



Philippine Sports Law 101

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Topics and Flow



Sports Law Defined



Governance in Sports



Classes of Athletes



Safe Sport and Women in Sports



Events and Risks



Sports Law



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:

"...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



The 1987 Constitution

ARTICLE II. Declaration of Principles and State Policies Principles

SECTION 15. The State shall protect and promote the **right to health** of the people and instill **health consciousness** among them.

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.**



The 1987 Constitution

“just and dynamic
social order”

“social justice”

“dignity of every
human person”

“youth for civic
efficiency”

“youth in nation-
building”

youth’s “physical,
moral, spiritual,
intellectual, and social
well-being”

“youth patriotism and
nationalism”

“fundamental equality
before the law of
women and men”

“balanced and
healthful ecology”

“encourage non-
governmental,
community-based, or
sectoral
organizations”

“vital role of
communication”

“autonomy of local
governments”

1 NO
POVERTY



2 ZERO
HUNGER



3 GOOD HEALTH
AND WELL-BEING



4 QUALITY
EDUCATION



5 GENDER
EQUALITY



6 CLEAN WATER
AND SANITATION



7 AFFORDABLE AND
CLEAN ENERGY



8 DECENT WORK AND
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION
AND INFRASTRUCTURE



10 REDUCED
INEQUALITIES



11 SUSTAINABLE CITIES
AND COMMUNITIES



12 RESPONSIBLE
CONSUMPTION
AND PRODUCTION



13 CLIMATE
ACTION



14 LIFE
BELOW WATER



15 LIFE
ON LAND



16 PEACE, JUSTICE
AND STRONG
INSTITUTIONS



17 PARTNERSHIPS
FOR THE GOALS



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 OLYMPISTS AND CHANGE THE WORLD TOGETHER IN, AROUND, THROUGH AND WITH SPORTS.

ATTY. ALBERTO C. AGRA

AUTHOR. SPORTS LAW-FOR-ALL PRIMER

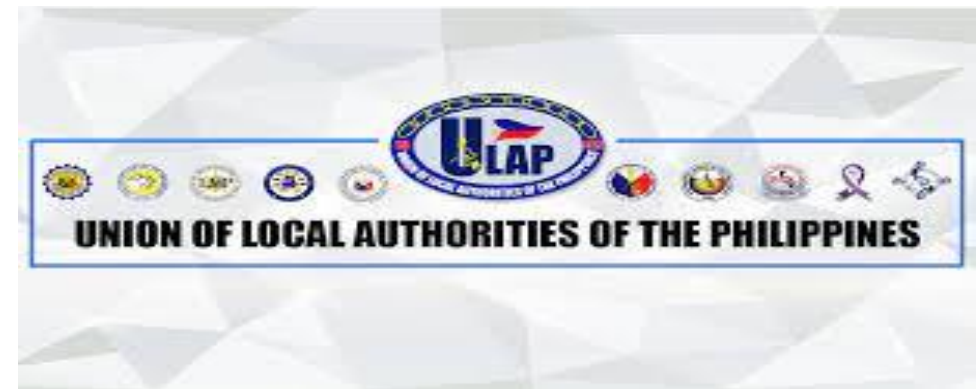











Governance in Sports

Government Agencies on Sports

Horizontal and Vertical
Decentralization in
Sports Governance



Aspects	PSC 	GAB 	DEPED 	CHED 	NAS 	BARMM 	LGUs
Charter	RA 6847 (1990)	EO 120 (1948)	RA 9155 (2001)	RA 7722 (1994)	RA 11470 (2020)	RA 11054 (2018)	RA 7160 (1991)
Nature	Governmental Regulatory National Agency	Regulatory and Supervisory Agency	National Government Agency	Administrative Agency	Government School	Regional Government	Political and Territorial Subdivisions
Relations	Attached to OP	Under OP	Control of OP	Attached to OP Independent of DEPED	Attached to DEPED	Supervision of OP	Supervision of OP
Focus/ Mandate	All Amateur Sports	Professional Sports (Listed)	Basic Education (Public)	Higher Education (Public-Private)	Secondary Education	Regional Governance	Local Governance
Sports- Related Functions	<ul style="list-style-type: none"> Encourage and sustain sports development nationwide Support National Athletes Maintain link Help enable Olympic Games Establish sports facilities Provide incentives and benefits Encourage local/school events Manage Phl Sports Training Ctr 	<ul style="list-style-type: none"> Enforce laws and regulations Promote fair conduct of games Grants licenses to professional sports practitioners Issues permits for professional games Adjudicates on violations 	<ul style="list-style-type: none"> Pursue school sports and physical fitness as part of basic ed Hold <i>Palarong Pambansa</i> Resolve complaints affecting student-athletes 	<ul style="list-style-type: none"> Set minimum standards Rationalize programs Review charters Resolve complaints affecting student-athletes 	<ul style="list-style-type: none"> Implement a secondary education program, integrated with a special curriculum on sports Establish world-class facilities Provide full scholarship Coordinate with PSC 	<ul style="list-style-type: none"> Promote general welfare Recognize vital role of youth Promote mental and physical fitness through sports Develop comprehensive PE program Organize sports events Create Sports Commission 	<ul style="list-style-type: none"> Promote general welfare Exercise devolved powers (i.e., sports center) Hold sports events Apportion SEF for sports Enact ordinances Levy local sports-for-all taxes

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.

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the Local Government of [Name of LGU] or the [Name of LGU] to;

- a. Build better humans and active communities in, around, with and through sports;
- b. Be more responsive to the needs and aspirations of the people and be more accountable to them;
- c. Perform the functions devolved to [Name of LGU] in connection with sports and physical activities;
- d. Promote sports and physical activity for the overall physical and mental health of all its residents;
- e. Enable the achievement of the 17 Sustainable Development Goals (17 SDGs) set by the United Nations General Assembly in 2015 in, around, with and through sports;
- f. Encourage the participation of all residents in sports and physical activities such as the able-bodied, persons with disabilities, youth and kids, and seniors;
- g. Develop traditional and alternative or emerging sports and disciplines;
- h. Undertake safe, secure, fair and non-discriminatory practices in sports and physical activities;
- i. Penalize any form of harassment or discrimination against another on account of gender, ability, religion, poverty, property, status, position, education, political affiliation, opinion and differences in sports spaces and activities;
- j. Use physical activities and sports to prevent its youth from engaging in harmful and deleterious activities resulting from a lack of healthy alternatives;
- k. Encourage the organization of competitive and purely recreational sports events;
- l. Pursue public-public, private-private and public-private partnerships for Sports-for-a-Purpose goals; and
- m. Convince other local governments to embark on a mission to increase its healthy and active residents through joint sporting events.



