



**REVIEW ARTICLE**

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**Bias in the Law: A Definitive Look at Racial Prejudice in the Philippine Criminal Justice System: A Systematic Literature Review**

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**Abstract**

This paper aims to identify communities in the Philippines that are prejudiced and discriminated against in life and before the law. It seeks to determine whether these biases are experienced because they are considered “others” or “different,” aside from belonging to minority populations. This study is relevant as prejudice and discrimination based on race or ethnicity, among other socially constructed identifiers, violate the principle of equality and non-discrimination. Filipinos have been discriminated against since it was first colonized by Spain some 500 years ago; and for discrimination and prejudice to continue in this modern day is a pressing concern. Through a systematic review of literature, the study found that racism is systemic and global; it is more pronounced across sections like when a person is of color, a minority, and poor; impunity and perpetuation of racial and ethnic discrimination is prevalent; ethnolinguistic groups who are the minority, including Muslims, are highly discriminated in the Philippines; and the one's "exclusion of the others" contribute to discrimination. The Philippines must address discrimination and prejudice by fulfilling its commitments to international conventions and treaties that seek the immediate end of all forms of discrimination. Law enforcers must guarantee equal protection as enumerated in the 1987 Philippine Constitution. The long overdue anti-discrimination bill must be passed to strengthen the protection of Filipinos against perpetrators of discrimination, whether they are individuals or institutions. It is recommended that more scholars study this subject comprehensively, particularly the nation's criminal justice system.

**Keywords:** inequality, discrimination, prejudice, injustice

**BACKGROUND OF THE STUDY**

The Universal Declaration of Human Rights (UDHR) affirms that all human beings are born equal in dignity and rights. All human beings must be treated equally regardless of race, sex, color, religion, language, political leaning, nationality, property, birth, and other status. Thus, prejudice and discrimination violate this equality principle (United Nations, 1948)

Race is "the idea that the human species is divided into distinct groups on the basis of inherited physical and behavioral differences" (Wade et al., 2022). This pervasive idea was challenged, rebuked, and clarified by scholars following scientific studies, reiterating that human populations are not “unambiguous, clearly demarcated, or biologically distinct groups” as proponents of superior races advocated. Scholars argued that race is an 18th-century social construct in the US that was intended to justify the Europeans' subjugation of the Native Americans or American Indians and the Africans (American Anthropological Society, 1998). This idea of race was exported to the Philippines by the



empire-builders from the 16th to 20th century -- Spanish, British, Dutch, Americans, and Japanese, who colonized territories based on the belief that they were superior to the rest. The Americans justified their colonization of their “little brown brothers” in the Philippines as “manifest destiny” (Tan, 2002).

Racism has at least two forms -- individual and systemic, which can be institutional or structural. Individual racism refers to an individual's racist assumptions, beliefs or behaviors. It is "a form of racial discrimination that stems from conscious and unconscious personal prejudice" (Henry & Tator, 2006). Systemic racism includes the policies and practices entrenched in established institutions, which result in the exclusion or promotion of designated groups (City of Toronto 1991 as cited in ACLRC)

On the other hand, ethnicity is one's identification with a group from which one share common traits like culture -- language, value system, religion, customs, traditions, etc. It is a socially grown collective identity that claims their shared commonality differs from the others (Antweiler, 2015). Like race, ethnicity is also unrelated to biology and is flexible, for a person can relate or assimilate to one or more ethnic groups (Wade, et.al., 2022). Ethnicity and ethnic identity are more recent social constructs than race, specifically in the 1960s (Glazer/Moynihan 1963, Niethammer 2000 and Wikan 2002 as cited in Antweiler, 2015). The belief that one culture is superior to the other is called ethnocentrism (Wade, et.al., 2022).

Meanwhile, prejudice and discrimination are the outsiders' perceptions and actions towards a racial or ethnic group. Specifically, racial and ethnic prejudice is a negative orientation toward a person or group due to their racial or ethnic identity or membership (Brown, 2000, as cited in Raabe and Beelmann (2011)). Discrimination, conversely, is the different treatment of a person or group due to generalized traits such as race or ethnicity (Salentin & Heitmeyer, 2023, January 27).

The global negation against prejudice and discrimination according to socially constructed identifiers is embodied in the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the United Nations (UN) General Assembly on December 21, 1965, and was in effect starting on January 4, 1969. It was signed by 88 countries and 142 parties, including the Philippines. The UN and its member-states agreed that superiority based on race is scientifically false, morally condemnable, socially unjust and dangerous, and unjustifiable (UNHR, 1965).

The Philippines subscribes to the Universal Declaration of Human Rights (UDHR) as embodied in the 1987 Philippine Constitution. Section 1 of the Bill of Rights states, "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws" (Philippine Constitution, 1987). Since the 1960s, the Philippines has ratified international agreements to stop discrimination in all forms, including the International Convention on the Elimination of all Forms of Racial Discrimination, the 1981 Declaration on the Elimination of All



Forms of Intolerance and of Discrimination Based on Religion or Belief, 1993 United Nations General Assembly Resolution on Elimination of All Forms of Religious Intolerance, and The Declaration on the Rights of Indigenous Peoples (Legarda, 2011). On October 29, 1997, Republic Act No 8371 (1997), or the Indigenous Peoples' Rights Act, was passed. It mandated the creation of the National Commission on Indigenous Peoples, which is tasked to recognize, protect and promote the rights of Indigenous peoples in the country (National Commission on Indigenous Peoples, 1998).

Despite all these, lawmakers have been trying to pass a comprehensive anti-discrimination law that is envisioned to end all forms of discrimination in the Philippines from 2011 until 2022 (Legarda, 2011; Aquino, 2014; Ejercito, 2017; Cervantes, 2022). For instance, Senator Loren Legarda cited several instances of racial and ethnic discrimination in the country: 1) 64 of 90 discrimination cases filed with the Commission on Human Rights from January 2009 to April 2011 were from Mindanao, where approximately nine million indigenous peoples are; the Government reported to the UN in 2008 that racial discrimination is alien to the Philippines but IP groups reported incidences of militarization, enforced disappearances, harassment, and extrajudicial killings; a 2005 survey showed bias against Muslims; and a school imposing a uniform policy that was contrary to the religious belief of Muslim women, among others (Committee on the Elimination on Racial Discrimination, 2009; Legarda, 2011).

