

Sports Law-for-All

Sports Law in the Philippines

Alberto C. Agra

President, Pilipinas Obstacle Sports Federation

President, Obstacle Sports Federation Asia Pacific

Chairman, Philippine Reclamation Authority

Former Acting Secretary of Justice, Acting Solicitor General and Government
Corporate Counsel

Chairman, Arbitration Committee, Philippine Olympic Committee

Author, Primer on Sports Law-for-All

Deputy Chef de Mission, 2021 Vietnam Southeast Asian Games

Law Professor

Competitive Athlete (56-60 yo), Obstacle Course Race and Javelin Throw

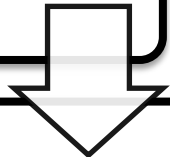
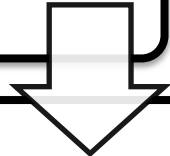
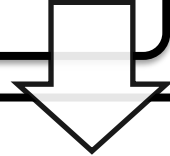
Flow

Definition of SL

Survey of SLs

Areas of SL

Sports4Purpose



Definition of Terms

No statutory or
jurisprudential
definition

Sport Defined

What is sport? *Futurelearn.com*

Sport is a broad term that can mean different things to different people.
Generally, however, it can be defined as:

Broadly defined

"...all forms of physical activity that contribute to physical fitness, mental well-being and social interaction. These include: play; recreation; organised, casual or competitive sport; and indigenous sports or games."

United Nations Inter-agency Taskforce on Sport for Development and Peace

SECTION 3. SPORTS DEFINED. As used in this Ordinance, "sports" is defined as "an activity involving physical exertion and skill in which an individual or team becomes better, develops, competes against another and/or interacts with others."

Sports Law Defined

“The laws, regulations and judicial decisions that govern sports and athletes. Sports law is an amalgam of laws that apply to athletes and the sports they play. It is not a single legal topic with generally applicable principles.”

Legal Dictionary, The Free Dictionary by Farlex

“Sports law refers to a specialized practice focused on legal issues pertaining to the sports industry. As with entertainment, arts or hospitality law, sports law generally refers more to the target industry rather than a separate body of law xxx.”

HG.Org Legal Resources

Purpose

“Ultimately, the role of sports law is to ensure **safety, equality, fairness and integrity** in athletic competition **on and off the playing field.**”

Sports Law, Rider University

Aspects

- Constitution
- Contracts
- Agency
- Torts
- Crimes
- Labor
- Trademark
- Tax
- Anti-Trust
- Discrimination

Legal Dictionary, The Free Dictionary by Farlex

Survey of Sports Laws

The 1987 Constitution

ARTICLE II. Declaration of Principles and State Policies

Principles

Section 17. The State shall give priority to education, science and technology, arts, culture, and **sports** to foster **patriotism and nationalism, accelerate social progress, and promote total human liberation and development.**

ARTICLE XIV. Education, Science and Technology, Arts, Culture, and Sports
Sports

Section 19. (1) 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.**

(2) **All educational institutions** shall undertake regular sports activities throughout the country **in cooperation with athletic clubs and other sectors.**

Survey of Sports Laws

General Laws

- Charters of the Administrative Agencies
- 1987 Administrative Code
- 1991 Local Government Code
- Revised Corporation Code
- Civil Code
- Revised Penal Code
- Safe Spaces Act (RA 11313, 2018)

Sports-Specific

- National Athletes and Coaches Benefits and Incentives Act (RA 10699, 2015 *amending* RA 9064, 2001)
- Athletic Programs Report Act (RA 11180, 2019)
- National Academy of Sports (RA 11470, 2020)
- Arnis as National Martial Art and Sport (RA 9850, 2009)
- Games and Amusement Board (PD 871, 1976)
- Recognition of POC (RA 11180 *and* RA 10699)

Republic Act 6847 PSC Charter

● Implementing Rules and Regulations of RA 6847

Republic Act 7160 LGUs

Republic Act 7549 Taxes

Republic Act 9064 Benefits

Republic Act 9155 DEPED

Areas of Sports Law

Government and Governance



- National Government Agencies
- Local Government Units
- GOCCs and Government Instrumentalities
- State Universities & Colleges

- Private Companies
- National Sports Associations
- Private Schools
- Leagues
- Clubs
- Gyms

