

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1796**

EXPLANATORY NOTE

This bill was approved by the House of Representatives during the 19th Congress.

The use of performance enhancing drugs in sports has been a big concern not only of the Philippines but all international sports governing bodies. They have enacted measures to ensure that athletes stay clean and competition is fair.

However, there are still instances when athletes have been found to have used performance enhancing drugs or have taken banned substances whether knowingly or not.

This is why we need an organization that will work towards combating and preventing doping in all international and national-level sports; testing for prohibited substances and methods, and penalizing violations.

This will ensure the country's full participation in all international competitions.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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AN ACT

PROVIDING FOR A NATIONAL ANTI-DOPING POLICY IN SPORTS, ESTABLISHING FOR THE PURPOSE THE PHILIPPINE NATIONAL ANTI-DOPING ORGANIZATION, AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the *Anti-Doping in Sports Act*.

SEC. 2. Declaration of Policy. - Article II, Section 17 of the Constitution provides that 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.

Further, Article XIV, Section 19 (1) provides that 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.

To this end, the State shall promote and support the eradication of doping in sports in the country, in compliance with its obligations under the 2003 Copenhagen Declaration on Anti-Doping in Sport, the 2005 United Nations Educational, Scientific and Cultural Organization International Convention Against Doping in Sport, the 2010 Ratification by the Philippines of the International Convention Against Doping in Sports, the World Anti-Doping Code, World Anti-Doping Agency (WADA) International Standards, and the full representation and participation of the Philippines in the 2006 Southeast Asia Regional Anti-Doping Organization- the regional body responsible for implementing WADA doping controls and anti-doping education in the Southeast Asian region, with the end in view of protecting the health of athletes from potentially harmful doping substances and practices, and preserving the fundamental values of fairness, commitment, integrity, and equal opportunities in sport.

SEC. 3. Definition of Terms. – As used in this Act:

- (a) *Accredited laboratory* refers to a laboratory accredited or approved by the WADA to test samples for the presence of prohibited substances or the use of prohibited methods in accordance with international standards;
- (b) *Administration* refers to providing, supplying, supervising, facilitating, or otherwise participating in the use or attempted use by another person of a prohibited substance or prohibited method: *Provided, however,* That this definition shall not include the actions of *bona fide* medical personnel involving a prohibited substance or prohibited method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving prohibited substances which are not prohibited in out-of-competition testing, unless the circumstances as a whole demonstrate that such prohibited substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance;
- (c) *Adverse analytical finding* refers to a report from a WADA-accredited laboratory or

- other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a sample the presence of a prohibited substance or its metabolites or markers or evidence of the use of a prohibited method;
- (d) Anti-doping activities refer to anti-doping education and information, test distribution planning, maintenance of a registered testing pool, managing Athlete Biological Passports, conducting testing, organizing analysis of samples, gathering of intelligence and conduct of investigations, processing of Therapeutic Use Exemption (TUE) applications, results management, monitoring and enforcing compliance with any consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organization, as set out in the World Anti-Doping Code or the international standards;
 - (e) *Anti-doping organization* refers to the WADA or a signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process, including the International Olympic Committee, the International Paralympic Committee, other major event organizations that conduct testing at their events, international federations, and national anti-doping organizations;
 - (f) *Anti-doping rules* refer to the regulations on anti-doping, including regulations under this Act, the World Anti-Doping Code, the Convention, and their amendments;
 - (g) *Anti-doping rule violations* refer to the circumstances, acts or conducts specified in Section 15 of this Act;
 - (h) *Appeal panel* refers to the National Anti-Doping Appeal Panel created under Section 24 of this Act;
 - (i) *Athlete Biological Passport* refers to the program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories;
 - (j) *Athletes* refer to any person, including athletes with disability, who compete in sports at the international level as defined by each international federation or the national level as determined by each National Sports Association (NSA), including any person in the Registered Testing Pool who is otherwise subject to the jurisdiction of this Act;
 - (k) *Athlete support personnel* refers to a coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, parent or any other person working with, treating, or assisting an athlete participating in or preparing for a sports competition;
 - (l) *Board* refers to the Philippine National Anti-Doping Organization (PHINADO) Board established under Section 12 of this Act;
 - (m) *Competition* refers to a single race, match, game, or singular sport contest;
 - (n) *Convention* refers to the United Nations Educational Scientific and Cultural Organization Convention Against Doping in Sport, adopted by the 33rd Session of the United Nations Educational Scientific and Cultural Organization General Conference on 19th October 2005, including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport;
 - (o) *Court of Arbitration for Sports* refers to an international body established in 1984 to settle disputes related to sport through arbitration whose headquarter is in Lausanne, Switzerland;
 - (p) *Disciplinary committee* refers to the National Anti-Doping Disciplinary Committee established under Section 22 of this Act;
 - (q) *Doping control* refers to all steps and processes from test distribution planning through ultimate disposition of any appeal and the enforcement of consequences, including all steps and processes in between such as testing, investigations, whereabouts, TUEs, sample collection and handling, laboratory analysis, results management and investigations or proceedings relating to violations of Article 10.14 of the Code (Status During Ineligibility or Provisional Suspension);
 - (r) *Doping in sport* refers to the occurrence of any anti-doping rule violations as

- defined under Section 15 of this Act;
- (s) *Event* refers to a series of individual competitions conducted together under one ruling body;
 - (t) *In-competition* refers to the period commencing at 11:59 p.m. on the day before a competition in which the athlete is scheduled to participate through the end of such competition and the sample collection process related to such competition: *Provided, however,* That WADA may approve, for a particular sport, an alternative definition should an international federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all major event organizations for that particular sport;
 - (u) *International event* refers to a sports competition where the International Olympic Committee, the International Paralympic Committee, an international federation, a major event organization, or another international sport organization is the ruling body for the event or appoints the technical officials for the event;
 - (v) *International federation* refers to the international governing body for a particular sport;
 - (w) *International standard* refers to a standard adopted by the WADA in support, in compliance with, and in the enforcement of the Code, and includes any technical documents issued in relation thereto. Compliance with an international standard (as opposed to another alternative standard, practice, or procedure) shall be sufficient to conclude that the procedures addressed by the international standard were performed properly;
 - (x) *National Anti-Doping Organization* refers to the entity designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of samples, manage test results, and conduct results management at the national level;
 - (y) *National event* refers to a sport event or competition involving international or national level athletes that is not an international event;
 - (z) *National level athlete* refers to athletes who compete in sport at the national level, as defined by each NSA, consistent with the International Standard for Testing and Investigations. In the Philippines, national- level athletes are defined as those who:
 - i. Participate in the national leagues, events or competitions organized by their NSA or by any sports organizations or club;
 - ii. Are affiliated with a federation, national league, sports organization or club in the Philippines;
 - iii. Participate in competition of events organized by schools, colleges, other institutions, and other intercollegiate events; or
 - iv. Participate in professional sports;
 - (aa) *National Sports Associations* refer to an umbrella body organized for their respective sports in the Philippines and affiliated with their respective international federations which are recognized by the International Olympic Committee responsible for Olympic, non-Olympic, Paralympic sports or all sports disciplines;
 - (bb) *Out-of-competition testing* refers to the sample collection during any period other than the period specified for in-competition testing;
 - (cc) *Philippine National Anti-Doping Organization* or PHINADO refers to a body corporate created under Section 6 of this Act which shall have the primary authority and responsibility to adopt and implement all anti-doping activities in the Philippines;
 - (dd) *Possession* refers to the actual, physical possession, or the constructive possession which shall be found only if the person has exclusive control or intends to

exercise control over the prohibited substance or prohibited method or the premises in which a prohibited substance or prohibited method exists: *Provided, however,* That if the person does not have exclusive control over the prohibited substance or prohibited method or the premises in which a prohibited substance or prohibited method exists, constructive possession shall only be found if the person knew about the presence of the prohibited substance or prohibited method and intended to exercise control over it: *Provided, however,* That there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the person has committed an anti-doping rule violation, the person has taken concrete action demonstrating that the person never intended to have possession and has renounced possession by explicitly declaring it to an anti-doping organization. Notwithstanding anything to the contrary in this definition, the purchase, including by any electronic or other means, of a prohibited substance or prohibited method constitutes possession by the person who makes the purchase;

- (ee) *Prohibited list* refers to the list provided by the World Anti-Doping Code identifying the prohibited substances and prohibited methods;
- (ff) *Prohibited method* refers to any method so described on the Prohibited List;
- (gg) *Prohibited substance* refers to any substance, or class of substances, so described on the Prohibited List;
- (hh) *Registered testing pool* refers to the pool of highest-priority athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organization's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the Code (Athlete Whereabouts Information) and the International Standard for Testing and Investigations;
- (ii) *Sample* or specimen refers to any biological material collected for the purposes of doping control;
- (jj) *Tampering* refers to intentional conduct which subverts the Doping Control process but which would not otherwise be included in the definition of prohibited methods. Tampering shall include offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a sample, affecting or making impossible the analysis of a sample, falsifying documents submitted to an Anti-Doping Organization from witnesses, committing any other fraudulent act upon the Anti-Doping Organization or hearing body to affect results management or the imposition of consequences, and any other similar intentional interference or attempted interference with any aspect of doping control or TUE committee or hearing panel, procuring false testimony in furtherance of any of the foregoing;
- (kk) *Testing* refers to the parts of the doping control process involving test distribution planning, sample collection, sample handling, and sample transport to the laboratory;
- (ll) *Therapeutic use exemption* allows an athlete with a medical condition to use a prohibited substance or prohibited method but only if the conditions set out in Article 4.4 of the Code (Therapeutic Use Exemption) and the International Standard for Therapeutic Use Exemptions are met;