Sports Law-for-All

No. 10

Atty. Alberto C. Agra

Sept. 20, 2021

A Tax and Fund for Sports-for-a-Purpose

What we need – More Olympians. More medals. More competitions for all at all levels. Higher prevalence of physical activity. Quality physical education. Greater participation by local government units. More initiatives for peace and development through sports. More alternative sports. More incentives. More funds. Safer sport. More Olympists (i.e., those who advocate the core of Olympism which is “Building Better Humans”). A Sports-for-a-Purpose tax and fund.

Funding. (a) A **Sports-for-a-Purpose Fund (SPF)** can be created by every local government unit (LGU), the **annual or supplementary budgets** for which shall be approved by the Sanggunian.

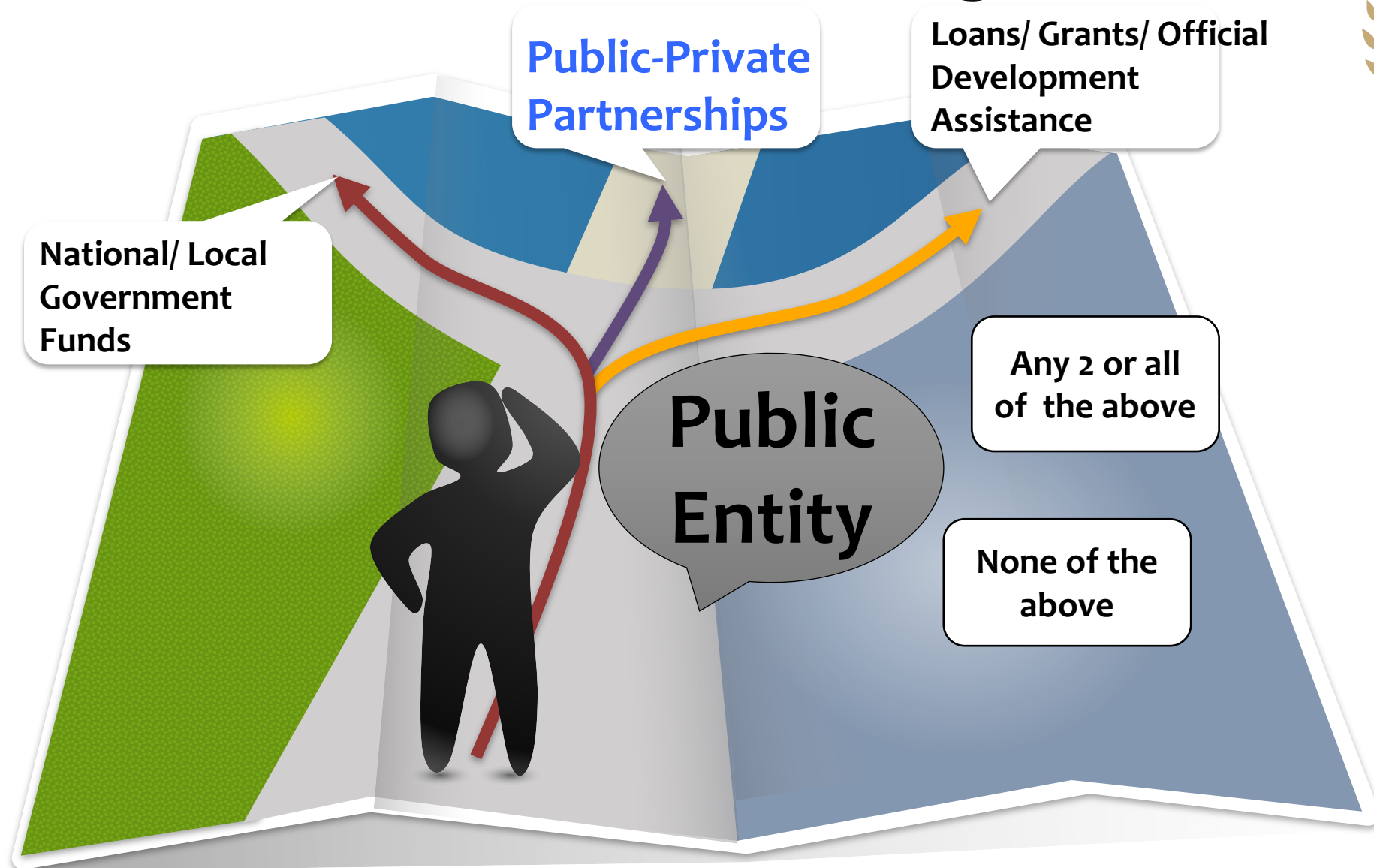
A local government unit creating an SPF shall be allowed to collect an **additional one half percent (0.5%) tax on the assessed value of all lands** in excess of fifty thousand pesos in assessed value, provided that the imposition thereof shall be made under a duly enacted ordinance.

In addition, the LGU may commit to such fund, **not to exceed 2% of its share from revenues** collected from the exploration, development, and utilization of **natural resources** derived from land or water areas or territories within the Bangsamoro territorial jurisdiction;

(b) Upon the recommendation of the LGU School Board and approved by the Sanggunian, earmark [Number] Percent [Percentage] of the **Special Education Fund** to fund Sports-for-a-Purpose programs and activities.

(c) Upon the recommendation of the [Level of LGU] Development Council and approved by the Sanggunian, apportion [Number] Percent [Percentage] of the **Development Fund** to support Sports-for-a-Purpose programs and activities.

Implementation/ Funding Schemes





The Olympic Movement

1 Composition and general organisation of the Olympic Movement

1. Under the supreme authority and leadership of the International Olympic Committee, the Olympic Movement encompasses organisations, athletes and other persons who agree to be guided by the Olympic Charter. The goal of the Olympic Movement is to contribute to building a peaceful and better world by educating youth through sport practised in accordance with Olympism and its values.
2. The three main constituents of the Olympic Movement are the International Olympic Committee ("IOC"), the International Sports Federations ("IFs") and the National Olympic Committees ("NOCs").

2 Mission and role of the IOC*

The mission of the IOC is to promote Olympism throughout the world and to lead the Olympic Movement. The IOC's role is:

1. to encourage and support the promotion of ethics and good governance in sport as well as education of youth through sport and to dedicate its efforts to ensuring that, in sport, the spirit of fair play prevails and violence is banned;
2. to encourage and support the organisation, development and coordination of sport and sports competitions;
3. to ensure the regular celebration of the Olympic Games;
4. to cooperate with the competent public or private organisations and authorities in the endeavour to place sport at the service of humanity and thereby to promote peace;
5. to take action to strengthen the unity of the Olympic Movement, to protect its independence, to maintain and promote its political neutrality and to preserve the autonomy of sport;
6. to act against any form of discrimination affecting the Olympic Movement;
7. to encourage and support elected representatives of athletes within the Olympic Movement, with the IOC Athletes' Commission acting as their supreme representative on all Olympic Games and related matters;
8. to encourage and support the promotion of women in sport at all levels and in all structures with a view to implementing the principle of equality of men and women;
9. to protect clean athletes and the integrity of sport, by leading the fight against doping, and by taking action against all forms of manipulation of competitions and related corruption;
10. to encourage and support measures relating to the medical care and health of athletes;
11. to oppose any political or commercial abuse of sport and athletes;
12. to encourage and support the efforts of sports organisations and public authorities to provide for the social and professional future of athletes;
13. to encourage and support the development of sport for all;
14. to encourage and support a responsible concern for environmental issues, to promote sustainable development in sport and to require that the Olympic Games are held accordingly;
15. to promote a positive legacy from the Olympic Games to the host cities, regions and countries;
16. to encourage and support initiatives blending sport with culture and education;
17. to encourage and support the activities of the International Olympic Academy ("IOA") and other institutions which dedicate themselves to Olympic education;
18. to promote safe sport and the protection of athletes from all forms of harassment and abuse.

Philippine Olympic Committee (POC)

- Serves as **National Olympic Committee** of the Philippines recognized by the IOC and Philippine Law (RAs 10699 and 6847), and registered with the SEC as a **non-stock** corporation
- Develops, promotes and protects the **Olympic Movement** in accordance with the **Olympic Charter** (IOC Charter)
- Has primary responsibility for activities pertaining to the country's participation in the OG, AG, SEAG and other **international athletic competitions** in accordance respectively with the rules and regulations of the IOC, the OCA, the SEAGF and other international sports bodies (RA 6847)
- Recognizes **National Athletes and Coaches** (RA 10699)

Under its AIBL:

- Encourages the development of **high performance sports** as well as **sport for all**
- Organizes, together with NSAs, the **preparation and selection of athletes**
- Exercises **sole authority for the representation of the Philippines** at the OG, YOG, AG, SEAG, as well as other events held under the patronage of the IOC and the OCA
- Recognizes as members **one NSA** for each sport and that NSA must be affiliated to a relevant IF

29 The national federations

To be recognised by an NOC and accepted as a member of such NOC, a national federation must exercise a specific, real and on-going sports activity, be affiliated to an IF recognised by the IOC and be governed by and comply in all aspects with both the Olympic Charter and the rules of its IF.

Under the **POC AIBL**, an NSA:

- Is the **National Governing Body** of a Sport
- Develops sports **nationwide**
- Selects the **athletes, trainers, coaches** and other officials for its **national teams**

3 Types: POC accepts an NSA either as Regular, Associate or Recognized Member

Under **RA 6847**, an NSA:

- Organized for a **sport in the Philippines** and/or affiliated with an **IF recognized by the IOC**
- Is **autonomous** and shall have **exclusive technical control** over the promotion and development of a particular sport
- Shall have its **AIBL** which determines the organization and membership
- Conducts **competitions**
- Selects the **athletes, coaches and other officials** for its **national team**
- Adopts, in coordination with the POC, a **training program** for the development of its athletes

International Paralympic Committee (IPC)

	§ 2 OBJECTS OF THE IPC
2.1	The purpose of the IPC is the promotion and development of sport, especially with regard to <u>Para sports for athletes with impairments</u> .
2.2	Within the scope of this purpose the fundamental objects of the IPC as the leader and global governing body of the Paralympic Movement, are:
2.2.1	to make for a <u>more inclusive society</u> for persons with disabilities;
2.2.2	to promote Para sports for athletes with impairments globally at all levels, <u>without unlawful discrimination</u> for political, religious, economic, disability, racial, gender or sexual orientation reasons;
2.2.3	to enable Para athletes <u>throughout the world</u> to achieve sporting excellence; and
2.2.4	to promote <u>international relations and understanding</u> (including through <u>National Paralympic Committees</u> , regional/continental organisations and international federations, and through relations with governments) to support the global development of Para sport and the Paralympic Movement.



	§ 4 MEMBERSHIP
4.1	The <u>Assembly of the IPC Members</u> is the supreme authority of the IPC responsible for defining the Vision and general direction of the IPC. The following can be members of the IPC:
4.1.1	<u>National Paralympic Committee (NPC)</u> : a national organization recognized by the IPC as the sole representative of athletes with a disability in that country or territory to the IPC.

PHILIPPINE SPORTS ASSOCIATION FOR THE DIFFERENTLY ABLED (PHILSPADA-NPC PHILIPPINES), INC.

SECOND: That the purpose or purposes for which such corporation is incorporated are:

1. To serve as a national sports association for all persons with disabilities (PWDs) pursuant to the national policy of sports for all and the social reform agenda.
2. To increase participation in sports by all PWDs – visual –ly impaired, hearing impaired, orthopedically impaired and those with mental disabilities and general learning problems – elementary school children, high school as well as college students, out-of-school youths, laborers, farmers, fisher folks, civil servants.



Classes of Athletes



Classes of Athletes

National Athletes

Student-Athletes

Professional Athletes

Recreational Athletes

Club Athletes

Athletes w/o Disabilities

Para-Athletes

Youth/ Kids

Masters/ Seniors

LGBTQIA+

National, Professional & Student-Athletes

Comparing and Contrasting



Aspects	National Athletes	Professional Athletes	Student-Athletes
Definition	<ul style="list-style-type: none"> o Athletes who compete for and represent the country o “Filipino citizens, members of the national training pool, recognized and accredited by the POC and the PSC, including athletes with disabilities who are recognized and accredited by the NPC PHIL and the PSC and who have represented the country in international sports competitions.” (RA 10699) 	Athletes who: <ul style="list-style-type: none"> o “play for pay” for a “sum of money as remuneration either in the form of salary or prize of winning” o “within the context of a competition” o “in the practice of their sports profession” (PSC-GAB-DOH Joint Circular 2020-0001) 	Students who: <ul style="list-style-type: none"> o are currently enrolled in any school o are members of any of the school’s athletic teams or programs o represent or has intentions of representing the school in an inter-school athletic program or competition.” (RA 10676)
Status	<ul style="list-style-type: none"> o Beneficiaries since not under NSA control (means & ends) o Have fundamental rights like right to consent 	Depending on circumstances, Employees, Independent Contractors or Service Providers	<ul style="list-style-type: none"> o Students in Public or Private Educational Institutions o 1st & foremost, Students

Aspects	National Athletes	Professional Athletes	Student-Athletes
Nature	Amateurs	Professionals	Amateurs
Organization	Primary: NSAs 2 ^{ndary} : POC/IOC & PPC/IPC	Primary: Teams/ Companies 2 ^{ndary} : Leagues	Primary: Schools 2 ^{ndary} : Athletic Associations
Government	PSC	GAB	CHED/ DepEd
Benefits	Allowances and incentives from PSC, NSAs based on contract/ generosity and Private Companies	<ul style="list-style-type: none"> o Per Contract o Depending on nature: <ul style="list-style-type: none"> o Salary o Allowance o Incentives o League Policy 	<ul style="list-style-type: none"> o School Fees o Uniforms and Supplies o Monthly Living Allowance o Medical and Insurance o Similar benefits (not amount to commercialization)
Requirements	<ul style="list-style-type: none"> o Filipino citizen o PSC-recognized o POC-accredited NSA o Compete in recognized International Events 	Based on Contract/ League policy/ Selection Draft: <ul style="list-style-type: none"> o Skills o Age o Education 	<ul style="list-style-type: none"> o Currently enrolled in full-time curriculum o In good standing o Eligible to represent school o Residency

Sportspersonship



refers to the Athlete's conduct which includes:

- respecting **opponents**, competition **officials**, employees, the public
- respecting **facilities, equipment**, resources, privileges and operating procedures
- practicing **safe sport**
- displaying courtesy and **good manners**
- acting **responsibly and maturely**
- refraining from the use of profane or abusive **language**
- refraining from unduly manipulating **competition**
- abstaining from illegal and banned **drugs**
- helping **build better humans** and **active communities**

Sports Law-for-All

No. 6

Atty. Alberto C. Agra

April 30, 2021

NATIONAL FEDERATION- ATHLETE'S AGREEMENT

- Defining Rights and Responsibilities -

20 Questions and Corresponding Sections

No.	Questions	Sections
1	Are Athletes of the National Team employees of the NFs/NSAs? Or are they beneficiaries?	Recitals (e), II.1, III.A.2 and IX
2	Can an Athlete be compelled by the NF/NSA to be vaccinated against COVID-19?	III.D.7
3	What is the purpose of this Athlete's Agreement?	II
4	What are the international declarations and policies on the rights and responsibilities of Athletes?	Recitals (d) and I.5
5	Who is an Athlete? What is an NF/NSA?	Recitals (a), (b) and (c), I.2 and 10
6	Can the Athlete leave the NF/NSA, i.e., pre-terminate the Athlete's Agreement, at any time?	IX.1
7	Can the NF/NSA remove the Athlete from the National Team, withhold his/her benefits and/or not send him/her in sanctioned competitions?	XI.2-4 and III.C.5
8	Must an NF/NSA adopt and implement a safe sport policy?	III.D.8
9	What are the resources the NF/NSA must provide the Athlete?	III.E.12-18
10	What is a Training Plan? Must the Athlete be consulted about the formulation of the Training Plan?	I.13 and III.C.6
11	Can an Athlete obtain sponsorships from non-NF/NSA-sponsors? Can the Athlete use the NF-logo?	III.D.11 and IV.C.18
12	How are disputes between the NF/NSA and Athletes resolved?	XII
13	Can the Athlete join another organization and represent another country?	VIII
14	What are covered under <i>Competition Expenses</i> ?	I.4
15	Is the responsibility of the NF/NSA confined to developing the physical attributes of the Athlete?	III.A.1
16	What is <i>Clean Living</i> ? Can an Athlete engage in <i>Hazardous Activities</i> ?	IV.B.10-11
17	Who chooses the <i>Personal Performance Gear</i> of an Athlete – the Athlete or the NF/NSA?	III.D.10
18	What is the scope of the <i>Right to Consent</i> of an Athlete? What are the other basic rights of an Athlete?	III.D.7
19	What does it mean to be an <i>Ambassador of the Sport</i> ? Must the Athlete sign a Code of Conduct? What is <i>Sportpersonship</i> ? How should an Athlete treat others?	IV.1, 2 and 4
20	How many years is the effectivity of the Athlete's Agreement?	VII.1



National Athlete's Financial Benefits

By Law (RA 10699):

Event: Olympics, Asian and Regional

Medal: Gold, Silver or Bronze

Athlete: Athletes without Disabilities or Para-Athlete (50%)

By Agreement:

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

Physical/ Special Education (Magna Carta for Disabled Persons RA 7277)



SECTION 12. **Access to Quality Education:** The State shall ensure that disabled persons are provided with adequate access to **quality education and ample opportunities to develop their skills**. xxx It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, **physical education requirements** and other pertinent consideration.

SECTION 14. **Special Education:** The State shall establish, maintain and support a complete, adequate and **integrated system** of special education for the visually impaired, hearing impaired, mentally retarded persons and other type of exceptional children in all regions of the country. Towards this end, the Department of Education, Culture and Sports shall establish **special education classes in public schools** in cities, or municipalities. xxx

SECTION 15. **Vocational or Technical and Other Training Programs:** The State provide disabled persons with training in civics, vocational efficiency, sports and physical fitness, and other skills. The Department of Education, Culture and Sports shall establish in at least one government-owned vocational and technical school in every province a special vocational and technical training program for disabled persons. It shall develop and implement **sports and physical fitness program specifically designed for disabled persons taking into consideration the nature of their handicap**.

