

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

50 FEB -3 P2:18

**SENATE**

---

COMMITTEE REPORT NO. 845

Submitted jointly by the Committees on Labor, Employment and Human Resources Development and Youth, Women and Family Relations on  
FEB 03 2010

RE : S. B. No. 3590 prepared by the Committees.

Recommending its approval in substitution of S. B. Nos. 378, 529, and 802, taking into consideration H. B. No. 4375.

Sponsor : Senator J. Estrada

---

**MR. PRESIDENT:**

The Senate Committee on Labor, Employment and Human Resources Development joint with the Committee on Youth, Women and Family Relations to which were referred S. B. No. 378 introduced by Senator J. 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. 529, introduced by Senator J. 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".**

Senate Bill No. 802, introduced by Senator Revilla, Jr., *entitled*:

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

taking into consideration House Bill No. 4375, introduced by Representatives Angara, Codilla and Del Mar, 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".**

have considered the same and have the honor to report them back to the Senate with the recommendation that attached **S. B. No. 3590** prepared by the Committees, be approved, entitled:

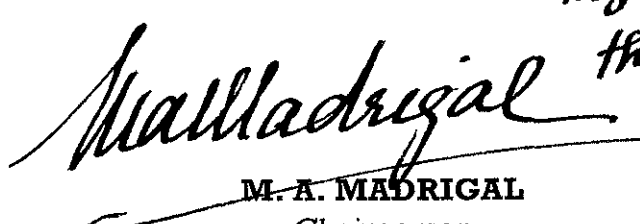
**"AN ACT  
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION  
AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE  
PURPOSE ARTICLES 135 AND 137 OF PRESIDENTIAL DECREE  
NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR  
CODE OF THE PHILIPPINES".**

with Senators Ejercito Estrada, Revilla and Madrigal as authors thereof.

Respectfully submitted:

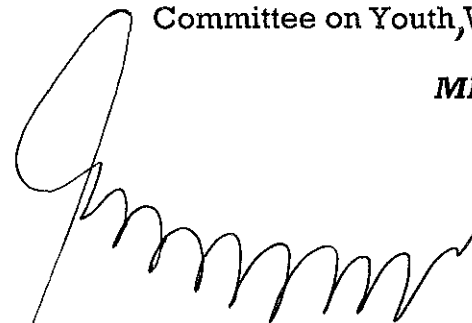
  
**JINGGOY EJERCITO ESTRADA**  
President Pro-Tempore  
Chairperson


Committee on Labor Employment and Human Resources Development  
Ex Officio Member, Committee on Youth, Women and Family Relations

  
**M. A. MADRIGAL**  
Chairperson  
Committee on Youth, Women and Family Relations

*Highly support as  
this strengthens  
provisions in  
Magna Carta  
of Women*

**MEMBERS:**

  
**GREGORIO "Gringo" B. HONASAN, II**  
Committee on Labor, Employment  
& Human Resources Development

  
**FRANCIS "Chiz" G. ESCUDERO**  
Committee on Labor, Employment and  
Human Resources Development



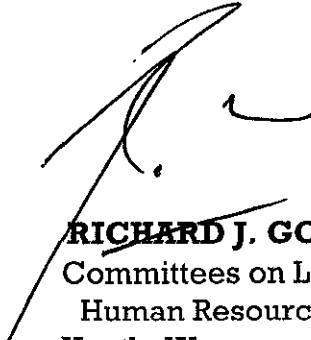
**MANUEL "Lito" M. LAPID**  
Committee on Labor, Employment  
& Human Resources Development



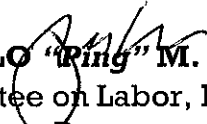
**RAMON LONG REVILLA, JR.**  
Committee on Labor, Employment  
& Human Resources Development



**RODOLFO G. BLAZON**  
Committees on Labor, Employment  
& Human Resources Development  
and Youth, Women and Family  
Relations



