

SIXTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session



Senate  
Office of the Secretary

14 MAY -5 P5:04

SENATE

Senate Bill No. 2197

RECEIVED BY: *ji*

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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AN ACT  
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST  
WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE  
ARTICLES 135 AND 137 OF P.D. 442, AS AMENDED, OTHERWISE KNOWN  
AS THE LABOR CODE OF THE PHILIPPINES

EXPLANATORY NOTE

Section 14, Article II of the Philippine Constitution explicitly stipulates the fundamental equality between women and men, recognizing the women's role in nation building. In response to the United Nations Decade for Women (1976-1985), which focused the world's attention on the situation of women as it brought to fore the various problems and issues confronting them in countries of various stages of development, the Philippine government ratified the United Nations Convention and the Elimination of All Forms of Discrimination Against Women, one of the most important documents that resulted from the Women's Decade.

However, Filipino women, like other women all over the world, still continue to share essentially the same burden. They are confronted by a legacy of structures of inequality that are reinforced by structures and perceptions that produce a seemingly unending cycle. This situation retards the pace of their personal development, *relegates them largely to the reproductive spheres of life*, affords them minimal chances or fails to harness their full potential for national development. This cycle must be broken if women are to be effectively mobilized for development (PLAN FRAMEWORK of the Philippine Plan for Gender-Responsive Development 1995-2025, National Commission on the Role of Filipino Women).

Because of the under-valuation of women's work, the tasks that are related to housework, child rearing and family care are largely taken for granted and perceived as minor functions that are once in a while given patronizing importance but are generally seen as "natural" functions that have no direct contributions to societal development.

This situation is carried over to the public economic domain where women are the last to be hired and the first to be fired while at the same time receiving unequal pay for work of equal value. In the private sector, the Department of Labor and Employment (DOLE) study shows a disparity of more than a thousand pesos per month between male and female workers, the gap increasing

significantly from unskilled to managerial and supervisory levels (DOLE-Institute of Labor Studies, 1991).

Unequal pay is further aggravated by different access to opportunities. Studies have shown, for instance, the females tend to be given limited access, relative to males, to training opportunities and concomitantly to promotions. A DOLE-ILS study in 1991 found out that male workers receive training more frequently, have more fringe benefits, and are promoted more than often than female workers.

As the Philippines moves towards aiming for the full realization of gender-responsive development, legislation is needed to ensure that enabling mechanisms are created to fulfill the equality stipulated by the Constitution, as well the UN Convention on the Elimination of All Forms of Discrimination Against Women, which our government has committed to in its ratification.

The Bill seeks to be one such mechanism, as it seeks to amend certain provisions of the Labor Code by expanding the prohibited acts of discrimination against women on account of their gender.

In view of the foregoing, the immediate approval of this bill is sought in earnest.



**JINGGOY EJERCITO ESTRADA**  
Senator



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

**SECTION 1.** Article 135 of the Labor Code, as amended, is hereby further  
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 of  
employment solely on account of her sex.

"The following are acts of discrimination:

- (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; [and]
- (b) Favoring a male employee over a female employee with  
respect to promotion, ASSIGNMENT, training  
opportunities, study and scholarship grants solely on  
account of their sexes.
- (c) GIVING PREFERENCE TO A MALE EMPLOYEE OVER  
A FEMALE EMPLOYEE IN THE HIRING PROCESS,  
WHETHER THROUGH NOTICES, ANNOUNCEMENTS,  
OR ADVERTISEMENTS FOR EMPLOYMENT AND  
APPRENTICESHIP OR IN THE ACTUAL  
RECRUITMENT, HIRING, OR EMPLOYMENT OF  
WORKERS WHERE THE PARTICULAR JOB CAN BE  
EQUALLY HANDLED BY A WOMAN; AND
- (d) FAVORING A MALE EMPLOYEE OVER A FEMALE  
EMPLOYEE WITH RESPECT TO DISMISSAL OF  
PERSONNEL OR THE APPLICATION OF THE FIRST

IN – FIRST OUT OR OTHER RETRENCHMENT  
POLICY OF THE EMPLOYER."

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

"Art 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 women 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; AND
- (4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER OUR LAWS BY REASON OF HER GENDER."

**SEC. 3.** Within thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment, in consultation with the Tripartite Industrial Council, shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

**SEC. 4.** All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act.

**SEC. 5.** This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of national circulation, whichever comes earlier.

*Approved,*