

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



'14 SEP -8 P6 :05

SENATE
S.B. NO. **2394**

RECEIVED BY: *J.*

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT ENSURING JOB SECURITY TO WORKING WOMEN WHO ARE VICTIMS
OF VIOLENCE, AMENDING FOR THE PURPOSE REPUBLIC ACT 9262

EXPLANATORY NOTE

Republic Act 9262, which is regarded as a landmark legislation in the protection of women's rights, states that:

“It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children from violence threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights, the Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.”

Since its enactment in 2004, several cases have been filed against abusive persons and various protection orders were issued to safeguard women victims under the Act.

It has come to our attention however, that a growing number of women victims who are productively employed at the time of the abuse or reporting of the abuse, end up losing their jobs while in the process of recovery or during the time when they were actively prosecuting and or defending their cases in court. It appears that certain employers have used the absences of the women victims from work as basis to terminate them for poor performance and other related reasons that can be considered as just cause for termination under the Labor Code.

The insensitive acts of employers in terminating women employees who are victims of abuse under this Act, is another form of abuse, which current laws cannot adequately address. The

law must come to the succor of these helpless women to uphold the State Policy declared under RA 9262.

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

A handwritten signature in black ink, appearing to read 'M. Binay', with a long horizontal stroke extending to the right.

MARIA LOURDES NANCY S. BINAY
Senator



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3
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 **SECTION 1.** A Section 6-A is hereby inserted into Republic Act 9262 as follows:
9

10 "SECTION 6-A PROHIBITED ACTS OF EMPLOYERS
11

12 IT IS HEREBY DECLARED UNLAWFUL FOR ANY EMPLOYER TO
13 DISMISS A WOMAN EMPLOYEE WHO IS KNOWN TO THE EMPLOYER
14 AS A VICTIM UNDER THIS ACT, UNDER THE FOLLOWING GROUNDS:
15

16 (1) FOR ABSENCES INCURRED IN THE PROSECUTION/DEFENSE OF
17 HER CASE UNDER THIS ACT, OR DURING HER
18 MEDICAL/PSYCHOLOGICAL TREATMENT; OR
19

20 (2) FOR POOR OR UNSATISFACTORY PERFORMANCE WHILE IN
21 THE PROSECUTION/DEFENSE OF HER CASE UNDER THIS ACT, OR
22 DURING HER MEDICAL/PSYCHOLOGICAL TREATMENT.
23

24 ANY EMPLOYER FOUND TO HAVE BEEN GUILTY OF ANY OF THE
25 FOREGOING ACTS SHALL BE PUNISHED WITH IMPRISONMENT FOR
26 THIRTY (30) DAYS AND SHALL BE LIABLE TO PAY THE WOMAN
27 EMPLOYEE FOR THE SUM OF NOT LESS THAN TWO HUNDRED
28 THOUSAND PESOS (P200,000.00) NOR MORE THAN FIVE HUNDRED
29 THOUSAND PESOS (P500,000.00) WITH SUBSIDIARY IMPRISONMENT
30 IN CASE OF INABILITY TO PAY BUT IN NO CASE TO EXCEED SIX (6)
31 MONTHS.
32

33 A DISMISSAL ON ANY OF THE GROUNDS MENTIONED HEREIN
34 SHALL AUTOMATICALLY BE CONSIDERED BY THE LABOR ARBITER
35 AS ILLEGAL DISMISSAL UNDER THE LABOR CODE. IT SHALL BE
36 UNDERSTOOD THAT THE LIABILITY OF THE EMPLOYER HEREIN IS
37 SEPARATE FROM HIS LIABILITY UNDER THE LABOR CODE AND
38 OTHER SPECIAL LAWS."

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

3

4 Approved,