

10 JUL -6 1978

SENATE

Senate Bill No. 429

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

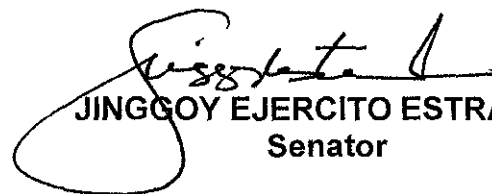
This measure was submitted by the Committee on Labor, Employment and Human Resources Development chaired by the undersigned in the Fourteenth Congress.

It seeks to expand the prohibited acts of discrimination against women on account of sex by declaring unlawful the giving of preference to a male employee over a female employee in the hiring process and the favoring a male employee over a female employee with respect to dismissal of personnel, the application of the first in – first out, or other retrenchment policy of the employer.

Further, it seeks to include in the prohibited acts the denial from any woman the benefits of employment or other statutory benefits under our laws by reason of her gender.

The promotion of the rights and welfare of women can only be achieved if they will be provided with the support and protection such as this.

In view of the foregoing, approval of this bill is earnestly sought.



JINGGOY EJERCITO ESTRADA  
Senator

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**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:*

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

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

The following are acts of discrimination:

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

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

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

**(D) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF THE FIRST IN - FIRST OUT OR OTHER RETRENCHMENT POLICY OF THE EMPLOYER."**

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

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

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

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

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

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

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

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

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

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

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

**SEC. 4. *Implementing Rules and Regulations.*** - Within thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment, in consultation

with the Tripartite Industrial Peace Council, shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

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

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

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

*Approved,*