

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

SENATE
OFFICE OF THE SECRETARY

5 AUG -4 P4:25

SENATE
S.B. NO. 2076

RECEIVED BY: _____

Introduced by Senator Magsaysay, Jr.

EXPLANATORY NOTE

The twin principles of equity of opportunity and fair treatment in employment are the hallmarks of almost all status pertaining to Filipino labor. The Bill of Rights of the 1987 Philippine Constitution fully mandates that "[n]o person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the law."¹

Giving sinews to the pages of the provision of the supreme law are the various law and regulations enacted for this purpose: the Labor Code of the Philippines and its amendments, the Anti-Sexual Harassment Act, the Civil Service Commission rules and regulations and similar other laws on the matter. Perhaps, the most significant legal dissertation of the country on its advocacy on non-discrimination is found in the International Labor Organization Convention. Under the Convention, the Philippines undertakes to promote equality of opportunity and treatment by means of national policy which aims to end all forms of discrimination in employment and occupation.

Under the Convention, "discrimination" is defined as "any distinction, exclusion or preference based on race, color, sex, religion, political opinion, national extraction or social origin, or any other motive determined by the State concerned, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Discrimination, however, remains a problem. Almost always, we have been reading tales of discrimination being suffered by Filipino workers.

This remedial measure is submitted to correct the situation at hand. It is the intention of this legislative measure to effect the principle of equal remuneration for work of equal value.

Immediate enactment of this bill is earnestly sought.


RAMON B. MAGSAYSAY, JR.

¹ Art. III, Sec. 1

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AN ACT
PROHIBITING DISCRIMINATION OF FILIPINO LABOR, PROVIDING
PENALTIES FOR VIOLATIONS THEREFOR AND FOR OTHER
PURPOSES

Be it enacted by the Senate and the House of Representatives of the
Philippine in Congress assembled:

SECTION 1. Declaration of Policy - It is the policy of the State to adhere to the International Convention on Economic, Social and Cultural Rights of "equal pay for equal work". Further, the Philippine Constitution states that "no person shall be deprived of life, liberty or property without due process of law, nor shall be denied the equal protection of the laws".

SEC. 2. Definition of Terms - For purposes of this Act, the following terms shall mean:

- a. "Discrimination" refers to any act of giving lesser compensation, including wage, salary or any other form of remuneration and fringe benefits to persons with same qualifications and occupying similar position and/or favoring a certain group with respect to recruitment, promotion, retirement, separation, training opportunities, study and scholarship solely on account of nationality, race or religion;
- b. "Local employees" refer to Filipino citizens hired either by private or government corporation, institutions, industries or entities located in the Philippine.

SEC. 3. Prohibition and penalties - Discrimination against local employees in whatever form, manner and reason is prohibited. Any person corporation, institution, industry or institution, industry or entity found guilty, after notice and hearing before the National Labor Relations Commission (NLRC).

- a. Shall be required to pay the aggrieved party, such amount determined by the NLRC and to cover wages, salaries or any other form of remuneration and fringe benefits;
- b. Shall likewise be required to pay the aggrieved moral, punitive and other which shall not be lower than P500,000.00 and/or to serve as imprisonment of not less than six months and one day;

- c. Shall be required to implement a non-discriminatory table of compensation and/or benefits for all employees after consultation with the concerned parties are held;
- d. If the convicted party is a foreigner, and after satisfying and/or serving the penalties imposed, shall be deported and shall not be allowed to enter the Philippines again.

SEC. 4. Hearing Evidence and Decision - A party may be required to disclose and/or produce such documents, contracts, records and/or papers in its custody or possession as may be material, relevant and/or evidentiary in the determination and resolution of the case.

SEC. 5. Appeals - Appeals shall be governed by the National Labor Relations Commission implementing rules and regulations.

SEC. 6. Implementing Rules - The rules of the National Labor Relations Commission implementing of this Act shall govern Appeals.

SEC. 7. Repealing Clause - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 8. Effectivity - This shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,