- (mm) *Trafficking* refers to selling, giving, transporting, sending, delivering or distributing, or possessing for any such purpose, a prohibited substance or prohibited method, either physically or by any electronic or other means, by an athlete, athlete support person or any other person subject to the authority of an anti-doping organization to any third party: *Provided, however*, That this definition shall not include the actions of “bona fide” medical personnel involving a prohibited substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving prohibited substances which are not prohibited in out-of-competition testing unless the circumstances as a whole demonstrate such purposes or are intended to enhance sport performance;
- (nn) *Use* refers to the utilization, application, ingestion, injection, or consumption by any means of any prohibited substance or prohibited method;
- (oo) *World Anti-Doping Agency* refers to the sports body set up for the purposes of coordinating anti-doping activities worldwide; and
- (pp) *World Anti-Doping Code* herein referred to as “Code” refers to the core document that harmonizes anti-doping policies, rules, and regulations within sports organizations and among public authorities around the world.

SEC. 4. Coverage. – The provisions of this Act shall apply to the following:

- (a) PHINADO;
- (b) International-level and National Level Athletes;
- (c) Athlete Support Personnel;
- (d) NSA; and
- (e) Other sports organizations, sports associations, and sports clubs.

SEC. 5. Prohibition of Doping in Sport. – Athlete, athlete support personnel, and other persons covered by this Act shall:

- (a) Not engage in doping in sport;
- (b) Not conceal or fail to disclose any occurrence of any Anti-Doping Rule Violation as specified in this Act or by the Code;
- (c) Participate in a sport competition at all levels with highest standards of integrity and ethics and in accordance with the provisions of this Act and the rules and regulations made thereunder;
- (d) Accept the anti-doping rules as a condition of such participation or involvement and be bound by the provisions of this Act and the rules and regulations made thereunder;
- (e) Be responsible for knowing what constitutes Anti-Doping Rule Violations and the restrictions on the use of prohibited substances and the prohibited methods which are included in the Prohibited List; and
- (f) Bear any other responsibility as specified in the Code and the anti-doping rules.

SEC. 6. Establishment of the Philippine National Anti-Doping Organization. - There is hereby established a body corporate known as the Philippine National Anti-Doping Organization, herein referred to as the PHINADO, designated by the Republic of the Philippines as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of samples, manage test results and conduct results management at the national level.

The PHINADO shall be established as an attached agency to the Philippine Sports Commission (PSC) for budgetary purposes, with its own budget separate from the PSC: *Provided, however*, That the PHINADO shall enjoy autonomy and independence in its operations, decisions, and activities.

SEC. 7. Powers and Functions of the PHINADO. - In addition to the obligations of National Anti-Doping Organizations indicated in the Code, the PHINADO shall:

- (a) Adopt and implement anti-doping rules, regulations and policies which conform to international obligations and commitments for promoting, coordinating and monitoring the doping control program in sports to ensure doping-free sport;
- (b) Implement the United Nations Educational Scientific and Cultural Organization Convention Against Doping in Sport, herein referred to as the "*Convention*", the Code, and other rules and regulations in accordance with this Act;
- (c) Develop a national strategy to address doping in sport in collaboration with the PSC, government agencies, and the private sector;
- (d) Plan, coordinate, implement and monitor anti-doping activities in the country, including the collection of samples, manage test results, and to conduct results management in all sports, sport associations, sport organizations, and sport clubs at the national level;
- (e) Enter into contracts and to acquire movable and immovable property;
- (f) Promote anti-doping research in the field of prohibited substances and methods and doping practices in sport;
- (g) Establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes;
- (h) Provide information to athletes, athlete support personnel, and other stakeholders on the updated list of prohibited substances as published by the WADA, including the procedures for, and developments concerning the collection and testing of sample in accordance with the Code and any standards developed by WADA;
- (i) Maintain data of all prohibited substances and prohibited methods in accordance with the directions of the WADA;
- (j) Select athletes who shall be requested to provide samples for testing when necessary;
- (k) Collect samples from athletes in accordance with approved guidelines and International Standards and secure the safe transit of samples to laboratories accredited by WADA for testing;
- (l) Conduct investigation for purposes of determining possible violations of this Act and pursuant thereto, the PHINADO may invite witnesses to testify and direct them to bring or produce related documents as evidence. In case of non-compliance, the PHINADO may seek judicial assistance to compel attendance and compliance with its directives or request the court to exercise its contempt power to compel compliance;
- (m) Conduct results management of any Anti-Doping Rule Violations;
- (n) Undertake steps aimed at ensuring that the Government and the Philippine Olympic Committee (POC) complies with international agreements and other arrangements to which the Philippines is a party concerning the use of drugs and doping in sport;
- (o) Enforce anti-doping rules by exercising authority over athletes, athlete support personnel, and other persons, including NSAs and other sports organizations;
- (p) Coordinate and cooperate with the WADA, Other Anti-Doping Organizations, NSAs, and International Associations;
- (q) Facilitate and share information relating to the use of prohibited substances and prohibited methods, doping practices, or any Anti-Doping Rule Violation between sports bodies, officials conducting sports competitions or events, other anti-doping organizations and agencies;
- (r) Use only WADA accredited laboratories or laboratories otherwise approved by WADA for analysis of samples and other required specimen;
- (s) Maintain the Whereabouts Register and a Registered Testing Pool in accordance with the Code and International Standard for Testing and Investigations;
- (t) Prosecute anti-doping offenses;