The lawmakers' attempts to enact a comprehensive law that will end all forms of discrimination in the country indicate that the existing laws are still not enough, and there is more to be done to ensure the protection of everyone regardless of race, ethnicity, and other social identifiers. In line with this, this study attempts to gather information on racial prejudice and biases experienced by ethnic and religious minorities in the country, including how they were treated according to the country's criminal justice system. This endeavor is challenging as even the State refused to acknowledge that racial discrimination is happening in the country as stated in a report to the UN in 2008 (Committee on the Elimination on Racial Discrimination, 2009; Legarda, 2011).

Despite the expected scant data on discrimination, the author is hopeful that this study will add to the body of knowledge on this very important and pressing topic affecting the world today. Through this, the author hopes to make the policy-makers and law enforcers take action and help end racial and ethnic discrimination in the Philippines through enactment of relevant laws and its strict enforcement, implementation of educational programs that will expand knowledge about human rights and human race, or capacity-building for ethnic and religious minorities to raise their awareness of their own rights, among others. By this, as envisioned by the State leaders that ratified the UDHR in 1948 after World War II, there will be universal respect for and observance of human rights and fundamental freedoms of all Filipinos.



### ***Purpose of the Study***

The purpose of this research is to identify through a systematic review of literature the communities and religious groups that experience unequal treatment because they are perceived as “others” or “different” and ascertain whether bias and discrimination exist in the current criminal justice system in the Philippines.

To guide the author, these questions are asked:

1. What are the biases in the criminal justice system in the Philippines in terms of racial discrimination?
2. What are measures that seek to address the racial prejudices in the country’s criminal justice system?

The study focused on more recent literature starting from 2001. However, it did not discount other studies before the said year, especially those deemed essential and significant in discussing racial discrimination. To address RQ1, the researcher examined the number of studies published annually. This includes journals or conference papers or guidelines papers related to racial bias in the criminal justice system. Concerning RQ2, the researcher considered whether the recommendations provided by the authors in the gathered studies addressed the research issues or analyzed the trends of the problem.

### **METHODOLOGY**

This study examined how racial and ethnic prejudice is manifested or reflected in the criminal justice system in the Philippines using a systematic literature review (SLR). The method is essential as it thoroughly evaluates previous related studies and encourages the development of new theories that are relevant and useful for future studies and research. Unlike the typical literature review, SLR promotes transparency in the process and replication of result (Denyer & Tranfield, 2008).

SLR is a deliberate and attentive means of finding, analyzing, and interpreting a body of prior research on a subject. Its three main components are planning, review, and reporting, followed by resource identification, research selection, and data extraction (Kitchenham et al., 2009).

In the manual search process, the majority were electronic sources, focused on the most recent literature, particularly between the period 2001 to 2022. Primary sources were targeted in the search process, including journals and conference proceedings of organizations and institutions that deal with criminal justice and statutes and other legal instruments enacted and enforced by the State and law enforcement agencies. Organizational handbooks, memorandums and case files were also exhaustively reviewed for primary data, while reports and related studies provided secondary data. The author carefully developed search criteria that can be applied to this paper. It should be noted that the data on



discrimination in the Philippines is scant; thus, considerations were given to sources published before 2021 as long as they fit the inclusion criteria.

### ***Inclusion and Exclusion Criteria***

The following subjects include peer-reviewed articles published in the last two decades: SLRs with clear research questions are used as priority sources regardless of the review search adopted by the researchers.

- Papers related to racial bias in law and discrimination in the Philippines and Filipinos abroad who are experiencing racial bias and discrimination
- Papers related to racial biases in law and discrimination abroad show how this problem is systemic and global
- Meta-analyses (MA)

The following articles are excluded from consideration:

- Localized literature searches with undefined research
- Duplicate reports on the same study.

The author understands that in cases of multiple reports on the same topic, the most comprehensive should be used; however, the author also considered the limited sources on racial bias in law in the Philippines.

### ***Data Collection***

The following are the sources of the studies:

- Journals or conference proceedings with full citation
- International conventions, treatise, and agreements
- Case studies

### ***Data Analysis***

The data has been tabulated to show:

- The number and source of research papers issued each year in relation to RQ1 and RQ2.
- The number of studies in each major category, such as research trends or racial bias questions (addressing RQ1 and RQ2).
- The research topics and their scope (addressing RQ1 and RQ2).



### *Thematic Analysis*

From various studies, the author generated five major themes: racism is systemic and global; colored, minority, and poor are frequently discriminated against in the criminal justice system globally; racism is extended from communities to workplaces and online and negatively affects a discriminated person's overall health; agents of the state and majority frequently perpetuate racism and support if not encourage impunity; and Muslims and ethnic minorities are prejudiced and discriminated in the Philippines. Also discussed is whether or not artificial intelligence or algorithm in police patrolling employed in law enforcement in advanced countries target persons of color and ethnic minorities.

### **REVIEW OF RELATED LITERATURE**

It may seem that racial or ethnic discrimination is not as pervasive in the Philippines as in European countries where there is a significant population of ethnic minorities and persons of color, migrants or descendants of immigrants. This standpoint was affirmed when the Philippine Government reported in 2008 to UN Committee on the Elimination of Racial Discrimination that "Racial discrimination is alien to the prevailing mores and culture of the Filipino People" and that, "Racial discrimination has never officially or factually existed in the Philippines, neither in a systemic nor formal nor intermittent nor isolated manner" because "Filipinos have essentially the same racial and ethnic origins" (Committee on the Elimination on Racial Discrimination, 2009; Legarda, 2011).

