Section 4 shall, upon conviction, be penalized by a fine of not less than One hundred thousand
23 pesos (P100,000) but not more than Five hundred thousand pesos (P500,000) or

1 imprisonment of not less than one (1) year but not more than six (6) years or both, at the
2 discretion of the court. In addition, the court may impose upon a person found to have
3 committed any of the prohibited acts the rendition of community service in terms of
4 attendance in human rights education's familiarization with and exposure to the plight of the
5 victims.

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

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

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

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

19 *SEC. 8. Special Aggravating Circumstance.* – A person who commits any of the crimes
20 in the Revised Penal Code or any special law and who is proven to have committed the same
21 motivated by bias, prejudice, or hate based on sex, sexual orientation, or gender identity or
22 expression, shall suffer the maximum penalty imposed by the Code or the relevant special law
23 for such prohibited act.

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

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

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

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

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

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

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

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

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

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

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

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

20 The SOGIE Equality Oversight Committee shall be chaired jointly by the Chairpersons
21 of the Senate Committee on Women, Children, Family Relations and Gender Equality and the
22 House Committee on Women and Gender Equality. The position of Vice-Chairperson of the
23 SOGIE Equality Oversight Committee shall be jointly held by the Chairpersons of the Senate

1 Committee on Justice and Human Rights and the House Committee on Human Rights. The
2 Secretariat of the SOGIE Equality Committee shall come from the Secretariat personnel of the
3 Senate and the House of Representatives committees concerned.

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

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

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

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

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

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

5 Approved,

FACT SHEET

HOUSE BILL NO. 4982

(In Substitution of House Bills Numbered 51, 267, 949, 1034, 1108, 1451, 1854, 3245, 3555, 3701 and 4414)

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

Introduced by: REPRESENTATIVES KAKA J. BAG-AO, GERALDINE B. ROMAN, ROSENDA ANN M. OCAMPO, WINSTON "WINNIE" CASTELO, TEDDY BRAWNER BAGUILAT, JR., SALVADOR B. BELARO, JR., SOL ARAGONES, LINABELLE RUTH R. VILLARICA, TOMASITO S. VILLARIN, EMMELINE Y. AGLIPAY-VILLAR, CARLOS ISAGANI T. ZARATE, CHRISTOPHER DE VENECIA, HENEDINA R. ABAD, HENRY C. ONG, JORGE "BOLET" BANAL, ARTHUR R. DEFENSOR, JR., VICTORIA ISABEL G. NOEL, SHARON S. GARIN, NANCY A. CATAMCO, RAUL "BOBOY" C. TUPAS, GABRIEL H. BORDADO, JR., JOSE CHRISTOPHER Y. BELMONTE, XAVIER JESUS D. ROMUALDO, LAWRENCE H. FORTUN, SITTI DJALIA A. TURABIN-HATAMAN, MA. LOURDES ACOSTA-ALBA, MERCEDES K. ALVAREZ, YEDDA MARIE K. ROMUALDEZ, JULIET MARIE D. FERRER, CRISTAL L. BAGATSING, CRISTINA "CHIQUI" ROA-PUNO, LORNA C. SILVERIO, AILEEN C. RADAZA, LORNA P. BAUTISTA-BANDIGAN, MICHELLE M. ANTONIO, MA. LOURDES R. AGGABAO, ANN K. HOFER, JOSE ANTONIO "KUYA JONATHAN" R. SY-ALVARADO, ROGELIO "RUEL" D. PACQUIAO, ARLENE B. ARCILLAS, GWENDOLYN F. GARCIA, LEN B. ALONTE-NAGUIAT, JENNIFER AUSTRIA BARZAGA, EDGAR MARY S. SARMIENTO, JOHN MARVIN "YUL SERVO" C. NIETO, ANICETO "JOHN" D BERTIZ, III, JUAN PABLO BONDOC, RAUL A. DAZA, CHERYL P. DELOSO-MONTALLA, EDWARD VERA PEREZ MACEDA, ANA CRISTINA SIQUIAN GO, VILMA SANTOS-RECTO, BENHUR L. SALIMBANGON, ROMERO QUIMBO, ALFRED D. VARGAS, TRICIA NICOLE Q. VELASCO-CATERA, ARNOLFO "ARNIE" A. TEVES, JR., ERIC L. OLIVAREZ, RODOLFO T. ALBANO III, JOEL MAYO Z. ALMARIO, JORGE T. ALMONTE, ISAGANI S. AMATONG, ROLANDO G. ANDAYA, JR., BELLAFLOR J. ANGARA-CASTILLO, ROZZANO RUFINO B. BIAZON, EMMANUEL A. BILLONES, LIANDA B. BOLILIA, ANTHONY M. BRAVO, PH.D., MERCEDES "DIDI" C. CAGAS, PETER JOHN D. CALDERON, WILFREDO S. CAMINERO, SABINIANO S. CANAMA, FREDENIL "FRED" H. CASTRO, ARNEL M. CERAFICA, CECILIA LEONILA V. CHAVEZ, MA. THERESA V. COLLANTES, JONAS C. CORTES, JULIETA R. CORTUNA, LEO RAFAEL M. CUEVA, RAUL V. DEL MAR, MOHAMAD KHALID Q. DIMAPORO, RAMON "RED" H. DURANO VI, ANNA KATRINA "TRINA" M. ENVERGA, EDGAR R. ERICE, SANDRA Y. ERIGUEL, M.D., BAYANI F. FERNANDO, ANTONIO R. FLOIRENDO, JR., FLORENCIO T. FLORES, JR., M.D., WES GATCHALIAN, FERNANDO V. GONZALEZ, ARCADIO H. GORRICETA, GERALD ANTHONY "SAMSAM" V. GULLAS, JR., BERNADETTE "BH" HERRERA-DY, ELISA "OLGA" KHO, GLONA G. LABADLABAD, VIRGILIO S. LACSON, DENNIS C. LAOGAN, CARMELO "JON" B. LAZATIN II, BENHUR B. LOPEZ, JR., CARLO V. LOPEZ, MANUEL LUIS T. LOPEZ,

