

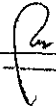
FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

'11 MAR 22 P4 55

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 26

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

Re: Senate Bill No. 930.

Recommending its approval with amendments.

Sponsor: Senator Ejercito Estrada

**MR. PRESIDENT:**

The Committee on Labor, Employment, and Human Resources Development; and the Committee on Youth, Women and Family Relations to which were referred Senate Bill No. 930, introduced by Senator Ejercito Estrada, entitled

**“AN ACT  
TO PROHIBIT GENDER DISCRIMINATION IN  
EMPLOYMENT ADVERTISING”**

and Senate Bill No. 1878, introduced by Senator Defensor Santiago, entitled:

**“AN ACT  
PROHIBITING GENDER DISCRIMINATION IN  
EMPLOYMENT ADVERTISING”**


have considered the same and have the honor to report them back to the Senate with the recommendation that Senate Bill No. 930 be approved with the following

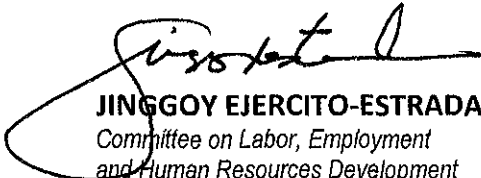
amendments, taking into consideration Senate Bill No. 1878 making Senators Ejercito Estrada and Defensor Santiago as authors thereof.

1. On page 1, move the phrase starting with the word "directly and ends with the word employer on lines 9 to 11 to line 8 and to realign them accordingly.
2. On page 3, line 22, between the words "Act" and "occurred", change the word "as" to "has."
3. On the same page, line 23, insert the phrase "SHALL FURNISH SUCH EMPLOYER, PRIVATE EMPLOYMENT AGENCY OR LABOR ORGANIZATION" between the words "organization" and "with".
4. On the same page, line 24, after the first word "charge", delete the phrase "and make an investigation of such."
5. On the same page, and the same line 24, delete the word "charge" before the word "provided."
6. On page 4, line 13, delete the comma (,) and replace it with a period (.).
7. On the same page, move the phrase "corporation" on line 15 to line 14, after the word "such" and realign them accordingly.
8. On the same page, move the entire line 17 to line 16, and realign them accordingly.
9. On the page 5, line 1, change the word "Effectivify" to "Effectivity" to correct a typo error.

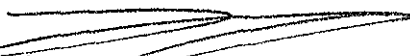
Respectfully submitted:

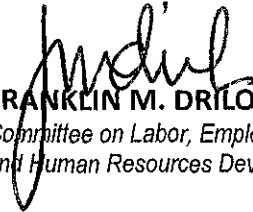
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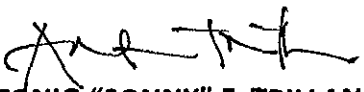
  
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*Committee on Labor, Employment and Human Resources Development*

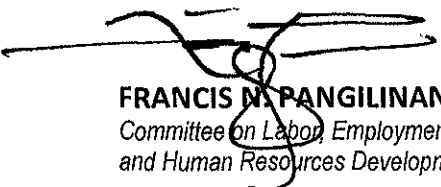
  
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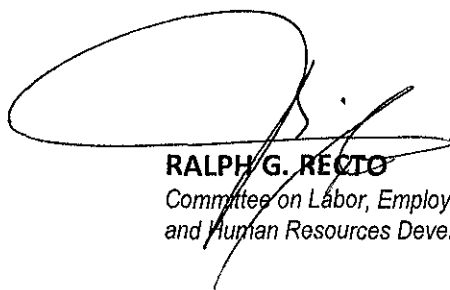
  
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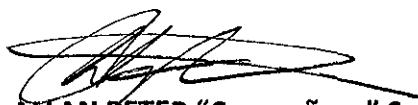


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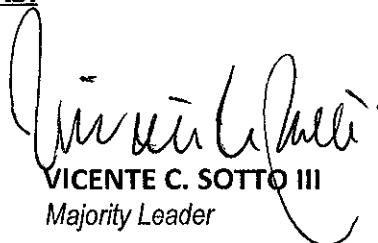


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*Committee on Labor, Employment  
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**VICENTE C. SOTTO III**  
*Majority Leader*

**Hon. JUAN PONCE ENRILE**  
President  
Senate of the Philippines  
Pasay City

SENATE

Senate Bill No. 930

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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AN ACT  
TO PROHIBIT GENDER DISCRIMINATION IN EMPLOYMENT ADVERTISING

*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 “***Anti-Gender***  
2           ***Discrimination in Employment Advertising Act***”.

3           **SEC. 2. *Declaration of Policy.*** It is the policy of the State to ensure  
4           equality of men and women by prohibiting gender discrimination in job  
5           opportunities advertising.