- (u) Oversee all activities of the Therapeutic Use Exemptions Committee (TUEC);
- (v) Establish code of conduct for officers and employees of the PHINADO and for such other persons or agencies engaged by the organization;
- (w) Undertake any other activity specified by regulations of the Board that may be expedient for fulfilling the objective of eliminating doping in sport;
- (x) Submit annual report to the Office of the President and both Houses of Congress; and
- (y) Implement the provisions of this Act.

In the performance of its functions, the PHINADO shall address the needs of minors, protected persons, take into account the needs of persons with disabilities or other persons with special needs, and ensure that the rights of everyone involved in the doping control procedures are respected.

SEC. 8. Organizational Structure. –The PHINADO shall be headed by a Director General and shall be assisted by a Deputy Director General. The Human Resource complement of the PHINADO shall be organized and set up by the Director General.

The Director General shall determine the organizational structure and staffing pattern of the PHINADO in accordance with the revised compensation and position classification system, subject to the evaluation and approval of the Department of Budget and Management (DBM), and in accordance with the civil service laws, rules and regulations, and other pertinent laws.

SEC. 9. The Director General. - The Director General shall be appointed by the President of the Philippines, from among the persons of integrity and outstanding ability with an extensive background in sports, sports medicines or sciences and other related fields.

The Director General shall hold office on a full-time basis for a period of five (5) years, which may be extended to such further period, at the pleasure of the President. The Director General shall be responsible for the execution of the powers and functions of the PHINADO as prescribed under this Act, and shall have administrative control over the officers and other staff of the PHINADO.

In the event of the occurrence of a vacancy in the office of the Director General by reason of death, resignation, or continued disability to discharge the office, the Board may appoint any other person to discharge the functions of the Director General until a new Director General is appointed by the President.

The Director General may relinquish the office by submitting in writing to the President of the Philippines a notice of not less than three (3) months before the effectivity date of resignation: *Provided*, That such resignation shall be effective from the date when it is accepted by the President.

SEC. 10. The Deputy Director General. - The Deputy Director General shall be appointed by the Board to assist the Director General in managing and overseeing PHINADO's anti-doping program, and to ensure strict adherence to the Code and international standards. This position shall actively engage with governmental agencies, NSAs, affiliated organizations, and non-government stakeholders to maintain effective anti-doping operations.

SEC. 11. Employment of other officers and employees. – The Director General may appoint such officers and employees, subject to the rules and regulations of the Civil Service Commission and the DBM, upon such terms and conditions of service as it may consider necessary for the proper performance of its functions.

A person shall be qualified to be employed by the PHINADO if such person was not a member or official of a national sports body at least two (2) years immediately preceding the appointment.

SEC. 12. Establishment of the PHINADO Board. – For purposes of this Act, the PHINADO Board is hereby established and shall be composed of the following:

- (a) Chairperson of the PSC as Chairperson;
- (b) Secretary of the Department of Science and Technology;
- (c) Secretary of the Department of Health (DOH);
- (d) Secretary of the Department of Education (DepED);
- (e) Chairperson of Commission on Higher Education (CHED);
- (f) President of the Games and Amusement Board (GAB);
- (g) President of the POC;
- (h) President of the National Paralympic Committee; and
- (i) Three (3) representatives distinguished in the field of law, sports medicine, and sports science.

The members of the Board from the government may designate their permanent authorized representatives.

Within thirty (30) days from the effectivity, the members of the Board from the private sector shall be appointed by the President of the Philippines from a list of three nominees submitted by the members of the Board. To ensure their independence, members of the private sector shall not be appointed if that person:

- a) Is a member of or an official of a NSA;
- b) Is employed by or is associated with any person who supplies goods or services to the PHINADO or whose spouse or family member is so employed or associated therein; or
- c) Is an athlete, athlete support personnel or an official of a sports organization, sports club or sports federation.