JESULITO "JESS" A. MANALO, CARLITO S. MARQUEZ, ERIC M. MARTINEZ, ALEJANDRO Y. MIRASOL, JERICO JONAS B. NOGRALES, HENRY S. OAMINAL, PABLO C. ORTEGA, VINI NOLA A. ORTEGA, MARISOL C. PANOTES, ISIDRO S. RODRIGUEZ, JR., MICHAEL L. ROMERO, PHD., RON P. SALO, ORESTES C. SALON, JOSEPHINE RAMIREZ-SATO, DEOGRACIAS VICTOR "DV" B. SAVELLANO, FREDERICK W. SIAO, ERIC D. SINGSON, TOBIAS "TOBY" M. TIANGCO, ANTONIO L. TINIO, ALBERTO T. UNGAB, JULIETTE T. UY, ROLANDO UY, PANTALEON D. ALVAREZ, PEDRO B. ACHARON, JR., TEODORO TED" G. MONTORO, ANNA MARIE VILLARAZA-SUAREZ, MANUEL MONSOUR T. DEL ROSARIO III, EDCEL C. LAGMAN, MA. LUCILLE L. NAVA, M.D., CARLOS ROMAN UYBARETTA, JERRY B. TREÑAS, RENE L. RELAMPAGOS, MANUEL JOSE "MANNIX" DALIPE, JOSE T. PANGANIBAN, JR., CPA, LLB, PIA S. CAYETANO, JOSEPH STO. NIÑO B. BERNOS, EMMI A. DE JESUS, ARLENE D. BROSAS, MICAELA S. VIOLAGO, ROGER G. MERCADO, FRANCE L. CASTRO, ESTRELLITA B. SUANSING AND RODOLFO C. FARIÑAS.

Committee Referral: COMMITTEE ON WOMEN AND GENDER EQUALITY (PRIMARY)
Committee Chairperson: REP. EMMELINE Y. AGLIPAY-VILLAR

OBJECTIVE:

- To eliminate discriminatory practices based on sex, sexual orientation or gender identity or expression by proscribing and penalizing several discriminatory practices

KEY PROVISIONS:

- Defines the terms discrimination, sexual orientation, gender identity, gender expression, hate crimes, LGBT community, marginalization, stigma, sex, and child;
- Enumerates unlawful discriminatory practices against any person on the basis of SOGIE;
- Stipulates that no person shall be burdened, prejudiced, or prosecuted by reason of the exercise of the right to personal privacy;
- Sanctions administratively, government official who refuses to act on complaints or causing unreasonable delay to perform the duty to investigate, prosecute and act on the complaint;
- Spells out penalties for violation upon conviction, by a fine of not less than One hundred thousand pesos (P100,000) but not more than Five hundred thousand pesos (P500,000) or imprisonment of not less than one (1) year but not more than six (6) years, at the discretion of the court. In addition, the court may impose the rendition of community service in terms of attendance in human rights education's familiarization with and exposure to the plight of the victims. For graver offenses motivated by bias, prejudice, or hatred against SOGIE is committed, such shall be meted the corresponding maximum penalties depending on the severity of the offenses;
- Prescribes in three (3) years any action arising from the violation of the provisions of this Act;
- States that nothing in this Act shall preclude the victim from instituting a separate and independent action for damages and other affirmative reliefs or such other cases for violation of other applicable penal laws and nothing shall be construed as

