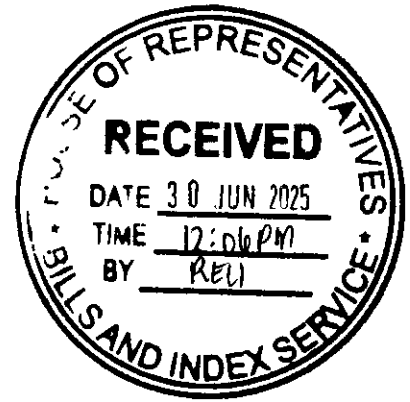


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. 52



Introduced by **Representative RAYMOND ADRIAN SALCEDA**

AN ACT
UPHOLDING THE PRESUMPTION OF INNOCENCE IN HIRING PRACTICES BY
REGULATING THE USE OF POLICE AND SIMILAR CLEARANCES IN
EMPLOYMENT, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Applying for a job in the Philippines is already a costly and uncertain endeavor – especially for ordinary Filipinos who live from day to day. Every requirement means lost time, transport expenses, and out-of-pocket fees. For those who are unemployed or underemployed, even ₱100 can be the difference between trying again tomorrow or giving up altogether.

Yet despite the absence of any finding of guilt or wrongdoing, many employers routinely require police and National Bureau of Investigation (NBI) clearances from jobseekers even before offering employment. These clearances come at a cost – financial and reputational – even when no crime has ever been committed. In some cases, multiple clearances are required: barangay, police, NBI, and even local court certificates – all for a single job application.

This practice contradicts a basic constitutional principle: that every person is presumed innocent until proven guilty. It imposes suspicion by default and creates an unjust burden on the very people our labor laws are meant to protect.

This bill seeks to restore fairness and proportionality in employment screening by:

- (1) prohibiting employers from requiring police or NBI clearance before a formal job offer is made, and
- (2) limiting such clearance requirements to a single document once employment is offered.

It empowers the Department of Labor and Employment (DOLE) to enforce these provisions and penalize violations accordingly.

The right to work should not be made conditional on a presumption of guilt. This measure affirms that justice, dignity, and opportunity must remain accessible – especially to those who need them most.

In view of the foregoing, the immediate approval of this measure is earnestly sought.



RAYMOND ADRIAN SALCEDA

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

SECTION 1. *Short Title.* – This Act shall be known as the “No Clearance Before Job Offer Act.”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote full, decent, and equitable employment in accordance with the constitutional right to the presumption of innocence. Toward this end, the State shall regulate the use of government-issued criminal background clearances in hiring, to ensure that no person is unduly burdened in seeking employment by requirements not directly relevant to the hiring decision.

SEC. 3. *Timing of Clearance Requirements.* – No employer, whether in the public or private sector, shall require the submission of a police clearance, National Bureau of Investigation (NBI) clearance, or any similar document for criminal background verification prior to the issuance of a formal offer of employment.

SEC. 4. *Limitation to a Single Clearance.* – Once a formal offer of employment has been made, the employer may require the submission of only one (1) government-issued clearance for criminal background verification. Any of the following shall be deemed sufficient for compliance with this requirement:

- (a) Police Clearance;
- (b) NBI Clearance;
- (c) Barangay Clearance; or

(d) Other similar clearance as may be prescribed by the Department of Labor and Employment (DOLE) through implementing rules and regulations.

No employer shall require more than one such clearance for the same purpose.

SEC. 5. *Coverage.* – This Act shall apply to all employers engaged in the hiring of personnel, whether for regular, contractual, project-based, seasonal, casual, or probationary employment.

SEC. 6. *Exemptions.* – Nothing in this Act shall prevent employers from conducting background checks as may be required by law for sensitive or security-related positions, subject to guidelines to be issued by the DOLE in consultation with the Civil Service Commission (CSC), the Department of Justice (DOJ), and other relevant agencies.

SEC. 7. *Administrative Enforcement and Penalties.* – The Department of Labor and Employment (DOLE), through its appropriate regional or central office, shall have original administrative jurisdiction to hear and resolve complaints under this Act.

Upon due notice and hearing, the DOLE may impose the following penalties:

- (a) For the first offense, a written reprimand and mandatory compliance orientation;
- (b) For the second offense, a fine of Fifty thousand pesos (₱50,000); and
- (c) For the third and succeeding offenses, a fine of One hundred thousand pesos (₱100,000) and/or suspension of the employer's permit to hire, license to operate, or business permit, as may be applicable.

The DOLE shall issue a compliance order and may direct the cancellation, suspension, or non-renewal of the employer's business permit in coordination with the appropriate local government unit or licensing authority.

SEC. 8. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Department of Labor and Employment shall, in coordination with concerned agencies, promulgate the necessary rules and regulations for its effective implementation.

SEC. 9. *Separability Clause.* – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SEC. 10. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,