

THIRTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES Second Regular Session

6 JN -7 P2:

HECEWED BY :

SENATE

Senate Bill No. 2278

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

The salutary effects of **Article 118 of the Labor Code** in relation to Articles 288 and 289 of the same Code which respectively ordain thus:

"Art. 118. *Retaliatory Measures.* – It shall be unlawful for an employer to refuse to pay or reduce the wages and benefits, discharge or in any manner discriminate against any employee who has filed any complaint or instituted any proceeding **under this Title** or has testified or is about to testify in such proceedings.". (Emphasis supplied)

"Art. 288. *Penalties.* – Except as otherwise provided in this Code, or unless the acts complained of hinges on a question of interpretation or implementation of ambiguous provisions of an existing collective bargaining agreement, any violation of the provision of this Code declared to be unlawful or penal in nature shall be punished with a fine of not less than One Thousand Pesos (P1,000.00), or imprisonment of not less than three (3) months nor more than three (3) years, or both such fine and imprisonment at the discretion of the court.

In addition to such penalty, any alien found guilty shall be summarily deported upon completion of service of sentence.

Any provision of law to the contrary notwithstanding any criminal offense punished in this Code shall be under the concurrent jurisdiction of the Municipal of City Courts and the Courts of First Instance".

"Art. 289. Who are liable when committed by other than natural person. – If the offense is committed by a corporation, trust, partnership, association or any other entity, the penalty shall be imposed upon the officer or officers of such corporation, trust, partnership, association entity".

Need not be overemphasized.

Parenthetically however, the above quoted Article 118 operates only where retaliatory measures are employed in wage-related cases.

This Bill seeks to broaden the application of Article 118 by criminalizing retaliatory acts of employers against employees who have filed any complaint or instituted any proceeding under the Labor Code or have testified or are about to testify in such proceedings.

Early passage of this Bill is earnestly sought.

- THE SECRETARY

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AN ACT

CRIMINALIZING RETALIATORY ACTS DIRECTED AGAINST AN EMPLOYEE WHO HAS FILED ANY COMPLAIN UNDER THE LABOR CODE OR TESTIFIED THEREUNDER, AMENDING FOR THIS PURPOSE THE LABOR CODE OF THE PHILIPPINES

 i^{\dagger} Be, enacted by the Senate and the House of Representatives of the

Philippines in Congress assembled:

SECTION 1. There shall be incorporated after Article 286 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the

Philippines", a new Article 286-A which shall read as follows:

"ARTICLE 286-A. RETALIATORY MEASURES. - IT SHALL BE UNLAWFUL FOR AN EMPLOYER TO REFUSE TO PAY OR WAGES AND OTHER BENEFITS REDUCE THE PRIVILEDGES. DISCHARGE OR IN ANY MANNER DISCRIMINATE AGAINST ANY EMPLOYEE WHO HAS FILED ANY COMPLAIN OR INSTITUTED ANY PROCEEDING UNDER THIS CODE OR HAS TESTIFIED OR IS ABOUT TO TESTIFY IN ANY SUCH PROCEEDINGS.

SECTION 2. Article 118 of the Labor Code of the Philippines and all other

laws, decrees, executive orders, rules and regulations or parts thereof which are

inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of

general circulation, whichever comes earlier.

Approved,