

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

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SENATE  
S. B. No. 1500

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

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Introduced by Senator Miriam Defensor Santiago

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**EXPLANATORY NOTE**

The Constitution, Article XII, Section 3(1), provides:

The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

Discrimination in employment on account of a person's race, gender, or religion is inimical to public interest and policy.

Discrimination in employment discourages labor productivity, prevents the maximum utilization of available labor resources, tends to cause labor disputes, and constitutes an unfair labor practice.

Although the Labor Code abhors discrimination in employment, there is no provision in the Code which penalizes the employer for any discriminatory acts. Absent any criminal liability, employers will not be deterred to observe such public policy.

Hence, this bill seeks to establish criminal liability for unlawful discrimination in employment on account of a person's race, gender, or religion.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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**AN ACT  
TO ESTABLISH CRIMINAL LIABILITY FOR UNLAWFUL DISCRIMINATION  
BASED ON DISPARATE TREATMENT**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Discrimination Act.”

SECTION 2. *Criminal Liability.* – An employer who intentionally treats an employee worse than another because of that person’s race, gender, or religion, shall, upon first conviction, be guilty of a misdemeanor and punishable by a fine not to exceed TWENTY THOUSAND PESOS (P20,000.00) if an individual or TWO HUNDRED THOUSAND PESOS (P200,000.00) if a corporation. A SUBSEQUENT CONVICTION OF A DEFENDANT UNDER THIS Section regarding conduct within five (5) years of the first conviction shall be a felony punishable by a fine not to exceed FOURTY THOUSAND PESOS (P40,000.00) if an individual, or FOUR HUNDRED THOUSAND PESOS (P400,000.00) if a corporation, and imprisonment not to exceed six (6) months, or both, if that subsequent conviction is determined by the court to involve conduct substantially similar to the conduct of the first offense.

SECTION 3. *Treatment.* – An employer is deemed to have committed criminal liability if such employer shall commit any of the unfair labor practices enumerated in the Labor Code,

deprive an employee of benefits and privileges accorded to other employees of similar rank or status or any other similar acts.

SECTION 4. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 5. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved

Fn: 2051