SECTION 40. **Role of National Agencies and Local Government Units:** Local government units shall promote the establishment of **organizations of disabled persons** in their respective territorial jurisdictions. National agencies and local government units may enter into **joint ventures** with organizations or associations of disabled persons to explore **livelihood opportunities and other undertaking** that shall enhance the health, physical fitness and the economic and social well-being of disabled persons.

WHERE ARE THE LAZIEST TEENAGERS IN THE WORLD?

PERCENTAGE OF CHILDREN GETTING 'INSUFFICIENT' EXERCISE



South Korea, the Philippines and Cambodia had the largest proportion of children who were physically inactive and did less than an hour of exercise per day, the World Health Organization study revealed

Student-Athlete Defined

RA 10676, 2015



A student **currently enrolled** in any school who is a **member** of any of the **school's athletic teams or programs** and who represents or has intentions of **representing the school** in an **inter-school athletic program or competition**.

The student-athlete must be enrolled in at least a **minimum full-time curricular program** and must be in **good standing** to be **eligible to represent** the school in an inter-school athletic program or competition.

Student-Athletes Protection Act

RA 10676, 2015



Policy

- To protect and promote the right of all the citizens to **quality education** at all levels, and to take appropriate steps to make such **education accessible to all**
- To promote **physical education, sports programs and competitions** alongside training for international competitions to foster self-discipline, teamwork and excellence for the attainment of a **healthy and alert citizenry**
- To recognize and uphold the rights of student-athletes to further **hone their skills and abilities** in their respective fields of amateur sports **without neglecting their education and general well-being**
- To protect and promote the rights of the **student-athlete**, who is, **first and foremost, a student**
- The **rights** guaranteed by this Act and the **obligations** imposed on schools and athletic associations and their officials, athletic directors, coaches, members of the coaching staff, administrators, alumni, and representatives shall seek to ensure that the student-athlete attains **quality education while honing his/her skill and reaching his/her full potential as an athlete in an amateur sports setting**

Protection Schemes

RA 10676, 2015



Residency

Listed/
Restricted
Benefits

Residency

RA 10676, 2015

Requirement



HS to C
None

Without prejudice to the respective rules of athletic associations on student-athletes who are **foreign imports**, the following rules on residency shall be applied:

(a) Residency requirement shall **not** be imposed on a **student-athlete who is a high school graduate** enrolling in a **college or university**;

(b) Residency requirement shall likewise **not** be imposed on a **high school student-athlete transferring from one high school to another high school**: *Provided*, That, to address the issue of **piracy**, a maximum of **one (1) year residency** may be imposed by an **athletic association** on a high school student-athlete who transfers from one member school to another;

(c) In the case of a **tertiary student-athlete transferring from one college or university to another**, a maximum of **one (1) year residency** may be imposed by an **athletic association** before a student-athlete could participate and represent a school in any athletic competition; and

(d) The residency rules mentioned in paragraphs (a) and (b) of this section shall likewise apply to a **Filipino student-athlete** from other countries enrolling in a school in the Philippines.

HS to HS
 ≤ 1 year

C to C
 ≤ 1 year

No Punishment due Transfer

No school, or its representative, shall be authorized to perform the following acts on a student-athlete on the **sole reason of his/her transfer to another school**:

- 1) File an **administrative charge** for possible violation of school rules and regulations;
- 2) Require the **payment of tuition and other miscellaneous fees** covered by the scholarship granted, including monies given and the cash equivalent of non-monetary benefits received;
- 3) Refuse to issue or delay the **release of grades** and school records, clearance, or transfer eligibility;
- 4) Give **incomplete grades** in subjects in which the student-athlete is exempted by virtue of being a student-athlete; and
- 5) Impose other forms of **punishment**.

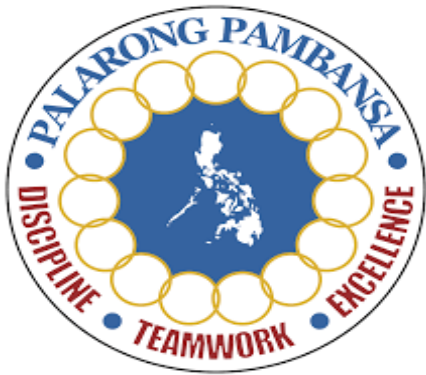
School Incentives

RA 10676, 2015

Inclusive List but
not Unrestricted



1. Tuition and miscellaneous **school fees** including books and other **learning materials**
2. Full **board and lodging**
3. School and athletic **uniforms including supplies, equipment** and paraphernalia
4. A reasonable regular **monthly living allowance**, the amount of which shall be set and **standardized by the athletic association** to which the school is affiliated with
5. Medical examinations and consultations, emergency **medical services, life and medical insurance** and other reasonable and similar benefits that would further enhance the academic and athletic performance of the student-athlete
6. Other **reasonable and similar benefits** that would further enhance the student-athlete's **academic and athletic performance**



Institutionalizing the Palarong Pambansa

R.A. No. 10588 (2013)



Policy	Promote physical education encourage sports programs, league competitions and amateur sports to foster self-discipline, teamwork and excellence for the development of a healthy and alert citizenry
Main Objectives	<ol style="list-style-type: none">1. Institutionalize the Palarong Pambansa as the premier national sporting event under DepED2. Improve the DepED's national school sports program3. Encourage the LGU to take a proactive role
Structure	Palaro Pambansa Board (DepED-PSC-DILG) attached to DepED
Hosting Rules	Through bidding guided by the principle of rotation among the following geographical clusters: Luzon, Visayas and Mindanao
Incentives	For the Host LGU and Participating Schools-Students Training program for outstanding athletes (PSC with DEPED)
Events	Elementary (15) Secondary (21) [Board can add]

Grievance Procedure

RA 10676, 2015



Belief: AA Inaction

Athletic Association (AA)

DepED or
CHED

Courts

Complaint

Investigation/
Hearing

Decision

Appeal

Litigation

Complainant:

- Student-Athlete, his/her parents or guardians, schools or their alumni, or any person or any entity in behalf of a student-athlete
- School

Respondent:

- School officials, athletic directors, coaches, members of the coaching staff, administrators, alumni, or representatives
- AAs or schools that permitted/ not prevent

Appropriate penalties:

- Suspend or ban the student-athlete from playing
- Suspend or ban the school from participating in AA

Sample Student-Athlete Participation Agreement



STUDENT-ATHLETE

NAME _____ SPORT _____

I understand that a fulfilling educational sport experience requires the exercise of responsibilities on the part of both personnel associated with the athletics program and student-athletes. As a student-athlete, I understand my responsibility to commit to the principles of self-discipline, collaborative effort and team building, and to be an ambassador for the institution.