- giving authority to the State to unduly interfere with the legitimate exercise by the parents or the guardians of their right to discipline a child under their parental authority, custody or guardianship;
- Cites that the penalties provided under Section 6 shall be without prejudice to administrative liability for government officials and employees;
 - Declares as special aggravating circumstance if a person commits any of the crimes in the Revised Penal Code or any special law and who is proven to have committed the same motivated by bias, prejudice, or hate based on sex, and SOGIE, shall suffer the maximum penalty imposed by the Code or the relevant special law for such prohibited act;
 - Specifies redress mechanisms for SOGIE-related cases by:
 1. inclusion of SOGIE concerns in all police stations activities and services;
 2. giving the Commission on Human Rights the following roles:
 - a. investigate and recommend the filing of a complaint against any person/s violating this Act;
 - b. recommend a legal action in the appropriate prosecutor's office or court if there is reasonable cause to believe that any person or group of persons is committing discriminatory acts as stated in Section 4;
 - c. direct the officer concerned to take appropriate action against a public officer or employee at fault or who neglects to perform an act or discharge a duty required under this Act, and recommend the revocation of license, removal from office or employment, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith and refusal by any officer without just cause to act on the recommendation of the CHR shall be a ground for disciplinary action; and
 - d. document cases of discrimination on the basis of sexual orientation or gender identity or expression and shall include these documented cases in its annual human rights report and shall actively provide recommendations to different branches of government on how to address and eliminate discrimination on the basis of SOGIE.
 - Ensures implementation of initiatives and programs that seek to establish and maintain an environment free of stigma and discrimination by integrating Social Protection Programs and Diversity Programs and Trainings to provide or conduct trainings of staff, employees, students and trainees, and constituents on human rights, gender sensitivity and awareness, and sensitization on the issue of violence and abuse to ensure that human rights violations and violence on the basis of SOGIE are prevented. The concerned agencies, companies and institutions shall create an internal redress mechanism to address cases of discrimination and develop administrative remedies or sanction for such cases;
 - Encourages the positive and empowering portrayal of LGBT in media to counter existing stereotypes and misconceptions that often lead to discriminatory practices;
 - Provides incentives and awards to programs that defend the human rights of LGBT and contribute to the empowerment of the LGBT community and its members;
 - Creates the Congressional Oversight Committee, hereinafter referred to as the SOGIE Equality Oversight Committee, which shall be composed of five (5) members each from the Senate and the House of Representatives, which shall include the Chairpersons of the Senate Committees on Women, Children, Family Relations and Gender Equality, and of Justice and Human Rights, and the Chairpersons of the House of Representatives Committees on Women and Gender

Equality, and of Human Rights. The members from the Senate and the House of Representatives shall be appointed by the Senate President and the Speaker, respectively, with at least one (1) member representing the minority. The SOGIE Equality Oversight Committee shall be jointly chaired by the Chairs of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on Women and Gender Equality and the Vice-Chairs shall be jointly held by the Chairs of the Senate Committee on Justice and Human Rights and the House Committee on Human Rights. The Secretariat shall come from the Secretariat personnel of the Senate and the House of Representatives committees concerned; and

- Designates the Commission on Human Rights (CHR), Department of Justice (DOJ), Civil Service Commission (CSC), Philippine National Police (PNP), Department of National Defense (DND), National Youth Commission (NYC), Philippine Commission on Women (PCW), Commission on Population (POPCOM), Department of Labor and Employment (DOLE), Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Department of Health (DOH), and at least three (3) civil society organizations (CSOs) with proven expertise and track record on SOGIE concerns to promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act within sixty (60) days from its effectivity.

RELATED LAWS:

R.A. 8551 (Philippine National Police Reform and Reorganization Act of 1998)

R.A. 9710 (The Magna Carta of Women)

Revised Penal Code of the Philippines