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SENATE

COMMITTEE REPORT No. 555

Submitted by the Committees on Labor, Employment and Human Resources Development; and Women, Children, Family Relations and Gender Equality on
JAN 22 2019.

RE: Senate Bill No. 892

Recommending its approval with amendments.

Sponsor: Senator Joel Villanueva

MR. PRESIDENT:

The Committee on Labor, Employment and Human Resources Development; and Women, Children, Family Relations and Gender Equality to which were referred Senate Bill No. 892, introduced by Senator Joseph Victor G. Ejercito, entitled:

"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"

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved with the following amendments:

- 1) On page 1, line 1, insert the figures "133" after the word "Article" and enclose the figures 135 within a bracket "[]" to conform with the renumbered Labor Code.
- 2) On the same page, line 21, after the word "sexes" include the phrase "**AND REPRODUCTIVE FUNCTION AND POTENTIAL.**"
- 3) On page 2, line 3, delete the figures "288" and "289" and replace them with the figures "303" and "304", respectively, to conform with the renumbered Labor Code.
- 4) On the same page, line 12, insert the figures "135" after the word "Article" and enclose the figures 137 within a bracket "[]" to conform with the renumbered Labor Code.
- 5) On the same page, line 18, delete the word "di8charge" and replace with the word "**DISCHARGE**".
- 6) On the same page, line 25, after the word "laws", delete the letters "BJ" and replace it with the word "BY".
- 7) On the same page, line 31, delete the word "!way" and replace with the word "**MAY**".
- 8) On the same page, line 32, delete phrase "not less than" and replace it with the phrase "**UP TO**".
- 9) On the same page, line 33, delete the words "but not more than two hundred"
- 10) On the same page, delete lines 34 to 35.
- 11) On the same page, line 36, delete the word "obtain,jd" and replace with the word "**OBTAINED**".
- 12) On Page 1, on the fourth line of the Title, insert the figures "133" and "135" before the figures 135 and 137 respectively, and enclose the said figures "135" and "137" with brackets "[]" to conform with the renumbered Labor Code.
- 13) All amendments are subject to style Mr. President.

Respectfully Submitted

Chairperson


SEN. RISA HONTIVEROS
Chairperson, Committee on Women,
Children, Family Relations and Gender
Equality


SEN. JOEL VILLANUEVA
Chairperson, Committee on Labor
Employment and Human Resource
Development

Vice Chairperson


SEN. SONNY ANGARA
Vice-Chairperson, Committee on Labor
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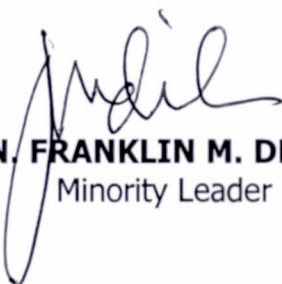
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Minority Leader

HON. VICENTE C. SOTTO III
Senate President

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



Senate
Office of the Secretary

'16 JUL 26 19:47

SENATE
SENATE BILL NO. 892

RECEIVED BY: 

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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"

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.

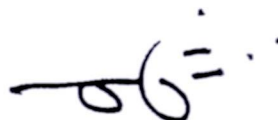
As embodied in the 1987 Constitution, "the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men."

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.

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a stylized flourish extending to the left.

JOSEPH VICTOR G. EJERCITO

'16 JUL 26 A9:47

SENATE
SENATE BILL NO. 892 R. BY: 

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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:

1 SECTION 1. Article 135 of Presidential Decree No. 442, as amended,
2 otherwise known as the "Labor Code of the Philippines", is hereby amended to read
3 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 terms and
7 conditions of employment solely on account of her sex. "The following are acts of
8 discrimination:
9

10 "(a) Payment of a lesser compensation, including wage, salary or other form
11 of remuneration and fringe benefits, to a female employee as against a male
12 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 scholarship grants
16 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 APPLICATION OF
20 ANY RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON ACCOUNT
21 OF THEIR SEXES.

1 "Criminal liability for the willful commission of any unlawful act as provided
2 in this Article or any violation of the rules and regulations issued pursuant to Section
3 2 hereof shall be penalized as provided in Articles 288 and 289 of this Code: *Provided,*
4 That the institution of any criminal action under this provision shall not bar the
5 aggrieved employee " from filing an entirely separate and distinct action for money
6 claims, ' which may include claims for damages and other affirmative reliefs. The
7 actions hereby authorized shall proceed independently of each other."
8

9 **SECTION 2.** Article 137 of the Labor Code is hereby amended to read as
10 follows:
11

12 *"ARTICLE 137. Prohibited Acts. - (a) It shall be unlawful for any employer:*
13

14 *"(1) To deny any woman employee the benefits provided for in this Chapter*
15 *or to discharge any woman employed by him for the purpose of preventing her from*
16 *enjoying any of the benefits provided under this Code;*
17

18 *"(2) To discharge such woman on account of her pregnancy, or while on leave*
19 *or in confinement due to her pregnancy;*
20

21 *"(3) To discharge or refuse the admission of such woman upon returning to*
22 *her work for fear that she may again be pregnant [.] OR*
23

24 **"(4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR**
25 **OTHER STATUTORY BENEFITS UNDER OUR LAWS BJ REASON OF HER**
26 **SEX.**
27

28 **"ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER**
29 **TO COMMIT ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR**
30 **ANY RULE OR REGULATION ISSUED PURSUANT THERETO SHALL, IN**
31 **ADDITION TO OTHER PENALTIES AS IWAY BE PROVIDED BY LAW, UPON**
32 **CONVICTION, BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY**
33 **THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN TWO HUNDRED**
34 **THOUSAND PESOS(P200,000.00), AND SUFFER IMPRISONMENT OF NOT**
35 **LESS THAN TWO (2) YEARS BUT NOT MORE THAN FOUR (4) YEARS:**
36 **PROVIDED, THAT THE CONVICTION OR ACQUITTAL OBTAIN,JD BY THE**
37 **EMPLOYER SHALL NOT BE A BAR TO THE FILING BY THE FEMALE**
38 **EMPLOYEE OF A CIVIL SUIT FOR THE PAYMENT OF SALARIES OR**
39 **BENEFITS DUE HER.**
40

1 "ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR ABETS IN
2 THE COMMISSION OF THE ACTS PROHIBITED HEREIN OR WHO CAUSES
3 THE COMMISSION OF ANY SUCH ACTS BY ANOTHER SHALL BE LIABLE
4 IN THE SAME MANNER AS THE EMPLOYER."
5

6 SECTION 3. *Implementing Rules and Regulations.* - Within thirty (30) days from
7 the effectivity of this Act, the Secretary of Labor and Employment, in consultation
8 with the Tripartite Industrial Peace Council, shall issue and publish the necessary
9 rules and regulations to implement the provisions of this Act.
10

11 SECTION 4. *Separability Clause.* - If any provision of this Act is declared
12 unconstitutional, the same shall not affect the validity and effectivity of the other
13 provisions hereof.
14

15 SECTION 5. *Repealing Clause.* - All laws, executive orders, presidential
16 decrees, presidential proclamations, rules and regulations or parts thereof
17 inconsistent with the provisions of this Act are hereby repealed or modified
18 accordingly.
19

20 SECTION 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
21 its complete publication in the Official Gazette or in a newspaper of general
22 circulation.
23

24
25 *Approved,*
26
27