

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS

Second Regular Session

House Bill No. **4698**



Introduced by **Rep. EVELIO R. LEONARDIA**

EXPLANATORY NOTE

There is no specific provision in the Labor Code of the Philippines about the prescriptive period on illegal dismissal, although in money claims the prescriptive period to file such complaint is three (3) years from the time it accrued.

The illegal dismissal cause of action, the prescriptive period is based by analogy from Article 1146 of the Civil Code as found in several jurisprudence, for instance, "Nazal vs. NLRC", 274 SCRA 350; "Reno Foods, Inc. vs. NLRC", 249 SCRA 379.

But for purposes of having a specific basis in the realm of labor laws, a specific provision for the prescriptive period on illegal dismissal must be stipulated like its counterpart on monetary claim, thus, their uniform period of prescription of three (3) years.

As such, the approval of this Bill is earnestly sought.


REP. EVELIO R. LEONARDIA
Lone District, Bacolod City

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**AN ACT AMENDING PRESIDENTIAL DECREE 442 OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES BY ADDING
SECTION 290-A ON TITLE II (PRESCRIPTION OF OFFENSES AND
CLAIMS) THEREOF**

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

SECTION 1. Title II entitled "Prescription of Offenses and Claims" provided in P.D. 442, otherwise known as the Labor Code of the Philippines, shall be added the provision as follows:

ARTICLE 290-A. Illegal dismissal. – the cause of action or claim of illegal dismissal whether actual or constructive arising from employer-employee relations during the effectivity of this Code shall be filed within three (3) years from the time of such illegal dismissal accrued; otherwise it shall be forever barred.

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SECTION 2. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 3. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with any provision of this Act as hereby amended or modified accordinally.

SECTION 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,