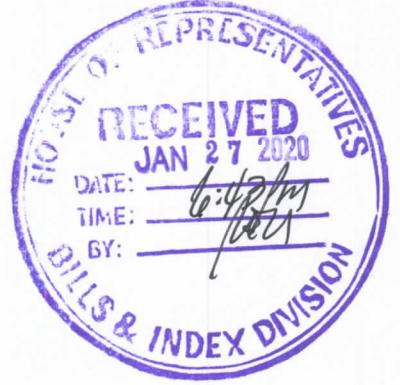


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



**HOUSE OF REPRESENTATIVES**  
**H. No. 6077**

Introduced by **Representative Raul C. Tupas**

**AN ACT**  
**STRENGTHENING THE EMPLOYMENT RIGHTS OF MEMBERS OF THE CITIZEN  
ARMED FORCES OR THE RESERVE FORCE OF THE ARMED FORCES OF THE  
PHILIPPINES AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The 1987 Constitution enunciates that "the Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be requested under conditions provided by law, to render personal, military, or civil service."

Reservists are known to be among the first responders during disasters and calamities, conducting disaster response and rescue operations, and relief and rehabilitation efforts. During the Marawi siege in 2017, the Philippine Army mobilized two battalions from the Reserve Force. Although these Ready Reserve Units (RRUs) were not engaged in the actual fighting in the main battle area, they have provided manpower augmentation in support to the regular troops conducting operational activities. Unfortunately, some members of the Reserve Force in Marawi were refused to be accepted back by their employers after obeying the call to active service.

This proposed measure aims to strengthen the employment rights of members of the Citizen Armed Forces or the Reserve Force of the Armed Forces of the Philippines (RF, AFP). It ensures non-discrimination in terms of employment, promotion, and reinstatement of Reservists who rendered military service, whether for training or mobilization.

Some of the key provisions of the bill include the following:

- a. Prevents and prohibits discrimination in employment on the basis of rendering military service to the State;
- b. Grants employment rights to reservists with the following conditions:
  - Reservists who perform military service are entitled to their original position (or similar position) without loss of seniority rights or diminution of pay.
  - Military service shall not be considered a break in the employment for retirement purposes or granting of benefits.
  - Reservists cannot be required to use earned or entitled service incentive leaves for leave of absence in the performance of military service.

- Every reservist shall be entitled to a leave of seven (7) days with pay per year for military training or military activities. This shall be on top of applicable leaves of the reservist-employee.
- Reservists who suffer from disability due to military service shall not be denied reintegration if such employee can still perform the essential functions of their original employment.

In cases where reintegration is impossible or unreasonable (subject to the determination and approval of the Department of Labor and Employment (DOLE), the reservist shall be entitled to at least three (3) months' worth of basic salary or to a separation pay of one (1) month basic salary per year of service, whichever is higher.

- The mother agency of the reservist shall continue to remit the reservist's premium contributions to the GSIS, Pag-Ibig, and Philhealth, and shall not reflect any gap in contributions.

Reservists shall have the option to pay their SSS contribution as a voluntary paying SSS member to avoid any gap in payment.

The proposed bill not only benefit Reservists who opted to render military service, but will also encourage professionals to join the AFP's Reserve Force. If this bill becomes a law, it will strengthen the Reserve Force which can be called and mobilized when threat to the country's peace, security, and sovereignty is imminent.

In view of the following, the immediate approval of this bill is earnestly sought.



RAUL "BOBOY" C. TUPAS

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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**AN ACT**  
**STRENGTHENING THE EMPLOYMENT RIGHTS OF MEMBERS OF THE CITIZEN  
ARMED FORCES OR THE RESERVE 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:*

**CHAPTER 1**  
**GENERAL PROVISIONS**

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

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

- (a) Strengthen the Citizen Armed Forces or the Reserve Force of the Armed Forces of the Philippines (AFP) and recognize its role in the mission areas of the AFP and in national security;
- (b) Protect the rights of reservists, and prevent and prohibit discrimination on the basis of rendering military service to the State;
- (c) Encourage service in the Reserve Force of the AFP by eliminating or minimizing the disadvantages to civilian careers and employment which can result from rendering military service to the State; and
- (d) Ensure the observance of all employees of the rights of reservists called to perform military service to the State.

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

**SECTION 3. Coverage.** - The provisions of this Act shall apply to all employers, whether private or public, including all government agencies and political subdivisions as well as government-owned and/or –controlled corporations and their subsidiaries, nongovernment organizations, and other socioeconomic entities.

