

[REPUBLIC ACT NO. 761, June 20, 1952]

**AN ACT TO PROVIDE FOR THE ORGANIZATION OF A NATIONAL
EMPLOYMENT SERVICE**

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

SECTION I. *National Employment Service; Creation of.*—In order to ensure the best possible organization of the employment market as an integral part of the national program for the achievement and maintenance of maximum employment and the development and use of productive resources, there is hereby established a national system of free public employment offices to be known as the National Employment Service, hereinafter referred to as the Service. The Service shall be under the executive supervision and control of the Department of Labor, and shall have a chief who shall be known as the Commissioner the National Employment Service hereinafter referred to as Commissioner. Said Commissioner shall be appointed by the President of the Philippines with the consent of the Commission on Appointments and shall receive compensation at the rate of nine thousand pesos *per annum*. A Deputy Commissioner shall also be appointed by the president of the Philippines with the consent of the Commission on Appointments and shall receive compensation at the rate of seven thousand two hundred pesos *per annum*.

Upon the organization of the Service, the existing Placement Bureau and the existing Employment Office in the Commission of Social Welfare shall be abolished, and all the files, records, supplies, equipment, qualified personnel and unexpended balances of appropriations of said Bureau and Commission pertaining to said bureau or office shall thereupon be transferred to the Service.

The Service shall administer Act Numbered Twenty-four hundred and eighty-six, entitled, "An Act fixing a tax upon every person or entity engaged in recruiting or contracting laborers in the Philippines, and amending sub-section (a) of section fifty-three of Act Numbered Twenty-three hundred and thirty-nine." The Service shall also administer Act Numbered Thirty-nine hundred and fifty-seven, entitled, "An Act to regulate the activities of private employment agencies, punish violators hereof and for other purposes. Whenever the phrase "Director of Labor" appears in said Acts, it shall hereafter be taken to read "Commissioner of the National Employment Service."

SEC. 2. *Employment Service Advisory Council; Advisory Committees.*—There is hereby established a National Employment Service Advisory Council to advise and assist the Secretary of Labor and the Commissioner in the organization and operation of the Service and in the development of employ-service policy. The Council shall be composed of five technical men whose training and experience in labor problems and associations qualify them as such; two representatives of employers and two representatives of labor and one member who is not openly

identified either with labor or employers groups to be appointed by the Secretary of Labor after consultation with employers' and workers' organizations. Members of the Council shall receive a per diem of ten pesos for every meeting attended but which will not exceed fifty pesos per month and in addition shall be entitled to reimbursement traveling and other expenses actually incurred in attendance to the duties of the Council. The Commissioner shall make available to the members of the Council the records of the Service.

Upon the recommendation of the Council, the Secretary of Labor may appoint such national, regional, or local employment advisory committees as may be desirable. Each of such committees shall have all equal number of representatives of employers and employees and shall be appointed after consultation with employers' and workers' organizations. Each such committee shall also have one member who shall represent the public interest and act as chairman.

SEC 3. *Public employment offices.*—The Commissioner shall establish, reestablish, or move, upon advice of the Council and with the approval of the Secretary of Labor, a headquarters office and district and local public employment offices in such number and in such places as will best promote the purposes of this Act and as may be authorized by law.

SEC. 4. *General duties and powers.*—Its shall be the duty of the Service—

- a. To provide free placement service for labor of all types;
- b. To collect and analyze, in cooperation with the Bureau of the Census and Statistics and other appropriate public and private agencies, the fullest available information on the employment situation and its probable trends, and to make and disseminate such information systematically available to other public agencies, employers, workers, and the public;
- c. To encourage and assist as necessary other public agencies and private organizations in social and economic planning calculated to ensure a favorable employment situation;
- d. To cooperate in the administration of such employment insurance or assistance schemes and such other measures as may be established for the relief of the unemployed;
- e. To make continuous and special studies on various aspects of the organization of the employment market and recommend measures for preventing or remedying unemployment and underemployment;
- f. To assist the transfer of workers or settlers from one place to another;
- g. To prepare an annual report of its activities with special emphasis on the number of applicants who had obtained employment through the Service in relation to the number of applicants that had registered with the Service; and
- h. To perform such other duties as may be assigned to it by law.

The Commissioner shall have the power to require any person, organization, or institution to submit information or employment reports in such form and containing such particulars as he may, by rule or regulation, prescribe.

The Commissioner, with the approval of the Secretary of Labor, shall have the power to make, amend, and rescind such rules and regulations and orders as may be

necessary to carry out the purposes of this Act.

SEC. 5. *Placement and recruitment.*—To ensure effective placement and recruitment, the Service shall—

a. assist workers to obtain suitable employment and assist employers to obtain suitable workers and shall for this purpose—

1. register applicants for employment, take note of their occupational qualifications, experience, and desires, and interview them for employment and evaluate, if necessary, their physical and vocational capacity and assist them, when appropriate, to obtain vocational guidance or vocational training or retraining;
2. obtain from employers precise information on vacancies and the requirements to be met by the workers sought by them;
3. refer to available employment applicants with suitable skills and physical capacity; and
4. refer applicants and vacancies from one employment office to another, in cases in which then suitably be placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action: Provided, That, the Service shall observe strict neutrality in case of employment available as a result of an industrial dispute and shall not discriminate under existing laws against any applicant on account of race, color, sex, or belief: Provided, further, That, the Service shall not refer workers to employment in respect to which the wages or other conditions of work are below the standards prescribed by law or prevailing practice;

b. take appropriate measures—

1. to facilitate occupational and industrial mobility with a view to adjusting the supply of labor to the employment opportunities in various occupations and industries;
2. to facilitate geographic mobility with a view to assisting the movement of workers or settlers to areas with suitable employment opportunities;
3. to facilitate the temporary transfer of workers or settlers from one area to another to meet temporary maladjustments in labor demand and supply; and
4. to facilitate any movement of workers from or to another country which may have been approved by the foreign governments concerned;

c. develop within the various employment offices specialization by occupations and by industries, wherever the character or importance of any industry or occupation or other special factors require such specialization; and

d. provide adequate arrangements for the placement of veterans, women, juveniles, and disabled persons.

The Service will furnish all government entities, includes government-owned or government-controlled corporations that hire laborers all such information, data or