

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

'04 SEP 23 P 4:59

SENATE

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S.B. No. 1800

Introduced by **SENATOR COMPAÑERA PIA S. CAYETANO**

EXPLANATORY NOTE

This representation's free legal advice program was swamped with labor problems, most common of which, was the blatant refusal of employees to issue "certification of employment" to employees who resigned or was terminated.

The present implementing rules and regulations of the Labor Code ordain the issuance of such certification when it promulgated this section:

"SECTION 6. Certification of Employment. – A dismissed worker shall be entitled to receive on request, certificate from the employer specifying the dates of his engagement and termination of his employment and the type or types of work on which he is employed." (Section 6, Rule XXIII, Book V, Rules Implementing The Labor Code)

But experience has made it abundantly clear that the abovementioned rule is honored more in its breach than in its observance.

This bill seeks to institutionalize this employment certification requirement by legislating the above-cited rule thereby doing away with the question as to its legality prescribing a period for the employers to comply with the request and by providing a penal sanction for its violation.

The early passage of this bill is earnestly recommended.

Pia S. Cayetano
COMPAÑERA PIA S. CAYETANO
Senator

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AN ACT
REQUIRING THE ISSUANCE OF EMPLOYMENT CERTIFICATION IN FAVOR
OF RESIGNED, DISMISSED OR SEPARATED EMPLOYEES AND
PROVIDING PENALTIES FOR VIOLATION THEREFOR, AMENDING FOR
THIS PURPOSE THE LABOR CODE OF THE PHILIPPINES

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

SECTION 1. There shall be incorporated after Article 286 of Presidential Decree No. 442, as amended, otherwise known as "The Labor Code of the Philippines," a new Article 286-A, which shall read as follows:

ARTICLE 286-A. CERTIFICATION OF EMPLOYMENT. – A RESIGNED, DISMISSED OR SEPARATED EMPLOYEE SHALL, WITHIN FIVE (5) WORKING DAYS UPON REQUEST, BE FURNISHED A CERTIFICATION FROM THE EMPLOYER SPECIFYING THE DATES OF ENGAGEMENT AND TERMINATION OF EMPLOYMENT, POSITION HELD, BRIEF JOB DESCRIPTION, AND THE LATEST SALARY.

SECTION 2. *Penalty.* – Any person, corporation, trust, firm, partnership, association or entity which refuses to issue the certification required under this Act shall be punished by a fine not exceeding Twenty Thousand Pesos (Php 20,000.00) and/or imprisonment of not less than one (1) year.

If the violation is committed by a corporation, trust, firm, partnership, association or entity, the penalty of imprisonment shall be imposed on the officer responsible therefor.

SECTION 3. *Implementing Rules.* – The Secretary of Labor and Employment shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SECTION 4. *Repealing Clause.* – All laws, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved,