



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
First Regular Session

COMMITTEE REPORT NO. 911

16 MAY 2011

Submitted by the Committee on Labor and Employment on _____
Re : House Bill No. **4643**
Recommending its approval, in substitution of House Bills Numbered 51, 421, 1452,
and 1692
Sponsors : Reps. Emil L. Ong, Rufus B. Rodriguez, Juan Edgardo "Sonny" M.
Angara, Magtanggol T. Gunigundo I, and Susan A. Yap

Mr. Speaker:

The Committee on Labor and Employment, to which were referred House Bill No. 51, introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez Jr., Erico B. Aumentado, Ben P. Evardone, and Bernadette R. Herrera-Dy, entitled:

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,

HB No. 421, introduced by Rep. Juan Edgardo "Sonny" M. Angara, entitled:

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,

HB No. 1452, introduced by Rep. Magtanggol T. Gunigundo I, entitled:

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

and HB No. 1692, introduced by Rep. Susan A. Yap, entitled:

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**

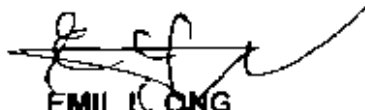
has considered the same and has the honor to report them back to the House of Representatives with the recommendation that the attached House Bill No. **4643**, entitled:

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 approved in substitution of House Bills No. 51, 421, 1452, and 1692 with the following as authors thereof: Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Juan Edgardo "Sonny" M. Angara, Magtanggol T. Gunigundo I, Susan A. Yap, Erico B. Aumentado, Ben P. Evardone, and Bernadette R. Herrera-Dy.

Respectfully submitted,



EMIL L. ONG

Chairman

Committee on Labor and Employment

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES**

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

HB No. 4643

Introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Juan Edgardo "Sonny" M. Angara, Magtanggol T. Gunigundo I, Susan A. Yap, Erico B. Aumentado, Ben P. Evardone, and Bernadette R. Herrera-Dy

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:

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:

"ART. 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.

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 promotion, **ASSIGNMENT**, training opportunities, study and scholarship grants solely on account of their sexes [.] **AND**

(C) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF ANY

1 **RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON**
2 **ACCOUNT OF THEIR SEXES.**

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

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

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

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

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

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

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

30 **ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN**
31 **ANY MANNER TO COMMIT ANY OF THE ACTS**
32 **PROHIBITED UNDER THIS ARTICLE OR ANY RULE OR**
33 **REGULATION ISSUED PURSUANT THERETO SHALL, IN**
34 **ADDITION TO OTHER PENALTIES AS MAY BE PROVIDED**
35 **BY LAW, UPON CONVICTION, BE PUNISHED BY A FINE**
36 **OF NOT LESS THAN FIFTY THOUSAND PESOS**
37

1 (P50,000.00), BUT NOT MORE THAN TWO HUNDRED
2 THOUSAND PESOS (P200,000.00), AND SUFFER
3 IMPRISONMENT OF NOT LESS THAN TWO (2) YEARS
4 BUT NOT MORE THAN FOUR (4) YEARS: *PROVIDED*,
5 THAT THE CONVICTION OR ACQUITTAL OBTAINED BY
6 THE EMPLOYER SHALL NOT BE A BAR TO THE FILING BY
7 THE FEMALE EMPLOYEE OF A CIVIL SUIT FOR THE
8 PAYMENT OF SALARIES OR BENEFITS DUE HER.

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

14
15 **SEC. 3. *Implementing Rules and Regulations.*** - Within thirty
16 (30) days from the effectivity of this Act, the Secretary of Labor and
17 Employment, in consultation with the Tripartite Industrial Peace Council,
18 shall issue and publish the necessary rules and regulations to implement
19 the provisions of this Act.

20 **SEC. 4. *Separability Clause.*** - If any provision of this Act is
21 declared unconstitutional, the same shall not affect the validity and
22 effectivity of the other provisions hereof.