Academic Standards

I understand that the athletics department is committed to the philosophy that student-athletes are students first and foremost and that all student-athletes must exhibit behaviors that demonstrate a commitment to maximizing academic success as their first priority. I understand that the athletics department has created the following standards, strategies, and policies to maximize the possibility of student-athletes meeting their academic goals. I understand that I am obligated to comply with these standards:

- Student-athletes must adhere to all academic requirements (study halls, tutoring sessions, etc.) specified by the academic counselor.
- Student-athletes' academic progress is monitored by the academic support program staff. If at any time, the Assistant Director of for Academic Support Programs receives academic information that a student-athlete is not meeting his or her responsibilities (i.e. warning notices, probationary status notices, grade point average reduction, excessive absences notices, etc.) the Assistant Director will meet with the head coach and to determine if playing or practice privileges will be restricted, suspended, or terminated.
- If a student-athlete's grade point average drops below a 2.0, he or she will become automatically ineligible to participate until the grade point average returns to the 2.0 minimum.
- Sports schedules are designed to minimize missed class time. While classes missed for regular- or post-season contests are university approved, the expectation is that student-athletes will make every effort not to miss any additional classes and will only do so under extenuating circumstances such as illness or family emergency. Excessive absences may result in restriction of a student-athlete's participation in practice or competition.
- Student-athletes are not permitted to miss any regularly scheduled classes for activities other than scheduled athletics competitions, unless approved by the Assistant Director of Academic Support Programs and the professor of the class involved.
- Student-athletes are expected to meet all deadline dates for class assignments and are required to make pre-arrangements with instructors when quizzes, tests or special assignments conflict with contest dates.

Sample Student-Athlete Participation Agreement

Behavioral Expectations

I understand that student-athletes are visible representatives of the institution both on campus and off-campus whose behaviors are often closely scrutinized by the media and general public. Student-athlete behavior affects public perception of institutional ethos, athletics department standards, and the character of the student body. Therefore, it is an expectation that student-athletes will demonstrate consistent role model behavior, sportsmanship and self-control. More specifically:

- Student-athletes must be committed to fair play. Intentional acts of unsportsmanlike behavior or cheating will not be tolerated.
- When representing their teams during competition, student-athletes will exercise self-control in all ways including, but not limited to, resisting the use of profanity, demonstrating unnecessary aggression or hostility towards others, making inappropriate physical gestures, taunting or excessively celebrating, and disrespecting coaches, officials, teammates or opponents.
- Student-athletes are prohibited from interacting in any negative way with fans.
- When interacting with the media, student-athletes are expected to remain positive and not use media interviews as a platform to share personal frustrations about the team, coaches, the athletics department or the institution or to make any negative comments about opponents or officials.
- Any actions that result in a student-athlete being sanctioned by school, local, state, or federal authorities may also result in sanctions from the athletics department.

Sample Student-Athlete Participation Agreement

Physical Conditioning and Training

I understand that physical conditioning and training programs in preparation for athletics performance as designed and supervised by coaches and support staff (trainers, strength coaches, etc.) require intense physical activities, constant feedback, and creating benchmarks to maximize each athlete's potential and team success. I understand that participation in training and instruction is an educational process that requires collaboration between athletics staff and student-athletes, especially as such collaboration is intended to minimize the inherent risks associated with intense physical activities that can also be mentally and emotionally challenging. Therefore, I understand the need for and accept the following participation responsibilities:

- Report to my coach or an athletics trainer, any change in my physical, mental or emotional well-being that may affect my ability to participate safely. This includes any additions of prescription medications or over the counter supplements.
- Commit to completing all conditioning activities and practice session I am asked to perform to ready me for the physical, mental, and emotional stress associated with my sport unless I have documented limitations that have been approved by the medical or counseling staff.
- Refrain from outside activities that will enhance my risk of unsafe participation such as excessive exercise, alcohol consumption, using non-prescription drugs, taking over the counter supplements that have not been approved by the athletics department medical staff, taking steroids or other performance enhancing or illegal drugs.
- Follow the guidelines given to me by my coaches and trainers regarding hydration, sleep, and nutrition.
- Communicate with my coach or trainer any time I feel any abnormal or labored physical response to exercise (i.e. pain, nausea, shortness of breath, dizziness, etc.) and to stop the activity immediately.
- Communicate with my coach or trainer any time I feel incapable of continuing to participate due to any physical, mental or emotional distress. I understand that I will not be subjected to any retribution if I self-report physical, mental, or emotional distress and elect to discontinue participation and if I believe retribution took place, I am obligated to report such to the Director of Athletics.
- Communicate with my coach or athletic trainer if I come become aware of another athlete's abnormal or labored physical, mental, or emotional response to any activity.
- Willingly discontinue participation any time a coach, trainer, or strength coach tells me to and, if applicable, follow their directives regarding follow-up meetings with medical staff or other appropriate professionals.
- Recognize that participation decisions must be made by professional athletics staff members. Parents may not override these decisions.

Sample Student-Athlete Participation Agreement

Teamwork and Team Expectations

I understand that team unity and team chemistry are key variables for a positive and successful athletics experience. Commitment to team goals is essential which, at times, may take precedence over individual goals. However, I understand that the athletics department does not subscribe to a team culture based on intimidation or mandatory allegiance to questionable practices and requires that all student-athletes be treated fairly by coaches, support staff, and teammates. Under these conditions, I understand that student-athletes are expected to exhibit a level of selflessness that promotes team goals. More specifically:

- Student-athletes are expected to abide by team rules that have been constructed by the team, approved by the coaches, approved by the sports administrator, and attached to this agreement.
- Student-athletes are expected to abide by all NCAA rules that have been provided in the annual rules orientation session conducted by the athletics department.
- Student-athletes are expected to abide by all athletics department policies that are contained in the athletics department Student-Athlete Handbook which is available online, including, but not limited to the policies that prohibit alcohol consumption, sexual harassment, bullying, drug use, gambling, and tobacco use.
- Student-athletes are expected to report any actions that establish a class system (hazing, initiations, etc.) to their coach immediately.
- Student-athletes are expected to immediately report any behaviors they would describe as abusive by a coach, staff member, or a teammate to the Director of Athletics.
- Student-athletes and coaches are expressly prohibited from engaging in sexual intimacies and other forms of inappropriate conduct with each other. Student-athletes are expected to immediately report any such behaviors which serve to destroy the standard of impartiality and professional trust which must be maintained by all coaches,
- Each student-athlete receives a copy of athletics department Policy 11-18 which describes the “zero tolerance” policy toward hazing, initiation rituals, sexual harassment, and physical punishment and is expected to honor and contribute to a culture of respect of self and others.

