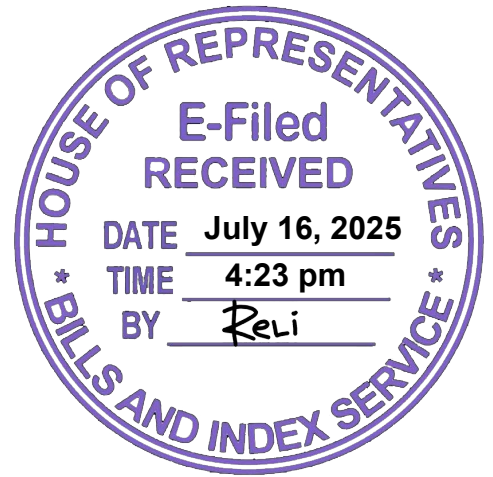


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2028



Introduced by REPRESENTATIVE MERCEDES K. ALVAREZ, MNSA

EXPLANATORY NOTE

This bill seeks to seeks to affirm the commitment of the State to uphold the constitutional mandate of defending national sovereignty and ensuring public safety by recognizing and protecting the employment rights of members of the Citizen Armed Force or Reserve Force of the Armed Forces of the Philippines (“AFP”).

Reservists play a crucial role in augmenting the Regular Force of the AFP, particularly during times of war, national emergency, or calamity. Their service is important to national security, disaster response, and civil assistance. However, such service often disrupts their civilian employment, resulting in discrimination, loss of job opportunities, and lack of social protection. This measure addresses these issues and seeks to balance national defense requirements with the protection of labor rights.

This measure institutionalizes legal safeguards and socio-economic support for AFP reservists. It affirms the principle that military service should not be a burden to one’s civilian career, and it strengthens the Reserve Force by ensuring that citizens can serve the nation without fear of economic or professional displacement.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


ATTY. MERCEDES K. ALVAREZ, MNSA

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HOUSE BILL NO. 2028

Introduced by REPRESENTATIVE MERCEDES K. ALVAREZ, MNSA

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 the 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.*”

Sec. 2. *Declaration of Policy.* — It is the policy of the State to ensure the
protection and promotion of employment rights of the Citizen Armed Force or the
Reserve Force of the Armed Forces of the Philippines (“AFP”). The State, as a matter
of policy, undertakes to:

- a) Strengthen the Citizen Armed Forces or the Reserve Force of the 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

- 1 d) Ensure the observance of all employers of the rights of reservists called to
2 perform military service to the State.

3 The prime duty of the State is to serve and protect the people. For this reason,
4 the State may call upon the people to defend the State, and in fulfillment thereof, may
5 require its citizens to render military or civil service under conditions provided by law.
6

7 Sec. 3. *Coverage.* — This Act shall cover all employers, whether private or
8 public, including all government agencies and political subdivisions as well as
9 government-owned and/or -controlled corporations and their subsidiaries,
10 nongovernment organizations, and other socioeconomic entities.

11
12 Sec. 4. *Definition of Terms.* — As used in this Act, the following terms shall
13 mean:

- 14 a) *Active Duty Training* is the compulsory or voluntary trainings for reserve
15 units and/or individual reservists provided by the AFP to update their
16 working knowledge in the current military organization, doctrines, and in
17 tactics, techniques and procedures, in order to maintain a desirable state
18 of readiness, enable them to satisfy the active service-in-grade required for
19 promotion to higher grades, and maintain a level of proficiency and
20 competency for those reservists designated as instructors in Reserve
21 Officers' Training Corps (“ROTC”) and other reservists training programs.
22 b) *Citizen Soldiers or Reservists* are members of the Reserve Force of the
23 AFP composed of the following:
24 i. Graduates of the ROTC basic and advance courses and those who
25 were issued orders as enlisted reservists officers of the AFP;
26 ii. Graduates of authorized basic military training instructions who,
27 as a result thereof, were issued orders as enlisted reservists or
28 reserve officers;
29 iii. Ex-servicemen and retired officers of the AFP who have been
30 integrated into the Reserve Force of the AFP; and
31 iv. Reservist officers and enlisted reservists including those procured
32 under existing laws and included in the present AFP rosters.

33 There shall be three (3) categories of citizen soldiers or AFP reservists
34 based on age:

- i. The First Category Reserve shall be composed of able-bodied reservists whose ages are between eighteen (18) years and thirty-five (35) years, inclusive.
- ii. The Second Category Reserve shall be composed of able-bodied reservists whose ages are between thirty-six (36) years and fifty-one (51) years, inclusive.
- iii. The Third Category Reserve shall be composed of able-bodied reservists who are above fifty-one (51) of age.

