

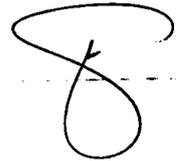
**NINETEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Third Regular Session }**

25 JAN 27 10:56

SENATE

S.B. No. 2950

RECEIVED



Introduced by Senator Francis "Tol" N. Tolentino

**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**

EXPLANATORY NOTE

Last year, the Philippines faced the risk of suspension from international sports events due to breach of anti-doping regulations and unresolved issues related to the World Anti-Doping Code. Without corrective interventions, the country would have been barred from hosting international competitions, and Filipino athletes would have been unable to represent the nation. This situation could have jeopardized participation in significant sporting events such as the Southeast Asian Games, Asian Games, and the Olympics.

As a signatory to the International Convention against Doping in Sport, adopted in 2005, the Philippines is mandated to take appropriate measures in achieving the objectives outlined in the convention, specifically aimed at preventing and ultimately eradicating doping in sports. This legislation seeks to implement a national policy aimed at fostering a fair and equitable environment for all athletes while also promoting their health.

The bill aims to uphold the integrity of Philippine sports by ensuring it remains free from the influence of banned substances and performance-enhancing drugs. It addresses ongoing concerns regarding global anti-doping efforts by establishing a legal framework that supports the ongoing development and progress of sports in the country.

Furthermore, the bill also outlines the penalties for anti-doping violations which would include disqualification from sporting events, forfeiture of medals and prizes, ineligibility in future competitions, and potential financial penalties. It also calls for the creation of PHI-NADO as an autonomous and independent authority responsible for adopting and enforcing anti-doping rules.

Ultimately, the proposed legislation seeks to establish a comprehensive national anti-doping policy in sports by creating the Philippine National Anti-Doping Organization (PHI-NADO) and allocating necessary funds for its implementation.

Thus, the approval of this bill ultimately seeks to promote fairness, genuine sportsmanship, and integrity in the Philippines.



FRANCIS "TOL" N. TOLENTINO
Senator

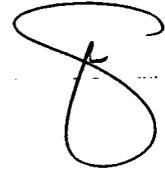
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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

3 **SEC. 2. *Declaration of Policy.*** Article II, Section 17 of the 1987 Constitution
4 provides that the State shall give priority to education, science and technology, arts,
5 culture, and sports to foster patriotism and nationalism, accelerate social progress, and
6 promote total human liberation and development.

7 Further, Article XIV, Section 19 (1) provides that the State shall promote physical
8 education and encourage sports programs, league competitions, and amateur sports,
9 including training for international competitions, to foster self-discipline, teamwork, and
10 excellence for the development of a healthy and alert citizenry."

11 To this end, the State shall promote and support the eradication of doping in sports
12 in the country in compliance with its obligations under the United Nations Educational,
13 Scientific and Cultural Organization International Convention Against Doping in Sport, the
14 World Anti-Doping Code, International Standards, and Anti-Doping Rules that aim to

1 formalize global anti-doping rules, policies, and guidelines in order to provide an honest
2 and equitable playing environment for all athletes and promote the health of athletes
3 globally.

4 The State shall adopt the general principles of legitimacy, confidentiality, ensuring
5 rights and freedoms, mandatory nature of doping control, and maintenance of fair games
6 in doping control in sport.

7 **SEC. 3. Definitions.** – As used in this Act:

