

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H.B. **1452**



Introduced by Rep. MAGTANGGOL T. GUNIGUNDO I

EXPLANATORY NOTE

There has been a marked increase in the number of women now working in a variety of jobs. At times, however, their entry and subsequent opportunities are dampened, if not altogether stopped, by discrimination. This is indeed a development that is surprising in a matriarchal society such as ours, considering that the Constitution is replete with provisions discouraging such practice, particularly Article II, Sections 10, 11, 12 and 14, and Article XIII, Section 14, which, in various ways protect and promote the welfare of women.

This situation makes it imperative to institute mechanisms that will provide equal employment opportunities for all, regardless of sex, which is one step towards departing from the prevailing social and economic inequity in the country. Gender bias, both in the recruitment and in the conditions of the workplace, bolsters the traditional perception of society that a woman's proper place is at home – a view that has become an obstacle to the employability of women.

In keeping with the belief that sex-based discrimination in employment should be eliminated, this bill seeks to amend Articles 135 and 137 of the Labor Code (PD 442, as amended) so as to expand the prohibited acts of discrimination against women, that it shall be unlawful for any employer to deny any woman the benefits of employment or other statutory benefits under our laws by reason of her sex.

In view that this bill has already been extensively discussed and approved by the Committee on Labor and Employment during the 14th Congress, its early passage is earnestly sought.


MAGTANGGOL T. GUNIGUNDO I
Representative
2nd District, Valenzuela City

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HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

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Introduced by Rep. Magtanggol T. Gunigundo I

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

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

4 "ART. 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
7 employment 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
12 equal value; [and]

13 (b) Favoring a male employee over a female employee
14 with respect to promotion, **ASSIGNMENT**, training
15 opportunities, study and scholarship grants solely on account
16 of their sexes [.] **AND**

17 **(C) FAVORING A MALE EMPLOYEE OVER A FEMALE**
18 **EMPLOYEE WITH RESPECT TO DISMISSAL OF**
19 **PERSONNEL OR THE APPLICATION OF ANY**
20 **RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON**
21 **ACCOUNT OF THEIR SEXES.**

1 Criminal liability for the willful commission of any
2 unlawful act as provided in this article or any violation of the
3 rules and regulations issued pursuant to Section 2 hereof
4 shall be penalized as provided in Articles 288 and 289 of this
5 Code: *Provided*, That the institution of any criminal action
6 under this provision shall not bar the aggrieved employee
7 from filing an entirely separate and distinct action for money
8 claims, which may include claims for damages and other
9 affirmative relief. The actions hereby authorized shall proceed
10 independently of each other."

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

13 "ART. 137. *PROHIBITED ACTS* - (a) It shall be unlawful
14 for any employer:

15 (1) To deny any woman employee the benefits provided
16 for in this Chapter or to discharge any woman employed by
17 him for the purpose of preventing her from enjoying any of
18 the benefits provided under this Code:

19 (2) To discharge such woman on account of her
20 pregnancy, or while on leave or in confinement due to her
21 pregnancy;

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

25 **(4) TO DENY ANY WOMAN THE BENEFITS OF**
26 **EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER**
27 **OUR LAWS BY REASON OF HER SEX."**

28 **SEC. 3. *Penalties.*** - Any employer who commits or attempts in
29 any manner to commit any of the acts herein prohibited shall, in addition
30 to other penalties as may be provided by law, upon conviction hereof, be
31 punished by a fine of not less than Fifty Thousand Pesos (P50,000.00),
32 but not more than Two Hundred Thousand Pesos (P200,000.00), and
33 suffer imprisonment of not less than two (2) years but not more than four
34 (4) years: *Provided*, That the conviction or acquittal obtained by the
35 employer shall not be a bar to the filing by the female employee of a civil
36 suit for the payment of salaries or benefits due her.

1 Any employee or person who willfully aids or abets in the
2 commission of the acts prohibited herein or who causes the commission
3 of any such acts by another shall be liable in the same manner as the
4 employer.

5 If the offender is not a Filipino citizen, he shall be deported
6 immediately upon service of the sentence imposed herein. If he is a
7 government official or employee, he shall be dismissed from the service
8 and shall serve the maximum penalty prescribed for the offense.

9 In the case of associations, partnerships or corporations, the
10 penalty shall be imposed on the partner, president, general manager,
11 branch manager or responsible officer responsible for the violation.

12 **SEC. 4. Implementing Rules and Regulations.** - Within thirty
13 (30) days from the effectivity of this Act, the Secretary of Labor and
14 Employment, in consultation with the Tripartite Industrial Peace Council,
15 shall issue and publish the necessary rules and regulations to implement
16 the provisions of this Act.

17 **SEC. 5. Separability Clause.** - If any provision of this Act is
18 declared unconstitutional, the same shall not affect the validity and
19 effectivity of the other provisions hereof.

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

24 **SEC. 7. Effectivity Clause.** - This Act shall take effect
25 fifteen (15) days after its complete publication in the *Official*
26 *Gazette* or in a newspaper of general circulation.

Approved,