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

- c) *Employment* is the act of hiring and continued engagement, including the reintegration of an employee called to military service to one's former position, or if not practicable to a substantially equivalent position, without loss of seniority rights and diminution of pay.
- d) *Military Service* is any service rendered by a citizen soldier or reservist to the State upon orders of the AFP or call to active duty to meet active duty training requirements, or for any purpose that the AFP leadership may deem necessary in order to augment and support the Regular Force operations in times of war, national emergency, or such other times as the national security requires.
- e) *Reintegration* is the actual resumption of work of an employee after one's military service to one's former position, or if not practicable to a substantially equivalent position, without loss of seniority rights and diminution of pay.
- f) *Reserve Force* is composed of members of the reserve components of the AFP.
- g) *Ready Reserve* is composed of citizen soldiers or reservists belonging mostly to the First Category reserve who shall be organized, trained, and maintained as mobilizable ready reserve subject to being called at any time to augment the regular armed force of the AFP not only in times of war or national emergency but also to meet local emergencies arising from calamities, disasters, and threats to peace, order, security and stability in

1 any locality, including the need to provide assistance in relief and rescue
2 work and other civil assistance activities.

3 Furthermore, members of the AFP Affiliated Reserve units of various
4 government and private utilities and services considered essential for the
5 preservation of economic stability of the country or particular locality,
6 such as power and electricity, water supply, transportation and
7 communications, among others, regardless of their categorization shall be
8 classified as Ready Reserve.

9 All citizen soldiers belonging to the First Category Reserve, except those
10 exempted under Republic Act No. 7077, otherwise known as the Citizen
11 Armed Forces of the Philippines Reservist Act, and other pertinent
12 policies, shall be required to serve with the Ready Reserve units and will
13 have assignments and promotions in accordance with existing policies of
14 the AFP until transferred to the Standby Reserve by virtue of their age.

15 h) *Standby Reserve* refers to citizen soldiers or reservists belonging mostly
16 to the Second Category Reserve and the Third Category Reserve. The
17 members of the Standby Reserve shall be organized and assigned to
18 specific reserve units and shall be maintained through annual assembly
19 test to update their records and present addresses, among others. The
20 Standby Reserve may be mobilized or ordered to active duty only in times
21 of national emergency or war. The ranks of the members of the Standby
22 Reserve may be upgraded if they voluntarily participate in training or
23 serve with the Ready Reserve units in their areas or if their Standby
24 Reserve unit undergo retraining. They will however be encouraged to
25 upgrade their military knowledge and skills by taking up non-resident or
26 resident courses which shall be set up for the purpose.

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

1 area of residence.

3 CHAPTER 2

4 NON-DISCRIMINATION OF RESERVISTS AND EMPLOYMENT RIGHTS

5
6 Sec. 5. *Anti-Reservists Discrimination.* — Employers, contactors,
7 subcontractors, organizations, and/or publishers shall not discriminate against
8 reservists, and shall be guided by the following:

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

14 i. Discriminate against an individual in terms of compensation, terms
15 and conditions, or privileges of employment on account of such
16 individual's membership, application for membership,
17 performance of military service, application for military service or
18 obligation with the Reserve Force of the AFP;

19 ii. Print or publish, or cause to be printed or published, in any form of
20 media, including the internet, any notice of advertisement relating
21 to employment suggesting preferences, limitations, specifications,
22 and discrimination based on membership, application for
23 membership, performance of military service, application for
24 military service or obligation with the Reserve Force of the AFP;

25 iii. Require the declaration of application for membership, or status or
26 membership in the Reserve Force of the AFP;

27 iv. Decline employment on the basis of membership in the Reserve
28 Force of the AFP;

29 v. Deny any employee's or workers promotion or opportunity for
30 training on the basis of membership, application for membership,
31 performance of military service, application for military service or
32 obligation with the reserve Force of the AFP;

33 vi. Lay off an employee or worker because of membership, application
34 for membership, performance of military service, application for

1 military service or obligation with the reserve Force of the AFP; or
2 vii. Impose early retirement on the basis of such employee's or worker's
3 membership, application for membership, performance of military
4 service, application for military service or obligation with the
5 reserve Force of the AFP.

6 b) It shall be unlawful for labor contractor or subcontractor, if any, to refuse
7 to refer for employment or otherwise discriminate against any individual
8 because of such person's membership, application for membership,
9 performance of military service, application for military service or
10 obligation with the Reserve Force of the AFP.