Sports Law-for-All

No. 5

Atty. Alberto C. Agra

March 8, 2021

PPPs in Sports

**Public-Public
Partnership
(PuPuP)**

**Private-Private
Partnership
(PrPrP)**

**Public-Private
Partnership
(PuPrP)**

Sports Law-for-All

No. 4

Atty. Alberto C. Agra

December 14, 2020

Localizing Sports-for-a-Purpose

- featuring a Template Ordinance for Sports-for-a-Purpose -

7. What are the salient features of the proposed Sports-for-a-Purpose local policy?

If and when passed by LGUs, the landmark ordinance will contain provisions providing for:

- a. A broad definition of 'sports' and the objectives of Sports-for-a-Purpose;
- b. An inclusive approach, i.e., Sports-for-all policy, free from any harassment and discrimination;
- c. The mandate to have at least half of the local populace to be active and engaged in sports and physical activities;
- d. The directive to use sports and physical activity in order to achieve the 17 SDGs;
- e. The formulation of a sports and physical activity development plan identifying priority sports, and traditional or alternative/ emerging and annual competitions;
- f. An incentive program for associations, clubs and leagues;
- g. The creation of a Sports-for-a-Purpose Council headed by the Local Chief Executive;
- h. The establishment of the Sports-for-a-Purpose Fund;
- i. Public-Private Partnerships in sports; and
- j. A penalty clause for any form of harassment or discrimination.



ACSA

ASSOCIATION OF COMMUNITY SPORTS ADVOCATES

Classes of Athletes

National Athletes

Beneficiaries

Student-Athletes

Employees

Professional
Athletes

Independent
Contractors

Recreational
Athletes

Clients

Club Athletes

Members

I. Athletes' Rights

This Declaration aspires to promote the ability and opportunity of athletes to:

1. Practise sport and compete without being subject to discrimination on the basis of race, colour, religion, age, sex, sexual orientation, disability, language, political or other opinion, national or social origin, property, birth or other immutable status.
2. Be part of a transparent, fair and clean sporting environment, particularly one that fights against doping and competition manipulation, and provides for transparent judging/refereeing, selection and qualification processes, and appropriate competition schedules, including training schedules at such competitions.
3. Access general information on athlete and competition-related matters in a timely and clear manner.
4. Access education on sports-related matters as well as to work or study while actively training and competing, should the athlete choose to do so and where practicable.
5. Leverage opportunities to generate income in relation to their sporting career, name and likeness, while recognising the intellectual property or other rights, rules of the event and of sports organisations as well as the Olympic Charter.
6. Fair and equal gender representation.
7. The protection of mental and physical health, including a safe competition and training environment and protection from abuse and harassment.
8. Elected athlete representation within sporting organisations of the Olympic Movement.
9. Report unethical behaviour without fear of retaliation.
10. Privacy, including protection of personal information.
11. Freedom of expression.
12. Due process, including the right to a fair hearing within a reasonable time by an independent and impartial panel, the right to request a public hearing and the right to an effective remedy.



Athlete's Rights



II. Athletes' Responsibilities

This Declaration encourages athletes to:

1. Uphold the Olympic values and adhere to the Fundamental Principles of Olympism.
2. Respect the integrity of sport and compete as a clean athlete, in particular by not doping and not manipulating competitions.
3. Act in accordance with the IOC Code of Ethics and be encouraged to report unethical behaviour, including instances of doping, competition manipulation, prohibited discrimination and abuse and harassment.
4. Comply with applicable national laws, and the rules of the qualification processes and competitions, of the sport, and of the relevant sporting organisation, as well as the Olympic Charter.
5. Respect the rights and well-being of, and not discriminate against, other athletes, their entourage, volunteers and all others within the sporting environment, and refrain from political demonstration in competitions, competition venues and ceremonies.
6. Respect the solidarity principle of the Olympic Movement, which allows assistance and support to be provided among athletes and members of the Olympic Movement.
7. Act as a role model, including by promoting clean sport.
8. Inform themselves and be aware of their responsibilities.
9. Participate in hearings when requested to do so and provide truthful testimony in such proceedings.
10. Participate and vote in athlete representatives' elections.

