

REPUBLIC OF THE PHILIPPINES  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
**First Regular Session**  
**2251**

House Bill No. \_\_\_\_\_



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Introduced by **MAGDALO Party-List Representative**  
**HON. MANUEL DG. CABOCHAN III**

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**EXPLANATORY NOTE**

The 1987 Constitution provides that the Armed Forces of the Philippines shall be composed of a Citizen Armed Force who shall undergo military training and serve as may be provided by law. It shall keep a regular force necessary for the security of the State. In support to this provision, Republic Act No. 7077 or the "AFP Reservist Act of 1991" was enacted.

RA No. 7077 provides for the development, organization, training, administration, maintenance and utilization of the Citizen Armed Forces of the Philippines and for other purposes. The Citizen Armed Force or alternatively called the Reserve Force aims to provide the base for the expansion of the Armed Forces of the Philippines.

The various security threats that plague our military such as the incessant incursion by China on our territory, longest running communist insurgency in Asia, the rising threat of extremism as well as the challenges posed in mitigating the effects of natural and man-made disasters highlights the important role that reservists play in assisting the AFP in fulfilling their mandated duty.

Most reservists are professionals: teachers; doctors, lawyers; nurses; sales agents; and, our fellow civil servants. They are Filipinos who have offered their time, skills, and expertise to the AFP. As such, it is only fitting that the State gives credence to their efforts and sacrifices.

One common risk that our reservists face in fulfilling their duty is with regard their employment. During times of calamities or disasters, our reservists voluntarily signed up to rebuild communities or even enter the battlefield for a certain period of time. After sacrificing

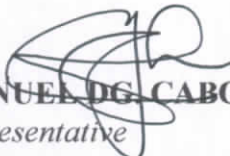
their lives and their skills, reservists often face the threat of losing their jobs after providing service in the military.

As such, we must ensure that we offer the proper protection to our reservists and guarantee that at the end of their required military service, they will be reinstated to their civilian careers, and to an equivalent position without loss of seniority rights or decreased pay. Likewise, the period that they served in the military should not be considered a break in their employment for retirement purposes.

This proposed measure protects reservists from discrimination in job hiring, reintegration, promotion, or any benefit of employment. Likewise, this measure also ensures that our reservists receive proper training and compensation. More importantly, this measure guarantees reservists, who suffer any injury or disability during their service, reintegration to the civilian work force so long as they can still perform the essential function of their original employment.

It is hoped that thru this measure, we will be able to professionalize the reserve force and assure them their employment rights as well as ensuring a well-trained, competent, and well-supported reserve force in support of the AFP.

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

  
**MANUEL DG. CABOCHAN III**  
*Representative*  
Magdalo Para sa Pilipino Party-List

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AN ACT

**STRENGTHENING THE EMPLOYMENT RIGHTS FOR MEMBERS OF THE  
CITIZEN ARMED FORCES FOR THE RESERVED FORCE OF THE ARMED  
FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES**

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

1       **SECTION 1.***Short Title.* – This Act shall be known as the “Reservist Employment  
2 Rights Act.”

3  
4       **SEC. 2.***Declaration of Policy.* – It is hereby declared the policy of the State to:

5  
6       a. Strengthen the Citizen Armed Forces or the Reserve Force of the Armed Forces  
7 of the Philippines (AFP) and recognize its role in the mission areas of the AFP and in  
8 national security;

9       b. Protect the rights of reservists, and prevent and prohibit discrimination on the  
10 basis of rendering military service to the State;

11       c. Encourage service in the Reserve Force of the AFP by eliminating or minimizing  
12 the disadvantages to civilian careers and employment which can result from rendering  
13 military service to the State; and

14       d. Ensure the observance of all employers of the rights of reservists called to perform  
15 military service to the State.

16  
17       The prime duty of the State is to serve and protect the people. For this reason, the  
18 State may call upon the people to defend the State, and in fulfillment thereof, may require its  
19 citizens to render military or civil service under conditions provided by law.

20  
21       **SEC. 3.***Coverage.*– The provisions of this Act shall apply to all employers, whether  
22 private or public, including all government agencies and political subdivisions as well as  
23 government-owned and –controlled corporations, non-government organizations, and other  
24 socioeconomic entities.