Sample Student-Athlete Participation Agreement

Prohibition of Retaliation

Creating a culture of personal responsibility requires an assurance to employees and student-athletes that no retaliation will occur against those who report governance association rules violations or misconduct policy violations. Staff and student-athletes are expected to report these concerns to the athletics director or are invited to utilize the institutional ombudsman for this purpose.

I agree to accept the participation standards and policies listed above and knowingly accept that violations of these standards may result in a variety of sanctions by the athletics department including, but not limited to restriction, suspension from, or termination of participation in the athletics program.

Student-Athlete Signature:

_____ Date: _____

Parent's Signature (if athlete under 18):

_____ Date: _____

The above sample agreement is an excerpt from a prepublication manuscript due to be published in 2013: Lopiano, D.A. and Zotos, C. (Publication 2013) The Athletics Director's Desk Reference. Champaign, IL: Human Kinetics. Do not use without review by your institutional legal counsel.

<https://sportsmanagementresources.com/library/sample-student-athlete-participation-agreement>



Safe Sports and Women in Sports

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

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.

What are the prohibited acts under the SSA?

Fine and/or imprisonment and community service, the amount or duration of which shall depend on the severity and repetition, shall be imposed on those who commit:

1. Gender-Based Streets and Public Spaces Sexual Harassment (GSH);
 - a) Gender-Based Streets and Public Spaces Sexual Harassment;
 - b) Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public;
 - c) Gender-Based Sexual Harassment in Public Utility Vehicles; and
 - d) Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors;
2. Gender-Based Online Sexual Harassment (GOSH);
3. Gender-Based Sexual Harassment in the Workplace; and
4. Gender Based Sexual Harassment in Educational and Training Institutions.

What is the meaning of Gender-Based?

Under the SSA, “Gender” refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them. “Gender identity and/or expression” refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender.

Elements	GSH	GOSH
Offender	Any person, even a minor (s/he need not be a person in authority)	
Offended Party	Any person	
Nature	Unwanted and uninvited sexual actions or remarks <u>regardless of the motive which threatens one's sense of personal space and physical safety</u>	<ul style="list-style-type: none"> ● Online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety ● Use of information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats
Place Committed	<u>Public Places</u> <ul style="list-style-type: none"> ● streets and alleys ● public parks ● <u>schools</u> ● buildings ● malls ● bars and restaurants ● transportation terminals ● public markets ● evacuation centers ● government offices ● public utility vehicles ● private vehicles covered by app-based transport network services ● cinema halls and theaters ● spas 	Cyberspace/ Online

Types

1. Verbal Remarks or Slurs which are misogynistic, transphobic, homophobic and sexist in nature: <ul style="list-style-type: none"> ● Cursing ● Wolf-whistling ● Cat-calling ● Leering and intrusive gazing ● Taunting ● Making unwanted invitations ● Making persistent unwanted comments on one's appearance ● Making relentless requests for one's personal details ● Using words, that ridicule on the basis of sex, gender or sexual orientation, identity ● Persistent telling of sexual jokes ● Using sexual names, comments and demands ● Making any statement that has made an invasion on a person's personal space or threatens the person's send of personal safety 	<ul style="list-style-type: none"> ● Public or through direct and private messaging ● Invading victim's privacy through cyber stalking and incessant messaging ● Uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content ● Unauthorized recording and sharing of any of the victim's photos, videos, or any information online ● Impersonating identities of victims online ● Posting lies about victims to harm their reputation and filing false abuse reports to online platforms to silence victims
2. Non-Verbal <ul style="list-style-type: none"> ● Making offensive body gestures at someone ● Exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party ● Flashing of private parts, public masturbation, groping, and similar lewd sexual actions 	
3. Physical <ul style="list-style-type: none"> ● Stalking ● Offensive sexual harassment ● Touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body 	



The Magna Carta of Women

Women in Sports, Section 14, RA 9710 (2008)

1. Participation-for-All
2. Sports-for-Excellence
3. Total Well-Being
4. Equal Access to Full Benefits
5. Affirmative Action

The State shall develop, establish, and strengthen programs for the participation of **women and girl-children in competitive and non-competitive sports** as a means to achieve **excellence, promote physical and social well-being, eliminate gender-role stereotyping**, and provide **equal access to the full benefits** of development for all persons regardless of sex, gender identity, and other similar factors.

For this purpose, all sports-related organizations shall create guidelines that will establish and integrate **affirmative action** as a strategy and gender equality as a framework in planning and implementing their policies, budgets, programs, and activities relating to the participation of women and girls in sports.



The Magna Carta of Women

Women in Sports, Section 14, RA 9710 (2008)

6. Incentives to Advocates
7. Equal Prize if:
 - Same Category
 - Event Open to Both Sexes
 - Male and Female Divisions

The State will also provide **material and nonmaterial incentives** to local government units, media organizations, and the private sector for promoting, training, and preparing women and girls for participation in **competitive and noncompetitive sports**, especially in **local and international events**, including, but not limited to, the Palarong Pambansa, Southeast Asian Games, Asian Games, and the Olympics.

No sports event or tournament will offer or award a **different sports prize**, with respect to its amount or value, to women and men winners in the **same sports category**: Provided, That the said tournament, contest, race, match, event, or game is **open to both sexes**: Provided, further, That the sports event or tournament is divided into **male or female divisions**.



The Magna Carta of Women

Women in Sports, Section 14, RA 9710 (2008)

8. Safety and Well-Being of All Women and Girls
9. Pro-rata Representation in Scholarships

The State shall also ensure the **safety and well-being of all women and girls** participating in sports, especially, but not limited to, trainees, reserve members, members, coaches, and mentors of national sports teams, whether in studying, training, or performance phases, by providing them comprehensive health and medical insurance coverage, as well as integrated medical, nutritional, and healthcare services.

