

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

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SENATE

COMMITTEE REPORT NO. 18

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Submitted by the Committees on Labor, Employment and Human Resources  
Development on FEB 15 2011

Re: Senate Bill No. 2701

Recommending its approval in substitution of Senate Bill Nos. 859 and 2175.

Sponsor: Senator Ejercito Estrada

MR. PRESIDENT:

The Committee on Labor, Employment, and Human Resources Development to which was referred Senate Bill No. 859, introduced by Senator Ejercito Estrada, entitled:

**“AN ACT  
EXPANDING THE EXCEPTIONS FROM THE  
NIGHTWORK PROHIBITION OF WOMEN EMPLOYEES,  
THEREBY AMENDING ARTICLE 131 OF PRESIDENTIAL  
DECREE NUMBER FOUR HUNDRED FORTY TWO (PD)  
442), AS AMENDED, OTHERWISE KNOWN AS THE  
LABOR CODE OF THE PHILIPPINES”**

and Senate Bill No. 2175, introduced by Senator Pangilinan, entitled:

**“AN ACT  
EXPANDING THE EXCEPTIONS FROM THE  
NIGHTWORK PROHIBITION OF WOMEN EMPLOYEES,  
THEREBY AMENDING ARTICLE 131 OF PRESIDENTIAL  
DECREE NUMBER FOUR HUNDRED FORTY TWO (PD)  
442), AS AMENDED, OTHERWISE KNOWN AS THE  
LABOR CODE OF THE PHILIPPINES”**


have considered the same and have the honor to report it back to the Senate with the recommendation that Senate Bill No. 2701 prepared by the Committee, entitled:

**“AN ACT  
EXPANDING THE EXCEPTIONS FROM THE  
NIGHTWORK PROHIBITION OF WOMEN EMPLOYEES,  
THEREBY AMENDING ARTICLES 130 AND 131 OF  
PRESIDENTIAL DECREE NUMBER FOUR HUNDRED  
FORTY TWO (PD) 442), AS AMENDED, OTHERWISE  
KNOWN AS THE LABOR CODE OF THE PHILIPPINES”**

be approved in substitution of Senate Bill Nos. 859 and 2175 with Senators Ejercito Estrada and Pangilinan as authors thereof.

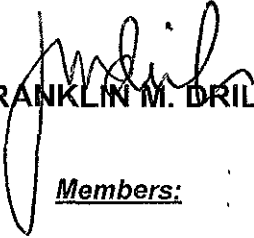
Respectfully submitted:

Chairman



**JINGGOY EJERCITO ESTRADA**  
Committee on Labor, Employment and Human Resources Development  
President Pro-Tempore

Vice Chairman:



**FRANKLIN M. DRILON**

Members:



**JUAN MIGUEL F. ZUBIRI**

**LOREN B. LEGARDA**

**FRANCIS N. PANGILINAN**

**RAMON "BONG" REVILLA JR.**



**MANUEL "LITO" M. LAPID**

**RALPH G. RECTO**



**TEOFISTO L. GUINGONA III**



**FERDINAND R. MARCOS, JR.**



**MANNY VILLAR**


**GREGORIO B. HONASAN II**

**PIA S. CAYETANO**

EX-OFFICIO MEMBERS:



**ALLAN PETER "Compañero" S. CAYETANO**  
Minority Leader



**VICENTE C. SOTTO III**  
Majority Leader

**Hon. JUAN PONCE ENRILE**  
President  
Senate of the Philippines  
Pasay City



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SENATE

Senate Bill No. 2701

RECEIVED BY: 

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*Prepared by the Committee on Labor, Employment and Human Resources  
Development with Senators Ejercito Estrada and Pangilinan as authors*

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**AN ACT**

**EXPANDING THE EXCEPTIONS FROM THE NIGHTWORK PROHIBITION  
OF WOMEN EMPLOYEES, THEREBY AMENDING ARTICLES 130 AND  
131 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  
Philippines in Congress assembled:*

1           **SECTION 1.** Article 130 of the Labor Code is hereby further amended  
2 to read as follows:

3           Article 130. Nightwork prohibition.    -No woman,  
4 regardless of age shall be employed or [permitted to suffered to]  
5 work [with or without compensation, (a) in any industrial  
6 undertaking or branch thereof,] AT NIGHT DURING A PERIOD  
7 OF AT LEAST ELEVEN CONSECUTIVE HOURS, INCLUDING  
8 THE INTERVAL between ten o'clock [at night] IN THE  
9 EVENING and six o'clock in the morning [of the following day]:

10           (A) IN ANY INDUSTRIAL UNDERTAKING, OR IN ANY  
11 BRANCH THEREOF, OTHER THAN AN UNDERTAKING IN

1 WHICH ONLY MEMBERS OF THE SAME FAMILY ARE  
2 EMPLOYED.

3 (B) THE TERM 'INDUSTRIAL UNDERTAKINGS'  
4 REFER TO:

5 (1) MINES, QUARRIES, AND OTHER WORKS  
6 FOR THE EXTRACTION OF MINERALS FROM THE  
7 EARTH;

8 (2) UNDERTAKINGS IN WHICH ARTICLES ARE  
9 MANUFACTURES, ALTERED, CLEANED, REPAIRED,  
10 ORNAMENTED, FINISHED, ADAPTED FOR SALE,  
11 BROKEN UP OR DEMOLISHED, OR IN WHICH  
12 MATERIALS ARE TRANSFORMED;

13 (3) UNDERTAKINGS ENGAGED IN  
14 SHIPBUILDING OR IN THE GENERATION,  
15 TRANSFORMATION OR TRANSMISSION OF  
16 ELECTRICITY OR MOTIVE POWER OF ANY KIND;

17 (4) UNDERTAKING ENGAGED IN BUILDING AN  
18 CIVIL ENGINEERING WORK, INCLUDING  
19 CONSTRUCTIONAL REPAIR, MAINTENANCE,  
20 ALTERATION AND DEMOLITION WORK.

21 [(b) In any commercial or non-industrial undertaking or  
22 branch thereof, other than agricultural, between midnight  
23 and six o'clock in the morning of the following day; or

1 (c) In any agricultural undertaking at nighttime unless she  
2 is given a period of rest of not less than nine (9)  
3 consecutive hours.]

4 **SEC. 2.** Article 131 of the Labor Code is hereby further amended to  
5 read as follows:

6 Article 131. Exceptions. – The prohibitions prescribed by  
7 the preceding Article shall not apply in any of the following  
8 cases:

9 (a) In cases of actual or impending  
10 emergencies caused by serious accident, fire, flood,  
11 typhoon, earthquake, epidemic or other disasters or  
12 calamity, to prevent loss of life or property, in cases of  
13 force *majeure* or imminent danger to public safety;

14 (b) In case of urgent work to be performed on  
15 machineries, equipment or installation, to avoid serious  
16 loss which the employer would otherwise suffer;

17 (c) Where the work is necessary to prevent  
18 serious loss of perishable goods;

19 (d) Where the woman employee holds a  
20 responsible position of managerial or technical nature, or  
21 where the woman employee has been engaged to  
22 provide health and welfare service; AND

23 [(e) Where the nature of the work requires manual  
24 skill and dexterity of women workers and the same

1 cannot be performed with equal efficiency by male  
2 workers;

3 (f) Where the women employees are immediate  
4 members of the family operating the establishment or  
5 undertaking; and]

6 (E) WHERE INCREASING DEMAND FOR  
7 WORK PROVIDE EQUAL OPPORTUNITIES TO WORK  
8 AT NIGHT.

9 [(g) Under analogous cases exempted by the  
10 Secretary of Labor and Employment in appropriate  
11 regulations.]

12 THE EMPLOYERS SHALL PROVIDE AN  
13 ENABLING WORKING ENVIRONMENT WHEREBY  
14 BOTH WOMEN AND MEN WILL BE ABLE TO  
15 PERFORM THEIR WORK CONFIDENTLY,  
16 EFFICIENTLY, AND EFFECTIVELY, WITHOUT FEAR  
17 OF DANGER OR VIOLENCE IN RELATION WITH  
18 WORKING AT NIGHT.

19 **SEC. 3. Separability Clause** – if any portion of this Act is declared  
20 unconstitutional, the same shall not affect the validity and effectivity of the  
21 other provisions not affected thereby.

22 **SEC. 4. Repealing Clause** – All laws, acts, decrees, executive orders,  
23 rules and regulations or other issuances or parts thereof, which are  
24 inconsistent with this Act, are hereby modified and repealed.

1           **SEC. 5. Effectivity Clause** – This Act shall take effect after fifteen (15)  
2 days following its publication in two (2) national newspapers of general  
3 circulation.

4           *Approved,*