

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 3580

Introduced by **Hon. Rodolfo G. Biazon**

EXPLANATORY NOTE

Employers, trade union leaders and labor officials are one in saying that there are good laws against discrimination but the problem lies in their enforcement. That public policy abhors inequality and discrimination is beyond contention. Our Constitution and laws reflect the policy against these evils.

The Constitution, in Section 1, Article XIII, exhorts Congress to *"give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities."*

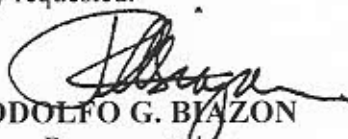
Article 19 of the Civil Code requires every person to, *"in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith."* Similarly, the Labor Code, in Article 3, also provides that the State shall *"ensure equal work opportunities regardless of sex, race or creed."*

Experts warned about new forms of discrimination that had emerged in recent years. Some of these forms have been observed in the Philippines, including discrimination against graduates of schools other than the country's top four or five universities, and prejudice against an aging work force.

While we cannot blame employers for wanting to hire young employees and those who are graduates of certain educational institutions, this should not come at the expense of other prospective employees whose only flaw is not being a graduate of a renowned school or university or being older than what companies require. This is tantamount to entry-point discrimination, which should not be the case. What employers need to look at are the capacity, capability and merit of an applicant.

As embodied in the Constitution, Congress should have the highest priority and duty to respond to this kind of social ill in order to restore balance and harmony. It is high time for Congress to enact a definite law prohibiting entry-point discrimination to arrest further social ills that may arise from this situation. Though this may not solve all our country's woes, at least it is a step towards our improvement as a nation.

For these reasons, immediate approval of this bill is earnestly requested.


RODOLFO G. BIAZON
Representative
Lone District, Muntinlupa City

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AN ACT

PROHIBITING DISCRIMINATION IN THE HIRING OF EMPLOYEES OR WORKERS IN GENERAL WITH REGARD TO THEIR AGE AND EDUCATIONAL INSTITUTION FROM WHICH THEY EARNED THEIR DEGREES, AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the protection of those in the labor sector, promote full employment, and ensure equal work opportunities regardless of age or educational institution from which one earned his/her degree.

Sec. 2. *Prohibition Against Entry-Point Discrimination.* – No employer shall refuse to hire prospective employees or workers for reason of age – unless such age is inimical to the work to be performed, or educational institution from which they graduated.

Sec. 3. *Prohibition on Advertisements and/or Job Postings.* – Advertisements and/or job postings stating a preference in hiring graduates of a certain educational institution over others shall be prohibited. Likewise, those stating preferences for any age/age bracket shall be prohibited.

Any media outfit that allows publication or airing of such advertisements shall be dealt with a fine of not less than ten thousand pesos (P10,000.00) for each instance.

Sec. 4. *Duty of the Secretary of Labor.* – The Secretary of the Department of Labor and Employment shall have the duty, among others, to monitor, report, admonish and recommend, if necessary, the closure of any firm, company, or establishment found to be in violation of this Act.

Sec. 5. *Penalties.* – Without prejudice to the immediately preceding section, any violation of the provisions of this Act shall be dealt with a fine of not less than Ten Thousand Pesos (P10,000.00) or imprisonment of not less than three (3) months nor more than three (3) years, or both such fine and imprisonment at the discretion of the court.

Sec. 6. *Implementing Rules and Regulations.* – The Secretary of Labor shall formulate the rules and regulations necessary for the effective implementation of this Act.

Sec. 7. *Amending and Repealing Clause.* – All other laws, decrees, orders, rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 8. *Separability Clause.* – If, for any reason, any section or provision of this act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

Sec. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation or the Official Gazette.

Approved,