29       **SECTION 4. Definition of terms.** – As used in this Act, the following terms shall mean:

30           (a) *Active Duty training* – the compulsory or voluntary trainings for reserve units  
31           and/or individual reservists provided by the AFP to update their working  
32           knowledge in the current military organization, doctrines, and in tactics,  
33           techniques and procedures or TTPS, in order to maintain a desirable state of  
34           readiness, enable them to satisfy the active service-in-grade required for  
35           promotion to higher grades, and maintain a level of proficiency and competency  
36           for those reservists designated as instructions in Reserve Officers' Training  
37           Corps (ROTC) and other reservists training programs;

38  
39           (b) *Auxiliary Service*- the voluntary performance of a service by a reservists for the  
40           purpose of helping maintain local peace and order, meeting local insurgency and  
41           terror threats for intelligence requirements, assisting in rescue and relief  
42           operations during disasters and calamities, health welfare activities and  
43           participating in local socioeconomic development projects;

44  
45           (c) *Citizen Soldiers or Reservists*- members of the Reserve Force of the AFP  
46           compose of the following:

- 47  
48           1. Graduates of the ROTC basic and advance courses and who were issued  
49           orders as enlisted reservists officers of the AFP;  
50           2. Graduates of authorized basic military training instructions who, as a result  
51           thereof, were issued orders as enlisted reservists or reserve officers;  
52           3. Ex-servicemen and retired officers of the AFP who have been incorporated  
53           into the Reserve Force of the AFP; and  
54           4. Reservist officers and enlisted reservists including those procured under  
55           existing laws and included in the present AFP rosters.

56  
57       There shall be three (3) categories of citizen soldiers or AFP reservists: the First  
58       Category Reserve, the Second Category, and the Third Category Reserve based on  
59       age.

- 60  
61           1. First Category Reserve – The First Category Reserve shall be composed of  
62           able-bodied reservists whose ages are between eighteen (18) years and  
63           thirty-(35) years, inclusive.  
64           2. Second Category Reserve – The Second Category Reserve shall be  
65           composed of able-bodied reservists whose ages are between thirty-six (36)  
66           years and fifty-one (51) years, inclusive.  
67           3. Third Category Reserve – The Third Category Reserve shall be composed  
68           of able-bodied reservists who are above fifty-one (51) of age.

69  
70       Based on the categorization above, the Reserve Force units shall be further classified  
71       into the Ready Reserve, the Standby Reserve, and the Retired Reserve based on their  
72       operational readiness for immediate deployment/ utilization;

73  
74           (d) *Employment* – the act of hiring and continued engagement including the  
75           reintegration of an employee called to military service to one's former position,

76 or if not practicable to a substantially equivalent position, without loss of seniority  
77 rights and diminution of pay;

78 (e) *Military Service* – any service rendered by a citizen soldier  
79 or reservist to the State upon orders of the AFP or call to active duty (CAD) to  
80 meet active duty training (ADT) requirements, or for any purpose that the AFP  
81 leadership may deem necessary in order to augment and support the Regular  
82 Force operations in times of war, national emergency, or such other times as the  
83 national security requires;

84 (f) *Mobilization* – the utilization of the Reserve Force of the AFP in times of  
85 emergency to meet threats to national security;

86 (g) *Reintegration* – the actual resumption of work of an employee after one's military  
87 service to one's former position, or if not practicable to a substantially equivalent  
88 position, without loss of seniority rights and diminution of pay;

89 (h) *Reserve Force* – those composing of members of the reserve components of the  
90 AFP;

91 (i) *Ready Reserve* – citizen soldiers or reservists belonging mostly to the First  
92 Category reserve who shall be organized, trained, and maintained as mobilizable  
93 ready reserve subject to being called at any time to augment the regular armed  
94 force of the AFP not only in times of war or national emergency but also to meet  
95 local emergencies arising from calamities, disasters, and threats to peace, order,  
96 security and stability in any locality, including the need to provide assistance in  
97 relief and rescue work and other civil assistance activities;

98 Furthermore, members of the AFP Affiliated Reserve units of various government and  
99 private utilities and services considered essential for the preservation of economic  
100 stability of the country or particular locality, such as power and electricity, water supply,  
101 transportation and communications, among others, regardless of their categorization  
102 shall be classified as Ready Reserve;