23 **SEC. 5. *Repealing Clause.*** - All laws, executive orders,
24 presidential decrees, presidential proclamations, rules and regulations
25 or parts thereof inconsistent with the provisions of this Act are hereby
26 repealed or modified accordingly.

27 **SEC. 6. *Effectivity Clause.*** - This Act shall take effect fifteen
28 (15) days after its complete publication in the *Official Gazette* or in
29 a newspaper of general circulation.

Approved,

HOUSE OF REPRESENTATIVES

**Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.**

House Bill No. **51**

EXPLANATORY NOTE

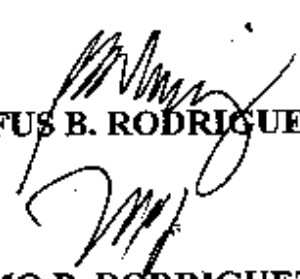
This bill was originally introduced as House Bill No. 3465 by the undersigned Rufus B. Rodriguez during the Fourteenth Congress. It was approved by the Committee on Labor and Employment as substitute House Bill No. 4375 under Committee Report No. 716, dated June 12, 2008. It was approved by the House of Representatives on September 9, 2009 and transmitted to the Senate on September 16, 2009 where it was not acted upon.

As enshrined in the Constitution, Article II, Section 14, "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." It likewise declares, "The State shall promote equality of employment opportunities for all." These State policies are elaborated in laws which give women equal legal status with men.

Notwithstanding the enactment of such laws, much has to be done to promote women's welfare and status. A study conducted by the Bureau of Women and Young Workers and the National Statistics Office revealed that women employees generally earn less than their male counterparts, they are predominantly in low-skilled jobs, and only a few of them advance to the top of the organizational hierarchy. Thus, one can see the disparities engendered by sexual discrimination. It is indeed a reality that calls for a positive and concerted action.

This proposed bill expands the scope of acts of discrimination by an employer against women as enumerated under Art. 135 of the Labor Code, as amended. The amendment seeks to encourage employers to recruit and hire more women in the workplace thereby eliminating the big stumbling block to women's employability, considering that there are more equally or even more talented, skilled and qualified women in the country today.

Early passage of this bill is then earnestly urged.


RUFUS B. RODRIGUEZ

MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

House Bill No. 51

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

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:*

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:

"ART. 135. Discrimination Prohibited. – It shall be unlawful for
any employer to discriminate against any woman employee with the
respect to terms and conditions of employment solely on account of her
sex.

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;
- (b) Favoring a male employee over a female employee with respect
to promotion, assignment, training opportunities, study and
scholarship grants solely on account of their sexes; and
- (c) Favoring a male employee over a female employee with respect
to dismissal of personnel or the application of any retrenchment
policy of the employer solely on account of their sexes.

Criminal liability for the willful commission of any unlawful act as
provided in this article or any violation of the rules and regulations

issued pursuant to Section 2 hereof shall be penalized as provided in Articles 288 and 289 of this Code: *Provided*, That the institution of any criminal action under this provision shall not bar the aggrieved employee from filing an entirely separate and distinct action for money claims, which may include claims for damages and other affirmative relief. The actions hereby authorized shall proceed independently of each other."

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

"ART. 137. Prohibited Acts. - (a) It shall be unlawful for any employer:

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

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

(3) To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant; or

(4) To deny any woman the benefits of employment or other statutory benefits under our laws by reason of her sex."

SEC. 3. Penalties. - Any employer who commits or attempts in any manner to commit any of the acts herein prohibited shall, in addition to other penalties as may be provided by law, upon conviction hereof, be punished by a fine of not less than Fifty Thousand Pesos (P50,000.00), but not more than Two Hundred Thousand Pesos (P200,000.00), and suffer imprisonment of not less than two (2) years but not more than four years: *Provided*, That the conviction or acquittal obtained by the employer shall not be a bar to the filing 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.

