



## HOUSE OF REPRESENTATIVES

H. No. 3413

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BY REPRESENTATIVES DEL MAR, CODILLA, BARINAGA, ESPINOSA (E.T.),  
VILLAR, SOON-RUIZ, ROQUERO, MAZA, MAGTUBO, DUMARPA,  
• BELTRAN, UNICO, CAGAS, MANGUDADATU, BADELLES AND NICOLAS,  
PER COMMITTEE REPORT NO. 163

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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  
5 unlawful for any employer to discriminate against any woman  
6 employee with respect to terms and conditions of employment  
7 solely on account of her sex.

1           “The following are acts of discrimination:

2           “(A) GIVING PREFERENCE TO A MALE APPLICANT OVER A  
3 FEMALE APPLICANT IN THE HIRING PROCESS, WHETHER  
4 THROUGH NOTICES, ANNOUNCEMENTS OR ADVERTISEMENTS FOR  
5 EMPLOYMENT OR APPRENTICESHIP OR IN THE ACTUAL  
6 RECRUITMENT, ADVERTISEMENTS FOR EMPLOYMENT OR  
7 APPRENTICESHIP OR IN THE ACTUAL RECRUITMENT, HIRING OR  
8 EMPLOYMENT OF WORKERS WHERE THE PARTICULAR JOB CAN  
9 BE EQUALLY HANDLED BY A WOMAN;

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

14           “[(b)] (C) Favoring a male employee over a female  
15 employee with respect to promotion, ASSIGNMENT, training  
16 opportunities, study and scholarship grants solely on account of  
17 their sexes [.] AND

18           “(D) FAVORING A MALE EMPLOYEE OVER A FEMALE  
19 EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE  
20 APPLICATION OF ANY RETRENCHMENT POLICY OF THE  
21 EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES.”

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

3                   “ART. 137. *Prohibited Acts.* – (a) It shall be unlawful for  
4 any employer:

5                   “(1) To deny any woman employee the benefits provided  
6 for in this Chapter or to discharge any woman employed by him for  
7 the purpose of preventing her from enjoying any of the benefits  
8 provided under this Code:

9                   “(2) To discharge such woman on account of her  
10 pregnancy, or while on leave or in confinement due to her  
11 pregnancy;

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

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

18           SEC. 3. *Penalties.* – Any employer who commits or attempts in any  
19 manner to commit any of the acts herein prohibited shall, in addition to other  
20 penalties as may be provided by law, upon conviction hereof, be punished by a  
21 fine of not less than Fifty thousand pesos (P50,000.00), but not more than Two

1 hundred thousand pesos (P20 0,000.00), and suffer imprisonment of not less  
2 than two years but not more than four years: *Provided*, That the conviction or  
3 acquittal obtained by the employer shall not be a bar to the filing by the female  
4 employee of a civil suit for the payment of salaries or benefits due her.

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

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

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

15 *SEC. 4. Implementing Rules and Regulations.* – Within thirty (30) days  
16 from the effectivity of this Act, the Secretary of Labor and Employment, in  
17 consultation with the Tripartite Industrial Council, shall issue and publish the  
18 necessary rules and regulations to implement the provisions of this Act.

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

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

5           SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
6 after its complete publication in the *Official Gazette* or in at least two  
7 newspapers of national circulation, whichever comes earlier.

Approved,

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