Conclusion

An over-all study of the new provisions and amendments introduced by Rep. Act 772 to the Workmen's Compensation Act would show that such provisions and amendments are not so sweeping as to create a maladjustment in our economic set-up. Great care has been taken in the drafting of these modifications so as not to hamper the industrialization program of this country. If difficulties are to be met by the employers because of the passage of the new law, only those who would try to evade their responsibilities to industrial victims would suffer. At any rate, compensation benefits should be made a part of the costs of production and in the final analysis it would be the consuming public which would have to shoulder it.

It is feared that due to the lack of necessary facilities and adequate personnel of the Workmen's Compensation Commission the purposes for which the Act has been enacted may not be satisfactorily accomplished. Much, then, will depend on the cooperation and good faith of the employer to give the relief justly due to his employee who has been a victim of an accident in the pursuit of his employment. The courts, too, must, as they have always done in the past, interpret the provisions of the Act fairly in favor of the employee. Humanity and civilization demand protection for the workman.

REP. ACT No. 679

By Jose C. Reyes

If perchance someday you walk by a large factory or industrial establishment and you hear the babble and prattle of infants mingled with the din and noise of the factory, pause for a little while . . . . then walk towards the source of the babble and prattle . . . . there you will find a nursery filled with the frolic and fun of happy children unmindful of the people around them . . . . unmindful of you. But what is the big idea of all these, you ask yourself. Perplexed you decide to investigate. You drop by the office of the big boss and ask. The big boss simply answers you: "Well, it all

happened so fast. Congress finally decided in Sec. 9 of Rep. Act 679 that I could be the most perfect baby sitter for the children of my working women. And so here I am, a baby sitter 'al por mayor' minus several bank rolls as a consequence. Whoever concocted this idea certainly pulled a fast one on me. I am beginning to fear that someday I might be designated adopting father of these children by viva-voce vote."

This is one of the new features of Rep. Act 679 which we shall presently comment on.

REPUBLIC ACT 679

AN ACT TO REGULATE THE EMPLOYMENT OF WOMEN AND CHILDREN.

Sec. 1 *Employment of children below fourteen years of age.*

a. May only be employed to perform light work

(1) which is not harmful to their health or normal development, and

(2) which will not prejudice their attendance in school.

b. May not be employed or permitted or suffered to work on school days in any shop, factory, commercial, industrial or agricultural establishment or any place of labor.

Exception:

(1) the child knows how to read and write which shall be evidenced by:

(a) an educational certificate issued by the principal of the public or private elementary school of the locality where the child resides.

(b) in the absence of said certificate, the employer shall conduct an intelligence test to determine whether the child can read and write.

Notes:

Sec. 4 of Act 3071 provides that no person, firm or corporation shall employ nor permit the employment of any boy or girl below the age of fourteen years in its factory, shop, commercial or industrial establishment or other place of labor on school days, unless such child knows how to read and write.

Under Sec. 1 of Rep. Act 679, the same prohibition is made with the added requirement that the fact that the child knows how to read and write must be evidenced by an educational certificate. And even if the child knows how to read and write, the employer is still barred from admitting such child into his employ on school days when the employment will prejudice the child's attendance in school. As further protection to the minor under 14 years the law makes it a further requirement that under any of these circumstances the child below 14 years may only be employed to perform light work.

c. Section 1 is not applicable to:

(1) Domestic work in a family

(2) Employment in an establishment in which only members of the employer's family are employed.
Exception: When said employment is harmful, prejudicial or dangerous under other provisions of this Act.

(3) Work done in vocational, technical or professional schools, which is essentially educative in character and is not intended for commercial profit, provided such schools are duly authorized under the law.

(4) Employment as gymnast, acrobat, circus or show performer or in any dancing, theatrical or musical exhibition.