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

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

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

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

SEC. 6. Repealing Clause. – All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof. Inconsistent with provisions of this Act are hereby repealed or modified accordingly.

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

APPROVED,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 421

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

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 women the benefits of employment or other statutory benefits under our laws by reason of her sex, age, ethnic origin or beliefs or relations by affinity or consanguinity.

In view of the foregoing, the early passage of this bill is earnestly sought.



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

**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 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:

"ART. 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.

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 promotion, **ASSIGNMENT**, training opportunities, study and scholarship grants solely on account of their sexes[.]; **AND**

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

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

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

"ART. 137. Prohibited Acts. — (a) it shall be unlawful for any employer:

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

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

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

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

SEC. 3. Penalties. Any employer who commits or attempts in any manner to commit any of the acts herein prohibited shall, in addition to other penalties as may be provided by law, upon conviction hereof, be punished by a fine of not less than Fifty thousand pesos (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00), and suffer imprisonment of not less than two (2) years but not more than four (4) years: *Provided*, That the conviction or acquittal obtained by the employer shall not be a bar to the filing 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.

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

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

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

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

SEC. 6. Repealing Clause. 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. 7. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H.B. 1452

Introduced by Rep. MAGTANGGOL T. GUNIGUNDO I

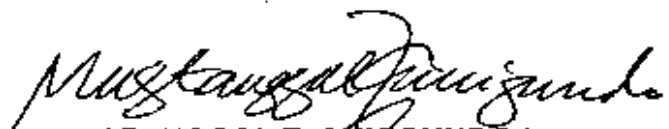
EXPLANATORY NOTE

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

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

HB No. 1452

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

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(C) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF ANY RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON 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
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17 him for the purpose of preventing her from enjoying any of
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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,

FIFTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 1692

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

It is undeniable that Filipinas have long been freed from the limiting stereotype of the submissive wife whose worth is measured by her prowess in the kitchen. Women have spread their wings and have conquered all fields which have previously been male-dominated, be it politics, sports, arts, academics, business or labor. As fitting recognition of the contribution of women, the 1987 Constitution includes a new provision for a right that has not been enshrined in the 1935 and 1973 Constitutions, to wit:

Section 14, Article II. The State recognizes the role of women in nation building, and shall ensure the fundamental equality before the law of women and men.

Meanwhile, in the international field, the Convention on the Elimination of All Forms of Discrimination against Women or CEDAW was adopted by the United Nations General Assembly on 18 December 1979, and entered into force on 3 September 1981. The Philippines became a party to the Convention on 05 August 1981. Presently, more than 100 States have become parties to the Convention. By ratifying the said Convention our government bound itself to protect Filipino women from inequalities and discrimination in the civil, economic, social, political, and cultural spheres.

The right of women (and men) to equal opportunities is also made explicit in Book 1 of the Labor Code, to wit:

"ART. 3. Declaration of basic policy. - The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work" (emphasis supplied)

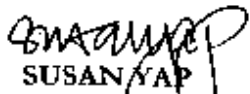
It is true that at first glance Section 1 of Article 135 and Section 2 of Article 137 of the Labor Code seem to champion affirmative action towards female employees. However, in practice, employers have in innumerable times tried and succeeded in circumventing the declared policy of ensuring equal work opportunities regardless of sex by discriminating women as early as the recruitment process. It is not uncommon for employers to indicate preference for male applicants in their advertisements or announcements or by specifying therein distinctly male attributes that not even material to a particular job which may be handled with equal competence by a female applicant.

Hence, it is but proper that the Labor Code be revised to address this practice and to help the government live up to its promise of upholding policies which seek to place women workers on equal footing with their male counterparts.

This bill expands the scope of acts of discrimination by an employer against women as enumerated under Art. 135 of the Labor Code, as amended. The amendment seeks to encourage employers to recruit and hire more women in the workplace thereby eliminating the big stumbling block to women's employability, considering that there are more equally or even more talented, skilled and qualified women in the country today.

