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SENATE

Senate Bill No. **1274**

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INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

This bill seeks to prohibit employers/recruiters to require from job applicants as requisite to employment, the following:

(a) The payment of any fees for whatever purpose or reason except where the exaction of such fees has been authorized by the Secretary of Labor and Employment and/or by law;

(b) To render any service unrelated to the position being applied for, and

(c) Submit unreasonable requirements. A requirement is unreasonable when it is illegal or immoral, or unrelated to or undeterminative of the acceptance of the application.

For these reasons, passage of this bill is earnestly urged.


MANNY VILLAR

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**AN ACT
PROHIBITING THE EXACTION OF FEES AND UNNECESSARY SERVICES
FROM JOB APPLICANTS**

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

SECTION 1. *Prohibited Acts.* – It shall be unlawful for any person, natural or juridical, to require from job applicants, as requisite to employment, the following:

(a) The payment of any fees for whatever purpose or reason except where the exaction of such fees has been authorized by the Secretary of Labor and Employment and/or by law;

(b) To render any service unrelated to the position being applied for, and

(c) To submit unreasonable requirement. A requirement is unreasonable when it is illegal or immoral, or unrelated to or undeterminative of the acceptance of the application.

SECTION 2. *Visitorial Power.* – The Secretary of Labor and Employment or his duly authorized representative may, *motu proprio* or upon complaint, conduct investigation of any violation of this Act and, in pursuit thereof, shall have access to employers'/recruiters' records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom,

or to question any employee or job applicant, and inquire as to any fact, condition or matter which may add in the enforcement of this Act

SECTION 3. *Enforcement Power.* – The Secretary of Labor and Employment may order the closure or suspension of operation of any employer/recruiter, or any branch thereof, when after due investigation, it is found that a *prima facie* case exists for the violation of this law. Within seventy-two (72) hours, a hearing shall be conducted to determine whether the order for closure or suspension shall be lifted or not.

No inferior court or entity shall issue temporary or permanent restraining order or otherwise assume jurisdiction over any case involving the enforcement or orders issued in accordance with this section.

SECTION 4. *Rules and Regulations.* – Subject to the provisions of Section 40 of Republic Act No. 3042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”, the Secretary of Labor and Employment, shall promulgate such rules and regulations insofar as local employment is concerned to implement the provisions of this Act and may require employers/recruiters to keep and maintain records in aid of his visitorial enforcement powers.

SECTION 5. *Prosecution.* – Except when the acts complained of refer to overseas employment where the undersecretary for migrant workers of the Department of Foreign Affairs shall be responsible for prosecution of offenders thereof, the Secretary of Labor and Employment or his duly authorized representative shall assist complaints in the prosecution of violators of this Act in local employment before courts of justice for the purpose of imposing the penal provision thereof.

SECTION 6. *Penal Provision.* – Any violation of this Act on local employment shall be punishable by *arresto mayor*, and any violation thereof on overseas employment shall be punishable in accordance with Section 7 of Republic Act No. 8042. *Provided*, That where the violator is a juridical entity, the

officers or employers who knowingly violated this Act shall be held personally liable.

Prosecution under this Act shall not exempt the violator from prosecution under the Revised Penal Code for the same violation.

SECTION 7. *Separability Clause.* – Any section or provision hereof declared invalid or unconstitutional by a court of competent jurisdiction shall not affect the validity or effectivity of the remaining sections or portions of this Act.

SECTION 8. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,