

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES
HOUSE BILL No. 257

Introduced by REPRESENTATIVES LANI MERCADO-REVILLA,
BRYAN B. REVILLA AND RAMON JOLO REVILLA III

**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"**

EXPLANATORY NOTE

Article II, Section 14 of the 1987 Constitution explicitly recognizes the role of women in nation-building and ensures the fundamental equality before the law of women and men. Furthermore, Article XIII, Section 3 of the same Constitution mandates the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

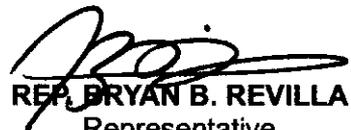
Despite these constitutional guarantees and the progress made in promoting gender equality over the years, many women in the workplace continue to experience subtle and overt forms of discrimination on account of their sex. These include unequal opportunities for hiring and promotion, gender stereotyping, wage disparities, as well as penalizing women for pregnancy or motherhood through demotions, terminations, or denial of benefits.

Presidential Decree No. 442, or the "*Labor Code of the Philippines*", currently prohibits certain acts of discrimination against women; however, the scope of prohibited acts remains narrow and insufficient to comprehensively address the evolving and multifaceted forms of gender-based discrimination in the workplace.

This measure seeks to expand the prohibited acts of discrimination against women to encompass a wider range of gender-based biases and workplace inequalities. It intends to clarify and reinforce the legal protection afforded to women workers and promote equitable employment practices, consistent with international standards such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and International Labour Organization (ILO) conventions.

If passed, this bill commits to uphold the dignity of women, ensure genuine equality of opportunities, and contribute to a just and equitable labor system in the country. Thus, approval of this bill is earnestly sought.


REP. LAM MERCADO-REVILLA
Representative
2nd District of Cavite


REP. BRYAN B. REVILLA
Representative
AGIMAT Partylist


REP. RAMON JOLO REVILLA III
Representative
1st District of Cavite

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Be it enacted by the Senate and the House of Representatives of the Philippines in the 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 to 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, EMPLOYMENT BENEFITS,** 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.”

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

“Art. 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.

Section 3. *Repealing Clause.* - All laws, executive orders, decrees, instructions, rules and regulations contrary or inconsistent with any provision of this Act are hereby amended, repealed or modified accordingly.

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

Approved,