This bill penalizes the employer who will give preference to a male employee over a female employee in the hiring process, whether through notices or advertisements for employment or in the actual recruitment, hiring or employment. Also, it prohibits the denial to any women the benefits of employment or other statutory benefits under our laws by reason of her sex.

In view of the foregoing, the passage of this bill is earnestly sought.


SUSAN YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 1692

Introduced by Representative Susan A. Yap

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 House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Article 136 of Presidential Decree No. 442, as amended. Otherwise
2 known as the Labor Code of the Philippines, is hereby further amended to read as
3 follows:

4
5 "ART. 136. *DISCRIMINATION PROHIBITED* - It shall be
6 unlawful for any employer to discriminate against any woman employee
7 with respect to terms and conditions of employment solely on account of
8 her sex.

9
10 The following are acts of discrimination:

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

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

19
20 (C) **GIVING PREFERENCE TO A MALE EMPLOYEE OVER A**
21 **FEMALE EMPLOYEE IN THE HIRING PROCESS, WHETHER**
22 **THROUGH NOTICES, ANNOUNCEMENTS, OR**
23 **ADVERTISEMENTS FOR EMPLOYMENT AND**
24 **APPRENTICESHIP OR IN THE ACTUAL RECRUITMENT,**
25 **HIRING OR EMPLOYMENT OF WORKERS WHERE THE**
26 **PARTICULAR JOB CAN BE EQUALLY HANDLED BY A**
27 **WOMAN, AND**

28
29 (D) **FAVORING A MALE EMPLOYEE OVER A FEMALE**
30 **EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL**
31 **OR THE APPLICATION OF THE FIRST IN - FIRST OUT OR**
32 **OTHER RETRENCHMENT POLICY OF THE EMPLOYER".**

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

10
11 SEC. 2. Article 137 of the Labor Code is hereby amended to read as follows:
12

13 "ART. 137. *PROHIBITED ACTS* - (a) It shall be unlawful for any
14 employer:
15

16 (1) To deny any woman employee the benefits provided for in this
17 Chapter or to discharge any woman employed by him for the purpose of
18 preventing her from enjoying any of the benefits provided under this
19 Code;
20

21 (2) To discharge such woman on account of her pregnancy, or
22 while on leave or in confinement due to her pregnancy;
23

24 (3) To discharge or refuse the admission of such woman upon
25 returning to her work for fear that she may again be pregnant [..]; OR
26

27 (4) **TO DENY ANY WOMAN THE BENEFITS OF**
28 **EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER**
29 **OUR LAWS BY REASON OF HER GENDER."**
30

31 SEC. 3. *Penalties*. - Any employer who commits or attempts in any manner to
32 commit any of the acts herein prohibited shall, in addition to other penalties as may be
33 provided by law, upon conviction hereof, be punished by a fine of not less than Fifty
34 Thousand Pesos (P50,000.00), but not more than Two Hundred Thousand Pesos
35 (P200,000.00), and suffer imprisonment of not less than two (2) years but not more than
36 four (4) years; *Provided*, That the conviction or acquittal obtained by the employer shall
37 not be a bar to the filing by the female employee of a civil suit for the payment of salaries
38 or benefits due her.
39

40 Any employee or person who willfully aids or abets in the commission of the acts
41 prohibited herein or who causes the commission of any such acts by another shall be
42 liable in the same manner as the employer.
43

44 If the offender is not a Filipino citizen, he shall be deported immediately upon
45 service of the sentence imposed herein. If he is a government official or employee, he
46 shall be dismissed from the service and shall serve the maximum penalty prescribed for
47 the offense.
48

49 In the case of associations, partnerships or corporations, the penalty shall be
50 imposed on the partner, president, general manager, branch manager or officer
51 responsible for the violation.
52

