



HOUSE OF REPRESENTATIVES

H. No. 6769

BY REPRESENTATIVES AGLIPAY-VILLAR, REVILLA, SUANSING (E.),
SUANSING (H.), TING, GO (M.), MENDING, VELOSO,
VILLAFUERTE, TAMBUNTING, MACAPAGAL-ARROYO, ANDAYA,
DEL MAR, SANGCOPAN, SALO AND LACSON, PER COMMITTEE
REPORT NO. 507

AN ACT EXPANDING THE PROHIBITION OF
DISCRIMINATORY ACTS AGAINST WOMEN ON
ACCOUNT OF SEX, AMENDING FOR THE PURPOSE
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 of the Labor Code of the Philippines is
2 hereby amended to read as follows:

3 "ART. 133. *Discrimination Prohibited.* - It shall
4 be unlawful for any employer to discriminate against
5 any woman employee with respect to terms and
6 conditions of employment solely on account of her sex.

7 "The following are acts of discrimination:

8 "(a) Payment of a lesser compensation, including
9 wage, salary or other form of remuneration and fringe

1 benefits[,] to a female employee as against a male
2 employee for work of equal value; [and]

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

7 “(C) FAVORING A MALE EMPLOYEE OVER A
8 FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF
9 PERSONNEL OR THE APPLICATION OF ANY
10 RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON
11 ACCOUNT OF THEIR SEX.”

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

23 SEC. 2. Article 135 of Labor Code of the Philippines is hereby
24 amended to read as follows:

25 “ART. 135. *Prohibited Acts*. – It shall be unlawful
26 for any employer:

27 “(1) To deny any woman employee the benefits
28 provided for in this Chapter or to discharge any woman

1 [employed by him] EMPLOYEE for the purpose of
2 preventing her from enjoying any of the benefits
3 provided under this Code;

4 "(2) To discharge such woman on account of her
5 pregnancy[,] or while on leave or in confinement due to
6 her pregnancy;

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

10 "(4) TO DENY ANY WOMAN THE EMPLOYMENT
11 BENEFITS PROVIDED UNDER OUR LAWS BY REASON OF
12 HER SEX."

13 SEC. 3. A new article denominated as Article 135-A is hereby
14 added after Article 135 to read as follows:

15 "ART. 135-A. *PENALTIES.* - ANY EMPLOYER WHO
16 COMMITS ANY OF THE ACTS PROHIBITED IN ARTICLES
17 133 AND 135 SHALL, IN ADDITION TO OTHER PENALTIES
18 AS MAY BE PROVIDED BY LAW, UPON CONVICTION, BE
19 PUNISHED WITH A FINE OF NOT LESS THAN FIFTY
20 THOUSAND PESOS (P50,000.00) NOR MORE THAN TWO
21 HUNDRED THOUSAND PESOS (P200,000.00) OR
22 IMPRISONMENT OF NOT LESS THAN THREE (3) MONTHS
23 NOR MORE THAN THREE (3) YEARS OR BOTH SUCH FINE
24 AND IMPRISONMENT AT THE DISCRETION OF THE
25 COURT: *PROVIDED*, THAT THE INSTITUTION OF ANY
26 CRIMINAL ACTION SHALL NOT BAR THE AGGRIEVED
27 EMPLOYEE FROM FILING AN ENTIRELY SEPARATE AND
28 DISTINCT ACTION FOR MONEY CLAIMS WHICH MAY
29 INCLUDE CLAIMS FOR DAMAGES AND OTHER

1 AFFIRMATIVE RELIEFS. THE ACTIONS HEREIN
2 AUTHORIZED SHALL PROCEED INDEPENDENTLY OF
3 EACH OTHER.

4 "IN ADDITION TO SUCH PENALTY, ANY ALIEN
5 FOUND GUILTY SHALL BE SUMMARILY DEPORTED UPON
6 COMPLETION OF SERVICE OF SENTENCE.

7 "ANY EMPLOYEE OR PERSON WHO WILLFULLY
8 AIDS OR ABETS IN THE COMMISSION OF THE ACTS
9 PROHIBITED IN ARTICLES 133 AND 135 OR WHO CAUSES
10 THE COMMISSION OF ANY SUCH ACTS BY ANOTHER
11 SHALL BE LIABLE IN THE SAME MANNER AS THE
12 EMPLOYER.

13 "IF THE OFFENSE IS COMMITTED BY A
14 CORPORATION, TRUST, FIRM, PARTNERSHIP,
15 ASSOCIATION OR ANY OTHER ENTITY, THE PENALTY
16 SHALL BE IMPOSED UPON THE GUILTY OFFICER OR
17 OFFICERS OF SUCH CORPORATION, TRUST, FIRM,
18 PARTNERSHIP, ASSOCIATION OR ENTITY."

19 SEC. 4. *Repealing Clause.* - All laws, decrees, orders, rules
20 and regulations, and other issuances or parts thereof which are
21 inconsistent with the provisions of this Act are hereby repealed or
22 amended accordingly.

23 SEC. 5. *Effectivity.* - This Act shall take effect fifteen (15)
24 days after its publication in the *Official Gazette* or in any newspaper
25 of general circulation.

Approved,

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