Notes:

Domestic work has been recommended to mean services connected with maintenance of house and lot, connected with and constituting the establishment of the employer in such a way that the work and duties whether in or outside the house have to do with the running of establishment or estate in providing for and ministering to the wants and comfort of the members of the employer's household. This definition of domestic work has been proposed to the Department in the drafting of the rules and regulations implementing Rep. Act 679.

It has also been proposed to the Department of Labor that the employment as gymnast, acrobat, circus or show performer will be permitted only if it is not dangerous to life and limb or detrimental to the health, morals or general welfare of the child.

Sec. 2 *Employment of children below sixteen years of age.*

May not be employed or permitted or suffered to work—

(1) In any industrial undertaking or in any branch or division thereof, including:
   (a) mines, quarries, and other works for the extraction of minerals from the earth;
   (b) undertakings in which articles are manufactured, transformed, altered, cleaned, repaired, ornamented, finished, adapted for sale, or broken up or demolished;
   (c) undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
   (d) undertakings engaged in building and civil engineering works, including construction, repair, maintenance, alteration and demolition work; and
   (e) undertakings engaged in the transport of passengers or goods by road or rail or in the handling of goods at docks, quays, wharves, warehouses or airports.

Notes:

Sec. 1, Act 3071 makes it unlawful for any person, firm or corporation to employ females or males below the age of fourteen as laborers in mines. Under Sec. 2, Subsection a of Rep. Act 679, the prohibition is extended to cover minors below 16 years.

Subsections (bb), (cc), (dd), and (ee) are new features in Act 679 and not found in Act 3071. The protection to minors below 16 years under Rep. Act 679, therefore, is more extensively covered and specified by law than in the previous act.

(2) In any shop, factory, industrial establishment or other place of labor—
   (aa) as operator of elevators, motorman or fireman
   (bb) to operate or assist in operating or to clean machinery
   (cc) to work underground or with use of ramps or scaffoldings, or

(dd) to do any work similar to the foregoing

Notes:

Under Sec. 10 of Act 3071, employment of a min below 16 as operator of elevators, motorman or fireman w also prohibited. The same prohibition is carried over Subsection 2, (aa) of Rep. Act 679.

Under Sec. 10 of Act 3071, the prohibition found in Sub section 2, bb of Rep. Act 579 with respect to operating or assisting in operating machinery was not found. The pro hibition was merely limited to cleaning machinery.

Under Sec. 10 of Act 3071, the prohibition was limited to employing children under 16 years to work underground Under Sec. 2, (cc) of Rep. Act 679, the prohibition is more extensive, covering work with use of ramps or scaffoldings

(3) In billiard rooms, cockpits, or other places where games are played with stakes of money or things worth money, or in a bar, night club, dance hall stadium, or race track, as waiter, boxer or jockey

Notes:

Under Sec. 11 of Act 3071, it shall be unlawful for any person, firm or corporation to employ or cause the employment of persons below the age of 16 years in billiard rooms cockpits, or other places where games are being played with stakes of money or things worth money and in dance halls stadiums or race course as bailarinas, boxers or jockeys. Sec. 2, Subsection 3 of Rep. Act 679 includes in the enumeration, bar, nightclub and waiter which was not found in Sec. 10 of Act 3071. However, in Sec. 5 of Act 3071 the prohibition of employing a male minor below 16 in a bar was also provided.

Sec. 3 *Employment of children below eighteen years of age.*

a. No woman below 18 years of age shall be employed or permitted or suffered to work in any bar, nightclub or dance hall.
b. No child below 18 years of age shall be employed or permitted or suffered to work in any pharmacy for the preparation of drugs.
c. No person below 18 years of age shall be employed in any shop, factory, industrial or commercial establishment or other place of work—
   (1) Where work is done in connection with the preparation of or involves contamination with any noxious

poisonous, infectious or explosive substances.
   (2) Where work involves serious danger to life or health the Secretary of Labor shall determine from time to time occupations which involve serious danger to life and health.

