

SENATE OF THE PHILIPPINES)
SIXTEENTH CONGRESS)
First Regular Session)



Senate
Office of the Secretary

'13 AUG 29 P 4 :41

SENATE

Senate Bill No. 1427

RECEIVED BY: 

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

The role of women in nation-building is recognized in all democratic countries. It cannot be disputed that they make enormous contributions in economic developments, whether as entrepreneurs or employees. As such, the state has to ensure that their rights are adequately protected.

As embodied in the 1987 Constitution, "the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men."

However, existing measures for their protection against discrimination and exploitation are not sufficient to ensure that women are free from unfair treatment at the workplace.

This bill seeks to ensure that employment policies on promotion, benefits and termination are free from gender-based discrimination. It is specifically crafted in line with the principle that employment for women should be dealt with on the basis of merit.

In addition, the bill enjoins employers to recognize and respect the rights of women at the workplace by prescribing penalties for any violation of these legal provisions.

In view of the foregoing, the passage of this bill is earnestly urged.


JOSEPH VICTOR G. EJERCITO



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Senate Bill No. 1427

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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 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 amended to read as follows:

"ARTICLE 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) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF ANY RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES.

"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 reliefs. The actions hereby authorized shall proceed independently of each other."

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

"ARTICLE 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 SEX.

"ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO COMMIT ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR ANY RULE OR REGULATION ISSUED PURSUANT THERETO SHALL, IN ADDITION TO OTHER PENALTIES AS MAY BE PROVIDED BY LAW, UPON CONVICTION, 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."

SECTION 3. *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.

SECTION 4. *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.

SECTION 5. *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.

SECTION 6. *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,