

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8679

Introduced by **HON. JOY MYRA S. TAMBUNTING**

AN ACT
PROVIDING FOR A FIVE (5)-DAY SPECIAL EMERGENCY LEAVE FOR ALL WORKERS
IN THE PUBLIC AND PRIVATE SECTOR DIRECTLY AFFECTED BY NATURAL
CALAMITIES OR DISASTERS

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

Section 1. Short Title. – This Act shall be known as the “Calamity Leave Law”.

Sec. 2. Declaration of Policy. – It is the policy of the States as enshrined in Article II, Sec. 18 of the Constitution to protect the right of workers and promote their welfare. In compliance therewith, it is of utmost important that workers and their right to safe and healthful working conditions must always be upheld.

Towards this end, and consistent with legal instruments that protects and promote the rights of the workers, the State shall institutionalize a mechanism to grant special emergency leave to employee affected by natural calamities/disasters. Labor, as a primary social economic force, shall be given the protection that the exigencies of time and circumstances mandate.

Sec. 3. Applicability. – All rights and benefits granted to employees under this Act apply to all officials, workers and employees, whether in the public or private sector. This Act shall not apply to government workers or employees who render services during or on occasion of natural calamities or disasters.

Sec. 4. Calamity Leave. –

- a) Every employee who has rendered at least six (6) month of service shall be entitled to five (5)-day special emergency leave each year, with pay, in times of natural calamities or disasters, based on any of the grounds specified in Section 6 of this Act.
- b) This provision shall not apply to those already enjoying the benefit herein provided regardless of nomenclature those enjoying similar emergency leave of at least five days in times of natural calamities or disasters or personal emergencies and those employed in establishments regularly employing less than ten (10) employees or in establishments

exempted from granting this benefit by the Secretary of Labor and Employment after considering the viability of such establishment.

- c) The grant of benefit in excess of that provided herein shall not be made a subject of arbitration or any court or administrative action.

Sec. 5. *Grant of Calamity Leave.* – The five (5)-day Special emergency leave with pay shall be available upon the declaration of a state of calamity by the President of the Philippine or by the Local Sanggunian pursuant to Section 16 of R.A No. 10121. However, in case a specific area was not declared under state of calamity but as nonetheless severely affected by the natural calamity/disaster the head of the office or employer in the exercise of his/her sound discretion, may grant the special emergency leave to affected employee based on proof or evidence presented or news account.

The special emergency leave can be applied for five straight working days or on staggered basis and will not be deducted from the employee's leave credits. This leave may be availed of by employees within ten (10) days from the date when the natural calamity or disaster occurred.

Sec. 6. *Purpose of the Calamity Leave.* – Any qualified employee may avail of this special emergency leave on any of the following grounds:

- a) Being stranded in affected areas where there are no means of transportation that can ensure a safe travel to and from work;
- b) Disease or illness of employee incurred by reason of the natural calamity or disaster;
- c) Caring of immediate family member affected by natural calamity or disaster; and
- d) Urgent repair and clean-up of damaged house.

Sec. 7. *Verification and Validation.* – The granting of the special emergency leave under this Act shall be the duty of the head of office upon verification of the employee's eligibility thereto. In determining the eligibility of an employee to the leave granted herein the head of office or employer shall take into consideration the following:

- 1) Place of residence based on latest available records of the affected employee;
- 2) Declaration of calamity by the proper government agency;
- 3) Medical Certificate stating that the illness/ disease was suffered by the employee or his/her immediate family member as a consequence of the natural calamity or disaster;
- 4) Availability of and access to public transportation on the day of the natural calamity/disaster;
- 5) Road closure due to the natural calamity or disaster along the route taken and could be taken by the employee to and from work; and

- 6) Other matters that may aid the head of office in his decision on the eligibility of the employee to avail of the said grant.

Sec. 8. *Suspension or Cancellation of Work.* – If the head of office or employer suspended or cancelled work on occasion of such natural calamity or disaster the employee may not be required to apply the special emergency leave during such suspension or cancellation.

Sec. 9. *Non-cumulative and on-commutative.* – Unused leaves under this Act shall not be cumulative and may not be converted into its cash equivalent.

Sec. 10. *Non-diminution of Benefit.* – Benefits granted under this Act shall not in any manner mean any reduction, diminution, discontinuation or elimination of other existing benefits already enjoyed by workers. Rights already vested prior to the effectivity of this Act shall remain to be in full force and effect upon the passage of this Act.

Sec. 11. *Construction in favor of labor.* – All doubts in the interpretation and implementation of the provision of this Act shall be resolved in favor of labor.

Sec. 12. *Rules and Regulation.* – The Department of Labor and Employment and other government agencies charged with the administration and enforcement of this Act shall promulgate the necessary implementing rule and regulations.

Sec. 13. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

Sec. 14. *Repealing Clause.* – All law decrees, executive order, proclamations, rules and regulations or parts thereof inconsistent herewith are repealed, amended or modified accordingly.

Sec. 15. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in newspaper of general circulation.

Approved,