



HOUSE OF REPRESENTATIVES

H. No. 4479

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

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:

21 "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,