Notes:

Sec. 5 of Act 3071 provides that it shall be unlawful for any person, firm or corporation licensed to establish a bar to employ or permit the employment in said bars of females under 18 years of age. Under Sec. 3, Subsection a of Rep. Act 679, the prohibition is extended not only to bars but also to *nightclubs* or *dance halls.*

Sec. 14 of Act 3071 provides that it shall be unlawful for any person, firm or corporation to employ or permit the employment of persons below the age of 16 years for the sale of medicine and drugs in a pharmacy or for any work that may affect the health of the public. Under Sec. 3, Subsection b of Rep. Act 679, the age requirement is raised to cover persons below 18 years of age instead of sixteen. It must be noted, however, that while Sec. 5 of Act 3071 refers to the sale of medicine or drugs, Sec. 3 Subsection b of Rep. Act 679 refers to "preparation of drugs."

Sec. 7 of Act 3071 prohibits the employment of persons below the age of sixteen in departments or divisions of their factories where the work is being done in connection with the preparation of any poisonous, noxious, explosive or infectious substances. Under Sec. 3, Subsection c (1), the prohibition is raised to cover persons below 18. Sec. 8, Act 3071 prohibits the employment of persons below the age of 18 years in any work not specified in the Act which involves serious danger to the life of the laborer. Under Sec. 3, Subsection c (2), of Rep. Act 679, the same prohibition is made. However, in the latter act, the Sec. of Labor is authorized to make from time to time a specification of what works involve serious danger to life and health, a provision which is absent in Sec. 8 of Act 3071.

Sec. 4 *Medical Examination of children for fitness for employment.*

a. No person below the age of 18 years shall be admitted to employment unless he is found fit for the work on which he is to be employed by a thorough medical examination to be conducted without cost by a government physician or other qualified physicians authorized by the Secretary of Labor. The fitness for employment shall be evidenced by a certificate of the examining physician which

may be issued:

(1) Subject to specified conditions of employment.
(2) For specified employments or group of employments involving similar risk.

b. Duty of employer of a person under 18 years of age to have such person medically examined every 6 months.
c. Secretary of Labor shall have the power in case of occupation involving high health risks to require medical examination until the age of 21 years.
d. Secretary of Labor shall refer to appropriate authorities cases of children found to require such service.

Notes:

The requirement that no person below 18 years of age shall be admitted to employment without a medical examination of such person being made for the purpose of determining his fitness for employment is a new feature in Rep. Act 679 which was not found in Act 3071. For the purpose of implementing this provision it has been suggested that the medical certificate must show the age, height and weight of the minor and shall state that the minor has been thoroughly examined, has attained the normal development of a minor of his age, is in sound health, and is physically qualified for the employment proposed for him and signed by the government physician or other qualified physician designated by the Secretary of Labor. A description of the work to be performed by the minor shall be shown in a statement of the employer which shall be presented to the examining physician.

The employer is further obliged to cause such person to be medically examined at least every six months and in occupations involving high health risks the Secretary of Labor may require the employer to have such person medically examined until the age of 21 years. All these are health safeguards imposed by law for the protection of working minors.

Sec. 5 *Hours of Work of Children; Night Work.*

a. No child below 16 years of age shall be employed in any shop, factory, commercial or industrial establishment or other place of labor—
   (1) For more than 7 hours daily or 42 hours weekly; and
   (2) Between six o'clock in the afternoon and six o'clock in the morning of the following day.
b. No child above 16 but below 18 years of age shall be employed in any shop, factory, commercial or industrial establishment or other place of labor—
   (1) Between ten o'clock at night and six o'clock in the morning of the following day;
   (2) Children employed under the provision of this subsection shall be granted a rest period for at least 13 consecutive hours between two working periods.