53 SEC. 4. *Implementing Rules and Regulations*. - Within thirty (30) days from the
54 effectivity of this Act, the Secretary of Labor and Employment, in consultation with the
55 Tripartite Industrial Peace Council, shall issue and publish the necessary rules and
56 regulations to implement the provisions of this Act.
57

1 **SEC. 5. *Separability Clause.*** - If any provision of this Act is declared
2 unconstitutional, the same shall not affect the validity and effectivity of the other
3 provisions hereof.
4

5 **SEC. 6. *Repealing Clause.*** - All laws, executive orders, presidential decrees,
6 presidential proclamations, rules and regulations or parts thereof inconsistent with the
7 provisions of this Act are hereby repealed or modified accordingly.
8

9 **SEC. 7. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
10 complete publication in the *Official Gazette* or in a newspaper of general circulation.
11

12 Approved,

~~MINUTES OF MEETING OF THE COMMITTEE ON LABOR AND EMPLOYMENT HELD ON~~
24 NOVEMBER 2010, 1:30 – 4:00 P.M. AT CONFERENCE ROOMS 9 & 10, MITRA BUILDING,
HOUSE OF REPRESENTATIVES, QUEZON CITY

GUESTS / RESOURCE PERSONS:

DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE):

Mr. Paul B. Cabugao Legislative Liaison Specialist

DOLE ATTACHED AGENCY:

Atty. Jamie Lynn Garcia National Wages and Productivity Commission (NWPC)

OTHER GOVERNMENT AGENCIES:

Ms. Socorro L. Caraig Chief, Regulation Section, Department of Tourism (DOT)

LABOR SECTOR:

Mr. Daniel Edralin Chairman, Alliance of Progressive Labor

Ms. Leny P. Ogarte Vice Pres., National Union of Workers in Hotels, Restaurants
and Allied Industries (NUWHRAIN)

Mr. Reynaldo Rasing Local President, NUWHRAIN, Dusit Hotel Nikko Chapter

Mr. Leonardo Desierto Alliance of Independent Unions in Hotel and Restaurant Sector

EMPLOYERS' GROUPS:

Atty. Francisco Nerida Legal Counsel, Federation of Filipino-Chinese Chamber of
Commerce and Industry (FFCCCI)

Mr. Humprey M. O'Leary President, Hotel and Restaurant Association of the Phil.
(HRAP)

Ms. Florence Silvala Representative, Via Mare Corp., HRAP Member

Ms. Melanie Gandawali Representative, El Cielito Hotel, HRAP Member.

I. CALL TO ORDER / ROLL CALL

Rep. Joseph Victor G. Ejercito, Acting Chairman, called the meeting to order at 1:59 p.m.
Upon motion of Rep. Magtanggol T. Gunigundo I, duly seconded, the calling of the roll was
dispensed with.

II. OPENING REMARKS OF THE CHAIRMAN

The Chairman informed the Members that the Committee will consider several committee reports on measures that were already approved during the Fourteenth Congress. He proceeded by asking the authors to discuss their respective measures.

III. CONSIDERATION AND APPROVAL OF DRAFT COMMITTEE REPORTS :

- A. HB NO. 165 RE: SETTING THE RETIREMENT AGE OF RACE HORSE JOCKEYS FROM 60 TO 55 YEARS, AUTHORED BY REP. MAGTANGGOL T. GUNIGUNDO I

Upon motion of Rep. Emmeline Aglipay, duly seconded by Rep Emmi De Jesus, the committee report on HB No. 165 was approved by the Committee.

- B. HBs. NO. 1384 AND 1453 RE: STRENGTHENING THE ADULT EDUCATION PROGRAM FOR WORKERS, AUTHORED BY REPS. EMMI A. DE JESUS, AND MAGTANGGOL T. GUNIGUNDO I

Upon motion of Rep. Aglipay, duly seconded by Rep. Gunigundo, the committee report on HBs No. 1384 and 1453 was approved by the Committee.

