

HOUSE OF REPRESENTATIVES

H. No. 4869

INTRODUCED BY HONORABLE FAJARDO, GOLEZ, VELOSO, PUEY, NAZARENO, JR. ENVERGA, AUMENTADO, MENDOZA, LORETO, MONTEJO, MERCADO, DOMINGUEZ, LOPEZ-VITO, ESPINOSA, PLAZA, ZAPATA, MARTINEZ, JR., RESPICIO, ASPIRAS, ACUÑA, FIGUEROA, ACOSTA, ADIONG, AQUINO (F.), CHAVES, DRAGON, AQUINO (H.), TUAZON, TINGZON, VILLAR, JR., DELA CRUZ, JR., VILLAVIZA, DINGLASAN, JR., JABAR, VERCELES (E.), MONTEMAYOR, TAGLE, SR., OCAMPO, ALBANO, PIMENTEL, ZAMORA, PEREZ (H.), TAJON, LOPEZ (E.), ROXAS, AMATONG, GUANZON, SATOR, JABAR, DATUMANONG, DAZA, APOSTOL, ESCUDERO III, AND LAUREL-TRINIDAD, PER COMMITTEE REPORT NO. 346

AN ACT GRANTING PORTABILITY OF SOCIAL SECURITY BENEFITS TO WORKERS BY CREDITING THEIR CONTRIBUTIONS FROM ONE SYSTEM TO ANOTHER, AND FOR OTHER PURPOSES

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

- 1 SECTION 1. It is hereby declared the policy of the State to
2 promote the welfare of our workers by recognizing their efforts in
3 productive endeavors and to alleviate the plight of these workers by
4 providing benefits for their long years of contribution to economic

1 progress.

2 SEC. 2. *Definition of Terms.* - As used in this Act unless the
3 context indicates otherwise, the term:

4 (a) "System" shall refer to either the Social Security System
5 (SSS) under Republic Act No. 1161, as amended, or the
6 Government Service Insurance System (GSIS) under Presidential
7 Decree No. 1146, as amended;

8 (b) "Sector" shall refer to either employment in the public or
9 private sector; and

10 (c) "Contributions" shall refer to the contribution paid by the
11 employee or worker to either GSIS or SSS on account of his
12 membership.

13 SEC. 3. Existing laws to the contrary notwithstanding, a
14 covered worker of the Social Security System or of the Government
15 Service Insurance System, who transfers employment from one
16 sector to another or is employed in both sectors, shall have his
17 contributions in both systems credited to his contribution records in
18 each of the systems: *Provided,* That, overlapping periods of
19 membership shall be credited only once.

20 SEC. 4. All contributions paid by such member personally,
21 and those that were paid by his employers to both systems shall be
22 considered in the processing of benefits which he can claim from

1 either or both systems: *Provided, however,* That the amount of
2 benefits to be paid by one system shall be in proportion to the
3 number of contributions actually remitted to that system.

4 SEC. 5. Nothing in this Act shall be construed to diminish or
5 reduce the benefits being enjoyed by a covered worker arising from
6 existing laws, issuances, and company policies or practices or
7 agreements between the employers and the employees.

8 SEC. 6. The Civil Service Commission for the government
9 sector, and the Department of Labor and Employment for the
10 private sector, together with the Social Security System and the
11 Government Service Insurance System, shall jointly prescribe the
12 necessary rules and regulations to effectively implement the
13 provisions of this Act: *Provided,* That any conflict in the
14 interpretation of the law and the implementing rules and
15 regulations shall be resolved in favor of the workers.

16 SEC. 7. All laws or parts thereof, decrees, orders, or rules and
17 regulations, or parts thereof, which are inconsistent with the
18 provisions of this Act are hereby repealed or modified accordingly.

19 SEC. 8. This Act shall take effect fifteen (15) days after its
20 complete publication in at least two (2) newspapers of general
21 circulation.

Approved,