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The Honorable Rep. Bienvenido M. Abante Jr.
Chairperson, Committee on Human Rights
3/F RVM Building
The House of Representatives
Constitution Hills, Quezon City 1126

Subject: HB Nos. 188, 224, 1480 and 2128

Dear Chairperson Abante:

We understand that your Committee will be conducting a hearing to consider House Bill No. 188 entitled “Anti-Discrimination Act of 2022”, House Bill No. 224 entitled “Comprehensive Anti-Discrimination Act”, House Bill No. 1480 entitled “Anti-Discrimination Act of 2022” and House Bill No. 2128 entitled “The Comprehensive Anti-Discrimination Act”.

We are attaching our Position Paper in opposition to these bills.

Thank you very much for your consideration of our views.

Very truly yours,

MARIA CONCEPCION S. NOCHE
President

JESUS JOEL MARI D. ARZAGA
Vice President



Position Paper on House Bill Nos. 188, 224, 1480 and 2128

1. The Alliance for the Family Foundation, Inc. (“ALFI”) recognizes the legislative intent of the Anti-Discrimination Bills (“Anti-Discrimination Bills”) of eliminating undue discrimination against persons. Any form of undue discrimination is reprehensible and is contrary to the State’s Constitutional mandate to value the dignity of the human person and to guarantee full respect for human rights.
2. For this reason, ALFI urges for stricter implementation of current laws which already address undue discrimination, such as our Revised Penal Code, the Violence Against Women and Children Act, the Safe Spaces Act, the Magna Carta for Women, and the Bill of Rights. These laws are operative, the rights they provide are accessible to all, and the remedies they offer are available for all persons who may fall victim to undue discrimination.
3. ALFI takes note that the Anti-Discrimination Bills aim to penalize discriminatory practices that may not be addressed sufficiently by current laws.
4. However, in the Anti-Discrimination Bills’ pursuit of this, it unwittingly infringes on other Constitutional liberties, goes beyond the mere intent of curbing undue discrimination and violence, and ventures into promotion of ideas or philosophies through definitions, proposed government programs and policies, information and education campaigns, and even media portrayals.
5. It is these concerning features of the Anti-Discrimination Bills that ALFI respectfully expresses its opposition to. ALFI submits that the fight against undue discrimination may be endeavored without propagating ideologies which lack objective standards and scientific bases, and to which the greater portion of the population do not subscribe.
6. ALFI, in particular, expresses its concern and opposition to the following:
 - I. The definition of “Discrimination”, in so far as it includes any distinction, exclusion, restriction, or preference based on sex.

The Anti-Discrimination Bills purport to outlaw and consider as “discrimination” existing distinctions and classifications based on bona fide, objective, immutable, and biological differences between a man and a woman.

This definition will have serious implications on sex-specific educational institutions (all-boys and all-girls schools, seminaries, and formation houses), sex-specific establishments and facilities (dormitories, convents, comfort rooms) sex-specific professions (ecclesiastical professions), sex-specific associations (fraternities and sororities), and sex-specific sporting events (contact sports).

The policies of these sectors rooted on distinctions based on sex are impaired, if not effectively nullified, as those who will implement or apply these may face criminal prosecution, hefty fines, or imprisonment for committing a discriminatory practice under the Anti-Discrimination Bills' catch-all "analogous acts" provision.

The Anti-Discrimination Bills, if passed into law, may force these sectors to implement policy changes in violation of their academic freedom, religious freedom, property rights, freedom of association, the right against impairment of contracts, all equally recognized and guaranteed by the Constitution.

This definition in the Anti-Discrimination Bills also affects and complicates laws anchored on distinctions based on sex, especially since the Anti-Discrimination Bills state that the actual status ... of the person subjected to discrimination" is not "relevant for the purpose of determining whether an act of discrimination has been committed."

Biological realities should not be disregarded and sacrificed to accommodate individual convictions. ALFI urges this body to acknowledge and uphold the wisdom and merit behind the timeless and universally accepted distinction based on sex as essential to public order and the common good.

II. The definitions of gender identities.

The Anti-Discrimination Bills also define gender identities in a manner that is subjective, fluid, and unstable, as one's emotional attractions and choice of "identity" are made the basis and are the determining factors. It bears emphasis that these factors are not tangible, not always externally manifested, and may even unilaterally change at any time.

This uncertainty presents problems in the implementation of the Anti-Discrimination Bills as a penal statute, since it is unable to identify clearly and categorically those covered by the protections it offers.

Those who wish to avoid liability under the Anti-Discrimination Bills are likewise not sufficiently guided as regards the persons against whom the discriminatory practices may be committed.

Lastly, the codification of these gender identities would carry with it the recognition of certain phenomena that lack scientific and objective bases, which may not necessarily be a prudent subject of legislation.

III. Specific Discriminatory Practices

The SOGIE Bills also oversteps in declaring as unlawful certain practices that are supposed to be within an individual's constitutional rights.

III. (a) Refusing admission or expelling a person from any educational or training institution:

This provision runs afoul educational institutions' academic freedom which includes the right to determine the qualifications of applicants, the right to deny applicants, and the right to discipline students.

Sex-specific educational institutions will be at a particular risk of liability if the SOGIE Bills are passed since they would have to enforce admission policies inherently grounded on distinctions based on sex. Will administrators of seminaries or formation houses now be liable for denying admission to a person who has a different SOGIESC from what their particular educational institution requires?

IV. State-Sponsored Promotion of Gender Ideologies

Finally, ALFI opposes the Anti-Discrimination Bills as it institutionalizes a state-sponsored promotion of gender ideologies without due consideration of individuals with opposing or contrary views.

In its aim to eliminate undue discrimination, the Anti-Discrimination Bills aim to embed belief in its definitions of gender identities in government programs and policies, information and education campaign, and the media, to the detriment of those who do not subscribe to these ideologies for being in conflict with their moral convictions and religious beliefs.

ALFI reiterates that the fight against undue discrimination may be endeavored without forcing belief in matters that remain highly contentious and unresolved.

7. ALFI enjoins the State to adopt a holistic and encompassing approach in the efforts to eliminate undue discrimination against persons without disregarding established truths about the human person. Only when a person is regarded as he truly is – consistent with his dignity – will there be authentic freedom and equality.