Schools, colleges, universities, or any other learning institution shall take into account its total women student population in granting athletic scholarship. There shall be a **pro rata representation of women** in the athletic scholarship program based on the percentage of women in the **whole student population**.

Athletic Programs Report Act

RA 11180, 2018



Coverage

Higher Education
Institutions/
Colleges

CHED-recognized
Athletic Program

Ratios (M:F)

Athletes

Coaches

Scholarships

Policy: Both **male and female athletes** shall be given **equal opportunities** to receive **proper training**.

Sports Law-for-All

No. 8

Atty. Alberto C. Agra

June 14, 2021

ADOPTING A SAFE SPORTS CHARTER

2. Principles

2.1. Sports-for-a-Purpose – Olympism. Sports has a noble purpose which is building better humans, creating active and vibrant communities, and advancing better quality of life for all, which collectively is the core of Olympism.

2.2. Safe Sport Environment. The safety of athletes against all forms of harassment, discrimination, abuse, violence or bullying in sports, whether physical, emotional, psychological, or specifically gender-based, in person or online, based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences, shall be guaranteed at all times.

2.3. Rights and Responsibilities of Athletes. Athletes have inherent and fundamental rights, premised on the United Nations Declaration on Human Rights and underscored in the Athletes Rights and Responsibilities Declaration of the IOC Athlete 365 and Universal Declaration of Player Rights of the World Players Association/ Uni Global Union.

2.4. Responsibilities of Sports Associations and Training Personnel and Institutions. Corollary to these is the corresponding responsibility of sports associations and training personnel and institutions to ensure not only the integrity of the sport but the protection of these athletes against all forms of harassment, abuse, and violence.

3.1. Safe Sport promotes the welfare and development of athletes and ensures the safety of athletes against all forms of harassment, discrimination, abuse, violence or bullying in sports, whether physical, emotional, psychological, or specifically gender-based, in person or online, based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences, shall be guaranteed at all times.

5. Commitments

5.1. SS Laws, Rules, and Regulations

- 5.1.1. Information campaign on the rights of athletes to be protected against harassment, abuse, and violence in sports must be fortified.
- 5.1.2. Athletes and other sports personalities, such as coaches, trainers and officials must undergo periodic training on laws dealing with the rights of athletes against harassment, abuse, and violence in sports.
- 5.1.3. Sports programs and activities, such as elite and mass participation, quality physical education, recruitment, grassroots development, community development, local government initiatives must promote and develop protection in sports.
- 5.1.4. The [•] shall ensure that all forms of mental, physical, and psychological support are provided to the athletes.
- 5.1.5. All events, competitions, workout sessions, trainings, meetings, seminars and activities of [•] must promote safe sports free from harassment, discrimination or bullying based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences, and must provide safe spaces free from misogynistic and sexist, acts, policies, regulations, remarks and slurs.
- 5.1.6. The [•] shall ensure that all personal and sensitive personal information of the athletes are collected, utilized, and preserved in accordance with existing laws, rules, and regulations and shall further warrant that these information will not, in any manner, be used to harass, abuse, or employ violence against the athletes.

5.2. Safe Sport Committee (SSCo)

- 5.2.1. The [•] shall form an SSCo which shall act ensure compliance by the former of this SSC, act and resolve SS-related matters and grievances, and recommend to the former policies, programs and projects on SS. The SSC shall be composed equally of male and female representatives. The Athletes' Commission of the [•] shall be consulted by the SSCo.
- 5.2.2. The [•] shall ensure that athletes are provided with a venue of confidence within which they can thresh out the details of any incident of harassment, abuse, or violence in the sport.
- 5.2.3. The [•] shall ensure that due process is upheld at all times and in all instances.
- 5.2.4. The [•] shall ensure that the athlete shall be provided with adequate legal assistance in case the matter is threshed out in a court of law or an administrative agency exercising quasi-judicial functions.
- 5.2.5. The SSCo shall propose to the [•] for consideration and approval detailed procedures on reporting, whistleblowing, investigation, disciplinary, third-party reporting and maintaining records.

5.6. Procedure

- 5.5.2. Any complaint, whether verbal or written, advanced by an athlete must be accompanied with evidence supporting any allegation.
 - 5.5.2.1. The SSCo must endeavor to amicably settle the issue while maintaining the confidentiality of the proceedings, insofar as applicable.
 - 5.5.2.2. In the event of failure to amicably settle, the SSCo shall refer the athlete to the appropriate agency with jurisdiction, such as but not limited to the Prosecutor's Office, National Privacy Commission, Department of Social Welfare and Development.
 - 5.5.2.3. The SSCo shall, in case the case is decided in favor of the athlete, ensure that the offending party shall be disqualified from any training or membership in the sport, if such offending party is a member thereof.
- 5.5.3. The [•] shall enact a policy on the penalties to be meted against any erring party within its jurisdiction and without prejudice to existing domestic and international laws, agreements, and treaties.



Events and Risks



Organizing an Event: Checklist

Components	Requirements
<i>Organizer</i>	Legitimate Entity, Track Record, Recognition, Permits
<i>Event</i>	Recreational or Competitive, Qualifier or Stand-Alone, Team or Individual, Sanctioned or not
<i>Field of Play/ Course</i>	Specifications, Standards, Audience, Barriers, Signages, Course Warning/ Reminders
<i>Officials</i>	Event Director, Referees, Marshals, Timing, Awarding, Registration, Secretariat
<i>Medical</i>	Medical Team, Ambulance, Aid Station, Food, Hydration
<i>Inclusions</i>	Uniforms, Bibs, Prize Money, Medals, Shirts, Freebies
<i>Requirements</i>	Data Privacy, Entry Fees, Refund Policy, Waivers



Assumption of Risks

A participant in a game or sport assumes **all of the risks** incidental to that particular activity which are **obvious and foreseeable**. A participant does **not assume the risk of injury** from fellow players acting in an **unexpected or unsportsmanlike way** with a reckless lack of concern for others participating. *Bourque v. Duplecine*, 334 So. 2d 210, 1976

The doctrine of assumption of risk means that one who **voluntarily exposes** self to an **obvious, known and appreciated danger** assumes the risk of injury that may result therefrom.

As a **defense in negligence cases**, **3 elements** must concur:

1. The athlete must **know** that the **risk is present**
2. Athlete must further **understand its nature**
3. Athlete choice to incur it must be **free and voluntary**



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Thank you.