- 8 (a) *Accredited laboratory* refers to a laboratory accredited or approved by the
9 World Anti-Doping Agency (WADA) to test samples for the presence of
10 prohibited substances or the use of prohibited methods in accordance with
11 International Standards;
- 12 (b) *Adverse analytical finding* refers to a report from a WADA-accredited
13 laboratory or other WADA-approved laboratory that, consistent with the
14 International Standard for Laboratories, establishes in a sample the
15 presence of a prohibited substance or its metabolites or markers or evidence
16 of the use of a prohibited method;
- 17 (c) *Administration* refers to providing, supplying, supervising, facilitating, or
18 otherwise participating in the use or attempted use by another person of a
19 prohibited substance or prohibited method: *Provided, however,* that this
20 definition shall not include the actions of bona fide medical personnel
21 involving a prohibited substance or prohibited method used for genuine and
22 legal therapeutic purposes or other acceptable justification and shall not
23 include actions involving prohibited substances which are not prohibited in
24 out-of-competition testing unless the circumstances as a whole demonstrate
25 that such prohibited substances are not intended for genuine and legal
26 therapeutic purposes or are intended to enhance sport performance;
- 27 (d) *Anti-doping activities* refer to anti-doping education and information, test
28 distribution planning, maintenance of a registered testing pool, managing
29 athlete biological passports, conducting testing, organizing analysis of
30 samples, gathering of intelligence and conduct of investigations, processing
31 of Therapeutic Use Exemption (TUE) applications, results management,
32 monitoring and enforcing compliance with any consequences imposed, and
33 all other activities related to anti-doping to be carried out by or on behalf of

1 an Anti-Doping Organization, as set out in the World Anti-Doping Code or
2 the International Standards;

3 (e) *Anti-doping rules* refer to the regulations on anti-doping, including
4 regulations under this Act, the World Anti-Doping Code, the Convention,
5 and their amendments;

6 (f) *Anti-doping organization* refers to the WADA or a signatory that is
7 responsible for adopting rules for initiating, implementing or enforcing any
8 part of the Doping Control process, including the International Olympic
9 Committee, the International Paralympic Committee, other Major Event
10 Organizations that conduct testing at their events, International
11 Federations, and National Anti- Doping Organizations;

12 (g) *Anti-doping rule violation* refers to the circumstance, act or conduct
13 specified in Section 15 of this Act;

14 (h) *Appeal panel* refers to the National Anti-Doping Appeal Panel created under
15 Section 24 of this Act;

16 (i) *Athletes* refer to any person, including athletes with disability, who compete
17 in sports at the international level as defined by each International
18 Federation or the national level as determined by each National Sports
19 Association (NSA), including any person in the Registered Testing Pool who
20 is otherwise subject to the jurisdiction of this Act;

21 (j) *Athlete Biological Passport* refers to the program and methods of gathering
22 and collating data as described in the International Standard for Testing and
23 Investigations and International Standard for Laboratories;

24 (k) *Athlete support personnel* refers to any coach, trainer, manager, agent,
25 team staff, official, medical or paramedical personnel, parent or any other
26 person working with, treating, or assisting an athlete participating in or
27 preparing for a sports competition;

28 (l) *Board* refers to the Philippine National Anti-Doping Organization (PHINADO)
29 Board established under Section 12 of this Act;

30 (m) *Competition* refers to a single race, match, game, or singular sport contest;

31 (n) *Convention* refers to the United Nations Educational Scientific and Cultural
32 Organization Convention Against Doping in Sport adopted by the 33rd
33 Session of the United Nations Educational Scientific and Cultural
34 Organization General Conference on 19th October 2005, including any and
35 all amendments adopted by the States Parties to the Convention and the

1 Conference of Parties to the International Convention against Doping in
2 Sport;

3 (o) *Court of Arbitration for Sports* refers to an international body established in
4 1984 to settle disputes related to sport through arbitration whose
5 headquarter is in Lausanne, Switzerland;

6 (p) *Disciplinary Committee* refers to the National Anti-Doping Disciplinary
7 Committee established under Section 22 of this Act;

8 (q) *Doping in sport* refers to the occurrence of any Anti-Doping Rule Violations
9 as defined in this Act;

10 (r) *Doping Control* refers to all steps and processes from test distribution
11 planning through to ultimate disposition of any appeal and the enforcement
12 of consequences, including all steps and processes in between, including
13 but not limited to, testing, investigations, whereabouts, TUEs, sample
14 collection and handling, laboratory analysis, results management and
15 investigations or proceedings relating to violations of Article 10.14 of the
16 Code (Status During Ineligibility or Provisional Suspension);

17 (s) *Event* refers to a series of individual competitions conducted together under
18 one ruling body;

