

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

EIGHTEENTH CONGRESS  
1<sup>st</sup> Regular Session

6463

House Bill No. \_\_\_\_\_



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**Introduced by Representatives ERIC GO YAP, JOCELYN PUA TULFO, and  
ROWENA NIÑA TADURAN**

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#### EXPLANATORY NOTE

In many areas of the society, women experience discrimination, exploitation, marginalization, oppression, and subordination. Especially in the workplace, gender inequity comes in many different forms. Female employees or applicants are treated differently or less favorably compared to their male counterpart.

This bill seeks to strengthen the protection of women employees in the workplace. It includes as act of discrimination against women with respect to terms and conditions of employment: (1) favoring a male employee over a female employee with respect to dismissal of personnel or the application of any retrenchment policy of the employer solely on their account of their sex and (2) denying any woman the benefits of employment or other statutory benefits under existing laws by reason of her sex.

This bill adopts the version of the same subject that was passed on third reading in the House of Representatives during the 17<sup>th</sup> Congress. In view of the foregoing, approval of this bill is earnestly sought.

  
ERIC GO YAP

  
JOCELYN PUA TULFO

  
ROWENA NIÑA TADURAN

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

EIGHTEENTH CONGRESS  
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House Bill No. 6463

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Introduced by Representatives ERIC GO YAP, JOCELYN PUA TULFO, and  
ROWENA NIÑA TADURAN

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AN ACT  
EXPANDING THE PROHIBITION OF DISCRIMINATORY ACTS AGAINST  
WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE  
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:*

**SECTION 1.** Article 133 of the Labor Code of the Philippines is hereby amended to read as follows:

"ART. 133. *Discrimination Prohibited.* – It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex.

"The following acts of discrimination:

"(a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits [,] to female employee for work of equal value; [and]

"(b) Favoring a male employee over a female employee with respect to promotion, ASSIGNMENT, training opportunities, study and scholarship grants solely on account of their sex[es]; AND

"(C) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF ANY RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON ACCOUNT OF THEIR SEX.

"[Criminal liability for the willful commission of any unlawful act as provided in this Article or any violation of the rules and regulations issued pursuant to Section 2 hereof shall be penalized as provided in Articles 288 and 289 of this



Code: *Provided*, That the institution of any criminal action under this provision shall not bar 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 Labor Code of the Philippines is hereby 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] EMPLOYEE for the purpose of preventing her 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 in confinement due to her pregnancy;

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

"(4) TO DENY ANY WOMAN THE EMPLOYMENT BENEFITS PROVIDED UNDER OUR LAWS BY REASON OF HER SEX."

SEC. 3. A new article denominated as Article 135-A is hereby added after Article 135 to read as follows:

"ART. 135-A. *PENALTIES*. – ANY EMPLOYER WHO COMMITS ANY OF THE ACTS PROHIBITED IN ARTICLES 133 AND 135 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) NOR MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00) OR IMPRISONMENT OF NOT LESS THAN THREE (3) MONTHS NOR MORE THAN THREE (3) YEARS OR BOTH SUCH FINE AND IMPRISONMENT AT THE DISCRETION OF THE COURT: *PROVIDED*, THAT THE INSTITUTION OF ANY CRIMINAL ACTION SHALL NOT BAR 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 HEREIN AUTHORIZED SHALL PROCEED INDEPENDENTLY OF EACH OTHER.

"IN ADDITION TO SUCH PENALTY, ANY ALIEN FOUND GUILTY SHALL BE SUMMARILY DEPORTED UPON COMPLETION OF SERVICE OF SENTENCE.

**"ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR ABETES IN THE COMMISSION OF THE ACTS PROHIBITED IN ARTICLES 133 AND 135 OR WHO CAUSES THE COMMISSION OF ANY SUCH ACTS BY ANOTHER SHALL BE LIABLE IN THE SAME MANNER AS THE EMPLOYER.**

**"IF THE OFFENSE IS COMMITTED BY A CORPORATION, TRUST, FIRM, PARTNERSHIP, ASSOCIATION OR ANY OTHER ENTITY, THE PENALTY SHALL BE IMPOSED UPON THE GUILTY OFFICER OR OFFICERS OF SUCH CORPORATION, TRUST, FIRM, PARTNERSHIP, ASSOCIATION OR ENTITY."**

**SEC. 4. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

**SEC. 5. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,