

AMENDING FURTHER CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED SIX HUNDRED SEVENTY-NINE, AS AMENDED, COMMONLY KNOWN AS THE WOMAN AND CHILD LABOR LAW

PRESIDENTIAL DECREE NO. 148, March 13, 1973

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WHEREAS, under Section 9, Article II of the New Constitution, the State shall among other policies, afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers;

WHEREAS, there is an urgent need to translate these policies into meaningful reality consistent with the demands of national development particularly insofar as the employment of women and minors is concerned; and

WHEREAS, to effect these objectives, it is necessary to amend further Republic Act No. 679, commonly known as the Woman and Child Labor Law;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby amend certain sections or provisions of R.A. No. 679, as amended, to wit:

SECTION 1. Section one of the Republic Act Numbered Six Hundred and seventy-nine, as amended, is further amended to read as follows:

"SECTION 1. Minimum Employable Age. — No child below 14 years of age shall be employed by any employer, except where the child works directly under the sole responsibility of his parent or guardian, involving activities which are not hazardous in nature and which do not in any way interfere with his schooling."

SEC. 2. Section two of the same Act is repealed, and in lieu thereof, a new section is inserted to read as follows:

"SEC. 2. Age Eligibility for Employment. — Any person between 14 and 18 years of age may be employed in any non-hazardous undertaking as determined by the Secretary of Labor. The employer shall not discriminate against any such person in respect to terms and conditions of employment on account of his age."

SEC. 3. Section 3 of the same Act is repealed and in lieu thereof, a new section is inserted to read as follows:

"SEC. 3. Additional coverage. — Any woman who is permitted or suffered to work, with or without compensation in any nightclubs, cocktail lounges, bars, massage clinics, or in any similar places, shall be considered as employees of such establishment for purposes of this and other existing labor and social legislations."

SEC. 4. Section 7 of the same Act is further amended by amending paragraph (b) to read as follows:

"(b) No woman regardless of age, shall be allowed to work, with or without compensation, in any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day, except for activities which may be allowed by the Secretary of Labor through implementing rules and

regulations."

SEC. 5. Section 8 of the same Act is further amended to read as follows:

"SEC. 8. Maternity Leave Benefits. —

(a) Every employer shall grant to any pregnant woman employee who has rendered an aggregate service of at least six months for the last twelve months, maternity leave of at least two weeks prior to the expected date of delivery and another four weeks after normal delivery or abortion, with full pay based on her regular or average weekly wages. The employer may require from any woman employee applying for maternity leave the production of a medical certificate stating that delivery will probably take place within two weeks.

(b) The maternity leave shall be extended without pay on account of illness medically certified to arise out of the pregnancy, delivery, abortion", or miscarriage, which renders the woman unfit for work, unless she has earned unused leave credits from which such extended leave may be charged.

(c) The maternity leave provided in the preceding paragraph shall be paid by the employer only for the first four deliveries by a woman employee after the effectivity of this Decree.

(d) The Secretary of Labor may by regulation require an employer to establish a nursery in his workplace for the benefit of his women employees.

(e) Establishments which are required by law to maintain a clinic or infirmary shall provide free family planning services to their employees which shall include, but not limited to, the application or use of contraceptive and/or intra-uterine devices.

(f) In coordination with the other agencies of the Government engaged in the promotion of family planning, the Department of Labor shall develop and prescribe incentive bonus schemes to encourage family planning among the married workers in any establishment or enterprise."

SEC. 6. Section 9 of the same Act is further amended by amending paragraph (b) and by adding thereto paragraph (c) to read as follows:

"(b) It shall be the duty of every employer to give his employees not less than sixty minutes time-off for their regular meals, unless otherwise prescribed by the Secretary of Labor.

"(c) The Secretary of Labor shall also establish standards that will insure the health and safety of women employees."

SEC. 7. Section 10 of the same Act is hereby repealed.

SEC. 8. Section 12 of the same Act as amended, is further amended by amending paragraph (c) to read as follows:

"(c) It shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married a woman employee shall be deemed resigned or separated, or to actually dismiss, discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage."

SEC. 9. Repealing Clause. — All laws, decrees, orders and regulations or parts thereof, which are contrary to or inconsistent with this Decree are hereby repealed.

SEC. 10. Effectivity. — This Decree shall take effect immediately.

Done in the City of Manila, this 13th day of March, nineteen hundred and seventy-three.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR

Executive Secretary

In order to facilitate the implementation of this Presidential Decree No. 148, the Department of Labor issued the following:

Rules and Regulations, dated May 17, 1973; and

Labor Department Order No. 4, dated June 8, 1973, declaring certain occupations hazardous to young workers.

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