



## HOUSE OF REPRESENTATIVES

H. No. 4375

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BY REPRESENTATIVES ANGARA, CODILLA, DEL MAR, PRIETO-TEODORO,  
RODRIGUEZ, NICOLAS, BINAY, CHATTO AND SOON-RUIZ, PER  
COMMITTEE REPORT NO. 716

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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 Philippines in  
Congress assembled:*

1           SECTION 1. Article 135 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. 135. Discrimination Prohibited. – It shall be unlawful  
5 for any employer to discriminate against any woman employee with  
6 respect to terms and conditions of employment solely on account of  
7 her sex.

8           The following are acts of discrimination:

9           (a) Payment of a lesser compensation, including wage,  
10 salary or other form of remuneration and fringe benefits, to a

1 female employee as against a male employee, for work of equal  
2 value; [and]

3 (b) Favoring a male employee over a female employee with  
4 respect to promotion, ASSIGNMENT, training opportunities, study  
5 and scholarship grants solely on account of their sexes[.]; AND

6 **(C) FAVORING A MALE EMPLOYEE OVER A FEMALE**  
7 **EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE**  
8 **APPLICATION OF ANY RETRENCHMENT POLICY OF THE**  
9 **EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES.**

10 Criminal liability for the willful commission of any unlawful  
11 act as provided in this Article or any violation of the rules and  
12 regulations issued pursuant to Section 2 hereof shall be penalized  
13 as provided in Articles 288 and 289 of this Code: Provided, That  
14 the institution of any criminal action under this provision shall not  
15 bar the aggrieved employee from filing an entirely separate and  
16 distinct action for money claims, which may include claims for  
17 damages and other affirmative relief. The actions hereby  
18 authorized shall proceed independently of each other.”

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

21 “ART. 137. Prohibited Acts. -- (a) It shall be unlawful for any  
22 employer:

23 (1) To deny any woman employee the benefits provided for  
24 in this Chapter or to discharge any woman employed by him for the  
25 purpose of preventing her from enjoying any of the benefits  
26 provided under this Code;

27 (2) To discharge such woman on account of her pregnancy,  
28 or while on leave or in confinement due to her pregnancy;

1           (3) To discharge or refuse the admission of such woman  
2           upon returning to her work for fear that she may again be  
3           pregnant[.]; OR

4           **(4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT**  
5           **OR OTHER STATUTORY BENEFITS UNDER OUR LAWS BY REASON**  
6           **OF HER SEX.”**

7           SEC. 3. *Penalties.* – Any employer who commits or attempts in any  
8           manner to commit any of the acts herein prohibited shall, in addition to other  
9           penalties as may be provided by law, upon conviction hereof, be punished by a  
10          fine of not less than Fifty thousand pesos (P50,000.00), but not more than Two  
11          hundred thousand pesos (P200,000.00), and suffer imprisonment of not less  
12          than two (2) years but not more than four (4) years: *Provided,* That the  
13          conviction or acquittal obtained by the employer shall not be a bar to the filing  
14          by the female employee of a civil suit for the payment of salaries or benefits  
15          due her.

16          Any employee or person who willfully aids or abets in the commission  
17          of the acts prohibited herein or who causes the commission of any such acts by  
18          another shall be liable in the same manner as the employer.

19          If the offender is not a Filipino citizen, he shall be deported  
20          immediately upon service of the sentence imposed herein. If he is a  
21          government official or employee, he shall be dismissed from the service and  
22          shall serve the maximum penalty prescribed for the offense.

23          In the case of associations, partnerships or corporations, the penalty  
24          shall be imposed on the partner, president, general manager, branch manager  
25          or responsible officer responsible for the violation.

26          SEC. 4. *Implementing Rules and Regulations.* – Within thirty (30) days  
27          from the effectivity of this Act, the Secretary of Labor and Employment, in  
28          consultation with the Tripartite Industrial Peace Council, shall issue and

1 publish the necessary rules and regulations to implement the provisions of this  
2 Act.

3         SEC. 5. *Separability Clause.* – If any provision of this Act is declared  
4 unconstitutional, the same shall not affect the validity and effectivity of the  
5 other provisions hereof.

6         SEC. 6. *Repealing Clause.* – All laws, executive orders, presidential  
7 decrees, presidential proclamations, rules and regulations or parts thereof  
8 inconsistent with the provisions of this Act are hereby repealed or modified  
9 accordingly.

10         SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
11 after its complete publication in the *Official Gazette* or in a newspaper of  
12 general circulation.

Approved,

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