

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

Senate  
Office of the Secretary

24 JUL 10 P12:53

RECEIVED BY: J. S.

**SENATE**

**S. No. 2725**

---

**Introduced by Senator Jinggoy Ejercito Estrada**

---

**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**

Earlier this year, the Philippines was placed under threat of suspension from international sports competitions due to non-compliance to anti-doping rules and outstanding non-conformities to the World Anti-Doping Code. Had there been no corrective measures, the country would not have been allowed to host international sporting events and that our national flag cannot fly in case a Filipino athlete wins in an international tournament. Failure to positively respond could have also prevented the Philippines from participating in important events, like the Southeast Asian Games, Asian Games, and even the Olympics.

The Philippines is a State Party to the International Convention against Doping in Sport which was adopted in 2005, hence commits to undertake appropriate measures towards the attainment of objectives enshrined therein, ultimately the prevention of and the fight against doping in sport, with a view to its elimination.<sup>1</sup>

This measure seeks to institute a National Policy Against Doping in Sports in line with our international commitments, to provide an honest and equitable playing

---


<sup>1</sup> Article 1. Purpose of the Convention.

environment for all athletes and promote their health. Moreover, this bill aims to preserve the integrity of Philippine sports that is free from the influence of prohibited substances and performance-enhancing drugs. Finally, this legislation proposes to put an end to possible lingering issues of non-compliance to the global anti-doping efforts through institutionalization of a legal framework towards continued growth and advancement of sports in the country.

Specifically, this bill provides anti-doping violations and the consequences therefor, including disqualification of results and forfeiture of medals and prizes, ineligibility to participate in any competition, or imposition of financial sanctions. The measure also proposes the establishment of the Philippine National Anti-Doping Organization (PHINADO), which shall be an autonomous and independent entity and shall possess the primary authority and responsibility to adopt and implement anti-doping rules.

*The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the values of ethics, fair play and honesty, among others; and doping is fundamentally contrary to the spirit of sport.<sup>2</sup>*

As an advocate of fair play and genuine sportsmanship, approval of this measure is earnestly sought.

  
**JINGGOY EJERCITO ESTRADA**

---

<sup>2</sup> The World Anti-Doping Code. Fundamental Rationale for the World Anti-Doping Code, page 14. Accessed through [https://www.wada-ama.org/sites/default/files/resources/files/wada\\_anti-doping\\_code\\_2009\\_en\\_0.pdf](https://www.wada-ama.org/sites/default/files/resources/files/wada_anti-doping_code_2009_en_0.pdf)

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

Senate  
Office of the Secretary

24 JUL 10 P12:53

**SENATE**

**S. No. 2725**

RECEIVED BY: \_\_\_\_\_

---

**Introduced by Senator Jinggoy Ejercito Estrada**

---

**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:*

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,  
6 and promote total human liberation and development.

7           Moreover, Article XIV, Section 19 (1) provides that the State shall promote  
8 physical education and encourage sports programs, league competitions, and amateur  
9 sports, including training for international competitions, to foster self-discipline,  
10 teamwork, and 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  
12 sports in the country in compliance with its obligations under the United Nations  
13 Educational, Scientific and Cultural Organization (UNESCO) International Convention  
14 Against Doping in Sport, the World Anti-Doping Code, International Standards, and  
15 Anti-Doping Rules that aim to formalize global anti-doping rules, policies and

1 guidelines in order to provide an honest and equitable playing environment for all  
2 athletes and promote the health of athletes.

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

6 *Sec. 3. Definitions. – As used in this Act:*

- 7 a) *Accredited laboratory* refers to a laboratory accredited or approved by the  
8 World Anti-Doping Agency (WADA) to test samples for the presence of  
9 prohibited substances or the use of prohibited methods in accordance with  
10 International Standards;
- 11 b) *Adverse analytical finding* refers to a report from a WADA-accredited  
12 laboratory or other WADA-approved laboratory that, consistent with the  
13 International Standards for Laboratories, establishes in a sample the  
14 presence of a prohibited substance or its metabolites or markers or evidence  
15 of the use of a prohibited method;
- 16 c) *Administration* refers to providing, supplying, supervising, facilitating, or  
17 otherwise participating in the use or attempted use by another person of a  
18 prohibited substance or prohibited method: Provided, however, that this  
19 definition shall not include the actions of bona fide medical personnel  
20 involving a prohibited substance or prohibited method used for genuine and  
21 legal therapeutic purposes or other acceptable justification and shall not  
22 include actions involving prohibited substances which are not prohibited in  
23 out-of-competition testing unless the circumstances as a whole demonstrate  
24 that such prohibited substances are not intended for genuine and legal  
25 therapeutic purposes or are intended to enhance sport performance;
- 26 d) *Anti-doping activities* refer to education and information, test distribution  
27 planning, maintenance of a registered testing pool, managing athlete  
28 biological passports, conducting testing, organizing analysis of samples,  
29 gathering of intelligence and conduct of investigations, processing of  
30 Therapeutic Use Exemption (TUE) applications, results management,  
31 monitoring and enforcing compliance with any consequences imposed, and  
32 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, and  
5 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 Committee* refers to the National Anti-Doping Appeal Committee  
15 created under Section 24 of this Act;
- 16 i) *Athletes* refer to any person who competes in sports at the international  
17 level as defined by each International Federation or the national level as  
18 defined by each National Sports Association, including any person in the  
19 Registered Testing Pool who is otherwise subject to the jurisdiction of this  
20 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* refer to any coach, trainer, manager, agent, team  
25 staff, official, medical or paramedical personnel, parent or any other person  
26 working with, treating or assisting an athlete participating in or preparing  
27 for a sports competition;
- 28 l) *Board* refers to the PHINADO Board established under Section 12 of this  
29 Act;
- 30 m) *Code* refers to the World Anti-Doping Code, including any amendments to  
31 the Code adopted by WADA;
- 32 n) *Competition* refers to a single race, match, game or singular sport contest;