19 (t) *In-Competition* refers to the period commencing at 11:59 p.m. on the day
20 before a competition in which the athlete is scheduled to participate through
21 the end of such competition and the sample collection process related to
22 such competition: *Provided*, however, WADA may approve, for a particular
23 sport, an alternative definition should an International Federation provides
24 a compelling justification that a different definition is necessary for its sport;
25 upon such approval by WADA, the alternative definition shall be followed by
26 all Major Event Organizations for that particular sport;

27 (u) *International Event* refers to a sports competition where the International
28 Olympic Committee, the International Paralympic Committee, an
29 International Federation, a Major Event Organization, or another
30 international sport organization is the ruling body for the event or appoints
31 the technical officials for the event;

32 (v) *International Federation* refers to the international governing body for a
33 particular sport;

34 (w) *International Standard* refers to a standard adopted by the WADA in
35 support, in compliance with, and in the enforcement of the Code and
36 includes any technical documents issued in relation thereto. Compliance

1 with an International Standard (as opposed to another alternative standard,
2 practice, or procedure) shall be sufficient to conclude that the procedures
3 addressed by the International Standard were performed properly;

4 (x) *National Anti-Doping Organization* refers to the entity designated by each
5 country as possessing the primary authority and responsibility to adopt and
6 implement anti-doping rules, direct the collection of samples, manage test
7 results, and conduct results management at the national level;

8 (y) *National event* refers to a sport event or competition involving international
9 or national level athletes that is not an international event;

10 (z) *National-Level Athlete* refers to athletes who compete in sport at the
11 national level, as defined by each NSA, consistent with the International
12 Standard for Testing and Investigations. In the Philippines, national-
13 level athletes are defined as:

- 14 i. participate in the national leagues, events or competitions organized
15 by their NSA or by any sports organizations or club;
16 ii. are affiliated to a federation, national league, sports organization or
17 club in the Philippines;
18 iii. participate to competition of events organized by schools, colleges,
19 other institutions, and other intercollegiate events; or
20 iv. participate in professional sports.

21 (aa) *NSAs* refers to an umbrella body organized for their respective sports
22 in the Philippines and affiliated with their respective international
23 federations which are recognized by the International Olympic Committee
24 responsible for Olympic, non-Olympic, Paralympic sports or all sports
25 disciplines;

26 (bb) *Out-of-competition testing* refers to the sample collection during any
27 period other than the period specified for in-competition testing;

28 (cc) *Philippine National Anti-Doping Organization* or PHINADO a body
29 corporate created under Section 6 of this Act which shall have the primary
30 authority and responsibility to adopt and implement all anti-doping activities
31 in the Philippines;

32 (dd) *Possession* refers to the actual, physical possession, or the
33 constructive possession which shall be found only if the person has exclusive
34 control or intends to exercise control over the prohibited substance or

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

16 (ee) *Prohibited Method* refers to any method so described on the
17 Prohibited List;

18 (ff) *Prohibited Substance* refers to any substance, or class of substances, so
19 described on the Prohibited List;

20 (gg) *Registered Testing Pool* refers to the pool of highest-priority athletes
21 established separately at the international level by International Federations
22 and at the national level by National Anti-Doping Organizations, who are
23 subject to focused In-Competition and Out-of-Competition Testing as part
24 of that International Federation's or National Anti-Doping Organization's test
25 distribution plan and therefore are required to provide whereabouts
26 information as provided in Article 5.5 of the Code (Athlete Whereabouts
27 Information) and the International Standard for Testing and Investigations;

28 (hh) *Sample* or specimen refers to any biological material collected for the
29 purposes of doping control;

30 (ii) *Tampering* refers to intentional conduct which subverts the Doping Control
31 process but which would not otherwise be included in the definition of
32 prohibited methods. Tampering shall include offering or accepting a bribe
33 to perform or fail to perform an act, preventing the collection of a sample,
34 affecting or making impossible the analysis of a sample, falsifying
35 documents submitted to an Anti-Doping Organization from witnesses,

1 committing any other fraudulent act upon the Anti-Doping Organization or
2 hearing body to affect results management or the imposition of
3 consequences, and any other similar intentional interference or attempted
4 interference with any aspect of doping control or TUE committee or hearing
5 panel, procuring false testimony in furtherance of any of the foregoing;