This claim was refuted by the Committee (UNCERD) and stressed that "even well-intentioned or neutral policies may directly or indirectly have negative or undesired effects on race relations and lead to de facto discrimination." Thus, no country can claim that racial discrimination is nonexistent in its territory. The Committee further stressed that for a country to acknowledge, discrimination is a prerequisite to fighting and eventually eliminating the phenomenon (Committee on the Elimination of Racial Discrimination, 2009).

This government mindset may have contributed to the fact that discrimination is an unpopular topic of discussion among and between communities and institutions and even among scholars. Only recently (2011), lawmakers started categorically expressing the need for a law that would specifically address discrimination in all its forms. Relatedly, the body of literature on discrimination, or inequalities among ethnic groups in the Philippines, is scant even until 2017 (Reyes et al., 2017).

Thus, it is safe to say that the same observation can be applied to literature pertaining to discrimination and its manifestations in the country's criminal justice system. Despite this, criminologists have long recognized that inequalities – be it because of race, ethnicity or economic status, exist in the criminal justice system. While others believe that observed inequalities are the result of increased criminal conduct among minorities, the weight of evidence suggests that it is just a partial explanation.

In this systematic literature review, the author covered 17 works that discuss discrimination in



general, explaining in detail how these acts of discrimination are expressions of biases against race, ethnicity, and even economic status and how these biases are manifested before the law and courts. From these works, the author generated the following themes:

### ***Racism is Systemic and Global***

Fundamental human rights across the globe are threatened by criminal justice systems that discriminate, harass, and intimidate, according to UN High Commissioner for Human Rights Michelle Bachelet. These manifestations of racism in the criminal justice system are manifested in arbitrary arrests, racial profiling, harassment, verbal and physical abuse, excessive use of force, ill-treatment, discriminatory stop-and-search measures, and even extrajudicial killings (Human Rights Watch, 2001; Bachelet, 2022).

Racism and ethnic discrimination are found in the workplace as expressed in the discriminatory work process, wage gap because of ethnic affiliation and skin color, ill-treatment in the workplace or micro-aggressions, among others (De Castro et al., 2008; Nadal, 2008; Bagalini, 2020; Forth et al., 2022a).

Racial discrimination in law enforcement and the criminal justice system is not unique to the Philippines; it is also experienced, and probably in the worst manner, in the UK, Australia, Brazil, India, Czech Republic, Russia, and the US, per 17 studies reviewed. Worst, other forms of discrimination according to sex, gender, sexual orientation, gender identity, religion and even psychosocial disabilities exacerbate racial discrimination before the law and courts (Bachelet, 2022).

In areas where there is a significant population of ethnic minorities and persons of color, whether they are migrants or descendants of first generations of immigrants from Africa, India, Asia, and even Arab countries, it appears that racial discrimination in law and criminal justice system is deeply rooted or systemic. This systemic discrimination has been perpetuated and cemented over the years, either legally by the governments or implied as acted by the ruling majority, as in the case of discrimination against Africans and people of African descent in the US. African Americans have been fighting discrimination since their first enslavement in cotton plantations in the US and are continued until the most recent incident that sparked the “Black Lives Matter” movement on the Internet (read: global) – the brutal murder of George Floyd by a police officer in 2020 (Silverstein, 2021; Bachelet, 2022; Britannica, 2022, December 4).

In the Philippines, it was found in a study that there is a disparity in access to basic services across major ethnic groups and areas, with the Muslim ethnic group having the lowest proportion of members who have access to safe water, sanitary toilet facilities and electricity. The Muslims, particularly the indigenous peoples, are the worst-off ethnic groups, while the non-indigenous/non-Muslim groups are the better-off groups (Reyes et al., 2017).

In 2005, the Human Development Network commissioned a survey and found the following



Filipino stereotypes of Muslims: 1) A majority of Filipinos think that Muslims are probably more prone to run amok (55%) although probably not oppressive to women (59%); A plurality believes that Muslims are probably terrorists or extremists (47%) and that they probably consider themselves as Filipinos (49%); and 3) There are equal percentages (44%) of those who believe that Muslims probably secretly hate all non-Muslims and those who do not (HDN-UNDP-NZAID, 2005; Legarda, 2011). In general, personal testimonies of anti-Muslim bias are not imagined or random. Opinion surveys have corroborated a significant degree of latent anti-Muslim bias across the country (about 33 to 39 percent of Filipinos) (HDN-UNDP-NZAID, 2005).

Discrimination is systemic and global. Countries seek to end discrimination by signing treaties and international conventions. Some of these treaties and conventions are:

- 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
- 1993 UN GA Resolution on Elimination of All Forms of Religious Intolerance.
- Declaration on the Rights of Indigenous Peoples.
- 2015 Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider UN Agenda.
- Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law.

### ***Colored, Minority, Poor & Criminal***

Discrimination before the law and criminal justice is more pronounced when a person is of color, an ethnic minority, or poor. These three categorizations can be applied in summary to cases outside of the Philippines, like those experienced by Africans and people of African descent in the US; however, the same categories seemed not applicable to cases in the Philippines as the distinction here is leaning towards religious leaning, which can be a minority as in the case of Muslims (HDN-UNDP-NZAID, 2005), and economic status, which is not necessarily a majority, or 27% of the 111 million total Philippine population as of 2022 (Macasero, 2022).

Human Rights Watch (2001), for instance, documented cases of police targeting minorities as possible crime suspects solely based on their race or ethnicity. In England and Wales, persons of color (black) were 7.5 times more likely to be stopped and searched than whites; the same cases of likely being stopped and searched by the police were recorded in Maryland, US. The US war on drugs targets African and people of African descent, and more persons of color were sent to prison. In Australia, aboriginal people are more likely to be arrested than non-aborigines. Also, in the US, the majority (80 percent) of federal defendants who faced the death penalty were members of racial minorities, and capital punishment is most likely to be sought and imposed when a white person is killed. In Brazil, dark-skinned people shot by the police are almost twice as likely to be killed than whites shot by the police. In India, there were incidents of police ignoring, condoning, and even encouraging violence by





private individuals against racial minorities. And in Russia, enforcement of control of movement and residence often assumes ethnic or racial identifications (Human Rights Watch, 2001).