Notes:

Sec. 3 of Act 3071 provides that no person, firm or corporation shall employ or permit the employment of any person below the age of 16 years for work in its shops, factories, commercial or industrial establishments or other places of labor for more than seven hours daily or forty-two hours weekly. Sec. 12 of the same law prohibits the employment of any person below the age of sixteen years to work before six o'clock ante-meridian or after six o'clock post meridian. In other words, night work from six o'clock in the afternoon to six o'clock in the morning of the following day is prohibited for minor children below 16 years of age. The same prohibition is carried over in Sec. 5, Subsection a of Rep. Act 679.

However, Sec. 5, Subsection b of Rep. Act 679 allows the employment of children above 16 but below 18 years of age up to ten o'clock in the evening. Under Act 3071, this provision is not present, so that a minor above 16 though below 18 years of age may be employed for night work. The law further protects minors who are employed up to ten o'clock at night by providing that they be given a rest period of 13 consecutive hours between two working periods.

Sec. 6 *Written Consent of Parents.*

No person below 18 years of age shall be employed without the written consent of the parent, guardian or person having custody over him.

Notes:

This is a new feature in our "Women and Child Labor" laws. Under Act 3071, no such requirement was imposed. Again, the object of the above requirement is to protect minors who under the provisions of the Civil Code are under parental authority.

Sec. 7 *Employment of Women.*

a. No woman shall be employed in any shop, factory, commercial or industrial establishment or other place of labor—

(1) To perform work which requires employees to work always standing or lifting of heavy objects;
(2) To work between ten o'clock at night and six o'clock in the morning of the following day.

Notes:

Sec. 6 of Act 3071 provides that it shall be unlawful to employ women in factories, shops where the nature of the work requires the employee to work always standing. Sec. 7, Subsection a of Rep. Act 679 carries the same prohibition with the addition of "where the work requires the lifting of heavy objects". Again, this provision is broader than that found in Act 3071.

The prohibition against employing women to work between ten o'clock at night and six o'clock in the morning of the following day is likewise a new feature in Rep. Act 679. So that henceforth under Rep. Act 679 no woman can be employed to perform night work beyond that established by Sec. 7, Subsection 2, which is from ten o'clock in the evening to six o'clock in the morning of the following day.

However, certain exceptions to this nightwork prohibition have been proposed by the Department of Labor. These exceptions are:

(1) Women employed in health and welfare services such as nurses and matrons in public institutions;
(2) Women employed in managerial capacities;
(3) Women employed as non-technical professional workers, including writers, painters, musicians, dancers and entertainers, who work in professions involving literary or artistic expression or entertainment which require extensive training and experience; and
(4) Women employed as technically trained professional workers such as physicians, dentists, scientists, teachers and lawyers who require extensive academic training in a specific field.

b. In any shop, factory, commercial, industrial or agricultural establishment or other place of labor where men and women are employed—

(1) The employer shall not discriminate against any woman in respect to terms and conditions of employment on account of her sex, age; and

(2) The employer shall pay equal remuneration for work of equal value for both men and women employees.

Notes:

That the employer shall not discriminate against any woman in respect to terms and conditions of employment on account of her sex is a new feature of Rep. Act 679. This prohibition against discrimination is not found in Act 3071.

With respect to equal remuneration for work of equal value for both men and women employees, it should be noted, that although Act 3071 contains no similar provision, the Court of Industrial Relations in the case of National Textile Worker's Union *vs.* National Development Co., CIR No. 129-V, Nov. 5, 1948, held that in case a female laborer performs the same work done by a male laborer, the former should be accorded the rate of wage of the latter. The Department of Labor recommends that the employer shall not discriminate in the payment of wages as between the sexes and the payment of a lower rate to women than to men for work of comparable quality and quantity should be prohibited.

Sec. 8 *Maternity Protection*

a. In any shop, factory, commercial, industrial or agricultural establishment or other place of labor, the employer shall grant to any woman employed by him who may be pregnant:

(1) Vacation with pay for six weeks prior to the expected date of delivery, and
(2) Vacation for another eight weeks after normal delivery or miscarriage.
(3) The salary during this period of vacation should not be less than sixty per cent of her regular or average weekly wages.
(4) The vacation shall be extended without pay on account of illness medically certified to arise out of the pregnancy or delivery or miscarriage rendering the women unfit for work.
(5) Prolonged absence on account of illness incident to pregnancy or delivery or miscarriage shall not be a valid ground for discharge.