- 1 o) *Convention* refers to the United Nations Educational Scientific and Cultural  
2 Organization Convention Against Doping in Sport adopted by the 33<sup>rd</sup>  
3 Session of the United Nations Educational Scientific and Cultural  
4 Organization General Conference on 19<sup>th</sup> October 2005, including any and  
5 all amendments adopted by the States Parties to the Convention and the  
6 Conference of Parties to the International Convention against Doping in  
7 Sport;
- 8 p) *Court of Arbitration for Sports* refers to an international body established in  
9 1984 to settle disputes related to sport through arbitration whose  
10 headquarters is in Lausanne, Switzerland;
- 11 q) *Disciplinary Committee* refers to the National Anti-Doping Disciplinary  
12 Committee established under Section 22 of this Act;
- 13 r) *Doping in sport* refers to the occurrence of any Anti-Doping Rule Violations  
14 as defined in this Act;
- 15 s) *Doping Control* refers to all steps and processes from test distribution  
16 planning to ultimate disposition of any appeal and the enforcement of  
17 consequences, including all steps and processes in between, including but  
18 not limited to, testing, investigations, whereabouts, TUEs, sample collection  
19 and handling, laboratory analysis, results management and investigations  
20 or proceedings relating to violations of the World Anti-Doping Code (Status  
21 During Ineligibility or Provisional Suspension);
- 22 t) *Event* refers to a series of individual competitions conducted together under  
23 one ruling body;
- 24 u) *In-Competition* refers to the period commencing at 11:59 p.m. on the day  
25 before a competition in which the athlete is scheduled to participate through  
26 the end of such competition and the sample collection process related to  
27 such competition: Provided, however, WADA may approve, for a particular  
28 sport, an alternative definition should an International Federation provide a  
29 compelling justification that a different definition is necessary for its sport;  
30 upon such approval by WADA, the alternative definition shall be followed by  
31 all Major Event Organizations for that particular sport;

- 1 v) *International Event* refers to a sports competition where the International  
2 Olympic Committee, the International Paralympic Committee, an  
3 International Federation, a Major Event Organization, or another  
4 international sport organization is the ruling body for the event or appoints  
5 the technical officials for the event;
- 6 w) *International Federation* refers to the international governing body for a  
7 particular sport;
- 8 x) *International Standard* refers to a standard adopted by the WADA in  
9 support, in compliance with, and in the enforcement of the Code and  
10 includes any technical documents issued in relation thereto. Compliance  
11 with an International Standard (as opposed to another alternative standard,  
12 practice or procedure) shall be sufficient to conclude that the procedures  
13 addressed by the International Standard were performed properly;
- 14 y) *National Anti-Doping Organization* refers to the entity designated by each  
15 country as possessing the primary authority and responsibility to adopt and  
16 implement anti-doping rules, direct the collection of samples, manage test  
17 results and conduct results management at the national level;
- 18 z) *National event* refers to a sport event or competition involving international  
19 or national level athletes that is not an international event;
- 20 aa) *National-Level Athlete* refers to athletes who compete in sport at the  
21 national level, as defined by each national sports association, consistent with  
22 the International Standard for Testing and Investigations. It shall refer to  
23 those who:
- 24 i. participate in the national leagues, events or competitions organized  
25 by their NSA or by any sports organizations or club;
- 26 ii. are affiliated to a federation, national league, sports organization or  
27 club in the Philippines;
- 28 iii. participate in competition of events organized by schools, colleges,  
29 other institutions, and other intercollegiate events; or
- 30 iv. participate in professional sports.
- 31 bb) *National Sports Associations* refers to an umbrella body organized for their  
32 respective sports in the Philippines and affiliated with their respective

