

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



Senate
Office of the Secretary

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SENATE

S. No. 1827

RECEIVED BY: _____

Introduced by Senator MANUEL "LITO" M. LAPID

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

Economic inequality on the basis of gender or sex remains pervasive even with the protection provided by our Constitution, the Labor Code, and other statutes. As revealed by the World Economic Forum in the 2022 Global Gender Gap report, the Philippines ranks 19th out of the 146 countries in closing the gender gap in terms of economic participation. Although this shows progress already, it was also reported that gender parity is not recovering and it will take about 132 years to close the global gender gap. This can be seen in the huge gender pay gap, the proportion of female workers in management or high-ranking positions compared to that of male, among others. In 2019, the Philippines' female labor force participation was one of the lowest in the East Asia and Pacific region. This is in comparison to 76% of Filipino men in the labor force.

Addressing this issue would result in a more resilient, sustainable, and inclusive economy as gender equality can stimulate economic growth, boost private and public sector performance, and reduce income inequality. According to one article, an increase of women's labor supply by a mere 0.5 percentage point per year would

increase gross domestic product per capita by about 6% by 2040 and almost 10% by 2050.

Consistent with the protection enshrined in our Constitution to ensure equal work opportunities regardless of sex as well as in recognition of the role of women in nation building, this bill seeks to expand the prohibited acts of discrimination against women on account of sex by including the acts of favoring a male employee over a female employee with respect to assignment and dismissal or retrenchment solely on account of sex and of denying female employees the benefits of statutory benefits by reason of their sex.

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



MANUEL "LITO" M. LAPID
Senator



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THE “LABOR CODE OF THE PHILIPPINES”**

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

Section 1. Article 135 of Presidential Decree No. 442, as amended, otherwise known as the “Labor Code of the Philippines”, is hereby amended to read as follows:

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

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

(b) Favoring a male employee over a female employee with respect to **ASSIGNMENT**, promotion, **EMPLOYMENT 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
10 act as provided in this article or any violation of the rules and
11 regulations issued pursuant to Section 2 hereof shall be penalized
12 as provided in articles 288 and 289 of this Code: Provided, That
13 the institution of any criminal action under this provision shall not
14 bar the aggrieved employee from filing an entirely separate and
15 distinct action for money claims, which may include claims for
16 damages and other affirmative reliefs. The actions hereby
17 authorized shall proceed independently of each other.

18 **Section 2.** Article 137 of the Labor Code is hereby amended to read as follows:

19 *Art. 137. Prohibited acts.*

20 It shall be unlawful for any employer:

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

25 (2) To discharge such woman on account of her pregnancy [,]
26 or while on leave or **WHILE** in confinement due to her
27 pregnancy;

1 (3) To discharge or refuse the admission of such woman upon
2 returning to her work for fear that she may again be pregnant
3 [,] OR

4 (4) TO DENY ANY WOMAN THE BENEFITS OF
5 EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER
6 OUR LAWS BY REASON OF HER SEX.

7 ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY
8 MANNER TO COMMIT ANY OF THE ACTS PROHIBITED
9 UNDER THIS ARTICLE OR ANY RULE OR REGULATION
10 ISSUED PURSUANT THERETO SHALL, IN ADDITION TO
11 OTHER PENALTIES AS MAY BE PROVIDED BY LAW,
12 UPON CONVICTION, BE PUNISHED WITH A FINE OF NOT
13 LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT
14 NOT MORE THAN TWO HUNDRED THOUSAND PESOS
15 (P200,000.00), AND/OR SUFFER IMPRISONMENT
16 OF NOT LESS THAN ONE (1) YEAR BUT NOT MORE THAN
17 TWO (2) YEARS:

18 PROVIDED, THAT THE CONVICTION OR ACQUITTAL
19 OBTAINED BY THE EMPLOYER SHALL NOT BE A BAR TO
20 THE FILING BY THE FEMALE EMPLOYEE OF A CIVIL SUIT
21 FOR THE PAYMENT OF SALARIES OR BENEFITS DUE HER.

22 ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR
23 ABETS IN THE COMMISSION OF THE ACTS PROHIBITED
24 HEREIN OR WHO CAUSES THE COMMISSION OF ANY
25 SUCH ACTS BY ANOTHER SHALL BE LIABLE IN THE SAME
26 MANNER AS THE EMPLOYER.

27 **Section 3. Repealing Clause.** - All laws, executive orders, decrees, instructions,
28 rules and regulations contrary or inconsistent with any provision of this Act are hereby
29 amended, repealed or modified accordingly.

1 **Section 4. – Effectivity Clause.** - This Act shall take effect fifteen (15) days
2 after its publication in the *Official Gazette* or in a newspaper of general circulation.

3 *Approved,*