Notes:

This is the much awaited boon to improve the lot of our working women. It should be noted that maternity protection to working women was already made the subject of legislation and before the passage of Rep. Act 679 was found

in Sec. 13 of Act 3071 which provided that an employer shall be obliged to grant to any woman employed by it as laborer who may be pregnant, thirty days vacation with pay before and another thirty days after confinement. This section was, however, declared unconstitutional by the Supreme Court in the case of People *vs.* Pomar, 46 Phil. 440, on the ground that it violates the freedom of contract protected by the due process of law clause of the Constitution. This decision was rendered by the Supreme Court in 1924, just after the Supreme Court of the United States in the case of Adkins *vs.* Children's Hospital, 261 U. S. 525, had annulled a minimum wage legislation precisely on the ground that there was a violation of the freedom to contract embraced in the liberty of the individual protected by the due process clause of the Constitution. It is to be noted that in 1937 the Adkins case was overruled in the case of West Coast Hotel *vs.* Parrish, 300 U. S. 379. At the time the Pomar decision was rendered, the Supreme Court of the Philippines could not very well disregard what it considered to be an applicable decision of the American Supreme Court. Even then, however, that decision hardly recommended itself for its appreciation and understanding of the facts of industrial life. And even at that time the indiscriminate use of the due process clause to strike down social welfare legislation was already deplored by such notable American Justices as Holmes and Brandeis and many noted legal scholars. After the Constitution took effect with its requirement that the state shall afford protection to labor, especially to working women and minors, the decision in the Pomar case has lost its binding force. Justice Laurel, one of the most active members of the Constitutional Convention, so stated in his concurring opinion in the case of Ang Tibay *vs.* Court of Industrial Relations, GR No. 46496. This concurring opinion was cited with approval in the majority opinion of the Supreme Court in the case of Antamok Goldfields Mining Co. *vs.* Court of Industrial Relations, 40 O. G. 8th Supp. p. 173, decided June 28, 1940. Just recently, to be exact, the Supreme Court once again repudiated the Pomar case in its opinion in the case of Leyte Land Transportation *vs.* Leyte Farmer's and Laborer's Union, G. R. No. L-1377, thus—

> "With respect to the decision in People *vs.* Pomar, 46 Phil. 440, also invoked in petitioner's behalf, we merely recall what Mr. Justice Laurel stated in his concurring opinion in the case of Ang Tibay *vs.* C.I.R. quoted in Antamok Goldfields Mining Co. *vs.* C.I.R. 'In the midst of changes that have taken place, it may likewise be doubted if the pronouncement made by this court in the case of People *vs.* Pomar still retains its virtuality as a living principle. The policy of Laissez Faire has to some extent given way to the assumption by the government of the right of intervention even in contractual relations affected with public interest'." (Labor and Tenancy Laws by Carlos and Fernando, p. 320)

Although this was the state of the law and jurisprudence with respect to the maternity protection to working women granted by Sec. 13 of Act 3071, the practice of the Court of Industrial Relations was to grant a pregnant woman worker one month leave before and another month leave after confinement with full pay. Thus in the case of Philippine Long Distance Telephone Worker's Union *vs.* Philippine Long Distance Telephone Co., C.I.R. No. 156-V, Oct. 28, 1948, the court held that "under our Constitutional mandate that the State shall afford protection to labor, especially to working women and minors, it is believed that a pregnant woman should be granted one month leave before and another month after confinement with full pay."

