

AN ACT TO AMEND CERTAIN PROVISIONS OF THE PRIVATE EMPLOYMENT AGENCY LAW IN ORDER TO GIVE ADDED PROTECTION TO APPLICANTS FOR EMPLOYMENT.

REPUBLIC ACT NO. 856, June 16, 1953

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

SECTION 1. Section numbered eleven of Act Numbered Three thousand nine hundred fifty-seven, whose short title is the Private Employment Agency Law, is hereby amended to read as follows:

"SEC. 11. In order that any contract between the agent or recruiter and the applicant for employment, work or a position may be valid, it shall be written in a language or dialect known to the latter and shall be executed before the public defender, or the clerk of Court of First Instance or justice of the peace who shall not charge any fee for his services or for preparing the contract. It shall be the duty of the public defender, or the clerk of court or the justice of the peace to carefully explain to the contracting parties the scope and effects of the contract to satisfy himself regarding the correctness of any debt or obligation set forth in such contract, including the fees of the agent or recruiter, and to sign the contract, certifying in the acknowledgment clause thereof that the provisions of this section have been complied with. When it is specifically provided in the contract that applicant for employment shall be employed outside the province where he or she resides, it shall be further the duty of the public defender, or the clerk of court, or the justice of the peace to observe the following requirements: (1) to require the production of the birth certificate of the applicant, or, in the event of the destruction of the records thereof, an affidavit of the father or mother, or in their default, the guardian or person in charge of the applicant, the same to be sworn to before the justice of the peace of the birthplace of the applicant certifying the latter's age except when it appears evident from the physical appearance of the applicant that he or she is already of age, (2) if the applicant be a minor, no contract shall be executed without the written consent of the applicant's father or mother, or in their default, the guardian or person in charge, who shall appear before the public defender, or the clerk of court or the justice of the peace to express their consent, and (3) if the applicant be a female person below fourteen years of age, no contract shall be executed. Any failure to comply with these obligations shall render the public defender, or the clerk of court, or the justice of the peace liable to the penalties imposed in section numbered twenty-one of this Act."

SEC. 2. Paragraph (e) of section numbered twenty of said Act is hereby amended to read as follows:

"SEC. 20. It shall be unlawful for any licensee:

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"(e) To recruit for employment, offer employment to, enter into any contract to secure employment for, or assist in the admission as employee, servant or laborer of any female person below fourteen years of age in any case, or any minor without the written consent of the minor's father or mother, or in their default, the guardian or person in charge."

SEC. 3. Section numbered twenty-one of the said Act is hereby amended to read as follows:

"SEC. 21. Any violation of the provisions of this Act shall be punished by a fine of not less than one hundred

pesos nor more than five hundred pesos and by imprisonment for not less than one month nor more than six months, or both, in the discretion of the court: Provided, That in the case of the violation of subsections (e) and (f) of the next preceding section, the penalty shall be imprisonment for not less than six months nor more than six years: Provided, further, That the court may in its discretion impose the additional penalty of removal from office, if the violator is the public defender, or the clerk of court, or the justice of the peace or of permanent disqualification from obtaining any license, if the violator is an agent or recruiter."

SEC. 4. This Act shall take effect upon its approval.

Approved, June 16, 1953.

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