Members representing the private sector of the Board shall serve for a term of three (3) years. In the event of the occurrence of a vacancy in the office of the Chairperson or Members of the Board by reason of death, resignation, retirement or when the Chairperson or Member is unable to discharge the functions owing to absence, illness or any other cause, the Board may assign temporarily any member of the Board for the period of vacancy, and such person shall discharge the functions of the Chairperson or Member, as the case may be, until a new Chairperson or Member, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office, or until the date on which the Chairperson or Member resumes duties of his office.

SEC. 13. Powers and Functions of the PHINADO Board. - The Board shall:

- a) Ensure implementation of the international obligations and commitments and to monitor the compliance thereof;
- b) Advise the President of the Philippines and the PSC Chairperson on matters relating to the regulations on anti-doping in sports and international obligations and commitments;
- c) Determine the date, time, venue, and quorum for the meetings as well as the procedure for transaction of business;
- d) Establish such Committees as well as to appoint their members, necessary or expedient to assist PHINADO in the performance of its functions under this Act: *Provided*, That the Committees or Panels established under this Act may adopt and regulate their own internal rules of procedures consistent with this Act;
- e) Oversee the processes of the different Committees created under this Act;
- f) Control, supervise and administer the assets of the PHINADO in such manner as best promotes the purpose for which the PHINADO is established;
- g) Determine the provisions to be made for capital and recurrent expenditure and for the reserves of the PHINADO;
- h) Receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;

- i) Open such bank accounts for the funds of the PHINADO as may be necessary;
- j) Lay down policy guidelines for operations and management of all funds collected by the PHINADO;
- k) Oversee the activities of the PHINADO and require the PHINADO to submit information and reports relating to its operation;
- l) Enter into associations with other bodies or organizations within and outside Philippines as the PHINADO may consider desirable or appropriate in furtherance of the purpose for which the PHINADO is established;
- m) Make regulations not inconsistent with any provision of this Act, the Code, Conventions, and international standards; and
- n) Perform all such other acts or undertake any activity as may be incidental or conducive to the attainment or fulfillment of any of the functions of the PHINADO under this Act.

SEC. 14. Meetings of the Board. - The Board shall meet at such times and places, and shall observe such procedure with regard to the transaction of business at its meetings, including the quorum at such meetings, as may be provided by regulations made by the Board. Every decision of the Board shall be on the basis of a simple majority of the total membership of the Board.

SEC. 15. Anti-Doping Rule Violations.- Any of the following circumstances, acts, or conducts committed by an athlete, athlete support personnel, or any other person, shall constitute an anti-doping rule violation:

- (a) The presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen;
- (b) The use or attempted use of any prohibited substance or a prohibited method, unless such use is exempted by the TUEC under Section 18 of this Act;
- (c) Refusing or failing without compelling justification, to submit sample collection after notification as authorized in applicable anti-doping rules or otherwise evading sample collection;
- (d) Whereabouts failures by an athlete committed under any of the following instances:
 - i. Filing failure wherein the athlete has failed to submit his whereabouts information before the required deadline or to update the same after a change in circumstances, or even if submitted on time, is incomplete, inaccurate, or insufficient information to locate him for testing;
 - ii. Missed test wherein the athlete has filed his whereabouts information but is not available at the location for testing; or
 - iii. Such other omissions or failures as specified under Article 2.4 of the Code (*Whereabouts Failures by an Athlete*).
- (e) Tampering, or attempting to tamper, with any part or process of doping control;
- (f) Possession of prohibited substances or prohibited methods;
- (g) Trafficking or attempted trafficking of any prohibited substance or prohibited method;
- (h) Administration or attempted administration of a prohibited substance or prohibited method to any athlete during in-competition or out-of-competition;
- (i) Assisting, encouraging, aiding, abetting, conspiring, covering-up or any other type of complicity involving an anti-doping rule violation or any attempted anti-doping rule violation or violation of the prohibition against participation during ineligibility or provisional suspension; and
- (j) Discouraging or retaliating against reporting to authorities.

All of the above-indicated anti-doping rule violations shall be interpreted and applied in accordance with Article 2 of the Code (*Anti-Doping Rule Violations*).

SEC. 16. Consequences of Anti-Doping Rule Violations. - The consequences of Anti-Doping Rule Violations by an individual athlete, athlete support personnel or any other person covered under this Act, may result in one or more of the following, as further detailed in Article 10 of the Code:

- (a) Disqualification of results, with all consequences including forfeiture of medals, points and prizes, in such manner as may be specified by the PHINADO;
- (b) Ineligibility to participate in any competition or event or other activity or funding, for such period and in such manner, as may be specified by the PHINADO;
- (c) Provisional suspension from participating in any competition or activity prior to the decision in appeal;
- (d) Imposition of financial sanction including proportionate recovery of costs, for the training and other related expenses; and
- (e) Public disclosure and such other consequences as may be specified by the PHINADO.