Under Sec. 8 of Rep. Act 679 the question as to the right of a pregnant woman worker to maternity protection is finally settled. As a consequence, the ruling in the case of Long Distance Telephone Worker's Union *vs.* Long distance Telephone Co. (supra) with respect to the length of the period of the maternity leave has to be modified. Under the present law a pregnant woman worker is entitled to six weeks vacation leave with pay before the date of expected delivery and another eight weeks after delivery. The amount of the vacation pay, however, should not be less than sixty per cent of her regular or average weekly salary. In the determination of the average weekly wages of a woman applying for maternity leave, the Department of Labor recommends, that the same shall be determined by the best computation that can be made of the weekly earnings of the worker during the twelve weeks immediately preceding the maternity leave and shall include overtime, bonus, value of meals and other benefits.

The vacation leave may still be extended beyond the eight weeks period after delivery in case of illness connected with the delivery or miscarriage, but during the extended period of vacation the working woman shall not receive any pay. The prolonged illness of the working woman incident to pregnancy is not a ground for discharge. These two added protection to working women are new features of Rep. Act 679 not found in Act 3071.

b. It shall be the duty of any employer to allow any woman employed by him who is nursing a child at least one-half hour twice a day during her working hours to nurse her child.

c. It shall be the duty of every employer having at le fifteen married women in his employ to establish an ad quate nursery near the place of work where they ma leave their children, said nursery to be under the supe vision of either a registered nurse or a qualified midwif

Notes:

The Department of Labor recommends that the nurser facilities required by Sec. 8, Subsection c of Rep. Act 679 should be provided for children up to two years old.

Sec. 9 *Facilities for women and children*

a. It shall be the duty of every employer:

(1) To provide seats proper for women and children and permit them to use such seats when they are free from work and during working hours provided efficiency is not impaired.

(2) To provide separate and suitable toilet rooms and lavatories for men and women and a dressing room for women and children.

Exception:

The Secretary of Labor may exempt small shops from Subsection a, (2).

b. It shall be the duty of the employer to allow his employees not less than sixty minutes for their noon meals.

Notes:

This provision is also found in Act 3071.

Sec. 10 *Special work permits; rules and regulations*

a. The Secretary of Labor or his duly authorized representative shall have the power to grant a special permit for the employment of any child whose employment is otherwise prohibited by this Act, whenever in his judgment the economic necessity of the family to which the child belongs requires his assistance for increasing the family income. The permit should be issued under such conditions as:

(1) will not prejudice the compulsory school attendance of any child, and

(2) will be necessary for the protection of the child.

Notes:

With respect to the issuance of employment and special employment permits to working minors the Department of Labor recommends:

a. No employment certificate shall be issued to minors below twelve years old.
b. Employment certificates shall be required for all minors under eighteen.
c. Before an employment certificate can be issued, the following must be filed by the minor with the Bureau of Labor:

1. The parents or guardian's permission for the child to work.
2. Documentary proof of age which must be either a birth certificate, record of baptism, school record or affidavit of the parents or nearest of kin as to the birth of the minor.
3. Certificate of physical fitness showing that the minor is fit for employment as far as health and development are concerned. Physical examination for such certificate shall be performed by a government physician free of charge.
4. Pledge of employment signed by the prospective employer showing the working hours per day, rate of pay and the character of the e mployment.

d. In securing special employment certificates the same procedure for securing employment certificates shall be observed. In addition, a certificate issued by the Municipal Treasurer or by a representative of a recognized welfare agency certifying as to the economic necessity of the family to which the minor belongs requiring his assistance in increasing the family income shall be submitted.

b. The Secretary of Labor shall have the power, after consultation with representatives of the employers and employees or organizations thereof, to make, amend or rescind such rules and regulations as may be necessary to carry out the purposes of this Act. Such rules and regulations, without limiting the generality of the foregoing, may define terms used in this act and may include terms conditions to prevent the circumvention or evasion of the provisions of this Act. Such rules and regulations shall take effect thirty days after publication in newspapers of

general circulation.

