



HOUSE OF REPRESENTATIVES

H. No. 4276

BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.), ANGARA
EVARDONE, GULLAS AND TEODORO, PER COMMITTEE REPORT NO. 673

AN ACT RATIONALIZING THE NIGHTWORK PROHIBITION ON
WOMEN WORKERS, 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 House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. Article 130 of Presidential Decree No. 442, as amended,
2 otherwise known as the Labor Code of the Philippines, is hereby amended to
3 read as follows:

4 “ART. 130. *Nightwork prohibition.* – No woman,
5 regardless of age, shall be employed or permitted or suffered to
6 work AT NIGHT DURING A PERIOD OF AT LEAST ELEVEN (11)
7 CONSECUTIVE HOURS, INCLUDING AN INTERVAL FALLING
8 [, with or without compensation:

9 “(a) In any industrial undertaking or branch thereof
10 between ten o’clock at night and six o’clock in the morning of
11 the following day; or

1 “(b) In any commercial or non-industrial undertaking or
2 branch thereof, other than agricultural, between midnight and six
3 o’clock in the morning the following day; or

4 “(c) In any agricultural undertaking at nighttime unless
5 she is given a period of rest of not less than nine (9) consecutive
6 hours.] BETWEEN TEN O’CLOCK AT NIGHT AND SIX O’CLOCK IN
7 THE MORNING OF THE FOLLOWING DAY IN ANY INDUSTRIAL
8 UNDERTAKING OR IN ANY BRANCH THEREOF, OTHER THAN AN
9 UNDERTAKING IN WHICH ONLY MEMBERS OF THE SAME
10 FAMILY ARE EMPLOYED.

11 “THE TERM, ‘INDUSTRIAL UNDERTAKING’ SHALL REFER
12 TO THE FOLLOWING:

13 “(A) MINES, QUARRIES AND OTHER WORKS FOR THE
14 EXTRACTION OF MINERALS FROM THE EARTH;

15 “(B) UNDERTAKINGS IN WHICH ARTICLES ARE
16 MANUFACTURED, ALTERED, CLEANED, REPAIRED,
17 ORNAMENTED, FINISHED, ADAPTED FOR SALE, BROKEN UP OR
18 DEMOLISHED, OR IN WHICH MATERIALS ARE TRANSFORMED;

19 “(C) UNDERTAKINGS ENGAGED IN SHIPBUILDING OR IN
20 THE GENERATION, TRANSFORMATION OR TRANSMISSION OF
21 ELECTRICITY OR MOTIVE POWER OF ANY KIND;

22 “(D) UNDERTAKINGS ENGAGED IN BUILDING AND
23 CIVIL ENGINEERING WORK, INCLUDING CONSTRUCTION,
24 REPAIR, MAINTENANCE, ALTERATION AND DEMOLITION
25 WORK.

26 “BEFORE INTRODUCING WORK SCHEDULES REQUIRING
27 THE SERVICES OF WOMEN NIGHT WORKERS, THE EMPLOYER
28 SHALL CONSULT THE WORKERS’ REPRESENTATIVES ON THE

1 DETAILS OF SUCH SCHEDULES AND THE FORMS OF
2 ORGANIZATION OF NIGHTWORK THAT ARE BEST ADAPTED TO
3 THE ESTABLISHMENT AND ITS PERSONNEL AS WELL AS ON THE
4 HEALTH MEASURES AND SOCIAL SERVICES WHICH ARE
5 REQUIRED. IN ESTABLISHMENTS EMPLOYING WOMEN NIGHT
6 WORKERS, THIS CONSULTATION SHALL TAKE PLACE
7 REGULARLY.”

8 SEC. 2. Article 131 of the Labor Code is hereby amended to read as
9 follows:

10 “ART. 131. *Exceptions.* – The prohibitions prescribed
11 by the preceding Article shall not apply in any of the following
12 cases:

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

17 “(b) In case of urgent work to be performed on
18 machineries, equipment or installation, to avoid serious loss
19 which the employer would otherwise suffer;

20 “(c) Where the work is necessary to prevent serious loss
21 of perishable goods; AND

22 “(d) Where the woman employee holds a responsible
23 position of managerial or technical nature, or where the woman
24 employee has been engaged to provide health and welfare
25 services. [;

26 “(e) Where the nature of the work requires the manual
27 skill and dexterity of women workers and the same cannot be
28 performed with equal efficiency by male workers;

1 “(f) Where the women employees are immediate
2 members of the family operating the establishment or
3 undertaking; and

4 “(g) Under other analogous cases exempted by the
5 Secretary of Labor and Employment in appropriate
6 regulations.]”

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

11 SEC. 4. *Separability Clause.* — If any provision of this Act is declared
12 unconstitutional, the same shall not affect the validity and effectivity of the
13 other provisions hereof.

14 SEC. 5. *Repealing Clause.* — All laws, executive orders, presidential
15 decrees, presidential proclamations, rules and regulations or parts thereof
16 inconsistent with the provisions of this Act are hereby repealed or modified
17 accordingly.

18 SEC. 6. *Effectivity Clause.* — This Act shall take effect fifteen (15)
19 days after its complete publication in the *Official Gazette* or in a newspaper of
20 general circulation.

Approved,

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