25  
26       **SEC. 4.***Definition of Terms.* – As used in this Act, the following terms shall mean:

27  
28       a. Active Duty Training – The compulsory or voluntary trainings for reserve units  
29 and/or individual reservists provided by the AFP to update their working knowledge in the  
30 current military organization, doctrines, tactics, techniques and procedures or TTPs, in order



1 to maintain a desirable state of readiness, enable to satisfy the active service-in-grade  
2 required for promotion to higher grades, and maintain a level of proficiency and competency  
3 for those reservists designated as instructors in Reserve Officers' Training Corps (ROTC) and  
4 other reservists training programs;

5 b. Auxiliary Service – the voluntary performance of a service by a reservist for the  
6 purpose of helping maintain local peace and order, meeting local insurgency and terror  
7 threats for intelligence requirements, assisting in rescue and relief operations during disasters  
8 and calamities, health welfare activities and participating in local socioeconomic  
9 development projects;

10  
11 c. Citizen Soldier or Reservist – members of the Reserve Force of the AFP  
12 composed of the following:

- 13  
14 i. Graduates of the ROTC basic and advance courses and who were issued orders as  
15 enlisted reservists or reserve officers of the AFP;  
16 ii. Graduates of authorized basic military training instructions who, as a result  
17 thereof, were issued orders as enlisted reservists or reserve officers;  
18 iii. Ex-servicemen and retired officers of the AFP who have been incorporated into  
19 the Reserve Force of the AFP; and  
20 iv. Reservist officers and enlisted reservists including those procured under existing  
21 laws and included in the present AFP roster.

22  
23 There shall be three (3) categories of citizen soldiers or AFP reservists: the  
24 First Category Reserve, the Second Category Reserve, and the Third Category  
25 Reserve based on age.

26  
27 First Category Reserve – The First Category Reserve shall be composed of  
28 able bodied reservist whose ages are between eighteen (18) years and thirty-five (35)  
29 years, inclusive.

30  
31 Second Category Reserve – The Second Category Reserve shall be composed  
32 of able-bodied reservist whose ages are between thirty-six (36) years and fifty-one  
33 (51) years, inclusive.

34  
35 Third Category Reserve – The Third Category Reserve shall be composed of  
36 able-bodied reservist who are above fifty-one (51) years of age.

37  
38 Based on the categorization above, the Reserve Force units shall further be  
39 classified into the Ready Reserve, the Standby Reserve, and the Retired Reserve  
40 based on their operational readiness for immediate deployment/utilization;

41  
42 d. Employment – the act of hiring, and continued engagement including the  
43 reintegration of an employee called to military service to his or her former position, or if not  
44 practicable to a substantially equivalent position, without loss of seniority rights and  
45 diminution of pay;

46  
47 e. Military Service – any service rendered a citizen soldier or reservist to the State  
48 upon orders of the AFP or call to active duty (CAD) to meet active duty training (ADT)

1 requirements, or for any purpose that the AFP leadership may deem necessary in order to  
2 augment and support the Regular Force operations in times of war, national emergency or  
3 such other times as the national security requires;

4  
5 f. Mobilization – the utilization of the Reserve Force of the AFP in times of  
6 emergency to meet threats to national security;

7  
8 g. Reintegration – the actual resumption of work of an employee after his or her  
9 military service to his or her former position, or if not practicable to a substantially equivalent  
10 position, without loss of seniority rights and diminution of pay;

11 h. Reserve Force – those composing of members of the reserve components of the  
12 AFP;

13  
14 i. Ready Reserve – citizen soldiers/reservists belonging mostly to the First Category  
15 reserve, who shall be organized, trained and maintained as mobilizable ready reserve subject  
16 to being called at any time to augment the regular armed force of the AFP not only in times  
17 of war or national emergency but also to meet local emergencies arising from calamities,  
18 disasters and threats to peace, order, security and stability in any locality, including the need  
19 to provide assistance in relief and rescue work and other civil assistance activities;

20  
21 j. Standby Reserve – citizen soldiers or reservists belonging mostly to the Second  
22 Category Reserve and the Third Category Reserve. The members of the Standby Reserve  
23 shall be organized and assigned to specific reserve units and shall be maintained through  
24 annual assembly test to update their records and present addresses, among others. The  
25 Standby Reserve may be mobilized or ordered to active duty only in times of national  
26 emergency or war. The ranks of the members of the Standby Reserve may be upgraded if  
27 they voluntarily participate in training or serve with the Ready Reserve Units in their areas or  
28 if their Standby Reserve unit undergo retraining. They will however be encouraged to  
29 upgrade their military knowledge and skills by taking up nonresident or resident courses  
30 which shall be set up for the purpose.