Notes:

All the recommendations of the Department of Labor elsewhere cited in the *Notes* have been suggested for the purpose of implementing this Act. However, up to the writing of this article no Rules and Regulations promulgated by the Secretary of Labor by virtue of the power vested upon him by this section have become effective.

The following definitions of terms in the Act have been recommended by the Department of Labor:

a. The term "employer" shall include any person acting in the interest of an employer directly or indirectly.
b. "Employment" means any employment under contract of hire, express or implied, written or oral.
c. "Occupation" means an industry, trade or business or branch thereof or class of work therein in which women and minors are gainfully employed.
d. "Secretary" means the Secretary of Labor.

The recommendation of the Department of Labor cited under the notes of Sec. 10, Subsection a, of Act 679 with respect to the non-issuance of employment certificates to minors below twelve years old and the requirement of an employment certificate for all minors below eighteen years old is an exercise of the power granted by the Secretary of Labor under Sec. 10, Subsection b of Act 679 for the better accomplishment of the purposes of the Act, if and when the Secretary of Labor should act upon such recommendation and promulgate rules and regulations to that effect. It should be noted that Rep. Act 679 merely provides for the issuance of special employment certificates under special circumstances without making specific provision as to the non-issuance of employment certificates to minors below twelve years old and to the requirement of an employment certificate of minors under eighteen years old.

Sec. 11 *Enforcement of the Act*

a. The Director of Labor shall enforce this Act and the rules and regulations promulgated by the Secretary of Labor hereunder.
b. Every employer employing women and children shall keep a printed abstract of this act conspicuously posted in or about the premises wherein they are employed. Every employer shall keep a list of the women and children employed by him and shall furnish the Director of Labor with a copy of such list and shall also keep on file the birth certificates, educational certificates, medical certificates and special work permits pertaining to such children.
c. The Director of Labor or his authorized representative shall have the power to enter any place of employment, during office hours where women and children are employed, to require the production of such list, birth certicates, educational certificates, medical certificates, special work permits and other pertinent books or records, to question any employee therein and make such investigation of any fact, matter or condition as may be necessary to apprehend violations of this Act or as will aid in the proper enforcement of this Act.

Notes:

The implementing of a law is always hard. Unless specific provisions in the Act itself is made for the purpose of securing its enforcement, the executive officers charged with the execution of the law will not be guided properly. And so Sec. 11 of Rep. Act 679 fixes the responsibility of enforcing the Act upon the Director of Labor. Under this section the Director of Labor or his duly authorized representative is vested with visitorial powers with the end in view of achieving the purposes for which the Act was enacted.

Sec. 12 *Violations and Penalties*

a. It shall be unlawful for any employer to discharge any woman employed by him who may be pregnant for the purpose of preventing such woman from enjoying the benefits of section 7 of this Act or to discharge such woman while on leave on account of her pregnancy or confinement.
b. It shall be unlawful for any employer to discharge any woman or child employed by him for having filed a complaint under this Act or to discharge such woman and child or any other employee who has given testimony or is about to give testimony under this Act.
c. Any violation of any provision of this Act shall be punished by a fine of not less than one hundred pesos nor more than five thousand pesos, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

If the violation is committed by a firm, association or corporation, the manager or in his default, the person

acting as such, shall be liable.

Notes:

Penalty for the violation of any of the provisions of Rep. Act 679 is higher than the penalty imposed for the violation of the provisions of Act 3071.

Sec. 13 *Separability*

If any provision of this Act to the application thereof to any person or circumstance shall be held invalid, the remainder of the Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 14 *Effectivity*

April 15, 1952.

Conclusion:

It is not without reason that the law is always solicitous of the welfare and protection of the woman worker, whether she be found in the home, in the factory, in the office or in any other place, for, "THE HAND THAT ROCKS THE CRADLE IS THE HAND THAT RULES THE WORLD."

ATENEO LAW JOURNAL

Published five times a year during the academic year by the students of the College of Law, Ateneo de Manila.

DEDICATED TO OUR LADY, SEAT OF WISDOM