1 international federations which are recognized by the International Olympic  
2 Committee responsible for Olympic, non-Olympic, Paralympic sports or all  
3 sports disciplines;

4 cc) *Other Anti-Doping Organizations* refer to the organizations which are  
5 responsible for adopting anti-doping rules for initiating, implementing or  
6 enforcing any part of the doping control process and include the World Anti-  
7 Doping Agency, the International Olympic Committee, the International  
8 Paralympic Committee, other major event organizations that conduct testing  
9 at their events and International Federations, but does not include the  
10 Agency;

11 dd) *Out-of-competition* testing refers to the sample collection during any period  
12 other than the period specified for in-competition testing;

13 ee) *Philippine National Anti-Doping Organization or PHINADO* refers to a body  
14 corporate created under Section 6 of this Act which shall have the primary  
15 authority and responsibility to adopt and implement all anti-doping activities  
16 in the Philippines;

17 ff) *Possession* refers to the actual, physical possession, or the constructive  
18 possession which shall be found only if the person has exclusive control or  
19 intends to exercise control over the prohibited substance or prohibited  
20 method or the premises in which a prohibited substance or prohibited  
21 method exists: Provided, however, that if the person does not have  
22 exclusive control over the prohibited substance or prohibited method or the  
23 premises in which a prohibited substance or prohibited method exists,  
24 constructive possession shall only be found if the person knew about the  
25 presence of the prohibited substance or prohibited method and intended to  
26 exercise control over it: Provided, however, that there shall be no anti-  
27 doping rule violation based solely on possession if, prior to receiving  
28 notification of any kind that the person has committed an anti-doping rule  
29 violation, the person has taken concrete action demonstrating that the  
30 person never intended to have possession and has renounced possession  
31 by explicitly declaring it to an anti-doping organization. Notwithstanding  
32 anything to the contrary in this definition, the purchase, including by any



1 electronic or other means, of a prohibited substance or prohibited method  
2 constitutes possession by the person who makes the purchase;

3 gg) *Prohibited List* refers to the list developed by the WADA, including its  
4 modifications for purposes of identifying the prohibited substances and  
5 prohibited methods;

6 hh) *Prohibited Method* refers to any method so described on the Prohibited List;

7 ii) *Prohibited Substance* refers to any substance, or class of substances, so  
8 described on the Prohibited List;

9 jj) *Registered Testing Pool* refers to the pool of highest-priority athletes  
10 established separately at the international level by International Federations  
11 and at the national level by National Anti-Doping Organizations, who are  
12 subject to focused In-Competition and Out-of-Competition Testing as part  
13 of that International Federation's or National Anti-Doping Organization's test  
14 distribution plan and therefore are required to provide whereabouts  
15 information as provided in Article 5.5 of the World Anti-Doping Code (Athlete  
16 Whereabouts Information) and the International Standard for Testing and  
17 Investigations;

18 kk) *Sample or specimen* refers to any biological material collected for the  
19 purposes of doping control;

20 ll) *Tampering* refers to intentional conduct which subverts the Doping Control  
21 process but which would not otherwise be included in the definition of  
22 prohibited methods. Tampering shall include offering or accepting a bribe  
23 to perform or fail to perform an act, preventing the collection of a sample,  
24 affecting or making impossible the analysis of a sample, falsifying  
25 documents submitted to an Anti-Doping Organization from witnesses,  
26 committing any other fraudulent act upon the Anti-Doping Organization or  
27 hearing body to affect results management or the imposition of  
28 consequences, and any other similar intentional interference or attempted  
29 interference with any aspect of doping control or Therapeutic Use  
30 Exemption (TUE) committee or hearing panel, procuring false testimony in  
31 furtherance of any of the foregoing;

1 mm) *Testing* refers to the parts of the doping control process involving test  
2 distribution planning, sample collection, sample handling, and sample  
3 transport to the laboratory;

4 nn) *Therapeutic Use Exemption* allows an athlete with a medical condition to  
5 use a prohibited substance or prohibited method but only if the conditions  
6 set out in Article 4.4 of the World Anti-Doping Code (Therapeutic Use  
7 Exemption) and the International Standard for Therapeutic Use Exemptions  
8 are met;

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

20 pp) *Use* refers to the utilization, application, ingestion, injection or consumption  
21 by any means of any prohibited substance or prohibited method;

22 qq) *World Anti-Doping Agency or WADA* refers to the sports body set up for the  
23 purposes of coordinating anti-doping activities worldwide;

24 rr) *World Anti-Doping Code or Code* refers to the core document that  
25 harmonizes anti-doping policies, rules, and regulations within sports  
26 organizations and among public authorities around the world; and

27  
28 Sec. 4. *Coverage*. – The provisions of this Act shall apply to the following:

- 29 a) Philippine National Anti-Doping Organization;  
30 b) International-level and National Level Athletes;  
31 c) Athlete Support Personnel;  
32 d) National Sports Associations; and

1 e) Other sports organizations, sports associations, and sports clubs.

