NATIONAL ADMINISTRATIVE REGISTER · JANUARY 16, 1990

RULES IMPLEMENTING REPUBLIC ACT 6725

DOLE, January 16, 1990

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SECTION 1. Rule XI, Book III of the Rules Implementing P.D. 442, as amended, is hereby amended, incorporating new Sections 4 and 6 to read as follows:

> "SECTION 4. Discrimination Prohibited — It shall be unlawful for any employer to discriminate against any female employee with respect to terms and conditions of employment solely on account of her sex.
>
> (a) Payment of a lower compensation or benefits to a female employee as against a male employee for work of equal value.
>
> For purposes of this section, work of equal value refers to activities, jobs, tasks, duties, or services workers or employees are required or called upon to perform and which are identical or substantially identical.
>
> Payment of a lower compensation or benefits to a female employee does not constitute a failure to comply with this section, if the difference between the rates of pay is based on length of service or seniority, on location or geographical area of employment, or any factor other than sex and the factors on which the difference is based would normally justify such difference in rates of pay.
>
> (b) Favoring a male employee over a female employee with respect to security and tenure, promotion, training opportunities, study and scholarship grants and other privileges and non-monetary benefits solely on account of their sexes.
>
> Employees, regardless of their sexes, shall be afforded equality of treatment in the evaluation of the quality of work and other factors considered with respect to promotion, training opportunities, study and scholarship grants.
>
> (c) All other acts not specifically provided herein but which, upon the determination of the Secretary of Labor and Employment, constitute discrimination of a woman employee with respect to terms and conditions of employment solely on account of her sex."

SECTION 2. A new Section 17 is hereby incorporated in Rule XI, Book III of the Rules Implementing P.D. 442, to read as follows:

> "SECTION 17. Criminal Liability — Criminal liability for the willful commission of any unlawful act as provided in Article 135 of the Code or any violation of the Rules and Regulations issued pursuant to section 2 of R.A. 6725 shall be penalized as provided in articles 288 and 289 of the 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 3. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Rule XI, Book III of the Rules Implementing P.D. 442, as amended, are hereby renumbered as Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, respectively.

SECTION 4. Effectivity — These rules shall take effect fifteen (15) days from the date of publication in at least two (2) national newspapers of general circulation.

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Adopted: 16 Jan. 1990

(SGD.) DIONISIO C. DE LA SERNA
Acting Secretary

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