Safe Sport and Safe Space

What is the “Bawal Bastos” Law or Anti-Gender-Based Harassment Law?

Bawal Bastos Law is the popular reference to Republic Act No. 11313 or the Safe Space Act (SSA). This law, which took effect on August 3, 2019, expands the definition of sexual harassment under the Anti-Sexual Harassment Act or RA 7877 (1995), which is still subsisting, by defining personal places of safety. Now, anyone can be an offender, not just persons in authority, and can be held liable for misogynistic, transphobic, homophobic and sexist remarks and slurs, and SSA-specified actions in public places and cyberspace.

Is this law applicable in sports?

Definitely. Since sports can be played:

1. by anyone, an adult, minor, senior, able-bodied or para-athlete,
2. regardless of the format, competitive, for fun, as a form of exercise, structured or not,
3. almost anywhere and in public places, and
4. more so now, because of quarantine restrictions, online or in cyberspace,

gender-based harassment can happen. The SSA is thus applicable in and around sports.

Who can be the gender-based harassers in sports?

The possible offenders under the SSA are the coaches, athletes, parents, school officials, students, physical education teachers, employers, employees, co-workers, officials and members of the national sports associations, leagues and clubs, advertisers, gym owners and patrons, and government officials, among others.

How is Safe Space in Sports related to Safe Sports?



While Safe Space in Sports under the SSA and Safe Sports in general promote the same set of values and are anchored on the protection of human rights, the SSA only covers gender-based harassment and does not encompass all other forms of “unsafe sports” acts or all other breaches of the ethics of safety.

Safe Sports is thus broader as it includes protection against harassment, discrimination or bullying based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences. There must be zero tolerance against these.

Athletic Programs Report Act

Coverage

Higher Education
Institutions/
Colleges



CHED-recognized
Athletic Program

Ratios (M:F)