31  
32 Furthermore, members of the AFP Affiliated Reserve units of various government and  
33 private utilities and services considered essential for the preservation of economic stability of  
34 the country or particular locality, such as power and electricity, water supply, transportation  
35 and communications, among others, regardless of their categorization shall be classified as  
36 Ready Reserve.

37  
38 All citizen soldiers belonging to the First Category Reserve, except those exempted  
39 under Republic Act No. 7077, otherwise known as the Citizen Armed Forces of the  
40 Philippines Reservist Act, and other pertinent policies, shall be required to serve with the  
41 Ready Reserve units and will have assignments and promotions in accordance with existing  
42 policies of the AFP until transferred to the Standby Reserve by virtue of their age;

43  
44 k. Retired Reserve – citizen soldiers who have qualified for retirement through  
45 length of service, old age or disability. For this purpose, sixty-five (65) years shall be  
46 considered as the retirement age. However, if qualified and fit for duty, a member of the  
47 Retired Reserve may be ordered to active duty in times of local or national emergencies if



1 he/she volunteers for active duty and when the Secretary of National Defense determines that  
2 there are not enough qualified citizen soldiers with his/her special skills and qualifications in  
3 the Ready Reserve or Standby Reserve in his/her particular area of residence.

## 4 5 **CHAPTER 2** 6 **NON-DISCRIMINATION OF RESERVISTS** 7

### 8 ***SEC. 5. Anti-Reservists Discrimination. –*** 9

10 a. It shall be unlawful for the employer, or those acting in the interest of the  
11 employer, whether private or public, including all government agencies and political  
12 subdivisions, as well as government-owned or –controlled corporations, non-government  
13 organizations, and other socioeconomic entities to:

- 14  
15 i. Discriminate against an individual in terms of compensation, terms and  
16 conditions, or privileges of employment on account of such individual's  
17 membership, application for membership, performance of military service,  
18 application for military service or obligation with the Reserve Force of the AFP;  
19  
20 ii. Print or publish, or cause to be printed or published, in any form of media,  
21 including the internet, any notice of advertisement relating to employment  
22 suggesting preferences, limitations, specifications, and discrimination based on  
23 membership in the Reserve Force of the AFP;  
24  
25 iii. Require the declaration of application for membership, or status of membership in  
26 the Reserve Force of the AFP;  
27  
28 iv. Decline employment on the basis of membership in the Reserve Force of the AFP;  
29  
30 v. Deny any employee's or worker's promotion or opportunity for training on the  
31 basis of membership, application for membership, performance of military  
32 service, application for military service or obligation with the Reserve Force of  
33 the AFP;  
34  
35 vi. Lay off an employee or worker because of membership, application for  
36 membership, performance of military service, application for military service or  
37 obligation with the Reserve Force of the AFP; or  
38  
39 vii. Impose early retirement on the basis of such employee's or worker's membership,  
40 application for membership, performance of military service, application for  
41 military service or obligation with the Reserve Force of the AFP.  
42

43 b. It shall be unlawful or a labor contractor or subcontractor, if any, to refuse to refer  
44 for employment or otherwise discriminate against any individual because of such person's  
45 membership, application for membership, performance of military service, application for  
46 military service or obligation with the Reserve Force of the AFP.  
47

48 c. It shall be unlawful for any organization to:  
49

- 1 i. Deny membership to any individual because of such person's membership,  
2 application for membership, performance of military service, application for  
3 military service or obligation with the Reserve Force of the AFP;  
4  
5 ii. Exclude from its membership any individual because of such person's  
6 membership, application for membership, performance of military service,  
7 application for military service or obligation with the Reserve Force of the AFP;  
8 or  
9  
10 iii. Cause or attempt to cause an employer to discriminate against an individual in  
11 violation of this Act.  
12  
13 d. It shall be unlawful for a publisher to print or publish any notice of  
14 advertisement relating to employment suggesting preferences, limitations, specifications, and  
15 discrimination based on a person's membership, application for membership, performance of  
16 military service, application for military service or obligation with the Reserve Force of the  
17 AFP.

### 18 19 CHAPTER 3 20 EMPLOYMENT RIGHTS 21

22 **SEC. 6. *Employment Rights of Citizen Soldiers/Reservist.***— The following are the  
23 rights of reservists who perform military service in the Reserve Force of the AFP:  
24

25 a. Reservists who perform military service are entitled to their original position, or  
26 when not practicable to a substantially equivalent position, without loss of seniority rights  
27 and diminution of their pay;  
28

29 b. Military service shall not be considered a break in the employment for retirement  
30 purposes or for granting benefits provided for under the Labor Code and other special laws;  
31

32 c. Reservists cannot be required to use earned or entitled vacation or service  
33 incentive leaves for leave of absence in connection with the performance of military service  
34 in the Reserve Force; and  
35

36 d. Reservist who suffer any temporary or permanent disability due to military service  
37 shall not be denied reintegration if such employee can still perform the essential functions of  
38 their original employment, whether with or without reasonable accommodations.