2 Sec. 5. *Prohibition of Doping in Sport.* – Athlete, athlete support personnel and  
3 other persons covered by this Act:

4 a) Shall not indulge in doping in sport;

5 b) Shall not conceal or fail to disclose any occurrence of any Anti-Doping Rule  
6 Violation as specified in this Act or by the Code;

7 c) Shall participate in a sport competition at all levels with highest standards  
8 of integrity and ethics and in accordance with the provisions of this Act and  
9 the rules and regulations made thereunder;

10 d) Shall accept the anti-doping rules as a condition of such participation or  
11 involvement and be bound by the provisions of this Act and the rules and  
12 regulations made thereunder; and

13 e) Shall be responsible for knowing what constitutes Anti-Doping Rule  
14 Violations and the restrictions on the use of prohibited substances and the  
15 prohibited methods which are included in the Prohibited List.

16 Sec. 6. *Establishment of the Philippine National Anti-Doping Organization*  
17 *(PHINADO).* – There is hereby established a body corporate known as the Philippine  
18 National Anti-Doping Organization, herein referred to as the PHINADO, designated as  
19 possessing the primary authority and responsibility to adopt and implement anti-  
20 doping rules, direct the collection of samples, manage test results, and conduct results  
21 management at the national level.

22 The PHINADO shall be established as an attached agency to the Philippine  
23 Sports Commission (PSC), with its own budget separate from the PSC: Provided,  
24 however, that the PHINADO shall enjoy autonomy and independence in its operations,  
25 decisions, and activities.

26 Sec. 7. *Powers and Functions of PHINADO.* – The PHINADO shall exercise the  
27 following duties as are necessary to facilitate the control and prevention of doping in  
28 sports:

29 a) To adopt and implement anti-doping rules, regulations and policies which  
30 conform to international obligations and commitments for promoting,  
31 coordinating and monitoring the doping control program in sports to ensure  
32 doping-free sport;

- 1 b) To implement the United Nations Educational Scientific and Cultural  
2 Organization Convention Against Doping in Sport, herein referred to as the  
3 "Convention", the World Anti-Doping Code, herein referred as the "Code",  
4 and other rules and regulations in accordance with this Act;
- 5 c) To develop a national strategy to address doping in sport in collaboration  
6 with the Philippine Sports Commission, government agencies, and the  
7 private sector;
- 8 d) To plan, coordinate, implement and monitor anti-doping activities in the  
9 country, including the collection of samples, manage test results, and to  
10 conduct results management in all sports, sport associations, sport  
11 organizations, and sport clubs at the national level;
- 12 e) To enter into contracts and to acquire movable and immovable property;
- 13 f) To promote anti-doping research in the field of prohibited substances and  
14 methods and doping practices in sport;
- 15 g) To establish a program to support research and training in methods of  
16 detecting the use of performance-enhancing drugs by athletes;
- 17 h) To provide and disseminate information to athletes, athlete support  
18 personnel, and other stakeholders on the updated list of prohibited  
19 substances as published by the WADA, including the procedures for, and  
20 developments concerning the collection and testing of sample in accordance  
21 with the Code and any standards developed by WADA;
- 22 i) To maintain data of all prohibited substances in accordance with the  
23 directions of the WADA;
- 24 j) To select athletes who shall be requested to provide samples for testing  
25 when necessary;
- 26 k) To collect samples from athletes in accordance with approved guidelines  
27 and International Standards and secure the safe transit of samples to  
28 laboratories accredited by WADA for testing;
- 29 l) To carry out investigation and conduct results management of any Anti-  
30 Doping Rule Violations;
- 31 m) To undertake steps aimed at ensuring that the Government and the  
32 Philippine Olympic Committee complies with international agreements and

- 1 other arrangements to which the Philippines is a party concerning the use  
2 of drugs and doping in sport;
- 3 n) To enforce anti-doping rules by exercising authority over athletes, athlete  
4 support personnel and other persons, including National Sports Associations  
5 and other sports organizations;
- 6 o) To coordinate and cooperate with the World Anti-Doping Agency, Other  
7 Anti-Doping Organizations, National Sports Associations, and International  
8 Associations;
- 9 p) To facilitate and share information relating to the use of doping substances,  
10 doping practices, or any Anti-Doping Rule Violation between sports bodies,  
11 officials conducting sports competitions or events, other anti-doping  
12 organizations and agencies;
- 13 q) To use only WADA accredited laboratories for analysis of samples and other  
14 required specimen;
- 15 r) To maintain the Whereabouts Register and a Registered Testing Pool in  
16 accordance with the Code and International Standard for Testing and  
17 Investigations;
- 18 s) To prosecute anti-doping offenses;
- 19 t) To oversee all activities of the Therapeutic Use Exemption Committee;
- 20 u) To establish Code of Conduct for officers and employees of the PHINADO  
21 and for such other persons or agencies engaged by the organization;
- 22 v) To undertake any other activity specified by regulations of the Board that  
23 may be expedient for fulfilling the objective of eliminating doping in sport;
- 24 w) To submit annual report to the Office of the President and both Houses of  
25 Congress; and
- 26 x) To perform related functions to implement the provisions of this Act.

