



HOUSE OF REPRESENTATIVES

H. No. 4479

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BY REPRESENTATIVES HERNANDEZ, NOGRALES (J.F.F.), CAJAYON-UY, TAN (K.M.), TY, YAP (C.),  
ARBISON, DE VENECIA, DUTERTE, LAGMAN, ACOP, BOSITA, CARI, GARDIOLA, GO (M.),  
LUISTRO, OLASO, ORDANES, ROBES, ROMAN, ROMULO, SANTOS, SORIANO, TARRIELA,  
TULFO (J.), VARGAS, VILLANUEVA, BROSAS, CASTRO (F.), MANUEL, DALIPE AND ROMUALDEZ (F.M.),  
PER COMMITTEE REPORT NO. 76

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**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 House of Representatives of the Philippines in  
Congress assembled:*

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

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

"The following are acts of discrimination:

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

"(b) Favoring a male employee over a female employee with respect to  
**ASSIGNMENT**, promotion, **EMPLOYMENT BENEFITS**, training  
opportunities, study and scholarship grants solely on account of their  
**SEX OR CHARACTERISTICS OF THEIR SEX, WHETHER ACTUAL**  
**OR PRESUMED; AND**

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1           "(C) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE  
2           WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE  
3           APPLICATION OF ANY RETRENCHMENT POLICY OF THE  
4           EMPLOYER SOLELY ON ACCOUNT OF THEIR SEX OR  
5           CHARACTERISTICS OF THEIR SEX, WHETHER ACTUAL OR  
6           PRESUMED.  
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8           "Criminal liability for the willful commission of any unlawful act as  
9           provided in this article or any violation of the rules and regulations  
10          issued pursuant to Section 2 hereof shall be penalized as provided in  
11          Articles 288 and 289 of this Code: Provided, That the institution of any  
12          criminal action under this provision shall not bar the aggrieved  
13          employee from filing an entirely separate and distinct action for money  
14          claims, which may include claims for damages and other affirmative  
15          reliefs. The actions hereby authorized shall proceed independently of  
16          each other."  
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19          **SEC. 2.** Article 137 of the Labor Code is hereby amended to read as  
20          follows:  
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22          "Article 137. Prohibited Acts. - It shall be unlawful for any employer:  
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24          "(1) To deny any woman employee the benefits provided for in this  
25          Chapter or to discharge any woman employed [by him] for the purpose of  
26          preventing her from enjoying any of the benefits provided under this  
27          Code;  
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29          "(2) To discharge such woman on account of her pregnancy [.] or while  
30          on leave or **WHILE** in confinement due to her pregnancy;  
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32          "(3) To discharge or refuse the admission of such woman upon returning  
33          to her work for fear that she may again be pregnant [.] OR  
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35          **"(4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR OTHER  
36          STATUTORY BENEFITS UNDER OUR LAWS BY REASON OF HER SEX.**  
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38          "ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO  
39          COMMIT ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR ANY  
40          RULE OR REGULATION ISSUED PURSUANT THERETO SHALL, IN  
41          ADDITION TO OTHER PENALTIES AS MAY BE PROVIDED BY LAW, UPON  
42          CONVICTION, BE PUNISHED WITH A FINE OF NOT LESS THAN FIFTY  
43          THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN TWO HUNDRED  
44          THOUSAND PESOS (P200,000.00), AND/OR SUFFER IMPRISONMENT  
45          OF NOT LESS THAN ONE (1) YEAR BUT NOT MORE THAN TWO (2)  
46          YEARS: PROVIDED, THAT THE CONVICTION OR ACQUITTAL OBTAINED  
47          BY THE EMPLOYER SHALL NOT BE A BAR TO THE FILING BY THE  
48          FEMALE EMPLOYEE OF A CIVIL SUIT FOR THE PAYMENT OF SALARIES

1 OR BENEFITS DUE HER.

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3 "ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR ABETS IN THE  
4 COMMISSION OF THE ACTS PROHIBITED HEREIN OR WHO CAUSES THE  
5 COMMISSION OF ANY SUCH ACTS BY ANOTHER SHALL BE LIABLE IN  
6 THE SAME MANNER AS THE EMPLOYER."  
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8 SEC. 3. All laws, executive orders, presidential decrees, presidential  
9 proclamations, rules and regulations or parts thereof, inconsistent with the provisions  
10 of this Act, are hereby repealed or modified accordingly.  
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12 SEC. 4. This Act shall take effect fifteen (15) days after its publication in the  
13 *Official Gazette* or in a newspaper of general circulation.

Approved,