11 c) It shall be unlawful for any organization to:

12 i. Deny membership to any individual because of such person's
13 membership, application for membership, performance of military
14 service, application for military service or obligation with the
15 Reserve Force of the AFP;

16 ii. Exclude from its membership any individual because of such
17 person's membership, application for membership, performance of
18 military service or obligation with the Reserve Force of the AFP; or

19 iii. Cause or attempt to cause an employee to discriminate against an
20 individual in violation of this Act.

21 d) It shall be unlawful for a publisher to print or publish any notice of
22 advertisement relating to employment suggesting preferences,
23 limitations, specifications, and discrimination based on a person's
24 membership, application for membership, performance of military
25 service, application for military service or obligation with the Reserve
26 Force of the AFP.

27
28 *Sec. 6. Employment Rights of Reservists.* — The following are the rights of
29 reservists who perform military service in the Reserve Force of the AFP:

30 (a) Reservists who perform military service are entitled to their original
31 position, or when not practicable, to a substantially equivalent position,
32 without loss of seniority rights and diminution of their pay;

33 (b) Military service shall not be considered a break in the employment for
34 retirement purposes or for granting benefits provided for under the Labor

1 Code and other special laws;

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

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

9
10 Sec. 7. *Hiring of Substitute Employee.* — An employer whose reservist
11 employee is called to military service may hire another employee as substitute during
12 the period of the military service of the reservist employee.

13 The employment of the substitute employee shall be deemed terminated upon
14 the reintegration of the reservist employee. The employer or those acting in the
15 interest of the employee may, however, consider the substitute employee for another
16 position, if practicable.

17
18 Sec. 8. *Reintegration Duty of an Employer.* — It shall be the duty of the
19 employer, or those acting in the interest of the employer, to reintegrate reservists
20 returning from military service to their former position, or when not practicable to a
21 substantially equivalent position, without loss of seniority rights and diminution of
22 their pay.

23
24 Sec. 9. *Conditions for Reintegration of Reservists.* — Reservists shall be
25 entitled the reintegration as provided in Section 8 of this Act, subject to the following
26 conditions:

27 a) The reservist has rendered or performed military service as a member of
28 the Reserve Force of the AFP;

29 b) The employer, or those acting in the interest of the employer, has been
30 given a written notice by the AFP or the reservist which, if practicable,
31 shall indicate the duration of military service, at least thirty (30) days prior
32 to departing for military service unless precluded by military necessity,
33 except when under all of the relevant circumstances, the timely provision
34 of notice is otherwise impossible or unreasonable;

1 c) The employer, or those acting in the interest of the employer, shall
2 immediately reintegrate the reservist after the latter is officially
3 discharged from military service in accordance with the notice issued by
4 the AFP; and

5 d) The employer, or those acting in the interest of the employer, shall provide
6 its reservist employee the prevailing salary or wage at the time of
7 reintegration of the reservist.

8 In a timely manner, the AFP shall issue and provide the pertinent notices and
9 documents to reservists and their employers, and those acting in the interest of the
10 employers, to facilitate the reintegration of the reservists to their employment.

11
12 Sec. 10. *Period to Notify Intent to Return.* — Reservists are hereby required to
13 notify their employers, or those acting in the interest of the employers, of their intent
14 to return to work subject to the following circumstances and conditions:

15 a) In the case of reservists called to military service for a definite period when
16 indicated in the call for active duty training or such other notice issued by
17 the AFP, the employer, or those acting in the interest of the employer, shall
18 be deemed notified of the intent to return when furnished a copy of the
19 pertinent notice from the AFP prior to the absence of the reservist for
20 military service; and

21 b) In the case of reservists called to military service for an indefinite period
22 when not indicated in the call for active duty training or such other notices
23 issued by the AFP, the employer, or those acting in the interest of the
24 employer, shall be deemed notified of the intent to return when furnished
25 a copy of the pertinent notice from the AFP indicating the impending
26 discharge of reservists at least fifteen (15) days prior to the end of the
27 military service.

28 *Provided*, that the reservists shall not be deemed ineligible when circumstances
29 do not permit the timely prior notification of absence due to military service and/or
30 intent to return of a reservists in compliance with this provision in accordance with
31 Sections 9(b) and 9(d) of this Act: *Provided*, further, That reservists who suffer from
32 illness or injury incurred in, or aggravated during the performance of military service
33 shall be allowed to indicate their desire to return to their former position within a
34 reasonable time as prescribed by a military doctor: *Provided*, finally, That the AFP

1 shall ensure that its policies and administrative processes, whenever practicable, allow
2 for least fifteen (15) days prior notification of employers, or those acting in their
3 interest, of the absence of reservists for military service and their capacity and intent
4 to return to their employment.

