



Philippine Sports Law 101

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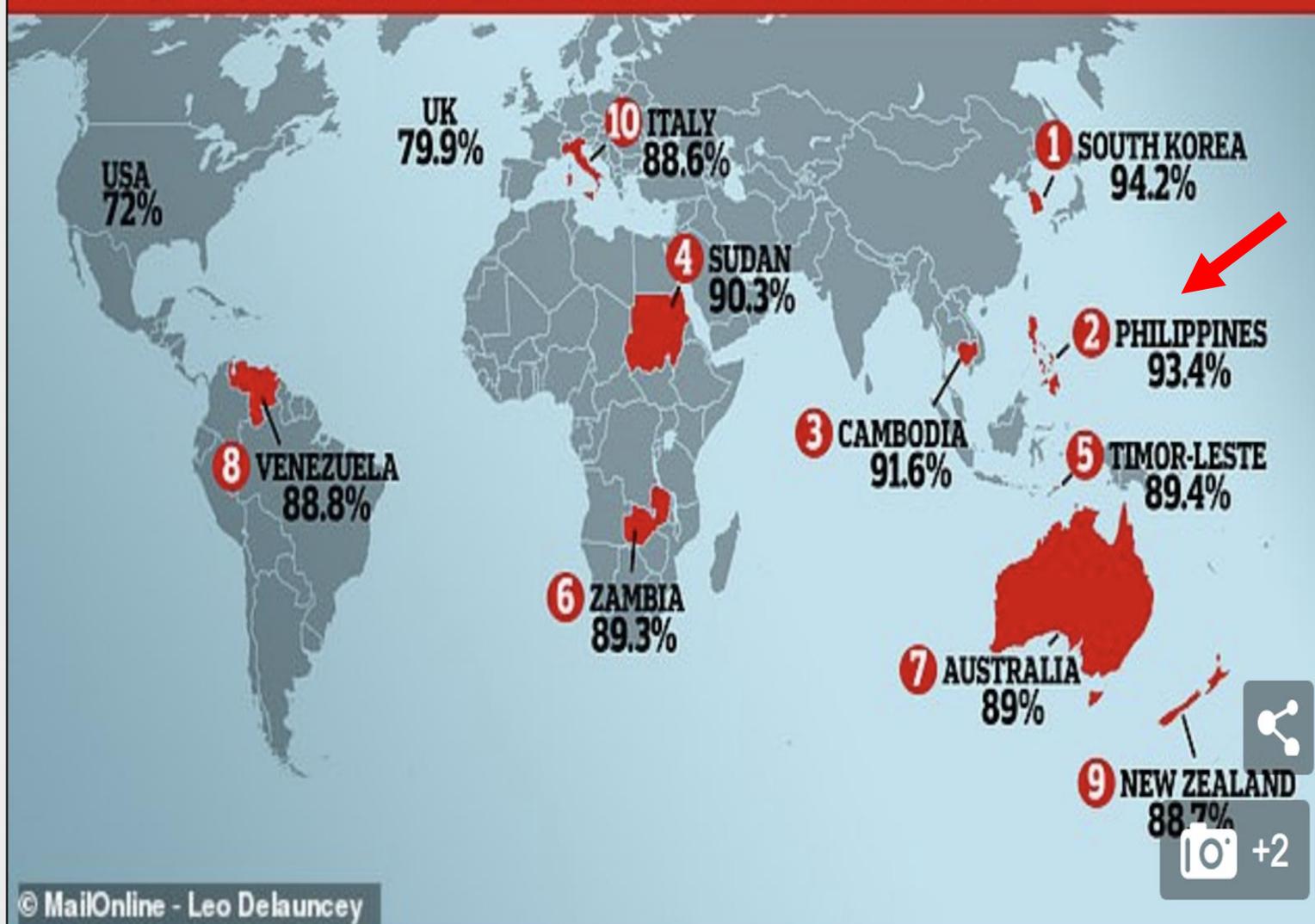
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WHERE ARE THE LAZIEST TEENAGERS IN THE WORLD?

