

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**FIFTEENTH CONGRESS**  
First Regular Session

House Bill No. **4683**

---

**Introduced by GABRIELA Women's Party Representatives**  
**EMERENCIANA A. DE JESUS and LUZVIMINDA C. ILAGAN**  
**Representative TEODORO CASINO and Representative NERI COLMENARES**  
**Representative RAFAEL MARIANO, Representative RAYMOND PALATINO and**  
**Representative ANTONIO TINIO**

---

**EXPLANATORY NOTE**

Article II, Section 14 of the Philippine Constitution stipulates that the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

Recognition of the fundamental equality of women and men is further reiterated by RA 9710 or the Magna Carta of Women, which affirms the State's obligation to "pursue equal opportunities for women and men and ensure equal access to resources and to development results and outcome. RA 9710 recognizes that the abolition of the unequal structures and practices that perpetuate discrimination and inequality is a precondition to the realization of equality of men and women.

Employment and hiring practices however, continue to be discriminatory of gender, age or ability (or in most cases, disability). Women continue to be treated as objects instead of contributors to our economy and active participants in nation-building. Hiring notices focus on physical attributes of the potential employee (height, "pleasing personality") instead of her/his capacities and experience in a particular field of endeavor.

The airline industry is particularly tarnished in its discriminatory practices against its women employees, specifically against female flight attendants.

In August 2010, the Flight Attendants' and Stewards' Association of the Philippines (FASAP) raised its concern over the age and gender discrimination practice by Philippine Airlines (PAL) against its employees. Company policy pegs the retirement age for female flight attendants hired before 1996 at 55 years old while males, on the other hand, may work until 60 years old. Employees hired after 1996, regardless of sex, are forced to retire at the age of 45, while those hired after 2000 are forced to retire at 40 years old.

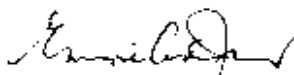
This practice belies the avowed functions of flight attendants as safety personnel. With this policy, airline companies have been shown to market the "youthful looks" of their flight attendants, instead of their capacity to serve and assist as safety personnel. Training, skills and mastery of aircraft safety and precautions of senior crews should never be relegated as a secondary qualification over "youthful looks".

Moreover, senior employees should not be denied of their productive and gainful employment before reaching the legitimate age of retirement.

In December 2010, the Department of Labor and Employment (DOLE) upheld the rights of the flight attendants and stewards. DOLE made it clear that the compulsory age of retirement is 65 years old, consistent with Article 287 of the Labor Code: *"an employee upon reaching the age of sixty (60) years or more, but not beyond sixty-five (65) years which is hereby declared the compulsory retirement age"* and contrary to the enforced compulsory retirement age by the PAL. DOLE reaffirmed its earlier decision by stating that PAL failed to justify its policies in prescribing an early retirement age in April 2011.

There is, however, another provision of the Labor Code with regards retirement age, which opens room for the arbitrary interpretation by the Secretary of Labor and Employment, inconsistent with the intent of the supreme law of the land. Article 132 of the Labor Code allows the Secretary of Labor and Employment to "determine minimum age and standards for retirement or termination in special occupations such as those of flight attendants and the like."

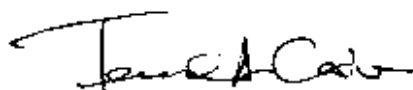
We seek to address the inconsistencies of the Labor Code with the supreme law of the land through the enactment of this bill into law.



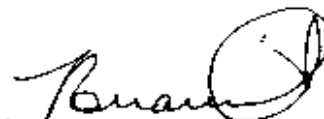
REP. EMERENCIANA A. DE JESUS  
Gabriela Women's Party



REP. LUZVIMINDA C. ILAGAN  
Gabriela Women's Party



REP. TEODORO CASINO  
Bayan Muna Partylist



REP. RAFAEL MARIANO  
Anakpawis Partylist

**REP. NERI COLMENARES**  
Bayan Muna Partylist

  
**REP. RAYMOND PALATINO**  
Kabataan Partylist

  
**REP. ANTONIO TINIO**  
ACT Teachers Partylist

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**FIFTEENTH CONGRESS**  
First Regular Session

House Bill No. **4683**

---

Introduced by **GABRIELA Women's Party Representatives**  
**EMERENCIANA A. DE JESUS** and **LUZVIMINDA C. ILAGAN**  
Representative **TEODORO CASINO** and Representative **NERI COLMENARES**  
Representative **RAFAEL MARIANO**, Representative **RAYMOND PALATINO** and  
Representative **ANTONIO TINIO**

---

**AN ACT AMENDING ARTICLE 132 OF PRESIDENTIAL DECREE NUMBER FOUR HUNDRED FORTY-TWO (PD 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 Philippine Congress assembled:*

Section 1. Article 132 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, is hereby further amended to read as follows:

"ARTICLE 132. Facilities for women. - The Secretary of Labor and Employment shall establish standards that will ensure the safety and health of women employees. In appropriate cases, he shall, by regulations, require any employer to:

- (a) Provide seats proper for women and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency;
- (b) To establish separate toilet rooms and lavatories for men and women and provide at least a dressing room for women;
- (c) To establish a nursery in a workplace for the benefit of the women employees therein; and

~~(d) To determine appropriate minimum age and other standards for retirement or termination in special occupations such as those of flight attendants and the like.~~

**(D) TO PROHIBIT AGE DISCRIMINATION AMONG WOMEN FOR RETIREMENT OR TERMINATION IN SPECIAL OCCUPATIONS SUCH AS THOSE OF FLIGHT ATTENDANTS AND THE LIKE.”**

SEC. 3. Implementing Rules and Regulations. Within thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

SEC. 4. 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. 5. 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. 6. 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,