



# ***Overview of Philippine Sports Law***

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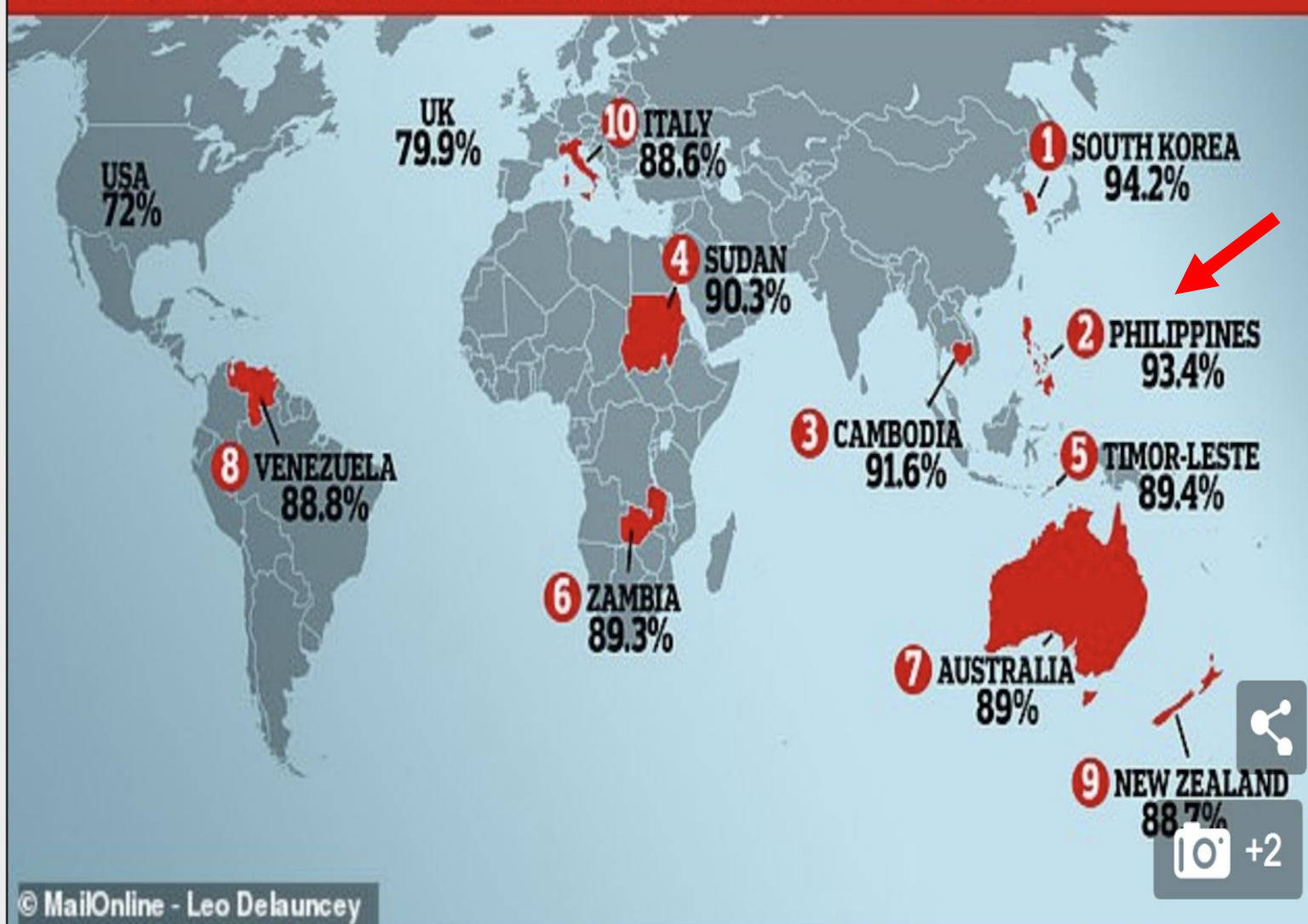
President, Pilipinas Obstacle Sports Federation

