

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

SENATE
OFFICE OF THE SECRETARY

10 JUL 22 P5 :48

SENATE
S. No. 1950

RECEIVED BY

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

This bill, originally filed during the 12th Congress, is hereby refilled with the intention of amending Article 281 of the Labor Code on Probationary Employment. As observed, it has been the practice of many employers, unless for a just reasonable cause, to terminate probationary employees at will before their Probationary period of six (6) months expires and then rehire them after a lapse of time. This practice subverts the real intent and purpose of Article 281 of the Labor Code of the Philippines in protecting and guaranteeing the progress towards a regular and permanent employment status of these probationary employees.

On the one hand, such a practice is a grave abuse on the part of the employers as it is a clear injustice against society and particularly to the employees who hope to be gainly employed after their probationary period so as to able to give continuous and proper support of themselves and their families. On the other hand it becomes one of the major causes of workers' and union strikes that bring out tensions and disruptions of work is which case, if left unresolved, both employers and the workers stand to lose.

This is a senate counterpart bill to the one filed in the House of Representatives by Rep, Mauricio Domogan.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Senate during the 14th Congress 1st Regular Session

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1 AN ACT
2 MAINTAINING THE PRESENT PROVISION ON PROBATIONARY
3 EMPLOYMENT INCREASING AT THE SAME TIME THE GOVERNMENT'S
4 PROTECTION TO PROBATIONARY EMPLOYEES, AMENDING FOR THIS
5 PURPOSE ART 281 OF THE LABOR CODE.

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

6 SECTION 1. Art. 281 of the Labor Code, is hereby amended to read as follows:

7 "Article 281. Probationary Employment. Probationary employment shall
8 not exceed six months from the date the employees started working, unless it is
9 covered by an apprenticeship agreement stipulating a longer period. The services
10 of an employee who has been engaged on a probationary basis may be terminated
11 for a just cause or when it fails to qualify as a regular employee in accordance
12 with reasonable standards made known by the employer to the employee at the
13 time of his engagement. An employee who is allowed to work after a probationary
14 period, *whether broken or not*, shall be considered a regular employee."

15 SECTION 2. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete
16 publication in the Official Gazette or in at least two (2) newspapers of general circulation,
17 whichever comes earlier,

Approved.