5
6 Sec. 11. *Compensation for Non-Reintegration of Reservists* — In cases of
7 authorized causes or circumstances, subject to the determination and approval of
8 Department of Labor and Employment (“DOLE”), where reintegration is impossible
9 or unreasonable, the reservist shall be entitled to at least three (3) months' worth of
10 basic salary or to a separation pay equivalent to one-month basic salary per year of
11 service, whichever is higher.

12
13 Sec. 12. *Compensation of Reservists for Military Service.* — In order to
14 enhance the general welfare, commitment to service and professionalism of the
15 members of the Reserve Force of the AFP, the reservist rendering military service shall
16 be entitled to the base pay commensurate to their rank consistent with their
17 counterpart in the regular force.

18 The mother agency of the reservist shall promptly pay and remit the reservist
19 employee's premium contributions, based on one's salary, during the absence due to
20 military service, whether to the Government Service Insurance System, the
21 *Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya, at Gobyerno*, otherwise
22 known as the PhilHealth, the Philippine Health Insurance Corporation, and all
23 pertinent contributions related to the employment, and shall not reflect any gap in
24 contributions in the records.

25 Reservists shall have the option to pay their Social Security System (“SSS”)
26 contributions as a voluntary paying SSS member to avoid any gap in their contribution
27 records and afford their full entitlement to SSS benefits in accordance with existing
28 guidelines.

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

31
32 Sec. 13. *Multi-Stakeholder Engagement and Advocacies.* — The Department
33 of National Defense (“DND”) and the AFP shall strengthen coordination and
34 cooperation among stakeholders through a sustained and comprehensive advocacy

1 campaign for the purpose of ensuring that the employment rights of reservists are
2 understood and protected by all concerned.

3 For this purpose, the Department of Budget and Management, in consultation
4 with the DND and the AFP, shall create the necessary *plantilla* or non-tenured
5 positions. The necessary funds for the implementation of this provision shall be
6 included in the budget of the DND and AFP in the annual General Appropriations Act.

7
8 Sec. 14. *Tax Benefits and Incentives.* — The Department of Finance, in
9 coordination with the DND, the AFP, and other appropriate government agencies,
10 shall develop the appropriate rules and regulations on the provision of tax benefits and
11 incentives based on justified costs and expenses by employers associated with
12 organizational adjustments borne out of the absence of reservists in an organization
13 in compliance with this Act, Republic Act No.7077, and other appropriate laws, rules,
14 and regulations.

15
16 Sec. 15. *Administrative Fines and Penalties.* — The violation of any of the
17 provision of this Act shall be punished with a fine of not less than Fifty thousand pesos
18 (50,000.00) but not more than One million pesos (P1,000,000) or imprisonment of
19 not less than three (3) months but not more than two (2) years, or both, at the
20 discretion of the court. If the offense is committed by a corporation, trust, firm,
21 partnership or association or other entity, the penalty shall be imposed upon the
22 responsible officer or officers of such corporation, trust, firm, partnership or
23 association or entity.

24
25 Sec. 16. *Military Duty Leave.* — Every reservist shall be entitled to a leave of
26 seven (7) days with pay per year for purposes of military training or military activities.
27 The leave shall be on top of applicable leaves entitled to a reservist from one's
28 employer.

29
30
31 **CHAPTER 3**
32 **FINAL POVISIONS**
33

34 Sec. 17. *Appropriations.* — The amount necessary for the immediate and

1 effective implementation of this Act shall be charged against any available funds of the
2 DND and the AFP. Thereafter, such sums as may be necessary for the implementation
3 of this Act shall be included in the annual appropriations of the AFP.
4

5 Sec. 18. *Implementing Rules and Regulations.* — Within sixty (60) days after
6 the effectivity of this Act, the DOLE shall, in coordination with the DND, the AFP, the
7 Civil Service Commission, and other appropriate government agencies, promulgate
8 the rules and regulations for the effective implementation of this Act.
9

10 Sec. 19. *Separability Clause.* — If any provision of this Act is declared
11 unconstitutional, the remainder thereof not otherwise affected shall remain in full
12 force and effect.
13

14 Sec. 20. *Repealing Clause.* — Any law, presidential decree or issuance,
15 executive order, letter of instruction, rule or regulation inconsistent with the
16 provisions of this Act is hereby repealed or modified accordingly.
17

18 Sec. 21. *Effectivity.* — This Act shall take effect fifteen (15) days after its
19 publication in the *Official Gazette* or in a newspaper of general circulation.
20

Approved,