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

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

4           The organizational structure of the PHINADO including the position  
5 classification and compensation of all the officers and employees thereof shall be  
6 recommended by the Board subject to existing rules, regulations, and guidelines  
7 prescribed by the Department of Budget and Management and the Civil Service  
8 Commission.

9           *Sec. 9. The Director General.* – The Director General shall be appointed by the  
10 President of the Philippines, from among the persons of integrity and proven  
11 competence with an extensive background in sports, sports medicines or sciences and  
12 other related fields.

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

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

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

26           *Sec. 10. The Deputy Director General.* – The Deputy Director General shall be  
27 appointed by the Board to assist the Director General in managing and overseeing  
28 PHINADO’s anti-doping program, and to ensure strict adherence to the Code and  
29 international standards. This position shall actively engage with governmental  
30 agencies, NSAs, affiliated organizations, and non-government stakeholders to  
31 maintain effective anti-doping operations.

1           Sec 11. *Employment of Other Officers and Employees.* – The Director General  
2 may appoint such officers and employees, subject to the rules and regulations of the  
3 Civil Service Commission and the Department of Budget and Management, upon such  
4 terms and conditions of service as it may consider necessary for the proper  
5 performance of its functions.

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

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

- 11           a) Chairperson of the Philippine Sports Commission (PSC) as Chairperson;
- 12           b) Secretary of the Department of Science and Technology (DOST);
- 13           c) Secretary of Department of Health (DOH);
- 14           d) Secretary of Department of Education (DepEd);
- 15           e) Chairperson of the Commission on Higher Education (CHED);
- 16           f) Chairperson of the Games and Amusements Board (GAB);
- 17           g) President of the Philippine Olympic Committee (POC);
- 18           h) President of the National Paralympic Committee; and
- 19           i) Three (3) representatives distinguished in the field of law, sports medicine  
20           and sports science.

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

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

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

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

11           *Sec. 13. Powers and Functions of the Philippine National Anti-Doping Board. –*  
12 There shall be established, for the purposes of this Act, a Board to be called the  
13 PHINADO Board and shall have the following functions:

- 14           a) To ensure implementation of the international obligations and commitments  
15           and to monitor the compliance thereof;
- 16           b) To advise the President of the Philippines and the PSC Chairperson on  
17           matters relating to the regulations on anti-doping in sports and international  
18           obligations and commitments;
- 19           c) To determine the date, time, venue, and quorum for the meetings as well  
20           as the procedure for transaction of business;
- 21           d) To establish Committees, as well as to appoint their members, necessary or  
22           expedient to assist PHINADO in the performance of its functions under this  
23           Act: Provided, That the Committees established under this Act may adopt  
24           and regulate their own internal rules of procedures consistent with this Act;
- 25           e) To oversee the processes of the different Committees created under this  
26           Act;
- 27           f) To control, supervise and administer the assets of the PHINADO in such  
28           manner that best promotes the purpose for which the PHINADO is  
29           established;
- 30           g) To determine the provisions to be made for capital and recurrent  
31           expenditure and for the reserves of the PHINADO;



- 1 h) To receive any grants, gifts, donations or endowments and make legitimate  
2 disbursements therefrom;
- 3 i) To open such bank accounts for the funds of the PHINADO as may be  
4 necessary;
- 5 j) To lay down policy guidelines for operations and management of all funds  
6 collected by the PHINADO;
- 7 k) To oversee the activities of the PHINADO and require the PHINADO to  
8 submit information and reports relating to its operation;
- 9 l) To enter into associations with other bodies or organizations within and  
10 outside Philippines as the PHINADO may consider desirable or appropriate  
11 in furtherance of the purpose for which the PHINADO is established;
- 12 m) To make regulations consistent with the provisions of this Act, the Code,  
13 Conventions, and international standards; and
- 14 n) To perform all such other acts or undertake any activity as may be incidental  
15 or conducive to the attainment or fulfilment of any of the functions of the  
16 PHINADO under this Act.