The consequences of anti-doping rule violations for team sports and any other persons covered under this Act shall be determined by the Board.

SEC. 17. Conformity to Anti-Doping Rules.- Each NSA, sports association, sports organization, sports club, and sports federation shall require all athletes and athlete support personnel to agree to be bound by all anti-doping rules and the PHINADO's results' management authority in conformity with the Code as a condition for such participation.

An athlete or athlete support personnel who is not a minor shall be required to sign a conformity to the Anti-Doping Rules and submit the same to the PHINADO. In case of a minor, the parent/s or guardian shall sign such acceptance and submit the acceptance to the PHINADO.

SEC. 18. Therapeutic Use Exemptions. – Any athlete with a medical condition, requiring the use of a prohibited substance or prohibited method, may apply for a therapeutic use exemption, with the assistance of the athlete's NSA, where necessary, to the TUEC established pursuant to Section 19 of this Act, for a therapeutic use exemption, in accordance with the provisions of this Act and the Anti-Doping Rules.

SEC. 19. Therapeutic Use Exemptions Committee. - There shall be created a TUEC to consider applications for TUEs for athletes in accordance with the relevant provisions of this Act, the Code and the International Standard for Therapeutic Use Exemptions (ISTUE).

The TUEC shall be composed of five (5) independent medical experts, including the TUEC Chairperson, who shall be elected from among the members of the TUEC.

The TUEC members must be medical doctors for not less than five (5) years of experience in the fields of clinical, sports and exercise medicine, psychiatry, para-sports, and with significant experience in the care and treatment of athletes: *Provided*, That the TUEC Chairperson must be a medical practitioner with seven (7) years of experience in the same fields of expertise.

SEC. 20. Duties of the TUEC. – The TUEC shall:

- a) Receive, review, reject, and approve applications for the grant of TUE by athletes who compete at the national level, and at the international level, if requested to do so by an international federation;
- b) Review TUE issued by an international federation for compliance with the ISTUE for the purpose described in Article 4.4.3.2 of the Code (*In case where the athlete does not already have a TUE granted by the NADO for the substance or method in question*);
- c) Refer to the WADA any TUE issued by an international federation which in its view does not meet the requirements of the ISTUE;
- d) Notify the concerned athlete and sports association of the result of the TUE

- application; and
- e) Perform any other functions that are conferred by this Act or the ISTUE.

In the performance of its duties, the TUEC shall comply with the provisions of the following:

- a) The Convention;
- b) The Code;
- c) International Standard for Therapeutic Use Exemptions;
- d) The Prohibited list;
- e) The provisions of this Act; and
- f) The PHINADO's Anti-Doping Rules.

Any person aggrieved by the decision of the TUEC may file an appeal to the Appeal Panel established under Section 24 of this Act.

SEC. 21. Accredited WADA Laboratories. – A sample taken from an athlete shall be analyzed only at an accredited WADA laboratory or laboratory approved by WADA to detect prohibited substances and prohibited methods or as otherwise permitted by Article 6.2 of the Code (*Purpose of Analysis of Samples and Data*). A sample shall not be analyzed for any other purpose unless:

- (a) The athlete consents in writing;
- (b) Any means of identification is removed to ensure that the sample cannot be traced back to the athlete; and
- (c) The results of all tests shall be submitted to the PHINADO.

SEC. 22. Disciplinary Committee. - There shall be established a Disciplinary Committee, which shall comply with the requirements found in the definition of Operational Independence in the Code and shall consist of:

- (a) A Chairperson who is a legal expert with not less than ten (10) years of experience as a legal practitioner;
- (b) Two (2) legal practitioners who have at least five (5) years of experience; and
- (c) Two (2) persons who have had previous experience in sports administration and sports medicine or related fields.

The Chairperson and members of the Disciplinary Committee shall be appointed by the Board for a term of six (6) years and shall be eligible for reappointment for another term. The quorum for the conduct of the business of the Panel shall be three (3) members.

SEC. 23. Duties and Jurisdiction of the Disciplinary Committee. - The Disciplinary Committee shall:

- (a) Receive, examine, and hear anti-doping rules violation;
- (b) Conduct disciplinary hearing related to anti-doping rules violations;
- (c) Determine whether a violation of the Anti-Doping Rules has occurred;
- (d) Issue contempt orders, and provide administrative penalties in the enforcement thereof to ensure compliance;
- (e) Impose sanctions and penalties of Anti-Doping Rules violations; and
- (f) Perform any other functions that are conferred or imposed on the Panel under this Act, the Code or the International Standard for Results Management.

