

COMMITTEE REPORT NO. 25 RECEIVED BY: ca

Submitted jointly by the Committee on Labor, Employment and Human Resources Development; the Committee on Youth, Women and Family Relations; and the Committee on Civil Service and Government Reorganization on
MAR 22 2011

Re: Senate Bill No. 429.

Recommending its approval with amendments.

Sponsor: Senator Ejercito Estrada

MR. PRESIDENT:

The Committee on Labor, Employment, and Human Resources Development; the Committee on Youth, Women, and Family Relations; and the Committee on Civil Service and Government Reorganization to which were referred Senate Bill No. 429, introduced by Senator Ejercito Estrada, entitled:

**“AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION
AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR
THE PURPOSE ARTICLES 135 AND 137 OF PRESIDENTIAL
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS
THE LABOR CODE OF THE PHILIPPINES”**

Senate Bill No. 818, introduced by Senator Ejercito Estrada, entitled:

**“AN ACT
AMENDING ARTICLES 135 AND 137 OF THE LABOR CODE
(PD 442, AS AMENDED) SO AS TO EXPAND THE
PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN
ON ACCOUNT OF SEX, AGE, ETHNIC ORIGIN OR BELIEFS”**

Senate Bill No. 912, introduced by Sen. Ejercito Estrada, entitled:

**“AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION
AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR
THE PURPOSE ARTICLES 135 AND 137 OF P.D. 442, AS
AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF
THE PHILIPPINES”**

and Senate Bill No. 1559, introduced by Senator Defensor Santiago, entitled:

**“AN ACT
PROHIBITING DISCRIMINATION ON THE BASIS OF
SEXUAL ORIENTATION AND PROVIDING PENALTIES
THEREFORE”**

Senate Bill No. 1977, introduced by Senator Revilla, Jr., entitled:

**“AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION
AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR
THE PURPOSE ARTICLES 135 AND 137 OF PRESIDENTIAL
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS
THE LABOR CODE OF THE PHILIPPINES”**

Senate Bill No. 2286, introduced by Senator Defensor Santiago, entitled:

**“AN ACT
PROHIBITING DISCRIMINATION IN THE PAYMENT OF
WAGES ON ACCOUNT OF SEX”**

and Senate Bill No. 2292, introduced by Senator Defensor Santiago, entitled:

**“AN ACT
PROHIBITING UNLAWFUL EMPLOYMENT PRACTICES
RESULTING TO DISCRIMINATION IN EMPLOYMENT”**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 429 be approved with the following amendments, taking into consideration Senate Bill Nos. 818, 912, 1559,

1977, 2286 and 2292, making Senators Ejercito Estrada, Defensor-Santiago, and Revilla, Jr as authors.

1. On page 1, line 11, delete the semi-colon (;)after the word “value”, replace with a period (.) and insert the phrase “EQUAL VALUE MEANS EQUAL PAY FOR EQUIVALENT JOB OR WORK, REGARDLESS OF THE TITLE OR DESCRIPTION, WHICH CAN BE PERFORMED BY BOTH MALE AND FEMALE EMPLOYEES;
2. On page 2, line 3, delete the word “and” after the semi-colon (;);
3. On the same page, delete lines 15 to 23.
4. On page 3, line 14, insert a comma (,) after the word “gender” and insert the phrase “SEXUAL ORIENTATION, AGE, ETHNIC ORIGIN OR BELIEFS” between the comma (,) and period (.).
5. On page 1, amend the title of the Act by inserting the phrase “SEXUAL ORIENTATION, AGE, ETHNIC ORIGIN OR BELIEFS” between the comma (,) after the word “Sex” and the word “Amending”. The title shall now be read as follows:

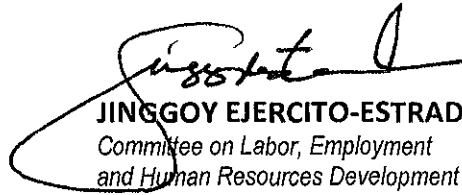
“AN ACT EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, SEXUAL ORIENTATION, AGE, ETHNIC ORIGIN OR BELIEFS AMENDING FOR THE PURPOSE ARTICLES 135 AND 137 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES”

Respectfully submitted:

Chairmen



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Committee on Civil Service and Government Reorganization
Member, Committee on Youth, Women and Family Relations



JINGGOY EJERCITO-ESTRADA
Committee on Labor, Employment
and Human Resources Development
President Pro-Tempore

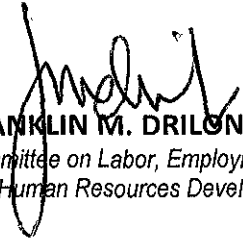


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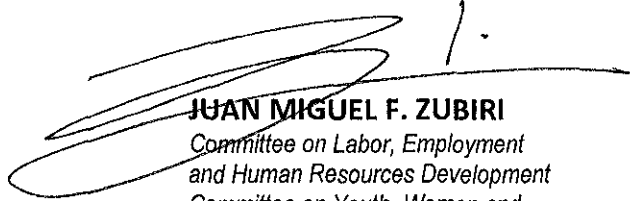


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President

Senate of the Philippines

Pasay City

SENATE

Senate Bill No. 429

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

**AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN
ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE ARTICLES 135 AND
137 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN
AS THE LABOR CODE OF THE PHILIPPINES**

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

1 **SECTION 1.** Article 135 of Presidential Decree No. 442, as amended,
2 otherwise known as the Labor Code of the Philippines, is hereby further amended to
3 read as follows:

4 "ART. 135 Discrimination Prohibited. It shall be
5 unlawful for any employer to discriminate against any woman
6 employee with respect to terms and conditions of employment solely
7 on account of her sex.

