

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



Office of the Secretary

22 JUL 28 P5 22

RECEIVED BY: _____

SENATE

S. B. NO. 931

Introduced by Senator JOEL VILLANUEVA

**AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION
AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE
PURPOSE ARTICLES 133 [135] AND 135 [137] OF PRESIDENTIAL
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE
LABOR CODE OF THE PHILIPPINES**

EXPLANATORY NOTE

As presently worded, the Labor Code of the Philippines already prohibits certain acts of discrimination against women. In particular, the Labor Code prohibits the payment of lesser compensation to a female as against a male employee, for work of equal value, as well as favoring a male over a female employee with respect to promotion, training opportunities, study, and scholarship grants solely on account of their sexes. In addition, employers are prohibited from denying any woman employee benefits provided for under the Labor Code, or discharging any woman employee for the purpose of preventing her from enjoying any of the benefits provided under the Code; discharging such women employees on account of pregnancy, or while on leave or in confinement due to pregnancy; and discharging or refusing the admission of women employees upon returning to work for fear that they may again be pregnant.

While the inclusion of these provisions in the Labor Code was a laudable effort to ensure the protection of women in the workplace and guarantee their equal treatment by employers, it is necessary to revisit the scope of the prohibited acts of discrimination under the Labor Code, especially considering that approximately 39.3% of women currently form part of the Philippine labor force.¹ Furthermore, updating and expanding existing protections for women is consistent with Article XIII,


¹ 2022. Labor force, female (% of total labor force - Philippines). World Bank. Available at <https://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?locations=PH> (date last accessed: July 26, 2022).

Section 14 of the 1987 Constitution, which provides that the State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

This bill seeks to expand the existing prohibitions under the Labor Code to include the following prohibitions: favoring a male employee over a female employee with respect to assignment and dismissal or retrenchment solely on account of their sexes; and denying women the benefits of employment or statutory benefits by reason of their sex. This bill likewise imposes a specific criminal penalty on employers who commit any of the prohibited acts of discrimination, as well as employees or persons who aid or abet in the commission of such acts.

In a recent report, the Global Gender Gap Index of the World Economic Forum found that the gender gap in the Philippines is at 21.7%, exhibiting no improvement from its gender gap from 2021 to 2022.² This bill is a step towards bridging this gender gap.

Thus, the passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

² July 22, 2022. Philippines slides down in annual gender gap index. PhilStar. Available at <https://www.philstar.com/business/2022/07/22/2197250/philippines-slides-down-annual-gender-gap-index> (date last accessed: July 26, 2022).



Senate
Office of the Secretary

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

22 JUL 28 P5:22

RECEIVED BY: _____

SENATE

S. B. NO. 931

Introduced by Senator JOEL VILLANUEVA

AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION
AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR
THE PURPOSE ARTICLES 133 [135] AND 135 [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 133 [135] of Presidential Decree No. 442, as
2 amended, otherwise known as the Labor Code of the Philippines, is hereby
3 amended to read as follows:

4
5 “ARTICLE 135. *Discrimination Prohibited.* - It shall be unlawful
6 for any employer to discriminate against any woman employee
7 with respect to terms and conditions of employment solely on
8 account of her sex. The following are acts of discrimination:

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

14
15 (b) Favoring a male employee over a female employee with
16 respect to promotion, **ASSIGNMENT**, training opportunities,
17 study and scholarship grants solely on account of their
18 sexes[.]; AND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

(C) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF ANY RETRENCHMENT, REDUNDANCY OR SIMILAR POLICY OF THE EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES AND REPRODUCTIVE FUNCTION AND POTENTIAL.

Criminal liability for the willful commission of any unlawful act as provided in this Article or any violation of the rules and regulations issued pursuant to Section 2 hereof shall be penalized as provided in Articles 303 and 304 of this Code: *Provided*, That the institution of any criminal action under this provision shall not bar the aggrieved employee from filing an entirely separate and distinct action for money claims, which may include claims for damages and other affirmative reliefs. The actions hereby authorized shall proceed independently of each other.”

SEC. 2. Article 135 [137] of the Labor Code is hereby amended to read as follows:

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

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

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

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

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

ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO COMMIT ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR ANY RULE OR REGULATION ISSUED PURSUANT THERETO SHALL, IN ADDITION TO OTHER PENALTIES AS MAY BE PROVIDED BY LAW, UPON CONVICTION, BE PUNISHED BY A FINE OF UP TO FIFTY THOUSAND PESOS (P50,000.00): PROVIDED, THAT THE CONVICTION OR ACQUITTAL OBTAINED BY THE EMPLOYER SHALL NOT BE A BAR TO THE FILING BY

1 THE FEMALE EMPLOYEE OF A CIVIL SUIT FOR THE
2 PAYMENT OF SALARIES OR BENEFITS DUE HER.

3
4 ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR
5 ABETS IN THE COMMISSION OF THE ACTS PROHIBITED
6 HEREIN OR WHO CAUSES THE COMMISSION OF ANY
7 SUCH ACTS BY ANOTHER SHALL BE LIABLE IN THE
8 SAME MANNER AS THE EMPLOYER.”
9

10 **SEC. 3. *Implementing Rules and Regulations.*** - Within thirty (30)
11 days from the effectivity of this Act, the Secretary of Labor and Employment,
12 in consultation with the Tripartite Industrial Peace Council and other relevant
13 stakeholders, shall issue the necessary rules and regulations to implement
14 the provisions of this Act.

15
16 **SEC. 4. *Separability Clause.*** - If any provision of this Act is declared
17 unconstitutional, the same shall not affect the validity and effectivity of the
18 other provisions hereof.

19
20 **SEC. 5. *Repealing Clause.*** - All laws, executive orders, presidential
21 decrees, presidential proclamations, rules and regulations or parts thereof
22 inconsistent with the provisions of this Act are hereby repealed or modified
23 accordingly.

24
25 **SEC. 6. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
26 after its publication in the Official Gazette or in at least two (2) newspapers of
27 general circulation.

28
29 **Approved,**