

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

FOURTEENTH CONGRESS  
First Regular Session

H. B. 185

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Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

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**EXPLANATORY NOTE**

Section 14, Article II of the 1987 Constitution provides that "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men".

Under the Article 130 of the Labor Code, as amended, night work for women employees is generally prohibited in industrial and commercial undertakings. This general rule, however, admits of exceptions as provided for under Article 131, where women employees are allowed to work during nighttime, the Secretary of Labor is allowed in analogous cases, to exempt women from the said provision.

There has been a demand for exemption on the night work prohibition for women employees, especially on the call center industry. In granting exemption, the Department of Labor and Employment (DOLE) considered the changes brought about by the increasing demands of globalization, liberalization, advanced information and communication technology, and the Constitutional mandate for the equal rights to employment opportunities against employment discrimination.

In view of the foregoing, and given the importance the Constitutional mandate for providing equal opportunities to all, which will increase women participation in work and enhance employment generation, and their role in nation-building, exemptions from the night work prohibition for women under Article 131 of the labor Code should be expanded.

For the forgoing reasons, the passage of this bill is earnestly sought.



**JUAN EDGARDO "SONNY" M. ANGARA**  
Representative  
Lone District, Province of Aurora

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AN ACT  
EXPANDING THE EXCEPTIONS FROM THE NIGHTWORK PROHIBITION  
OF WOMEN EMPLOYEES, THEREBY AMENDING ARTICLE 131 OF  
PRESIDENTIAL DECREE NUMBER FOUR HUNDRED AND FORTY TWO  
(PD 442), AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF  
THE PHILIPPINES

*Be it enacted by the Senate and the House of Representatives in Congress duly assembled:*

SECTION 1. Art. 131 of PD 442, as amended is hereby amended, to read as follows:

"ART. 131. EXCEPTIONS. - The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

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

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

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

(d) Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare service;

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

(g) WHERE THE ESTABLISHMENT IS OPERATING ON A 24-HOUR SCHEDULE;

(h) [Under] Other analogous cases exempted by the Secretary of Labor in appropriate regulations.”

**SECTION 2. *Separability Clause.*** If any part or provision of this Act shall be held unconstitutional or invalid, other provisions thereof that are not affected thereby shall remain in full force and effect.

**SECTION 3. *Repealing Clause.*** All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**SECTION 4. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes first.

**Approved.**