

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

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 377

Introduced by Representative Roseller L. Barinaga

EXPLANATORY NOTE

There has been a marked increase in the number of women now working in a variety of jobs. At times, however, their entry and subsequent opportunities are dampened, if not altogether stopped, by discrimination. This is indeed a development that is surprising in a matriarchal society such as ours, and infuriating, considering that the Constitution is replete with provisions discouraging such practice, particularly Article II, Sections 10, 11, 12 and 14, and Article XIII, Section 14, which in various ways protect and promote the welfare of women.

This situation makes it imperative to institute mechanisms that will provide equal employment opportunities for all, regardless of sex, which is one step towards departing from the prevailing social and economic inequity in the country. Gender bias, both in the recruitment and in the conditions of the workplace, bolsters the traditional perception of society that a woman's proper place is in the home – a view that has become an obstacle to the employability of women.

In keeping with the belief that sex-based discrimination in employment should be eliminated, this bill seeks to amend Articles 135 and 137 of the Labor Code (PD 442, as amended) so as to expand the prohibited acts of discrimination against women, that it shall be unlawful for any employer to deny any woman the benefits of employment or other statutory benefits under our laws by reason of her sex, age, ethnic origin or beliefs or relations by affinity or consanguinity.

In view of the foregoing, the early passage of this bill is earnestly sought.


ROSELLER L. BARINAGA

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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 P.D. 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:

2 **SECTION 1.** Article 135 of P.D. 442, as amended, otherwise known as the
3 Labor Code of the Philippines, is hereby amended to read as follows:

4 “Art. 135. *Discrimination prohibited.* – It shall be unlawful for any
5 employer to discriminate against any woman employee with respect to
6 terms and conditions of employment solely on account of her sex.

7 “The following are acts of discrimination:

8 **“(A) GIVING PREFERENCE TO A MALE APPLICANT OVER A**
9 **FEMALE APPLICANT IN THE HIRING PROCESS, WHETHER**

1 THROUGH NOTICES, ANNOUNCEMENTS OR
2 ADVERTISEMENTS FOR EMPLOYMENT OR
3 APPRENTICESHIP OR IN THE ACTUAL RECRUITMENT,
4 HIRING OR EMPLOYMENT OF WORKERS WHERE THE
5 PARTICULAR JOB CAN BE EQUALLY HANDLED BY A
6 WOMAN;

7 “(B) ¹[(a)] Payment of a lesser compensation, including wage, salary or
8 other form of remuneration and fringe benefits, to a female employee as
9 against a male employee, for work of equal value; [and]

10 “(C) [(b)] Favoring a male employee over a female employee with respect
11 to promotion, ASSIGNMENT, training opportunities, study and
12 scholarship grants solely on account of their sexes; AND

13 “(D) FAVORING A MALE EMPLOYEE OVER A FEMALE
14 EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL
15 OR THE APPLICATION OF ANY RETRENCHMENT POLICY OF
16 THE EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES.”

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

18 “Art. 137. *Prohibited Acts.* -- (a) It shall be unlawful for any employer:

19 “(1) To deny any woman employee the benefits provided for in this
20 Chapter or to discharge any woman employed by him for the purpose of
21 preventing her from enjoying any of the benefits provided under this
22 Code;

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

3 “(3) To discharge or refuse the admission of such woman upon returning
4 to her work for fear that she may again be pregnant; **OR**

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

8 **SEC. 3. *Implementing Rules and Regulations.*** - Within thirty (30) days from the
9 effectivity of this Act, the Secretary of Labor and Employment, in consultation with the
10 Tripartite Industrial Council, shall issue and publish the necessary rules and regulations
11 to implement the provisions of this Act.

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

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

18 **SEC. 6. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
19 complete publication in the *Official Gazette* or in at least two (2) newspapers of national
20 circulation, whichever comes earlier.

Approved,