



HOUSE OF REPRESENTATIVES

H. No. 5818

BY REPRESENTATIVES CHIPECO, NOGRALES (K.A.), NOGRALES (J.J.), VILLARICA, TING, VELOSO, COSALAN, BELMONTE (R.), BAG-AO, GO (M.), MENDING, DELOSO-MONTALLA, VILLARIN, CASILAO, LAOGAN, ONG (E.), UNABIA, TUPAS, BERTIZ, SANTOS-RECTO, PAPANDAYAN, TAN (A.), MARTINEZ, AGLIPAY-VILLAR, DE JESUS, REVILLA, TAMBUNTING, MACAPAGAL-ARROYO, BELMONTE (J.C.), LAGMAN, MERCADO, BARBERS AND PRIMICIAS-AGABAS, PER COMMITTEE REPORT NO. 294

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:

- 1 SECTION 1. *Declaration of Policy.* – It is the policy of the State to
2 protect all workers from abusive acts of employers. Every employer, in
3 publishing notices of termination of employment, must observe good faith,
4 act with fairness, and respect the dignity of its former employees.
- 5 SEC. 2. *Limitations on the Publication of Notices of Termination of*
6 *Employment.* – No employer in the private sector shall publish notices of
7 termination of employment in newspapers, social media or other public
8 information venues unless upon the concurrence of the following
9 circumstances:

1 (a) The subject employee has, based on employee records, committed
2 any of the following acts:

3 (1) Serious misconduct or willful disobedience by the employee of the
4 lawful orders of the employer or the duly authorized representative of the
5 employer in connection with work;

6 (2) Gross and habitual neglect of duties by the employee;

7 (3) Fraud or willful breach by the employee of the trust reposed by the
8 employer or the duly authorized representative of the employer;

9 (4) Commission of a crime or offense by the employee against the person
10 of the employer or any immediate member of the employer's family or against
11 the person of the duly authorized representative of the employer; and

12 (5) Other causes analogous to the foregoing.

13 (b) The subject employee was an accountable officer or staff, to include
14 the following:

15 (1) Cashiers

16 (2) Treasurers

17 (3) Collection officers

18 (4) Sales agents or representatives

19 (5) Management or supervisory employees

20 (6) Other officers or employees who handle cash, property, stocks and
21 other assets of the employer; and

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

25 SEC. 3. *Penalties.* – An employer who publishes a notice of termination
26 of employment in a newspaper, social media or other public information
27 venues in violation of Section 2 of this Act shall be liable to pay the aggrieved
28 former employee damages in an amount not less than ten thousand pesos

1 (P10,000.00) but not more than fifty thousand pesos (P50,000.00), upon the
2 discretion of the court, without prejudice to the filing of any criminal case.

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

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

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

Approved,

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