6 (jj) *Testing* refers to the parts of the doping control process involving test
7 distribution planning, sample collection, sample handling, and sample
8 transport to the laboratory;

9 (kk) *Therapeutic Use Exemption* allows an athlete with a medical
10 condition to use a prohibited substance or prohibited method but only if the
11 conditions set out in Article 4.4 of the Code (Therapeutic Use Exemption)
12 and the International Standard for Therapeutic Use Exemptions are met;

13 (il) *Trafficking* refers to selling, giving, transporting, sending, delivering or
14 distributing, or possessing for any such purpose, a prohibited substance or
15 prohibited method, either physically or by any electronic or other means, by
16 an athlete, athlete support person or any other person subject to the
17 authority of an anti-doping organization to any third party: *Provided*,
18 however, this definition shall not include the actions of "bona fide" medical
19 personnel involving a prohibited substance used for genuine and legal
20 therapeutic purposes or other acceptable justification, and shall not include
21 actions involving prohibited substances which are not prohibited in out-of-
22 competition testing unless the circumstances as a whole demonstrate such
23 purposes or are intended to enhance sport performance;

24 (mm) *Use* refers to the utilization, application, ingestion, injection, or
25 consumption by any means of any prohibited substance or prohibited
26 method;

27 (nn) *World Anti-Doping Agency* herein referred to as *WADA* refers to the
28 sports body set up for the purposes of coordinating anti-doping activities
29 worldwide;

30 (oo) *World Anti-Doping Code* herein referred to as "Code" refers to the
31 core document that harmonizes anti-doping policies, rules, and regulations
32 within sports organizations and among public authorities around the world;
33 and

1 (pp) Organization refers to the Philippine National Anti-Doping
2 Organization created under this Act.

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

- 4 (a) Philippine National Anti-Doping Organization;
- 5 (b) International-level and National Level Athletes;
- 6 (c) Athlete Support Personnel;
- 7 (d) NSA; and
- 8 (e) Other sports organizations, sports associations, and sports clubs.

9 **SEC. 5. Prohibition of Doping in Sport.** – All athletes, their support personnel,
10 and other persons covered by this Act:

- 11 (a) Shall not engage in doping in sport;
- 12 (b) Shall not conceal or fail to disclose any occurrence of any Anti-Doping Rule
13 Violation as specified in this Act or by the Code;
- 14 (c) Shall participate in a sport competition at all levels with highest standards
15 of integrity and ethics and in accordance with the provisions of this Act and
16 the rules and regulations made thereunder;
- 17 (d) Shall accept the anti-doping rules as a condition of such participation or
18 involvement and be bound by the provisions of this Act and the rules and
19 regulations made thereunder;
- 20 (e) Shall be responsible for knowing what constitutes Anti-Doping Rule
21 Violations and the restrictions on the use of prohibited substances and the
22 prohibited methods which are included in the Prohibited List; and
- 23 (f) Shall bear any other responsibility as specified in the Code and the anti-
24 doping rules.

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

31 The PHINADO shall be established as an attached agency to the Philippine Sports
32 Commission (PSC), with its own budget separate from the PSC: *Provided*, however, that

1 the PHINADO shall enjoy autonomy and independence in its operations, decisions, and
2 activities.

3 **SEC. 7. Powers and Functions of the PHINADO.**- In addition to the
4 obligations of National Anti-Doping Organizations indicated in the Code, the PHINADO
5 shall exercise the following duties as are necessary to facilitate the control and prevention
6 of doping in sports:

