

THE FISHER VALLEY COLLEGE
COLLEGE OF BUSINESS ADMINISTRATION AND ACCOUNTANCY
TAGUIG CITY

FINAL EXAM IN LABOR LAW AND SOCIAL LEGISLATION

Instructions:

- Write your answers in yellow paper.
 - Scan your answers via CamScanner and submit it via Google Form.
1. For humanitarian reasons, a bank hired several handicapped workers to count and sort out currencies. Their employment contract was for six (6) months. The bank terminated their employment on the ground that their contract has expired prompting them to file with the Labor Arbiter a complaint for illegal dismissal. Will their action prosper?
 2. Discuss the statutory restrictions on the employment of minors?
 3. May a househelp be assigned to non-household work?
 4. Albert, a 40-year old employer, asked his domestic helper, Inday, to give him a private massage. When Inday refused, Albert showed her Article 141 of the Labor Code, which says that one of the duties of a domestic helper is to minister to the employer's personal comfort and convenience.
 - a. Is Inday's refusal tenable? Explain.
 - b. Distinguish briefly, but clearly, a "househelper" from a "homeworker."
 5. State briefly the compulsory coverage of the Government Service Insurance Act.
 6. Can a member of a cooperative be deemed an employee for purposes of compulsory coverage under the Social Security Act? Explain.
 7. A, single, has been an active member of the Social Security System for the past 20 months. She became pregnant out of wedlock and on her 7th month of pregnancy, she was informed that she would have to deliver the baby through caesarean section because of some complications. Can A claim maternity benefits? If yes, how many days can she go on maternity leave? If not, why is she not entitled?
 8. A, a worker at ABC Company, was on leave with pay on March 31, 2010. He reported for work on April 1 and 2, Maundy Thursday and Good Friday,

respectively, both regular holidays. Is A entitled to holiday pay for the two successive holidays? Explain.

9. A was approached for possible overseas deployment to Dubai by X, an interviewer of job applicants for Alpha Personnel Services, Inc., an overseas recruitment agency. X required A to submit certain documents (passport, NBI clearance, medical certificate) and to pay P25,000 as processing fee. Upon payment of the said amount to the agency cashier, A was advised to wait for his visa. After five months, A visited the office of Alpha Personnel Services, Inc. during which X told him that he could no longer be deployed for employment abroad. A was informed by the Philippine Overseas Employment Administration (POEA) that while Alpha Personnel Services, Inc. was a licensed agency, X was not registered as its employee, contrary to POEA Rules and Regulations. Under POEA Rules and Regulations, the obligation to register personnel with the POEA belongs to the officers of a recruitment agency.
 - a. May X be held criminally liable for illegal recruitment? Explain.
 - b. May the officers having control, management or direction of Alpha Personnel Services, Inc. be held criminally liable for illegal recruitment? Explain.
10. Dennis was a taxi driver who was being paid on the "boundary" system basis. He worked tirelessly for Cabrera Transport Inc. for fourteen (14) years until he was eligible for retirement. He was entitled to retirement benefits. During the entire duration of his service, Dennis was not given his 13th month pay or his service incentive leave pay.
 - a. Is Dennis entitled to 13th month pay and service leave incentive pay? Explain.
 - b. Since he was not given his 13th month pay and service incentive leave pay, should Dennis be paid upon retirement, in addition to the salary equivalent to fifteen (15) days for every year of service, the additional 2.5 days representing one-twelfth (1/12) of the 13th month pay as well as the five (5) days representing the service incentive leave for a total of 22.5 days? Explain.

***** END OF TEST *****