

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
FIFTEENTH CONGRESS

HOUSE BILL No. 2591

Introduced by: REPRESENTATIVE IMELDA CALIXTO-RUBIANO

Explanatory Note

On 15 February 2010, Republic Act No. 9994, otherwise known as "The Expanded Senior Citizens Act of 2010", was signed into law. It expanded the coverage of the benefits accorded to the elderly that includes a twenty percent (20%) discount and exemption from value added tax (VAT) in the sale and availment of certain goods and services. It also addressed other concerns such as the provision of senior citizens ward in hospitals, social pension for indigent Senior Citizens, mandatory coverage of PhilHealth, access to formal and non-formal education, and the establishment of the Office of Senior Citizens Affairs all over the country.

The new law also mandates that the government assist the elderly should they desire to be re-employed or be part of the work force through programs such as job matching. Moreover, companies that employ senior citizens will be given tax incentives.

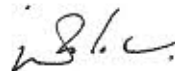
However, it is observed that while the new law encourages private entities to hire senior citizens in their employ, it does not penalize refusal on the part of private companies to hire elderly persons. This is simply equates to discrimination on account of old age. Thus, this proposed measure seeks to address this concern.

The 1987 Constitution is against discrimination. Congress passed laws that prohibits discrimination on account of gender such as the Anti-Violence Against Women Act and the Magna Carta for Women. But so far, Congress has not passed any legislation prohibiting discrimination on account of age.

Age discrimination is a reality in the Philippines. Browse through recruitment ads and one will find age as a requirement for employment. And most often, the age ceiling is 40 years old. This effectively bans the 40, 50 and 60 year olds from employment opportunities however able they may be.

The United States addressed age discrimination a long time ago. In 1967, they passed the Age Discrimination in Employment Act which makes it illegal to discriminate against age. It covers a protected class of persons aged 40 to 70. Among others, it provides that an employer cannot refuse to hire or employ someone based on age or cannot indicate a preference, limitation or discrimination based on age.

Our country, after passing those laws for the benefit of our senior citizens must take its next step: Pass a law against age discrimination.



IMELDA CALIXTO-RUBIANO
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Introduced by: REPRESENTATIVE IMELDA CALIXTO-RUBIANO

**AN ACT PROHIBITING DISCRIMINATION ON ACCOUNT OF AGE
IN EMPLOYMENT PROVIDING PENALTIES THEREFOR
AND FOR OTHER PURPOSES**

Section 1. *Short Title.* This Act shall be known as the "Anti-Age Discrimination Act of 2010".

Section 2. *Declaration of Policy.* It is hereby declared a policy of the State to work for the elimination of all forms of discrimination. Certain acts particularly described herein shall be penalized.

Section 3. *Prohibited Practices.* Except those prohibitions against the employment of minors, it is hereby declared unlawful for any person, group, institution, agency, or any establishment to:

- a. Make age as a requirement for employment;
- b. Place advertisements which list age as a requirement for employment;
- c. Lower retirement age other than those prescribed in the Constitution for the Judiciary and the retirement age for the PNP and the Armed Forces;
- d. Refuse to hire a person because of advance age; and/or
- e. Indicate age preference as a condition for employment.

Section 4. *Penalties.* – Persons found guilty of any of the unlawful practices enumerated in the preceding Section shall be penalized with a fine of not less than Ten Thousand Pesos (PhP10,000.00) or imprisonment of not less than one (1) month but not more than one (1) year, or both at the discretion of the court.

The penalty contained herein is without prejudice to the award of damages to the aggrieved party, as may be proven during the trial. The institution of a criminal action shall impliedly include the civil action, unless a separate civil action has been filed or a reservation for the filing of such action is made.

Section. 5. *Implementing Rules.* One month after the enactment of this law, the Department of Labor and Employment (DOLE), shall promulgate the implementing rules and regulations (IRR) for the effective implementation of this Act.

Section 6. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,