Athletes

Coaches

Scholarships

NATIONAL FEDERATION-ATHLETE'S AGREEMENT

- Defining Rights and Responsibilities -

A: Status

A: Right to
Consent

A: Right to
Withdraw

A:
Exclusivity

A: Clean

NF: Right to
Terminate

NF: Safe
Sport

NF:
Resources

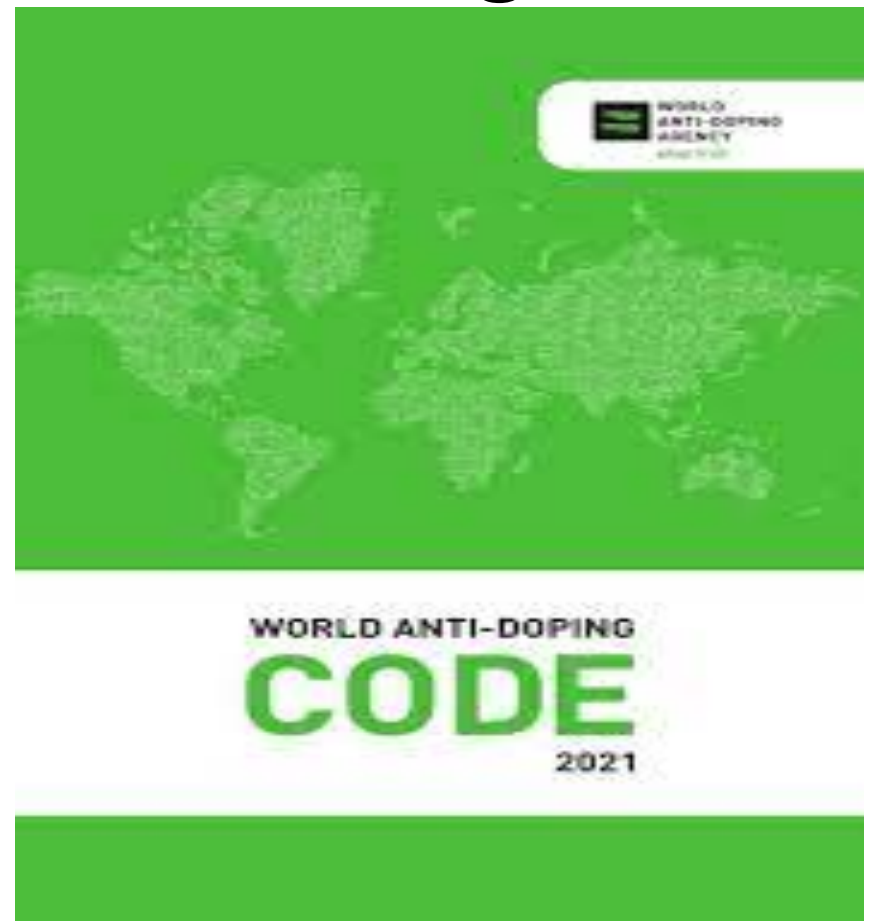
NF: Training
Plan

Injuries and Anti-Doping

Torts

- Elements: Legal Duty + Breach of Duty + Proximate Cause
- Lack of Intent and Prudence (not reckless)
- Assumption of Risks

Clean Living



Athlete's Financial Benefits

By Law (RA 10699)

Event: Olympics, Asian and Regional

Medal: Gold, Silver or Bronze

Athlete: Able-Bodied or Para-Athlete

By Contract

- Compensation
- Allowance
- Competitions
- Travel
- Accommodations
- Training
- Gear

Sports-for-a-Purpose

SPORTS

WITH AND FOR A PURPOSE

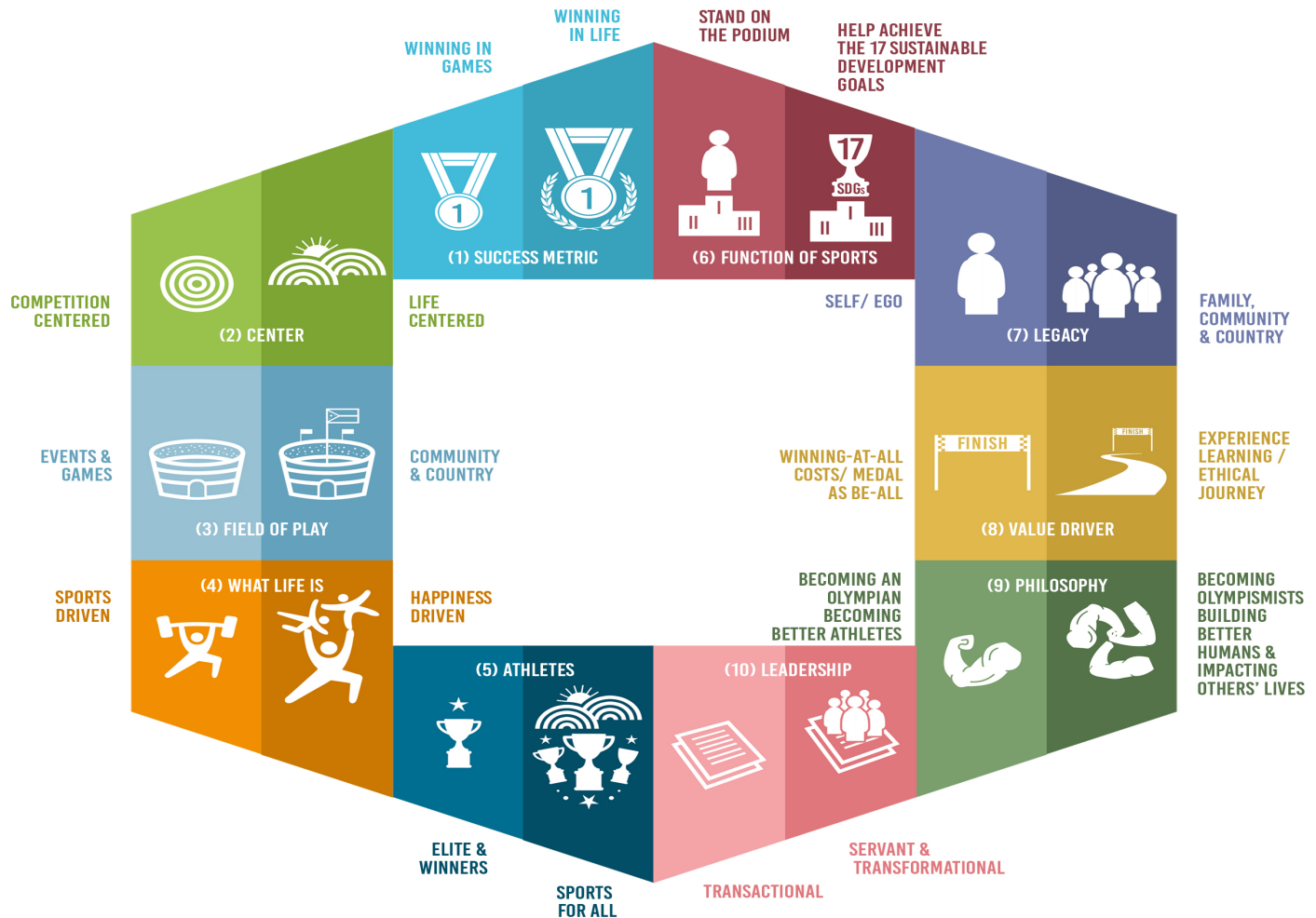
SPORTS IS NOT ONLY FOR SPORTS' SAKE. SPORTS HAS A NOBLE PURPOSE BEYOND SELF, MEDALS, WINNING IN TOURNAMENTS AND ATHLETICISM. IT HAS A PIVOTAL ROLE IN ACHIEVING THE 17 SUSTAINABLE DEVELOPMENT GOALS. IT CAN CONTRIBUTE TO BETTER QUALITY OF LIFE AND CAN BE AN INSTRUMENT FOR ALL TO BECOME BETTER HUMANS AND TO BUILD ACTIVE AND BETTER COMMUNITIES.

