

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4847



Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

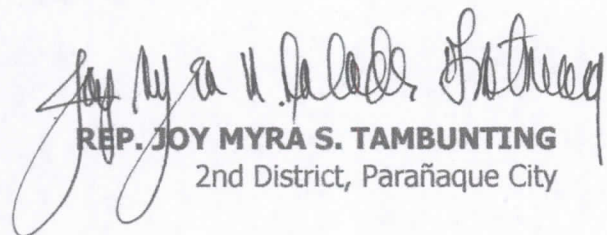
It is the mandate of the state to protect its workers from abusive practices of employers. The 1987 Constitution, likewise states that "The State values the dignity of every human person and guarantees full respect for human rights."

Whilst we recognize that the practice of employers of posting notices of termination of former employees may be rationalized in consideration of the employers' right to warn the public against present and future dealings with former employees, we also need to take into consideration how this practice leaves laborers vulnerable to abuses by former employers. This practice has been maliciously used by some former employers to cast doubt upon a former employee's reputation.

It is in this light that we propose this bill which seeks to regulate the practice of posting of termination of employment of former employees in newspapers, social media and public information venues.

This proposed measure is based on House Bill No. 5818 which was the product of concerted efforts of representatives from the 17th Congress.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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HOUSE BILL NO. _____

Introduced by **HON. JOY MYRA S. TAMBUNTING**

**AN ACT REGULATING THE PRACTICE OF EMPLOYERS IN POSTING NOTICES OF
TERMINATION OF EMPLOYMENT OF FORMER EMPLOYEES IN NEWSPAPERS,
SOCIAL MEDIA, AND OTHER PUBLIC INFORMATION VENUES**

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

SECTION 1. Declaration of Policy. - It is the policy of the State to protect all workers from abusive acts of employers. Every employer, in publishing notices of termination of employment, must observe good faith, act with fairness, and respect the dignity of its former employees.

SEC. 2. Limitations on the Publication of Notices of Termination of Employment. - No employer in the private sector shall publish notices of termination of employment in newspapers, social media or other public information venues unless upon the concurrence of the following circumstances:

- a) The subject employee has, based on employee records, committed any of the following acts:
 - 1) Serious misconduct or willful disobedience by the employee of the lawful orders of the employer or the duly authorized representative of the employer in connection with work;
 - 2) Gross and habitual neglect of duties by the employee;
 - 3) fraud or willful breach by the employee of the trust reposed by the employer or the duly authorized representative of the employer;
 - 4) Commission of a crime or offense by the employee against the person of the employer or any immediate member of the employer's family or against the person of the duly authorized representative of the employer; and
 - 5) Other causes analogous to the foregoing.
- b) The subject employee was an accountable officer or staff, to include the following:
 - 1) Cashiers
 - 2) Treasurers
 - 3) Collection officers
 - 4) Sales agents or representatives
 - 5) Management or supervisory employees
 - 6) Other officers or employees who handle cash, property, stocks and other assets of the employer; and

- c) The employer has reasonable grounds to believe that the former employee shall cause loss or damage to the property, stocks and other assets of the employer or otherwise compromise the interests of the employer.

SEC. 3. Penalties. - An employer who publishes a notice of termination of employment in a newspaper, social media or other public information venues in violation of Section 2 of this Act shall be liable to pay the aggrieved former employee damages in an amount not less than ten thousand pesos (₱ 10,000.00) but not more than fifty thousand pesos (₱ 50,000.00), upon the discretion of the court, without prejudice to the filing of any criminal case.

SEC. 4. Liability When committed by Entities Other Than Natural Person. - If the violation, as provided for in Section 2 of this Act, is committed by a corporation, trust, firm, partnership, association or other similar entity, the damages shall be imposed against the responsible officer or officers.

SEC. 5. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC. 6. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,