



# *Sports Legislation & Athlete Welfare:* **Strengthening Protections and Nutrition Support for Filipino Athletes**

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# 5 Topics

A. Purpose of Sports

B. Governance in Sports

C. Classes of Athletes

D. Safe Sports

E. Proposals



# **A. Purpose of Sports**

*What is the purpose of Sports under the Philippine Constitution?*



# The Noble Purpose of Sports

## *Under 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.**

**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



**SPORT FOR  
DEVELOPMENT AND  
PEACE**











## **B. Governance in Sports**

*Name 7 Administrative Agencies  
involved in Philippine Sports.*

Horizontal and Vertical  
Decentralization in  
Sports Governance

# Government Agencies on Sports



Aspects	PSC 	GAB 	DEPED 	CHED 	NAS 	BARMM 	LGUs
<b>Charter</b>	RA 6847 (1990)	EO 120 (1948)	RA 9155 (2001)	RA 7722 (1994)	RA 11470 (2020)	RA 11054 (2018)	RA 7160 (1991)
<b>Nature</b>	Governmental Regulatory National Agency	Regulatory and Supervisory Agency	National Government Agency	Administrative Agency	Government School	Regional Government	Political and Territorial Subdivisions
<b>Relations</b>	Attached to OP	Under OP	Control of OP	Attached to OP Independent of DEPED	Attached to DEPED	Supervision of OP	Supervision of OP
<b>Focus/ Mandate</b>	All Amateur Sports	Professional Sports (Listed)	Basic Education (Public)	Higher Education (Public-Private)	Secondary Education	Regional Governance	Local Governance
<b>Sports- Related Functions</b>	<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 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**

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



# Stakeholders/ Duty-Bearers

Philippine Olympic Committee

Philippine Paralympic Committee

National Sports Associations

Private Schools

Clubs and Gyms

Corporation Code

Obligations & Contracts

Rules

Membership Policies

Torts/ Crimes



# Philippine Olympic Committee

- IOC provides guidance on **sports nutrition** to athletes emphasizing the importance of a well-planned diet for optimal performance and health
- POC aims to:
  1. develop, promote and protect the **Olympic Movement** in the Philippines in accordance with the Olympic Charter
  2. propagate the fundamental principles of **Olympism** at the national level within the framework of sports activity and otherwise contribute, among other things, to the diffusion of Olympism in the teaching programmes of physical education and sport in schools and universities
  3. encourage the development of **high-performance sports** as well as sport for all
  4. encourage and support measures relating to the **medical care and health of athletes**



## **C. Classes of Athletes**

*What are the Classes of Athletes?*



# 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>	<p>Athletes who:</p> <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>	<p>Students who:</p> <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>	<p>Depending on circumstances, Employees, Independent Contractors or Service Providers</p>	<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>	<p>Based on Contract/ League policy/ Selection Draft:</p> <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>

# National Athlete's Incentives

RA 10699 (2015)

## Benefits

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
- 10. Athlete Support**

## Incentives (Performance)

1. Tax-Exempt Cash Incentives in International Events (Gold, Silver or Bronze)
2. Surpass Philippine Records or international ranking
3. Scholarships (full tuition fee SUC; private schools encouraged)
4. Retirement (lump sum 25% of cash prizes)

# Student-Athletes Protection Schemes

## RA 10676 (2015)



Residency

Listed  
Benefits

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

# School Incentives

## RA 10676 (2015)



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**



## **D. Safe Sports**

*Is nutrition part of Safe Sports?*

# Sports Law-for-All

No. 1

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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





# Broader Perspective

## Nutrition is a part of:

- Safe Sport.
- Athlete Welfare and Well-Being.
- Physical and Mental Health of Athletes.

## Safe Sports

- is not just about preventing abuse, harassment, and discrimination.
- Is also concerned about lowering the risk of injuries and overtraining which are key elements in athlete safety. Thus, proper nutrition is key in reducing fatigue, supporting immune function, and accelerating recovery.
- Involves the recognition of risks brought about by unsafe dietary practices (e.g., extreme weight-cutting, dehydration, use of unsafe supplements).



# **D. Proposals for Reform**

*What are my Proposals?*

# Proposals



## **Adoption of Specific Policies**

*National, Local, Institutional*

## **Execution of Agreements**

*Public and Private with Athletes*



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Thank you.