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

109 (j) *Standby Reserve* – citizen soldiers or reservists belonging mostly to the Second  
110 Category Reserve and the Third Category Reserve. The members of the  
111 Standby Reserve shall be organized and assigned to specific reserve units and  
112 shall be maintained through annual assembly test to update their records and  
113 present addresses, among others. The Standby Reserve may be mobilized or  
114 ordered to active duty only in times of national emergency or war. The ranks of  
115 the members of the Standby Reserve may be upgraded if they voluntarily

participate in training or serve with the Ready Reserve units in their areas or if their Standby Reserve unit undergo retraining. They will however be encouraged to upgrade their military knowledge and skills by taking up non-resident or resident courses which shall be set up for the purpose; and

(k) *Retired Reserve* – citizen soldiers who have qualified for retirement through length of service, old age, or disability. For this purpose, sixty-five (65) years shall be considered as the retirement age. However, if qualified and fit for duty, a member of the Retired Reserve may be ordered to active duty in times of local or national emergencies if one volunteers for active duty and when the Secretary of National Defense determines that there are not enough qualified citizen soldiers with one's special skills and qualifications in the Ready Reserve or Standby Reserve in one's particular area of residence.

## **CHAPTER 2**

### **NON-DISCRIMINATION OF RESERVISTS**

## **SECTION 5. Anti-Reservists Discrimination. –**

- (a) It shall be unlawful for an employer or those acting in the interest of the employer, whether private or public, including all government agencies and political subdivisions, as well as government-owned and/or –controlled corporations and their subsidiaries, nongovernment organizations, and other socioeconomic entities to:

  1. Discriminate against an individual in terms of compensation, terms and conditions, or privileges of employment on account of such individual's membership, application for membership, performance of military service, application for military service or obligation with the Reserve Force of the AFP;
  2. Print or publish, or cause to be printed or published, in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on membership, application for membership, performance of military service, application for military service or obligation with the reserve Force of the AFP;
  3. Require the declaration of application for membership, or status of membership in the Reserve Force of the AFP;
  4. Decline employment on the basis of membership in the Reserve Force of the AFP;
  5. Deny any employee's or worker's promotion or opportunity for training on the basis of membership, application for membership, performance of military service, application for military service or obligation with the reserve Force of the AFP;

- 172           6. Lay off an employee or worker because of membership, application  
173           for membership, performance of military service, application for  
174           military service or obligation with the reserve Force of the AFP; or  
175
- 176           7. Impose early retirement on the basis of such employee's or worker's  
177           membership, application for membership, performance of military  
178           service, application for military service or obligation with the reserve  
179           Force of the AFP;
- 180
- 181           (b) It shall be unlawful for labor contractor or subcontractor, if any, to refuse to refer  
182           for employment or otherwise discriminate against any individual because of such  
183           person's membership, application for membership, performance of military  
184           service, application for military service or obligation with the Reserve Force of  
185           the AFP;
- 186
- 187           (c) It shall be unlawful for any organization to:
- 188
- 189           1. Deny membership to any individual because of such person's  
190           membership, application for membership, performance of military  
191           service, application for military service or obligation with the Reserve  
192           Force of the AFP;
- 193
- 194           2. Exclude from its membership any individual because of such person's  
195           membership, application for membership, performance of military  
196           service or obligation with the Reserve Force of the AFP; or
- 197
- 198           3. Cause or attempt to cause an employee to discriminate against an  
199           individual in violation of this Act.
- 200
- 201           (d) It shall be unlawful for a publisher to print or publish any notice of advertisement  
202           relating to employment suggesting preferences, limitations, specifications, and  
203           discrimination based on a person's membership, application for membership,  
204           performance of military service, application for military service or obligation with  
205           the Reserve Force of the AFP.

206

207           **CHAPTER 3**  
208           **EMPLOYMENT RIGHTS**

209

210           **SECTION 6. Employment Rights of Citizen Soldiers/Reservist.** – The following are  
211           the rights of reservists who perform military service in the Reserve Force of the AFP.

- 212
- 213           (a) Reservists who perform military service are entitled to their original position, or  
214           when not predictable, to a substantially equivalent position, without loss of  
215           seniority rights and diminution of their pay.
- 216
- 217           (b) Military service shall not be considered a break in the employment for retirement  
218           purposes or for granting benefits provided for under the Labor Code and other  
219           special laws.

