

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

Senate Bill No. 1268

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

For as many reasons as there are employers, workers who resigned or are terminated are not issued certification of employment. The present rules of the Labor Code ordain the issuance of such certification when it promulgates thus:

"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, Rules to Implement the Labor Code).

Experience has made it abundantly clear however that the above-quoted rule is honored more in its breach than in its observance.

This Bill seeks to institutionalize this employment certification requirement by legislating the abovesited rule thereby doing away any question as to its legality and by providing a penal sanction for its violation.

Passage of this Bill is earnestly recommended.

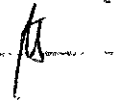

MANNY VILLAR

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SENATE

Senate Bill No. 1268

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**AN ACT
REQUIRING THE ISSUANCE OF EMPLOYMENT CERTIFICATION IN FAVOR
OF RESIGNED OR TERMINATED EMPLOYEES AND PROVIDING
PENALTIES FOR VIOLATION THEREFOR, AMENDING FOR THE PURPOSE
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. There shall be incorporated after 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 OR SEPARATED EMPLOYEE SHALL BE ENTITLED
TO RECEIVE AND TO BE FURNISHED, A CERTIFICATE FROM
THE EMPLOYER SPECIFYING THE DATES OF HIS
ENGAGEMENT AND TERMINATION OF HIS EMPLOYMENT, HIS
LATEST SALARY AND TYPE OR TYPES OF WORK ON WHICH
HE IS EMPLOYED."**

SECTION 2. Any person, corporation, trust, firm, partnership, association
or entity which refuses or fails to issue the certification required under this Act,
shall be punished by a fine not exceeding Ten Thousand Pesos (P10,000.00)
and/or imprisonment of not less than six (6) months nor more than one (1) year.

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

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

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

SECTION 5. 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.