6           **SEC. 3.     *Definition of Terms.*** For purposes of this Act, the term:

7           (a) “Employer” includes any person acting in the interest of an  
8           employer,  
9           directly or indirectly. The term shall not include any labor  
10          organization or any of its officers or agents except when acting  
11          as employer.

1 (b) "Labor Organization" means any union or association of employees  
2 which exists in whole or in part for the purpose of collective  
3 bargaining or of dealing with employers concerning terms and  
4 *conditions of employment.*

5 (c) "Private Employment Agency" means any person or entity engaged  
6 in the recruitment and placement of workers for a fee which is  
7 charged, directly or indirectly, from the workers or employers or both.

8 (d) "Recruitment and Placement" refers to any act of canvassing,  
9 enlisting, contracting, transporting, utilizing, hiring, procuring,  
10 workers and other similar acts, and includes referrals, locally or  
11 abroad, whether for profit or not: Provided, That any person or  
12 entity which, in any manner, offers or promises for a fee  
13 employment to two or more persons shall be deemed engaged in  
14 recruitment and placement.

15 **SEC. 4. *Prohibited Acts.***

16 (a) It shall be unlawful discriminatory practice for any employer,  
17 whether for profit or not, any labor organization or any private employment  
18 agency to print, circulate or publish or cause to be printed, circulated or published  
19 any statement, circulation or publication relating to employment by such an  
20 employer or membership in any classification or referral for employment by such  
21 an employment agency, indicating any preference, limitation, specification or  
22 discrimination, based on sex, except that such a notice or advertisement may  
23 *indicate a preference, limitation, specification or discrimination, based on sex*  
24 when sex is a bonafide occupational qualification for employment.

1 (b) It shall be unlawful discriminatory practice for any person to aid,  
2 abet, incite, compel or coerce the doing of any of the acts forbidden under this  
3 section or to attempt to do so.

4 **SEC. 5. Certification of Exemption.** The Department of Labor and  
5 Employment shall have the power and it shall be its duty to certify upon request  
6 of any person that a particular occupation or position is exempt from the  
7 provisions of this Act relating to unlawful employment practices if the Department  
8 of Labor and Employment finds that the occupation or position reasonably  
9 requires the employment of person or persons of a particular sex and that such  
10 certification is not sought as means of circumventing spirit and purpose of this  
11 Act.

12 **SEC. 6. Guidelines.** The placement of and advertisement in columns  
13 classified by publishers on the basis of sex, such columns headed "Male" or  
14 "Female" will be considered an expression of preference, limitation, specification  
15 or discrimination based on sex provided that the advertisement shall contain a  
16 sufficient notice that it is covered by the exemption to be determined by the  
17 Department of Labor and Employment as provided for in Section 5 hereof.

18 **SEC. 7. Prevention of Unlawful Employment Practices.** Whenever  
19 it is charged in writing under oath by a person claiming to be aggrieved, or a  
20 written charge has been filed by the Department of Labor and Employment or its  
21 authorized representative where there is a reasonable cause to believe that a  
22 violation of this Act as occurred that an employer, private employment agency or  
23 labor organization with a copy of such charge and make an investigation of such  
24 charge and make an investigation of such charge, provided that such charge  
25 shall not be made public by the Department of Labor and Employment. If the

1 Department of Labor and Employment shall determine, after such investigation,  
2 that there is a reasonable cause to believe that the charge is true, the  
3 Department of Labor and Employment, shall endeavor to eliminate any such  
4 alleged unlawful employment practice.

5 **SEC. 8. Regulations.** The Department of Labor and Employment  
6 shall promulgate rules and regulations to implement the provisions of this Act.

7 **SEC. 9. Scope.** The provisions of this Act shall apply only to  
8 employment advertising by private employer, labor organization, private  
9 employment agency and other private entities.

10 **SEC. 10. Penalties.** Any violation of this Act shall be punished with a  
11 fine of not less than ten thousand pesos (P10,000.00) or imprisonment of not  
12 less than three (3) months or both at the discretion of the court. If the offense is  
13 committed by a corporation, trust, firm, partnership or association or other entity,  
14 the penalty shall be imposed upon the guilty officer or officers of such  
15 corporation, trust, firm, partnership or association or entity.

16 **SEC. 11. Separability Clause.** If any provision, or part hereof, is held  
17 invalid or unconstitutional, the remainder of the law or the provision not otherwise  
18 affected shall remain valid and subsisting.

19 **SEC. 12. Repealing Clause.** Any law, presidential decree or  
20 issuances, executive order, letter of instruction, administrative order, rule or  
21 regulation contrary to or inconsistent with, the provisions of this Act is hereby  
22 repealed, modified or amended accordingly.

23



1           **SEC. 13.     *Effectivify Clause.*** This Act shall take effect fifteen (15)  
2 days after its publication in at least two (2) newspapers of general circulation.

3

4           *Approved,*