

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 560



Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay**

EXPLANATORY NOTE

Even in this day and age, discrimination on the basis of sex persists. It takes many forms, but it is, perhaps, most pernicious and most debilitating in the workplace, where rigid company hierarchies and a lack of transparency can ensure that abuses go on unchecked. The role of legislation in this case is to rip away the protective veil of sexual discrimination, by making its violations visible by virtue of making the text of the law explicit with regard to which actions constitute discrimination, as well as making sure that the gravity of the punishment suits the gravity of the offense. Such is the goal of this bill, in line with the bills in the previous Congress which were consolidated into House Bill no. 4643.

Emmeline Y. Aglipay
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Representative, DIWA Party-list

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HOUSE BILL NO. _____

Introduced by **Representative Emmeline Y. Aglipay, DIWA Party-list**

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 Republic 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 promotion, **ASSIGNMENT**, training opportunities, study and scholarship grants solely on account of their [sexes.] **SEX, OR CHARACTERISTICS OF HER SEX, WHETHER ACTUAL OR PRESUMED; 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 SEX, OR CHARACTERISTICS OF HER SEX, WHETHER ACTUAL OR PRESUMED.**

"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 reliefs. The actions hereby authorized shall proceed independently of each other.”

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

“Article 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.

“ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO COMMIT ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR ANY RULE OR REGULATION ISSUED PURSUANT THERETO SHALL, IN ADDITION TO OTHER PENALTIES AS MAY BE PROVIDED BY LAW, UPON CONVICTION, 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/OR SUFFER IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR BUT NOT MORE THAN TWO (2) 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.”

SECTION 3. 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.

SECTION 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.

SECTION 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.

SECTION 6. Effectivity Clause. - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or at least two (2) national newspapers of general circulation.

Approved.