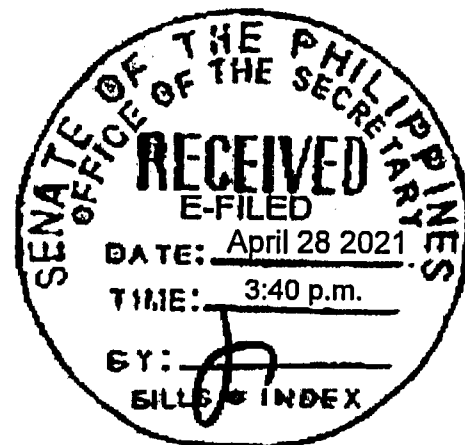


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. 2148

Introduced by SENATOR LEILA M. DE LIMA

**AN ACT
MANDATING PAID PANDEMIC LEAVES FOR QUALIFIED
EMPLOYEES DURING THE CORONAVIRUS DISEASE (COVID-19)
PANDEMIC**

EXPLANATORY NOTE

Having one of the world's longest and strictest lockdowns, the Philippines continues to face a new "record high" of confirmed cases of Covid-19 almost daily. According to reports, we are now entering our "worst phase yet"¹.

It is no secret that this pandemic has crippled the labor industry. It was reported that around 4.5 million Filipinos lost their jobs in 2020 while there were 4 million who were still unemployed by January 2021. The unemployment rate was at 10.4% which was the highest recorded percentage in 15 years². This was due to the implementation of lockdown which caused businesses and establishments to stop operating. Worse, others stopped operating permanently.

While the National Capital Region (NCR) was able to restore 269,000 jobs in 2021, other Regions were not as fortunate. The unemployment rate increased from 8.2% in October 2020 to 8.8% in January 2021. The CALABARZON and Bicol were seen to have double-digit unemployment rates of 13.1% and 11.3%³, respectively. Despite these numbers, the government sees these as 'signs of recovery' but with the

¹N.A. Rappler. COVID-19 deaths in the Philippines hit 16,000-mark. 19 April 2021. Retrieved from <https://www.rappler.com/nation/coronavirus-cases-philippines-april-19-2021>

² The Straits Times. *Philippines suffers worst job losses in 15 years due to COVID-19 and lockdown*. 4 December 2020. Retrieved from <https://www.straitstimes.com/asia/se-asia/philippines-suffers-worst-job-losses-in-15-years-due-to-covid-19-and-lockdown>

³ Rivas, Ralf. Rappler. *4 million Filipinos unemployed in January 2021, but gov't sees 'signs of recovery'*. 9 March 2021. Retrieved from <https://www.rappler.com/business/unemployment-rate-philippines-january-2021>

re-implementation of the enhanced community quarantine in the country, it appears otherwise.

To add, the Department of Labor and Employment (DOLE) extended for six months to one year the allowable period which permits employers to categorize their employees on “floating status” during the pandemic⁴. A study also revealed that over 70% of Philippine micro, small and medium enterprises (MSMEs) were forced to temporarily close because of the pandemic. A number of Filipinos were reported to have dropped out of the labor force in October 2020.⁵

With the colossal and detrimental effects of the pandemic, employees are forced to stay in a job that is low paying despite health hazards due to the virus and consequences of contractualization. Those who are gainfully employed, while fortunate, struggle to do their jobs by personally reporting to their workplace despite risk of acquiring the virus on the way to and from work and even in the workplace itself. Filipinos valiantly choose to work, to provide for their families and to save the economy, despite the danger this pandemic poses.

Thus, it is only right that these employees be provided with the incentive of having paid leaves when they are confirmed to be COVID-19 positive and they need to undergo quarantine or isolation. This ensures occupational safety and health in workplaces, further spread of the virus in the workplace and at the same time protects the welfare of our employees and their families.

Our labor sector and their families have tremendously suffered from income losses, given that most, if not all of them, are not qualified to cash transfer programs and other social safety nets since they are technically employed. It is the very duty of the State to ensure their safety and promote their welfare by alleviating their piling problems through allowing them to have paid pandemic leaves particularly when they themselves have been infected by the virus.

This bill seeks to grant ten (10) working days of paid COVID-19 leave for employees who contracted the virus and need to undergo quarantine and who because

⁴ CNN Philippines. *DOLE allows workers on 'floating status' for a year*. 28 October 2020. Retrieved from <https://www.cnn.ph/news/2020/10/28/DOLE-extend-workers-on-floating-status-amid-pandemic.html>

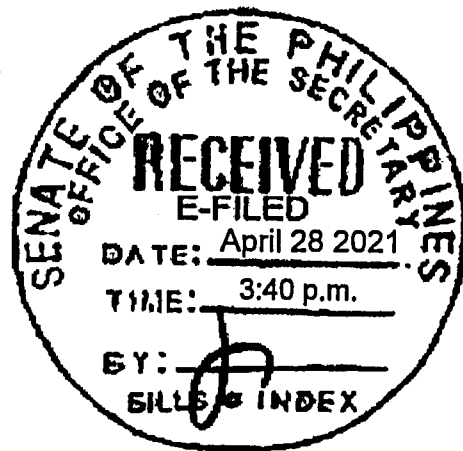
⁵ Punongbayan, J.C. Rappler.. [ANALYSIS] *Pandemic pushes Filipinos out of labor force, especially women*. 07 December 2020. Retrieved from <https://www.rappler.com/voices/thought-leaders/analysis-pandemic-pushes-filipinos-out-labor-force-women>

of the nature of their occupation, work or activity cannot avail of a telecommuting program or work from home scheme.