Executive Director, 5 Throws-for-All

Masters-Seniors Athlete (Obstacle Sports, Throwing and Padel)

# WHERE ARE THE LAZIEST TEENAGERS IN THE WORLD?

PERCENTAGE OF CHILDREN GETTING 'INSUFFICIENT' EXERCISE



# '8 Out Of 10 Filipinos Do Not Have A Dream'

Boris Joaquin

January 7, 2022

One news

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

# 5 Topics

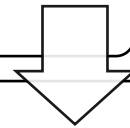
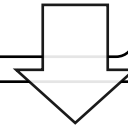
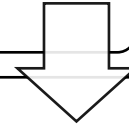
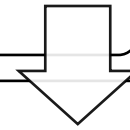
A. Sports Law

B. Governance in Sports

C. Classes of Athletes

D. Safe Sports and Inclusivity

E. Events and Risks





# **A. Sports Law**

*(1) What is Sports?*

*(1.1) What is the coverage of 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*





# **A. Sports Law**

*(1.2) What is the purpose of Sports under the Philippine Constitution?*





# The 1987 Constitution

## *ARTICLE II. Declaration of Principles and State Policies* Principles

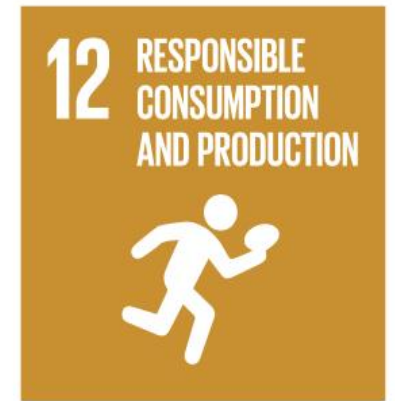
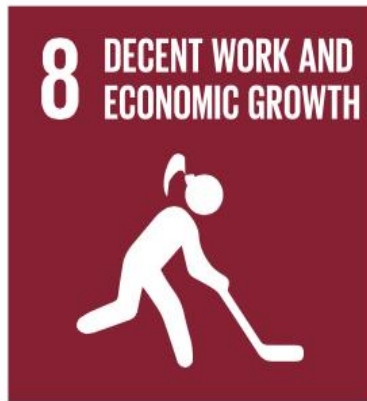
SECTION 15. The State shall protect and promote the **right to health** of the people and instill **health consciousness** among them.

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.**



**SPORT FOR  
DEVELOPMENT AND  
PEACE**





# **A. Sports Law**

*(1.3) Name as many  
Sports-Specific/ Related Laws.*

# 15 Sports Laws



1987 Constitution

RA 6847 (1990)

RA 7722 (1994)

EO 120 (1948)

RA 9155 (2001)

RA 11313 (2019)

RA 11054 (2018)

RA 11470 (2020)

RA 7160 (1991)

RA 11180 (2018)

RA 10699 (2015)

RA 10588 (2013)

RA 7277 (1991)

RA 10676 (2015)

RA 9710 (2008)












## **B. Governance in Sports**

*(2) Name 7 Administrative Agencies involved in Philippine Sports.*



# Government Agencies on Sports



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"><li>Encourage and sustain sports development nationwide</li><li>Support National Athletes</li><li>Maintain link</li><li>Help enable Olympic Games</li><li>Establish sports facilities</li><li>Provide incentives and benefits</li><li>Encourage local/school events</li><li>Manage Phl Sports Training Ctr</li></ul>	<ul style="list-style-type: none"><li>Enforce laws and regulations</li><li>Promote fair conduct of games</li><li>Grants</li><li>licenses to professional sports practitioners</li><li>Issues permits for professional games</li><li>Adjudicates on violations</li></ul>	<ul style="list-style-type: none"><li>Pursue school sports and physical fitness as part of basic ed</li><li>Hold <i>Palarong Pambansa</i></li><li>Resolve complaints affecting student-athletes</li></ul> 	<ul style="list-style-type: none"><li>Set minimum standards</li><li>Rationalize programs</li><li>Review charters</li><li>Resolve complaints affecting student-athletes</li></ul>	<ul style="list-style-type: none"><li>Implement a secondary education program, integrated with a special curriculum on sports</li><li>Establish world-class facilities</li><li>Provide full scholarship</li><li>Coordinate with PSC</li></ul>	<ul style="list-style-type: none"><li>Promote general welfare</li><li>Recognize vital role of youth</li><li>Promote mental and physical fitness through sports</li><li>Develop comprehensive PE program</li><li>Organize sports events</li><li>Create Sports Commission</li></ul>	<ul style="list-style-type: none"><li>Promote general welfare</li><li>Exercise devolved powers (i.e., sports center)</li><li>Hold sports events</li><li>Apportion SEF for sports</li><li>Enact ordinances</li><li>Levy local sports-for-all taxes</li></ul>