220 (c) Reservists cannot be required to use earned or entitled vacation or service  
221 incentive leaves for leave of absence in connection with the performance of  
222 military service in the Reserve Force; and

223  
224 (d) Reservists who suffer any temporary or permanent disability due to military  
225 service shall not be denied reintegration if such employee can still perform the  
226 essential functions of their original employment, whether with or without  
227 reasonable accommodations.

228  
229 **SECTION 7. Hiring of Substitute Employee.** – An employer whose reservist employee  
230 is called to military service may hire another employee as substitute during the period  
231 of the military service of the reservist employee.

232  
233 The employment of the substitute employee shall be deemed terminated upon the  
234 reintegration of the reservist employee. The employer or those acting in the interest of  
235 the employee may, however, consider the substitute employee for another position, if  
236 practicable.

237  
238 **SECTION 8. Reintegration Duty of an Employer.** – It shall be the duty of the employer,  
239 or those acting in the interest of the employer, to reintegrate reservists returning from  
240 military service to their former position, or when not practicable to a substantially  
241 equivalent position, without loss of seniority rights and diminution of their pay.

242  
243 **SECTION 9. Conditions for Reintegration of Reservists.** – Reservists shall be  
244 entitled the reintegration as provided in Section 8 of this Act, subject to the following  
245 conditions:

246  
247 (a) The reservist has rendered or performed military service as a member of the  
248 Reserve Force of the AFP.

249  
250 (b) The employer, or those acting in the interest of the employer, has been given a  
251 written notice by the AFP or the reservist which, if practicable, shall indicate the  
252 duration of military service, at least thirty (30) prior to departing for military  
253 service unless precluded by military necessity, or under all of the relevant  
254 circumstances, the timely provision of notice is otherwise impossible or  
255 unreasonable;

256  
257 (c) The employer, or those acting in the interest of the employer, shall immediately  
258 reintegrate the reservist after the latter is officially discharged from military  
259 service in accordance with the notice issued by the AFP; and

260  
261 (d) The employer, or those acting in the interest of the employer, shall provide its  
262 reservist employee the prevailing salary or wage at the time of reintegration of  
263 the reservist.

264  
265 The AFP shall issue and provide the pertinent notices and documents to reservist and  
266 their employers, and those acting in the interest of the employers, in a timely manner to  
267 facilitate the reintegration of the reservist to their employment.

268     **SECTION 10. Period to Notify of intent to Return.** – Reservists are hereby required  
269     to notify their employers, or those acting in the interest of the employer, of their intent to  
270     return to work subject to the following circumstances and conditions:

271         (a) In the case of reservists called to military service for definite period when  
272         indicated in the call for active duty training or such other notice issued by the  
273         AFP, the employer, or those acting in the interest of the employer, shall be  
274         deemed notified of the intent to return when furnished a copy of the pertinent  
275         notice from the AFP prior to the absence of the reservist for military service;

276         (b) In the case of reservists called to military service for an indefinite period when  
277         not indicated in the call for active duty training or such other notices issued by  
278         the AFP, the employer, or those acting in the interest of the employer, shall be  
279         deemed notified of the intent to return when furnished a copy of the pertinent  
280         notice from the AFP indicating the impending discharge of reservists at least  
281         fifteen (15) days prior to the end of the military service. *Provided*, that the  
282         reservists shall not be deemed ineligible when circumstances do not permit the  
283         timely prior notification of absence due to military service and/or intent to return  
284         of a reservists in compliance with this provision in accordance with Sections 9(b)  
285         and 9(d) of this Act: *Provided, further*, That reservists who suffer from illness or  
286         injury incurred in, or aggravated during, the performance of military service shall  
287         be allowed to indicate their desire to return to their former position within a  
288         reasonable time as prescribed by a military doctor: *Provided, finally*, That the  
289         AFP shall ensure that its policies and administrative processes, whenever  
290         practicable, allow for least fifteen (15) days prior notification of employers, or  
291         those acting in their interest, of the absence of reservists for military service and  
292         their capacity and intent to return to their employment.

293     **SECTION 11. Compensation for Non-Reintegration of Reservists.** – In cases of  
294     authorized causes or circumstances, subject to the determination and approval of  
295     Department of Labor and Employment (DOLE), where reintegration is impossible or  
296     unreasonable, the reservist shall be entitled to at least three (3) months' worth of basic  
297     salary or to a separation pay equivalent to one-month basic salary per year of service,  
298     whichever is higher.