**RICHARD J. GORDON**  
Committees on Labor, Employment &  
Human Resources Development and  
Youth, Women and Family  
Relations



**PANFILO "Ping" M. LACSON**  
Committee on Labor, Employment  
& Human Resources Development

**LOREN B. LEGARDA**  
Committees on Labor, Employment &  
Human Resources Development and  
Youth, Women and Family Relations



**PIA S. CAYETANO**  
Committees on Labor, Employment  
& Human Resources Development  
and Youth, Women and Family  
Relations

**ALAN PETER "Compañero" S. CAYETANO**  
Committee on Labor, Employment &  
Human Resources Development



**FRANCIS N. PANGILINAN**  
Committees on Labor, Employment  
& Human Resources Development  
and Youth, Women and Family  
Relations

**BENIGNO "Noy" S. AQUINO, III**  
Committee on Youth, Women and  
Family Relations

*Miriam Defensor Santiago*  
**MIRIAM DEFENSOR SANTIAGO**

Committee on Youth Women and Family Relations

**EX- OFFICIO MEMBERS:**



**AQUILINO Q. PIMENTEL, JR.**  
*Minority Floor Leader*



**JUAN MIGUEL F. ZUBIRI**  
*Majority Floor Leader*

*Fully support  
this measure*

**JUAN PONCE ENRILE**

*Senate President  
Pasay City*

SENATE

S. B. No. 3590

RECEIVED BY



---

*Prepared jointly by the Committees on Labor, Employment and Human Resources Development and Youth Women and Family Relations in substitution of S. B. Nos. 378, 529 and 802 with Senators Ejercito Estrada, Revilla and Madrigal as authors thereof*

---

**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  
3 amended to read as follows:

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

8                   The following are acts of discrimination:

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

13                   (b) Favoring a male employee over a female employee with  
14 respect to promotion, **ASSIGNMENT**, training opportunities, study  
15 and scholarship grants solely on account of their sexes [.] **AND**

16                   **(C) GIVING PREFERENCE TO A MALE EMPLOYEE OVER**  
17 **A FEMALE EMPLOYEE IN THE HIRING PROCESS, WHETHER**  
18 **THROUGH NOTICES, ANNOUNCEMENTS, OR**  
19 **ADVERTISEMENTS FOR EMPLOYMENT AND**  
20 **APPRENTICESHIP OR IN THE ACTUAL RECRUITMENT,**  
21 **HIRING OR EMPLOYMENT OF WORKERS WHERE THE**  
22 **PARTICULAR JOB CAN BE EQUALLY HANDLED BY A WOMAN,**  
23 **AND**

24                   **(D) FAVORING A MALE EMPLOYEE OVER A FEMALE**  
25 **EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL**  
26

1 **OR THE APPLICATION OF THE FIRST IN – FIRST OUT OR**  
2 **OTHER RETRENCHMENT POLICY OF THE EMPLOYER”.**

3 Criminal liability for the willful commission of any unlawful  
4 act as provided in this article or any violation of the rules and  
5 regulations issued pursuant to Section 2 hereof shall be penalized as  
6 provided in Articles 288 and 289 of this Code: *Provided*, That the  
7 institution of any criminal action under this provision shall not bar  
8 the aggrieved employee from filing an entirely separate and distinct  
9 action for money claims, which may include claims for damages and  
10 other affirmative relief. The actions hereby authorized shall proceed  
11 independently of each other.”

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

14 "ART. 137. *PROHIBITED ACTS* - (a) It shall be unlawful for any  
15 employer:

16 (1) To deny any woman employee the benefits provided for in  
17 this Chapter or to discharge any woman employed by him for the  
18 purpose of preventing her from enjoying any of the benefits  
19 provided under this Code:

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

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

25 **(4) TO DENY ANY WOMAN THE BENEFITS OF**  
26 **EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER**  
27 **OUR LAWS BY REASON OF HER GENDER."**

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

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

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

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

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

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

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

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

Approved,