Immediate approval of this proposed measure is most earnestly sought.


DEILA M. DE LIMA

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. 2148

Introduced by SENATOR LEILA M. DE LIMA

AN ACT
MANDATING PAID PANDEMIC LEAVES FOR QUALIFIED
EMPLOYEES DURING THE CORONAVIRUS DISEASE (COVID-19)
PANDEMIC

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

1 SECTION 1. *Short Title.* — This Act shall be known as the "*Paid COVID-19*
2 *Leave Act of 2021*".

3 Sec. 2. *Declaration of Policy.* — It is hereby declared the policy of the State to
4 protect and promote the right to health of the people, including workers who constitute
5 the life and blood of the economy. The State recognizes that maintaining a healthy
6 workforce and protecting workers during the Coronavirus disease (COVID-19)
7 pandemic is an integral aspect of nation building.

8 Sec. 3. *Definition of Terms.* — As used in this Act, the term:

- 9 a) *Confirmed case* refers to any individual, irrespective of the presence or
10 absence of clinical/signs and symptoms, who was laboratory-confirmed
11 for Covid-19 in a test conducted at a national reference laboratory, a
12 subnational reference laboratory, or a laboratory testing facility duly
13 certified by the Department of Health (DOH);
- 14 b) *Full pay* refers to an employee's daily basic pay including fixed monetary
15 allowances without conditions;
- 16 c) *Qualified employee* refers to any employee who are required to report to
17 office, physically or virtually, for work on a regular basis;

1 **Sec. 4. *Applicability.*** – The leave benefits to qualified employees under this Act
2 shall apply to all officials, workers and employees, whether in public or private sector,
3 who are confirmed cases of COVID-19. Qualified employees may avail this leave only
4 during the duration of the COVID-19 pandemic.

5 **Sec. 5. *Grant of Paid COVID-19 Leave Benefits.*** – Employers are mandated to
6 grant paid pandemic leaves to qualified employees, regardless of employment status,
7 during the COVID-19 pandemic.

8 The paid pandemic leave shall be ten (10) working days of paid leave per year
9 based on the employee's daily full pay.

10 Enjoyment of paid pandemic leave cannot be deferred and should be availed of
11 immediately after the COVID-19 case of a qualified employee is confirmed, in a
12 continuous and uninterrupted manner.

13 **Sec. 6. *Eligibility for Paid COVID-19 Leave.*** – An employee who applies for the
14 paid pandemic leave must submit the necessary medical records and other proof of
15 eligibility to the employer for immediate action. Processing of applications for paid
16 pandemic leaves shall not exceed three (3) days.

17 The application shall be deemed approved if not acted upon by the employer
18 within five (5) calendar days upon receipt thereof.

19 **Sec. 7. *Non-cumulative and Non-commutative.*** – Unused leaves under this Act
20 shall not be cumulative and may not be converted into its cash equivalent.

21 **Sec. 8. *Not a ground for Disciplinary Action.*** – Availment of the leave shall not
22 be used as reason for misconduct, demotion, or termination in employment, or for any
23 form of unsatisfactory performance.

24 **Sec. 9. *Non-discrimination.*** – No employee shall be discriminated in the
25 availment of the paid pandemic leave benefit on the basis of sex, gender, political
26 beliefs and employment status.

27 **Sec. 10. *Non-diminution of benefits.*** – Nothing in this Act shall be construed as
28 to diminish or prejudice existing sick leaves and other benefits currently enjoyed by
29 an employee, whether or not these are granted under a collective bargaining
30 agreement or present laws. Rights already vested prior to the effectivity of this Act shall
31 remain to be in full force and effect upon the passage of this Act.

1 Sec. 11. *Funding.* – The Social Security System (SSS) and the Government
2 Service Insurance System (GSIS), as applicable, shall reimburse the employer for the
3 payment of its employees' paid COVID-19 leaves.

4 Sec. 12. *Penalty.* – An employer's willful refusal to grant the paid pandemic
5 leave shall be punished by a fine of not less than Twenty thousand pesos (P20,000.00)
6 but not more than Two hundred thousand pesos (P200,000.00). If the act or omission
7 penalized by this Act was committed by an association, partnership, corporation or
8 any other institution, its managing head, directors or partners shall be held liable to
9 the penalties provided by this Act.

10 Sec. 13. *Periodic Review.* – The Civil Service Commission (CSC) and the
11 Department of Labor and Employment (DOLE), in consultation with trade unions,
12 labor organizations, and employers' representatives, within one (1) month after the
13 effectivity of this Act and as frequently as may be necessary, shall conduct a review of
14 the paid COVID-19 leave in the government service and the private sector.

15 Sec. 14. *Implementing Rules and Regulations.* – Within thirty (30) days from
16 the effectivity of this Act, the DOLE, CSC and other government agencies charged with
17 administration and enforcement of this Act shall issue the necessary rules and
18 regulations for the effective implementation of this Act

19 Sec. 15. *Appropriations.* – For the following year, the amount necessary to carry
20 out the provisions of this Act shall be appropriated in the General Appropriations Act.

21 Sec. 16. *Separability Clause.* – If any part, section or provision of this Act is
22 declared invalid or unconstitutional, the other provisions not affected by such
23 declaration shall remain in full force and effect.

24 Sec. 17. *Repealing Clause.* – All laws, decrees, executive orders, rules and
25 regulations inconsistent with the provision of this Act are hereby repealed, amended
26 or modified accordingly.

27 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its
28 publication in the Official Gazette or in a newspaper of general circulation.

Approved,