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

22 *Sec. 15. Anti-Doping Rule Violations.* – Any of the following circumstances, acts  
23 or conduct committed by an athlete, athlete support personnel, or other persons shall  
24 constitute Anti-Doping Rule Violation:

- 25 a) The presence of a prohibited substance or its metabolites or markers in an  
26 athlete's bodily specimen;
- 27 b) The use or attempted use of any prohibited substance or a prohibited  
28 method, unless such use is exempted by the TUEC under Section 18 of this  
29 Act;
- 30 c) Refusing or failing without compelling justification, to submit sample  
31 collection after notification as authorized in applicable anti-doping rules or  
32 otherwise evading sample collection;

1 d) Whereabouts failures by an athlete committed under any of the following  
2 instances:

3 i) Filing failure wherein the athlete has failed to submit his whereabouts  
4 information before the required deadline or to update the same after  
5 change in circumstances, or even if submitted on time, is incomplete,  
6 inaccurate or insufficient information to locate him for testing;

7 ii) Missed test wherein the athlete has filed his whereabouts information  
8 but is not available at the location for testing; or

9 iii) Such other omissions or failures as specified under Article 2.4 of the Code  
10 (Whereabouts Failures by an Athlete).

11 e) Tampering, or attempting to tamper, with any part or process of doping  
12 control;

13 f) Possession of prohibited substances or prohibited methods;

14 g) Trafficking or attempted trafficking of any prohibited substance or  
15 prohibited method;

16 h) Administration or attempted administration of a prohibited substance or  
17 prohibited method to any athlete during in-competition or out-of-  
18 competition;

19 i) Assisting, encouraging, aiding, abetting, conspiring, covering-up or any  
20 other type of complicity involving an Anti-Doping Rule Violation or any  
21 attempted Anti-Doping Rule Violation or violation of the prohibition against  
22 participation during ineligibility or provisional suspension; and

23 j) Discouraging or retaliating against reporting to authorities.

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

26 *Sec. 16. Consequences of Anti-Doping Rule Violations.* – The consequences of  
27 Anti-Doping Rule Violations by an individual athlete, athlete support personnel or any  
28 other person covered under this Act, may result in one or more of the following:

29 a) Disqualification of results, with all consequences including forfeiture of  
30 medals, points and prizes, in such manner as may be specified by the  
31 PHINADO;

- 1 b) Ineligibility to participate in any competition or event or other activity or  
2 funding, for such period and in such manner, as may be specified by the  
3 PHINADO;
- 4 c) Provisional suspension from participating in any competition or activity prior  
5 to the decision in appeal;
- 6 d) Imposition of financial sanction including proportionate recovery of costs,  
7 for the training and other related expenses;
- 8 e) Public disclosure and such other consequences as may be specified by the  
9 PHINADO; and
- 10 f) Possible criminal prosecution under existing laws.

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

13 *Sec. 17. Conformity to Anti-Doping Rules.* – Each NSA, sports association,  
14 sports organization, sports club, and sports federation shall require all athletes and  
15 athlete support personnel to agree to be bound by all Anti-Doping Rules and the  
16 PHINADO’s results’ management authority in conformity with the Code as a condition  
17 for such participation.

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

22 *Sec. 18. Therapeutic Use Exemptions.* – Any athlete with a medical condition,  
23 requiring the use of a prohibited substance or prohibited method, may apply for a  
24 therapeutic use exemption, upon endorsement of the athlete’s sports association, to  
25 the Therapeutic Use Exemptions Committee established pursuant to Section 19 of this  
26 Act, for a therapeutic use exemption, in accordance with the provisions of this Act and  
27 the Anti-Doping Rules.

28 *Sec. 19. Therapeutic Use Exemption Committee.* – There shall be created a  
29 Therapeutic Use Exemption Committee (TUEC) to consider applications for TUEs for  
30 athletes in accordance with the relevant provisions of this Act, the Code and the  
31 International Standard for Therapeutic Use Exemptions (ISTUE).

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

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

8 *Sec. 20. Duties of the TUEC.* – The TUEC shall exercise the following duties:

- 9 a) To receive, review, reject and approve applications for the grant of  
10 Therapeutic Use Exemption by athletes who compete at the national level,  
11 and at the international level, if requested to do so by an international  
12 federation;
- 13 b) To review Therapeutic Use Exemptions issued by an international federation  
14 for compliance with the International Standard for Therapeutic Use  
15 Exemptions for the purpose described in Article 4.4.3.2 of the Code, in case  
16 where the athlete does not already have a TUE granted by the NADO for  
17 the substance or method in question;
- 18 c) To refer to the WADA any Therapeutic Use Exemption issued by an  
19 international federation which in its view does not meet the requirements  
20 of the International Standards for Therapeutic Use Exemption;
- 21 d) To notify the concerned athlete and sports association on the result of the  
22 TUE application; and
- 23 e) To perform any other functions that are conferred by this Act.

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

- 25 a) The Convention;
- 26 b) The Code;
- 27 c) International Standard for Therapeutic Use Exemption;
- 28 d) The Prohibited list;
- 29 e) The provisions of this Act; and
- 30 f) The PHINADO's Anti-Doping Rules.

