



HOUSE OF REPRESENTATIVES

H. No. 4643

BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.), ANGARA,
GUNIGUNDO, YAP (S.), AUMENTADO, EVARDONE, HERRERA-DY,
MERCADO-REVILLA, GULLAS, TEODORO AND CASTELO, PER
COMMITTEE REPORT NO. 911

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

4 "ARTICLE 135. *Discrimination Prohibited.* - It shall be
5 unlawful for any employer to discriminate against any woman
6 employee with respect to terms and conditions of employment
7 solely on account of her sex.

8 "The following are acts of discrimination:

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

1 “(b) Favoring a male employee over a female employee with
2 respect to promotion, ASSIGNMENT, training opportunities, study
3 and scholarship grants solely on account of their sexes[.]; AND

4 “(C) FAVORING A MALE EMPLOYEE OVER A FEMALE
5 EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE
6 APPLICATION OF ANY RETRENCHMENT POLICY OF THE
7 EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES.

8 “Criminal liability for the willful commission of any unlawful
9 act as provided in this Article or any violation of the rules and
10 regulations issued pursuant to Section 2 hereof shall be penalized
11 as provided in Articles 288 and 289 of this Code: *Provided*, That
12 the institution of any criminal action under this provision shall not
13 bar the aggrieved employee from filing an entirely separate and
14 distinct action for money claims, which may include claims for
15 damages and other affirmative reliefs. The actions hereby
16 authorized shall proceed independently of each other.”

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

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

21 “(1) To deny any woman employee the benefits provided for
22 in this Chapter or to discharge any woman employed by him for the
23 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 in confinement due to her pregnancy;

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

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

7 **“ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY
8 MANNER TO COMMIT ANY OF THE ACTS PROHIBITED UNDER THIS
9 ARTICLE OR ANY RULE OR REGULATION ISSUED PURSUANT
10 THERETO SHALL, IN ADDITION TO OTHER PENALTIES AS MAY BE
11 PROVIDED BY LAW, UPON CONVICTION, BE PUNISHED BY A FINE
12 OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT
13 NOT MORE THAN TWO HUNDRED THOUSAND PESOS
14 (P200,000.00), AND SUFFER IMPRISONMENT OF NOT LESS THAN
15 TWO (2) YEARS BUT NOT MORE THAN FOUR (4) YEARS:
16 **PROVIDED, THAT THE CONVICTION OR ACQUITTAL OBTAINED BY
17 THE EMPLOYER SHALL NOT BE A BAR TO THE FILING BY THE
18 FEMALE EMPLOYEE OF A CIVIL SUIT FOR THE PAYMENT OF
19 SALARIES OR BENEFITS DUE HER.****

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

25 **SEC. 3. *Implementing Rules and Regulations.*** – Within thirty (30)
26 days from the effectivity of this Act, the Secretary of Labor and Employment,
27 in consultation with the Tripartite Industrial Peace Council, shall issue and
28 publish the necessary rules and regulations to implement the provisions of this
29 Act.

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

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

8 SEC. 6. *Effectivity Clause.* -- This Act shall take effect fifteen (15)
9 days after its complete publication in the *Official Gazette* or in a newspaper of
10 general circulation.

Approved,

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