In the Philippines, particularly in the most recent war on drugs under the administration of President Duterte, the bias in law enforcement and the criminal justice system is more pronounced against the economically poor. Human Rights groups agree that Duterte's war on drugs is a war on the poor, like the drug wars in the US, Colombia, and Thailand. The police targets are from the poorest neighborhoods, and the same group represents most extrajudicial killings related to the war on drugs. On the other hand, wealthy individuals and major drug lords and traffickers are spared and given their right to due process. The suspects were from the gray economy, working as food vendors or tricycle drivers, if not unemployed or underemployed (Barera, 2020). The poor are also the target of another law enforcement law – the anti-tambay law. Although typically translated as loiterers, tambay (from the phrase standby) refers to persons loitering the streets because they want to, they have nothing to do or are unemployed. It is a common scene or more noticeable in densely populated areas like poor urban villages where the converging of people “doing nothing” is easily spotted (Gavilan, 2018; Musico, 2018).

### ***Racism in Workplaces***

Another common observation in the reviewed literature is the occurrence of racism in the workplace, which can be an extension of systemic discrimination experienced in the general aspect of the lives of an ethnic minority or racial group. Racial discrimination in workplaces is manifested in unequal treatment in the job recruitment process, the disparity in wages, and microaggressions, which may result in stress and even morbidity. Discrimination in the workplace based on ethnicity is prevalent in developed countries like Britain and US. These are manifested in wage gaps and recruitment preferences. Discrimination worsens as one's skin color darkens. Preference for lighter skin is also prevalent in the Philippines, as one can observe in television or radio advertisements; however, it is still to be studied whether this preference is extended to the workplace or a manifestation of “colonial mentality” (Bagalini, 2020; Forth et al., 2022a).

Filipinos who are most likely not discriminated against in the Philippines are discriminated against in workplaces abroad for being Filipino or Asians (De Castro et al., 2008). Similarly, Filipinos would be more likely to experience similar racial microaggressions as African Americans and Hispanic/Latin Americans, presumed to be criminals or intellectually inferior. The person's phenotype – skin, color, facial features, hair texture and perception as “Asian” may also be factors to racial microaggressions and race-related stresses (Nadal, 2008). Microaggressions can be verbal or behavioral slights, generally subtle and often unintentional or unconscious, that reflect a person's stereotypes or negative attitude toward a person of color, or other oppressed or marginalized groups such as women and LGBTQ.

Laws are in place to protect Filipinos from workplace discrimination in the Philippines;



however, these are particular to gender, physical capacity, and age. Republic Act 6725 prohibits discrimination against women in workplaces, such as non-hiring or placement in low-paying position because one is a woman. The employer will be fined or imprisoned (Republic Act No 6725, 1989). Republic Act 11210 extended Maternity Leave to 105 days from the previous 90 days. Employers who refuse to grant this benefit or who fire a pregnant woman can be penalized (Republic Act No 11210, 2019). Republic Act 7877, or the Anti-Sexual Harassment Act, prevents sexual harassment in workplaces, and violators will be penalized (Republic Act No 7877, 1995). The Solo Parents' Welfare Act benefits solo parents, with flexible work schedules and a 7-day parental leave (Republic Act No 8972, 2000). There are also laws protecting the elderly and persons with disabilities against discrimination in the workplace, such as Republic Act 10911 or the Anti-age Discrimination in Employment Act (Republic Act No 10911, 2016) and Magna Carta of Disabled Persons Act Nos. 7277 (Republic Act No 7277, 1992) and 9442 (Republic Act No 9442, 2007). Presidential Decree 966 legally protects Filipino employees from racial discrimination as manifested in derogatory language and name-calling just because of a person's race, color, or ethnic origin (Official Gazette, 1976).

### ***Impunity and Perpetuation of Racism***

Across the 17 studies show that impunity and perpetuation of racial and ethnic discrimination are prevalent, with some governments and leaders even protecting the perpetrators, be they institutions or individuals. In the case of workplace discrimination, it is interesting how it was found well-established in the UK, and how the government is lenient to the companies by supporting against the recommendation of voluntary pay reporting instead of making it mandatory, thereby promoting transparency and open for reviews. It was also found that most companies in the UK have no job evaluation scheme to systematically assess the relative value (or comparable worth) of a job about other jobs within the workplace, regardless of who sits on that job (Forth et al., 2022b).

In law enforcement and the criminal justice system, impunity is very pronounced in the case studies in the Philippines, particularly the war on drugs and anti-tambay law. Barera (2020) found how the President openly advocated and ordered the extrajudicial killings of drug suspects, often incentivizing, praising, encouraging, and pressuring the police to produce results at whatever cost. The same study found how children became "collateral damage" and targets, either caught in crossfires or suspected drug offenders, they were killed in "legitimate" police operations or in vigilante-style operations (the popular riding-in-tandem gunmen). The drug war, surprisingly, was widely supported despite its ineffectiveness in addressing crime (penal populism), and it appealed to the middle class, overseas Filipino workers, or elites who wanted crime, poverty, and corruption addressed (Barera, 2020). Relatedly, legal experts and lawmakers looked at impunity as a symptom of a failed and failing justice system, adding that low conviction rates and long trial times make justice difficult to achieve and impunity rampant in the Philippines (Lopez, 2018).



Nevertheless, the international community, especially the UN, has always been on the lookout for racial discrimination in all its forms, calling countries, especially those signatories to international conventions, to comply with their commitments to the International Convention on the Elimination of All Forms of Racial Discrimination, among others, like the enactment of laws that will end all forms of racial discrimination. The United Nations Office of the High Commissioner for Human Rights called on the Philippines for the persistence of impunity for rights violations and police abuses (Conde, 2022).

The Commission on Human Rights, on its part and despite the President's attack on the institution, stressed that speedy, impartial, and transparent investigations of drug war killings are crucial in delivering justice, thereby, addressing the observed 'persistent impunity and formidable barriers to accessing justice' flagged by the UN Human Rights Office to the Philippine Government. It also appealed to the government to adopt the UN Minnesota Protocol in investigating potentially unlawful deaths in a prompt, effective and thorough, independent, impartial, and transparent manner, and for Congress to enact a bill that defines and punishes extrajudicial killings based on international human rights laws and standards, and for the Supreme Court to develop a body of jurisprudence, adhering to the principle of *stare decisis* and the Bill of Rights found in the 1987 Constitution, to prevent courts from flip-flopping in their decisions toward the protection of their integrity and independence (Commission on Human Rights, 2021).

In a study by Gecer and Mahinay (2018), which is relevant to contextualize the perpetuation of penal populism, and maybe impunity, looked at how legitimate media organizations in the Philippines framed the war on drugs of President Duterte. The content analysis of the drug war news of three major newspapers found that the following media frames were used: Law and Order, Crime and Justice Frame, Security and Defense frame, Conflict frame, and Responsibility frame. It appeared that media narration of the anti-drug campaign is neutral in tone, and there is no observable extreme manipulation of stories favoring one group over the other. This is given especially because most of them used the Law and Order, Crime and Justice frame, which are brief and concise. However, it cannot be discounted that a newspaper's bias can be reflected in other frames -- Security and Defense frame, Conflict frame, and Responsibility frame, which may or may not justify the absence of the rule of law in police operations, the impunity, the extrajudicial killings, and even the justification that the drug war is valid and necessary for an orderly country (Gecer & Mahinay, 2018).

### ***Muslims and ethnic minorities in the Philippines***

This theme discusses in detail the discrimination against Muslims and ethnic minorities in the Philippines as documented in at least two of the studies reviewed in this paper. This theme is important because 26.2 of the 110 million Philippine population reside in Mindanao (Philippine Statistics Authority, 2021), including the Muslims and about 30 indigenous peoples groups, Muslims and non-Muslims (National Commission on Indigenous Peoples, 1998). Relatedly, Mindanao has been ridden



with armed conflict, the latest was the war that left Marawi City recovering from devastation until now (Senate of the Philippines, 2022). The armed conflicts in Mindanao are religious and clash of interests in land and natural resources, and are deeply rooted in the country's long period of colonization. The center to these armed conflicts is the *lumads*, or the indigenous peoples, who are fighting for their ancestral lands and other human rights, and the Muslims (Reyes, et.al., 2017). Thus, the study of patterns of inequality is relevant.

Reyes et al. (2017) studied the accessibility of basic services to major ethnic groups in the country. The study found a disparity in access to basic services across major ethnic groups and areas, with the Muslim ethnic group having the lowest proportion of members who have access to safe water, sanitary toilet facilities, and electricity. The Muslims, particularly the indigenous peoples, are the worst-off ethnic groups, while the non-indigenous/non-Muslim groups are the better-off groups.

Meanwhile, the joint report of the World Bank (2013) about the Framework Agreement on the Bangsamoro (FAB), a landmark agreement, attempts to trace the roots of and offer possible solutions to resolve land conflicts in Bangsamoro region in Mindanao. This historical analysis found that competing land claims are related to historical grievances, inadequate and/or failed land reform policies (elite capture); and overlapping mandates of land management authorities. Also, land management institutions struggle with limited capacity, appear all too often open to elite capture; and are insufficiently resourced to withstand the politicization of land conflicts. Regarding data, land tenure information is incomplete and, when it exists, often questionable to the point that it is impossible to know how much land is titled correctly and how many competing land claims exist. The existing land dispute resolution mechanisms are stretched to deal with ordinary land disputes. They can only address land conflicts with FAB details, but successful instances of mediation exist. These findings were from information obtained about the subject from 1898 to 2015 (World Bank-International Organization of Migration, 2013).

### ***Other Important Themes***

An equally important theme found in the body of literature is how one perceives the “other”, consciously or unconsciously, and how this perception translates to one's action – which can be good or bad.

One study (Bass, 2021) examined the relationships between constructs of racial bias and evaluations of accused individuals in the criminal justice system and the potential differences and similarities that may be associated with different levels of crime, particularly drug and violent crimes. There were four groups that participated in the study, and they were asked to use a within-subjects design, viewing fictitious case records for “black” and “white” criminal offenders and completing measures of bias and perceptions of the sentencing decision and the offenders themselves. The study found that the relationships between constructs of racial bias and evaluations of accused individuals in the criminal justice system vary across the four studies. However, participants with greater explicit

racial bias rated the Black target more negatively, endorsed punitive sanctions and that they deserved incarceration (Bass, 2021).

Another study (Brantingham et al., 2018) looked at the use of artificial intelligence (AI), particularly the bias of predictive algorithms, in police patrolling to verify or not claims that predictive algorithms encourage directed police patrols to target minority communities with discriminatory consequences for minority individuals. It found no significant differences in the proportion of arrests by the racial-ethnic group between control and treatment conditions; The total numbers of arrests at the division level declined or remained unchanged during predictive policing deployments; and arrests were numerically higher at the algorithmically predicted locations.

Related to the above is a study on how algorithms can assist criminal justice decision-making, particularly risk assessment, by addressing both accuracy and fairness. The study found at least six kinds of fairness, some incompatible with one another and some with accuracy (Berk et al., 2021).

