

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10099



Introduced by **HON. JOY MYRA S. TAMBUNTING**

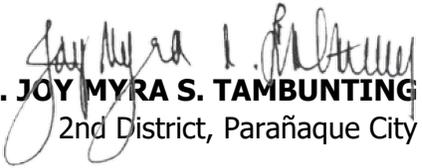
EXPLANATORY NOTE

Worthy to cite in support of this legislation is the Mission Statement of the Philippine Sports Commission (PSC) which is "to serve as the prime catalyst and advocate for the propagation and development of Philippine sports by helping shape policies and setting priorities through the following – coordinating and implementing a national sports program, creating equitable opportunities for participation in sports by all sectors, providing assistance to stakeholders and partners, supporting the specially talented athletes for high level competitions and promoting the development of those physical qualities and moral values which is the basis of sports." These statements embolden this bill by granting our athletes the right to participate in international competitions through the support of a national program.

Exposing our athletes to try out, train and participate in global sports advances their self-esteem, morale and comradeship with other competent individuals. Only through diverse experiences of healthy contests will an athlete garner resilience and eventually emerge victorious.

The passage of this bill will instill and enable the Filipino youth in their formative years to foster their talents in sporting events with a goal bringing pride to our country. In essence, nationalism will be the widespread effect of giving our athletes their deserved privileges and opportunities to join international affairs.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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HOUSE BILL NO. 10099

Introduced by **HON. JOY MYRA S. TAMBUNTING**

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

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

Section 1. Short Title. – This Act shall be known as the “Athletes’ Right to Represent the Philippines Act.”

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

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

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

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

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

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

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

- b) For national sports association (NSA), amateur sport organization or club to:
 1. Refuse to release any of its athletes to the national team to try out, train, or to participate in international sports competitions;
 2. Withhold, without cause, an athlete's allowances, including monetary and non-monetary benefits;
 3. Disallow an athlete from attending trainings, practices, and regular games;
 4. Suspend, without cause, an athlete from membership in the NSA, sports organization or club;
 5. Expel, without cause, an athlete from the NSA, sports organization or club; or
 6. Impose other forms of punishment.

- c) For a professional sports organization, club, or employer to:
 1. Refuse to release any of its employee-athletes to the national team to try out, train, or to participate in international sports competitions;
 2. Withhold, without cause, an employee-athlete's salary, allowances, and benefits;
 3. Disallow an employee-athlete from attending trainings, practices and regular games;
 4. Suspend, without cause, an employee-athlete from membership in the professional organization or club;
 5. Deny an employee-athlete's application for a deserved promotion at work;
 6. Forcibly lay off an employee-athlete from work; or

7. Impose other forms of punishment.

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

- a) Who May File – For purposes of this Act, a complaint may be filed by an athlete, an athlete's parent or guardian, the concerned NSAs, or any person or any entity on behalf of an athlete who may be affected by the violation of this Act.
- b) Investigation – A written complaint for violations of this Act shall be filed with the following bodies:
 - i. Philippines Sports Commission (PSC) – for violations committed in relation to amateur sports and NSAs;
 - ii. Games and Amusement Board (GAB) – for violations committed by professional sports organizations or clubs;
 - iii. Department of Education (DepEd) or Commission on Higher Education (CHED) – for violations committed by educational institutions and school athletic associations; and
 - iv. Department of Labor and Employment (DOLE) – for violations committed in the workplace.
- c) Relief – In case of an unfavorable decision, the complainant may, within fifteen (15) days upon receipt of the decision, file a motion for reconsideration with the same agency, otherwise, the decision shall be final.

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

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

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

Sec. 9. Implementing Rules and Regulations. – The PSC, GAB, CHED, DepEd, and DOLE, in consultation with athletic associations, NSAs, and the Philippine Olympic Committee, shall issue the implementing rules and regulations of this Act within sixty (60) days after its effectivity.

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

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

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

Approved,