



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7722
in substitution of House Bills Numbered 278 and 6463

Introduced by Representatives Michael Edgar Y. Aglipay, John Marvin "Yul Servo" C. Nieto, Ruth Mariano-Hernandez, Eric Go Yap, Jocelyn Pua Tulfo, Rowena Niña O. Taduran, Enrico A. Pineda, Mark O. Go, Ma. Theresa V. Collantes, Leonardo L. Babasa Jr., Fernando T. Cabredo, Cheryl P. Deloso-Montalla, Ferdinand R. Gaite, Lawrence "Law" H. Fortun, Loren Legarda and Edward Vera Perez Maceda

AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION 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 the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** - Article 135 of Presidential Decree No. 442, as amended, otherwise known as
2 the "Labor Code of the Philippines", is hereby amended to read as follows:

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4 "Article 135. *Discrimination Prohibited.* - It shall be unlawful for any employer to
5 discriminate against any woman employee with respect to terms and conditions
6 of employment solely on account of her sex **OR CHARACTERISTICS OF HER SEX,**
7 **WHETHER ACTUAL OR PRESUMED.**

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9 "The following are acts of discrimination:

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

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15 "(b) Favoring a male employee over a female employee with respect to

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1 promotion, **ASSIGNMENT**, training opportunities, study and scholarship grants
2 solely on account of their **SEX OR CHARACTERISTICS OF THEIR SEX, WHETHER**
3 **ACTUAL OR PRESUMED; AND**

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5 **“(C) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT**
6 **TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF ANY RETRENCHMENT**
7 **POLICY OF THE EMPLOYER SOLELY ON ACCOUNT OF THEIR SEX OR**
8 **CHARACTERISTICS OF THEIR SEX, WHETHER ACTUAL OR PRESUMED.**

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

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

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21 “Article 137. *Prohibited Acts.* - It shall be unlawful for any employer:

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23 “(1) To deny any woman employee the benefits provided for in this Chapter or to
24 discharge any woman employed [by him] for the purpose of preventing her from
25 enjoying any of the benefits provided under this Code;

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27 “(2) To discharge such woman on account of her pregnancy[,] or while on leave
28 or **WHILE** in confinement due to her pregnancy;

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

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

35
36 **“ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO COMMIT**
37 **ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR ANY RULE OR**
38 **REGULATION ISSUED PURSUANT THERETO SHALL, IN ADDITION TO OTHER**
39 **PENALTIES AS MAY BE PROVIDED BY LAW, UPON CONVICTION, BE PUNISHED**
40 **WITH A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT**
41 **NOT MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00),**
42 **AND/OR SUFFER IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR BUT NOT**
43 **MORE THAN TWO (2) YEARS: PROVIDED, THAT THE CONVICTION OR**
44 **ACQUITTAL OBTAINED BY THE EMPLOYER SHALL NOT BE A BAR TO THE FILING**

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BY THE FEMALE EMPLOYEE OF A CIVIL SUIT FOR THE PAYMENT OF SALARIES OR BENEFITS DUE HER.

"ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR ABETS IN THE COMMISSION OF THE ACTS PROHIBITED HEREIN OR WHO CAUSES THE COMMISSION OF ANY SUCH ACTS BY ANOTHER SHALL BE LIABLE IN THE SAME MANNER AS THE EMPLOYER."

SEC. 3. All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,