39 **SEC. 7. *Hiring of Substitute Employee.***— An employer whose reservist employee is  
40 called to military service may hire another employee as substitute during the period of the  
41 military service of the reservist employee.  
42

43 The employment of the substitute employee shall be deemed terminated upon the  
44 reintegration of the reservist employee. The employer, or those acting in the interest of the  
45 employer may, however, consider the substitute employee for another position, if practicable.  
46

47 **SEC. 8. *Reintegration Duty of an Employer.*** — It shall be the duty of the employer, or  
48 those acting in the interest of the employer, to reintegrate reservists returning from military  
49 service to their former position, or when not practicable to a substantially equivalent position,  
50 without loss of seniority rights and diminution of their pay.



1  
2       **SEC. 9. Conditions for Reintegration of Reservists.** – Reservists shall be entitled to  
3 reintegration as provided in Section 8 of this Act, subject to the following conditions:

4  
5       a. The reservist has rendered or performed military service as a member of the  
6 Reserve Force of the AFP;

7  
8       b. The employer, or those acting in the interest of the employer, has been given a  
9 written notice by the AFP or the reservist, which if practicable shall indicate the duration of  
10 military service, at least thirty (30) days prior to departing for military service unless  
11 precluded by military necessity, or under all of the relevant circumstances, the timely  
12 provision of notice is otherwise impossible or unreasonable:  
13

14       c. The employer, or those acting in the interest of the employer, shall immediately  
15 reintegrate the reservist after he or she is officially discharged from military service in  
16 accordance with the notice issued by the AFP; and  
17

18       d. The employer, or those acting in the interest of the employer, shall provide its  
19 reservist employee the prevailing salary or wage at the time of reintegration of the reservist.  
20

21       The AFP shall issue and provide the pertinent notices and documents to reservists and  
22 their employers, and those acting in the interest of the employers, in a timely manner to  
23 facilitate the reintegration of the reservists to their employment.  
24

25       **SEC. 10. Period to Notify of Intent to Return.**– Reservists are hereby required to  
26 notify their employers, or those acting in the interest of the employer, of their intent to return  
27 to work subject to the following circumstances and conditions:  
28

29       a. In the case of reservists called to military service for a definite period when  
30 indicated in the call for active duty training or such other notice issued by the AFP, the  
31 employer, or those acting in the interest of the employer, shall be deemed notified of the  
32 intent to return when furnished a copy of the pertinent notice from the AFP prior to the  
33 absence of the reservist for military service;

34       b. In the case of reservists called to military service for an indefinite period when  
35 not indicated in the call for active duty training or such other notices issued by the AFP, the  
36 employer, or those acting in the interest of the employer, shall be deemed notified of the  
37 intent to return when furnished a copy of the pertinent notice from the AFP indicating the  
38 impending discharge of reservists at least fifteen (15) days prior to the end of the military  
39 service;  
40

41       *Provided,* That the reservists shall not be deemed ineligible when circumstances do  
42 not permit the timely prior notification of absence due to military service and/or intent to  
43 return of a reservist in compliance with this provision in accordance with Sections 9 (b) and 9  
44 (d) of this Act.  
45

46       *Provided, further,* That reservists who suffer from illness or injury incurred in, or  
47 aggravated during, the performance of military service shall be allowed to indicate their



1 desire to return to their former position within a reasonable time as prescribed by a military  
2 doctor.

3  
4 *Provided, finally,* That the AFP shall ensure that its policies and administrative  
5 processes, whenever practicable, allow for at least fifteen (15) days prior notification of  
6 employers, or those acting in their interest, of the absence of reservists for military service  
7 and their capacity and intent to return to their employment.

8  
9 **SEC. 11. *Compensation for Non-Reintegration of Reservists.*** – In cases of authorized  
10 causes or circumstances, subject to the determination and approval of Department of Labor  
11 and Employment (DOLE), where reintegration is impossible or unreasonable the reservist  
12 shall be entitled to at least three (3) months' worth of his or her basic salary or to a separation  
13 pay equivalent to his or her one-month basic salary per year of service, whichever is higher.

