

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 1932

SENATE

Senate Bill No. 2286

RECEIVED BY: 

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

Under our present labor laws, employers are allowed to engage the services of employees under such stipulations, clauses, terms and conditions that said parties may deem appropriate provided that they are not contrary to law. Indeed, the employers may hire employees under written or oral contracts. Experience however abundantly indicate that employees, whenever they institute complaints against their employers, find it difficult to prove the terms and conditions of their employment, or even the employer-employee relations itself, as employers invariably fail, by design or omission, to furnish the employees copies of the employment contracts. Under Article 280 of the Labor Code, the employer is authorized to engage the services of an employee under either a written or oral contract by providing thus:

"ART. 280. Regular and Casual Employment. - The provisions of written agreement to the contrary notwithstanding and regardless of the oral agreement of the parties, an employment shall be deemed to be regular where the employee has been engaged to perform activities which are usually necessary or desirable in the usual business or trade of the employer, except where the employment has been fixed for a specific project or undertaking the completion or termination of which has been determined at the time of the engagement of the employee or where the work or service to be performed is seasonal in nature and the employment is for the duration of the season.

An employment shall be deemed to be casual if it is not covered by the preceding paragraph: *Provided*, That any employee who has rendered at least one year of service, whether such service is continuous or broken, shall be considered a regular employee with respect to the activity in which he is employed and his employment shall continue while such activity exists."

This Bill seeks to require the employers to furnish the employees copies of the employment contracts in cases where employment engagement are reduced into writing and to make a sworn declaration to this effect.

Passage of this Bill is earnestly sought.


MANNY VILLAR

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APPROVED BY: 

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AN ACT
REQUIRING EMPLOYERS TO FURNISH EMPLOYEES COPIES OF THE
EMPLOYMENT CONTRACTS AND TO MAKE A SWORN DECLARATION
THEREFOR, AMENDING FOR THIS PURPOSE ARTICLE 279 OF
PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS
"THE LABOR CODE OF THE PHILIPPINES"

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

SECTION 1. Article 279 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines", is hereby further amended to read as follows:

"ART. 279. Security of Tenure. – In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement.

IN CASES WHERE EMPLOYMENT AGREEMENTS ARE REDUCED INTO WRITING, EMPLOYERS ARE REQUIRED TO FURNISH EMPLOYEES COPIES THEREOF AND TO MAKE A DECLARATION UNDER OATH THAT THE EMPLOYEES DULY RECEIVED THEIR RESPECTIVE EMPLOYMENT CONTRACTS: *PROVIDED*, THAT IN THE CASE OF CORPORATIONS, PARTNERSHIPS, OR ASSOCIATIONS, THE PRESIDENT, MANAGER OR PERSONNEL OFFICER IN CHARGE OF HUMAN RESOURCE MATTERS SHALL BE LIABLE FOR ANY VIOLATION UNDER THIS PARAGRAPH."

SECTION 2. *All laws, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.*

SECTION 3. This Act shall take effect fifteen (15) days after its publication in the **Official Gazette** or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,