**Summary of Literature Reviewed**

**Table 1-A**

<b>Reference:</b> Forth et al. (2022a)		<b>Country:</b> London (UK)	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Find out the ethnic wage gap in UK; How extent is work segregation in workplaces and its relationship to wage gap	Comparative data analyses on employees in the British Workplace Employment Relations Surveys from 1998, 2004 and 2011	<ol style="list-style-type: none"> <li>1. Britain’s workplaces were highly segregated in the period covered but the segregation did not contribute to the ethnic wage gap</li> <li>2. Wage gap varied by ethnic group but ethnic minority workers earned less than white co-workers across all main ethnic groups</li> <li>3. Discrimination in the recruitment process is well-established in the UK and other countries</li> </ol>	<ol style="list-style-type: none"> <li>1. Implement mandatory pay monitoring on the ethnic wage gap.</li> <li>2. Conduct job evaluation to encourage fairer pay and more transparent pay structure</li> </ol>

**Table 1-B**

<b>Reference:</b> Bachelet (2022)		<b>Country:</b> US	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Why are fundamental human rights across the globe are threatened by criminal justice systems that discriminate, harass, and intimidate	Cites incidents to explain the relationship between systemic racism and racial discrimination in	Racism against people of African descent in the justice system is rooted in histories and legacies of enslavement and colonialism and is worsened by other forms of discrimination.	1. Eliminate systemic racism to end racial discrimination in law enforcement

	law enforcement and criminal justice system		and the criminal justice system.
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**Table 1-C**

<b>Reference:</b> Human Rights Watch (2001)		<b>Country:</b> UK, US, Australia, Brazil, India, Czeck Republic, Russia	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Case study of discrimination in seven countries	Comparative data analyses of cases of discrimination in seven countries	1.Explain how racism is manifested in the administration of justice 2.Cite examples of racism in the dispensation of justice in seven countries 3.Reiterate international efforts to end all forms of discrimination including in the justice system of countries	Build a database of race-related offences and profiles of persons apprehended or incarcerated; review and correct discriminatory policies of law enforcement institutions; create civilian board that will monitor conduct of law enforcers; prompt investigations of allegations of discrimination in law and provide remedies for victims; educate law enforcers to combat discrimination; and abolish death penalty.

**Table 1-D**

<b>Reference:</b> Goodwill et al. (2021)		<b>Country:</b> US	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Examine whether racial discrimination was linked to depression and suicidal thoughts in adult Black men	Analysis of survey responses from more than 1,200 African American men age 18 to 93 from the National Survey of American Life conducted from 2001 to 2003.	1.Black men who reported more frequent encounters with racial discrimination were more likely to experience depression symptoms and thoughts of suicide at some point during their lifetime 2.Regularly occurring acts of racial discrimination that may initially seem minor can become increasingly stressful over time	1.Researchers, clinicians and community members must continue to work together in promoting the mental health needs of Black children and adults



**Table 1-E**

Reference: Bass (2021)		Country: US	
Objectives or Research Questions	Methodology	Findings	Conclusion and Policy
<p>1. Examine the relationships between constructs of racial bias and evaluations of accused individuals in the criminal justice system</p> <p>2. Examine potential differences and similarities that may be associated with different levels of crime, particularly drug and violent crimes</p>	<p>Focus Group Discussion and Comparative Analysis</p>	<p>The four studies have varying results: those with explicit racial bias rated persons with colors more negatively and did not hesitate endorsing punitive sanctions; implicit criminality racial bias was associated with more negative indirect evaluations of the Black target and more punitive judgments of sanctions; and low-level crimes are not as extensively examined as higher-level crimes.</p>	<p>Group-level examinations of criminal offenders can produce fair evaluations and decisions, and future research could compare different races.</p>

**Table 1-F**

Reference: Barera (2020)		Country: Philippines	
Objectives or Research Questions	Methodology	Findings	Conclusion and Policy
<p>Examine the Duterte Administration's war on drugs from 2016 to 2022</p>	<p>Comparative analysis of justice system between countries and administrations.</p>	<p>The war on drugs of President Duterte targeted the economically poor and marginalized, affected vulnerable population (children), strengthened impunity, and reflected poor state of criminal justice in the Philippines.</p>	<p>1. Empower children through human rights education 2. Provide children with financial and counseling aid, among other assistance, to help them cope the crisis 3. International community can help to combat impunity and stop human rights violations</p>



**Table 1-G**

<b>Reference:</b> Gavilan (2018)		<b>Country:</b> Philippines	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
What is the impact of anti-tambay law, a law enforcement campaign, to the poor and their human rights?	Journalistic Reporting	1. The Commission on Human Rights stressed that the police campaign discriminates against people based on their status, mode of life and reputation not based on their actual action. 2.The campaign was implemented after the deadly war on drugs	The Commission on Human Rights reiterated that vagrancy is not a crime

**Table 1-H**

<b>Reference:</b> Lopez (2018)		<b>Country:</b> Philippines	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
How can a justice system perpetuate crime and corruption in the Philippines?	Journalistic Reporting	1.Low conviction rates and long trial times make justice difficult to achieve and impunity is rampant in the country 2.Extrajudicial killings are symptoms of a failed and failing justice system	Fight impunity and lawyers must help the victims of impunity

**Table 1-I**

<b>Reference:</b> World Bank (2013)		<b>Country:</b> Philippines	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
How to resolve land conflicts in Bangsamoro region in Mindanao	Analysis of peace-building policies in Bangsamoro	The signing of the Framework Agreement on the Bangsamoro has created new dynamics that are bringing latent land claims to the fore. Competing land claims are related to historical grievances, inadequate land reform policies, and the overlapping mandates of land management authorities. Land tenure information is incomplete and questionable, and existing land dispute resolution mechanisms are stretched to deal with ordinary land disputes.	1. Systematic collection of empirical data on land claims, disputes and conflict prevalence 2. Assessment of the resilience and capacity of existing land dispute resolution mechanism 3. Establish an inventory of current land-related laws 4. Stabilize the community through different programs; 5. Training on the mediation of locals in areas with high conflict potential



**Table 1-J**

Reference: Reyes et al. (2017)		Country: Philippines	
Objectives or Research Questions	Methodology	Findings	Conclusion and Policy
Find out the inequalities among and within ethnic groups in the Philippines, particularly their access to basic services like education, safe water, sanitation, and electricity.	Data analysis (regression analysis) of the results of the Censuses of Population and Housing in 2000 and 2010 and administrative records from different government agencies.	The disparity in access to services between ethnic groups is higher among Muslim and non-Muslim groups, with Muslims being the worst off. Data shows that the literacy rate and access to electricity and sanitation narrowed between 2000 and 2010.	1.Address the inequality in opportunities, particularly in secondary education, access to safe water and electricity, to level the playing field for the different ethnic groups, stimulate their inherent competitive ability and strive to improve themselves. 2.Policy-makers can use to the study to reduce the level of inequality in opportunities among different ethnic groups in the country.

