

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
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SENATE

S. No. 1808

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST
WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE
PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE
KNOWN AS THE "LABOR CODE OF THE PHILIPPINES"**

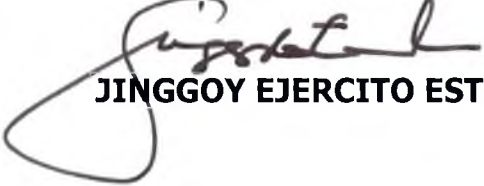
EXPLANATORY NOTE

Article 3 of the Labor Code provides that, "The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers".

In the World Economic Forum's 2021 Global Gender Report, the Philippines ranked 17th among the 156 nations surveyed in closing gender inequality. In the East Asia and the Pacific region, the Philippines is one of two countries that have achieved gender parity, where there is a strong presence of women in senior and managerial roles. For the 2022 report however, the Philippines' ranking slipped two places to 19th out of 146 countries surveyed. In terms of labor force participation rate, the Philippines ranked 111th. The share of females in the workforce remains 24.5 percentage points lower than the share of males. Furthermore, on the estimated earned income, the Philippines ranked 43rd where the report estimates that females in the labor force earn 71 percent of their male counterparts' earnings, or USD 2,700 less than their male counterparts.

Clearly there is still room for improvement in as far as gender equity is concerned, addressing barriers for women to work and advance their careers must remain a priority.

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



JINGGOY EJERCITO ESTRADA

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*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, is
2 hereby amended to read as follows:

3 "Article 135. Discrimination Prohibited. – It shall be unlawful for
4 any employer to discriminate against any [~~woman~~] **FEMALE**
5 employee with respect to terms and conditions of employment
6 solely on account of her sex **OR CHARACTERISTICS OF HER**
7 **SEX, WHETHER ACTUAL OR PRESUMED.**

8 "The following are acts of discrimination:

9 "(a) Payment of a lesser compensation, including wage, salary
10 or other form of remuneration and fringe benefits, to a female
11 employee as against a male employee, for work of equal value;

12 [~~and~~]

13 "(b) Favoring a male employee over a female employee with
14 respect to **ASSIGNMENT**, promotion, **EMPLOYMENT**
15 **BENEFITS**, training opportunities, study and scholarship grants

1 solely on account of their **SEX OR CHARACTERISTICS OF**
2 **THEIR SEX, WHETHER ACTUAL OR PRESUMED; AND**
3 **“(C) FAVORING A MALE EMPLOYEE OVER A FEMALE**
4 **EMPLOYEE WITH RESPECT TO DISMISSAL OF**
5 **PERSONNEL OR THE APPLICATION OF ANY**
6 **RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON**
7 **ACCOUNT OF THEIR SEX OR CHARACTERISTICS OF**
8 **THEIR SEX, WHETHER ACTUAL OR PRESUMED.**

9 “Criminal liability for the willful commission of any unlawful acts
10 as provided in this article or any violation of the rules and
11 regulations issued pursuant to Section 2 hereof shall be
12 penalized as provided in Articles 288 and 289 of this Code:
13 *Provided,* That the institution of any criminal action under this
14 provision shall not bar the aggrieved employee from filing an
15 entirely separate and distinct action for money claims, which
16 may include claims for damages and other affirmative reliefs.
17 The actions hereby authorized shall proceed independently of
18 each other.”

19 Sec. 2. Article 137 of Presidential Decree No. 442, as amended, is
20 hereby amended to read as follows:

21 “Article 137. Prohibited Acts. – It shall be unlawful for any
22 employer:

23 “(1) To deny any [~~woman~~] **FEMALE** employee the benefits
24 provided for in this Chapter or to discharge any woman
25 employed [~~by him~~] for the purpose of preventing her from
26 enjoying any of the benefits provided under this Code;

27 “(2) To discharge such woman on account of her pregnancy,
28 while on leave, or **WHILE** in confinement due to her
29 pregnancy;

30 “(3) To discharge or refuse the admission of such woman upon
31 returning to her work for fear that she may again be
32 pregnant[-]; **AND,**

1 **“(4) TO DENY ANY WOMAN THE BENEFITS OF**
2 **EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER**
3 **OUR LAWS BY REASON OF HER SEX.**

4 **“ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY**
5 **MANNER TO COMMIT ANY OF THE ACTS PROHIBITED**
6 **UNDER THIS ARTICLE OR ANY RULE OR REGULATION**
7 **ISSUED PURSUANT THERETO SHALL, IN ADDITION TO**
8 **OTHER PENALTIES AS MAY PROVIDED BY LAW, UPON**
9 **CONVICTION, BE PUNISHED WITH A FINE OF NOT LESS**
10 **THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT**
11 **MORE THAN TWO HUNDRED THOUSAND PESOS**
12 **(P200,000.00), AND/OR SUFFER IMPRISONMENT OF**
13 **NOT LESS THAN ONE (1) YEAR, BUT NOT MORE THAN**
14 **TWO (2) YEARS: *PROVIDED*, THAT THE CONVICTION OR**
15 **ACQUITTAL OBTAINED BY THE EMPLOYER SHALL NOT**
16 **BE A BAR TO THE FILLING BY THE FEMALE EMPLOYEE**
17 **OF A CIVIL SUIT FOR THE PAYMENT OF SALARIES OR**
18 **BENEFITS DUE HER.**

19 **“ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR**
20 **ABETS IN THE COMMISSION OF THE ACTS PROHIBITED**
21 **HEREIN OR WHO CAUSES THE COMMISSION OF ANY**
22 **SUCH ACTS BY ANOTHER SHALL BE LIABLE IN THE**
23 **SAME MANNER AS THE EMPLOYER.”**

24 *Sec. 3. Implementing Rules and Regulations.* – Within thirty (30) days
25 from the effectivity of this Act, the Secretary of Labor and Employment shall
26 promulgate the necessary rules and regulations for the effective
27 implementation of this Act.

28 *Sec. 4. Separability Clause.* – If any provision, section, or part of this
29 Act is declared unconstitutional or invalid, such judgement shall not affect,
30 invalidate, or impair any other provisions, sections, or parts hereof.

1 Sec. 5. *Repealing Clause.* – All laws, decrees, orders, issuances,
2 circulars, rules and regulations or parts thereof, which are inconsistent with
3 the provisions of this Act are hereby repealed or modified accordingly.

4 Sec. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in at least two (2) newspapers of general
6 circulation.

Approved,