



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
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COMMISSION ADVISORY ON EVIDENCE OF EMPLOYMENT

CIRCULAR No. 04-709

TO: ALL SSS BRANCH MANAGERS AND GSIS REGIONAL OFFICE AREA MANAGERS

Pursuant to Rule 4, Section I of Annex "F" of P.D. 626, as amended, Board Resolution No. 00-03-0181, dated March 31, 2000, (*copy of which is attached hereto as Annex "A"*), and the prevailing jurisprudence, the following advisory, is hereby issued in response to numerous complaints concerning the non-acceptance of EC claims due to failure of the member to submit the Certificate of Employment on the ground that the employer refuses, for whatever reasons, to issue as well as to sign the same:

Paragraph (b), sub-paragraph 4 of Board Resolution No. 00-03-0181 provides that "*other secondary evidence xxx which signifies the existence of employer-employee relationship between the company and the claimant or the covered employee*" may be accepted when the employer unjustly refuses to issue certificate of employment.

In the case of *Domasig vs. NLRC*, (G.R. No. 118101, Sept. 16, 1996), the Supreme Court ruled that: "*It has long been established that in administrative and quasi-judicial proceedings, substantial evidence is sufficient as a basis for judgment on the existence of employer-employee relationship. No particular form of evidence is required to prove the existence of such employer-employee relationship. Any competent and relevant evidence to prove the relationship may be admitted.*" The Supreme Court added that "*in a business establishment, an identification card is usually provided not only as a security measure but mainly to identify the holder thereof as a bonafide employee of the firm that issues it.*"

In view of the foregoing, identification card of the member which is current or within the employment period of claim may be accepted as proof of employment.

For immediate implementation.

Done in the City of Makati, this 22nd day of July, 2009.


EVELYN P. FLORENDO-TABLANG, CESO IV
OIC- Executive Director and Concurrent Commissioner