

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
Second Regular Session



House Bill No. **7294**

Introduced by **REP. MANUEL ANTONIO F. ZUBIRI**

**AN ACT AMENDING ARTICLE 133 (FORMERLY ARTICLE 135) OF PRESIDENTIAL
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE "LABOR CODE
OF THE PHILIPPINES" AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Philippine Constitution guarantees the fundamental equality before the law of women and men when it provides thus:

**ARTICLE II
DECLARATION OF PRINCIPLES AND STATE POLICIES**

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.

Furthermore, the Constitution directs the State to promote full employment and equality of employment opportunities for all regardless of race, creed, color, or gender. Section 3, Article XIII of the Constitution states:

**ARTICLE XIII
LABOR**

Section 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

In fulfilment of the foregoing Constitutional mandate against any and all forms of discrimination against women in the workplace, Congress promulgated the Labor Code of the Philippines, specifically Article 133 (formerly Article 135) thereof which provides:

Art. 133. 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:

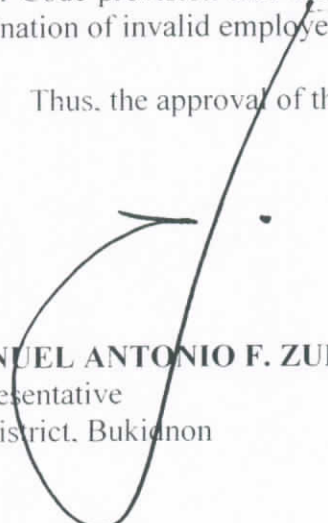
- (a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male employee, for equal work of equal value; and
- (b) Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their gender.

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.

It is the submission of this humble Representation that the present wording falls short of the Constitutional mandate for State recognition of the fundamental equality between men and women insofar as employment opportunities are concerned. The present terminology "Equal Pay for Work of Equal Value" is, at best, ambiguous as it lends itself to a wide spectrum of interpretation as to what constitutes "work of equal value". Since the term "value" itself is highly subjective, there is therefore an imperative need to adopt a more definitive legal standard that would guide the courts in its determination of whether or not there is indeed invalid discrimination between the sexes within the workplace.

It is thus the primary aim and purpose of this bill to propose revisions to the existing Labor Code provision that would be more in tune with internationally-accepted verbiage on the elimination of invalid employer discrimination between men and women.

Thus, the approval of this bill is earnestly sought.



MANUEL ANTONIO F. ZUBIRI
Representative
3rd District, Bukidnon

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House Bill No. **7294**

Introduced by **REP. MANUEL ANTONIO F. ZUBIRI**

AN ACT AMENDING SECTION 300 (FORMERLY ARTICLE 286) OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES" AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article One Hundred Thirty-Three of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines", is hereby amended to read as follows:

Art. 133. 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 equal work on jobs that require substantially equal skill, effort, and responsibility and are performed under similar working conditions within the same establishment; and

"(b) Favoring a male employee over a female employee with respect to promotion, wage increases, transfers, training opportunities, study and scholarship grants solely on account of their gender.

"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. The Secretary of Labor and Employment is hereby authorized to promulgate the necessary guidelines to implement this Article in accordance with the generally accepted practices and standards here and abroad.

SECTION 3. Separability Clause. - If any provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 4. Repealing Clause. - All provisions of law, orders, decrees, executive orders, including rules and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION. 5. Effectivity Clause. - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or at least two (2) national newspapers of general circulation.

Approved,