**Table 1-K**

Reference: Bagalini (2020)		Country: US	
Objectives or Research Questions	Methodology	Findings	Conclusion and Policy
Explain colorism (skin tone bias) and how this form of discrimination is manifested in workplace	Comparison of US experiences on colorism and that of countries where skin tone is darker like African and Latin American countries and in India.	1. Explains that colorism is a form of discrimination based on skin tone. 2. Colorism is perpetuated by the global beauty industry, where sales of skin-lightening products are projected to reach \$8.9 billion by 2024. 3. Studies have shown the existence of a wage gap linked to skin color, which widens as the shade of the worker darkens.	1. Raise awareness of companies and their HRs on skin tone bias and its subconscious effect on persons 2. Establish objective criteria in the recruitment process, one that does not discriminate and skills-based 3. Ensure all employees have equal access to a fair salary, promotion opportunities, and other perks. 4. Companies are urged to be aware of ‘beauty bias’ - and to address it through unconscious-bias training, among other methods.



**Table 1-L**

<b>Reference:</b> Gecer and Mahinay (2018)		<b>Country:</b> Philippines	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Determine the media frames used in reporting President Duterte's war on drugs in the Philippines.	Content analysis of articles published in major newspapers in the Philippines (Manila Bulletin, Philippine Daily Inquirer, and The Philippine Star)	<p>1.The major newspapers use the Law and Order, Crime and Justice Frame, Security and Defense frame, Conflict frame, and Responsibility frame in reporting the war on drugs</p> <p>2. Media narration of the anti-drug campaign is rather neutral in tone and there is no observable extreme manipulation of stories favoring one group over another</p>	<p>1. The major newspapers used similar frames in news reporting. The frames can reflect the bias of the newspaper except in Law and Order, Crime and Justice frame which is concise and brief.</p> <p>2. The use of frames in presenting the anti-drug campaign seems to reflect the relationship among the media, the government and the public.</p> <p>3. News is presented from the police's perspective since they are the source of the report.</p> <p>4. The media is an agent of the government and the public that can influence society by manufacturing consent or silencing the majority.</p>

**Table 1-M**

<b>Reference:</b> Berk et al. (2021)		<b>Country:</b> US	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Clarify the trade-offs between different kinds of fairness and between fairness and accuracy in criminal justice assessments.	Review of literatures and analysis of data in criminology, computer science, and statistics and use of empirical illustration using data from arraignments.	1. There are at least six kinds of fairness, some of which are incompatible with one another and with accuracy.	The need to consider challenging trade-offs when assessing risk in applications beyond criminology, such as mortgage lending.



**Table 1-N**

<b>Reference:</b> Tynes et al. (2015)		<b>Country:</b> US	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Explain how racial discrimination extends to online through experiences of cyberbullying of adolescents of color	A mixed method is used to investigate the risk and protective variables related to online victimization.	Online racial discrimination and hate activity associated with the election of the first African-American president increased, with perpetrators hiding in their online privacy.	Increased online time increases the risk of racial discrimination and mental health problems, so more studies are needed to understand their impact.

**Table 1-O**

<b>Reference:</b> De Castro et al. (2008)		<b>Country:</b> US	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Examine the association between work discrimination and morbidity among Filipinos in the United States, independent of more-global measures of discrimination.	Data analyses in negative binomial regression found an association between work discrimination and health conditions.	Filipino workplace discrimination was associated with increased health conditions even after controlling for other factors.	Racial discrimination in the workplace is linked to poor health among Filipino Americans.

**Table 1-P**

<b>Reference:</b> Nadal (2008)		<b>Country:</b> US	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Examines differences in the perceptions of racial microaggressions and race-related stress between one East Asian American group (Chinese Americans) and one marginalized Asian American group (Filipino Americans).	Online survey and MANOVA analysis.	Filipino and Chinese Americans are more likely to experience racial microaggressions and race-related stress due to their phenotypes.	Disaggregate research data on Asian American populations, examine racial microaggressions and recognize ethnic group differences.

**Table 1-Q**

<b>Reference:</b> Brantingham et al. (2018)		<b>Country:</b> US	
<b>Objectives or Research Questions</b>	<b>Methodology</b>	<b>Findings</b>	<b>Conclusion and Policy</b>
Test the bias of predictive procedures used for police patrol.	Analysis of arrest data from the Los Angeles predictive policing experiments.	1.No significant differences in the proportion of arrests by the racial-ethnic group between control and treatment conditions. 2. The total number of arrests at the division level declined or remained unchanged during predictive policing deployments. 3. Arrests were numerically higher at the algorithmically predicted locations. When adjusted for the higher overall crime rate at algorithmically predicted locations, however, arrests were lower or unchanged.	1. The introduction of predictive policing did not increase arrests overall, though treatment prediction boxes did see significantly more arrests than control prediction boxes.

*Source: Literature survey by Lodangco, Joseph M., April 12, 2023*

**RESULTS AND DISCUSSIONS**

The studies and journalistic reports reviewed confirmed that racial and ethnic discrimination is global and no country, regardless of their economic advancement, can claim that all persons in their place are being equally treated before the law and are afforded the dignity they inherently deserve.

The dynamics of racism and ethnic discrimination are more complex, if not different, across countries or communities of different economic status, as in the case of discrimination happening in a developing country like the Philippines, compared to the cases in highly developed and advanced countries like the US and UK.