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

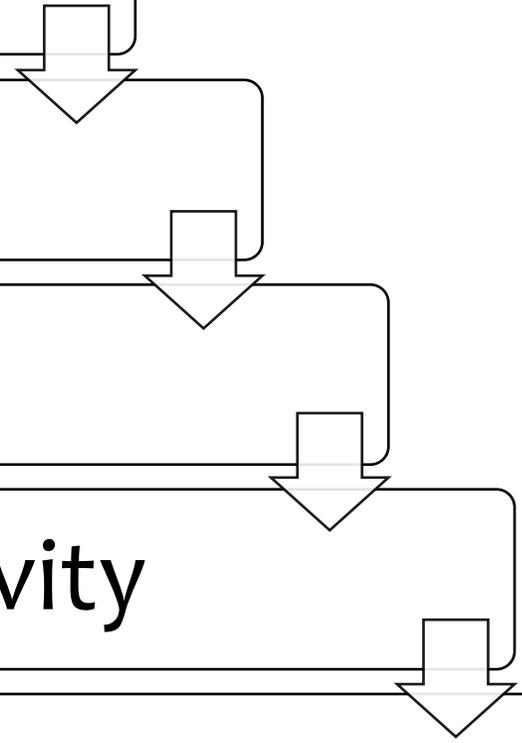
A. Sports Law

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

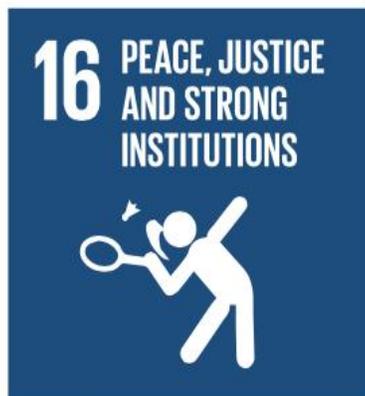
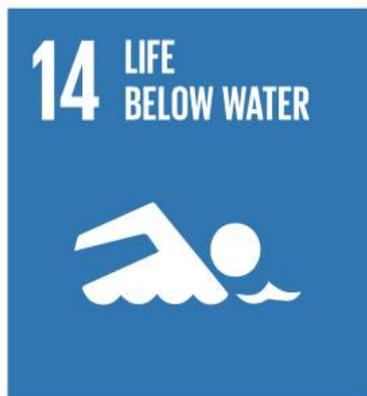
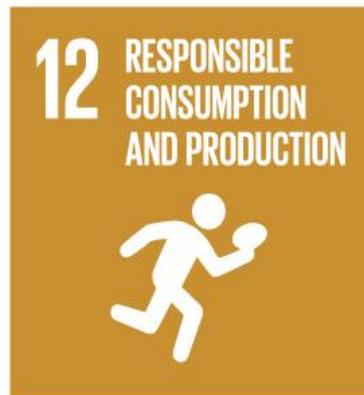
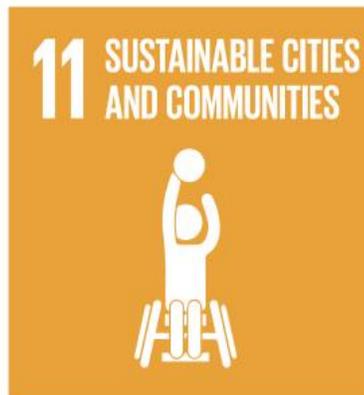
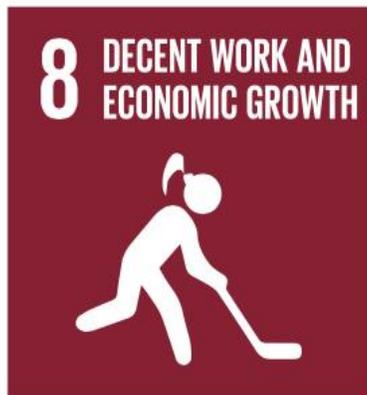
SECTION 15. The State shall protect and promote the **right to health** of the people and instill **health consciousness** among them.

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 11180 (2018)

RA 7160 (1991)

RA 10699 (2015)

RA 7277 (1991)

RA 10588 (2013)

RA 10676 (2015)

RA 9710 (2008)

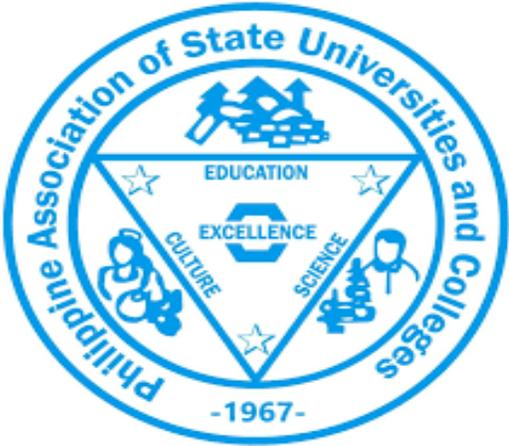


B. Governance in Sports

(2) 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
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





B. Governance in Sports

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



Stakeholders/ Duty-Bearers

Philippine Olympic Committee

Philippine Paralympic Committee

Athletic Associations

Private Schools

Clubs and Gyms

Corporation Code

Obligations & Contracts

Rules

Membership Policies

Torts/ Crimes

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



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



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) 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
 ≤ 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
 ≤ 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



Institutionalizing the Palarong Pambansa

RA 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 DepED 2. Improve the DepED's national school sports program 3. Encourage the LGU to take a proactive role
Structure	Palarong 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]

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.

Elements	GSH	GOSH
Offender	Any person, even a minor (s/he need not be a person in authority)	
Offended Party	Any person	
Nature	<p><u>Unwanted and uninvited sexual actions or remarks regardless of the motive which threatens one's sense of personal space and physical safety</u></p>	<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	<p><u>Public Places</u></p> <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. <u>Verbal Remarks or Slurs</u> 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. <u>Non-Verbal</u> <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. <u>Physical</u> <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
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**



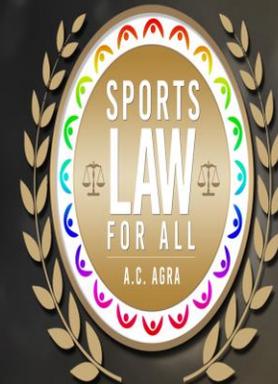
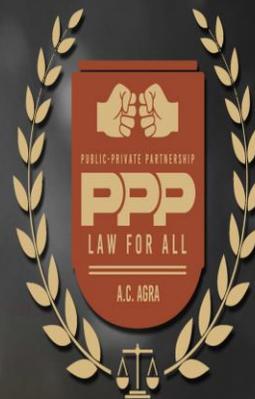
Organizing an Event: Checklist

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



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Thank you.



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