THERE ARE 12 DIMENSIONS TO RE-ORIENTING OR CAPTURING THE INTEGRAL PURPOSE OF SPORTS – FROM “FOR SPORTS” OR “NOT ONLY” (LEFT SIDE OF EACH DIMENSION) TO “SPORT FOR” OR “BUT ALSO” (RIGHT SIDE). THE “HEXAGON” DEPICTS THE COHERENCE AND INTERCONNECTEDNESS OF THESE 12.

THE CHALLENGE FOR ALL OF US IS TO BECOME OLYMPISTISMS AND CHANGE THE WORLD TOGETHER IN, AROUND, THROUGH AND WITH SPORTS.

ATTY. ALBERTO C. AGRA

AUTHOR. SPORTS LAW-FOR-ALL PRIMER



SUSTAINABLE DEVELOPMENT GOALS



Sports Law-for-All

No. 1 Alberto C. Agra August 24, 2020

Bawal Bastos sa Sports

Anti-Gender-Based Harassment in Sports

A sports-based primer on the Safe Space Act

Sports Law-for-All

No. 2 Alberto C. Agra October 19, 2020

The Role of Sports in Achieving the 17 Sustainable Development Goals

- 60 Ways to Enable -



Sports Law-for-All

No. 3 Atty. Alberto C. Agra and
Atty. Jessica Marie L. Agra
Nov. 18, 2020

Which is Which? Are National Athletes Employees, Independent Contractors, Service Providers or Beneficiaries of their National Sports Association?

The objective of this 3rd primer is to start the conversation on the status of our national athletes. If we claim to exist for them, for them to become better humans, then this matter must be clarified and appropriate changes made.

Sports Law-for-All

No. 4 Atty. Alberto C. Agra December 14, 2020

Localizing Sports-for-a-Purpose

- featuring a Template Ordinance for Sports-for-a-Purpose -

This 4th primer discusses and underscores the importance and role of local government units (LGUs) in propagating sports and advancing sports-for-a-purpose at the community level. A template ordinance on Sports-for-a-Purpose, developed by the Author, provides for policy and legislative direction and guide for LGUs.

Sports Law-for-All

No. 5 Atty. Alberto C. Agra March 8, 2021

PPPs in Sports

Public-Public
Partnership
(PuPuP)

Private-Private
Partnership
(PrPrP)

Public-Private
Partnership
(PuPrP)

Sports Law-for-All

No. 6 Atty. Alberto C. Agra April 30, 2021

NATIONAL FEDERATION-ATHLETE'S AGREEMENT

- Defining Rights and Responsibilities -

Announcement
**PSC Online
Certificate Course
on Sports Law**

Advertunity

creating opportunities from adversities



09175353823

alberto.c.agra@gmail.com

www.albertocagra.com

THANK YOU.