In the exercise of jurisdiction and performance of duties, the Disciplinary Committee shall comply with the provisions of the following:

- (a) The Convention;
- (b) The Code;

- (c) International Standard for Results Management;
- (d) The Prohibited List;
- (e) The provisions of this Act; and
- (f) The PHINADO's Anti-Doping Rules

Anti-doping rules violations involving national level athletes, athlete support personnel, NSA's and sports organizations, shall be resolved by the Disciplinary Committee at the first instance within a period of thirty (30) days, after the conduct of the hearing or submission of pleadings and subject to appeal to the Appeal Panel within fifteen (15) days from receipt of the decision of the Disciplinary Committee. Notwithstanding the aforementioned, the WADA's deadline to appeal to the Appeal Panel shall be as specified in the Code.

The Appeal Panel must resolve the matter within thirty (30) days from receipt of the entire records from the Disciplinary Committee. Appeal to the Court of Arbitration for Sport may also be filed, by those parties with a right to appeal to the Court of Arbitration for Sport as specified in the Code, within fifteen (15) days from receipt of the decision of the Appeal Panel. Notwithstanding the aforementioned, the WADA's appeal deadline to appeal to the Court of Arbitration for Sport shall be as specified in the Code. The decision of the Court of Arbitration for Sport shall be final and executory.

Anti-doping rule violations arising from participation in an international event or involving international level athletes shall be resolved by the Disciplinary Committee at the first instance where PHINADO is the results management authority and may be appealed directly to the Court of Arbitration for Sport by those parties with a right of appeal to the Court of Arbitration for Sport as specified in the Code. The decision of the Court of Arbitration for Sport is final and executory.

All impositions of penalties and recommendations, however, shall be implemented by the PHINADO.

No final decision by the Disciplinary Committee shall be quashed, reversed, modified, or held invalid, by any court, arbitrator, tribunal or other hearing body other than Court of Arbitration for Sport for any reason, including for reason of any defect, irregularity, omission or departure from the procedures set out in this Act.

SEC. 24. Appeal Panel. – There shall be established an Appeal Panel for purposes of hearing the appeals filed pursuant to this Act and shall be composed of the following:

- A Chairperson who is a member of the Philippine Bar with at least ten (10) years of legal practice;
- (a) Two (2) members who are members of the Philippine Bar with at least five (5) years of legal practice; and
 - (b) Two (2) members who are registered medical practitioners with at least seven (7) years of experience.

The Chairperson and other members of the Appeal Panel shall be appointed by the PSC for a term of five (5) years, and shall be eligible for reappointment for another five (5) years: *Provided*, That each member shall be eligible for reappointment.

SEC. 25. Doping Control Process. - In the exercise of its powers, duties and responsibilities, the PHINADO shall perform the following acts, subject to the Code and International Standards, existing laws, rules, and regulations:

- (a) *Collect samples and testing.* In accordance with the International Standards, the PHINADO may, randomly at its discretion or when it has reasons to believe, that an athlete has committed an anti-doping rule violation, require such person to provide samples for doping control, in accordance with such procedure and in such manner, as may be specified by this Act;
- (b) *Entry, search and seizure.* Where the PHINADO has reasons to believe that an athlete, athlete support personnel or any other person covered by this Act has

committed an anti-doping rule violation, any person authorized by the PHINADO, after securing the appropriate search warrant, and in the presence of local police authorities, may:

- i. enter and search any place, for the purpose of inspecting, examining, and obtaining evidence of any anti-doping rule violation has been committed or is being committed; and
 - ii. seize any equipment, device, substance, record, register, document or other material object, as evidence of such Anti-Doping Rule Violation for purposes of prosecution or mitigation or prevention of any anti-doping rule violation.
- (c) *Result management process.* After receiving an adverse analytical finding report from a WADA accredited laboratory showing presence of any prohibited substance or the use of any prohibited method in the sample of an athlete, the PHINADO shall carry out initial examination of the report and verify if TUE has been granted to such athlete in respect of such substance, in addition to carrying out any other review required by the International Standard for Results Management.

The PHINADO shall take such action in such manner specified by the International Standard for Results Management following the initial review.

SEC. 26. Registered Testing Pool. - The PHINADO shall establish a registered testing pool in accordance with the Code and the International Standard for Testing and Investigations. The PHINADO shall, in accordance with the Anti-Doping Rules, publish criteria for the inclusion of the name of an athlete in its registered testing pool. The PHINADO shall notify the concerned athlete, in writing, of the inclusion of his or her name in its registered testing pool, and shall also notify the athlete in writing when they are removed from the registered testing pool.

