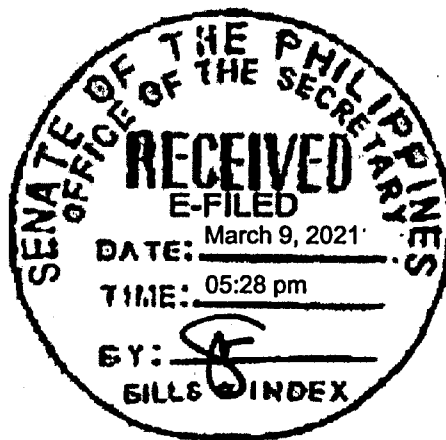


EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
Second Regular Session

SENATE

S. B. NO. 2093



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Introduced by **SENATOR JOEL VILLANUEVA**

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**AN ACT  
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION  
AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE  
PURPOSE ARTICLES 133 [135] AND 135 [137] OF PRESIDENTIAL  
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE  
LABOR CODE OF THE PHILIPPINES**

**EXPLANATORY NOTE**

As presently worded, the Labor Code of the Philippines already prohibits certain acts of discrimination against women. In particular, the Labor Code prohibits the payment of lesser compensation to a female as against a male employee, for work of equal value, as well as favoring a male over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes. In addition, employers are prohibited from denying any woman employee benefits provided for under the Labor Code or discharging any woman employee for the purpose of preventing her from enjoying any of the benefits provided under this Code; discharging such women employees on account of pregnancy, or while on leave or in confinement due to pregnancy; and discharging or refusing the admission of women employees upon returning to work for fear that they may again be pregnant.

While the inclusion of these provisions in the Labor Code was a laudable effort to ensure the protection of women in the workplace and guarantee their equal treatment by employers, we believe it is necessary to revisit the scope of the prohibited acts of discrimination under the Labor Code. In particular, considering that almost 50% of women currently form part of the labor force,<sup>1</sup> it is but proper to further expand and elaborate on the prohibited acts of discrimination against women. Furthermore, updating and expanding existing protections for women is consistent with Article XIII,

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<sup>1</sup> Philippine Statistics Authority Women and Men Fact Sheet 2020, available at <https://psa.gov.ph/gender-stat/wmf> (date last accessed: March 5, 2020).

Section 14 of the Constitution, which provides that the State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

This bill seeks to expand the existing prohibitions under the Labor Code to include the following prohibitions: favoring a male employee over a female employee with respect to assignment and dismissal or retrenchment solely on account of their sexes; and denying women the benefits of employment or statutory benefits by reason of their sex.

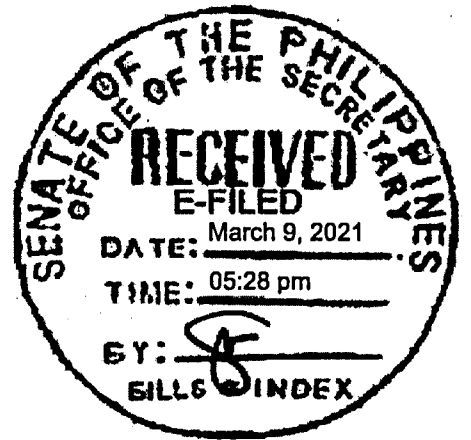
This bill likewise imposes a specific criminal penalty on employers who commit any of the prohibited acts of discrimination, as well as employees or persons who aid or abet in the commission of such acts.

Thus, the passage of this bill is earnestly sought.