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

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

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

10           *Sec. 22. Disciplinary Committee.* – There shall be established a Disciplinary  
11 Committee, which shall comply with the requirements found in the definition of  
12 Operational Independence in the Code and shall consist of:

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

19           The Chairperson and members of the Disciplinary Committee shall be appointed  
20 by the Board for a term of five (5) years, and shall be eligible for reappointment for  
21 another term. The quorum for the conduct of the business of the Committee shall be  
22 three (3) members.

23           *Sec. 23. Duties and Jurisdiction of the Disciplinary Committee.* – The  
24 Disciplinary Committee shall exercise the following duties:

- 25           a) To receive, examine, and hear Anti-Doping Rules violation;
- 26           b) To conduct disciplinary hearing related to Anti-Doping Rules violations;
- 27           c) To determine whether a violation of the Anti-Doping Rules has occurred;
- 28           d) To issue contempt orders, and provide administrative penalties in the  
29           enforcement thereof to ensure compliance;
- 30           e) To impose sanctions and penalties of Anti-Doping Rules violations; and

1 f) To Perform any other functions that are conferred or imposed on the  
2 Committee under this Act, the Code or the International Standard for Results  
3 Management.

4 The Disciplinary Committee shall comply with the following in the performance  
5 of its work:

- 6 a) The Convention;
- 7 b) The Code;
- 8 c) International Standard for Results Management;
- 9 d) The Prohibited List;
- 10 e) The provisions of this Act; and
- 11 f) The PHINADO's Anti-Doping Rules.

12 Anti-Doping Rules violations involving national level athletes, athlete support  
13 personnel, NSA's and sports organizations, shall be resolved by the Disciplinary  
14 Committee at the first instance within a period of thirty (30) days, after the conduct  
15 of the hearing or submission of pleadings and subject to appeal to the Appeals  
16 Committee within fifteen (15) days from receipt of the decision of the Disciplinary  
17 Committee.

18 The Appeals Committee must resolve the matter within thirty (30) days from  
19 receipt of the entire records from the Disciplinary Committee. Appeal to the Court of  
20 Arbitration for Sport may also be filed within fifteen (15) days from receipt of the  
21 decision of the Appeals Committee. The decision of the Court of Arbitration for Sport  
22 shall be final and executory.

23 Anti-doping rule violations involving international level athletes shall be resolved  
24 by the Disciplinary Committee at the first instance and shall be appealed directly to  
25 the Court of Arbitration for Sport whose finding and recommendation shall likewise be  
26 final and executory.

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

29 *Sec. 24. Appeal Committee.* – There shall be established an Appeal Committee  
30 for purposes of hearing the appeals filed pursuant to this Act and shall be composed  
31 of the following:

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

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

11 *Sec. 25. Doping Control Process.* – In the exercise of its powers, duties and  
12 responsibilities, the PHINADO shall perform the following acts, subject to existing laws,  
13 rules, and regulations:

- 14 a) Collect samples and testing. – Where the PHINADO has reasons to believe
- 15 that an athlete, athlete support personnel or any other person covered by
- 16 this Act has committed an Anti-Doping Rule Violation, it shall require such
- 17 person to submit samples for testing, in accordance with such procedure
- 18 and in such manner, as may be specified by this Act;
- 19 b) Entry, Search and Seizure. – Where the PHINADO has reasons to believe
- 20 that an athlete, athlete support personnel or any other person covered by
- 21 this Act has committed an Anti-Doping Rule Violation, any person authorized
- 22 by the PHINADO, after securing the appropriate search warrant, and in the
- 23 presence of local police authorities, may:
  - 24 i) enter and search any place, for the purpose of inspecting, examining and
  - 25 obtaining evidence of any Anti-Doping Rule Violation has been
  - 26 committed or is being committed; and
  - 27 ii) seize any equipment, device, substance, record, register, document or
  - 28 other material object, as evidence of such Anti-Doping Rule Violation for
  - 29 purposes of prosecution or mitigation or prevention o any Anti-Doping
  - 30 Rule Violation.
- 31 c) Result Management Process. – After receiving an adverse report from a
- 32 WADA-accredited testing laboratory showing presence of any prohibited

1 substance in the sample of an athlete, the PHINADO shall carry out initial  
2 examination of the report and verify if Therapeutic Use Exemption has been  
3 granted to such athlete with respect to such substance. In case after  
4 examination and verification, no Therapeutic Use Exemption has been  
5 granted to the athlete, the PHINADO shall take such action in such manner  
6 specified by this Act and by the Code.

7 *Sec. 26. Registered Testing Pool.* – The PHINADO shall establish a Registered  
8 Testing Pool in accordance with the Code and the International Standard for Testing  
9 and Investigations. The PHINADO shall, in accordance with the Anti-Doping Rules,  
10 publish criteria for the inclusion of the name of an athlete in its Registered Testing  
11 Pool. The PHINADO shall notify the concerned athlete, in writing, of the inclusion of  
12 his or her name in its Registered Testing Pool, and shall also notify the athlete in  
13 writing when they are removed from the Registered Testing Pool.