- C. HBs NO. 51, 421, 1452 AND 1692 RE: EXPANDING THE ACTS OF DISCRIMINATION AGAINST WOMEN IN THE WORKPLACE ON ACCOUNT OF SEX, AUTHORED BY REPS. RUFUS B. RODRIGUEZ, JUAN EDGARDO M. ANGARA, MAGTANGGOL T. GUNIGUNDO I, AND SUSAN A. YAP, RESPECTIVELY

Upon motion of Rep. Gunigundo, duly seconded by Rep. Aglipay, the committee report on HBs No. 51, 421, 1452 and 1692 was approved by the Committee.

- D. HBs NO. 589, AND 652 RE: EXPANDING THE EXEMPTIONS FROM NIGHTWORK PROHIBITION OF WOMEN EMPLOYEES, AUTHORED BY REPS. RUFUS B. RODRIGUEZ, AND JUAN EDGARDO M. ANGARA, RESPECTIVELY

Upon motion of Rep Gunigundo, duly seconded by Rep. Aglipay, the committee report on HBs No. 589 and 652 was approved by the Committee.

IV. DELIBERATION ON HOUSE BILL NO. 216, ENTITLED, "AN ACT REGULATING THE IMPOSITION OF SERVICE CHARGE BY HOTELS, RESTAURANTS AND OTHER SIMILAR ESTABLISHMENTS, AND FOR OTHER PURPOSES", AUTHORED BY REP. MAGTANGGOL T. GUNIGUNDO I

- Rep. Gunigundo explained that the objective of the measure is to regulate service charges imposed by hotels, restaurants and other similar establishments on their customers. Tipping, he said is an act of liberality and customers would not mind giving gratuity for good service. However, customers are forced to pay exorbitant service charge despite lousy service.
- He discussed the salient features of the bill such as the definition of the term "hotels, restaurants, and other similar establishments", the conditions and the limits of service charges to be imposed, and the corresponding penalties for violations.

- He added that there are complaints from customers whose bills come out much higher than the price indicated in the menu. The restaurant would argue that there is a notation in the menu stating that the prices are exclusive of the 12% value added tax (VAT) and service charges. Such practice by restaurants/hotels, he stressed, is unfair and borders on illegality. Customers, he said, should be allowed to make decisions based on complete information and should be able to make comparisons based on prices presented in a standard format.
- He concluded that hotels, restaurants and other similar establishments should not be given the liberty to charge unreasonable and exorbitant service charges; otherwise, it would be tantamount to unjust enrichment.
- Ms. Garcia of NWPC said that they interpose no objection to the proposed measure as it only expounds the provisions of the Labor Code on service charges. Ms. Socorro Carraig of the DOT also said that she supports the measure. However, as to the limit of the service charges to be imposed, this needs further deliberation.
- Mr. Daniel Edralin of APL traced the evolution of the imposition of service charge as a product of a collective effort by allied labor groups in the Alliance of Progressive Labor when the City of Manila, in 1974, passed an ordinance mandating the collection of 10% service charges from all hotels, restaurants, bars, nightclubs and other similar establishments. 90 % of the service charges collected were distributed to the workers, and 10% was retained by management. There had been attempts, he said, to abolish the service charge but the groups fought for it and the current status is a product of a tripartite conference where it was agreed that the issue of the collection of service charges would be a matter of collective bargaining.
- Mr. Edralin said that APL supports the proposal that the public must be informed of the imposition of service charges by establishments because some employers, due to marketing competition, do not fully publish what is going to be added to the bill and that some establishments use the same series of official receipts issued several times over.
- However, he cautioned about a possible negative effect of the proposed bill which is the evolution of two types of employees: one, those whose salaries will double or triple the current rate because their share in the service charge becomes a part of their basic salary; and two, the new employees that will be given only the current minimum wage. This possibility will endanger the security of tenure of the first type of employees as they may be laid off by the company in the future so that the service charges due them will become a part of the employers' profit.
- In closing, he proposed the mandatory collection of service charge to even-out the playing field or to legalize the 10% of the gross revenue of every concerned enterprise for the benefit of the employees.
- Ms. Leni P. Ogarte declared that the Century Park Hotel Employees Labor Union opposes the proposed bill on the ground that the 10% service charge is for the benefit of the workers. The proposal, she said, will diminish a large portion of the employees' income thus adversely affecting their families and the employees' capacity to pay taxes. She proposed to improve the quality of service to customers and not the reduction of the workers income.

