

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

FOURTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1025

Introduced by HON. MAURICIO G. DOMOGAN

EXPLANATORY NOTE

This bill filed during the 13th Congress, is hereby refiled with the intention of amending Article 281 of the Labor Code on Probationary Employment.

As observed, it has been the practice of many employers, unless for a just reasonable cause, to terminate probationary employees at will before their probationary period of six (6) months expires and then rehire them after a lapse of time. This practice subverts the real intent and purpose of Article 281 of the Labor Code of the Philippines in protecting and guaranteeing the progress towards a regular and permanent employment status of these probationary employees.

On the one hand, such a practice is a grave abuse on the part of the employers as it is a clear injustice against society and particularly to the employees who hope to be gainly employed after their probationary period so as to able to give continuous and proper support of themselves and their families. On the other hand it becomes one of the major causes of workers' and union strikes that bring out tensions and disruptions of work in which case, if left unresolved, both employers and the workers stand to lose.

In view of the foregoing considerations, approval of this bill is earnestly recommended.


MAURICIO G. DOMOGAN

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AN ACT
MAINTAINING THE PRESENT PROVISION ON PROBATIONARY
EMPLOYMENT INCREASING AT THE SAME TIME THE
GOVERNMENTS PROTECTION TO PROBATIONARY EMPLOYEES,
AMENDING FOR THIS PURPOSE ART 281 OF THE LABOR CODE.

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

SECTION 1. Art. 281 of the Labor Code, is hereby amended to read as follows:

Art. 281. Probationary Employment. Probationary employment shall not exceed six months from the date the employees started working, unless it is covered by an apprenticeship agreement stipulating a longer period. The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when it fails to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement. An employee who is allowed to work after a probationary period, *whether broken or not*, shall be considered a regular employee.

SECTION. 2. This Act shall take effect upon its approval.

Approved.