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

- 17 a) List of Anti-Doping Rule Violations committed by an athlete under this Act  
18 or the Code and the details of such violation;
- 19 b) Medical history of the athlete;
- 20 c) Whereabouts information of the athlete; and
- 21 d) Any other personal data as it may deem necessary.

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

27 *Sec. 28. Duties and Responsibilities of Athletes, Athlete Support Personnel,*  
28 *NSAs, Sports Organizations, Sports Associations, and Sports Clubs.* - The athletes,  
29 athlete support personnel, NSAs, sports organizations, sports associations, and sports  
30 clubs shall:

- 31 a) Respect PHINADO's TUEC's, Disciplinary Committee's autonomy and not to  
32 interfere with its operational decisions or activities;



- 1           b) Require clubs and other similar bodies under its authority to report to  
2           PHINADO any information related to an anti-doping rule violation and to  
3           cooperate with investigations conducted by any Anti-Doping Organization  
4           with authority to conduct the investigation;
- 5           c) Cooperate with the conduct of operation of an investigation, including  
6           establishment of a doping test rooms at an event sponsored by it or  
7           subordinate bodies;
- 8           d) Take appropriate information delivery and implement support measures  
9           towards athletes who are part of the PHINADO's Registered Testing Pool  
10           such as ensuring them to submit whereabouts filing in the Registered  
11           Testing Pool;
- 12           e) Report to PHINADO, and to ensure the appropriate enforcement of  
13           sanctions, penalties and other consequences of, all potential anti-doping  
14           rule violations within its jurisdiction including investigation into whether  
15           athlete support personnel or other persons may have been involved in each  
16           case of doping, as well as to implement automatic investigation into anti-  
17           doping rule violations related to a minor;
- 18           f) Comply with anti-doping rules; and
- 19           g) Assist PHINADO in formulating rules, regulations, and policies to promote  
20           anti-doping.

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

24           NSAs shall obey the provisions of this Act and PHINADO rules in case of  
25           adoption of sanctions against athlete or athlete support personnel. Non-execution of  
26           obligations stipulated herein by the NSA shall be considered as a violation.

27           *Sec. 29. Administrative Sanctions and Penalties.* – When any athlete, athlete  
28           support personnel, NSA, sports association, sports organization, or sports club has  
29           been found to have committed anti-doping violations, Article 10 of the Code (Sanctions  
30           on Individuals) and the PHINADO Rules shall apply for the purpose of determining and  
31           imposing the appropriate consequences.

1           When a medical professional is found to be in complicity with Anti-Doping  
2 violations, the Disciplinary Committee shall endorse the violation to the Professional  
3 Regulation Commission, who shall also impose, depending on the gravity of the  
4 violation, the penalty of suspension or revocation of professional license.

5           *Sec. 30. Integration of Anti-Doping Policy into the Educational System.* – The  
6 Philippine Sports Commission, the Department of Education, the Commission on  
7 Higher Education, the National Academy of Sports, in coordination with the PHINADO,  
8 shall ensure the integration of age-appropriate content pertaining to anti-doping into  
9 the physical education curriculum at all educational levels, both in public and private  
10 institutions.

11           *SEC. 31. Appropriations.* – The amount needed for the initial implementation of  
12 this Act shall be charged against the current year’s appropriations of the PSC for the  
13 maintenance and other operating expenses of the PHINADO. Thereafter, the required  
14 budget for the continued implementation of this Act shall be appropriated from the  
15 General Appropriation Act directly to the PHINADO based on the annual financial plan  
16 approved by the Board and submitted to the DBM.

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

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

29           *Sec. 33. Implementing Rules and Regulations.* – The PHINADO, in consultation  
30 with the PSC, DOH, Games and Amusements Board, NSAs, Philippine Olympic  
31 Committee, CHED, DepEd, NAS, PRC shall, not later than thirty (30) days upon the  
32 effectivity of this Act, promulgate the necessary rules and regulations for the effective

1 implementation of this Act: Provided, That failure to promulgate the rules and  
2 regulations shall not prevent the implementation of this Act upon its effectivity.

3       Sec. 34. *Separability Clause.* – If for any reason, any provision of this Act is  
4 declared unconstitutional or invalid, such parts not affected thereby shall remain in  
5 full force and effect.

6       Sec. 35. *Repealing Clause.* – All laws, decrees, executive orders, rules and  
7 regulations and other issuances or parts thereof which are inconsistent with this Act  
8 are hereby repealed, amended or modified accordingly.

9       Sec. 36. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
10 publication in the *Official Gazette* or in any two (2) newspapers of general circulations.

*Approved,*