

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

OFFICE OF THE SECRETARY

SENATE
S. No. **1639**

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 12, Section 3(1), provides:

SEC. 12. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities of all.

Health care has always been last among the priorities of many Filipino families. In many 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

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 TO ESTABLISH CRIMINAL LIABILITY FOR UNLAWFUL DISCRIMINATION
3 BASED ON DISPARATE TREATMENT

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

6 SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Discrimination Act."

7 SECTION 2. *Criminal Liability.* - An employer who intentionally treats an employee
8 worse than another because of that person's race, gender, or religion, shall, upon first conviction,
9 be guilty of a misdemeanor and punishable by a fine not to excess Twenty Thousand Pesos
10 (P20,000.00) if an individual or Two Hundred Thousand Pesos (P200,000.00) if a corporation.
11 A subsequent conviction of a defendant under this Section regarding conduct within five (5)
12 years of the first conviction shall be a felony punishable by a fine not to exceed Forty Thousand
13 Pesos (P40,000.00) if an individual, or Four Hundred Thousand Pesos (P400,000.00) if a
14 corporation, and imprisonment not to exceed six (6) months, or both, if that subsequent
15 conviction is determined by the court to involve conduct substantially similar to the conduct of
16 the first offense.

17 SECTION 3. *Treatment.* - An employer is deemed to have committed criminal liability if
18 such employer shall commit any of the unfair labor practices enumerated in the Labor Code,
19 deprive an employee of benefits and privileges accorded to other employees of similar rank or
20 status or any other similar acts.

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

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

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

6 Approved,