Submitted by the Committee on Labor and Employment on SEP 21 2020.
Re: House Bill No. 7722.
Recommend its approval in substitution of House Bills Numbered 278 and 6463.
Sponsors: Representatives Enrico A. Pineda, Michael Edgar Y. Aglipay and Eric Go Yap

Mr. Speaker:

The Committee on Labor and Employment, to which were referred House Bill No. 278 introduced by Representative Michael Edgar Y. Aglipay, entitled:

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”

and House Bill No. 6463 introduced by Representatives Eric Go Yap, Jocelyn Pua Tulfo, and Rowena Niña Q. Taduran, entitled:

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”

has considered the same and recommends that the attached House Bill No. 7722, entitled:

AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION 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”

HBs 278 and 6463 on expanding prohibited acts of discrimination against women on account of sex

Respectfully submitted,

ENRICO A. PINEDA
Chairperson
Committee on Labor and Employment

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7722
in substitution of House Bills Numbered 278 and 6463


AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE PRESIDENTIAL DECEDE NO.442, AS AMENDED, OTHERWISE KNOWN AS THE “LABOR CODE OF THE PHILIPPINES”

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

SECTION 1. - Article 135 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines", is hereby amended to read as follows:

"Article 135. 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 OR CHARACTERISTICS OF HER SEX, WHETHER ACTUAL OR PRESUMED.

"The following are acts of discrimination:

“(a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male 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 OR CHARACTERISTICS OF THEIR SEX, WHETHER
ACTUAL OR PRESUMED; 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 OR
CHARACTERISTICS OF THEIR SEX, WHETHER ACTUAL OR PRESUMED.

"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 137 of the Labor Code is hereby amended to read as follows:

"Article 137. 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] 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 WHILE in confinement due to her pregnancy;

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

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

"ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO COMMIT
ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR ANY RULE OR
REGULATION ISSUED PURSUANT THERETO 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) BUT
NOT MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00),
AND/OR SUFFER IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR BUT NOT
MORE THAN TWO (2) YEARS: PROVIDED, THAT THE CONVICTION OR
ACQUITTAL OBTAINED BY THE EMPLOYER SHALL NOT BE A BAR TO THE FILING
BY THE FEMALE EMPLOYEE OF A CIVIL SUIT FOR THE PAYMENT OF SALARIES OR
BENEFITS DUE HER.

"ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR ABETS IN THE
COMMISSION OF THE ACTS PROHIBITED HEREIN OR WHO CAUSES THE
COMMISSION OF ANY SUCH ACTS BY ANOTHER SHALL BE LIABLE IN THE SAME
MANNER AS THE EMPLOYER."

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

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the Official
Gazette or in a newspaper of general circulation.

Approved,
House of Representatives
Committee Affairs Department

FACT SHEET

House Bill No. 7722
(In substitution of House Bills Numbered 278 and 6463)
Approved by the Committee on 27 November 2019

AN ACT
EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION 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”


Committee Referral: COMMITTEE ON LABOR AND EMPLOYMENT
Committee Chairperson: REP. ENRICO A. PINEDA

OBJECTIVE:

- To strengthen the safeguards against discrimination of women in the workplace on account of their sex and characteristics of their sex

KEY PROVISIONS:

- Includes the following as acts of discrimination against women on account of their sex:
  
a) favoring a male employee over a female employee with respect to assignment, promotion, training opportunities, study and scholarship grants, solely on account of their sex or characteristics, whether actual or presumed;

b) 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 or characteristics, whether actual or presumed;

c) denying any woman the benefits of employment or other statutory benefits under our laws by reason of her sex.
• Penalizes the violation of the provisions of the Act with a fine of not less than Fifty thousand pesos (₱50,000.00) but not more than Two hundred thousand pesos (₱200,000.00), and/or imprisonment of not less than one (1) year but not more than two (2) years, and mandates that the conviction or acquittal obtained by the employer shall not be a bar to the filing by the female employee of a civil suit for the payment of salaries or benefits due her;

• Provides that any employee or person who willfully aids or abets in the commission of the acts prohibited herein, or who causes the commission of any such acts by another shall be liable in the same manner as the employer.

RELATED LAW:

• Articles 135 and 137 of P.D. 442, otherwise known as the “Labor Code of the Philippines”, as amended,