299     **SECTION 12. Compensation of Reservists for Military Service.** – In order to  
300     enhance the general welfare, commitment to service and professionalism of the  
301     members of the Reserve Force of the AFP, the reservist rendering military service shall  
302     be entitled to the base pay commensurate to their rank consistent with their counterpart  
303     in the regular force.

304     The mother agency of the reservist shall promptly pay and remit the reservist  
305     employee's premium contributions, based on one's salary, during the absence due to  
306     military service, whether to the Government Service Insurance System (GSIS), the  
307     Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya, at Gobyerno (PAG-IBIG),  
308     Philippine Health Insurance Corporation (PhilHealth), and all pertinent contributions  
309     related to the employment, and shall not reflect any gap in contributions in the records.

315 Reservists shall have the option to pay their Social Security System (SSS) contributions  
316 as a voluntary paying SSS member to avoid any gap in their contribution records and  
317 afford their full entitlement to SSS benefits in accordance with existing guidelines.  
318

319 The AFP shall establish the necessary administrative process to assist reservists in the  
320 timely remittance of pertinent contributions, whether mandatory or voluntary.  
321

322 **SECTION 13. Multi-stakeholder Engagements and Advocacies.** – The Department  
323 of National Defense (DND) and AFP shall strengthen coordination and cooperation  
324 among stakeholders through a sustained and comprehensive advocacy campaign for  
325 the purpose of ensuring that the employment rights of reservists are understood and  
326 protected by all concerned.  
327

328 For this purpose, the Department of Budget and Management (DBM), in consultation  
329 with the DND and the AFP, shall create the necessary plantilla or non-tenured positions.  
330 The necessary funds for the implementation of this provision shall be included in the  
331 budget of the DND and AFP in the annual General Appropriations Act.  
332

333 **SECTION 14. Tax Benefits and Incentives.** – The Department of Finance (DOF), in  
334 coordination with the DND, AFP, and other appropriate government agencies, shall  
335 develop the appropriate rules and regulations on the provision of tax benefits and  
336 incentives based on justified costs and expenses by employers associated with  
337 organizational adjustments borne out of the absence of reservists in an organization in  
338 compliance with this Act, Republic Act No.7077, and other appropriate laws, rules, and  
339 regulations.  
340

341 **SECTION 15. Administrative Fines and Penalties.** – Violation of any of the provision  
342 of this Act shall be punished with a fine of not less than Fifty thousand pesos (50,000.00)  
343 but not more than One million pesos (P1,000,000.00), or imprisonment of not less than  
344 three (3) months but not more than two (2) years, or both, at the discretion of the court.  
345 If the offense is committed by a corporation, trust, firm, partnership or association or  
346 other entity, the penalty shall be imposed upon the responsible officer or officers of such  
347 corporation, trust, firm, partnership or association or entity.  
348

349 **SECTION 16. Military Duty Leave.** - Every reservist shall be entitled to a leave of  
350 seven (7) days with pay per year for purposes of military training or military activities.  
351 This shall be on top of applicable leaves entitled to a reservist from one's employer.  
352

## 353 CHAPTER 4 354 FINAL PROVISIONS

355

356 **SECTION 17. Appropriations.** – The amount necessary for the immediate and  
357 effective implementation of this Act shall be charged against any available funds of the  
358 DND and the AFP. Thereafter, such sums as may be necessary for the implementation  
359 of this Act shall be included in the annual appropriations of the AFP.  
360

361 **SECTION 18. Implementing Rules and Regulations.** – Within sixty (60) days from the  
362 effectivity of this Act, the DOLE in coordination with the DND, the AFP, the Civil Service

363 Commission (CSC) and appropriate government agencies shall promulgate the rules  
364 and regulations for the effective implementation of this Act.

365

366 **SECTION 19. Separability Clause.** – Should any provision herein be declared  
367 unconstitutional, the same shall not affect the validity of the other provisions of this Act.

368

369 **SECTION 20. Repealing Clause.** – All laws, decrees, orders, rules and regulations, or  
370 other issuances or parts inconsistent with the provisions of this Act are hereby repealed,  
371 amended, or modified accordingly.

372

373 **SECTION 21. Effectivity Clause.** – This Act shall take effect in fifteen (15) days after  
374 publication in the Official Gazette or in one (1) newspaper of general circulation in the  
375 Philippines.

376

377                  *Approved,*