SEC. 27. Data of Athletes and Maintenance of Database. - The PHINADO shall collect, use and process the following personal data for the purposes of implementing the objectives of this Act and in accordance with applicable data privacy regulations:

- (a) List of anti-doping rule violations committed by an athlete under this Act or the Code and the details of such violation;
- (b) Medical history of the athlete;
- (c) Whereabouts information of the athlete; and
- (d) Any other personal data as it may deem necessary.

The PHINADO may issue regulations to govern the procedure for collection, usage, processing and disclosure of the personal data. It shall establish and maintain a database to record all the sanctions imposed by the PHINADO, the Disciplinary Committee, the Appeal Panel, and such other details of the sanctions, in such manner, as may be prescribed by regulations.

SEC. 28. Duties and Responsibilities of Athletes, Athlete Support Personnel, NSAs, sports organizations, sports associations, and sports clubs. - The athletes, athlete support personnel, NSAs sports organizations, sports associations, and sports clubs shall:

- (a) Respect PHINADO's TUEC's, Disciplinary Committee and Appeal Panel's autonomy and not to interfere with its operational decisions or activities;
- (b) Require clubs and other similar bodies under its authority to report to PHINADO any information related to an anti-doping rule violation and to cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation;
- (c) Cooperate with the conduct of operation of an investigation, including establishment of a doping test rooms at an event sponsored by it or subordinated

- bodies;
- (d) Take appropriate information delivery and implement support measures towards athletes who are part of the PHINADO's Registered Testing Pool such as ensuring them to submit whereabouts filing in the Registered Testing Pool;
 - (e) Report to PHINADO, and to ensure the appropriate enforcement of sanctions, penalties and other consequences of, all potential anti-doping rule violations within its jurisdiction including investigation into whether athlete support personnel or other persons may have been involved in each case of doping, as well as to implement automatic investigation into anti-doping rule violations related to a minor;
 - (f) Comply with anti-doping rules; and
 - (g) Assist PHINADO in formulating rules, regulations, and policies to promote anti-doping.

Lack of knowledge about anti-doping regulations and the substances and methods, which have been included on the Prohibited List shall not be a justification for non-compliance of any of the provisions provided for under this Act.

NSAs shall obey the provisions of this Act and PHINADO rules in case of imposition of sanctions against athlete, athlete support personnel or other person under the NSA's jurisdiction. Non-execution of obligations stipulated herein by the NSA shall be considered as a violation of this Act.

SEC. 29. *Administrative Sanctions and Penalties.* – Where any athlete has been found to have committed any anti-doping rule violation as defined under Section 15 of this Act, the consequences of such violation as provided in Section 16 hereof as well as the PHINADO Rules shall apply for the purpose of determining and imposing the appropriate consequences: *Provided*, That athlete support personnel, coaches, trainers, or any other person who connive, conspire, assist, aid, abet, or cover-up any other type of complicity involving an anti-doping rule violation or any attempted Anti-doping rule violation shall also be subject to administrative sanctions and penalties under this Act and the PHINADO Rules.

Where a medical professional is found to be in complicity with Anti-doping violations, the Disciplinary Committee shall endorse the violation to the Professional Regulatory Commission, who shall also impose, depending on the gravity of the violation, the penalty of suspension or revocation of professional license.

SEC. 30. *Integration of Anti-Doping Policy into the Educational System.* - The PSC, the DepEd, the CHED, the National Academy of Sports, in coordination with the PHINADO, shall ensure the integration of age-appropriate content pertaining to anti-doping into the physical education curriculum at all educational levels, both in public and private institutions.

SEC. 31. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the PSC. Thereafter, the funding of which shall be included in the annual General Appropriations Act.

SEC. 32. *Transitory Clause.*- All property, assets, rights, liabilities, obligations, agreements, conveyances, deeds, leases, licenses, permits, exemptions, power of attorney, undertakings, securities and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the former PHI-NADO under the PSC, shall upon the commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the PHINADO established under this Act to the same extent as they were enforceable by or against the former PHI-NADO before the commencement of this Act.

A person who, immediately before the commencement of this Act, was an employee of former PHI-NADO shall, on the commencement of this Act, be deemed to be an employee of the PHINADO established under this Act.

SEC. 33. *Implementing Rules and Regulations.* - The PHINADO shall, in consultation with the PSC, DOH, GAB, NSAs, POC, CHED, DepEd, National Academy of Sports, and Philippine Regulation Commission, not later than thirty (30) days upon the effectivity of this Act, promulgate the necessary rules and regulations for the effective implementation of this Act: *Provided*, That failure to promulgate the rules and regulations shall not prevent the implementation of this Act upon its effectivity.

SEC. 34. *Separability Clause.* - If any part or provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SEC. 35. *Repealing Clause.* - All laws, executive orders, issuances, decrees, rules, and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified, or repealed accordingly.

SEC. 36. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,