



HOUSE OF REPRESENTATIVES

H. No. 7704

BY REPRESENTATIVES MERCADO-REVILLA, REVILLA (B.), REVILLA (R.J.), HERNANDEZ (C.A.), ROMULO, BAUTISTA (J.M.), MARCOS, ROQUE, DOMOGAN, DEGAMO, LEGAZPI, SAN FERNANDO, CENDAÑA, VELOSO-TUAZON, RECTO, VILLARICA, BAUTISTA-LIM, MONTES, CAGAS, LEGACION, REMULLA, ARENAS, EMANO, MARQUEZ AND SALCEDA

AN ACT EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

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

1 **SECTION 1.** Article 133 of Presidential Decree (PD) No. 442, otherwise known as the
2 Labor Code of the Philippines, as amended, is hereby further amended to read as follows:

3
4 “ART. 133. *Discrimination Prohibited.* – It shall be unlawful for any employer to
5 discriminate against any woman employee with respect to terms and conditions of
6 employment solely on account of [her] sex.

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8 The following are acts of discrimination:

9
10 (a) Payment of a lesser compensation, including wage, salary, or other form
11 of remuneration and fringe benefits, to a female employee as against a male employee,
12 for work of equal value; [and]

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

16
17 (c) **FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE**
18 **WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF ANY**
19 **RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON ACCOUNT OF SEX.**

20
21 [Criminal liability for the willful commission of any unlawful act as provided in
22 this article or any violation of the rules and regulations issued pursuant to Section 2
23 hereof shall be penalized as provided in Articles [288] **303** and [289] **304** of this Code:
24 *Provided,* That the institution of any criminal action under this provision shall not bar
25 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.”]

SEC. 2. Article 135 of PD No. 442, otherwise known as the Labor Code of the Philippines, as amended, is hereby further amended to read as follows:

“ART. 135. *Prohibited Acts.* – 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] **THE EMPLOYEE** 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 **WHILE** 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] **OF SUBSEQUENT PREGNANCY [.]**; OR

(4) TO DENY ANY WOMAN EMPLOYEE, THE BENEFITS OF EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER EXISTING LAWS ON ACCOUNT OF SEX.”

SEC. 3. A new article denominated as Article 135-A, entitled: Penalties, is hereby added after Article 135.

“ART. 135-A. **PENALTIES.** – ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO COMMIT ANY OF THE ACTS PROHIBITED UNDER ARTICLES 133 AND 135 OR ANY RULE OR REGULATION ISSUED PURSUANT THERETO SHALL, IN ADDITION TO OTHER PENALTIES AS MAY BE PROVIDED BY LAW, UPON CONVICTION, BE PUNISHED WITH A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00), OR IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR BUT NOT MORE THAN TWO (2) YEARS, OR BOTH, AT THE DISCRETION OF THE COURT: *PROVIDED*, THAT THE CONVICTION OR ACQUITTAL OF THE EMPLOYER SHALL NOT BE A BAR TO THE FILING BY THE AGGRIEVED EMPLOYEE OF A SEPARATE CIVIL ACTION FOR THE PAYMENT OF SALARIES, BENEFITS, DAMAGES, AND OTHER AFFIRMATIVE RELIEFS DUE THE EMPLOYEE.

ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS, ABETS, OR CAUSES THE COMMISSION OF THE ACTS PROHIBITED HEREIN SHALL BE LIABLE IN THE SAME MANNER AS THE EMPLOYER.”

SEC. 4. Within ninety (90) days from the effectivity of this Act, the Secretary of Labor and Employment shall promulgate the necessary rules and regulations to implement this Act.

1 **SEC. 5.** Any law, issuance, or parts thereof, inconsistent with this Act are hereby
2 modified accordingly.

3
4 **SEC. 6.** This Act shall take effect fifteen (15) days after its publication in the *Official*
5 *Gazette* or in a newspaper of general circulation.

Approved,