

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3468**

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	06 SEP 2016
TIME:	9:09 am
BY:	peh
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced By: **REPRESENTATIVE SHERNEE A. TAN**

EXPLANATORY NOTE

This bill is a concrete gesture to the persistent clamor of our Muslim brothers and sisters, specially students, who, for quite a long time, have been victims of discrimination simply by exercising their religious affiliation or belief and for wearing their religious and cultural symbols and traditional dress in their workplaces, public places and even in schools.

The Constitution explicitly guarantees such bedrock right as freedom of religion. The clear and unequivocal mandate is that the "free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed." While the government protects all religions as "it prefers none, and it disparages none", there have been numerous cases where Muslims have often been unfairly targeted for exercising their constitutional right.

It is the paramount objective of this important legislative measure to put a quietus to discriminatory conducts against **any religion** by providing penalties for any violation thereof.


It is a reality that there have been instances when Muslim women are being denied jobs and girls are prevented from attending classes just because they wear traditional forms of attires, such as *hijabs, burqa, niqab, etc.*

It is sad to note that discrimination against Muslims has persisted because they are hesitant to report the behavior to office management or school authorities for fear of reprisal as there is no law prohibiting and penalizing such condemnable acts.

The government therefore must take action on multiple fronts to protect religious freedom, one of the basic fundamental rights of every Filipino.

Through this measure, unnecessary prejudice and discrimination against any religion will be avoided and each individual will be given equal opportunity to achieve his or her full potential as a person and as Filipino citizen, regardless of religious affiliation or belief.

In view of the foregoing reasons, the approval of this bill is earnestly sought.


REP. SHERNEE A. TAN
Kusug Thausug Partylist

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3468**

Introduced By: REPRESENTATIVE SHERNEE A. TAN

AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF RELIGIOUS
AFFILIATION OR BELIEF AND PROVIDING PENALTIES THEREFOR

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

SECTION 1. *Short Title.* - This Act shall be known as the "*Anti-Religious
Discrimination Act of 2016.*"

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to protect and promote equality, regardless of religious affiliation or belief and endeavor to eliminate unnecessary prejudice and discrimination against the believer and non-believer of any religion. Toward this end, discriminatory practices as herein defined shall be proscribed and penalized.

SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms shall mean:

- a. *Discrimination* - refers to any act or conduct which excludes, restricts, curtails or otherwise withholds the enjoyment and exercise of human rights and basic freedoms in the labor, educational, social and cultural or public life based on religious affiliation or belief;
- b. *Education* - refers to all types and levels of education and other avenues for learning and includes access thereto, the standard and quality thereof and the conditions under which the same is given;
- c. *Employment* - refers to all terms, conditions, and privileges relating to work in public and private institutions, including recruitment policies, application procedures, training, incentives, compensation, determination of benefits or allowances, promotion, transfer and dismissal;

- d. *Religious affiliation or belief* - covers the profession or non-profession of religion or beliefs of one's choice that may be publicly manifested in worship, practice and teaching;
- e. *Hijab* - is the traditional covering for the hair and neck that is worn by Muslim women;
- f. *Burqa* - is a loose, usually black or light blue outer garment worn by Muslim women that covers the head and face and sometimes the entire body;
- g. *Niqab* - is a cloth that covers the face as part of sartorial hijab or a veil covering the hair and face except for the eyes that is worn by some Muslim;

SEC. 4. Discriminatory practices. - It shall be unlawful for any person, natural or juridical, to commit the following acts:

- a. To refuse admission or expel a person from educational institution on the basis of his or her religious affiliation or belief, without prejudice to the right of educational institutions to determine the academic qualifications of their students;
- b. To deny access to education or refuse entry to any educational institution, for wearing religious symbols or traditional attires, like hijab, burqa, niqab, burqini and the like.
- c. To deny access to or the use of establishments, facilities, utilities or services, which are open to the general public by reason of his or her religious affiliation or belief or for wearing religious symbols or traditional attires, like *hijab, burqa, niqab* and the like;
- d. To subject a person, either verbal or written, to ridicule or insult or attributing despicable behavior or habits or associating with violence and criminal activities by reason of his or her religious affiliation or belief;
- e. To deny access to medical and other health services open to the general public on the basis of his or her religious affiliation or belief.
- f. To deny an application for a license, clearance, certification or any other document issued by government authorities or other entities on the basis of his or her religious affiliation or belief;
- g. To refuse employment to a job applicant or to impose additional terms and conditions, on the basis of religious affiliation or belief, which are not imposed on another similarly situated;
- h. To do any other analogous acts, which tend to demean the dignity and self-respect of a person or restricts the enjoyment or exercise of his or her human rights and basic freedoms and religious affiliation or belief.

SEC. 5. *Administrative sanctions.* - The refusal of a government official whose duty is to investigate, prosecute or otherwise act on a complaint for a violation of this Act shall constitute gross negligence on the part of such official, who shall suffer the appropriate penalty under the civil service laws, rules and regulations.

SEC. 6. *Penalties.* - Any person found guilty of violating this Act shall suffer the penalty of imprisonment of not less than six (6) months nor more than two (2) years or a fine of one hundred thousand pesos (P100,000.00) or both at the discretion of the court.

If the violator is a corporation, organization or similar entity, the penalty shall be imposed upon the official directly involved in the operation.

If the violator is an alien or a foreigner, he or she shall be deported immediately after the completion of the service of the sentence.

SEC. 7. *Implementing Rules and Regulations.* - The Commission on Human Rights (CHR), in coordination with the Department of Education (DepEd), Department of Labor and Employment (DOLE), Commission on Higher Education (CHED) and Commission on Muslim Filipinos, shall promulgate the necessary rules and regulations to implement this Act.

SEC. 8. *Separability Clause.* - If, for any reason, any part or provision of this Act is held invalid, the remaining provision not affected thereby, shall remain in full force or effect.

SEC. 9. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

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

Approved,