- 7 (a) To adopt and implement anti-doping rules, regulations and policies which
8 conform to international obligations and commitments for promoting,
9 coordinating and monitoring the doping control program in sports to ensure
10 doping-free sport;
- 11 (b) To implement the United Nations Educational Scientific and Cultural
12 Organization Convention Against Doping in Sport, herein referred to as the
13 "*Convention*"; the Code, and other rules and regulations in accordance with
14 this Act;
- 15 (c) To develop a national strategy to address doping in sport in collaboration
16 with the PSC, government agencies, and the private sector;
- 17 (d) To plan, coordinate, implement and monitor anti-doping activities in the
18 country, including the collection of samples, manage test results, and to
19 conduct results management in all sports, sport associations, sport
20 organizations, and sport clubs at the national level;
- 21 (e) To enter into contracts and to acquire movable and immovable property;
- 22 (f) To promote anti-doping research in the field of prohibited substances and
23 methods and doping practices in sport;
- 24 (g) To establish a program to support research and training in methods of
25 detecting the use of performance-enhancing drugs by athletes;
- 26 (h) To provide information to athletes, athlete support personnel, and other
27 stakeholders on the updated list of prohibited substances as published by
28 the WADA, including the procedures for, and developments concerning the
29 collection and testing of sample in accordance with the Code and any
30 standards developed by WADA;
- 31 (i) To maintain data of all prohibited substances and prohibited methods in
32 accordance with the directions of the WADA;
- 33 (j) To select athletes who shall be requested to provide samples for testing
34 when necessary;

- 1 (k) To collect samples from athletes in accordance with approved guidelines
2 and International Standards and secure the safe transit of samples to
3 laboratories accredited by WADA for testing;
- 4 (l) To conduct investigation for purposes of determining possible violations of
5 this Act and pursuant thereto, the PHINADO may invite witnesses to testify
6 and direct them to bring or produce related documents as evidence. In case
7 of non-compliance, the PHINADO may seek judicial assistance to compel
8 attendance and compliance with its directives or request the court to
9 exercise its contempt power to compel compliance;
- 10 (m) To conduct results management of any Anti-Doping Rule Violations;
- 11 (n) To undertake steps aimed at ensuring that the Government and the
12 Philippine Olympic Committee (POC) complies with international
13 agreements and other arrangements to which the Philippines is a party
14 concerning the use of drugs and doping in sport;
- 15 (o) To enforce anti-doping rules by exercising authority over athletes, athlete
16 support personnel, and other persons, including NSAs and other sports
17 organizations;
- 18 (p) To coordinate and cooperate with the WADA, Other Anti-Doping
19 Organizations, NSAs, and International Associations;
- 20 (q) To facilitate and share information relating to the use of prohibited
21 substances and prohibited methods, doping practices, or any Anti-Doping
22 Rule Violation between sports bodies, officials conducting sports
23 competitions or events, other anti-doping organizations and agencies;
- 24 (r) To use only WADA accredited laboratories or laboratories otherwise
25 approved by WADA for analysis of samples and other required specimen;
- 26 (s) To maintain the Whereabouts Register and a Registered Testing Pool in
27 accordance with the Code and International Standard for Testing and
28 Investigations;
- 29 (t) To prosecute anti-doping offenses;
- 30 (u) To oversee all activities of the TUEC;
- 31 (v) To establish code of conduct for officers and employees of the PHINADO
32 and for such other persons or agencies engaged by the organization;
- 33 (w) To undertake any other activity specified by regulations of the Board that
34 may be expedient for fulfilling the objective of eliminating doping in sport;
- 35 (x) To submit annual report to the Office of the President and both Houses of
36 Congress; and
- 37 (y) To implement the provisions of this Act.

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

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

8 The organizational structure of the PHINADO including the position
9 classification and compensation of all the officers and employees thereof shall be
10 recommended by the Board subject to existing rules, regulations, and guidelines
11 prescribed by the Department of Budget and Management (DBM) and the Civil Service
12 Commission (CSC).

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **SEC. 13. Powers and Functions of the Philippine National Anti-Doping**
18 **Board.** - There shall be established, for the purposes of this Act, a Board to be called
19 the PHINADO Board and shall have the following functions:

- 20 a) To ensure implementation of the international obligations and commitments
- 21 and to monitor the compliance thereof;
- 22 b) To advise the President of the Philippines and the PSC Chairperson on
- 23 matters relating to the regulations on anti-doping in sports and international
- 24 obligations and commitments;
- 25 c) To determine the date, time, venue, and quorum for the meetings as well
- 26 as the procedure for transaction of business;
- 27 d) To establish such Committees as well as to appoint their members,
- 28 necessary or expedient to assist PHINADO in the performance of its
- 29 functions under this Act: *Provided*, That the Committees or Panels
- 30 established under this Act may adopt and regulate their own internal rules
- 31 of procedures consistent with this Act;
- 32 e) To oversee the processes of the different Committees created under this
- 33 Act;