14  
15 **SEC. 12. *Compensation of Reservists for Military Service.*** – In order to enhance the  
16 general welfare, commitment to service and professionalism of the members of the Reserve  
17 Force of the AFP, the reservist rendering military service shall be entitled to the base pay  
18 commensurate to their rank consistent with their counterpart in the regular force.

19  
20 The mother agency of the reservist shall promptly pay and remit the reservist  
21 employees' premium contributions, based on his or her salary, during their absence due to  
22 military service, whether to the Government Service Insurance System (GSIS), the  
23 PagtutulungansaKinabukasan: Ikaw, Bangko, Industriya, at Gobyerno (PAG-IBIG),  
24 Philippine Health Insurance Company (PhilHealth), and all pertinent contributions related to  
25 his or her employment, and shall not reflect any gap in contributions in the records.

26  
27 Reservists shall have the option to pay their Social Security System (SSS)  
28 contributions as voluntary paying SSS member to avoid any gap in their contribution records  
29 and afford their full entitlement to SSS benefits in accordance with existing guidelines.

30  
31 The AFP shall establish the necessary administrative process to assist the reservists in  
32 the timely remittance of pertinent contributions, whether mandatory or voluntary.

33  
34 **SEC. 13. *Multi-stakeholder Engagements and Advocacies.*** – The Department of  
35 National Defense (DND) and AFP shall strengthen coordination and cooperation among  
36 stakeholders through a sustained comprehensive advocacy campaign for the purpose of  
37 ensuring that the employment rights of reservists are understood and protected by all  
38 concerned.

39  
40 For this purpose, the Department of Budget and Management (DBM) in consultation  
41 with the DND and the AFP shall create the necessary plantilla or non-tenured positions. The  
42 necessary funds for the implementation of this provision shall be included in the budget of  
43 the DND and AFP in the General Appropriations Act.

44 **SEC. 14. *Tax Benefits and Incentives.*** – The Department of Finance (DOF), in  
45 coordination with the DND, AFP, and other appropriate government agencies, shall develop  
46 the appropriate rules and regulations on the provision of tax benefits and incentives based on  
47 justified costs and expenses by employers associated with organizational adjustments borne

1 out of the absence of reservists in an organization in compliance with this Act, Republic Act  
2 No. 7077, and other appropriate laws, rules, and regulations.

3 **SEC. 15. *Administrative Fines and Penalties.*** – Violation of any of the provision of  
4 this Act shall be punished with a fine of not less than Fifty Thousand pesos (PHP50,000.00)  
5 but not more than One Million pesos (PHP1,000,000.00), or imprisonment of not less than  
6 three (3) months but not more than two (2) years, or both, at the discretion of the court. If the  
7 offense is committed by a corporation, trust, firm, partnership or association or other entity,  
8 the penalty shall be imposed upon the responsible officer or officers of such corporation,  
9 trust, firm, partnership or association or entity

10  
11 **SEC. 16. *Military Duty Leave.*** – Every reservist shall be entitled to a leave of seven  
12 (7) days with pay per year for the purposes of military training or military activities. This  
13 shall be on top of applicable leaves entitled a reservist from his or her employer.

14  
15 **CHAPTER 4**  
16 **FINAL PROVISIONS**  
17

18 **SEC. 17. *Appropriations.***– The amount necessary for the immediate and effective  
19 implementation of this Act shall be charged against any available funds of the DND and the  
20 AFP. Thereafter, such sums as may be necessary for the implementation of this Act shall be  
21 included in the annual appropriations of the Armed Forces of the Philippines.

22  
23 **SEC. 18. *Implementing Rules and Regulations.*** – Within sixty (60) days from the  
24 effectivity of this Act, the DOLE in coordination with the DND, the AFP, the Civil Service  
25 Commission (CSC) and appropriate government agencies shall promulgate the rules and  
26 regulations for the effective implementation of this Act.

27  
28 **SEC. 19. *Separability Clause.*** – Should any provision herein be declared  
29 unconstitutional, the same shall not affect the validity of the other provisions of this Act.

30  
31 **SEC. 20. *Repealing Clause.*** – All laws, decrees, orders, rules, and regulations or other  
32 issuances or parts inconsistent with the provisions of this Act are hereby repealed, amended,  
33 or modified accordingly.

34  
35 **SEC. 21. *Effectivity Clause.*** – This Act shall take effect in fifteen (15) days after  
36 publication in the Official Gazette or in one (1) newspaper of general circulation in the  
37 Philippines.

*Approved,*