**SENATOR JOEL VILLANUEVA**

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**AN ACT**  
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**THE PURPOSE ARTICLES 133 [135] AND 135 [137] OF**  
**PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE**  
**KNOWN AS THE LABOR CODE OF THE PHILIPPINES**

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

1 **SECTION 1.** Article 133 [135] of Presidential Decree No. 442, as amended,  
2 otherwise known as the Labor Code of the Philippines, is hereby amended to  
3 read as follows:

4  
5 **ARTICLE 135. *Discrimination Prohibited.*** - It shall be unlawful for any  
6 employer to discriminate against any woman employee with respect to  
7 terms and conditions of employment solely on account of her sex. The  
8 following are acts of discrimination:

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

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

17  
18 **(C) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE**  
19 **WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE**

1           **APPLICATION OF ANY RETRENCHMENT POLICY OF THE**  
2           **EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES AND**  
3           **REPRODUCTIVE FUNCTION AND POTENTIAL.**  
4

5           Criminal liability for the willful commission of any unlawful act as  
6           provided in this Article or any violation of the rules and regulations  
7           issued pursuant to Section 2 hereof shall be penalized as provided in  
8           Articles 303 and 304 of this Code: *Provided*, That the institution of any  
9           criminal action under this provision shall not bar the aggrieved  
10          employee from filing an entirely separate and distinct action for money  
11          claims, which may include claims for damages and other affirmative  
12          reliefs. The actions hereby authorized shall proceed independently of  
13          each other.

14  
15          **SEC. 2.** Article 135 [137] of the Labor Code is hereby amended to read as  
16          follows:

17  
18          **ARTICLE 137. *Prohibited Acts.*** - (a) It shall be unlawful for any  
19          employer:

20  
21          (1) To deny any woman employee the benefits provided for in this  
22          Chapter or to discharge any woman employed by him for the purpose  
23          of preventing her from enjoying any of the benefits provided under this  
24          Code;

25  
26          (2) To discharge such woman on account of her pregnancy, or while  
27          on leave or in confinement due to her pregnancy;

28  
29          (3) To discharge or refuse the admission of such woman upon  
30          returning to her work for fear that she may again be pregnant [.] **OR**

31  
32          **(4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR**  
33          **OTHER STATUTORY BENEFITS UNDER OUR LAWS BY REASON**  
34          **OF HER SEX.**

35  
36          **ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY**  
37          **MANNER TO COMMIT ANY OF THE ACTS PROHIBITED UNDER**  
38          **THIS ARTICLE OR ANY RULE OR REGULATION ISSUED**  
39          **PURSUANT THERETO SHALL, IN ADDITION TO OTHER**  
40          **PENALTIES AS MAY BE PROVIDED BY LAW, UPON**  
41          **CONVICTION, BE PUNISHED BY A FINE OF UP TO FIFTY**  
42          **THOUSAND PESOS (Php 50,000) PROVIDED, THAT THE**  
43          **CONVICTION OR ACQUITTAL OBTAINED BY THE EMPLOYER**  
44          **SHALL NOT BE A BAR TO THE FILING BY THE FEMALE**  
45          **EMPLOYEE OF A CIVIL SUIT FOR THE PAYMENT OF SALARIES**  
46          **OR BENEFITS DUE HER.**

47  
48          **ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR ABETS**  
49          **IN THE COMMISSION OF THE ACTS PROHIBITED HEREIN OR**  
50          **WHO CAUSES THE COMMISSION OF ANY SUCH ACTS BY**

1           **ANOTHER SHALL BE LIABLE IN THE SAME MANNER AS THE**  
2           **EMPLOYER.**

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

8  
9           **SEC. 4. Separability Clause.** - If any provision of this Act is declared  
10 unconstitutional, the same shall not affect the validity and effectivity of the other  
11 provisions hereof.

12  
13           **SEC. 5. Repealing Clause.** - All laws, executive orders, presidential decrees,  
14 presidential proclamations, rules and regulations or parts thereof inconsistent  
15 with the provisions of this Act are hereby repealed or modified accordingly.

16  
17           **SEC. 6. Effectivity Clause.** - This Act shall take effect fifteen (15) days after  
18 its complete publication in the Official Gazette or in a newspaper of general  
19 circulation.

20  
21           **Approved,**