- Mr. Reynaldo Rasing manifested that NUWHRAIN opposes the proposed bill as it undermines the struggle of workers. The service charge, he said, was implemented to augment the wages of workers in the industry which has been stagnant for a long time, and the enactment of the proposed measure will reduce the workers pay.
- Mr. Leonardo Desierto said that the hotel industry spends millions of pesos in training employees for efficient service to the customers and as a reward, the workers are given 10% service charge which augments their income. Service charge he said is being practiced in the United States (15% tip credit) and in Europe (trox system). Hence, to introduce the bill on account of a few complaints is unfair and not in keeping with the mandate of the Constitution. He also said that there is a provision in the Hotel Code not provided in the proposed bill which states that in the event that service charge is abolished, this must be integrated in their basic salary. Workers, he said, consider their services as property and as such, must not be deprived thereof without due process of the law. The enactment of the proposed measure will, in effect, be confiscatory.
- Mr. Humphrey O' Leary of HRAP pointed out that service charges can exceed the basic pay received by the workers and that the reduction to 2 % is a disservice to the workers. HRAP, he said, do not resent giving service charge to the workers as it is a part of their working relationship. He suggested that the measure be studied further as the proposed reduction will affect the livelihood of the workers significantly.
- Ms. Florence Silvada of Via Mare restaurant said that service charges in the restaurant business is not as high as that in the hotel industry such that the reduction to 2% would adversely affect the workers especially those in the restaurant business. Ms. Melanie Gandawali of El Cielito Hotel shared the same opinion.
- Atty. Joselito Calivoso of SALIGAN opined that this is an exceptional occasion where the employers and the labor groups are united on an issue. He pointed out that the proposed measure contradicts the provision of the Labor Code in Art. 100 which provide the non-diminution of benefits received by the workers. He, however, agreed that charging of services should be made transparent through an administrative order and not through legislation.
- In response to the views of the resource persons and the Committee Members, the author pointed out the following:
 - a. Pursuant to Article 96 of the Labor Code, service charge is not mandatory that is why there are establishments that do not charge service charges;
 - b. Service charge is not a global practice because there are many countries that do not impose one, like Japan and Germany; and
 - c. The collection and distribution of service charges to workers is uncertain, especially in unorganized labor.
- Rep. Gunigundo asked the resource persons as to the manner of collection and distribution of service charges in their respective jurisdiction. Mr. O' Leary replied that it is within the discretion of the hotel and restaurant. In many cases, service charges are collected at the end of the month and distributed to all employees. He added that organized labor is supposed to know the amount of service charge earned in a month and as to unorganized labor, the employees are informed of the service charge earned in a month as this cannot be hidden from them.