It is observed that the persons experiencing racial and ethnic discrimination in highly developed countries are persons of color from countries in Asia, Latin America, Africa, and India, including their descendants, even though born and raised in the host countries (Nadal, 2008; de Castro, et.al., 2008; Bagalini, 2020; Forth, et.al., 2022b)

In the Philippines, discrimination is more focused on one’s religious and ethnic identification rather than skin color as in the case of Muslims who are perceived as “terrorists” and ethnic minorities who are worst off compared to major ethnolinguistic groups in terms of access to basic services such as education, clean water and sanitation, and electricity (Reyes, et.al, 2017; HDN-UNDP-NZAID, 2005; World Bank-International Organisation for Migration, 2013).

Discrimination in the Philippines is commonly by one’s economic status, i.e. poor and marginalized, as in the case of the victims of Duterte’s war on drugs



, and based on one's ethnic and religious identification or affiliation, like the ethnic minorities in Mindanao who are fighting for their ancestral lands but are often caught in the persistent war waged in the name of religion (Muslim vs. Christians), politics (clash of Muslim clans), and interests in Mindanao's natural resources (mining groups vs lumads and civil society) (Reyes, et.al, 2017; HDN-UNDP-NZAID, 2005; World Bank-International Organization for Migration, 2013).

From the premise that discrimination in the Philippines is not racial but rather economic, discrimination in law enforcement and the criminal justice system is more pronounced towards the poor. It was not found in the reviewed literature though, whether the discrimination is compounded when a person belongs to an ethnic or religious minority, or in other discriminated socially constructed group biases like gender identity. Barera (2020) extensively discussed in her paper how poor drug suspects were stripped of their basic human rights before the law, and how the State agents blatantly disregarded the rights of the children that they resigned to the crisis by accepting the excuse that the children are "collateral damage" of the war on drugs. If there is a similarity in the Philippine experience (developing country) and the US experience (highly developed country), the suspects were commonly the poor.

The 1987 Philippine Constitution assured every Filipino of the protection of basic human rights and dignity. The Civil Code of the Philippines provides for the expanded protection of Filipinos before the law, especially the effect and application of laws, and human relations, among others. The State extended this protection by enacting the Indigenous Peoples Rights Act of 1997 categorically for the purpose of recognizing, protecting and promoting the rights of the Indigenous Cultural Communities/Indigenous Peoples, creating the National Commission on Indigenous Peoples, and appropriating funds for the advancement and protection of these groups.

Section 1 of the Bill of Rights is clear "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." One's protection before the law is explained in Section 2, "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized." In law enforcement, the Constitution clearly states that a suspect of a criminal offense has the right to due process, shall be presumed innocent until proven guilty, and has the right to counsel and to a speedy, impartial and public trial Philippine Constitution, 1987).

Aside from the Philippine Constitution, other legal instruments categorically protect the Muslim in the Philippines, like the Republic Act No. 11054 or the Organic Law for the Bangsamoro



Autonomous Region in Muslim Mindanao and the Presidential Decree No. 1083 ( s. 1977), which promulgated the Code of Muslim Personal Laws of the Philippines.

However, these laws were blatantly violated, especially during the war on drugs, and even the international and national human rights watch groups called on the Philippines for its violations.

## **CONCLUSION AND RECOMMENDATIONS**

Based on the systematic reviewed of literature (see Annex A for the summary), it was found that Muslims, among other ethnic minorities, are prejudiced and discriminated; relatedly, the Philippine criminal justice system tends to be discriminatory against the economically poor, although not necessarily belonging to ethnic minority and Muslim populations.

Race and ethnicity are social constructs – one was originally meant to rationalize and legalize subjugation, and the other was meant to justify one’s perceived superiority. These two social identifiers resulted to hundreds of years of enslavement, violent deaths, and more recently, mental and other health illnesses, hatred towards another group, not just in the Philippines, as experienced during colonization, but in other countries as well.

The International Convention on the Elimination of All Forms of Racial Discrimination (United Nations Human Rights, 1965) is clear: “Discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State, and that “the existence of racial barriers is repugnant to the ideals of any human society.”

To address the problem, it is important that the Philippines, as State-party to the convention, adheres to its commitment, among others, to condemn racial discrimination and undertake policies to eliminate all its forms; condemn racial segregation and apartheid and undertake to prevent and prohibit and eradicate all practices of this nature; condemn all propaganda and all organizations which are espousing the superiority of one race or ethnic group over the others; assured effective protection and remedies through national tribunals and other State institutions against any acts of racial discrimination; undertake education and information dissemination programs to combat prejudices and to promote understanding, tolerance, and friendship among nations and racial or ethnic groups. As law enforcers, it is important to always go back to the tenets of equal protection before the law – the 1987 Philippine Constitution, Bill of Rights, and law enforcement manuals.

Another important issue that must be addressed is legal protection against perpetrators of discrimination. It is about time that Congress pass the long-overdue anti-discrimination bill that has been pending in the House and Senate since 2011.



In terms of contribution to the body of knowledge, it is recommended that more scholars study this subject comprehensively, particularly, the nation's criminal justice system. While there is a general perception that the law is biased against the poor and minorities, the claim would be more solid if backed up by scientific studies. Relatedly, law enforcement institutions are encouraged to be more transparent and truthful in reporting crimes, so, information about the subject is reliable.

## LIMITATIONS

The conduct of this study differs from the methodology of Kitchenham et al. (2009). The reviewed literature was searched manually online for information that is relevant to the subject of the study. When conducting this type of research, researchers typically work in teams of several persons to cover the extensive body of knowledge related to the topic and to ensure that the works are thoroughly searched. In this study, only the author performed a manual search. Another problem is the limited systematic studies about the link of race and discrimination to the Philippine criminal justice system. To make up for this lack, the author used journalistic reports instead; it is recognized that one cannot come up with a definitive conclusion of the impact of discrimination on the discriminated groups as journalistic reports only cover a short period of time or less than five years.

**Ethical Statement:** This study followed ethical standards in research and publication including proper attribution of published works cited in this systematic review of related literature.

**Consent to Participate:** The author has no known competing financial interests or personal relationships which affect the work reported in this article.

**Consent for Publication:** We do not have any person's data in any form.

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