- 1 f) To control, supervise and administer the assets of the PHINADO in such
2 manner as best promotes the purpose for which the PHINADO is
3 established;
- 4 g) To determine the provisions to be made for capital and recurrent
5 expenditure and for the reserves of the PHINADO;
- 6 h) To receive any grants, gifts, donations or endowments and make legitimate
7 disbursements therefrom;
- 8 i) To open such bank accounts for the funds of the PHINADO as may be
9 necessary;
- 10 j) To lay down policy guidelines for operations and management of all funds
11 collected by the PHINADO;
- 12 k) To oversee the activities of the PHINADO and require the PHINADO to
13 submit information and reports relating to its operation;
- 14 l) To enter into associations with other bodies or organizations within and
15 outside Philippines as the PHINADO may consider desirable or appropriate
16 in furtherance of the purpose for which the PHINADO is established;
- 17 m) To make regulations not inconsistent with any provision of this Act, the
18 Code, Conventions, and international standards; and
- 19 n) To perform all such other acts or undertake any activity as may be
20 incidental or conducive to the attainment or fulfillment of any of the
21 functions of the PHINADO under this Act.

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

27 **SEC. 15. Anti-Doping Rule Violations.** - Anyone of the following
28 circumstances, acts, or conduct committed by an athlete, athlete support personnel, or
29 any other person, shall constitute an Anti-Doping Rule Violation:

- 30 (a) The presence of a prohibited substance or its metabolites or markers in an
31 athlete's bodily specimen;

1 (b) The use or attempted use of any prohibited substance or a prohibited
2 method, unless such use is exempted by the TUEC under Section 18 of this
3 Act;

4 (c) Refusing or failing without compelling justification, to submit sample
5 collection after notification as authorized in applicable anti-doping rules or
6 otherwise evading sample collection;

7 (d) Whereabouts failures by an athlete committed under any of the following
8 instances:

9 i. filing failure wherein the athlete has failed to
10 submit his whereabouts information before the required
11 deadline or to update the same after a change in
12 circumstances, or even if submitted on time, is incomplete,
13 inaccurate, or insufficient information to locate him for
14 testing;

15 ii. Missed test wherein the athlete has filed his
16 whereabouts information but is not available at the
17 location for testing; or

18 iii. Such other omissions or failures as specified
19 under Article 2.4 of the Code (*Whereabouts Failures by an*
20 *Athlete*).

21 (e) Tampering, or attempting to tamper, with any part or process of doping
22 control;

23 (f) Possession of prohibited substances or prohibited methods;

24 (g) Trafficking or attempted trafficking of any prohibited substance or
25 prohibited method;

26 (h) Administration or attempted administration of a prohibited substance or
27 prohibited method to any athlete during in-competition or out-of-
28 competition;

29 (i) Assisting, encouraging, aiding, abetting, conspiring, covering-up or any
30 other type of complicity involving an Anti-Doping Rule Violation or any
31 attempted Anti-Doping Rule Violation or violation of the prohibition against
32 participation during ineligibility or provisional suspension; and

33 (j) Discouraging or retaliating against reporting to authorities.

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

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

5 (a) Disqualification of results, with all consequences including forfeiture of
6 medals, points and prizes, in such manner as may be specified by the
7 PHINADO;

8 (b) Ineligibility to participate in any competition or event or other activity or
9 funding, for such period and in such manner, as may be specified by the
10 PHINADO;

11 (c) Provisional suspension from participating in any competition or activity prior
12 to the decision in appeal;

13 (d) Imposition of financial sanction including proportionate recovery of costs,
14 for the training and other related expenses; and

15 (e) Public disclosure and such other consequences as may be specified by the
16 PHINADO.

17 The consequences of Anti-Doping Rule Violations for team sports and any other
18 persons covered under this Act shall be determined by the Board.