- Ms. Ogarte claimed that their union's audit committee periodically checks with the management of Century Park Hotel the service charge earned for distribution to all workers. She admitted, however, that they are not certain as to the integrity of the accounting book shown by the management. Ms. Ogarte then requested the Committee to look into the malpractice of companies/employers of preparing more than one book of accounts and enact the needed legislation to address the issue.
- In response to Ms. Ogarte, Rep. Gunigundo said that if the union in Century Park Hotel has difficulty in ascertaining its fair share of the collected service charge based on the employer's book of accounts, how much more the unorganized employees. Given that scenario, he concluded that workers, organized or unorganized, are not assured that they will receive their fair share from the collected service charges considering further that there are about 250 labor inspectors nationwide against hundred thousand business establishments. Mr. Desierto admitted that unorganized workers indeed complained that they are not getting the right share from the collected service charge but the solution to that, he said, is not to reduce the service charge but rather, a measure that will protect the workers with accurate distribution.
- Rep Gunigundo also noted that when the customer is a senior citizen, the service charge is automatically added to the bill effectively denying the senior citizen of its 20% discount. This malpractice he said is now addressed by the proposed measure where it is provided that senior citizens are exempt from paying the service charge. This is in response to the concerns of Atty. Francisco Nerida of FFCCCI and Rep. David Kho of Partylist Senior Citizens who declared their support for the proposed measure.
- Rep. Bello expressed his disagreement with the proposed measure on the ground that: 1) the practice of receiving 10% share from the collected service charge has been institutionalized and made the workers economically dependent on them considering that 40% to 50% of their take home pay comes from the service charge-legalizing it to 2% would effectively increase the poverty rate in the country; 2) the institutionalized practice is a product of the workers collective struggle; and, 3) the issue is one of the few occasion where management and labor are in support of each other.
- Rep. Guanlao suggested that the Department of Trade and Industry and consumer groups should look into the establishments that imposes excessive service charge and on the pricing of their products and services.
- Rep. Emmi de Jesus suggested that the proposed measure be studied further. At this point, the author moved, duly seconded, to suspend the ongoing discussion on HB 216 subject to further deliberation.
- For its next meeting, the Committee required the following:
 - a. Attendance and position paper of DOLE on the proposed measure;
 - b. Attendance and position paper of DOT on the proposed measure;
 - c. Attendance and position paper of consumer groups; and
 - d. Attendance and position paper of establishments that do not impose service charges.

V. OTHER MATTERS

~~Rep. Aglipay suggested to consolidate the measures on security of tenure for presentation on the next scheduled committee meeting.~~

VI. ADJOURNMENT

There being no other matters to discuss, the meeting was adjourned at 3:53 p.m.

Prepared by:

(sgd) LOLA FEBE S. PIMENTEL
Supervising Legislative Staff Officer II
Committee on Labor and Employment

Certified true and correct:

(sgd) CELESTE S. DE CASTRO
Committee Secretary
Committee on Labor and Employment

Attested by:

(sgd) EMIL L. ONG
Chairman
Committee on Labor and Employment

FACT SHEET

House Bill Nos. 51, 421, 1452, and 1692

EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX

***Introduced by: REPS. RUFUS B. RODRIGUEZ, & JUAN EDGARDO M.
ANGARA, MAGTANGGOL T. GUNIGUNDO I, AND SUSAN A. YAP***

***Committee Referral: Committee on Labor and Employment
Committee Chairman: Rep. Emil L. Ong***

OBJECTIVES:

- To expand the list of prohibited acts of discrimination against women in the workplace in the terms and conditions of their employment
- To secure equal opportunities and fair treatment for female employees *vis-à-vis* their male counterparts in the workplace

KEY PROVISIONS:

- Expands acts of discrimination against women with respect to terms and conditions of employment as enumerated in Articles 135 and 137:
 1. favoring male employee over female employee with respect to dismissal of personnel or the application of any retrenchment policy of the employer solely on account of their sexes; and
 2. to deny any woman the benefits of employment or other statutory benefits under our laws by reason of her sex
- Penalizes violators and their accomplices, in addition to other penalties provided by law, with a fine of Fifty Thousand Pesos (P50,000.00) – Two Hundred Thousand Pesos (P200,000.00) and imprisonment of two (2) to four (4) years. A non-Filipino offender after serving the imposed penalties shall then be deported
- Mandates the issuance of the Implementing Rules and Regulations (IRR) upon consultation of the Secretary of Labor and Employment with the Tripartite Industrial Peace Council

RELATED LAW:

- Arts. 135 and 137 of the Labor Code of the Philippines