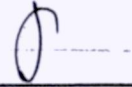


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'19 JUL 16 A8:53

SENATE

S. No. 502



Introduced by Senator **PIA S. CAYETANO**

**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**

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 10. 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 10, Rule XIV, Book V, of the Omnibus 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

OFFICE OF THE CLERK
SENATE

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

1 Section 1. There shall be incorporated after Article 301 (formerly Article 286)
2 of Presidential Decree No. 442, as amended, otherwise known as "The Labor Code
3 of the Philippines," a new Article 301-A, which shall read as follows:

4 ARTICLE 301-A. *CERTIFICATION OF EMPLOYMENT.* - A
5 RESIGNED, DISMISSED OR SEPARATED EMPLOYEE SHALL, WITHIN
6 FIVE (5) WORKING DAYS UPON REQUEST, BE FURNISHED A
7 CERTIFICATION FROM THE EMPLOYER SPECIFYING THE DATES OF
8 ENGAGEMENT AND TERMINATION OF EMPLOYMENT, POSITION
9 HELD, BRIEF JOB DESCRIPTION, AND THE LATEST SALARY.

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

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

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

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5 this Act are hereby repealed, amended or modified accordingly.

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

 Approved,