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

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

28 **SEC. 18. *Therapeutic Use Exemptions.*** – Any athlete with a medical condition,
29 requiring the use of a prohibited substance or prohibited method, may apply for a
30 therapeutic use exemption, with the assistance of the athlete's NSA, where necessary, to
31 the Therapeutic Use Exemptions Committee established pursuant to Section 19 of this

1 Act, for a therapeutic use exemption, in accordance with the provisions of this Act and
2 the Anti-Doping Rules.

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

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

9

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

15 **SEC. 20. Duties of the TUEC.** – The TUEC shall exercise the following duties:

- 16 a) To receive, review, reject, and approve applications for the grant of TUE by
17 athletes who compete at the national level, and at the international level, if
18 requested to do so by an international federation;
- 19 b) To review TUE issued by an international federation for compliance with the
20 ISTUE for the purpose described in Article 4.4.3.2 of the Code (*In case*
21 *where the athlete does not already have a TUE granted by the NADO for*
22 *the substance or method in question*);
- 23 c) To refer to the WADA any TUE issued by an international federation which in
24 its view does not meet the requirements of the ISTUE;
- 25 d) To notify the concerned athlete and sports association of the result of
26 the TUE application; and
- 27 e) To perform any other functions that are conferred by this Act or the ISTUE.

28

29 The TUEC shall comply with the following in the performance of its duties:

- 30 a) The Convention;
- 31 b) The Code;
- 32 c) International Standard for Therapeutic Use Exemptions;
- 33 d) The Prohibited list;

- 1 e) The provisions of this Act; and
- 2 f) The PHINADO's Anti-Doping Rules.

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

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

- 10
- 11 (a) The athlete consents in writing;
- 12 (b) Any means of identification is removed to ensure that the sample cannot
- 13 be traced back to the athlete; and
- 14 (c) The results of all tests shall be submitted to the PHINADO.

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

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

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

28 **SEC. 23. Duties and Jurisdiction of the Disciplinary Committee.** - The
29 Disciplinary Committee shall exercise the following duties:

- 30 (a) To receive, examine, and hear Anti-Doping Rules violation;
- 31 (b) To conduct disciplinary hearing related to Anti-Doping Rules violations;

- 1 (c) To determine whether a violation of the Anti-Doping Rules has occurred;
2 (d) To issue contempt orders, and provide administrative penalties in the
3 enforcement thereof to ensure compliance;
4 (e) To impose sanctions and penalties of Anti-Doping Rules violations; and
5 (f) To Perform any other functions that are conferred or imposed on the
6 Panel under this Act, the Code or the International Standard for Results
7 Management.

8 The Disciplinary Committee shall comply with the following in the performance of
9 its work:

- 10 (a) The Convention;
11 (b) The Code;
12 (c) International Standard for Results Management;
13 (d) The Prohibited List;
14 (e) The provisions of this Act; and
15 (f) The PHINADO's Anti-Doping Rules

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

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

30 Anti-doping rule violations arising from participation in an international event or
31 involving International level athletes shall be resolved by the Disciplinary Committee at
32 the first instance where PHINADO is the results management authority and may be
33 appealed directly to the Court of Arbitration for Sport by those parties with a right of

1 appeal to the Court of Arbitration for Sport as specified in the Code. The decision of the
2 Court of Arbitration for Sport is final and executory.

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

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

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

12

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

19

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

23

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

27

- 28 (a) *Collect samples and testing.* In accordance with the International Standards,
29 the PHINADO may, randomly at its discretion or when it has reasons to
30 believe, that an athlete has committed an Anti-Doping Rule Violation,
31 require such person to provide samples for doping control, in accordance
32 with such procedure and in such manner, as may be specified by this Act;

1 (b) *Entry, Search and Seizure.* Where the PHINADO has reasons to believe that
2 an athlete, athlete support personnel or any other person covered by this
3 Act has committed an Anti-Doping Rule Violation, any person authorized by
4 the PHINADO, after securing the appropriate search warrant, and in the
5 presence of local police authorities, may:

6 i. enter and search any place, for the purpose of
7 inspecting, examining, and obtaining evidence of any Anti-
8 Doping Rule Violation has been committed or is being
9 committed; and

10 ii. seize any equipment, device, substance, record,
11 register, document or other material object, as evidence of
12 such Anti-Doping Rule Violation for purposes of prosecution
13 or mitigation or prevention of any Anti-Doping Rule
14 Violation.

15 (c) *Result Management Process.* After receiving an adverse report from a WADA
16 accredited laboratory showing presence of any prohibited substance or the
17 use of any prohibited method in the sample of an athlete, the PHINADO
18 shall carry out initial examination of the report and verify if TUE has been
19 granted to such athlete in respect of such substance, in addition to carrying
20 out any other review required by the International Standard for Results
21 Management.

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

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

31 **SEC. 27. *Data of Athletes and Maintenance of Database.*** - The PHINADO
32 shall collect, use and process the following personal data for the purposes of

1 implementing the objectives of this Act and in accordance with applicable data privacy
2 regulations:

- 3 (a) List of Anti-Doping Rule Violations committed by an athlete under this Act
4 or the Code and the details of such violation;
- 5 (b) Medical history of the athlete;
- 6 (c) Whereabouts information of the athlete; and
- 7 (d) Any other personal data as it may deem necessary.

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

13 **SEC. 28. Duties and Responsibilities of Athletes, Athlete Support**
14 **Personnel, NSAs, sports organizations, sports associations, and sports clubs. -**

15 The athletes, athlete support personnel, NSAs sports organizations, sports associations,
16 and sports clubs shall:

- 17 (a) Respect PHINADO's TUEC's, Disciplinary Committee and Appeal Panel's
18 autonomy and not to interfere with its operational decisions or activities;
- 19 (b) Require clubs and other similar bodies under its authority to report to
20 PHINADO any information related to an anti-doping rule violation and to
21 cooperate with investigations conducted by any Anti-Doping Organization
22 with authority to conduct the investigation;
- 23 (c) Cooperate with the conduct of operation of an investigation, including
24 establishment of a doping test rooms at an event sponsored by it or
25 subordinated bodies;
- 26 (d) Take appropriate information delivery and implement support measures
27 towards athletes who are part of the PHINADO's Registered Testing Pool,
28 such as ensuring them to submit whereabouts filing in the Registered
29 Testing Pool;
- 30 (e) Report to PHINADO, and to ensure the appropriate enforcement of
31 sanctions, penalties and other consequences of, all potential anti-doping
32 rule violations within its jurisdiction including investigation into whether

1 athlete support personnel or other persons may have been involved in each
2 case of doping, as well as to implement automatic investigation into anti-
3 doping rule violations related to a minor;

4 (f) Comply with anti-doping rules; and

5 (g) Assist PHINADO in formulating rules, regulations, and policies to promote
6 anti-doping.

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

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

14 **SEC. 29. Administrative Sanctions and Penalties.** – Where any athlete has
15 been found to have committed any anti-doping rule violation as defined under Section 15
16 of this Act, the consequences of such violation as provided in Section 16 hereof as well
17 as the PHINADO Rules shall apply for the purpose of determining and imposing the
18 appropriate consequences.

19 *Provided,* That athlete support personnel, coaches, trainers, or any other person
20 who connive, conspire, assist, aid, abet, or cover-up any other type of complicity
21 involving an Anti-Doping Rule Violation or any attempted Anti-Doping Rule Violation
22 shall also be subject to administrative sanctions and penalties under this Act and the
23 PHINADO Rules.

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

28 **SEC. 30. Integration of Anti-Doping Policy into the Educational System.**
29 - The PSC, the DepED, the CHED, the National Academy of Sports, in coordination with
30 the PHINADO, shall ensure the integration of age-appropriate content pertaining to anti-

1 doping into the physical education curriculum at all educational levels, both in public and
2 private institutions.

3 **SEC. 31. Appropriation.** - The amount needed for the initial implementation of
4 this Act shall be charged against the current year's appropriations of the PSC for the
5 maintenance and other operating expenses of the PHINADO. Thereafter, the required
6 budget for the continued implementation of this Act shall be appropriated from the
7 General Appropriation Act directly to the PHINADO based on the annual financial plan
8 approved by the Board and submitted to the DBM.

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

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

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

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

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

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

Approved,