## **B. Governance in Sports**

*(2.1) Who are the Private Stakeholders/  
Duty-Bearers in Sports?*



# Stakeholders/ Duty-Bearers

Philippine Olympic Committee

Philippine Paralympic Committee

Associations

Private Schools

Clubs and Gyms

Corporation Code

Obligations & Contracts

Rules

Membership Policies

Torts/ Crimes



## **C. Classes of Athletes**

*(3) Are National Athletes employees of their National Sports Associations?*





# Classes of Athletes

National Athletes

Student-Athletes

Professional Athletes

Recreational Athletes

Club Athletes

Athletes w/o Disabilities

Adaptive/ Para-Athletes

Youth/ Kids

Masters/ Seniors

LGBTQIA+



# National, Professional & Student-Athletes

## Comparing and Contrasting



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

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



## **C. Classes of Athletes**

*(4) True or False:*

*A Paralympic Games Gold Medalist gets the same cash incentive as an Olympic Games Gold Medalist.*

# National Athlete's Incentives

RA 10699 (2015)

## Entitlements

1. Allowance (levels)
2. 20% Discount (hotel, restaurants, sports equip, theaters)
3. Free Medical (and dental) Consultations – gov't hospitals
4. PhilHealth
5. Social Security Program
6. Priority in Housing NHA
7. Priority in Livelihood by gov't
8. Use of Living PSC Quarters
9. Death/ Funeral Benefits – P30k

## Performance

1. Tax-Exempt Cash Incentives in International Events (Gold, Silver or Bronze)
  - **Olympic Games**  
– P10M/ 5M/ 2M
  - **Paralympic Games**  
– P5M/ 2.5M/ 1M
  - Team – = divided (<5)
2. Scholarships (full tuition fee SUC; private schools encouraged)
3. Retirement (lump sum 25% of cash prizes)



## **C. Classes of Athletes**

*(5) How do our laws protect Student-Athletes?  
Can a Student-Athlete be given a  
condominium by its School?*

# Student-Athletes Protection Schemes

## RA 10676 (2015)



Residency

Listed/  
Restricted  
Benefits

To protect and promote the rights of the **student-athlete**, who is, **first and foremost, a student.**



# Residency

## RA 10676 (2015)

### Requirement



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

HS to C  
None

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

HS to HS  
 $\leq 1$  year

(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 to C  
 $\leq 1$  year

(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.

## 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**

# 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

# 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**.



## **D. Safe Sports and Inclusivity**

*(6) What is the application of the Bawal Bastos Law 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.



# 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
6. Incentives to Advocates
7. Equal Prize
8. Safety and Well-Being of All Women and Girls
9. Pro-rata Representation in Scholarships



# 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.



## **E. Events and Risks**

*(7) Is an event organizer liable for the death of a runner, who signed a waiver, when hit by a PUJ along the race course?*



# 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. Duplecin*, 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.

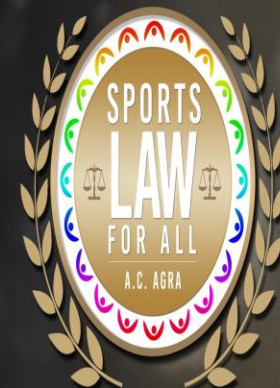
As a **defense in negligence cases**, **3 elements** must concur:

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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