8 The following are acts of discrimination:

9 (a) Payment of a lesser compensation, including wage, salary or
10 other form of remuneration and fringe benefits, to a female employee
11 as against a male employee, for work of equal value; [and]

1 (b) Favoring a male employee over a female employee with
2 respect to promotion, ASSIGNMENT, training opportunities, study and
3 scholarship grants solely on account of their sexes[.]; AND

4 (C) GIVING PREFERENCE TO A MALE EMPLOYEE OVER A
5 FEMALE EMPLOYEE IN THE HIRING PROCESS, WHETHER
6 THROUGH NOTICES, ANNOUNCEMENTS, OR ADVERTISEMENTS
7 FOR EMPLOYMENT AND APPRENTICESHIP OR IN THE ACTUAL
8 RECRUITMENT, HIRING OR EMPLOYMENT OF WORKERS
9 WHERE THE PARTICULAR JOB CAN BE EQUALLY HANDLED BY
10 A WOMAN; AND

11 (D) FAVORING A MALE EMPLOYEE OVER A FEMALE
12 EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR
13 THE APPLICATION OF THE FIRST IN – FIRST OUT OR OTHER
14 RETRENCHMENT POLICY OF THE EMPLOYER.”

15 Criminal liability for the willful commission of any unlawful act as
16 provided in this article or any violation of the rules and regulations
17 issued pursuant to Section 2 hereof shall be penalized as provided in
18 Articles 288 and 289 of this Code: *Provided*, That the institution of any
19 criminal action under this provision shall not bar the aggrieved
20 employees from filing an entirely separate and distinct action for money
21 claims, which may include claims for damages and other affirmative
22 relief. The action hereby authorized shall proceed independently of
23 each other.”

1 **SEC. 2.** Article 137 of the Labor Code is hereby amended to read as follows:

2 “Art 137 Prohibited Acts – (a) it shall be unlawful for any
3 employer:

4 (1) To deny any woman employee the benefits provided for in
5 this Chapter or to discharge any woman employed by him for the
6 purpose of preventing her from enjoying any of the benefits provided
7 under this Code;

8 (2) To discharge such woman on account of her pregnancy, or
9 while on leave or in confinement due to her pregnancy;

10 (3) To discharge or refuse the admission of such woman upon
11 returning to her work for fear that she may again be pregnant [.] OR

12 **(4) TO DENY ANY WOMAN THE BENEFITS OF**
13 **EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER OUR**
14 **LAWS BY REASON OF HER GENDER.”**

15 **SEC. 3. Penalties.** – Any employer who commits or attempts in any manner
16 to commit any of the acts herein prohibited shall, in addition to other penalties as
17 may be provided by law, upon conviction hereof, be punished by a fine of not less
18 than Fifty Thousand Pesos (P50,000.00), but not more than Two Hundred Thousand
19 Pesos (P200,000.00), and suffer imprisonment of not less than two (2) years but not
20 more than four (4) years: *Provided*, That the conviction or acquittal obtained by the
21 employer shall not be a bar to the filing by the female employee of a civil suit for the
22 payment of salaries or benefits due her.

1 Any employee or person who willfully aids or abets in the commission of the
2 acts prohibited herein or who causes the commission of any such acts by another
3 shall be liable in the same manner as the employer.

4 If the offender is not a Filipino citizen, he shall be deported immediately upon
5 service of the sentence imposed herein. If he is a government official or employee,
6 he shall be dismissed from the service and shall serve the maximum penalty
7 prescribed for the offense.

8 In the case of associations, partnerships or corporations, the penalty shall be
9 imposed on the partner, president, general manager, branch manager or responsible
10 officer responsible for the violation.

11 **SEC. 4. *Implementing Rules and Regulations.*** - Within thirty (30) days from
12 the effectivity of this Act, the Secretary of Labor and Employment, in consultation
13 with the Tripartite Industrial Peace Council, shall issue and publish the necessary
14 rules and regulations to implement the provisions of this Act.

15 **SEC. 5. *Separability Clause.*** - If any provision of this Act is declared
16 unconstitutional, the same shall not affect the validity and effectivity of the other
17 provisions hereof.

18 **SEC. 6. *Repealing Clause.*** - All laws, executive orders, presidential decrees,
19 presidential proclamations, rules and regulations or parts thereof inconsistent with
20 the provisions of this Act are hereby repealed or modified accordingly.

21 **SEC. 7. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
22 after its complete publication in the *Official Gazette* or in a newspaper of
23 general circulation.

24

25 *Approved,*