

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'22 NOV -3 P5 :46

SENATE
S. No. 1461

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
EXPANDING CERTAIN LEAVE BENEFITS OF GOVERNMENT OFFICIALS AND
EMPLOYEES AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

The grant of leave benefits and privileges to government employees is based on social legislation which sought to reward employees for services continuously rendered in the government. However, over the years, work in the government has become enormous that the leave benefits are considered not as an incentive but highly necessary for rest and recuperation to provide renewed vigor and energy to employees who have been subjected to strenuous and stressful work.

Leave laws entitle government employees to enjoy various types of paid leaves, namely: vacation leave, sick leave, maternity leave, paternity leave, solo parent leave, special leave for women, and leave of absence for women who are victims of violence.

This proposed bill seeks to focus on the expansion of leave laws in order to extend to government officials and employees greater protection against health complications by affording them more time to rest and recuperate, thus, limiting the incidence of leave of absence without pay. This would cover an increase in the number of days of sick leave and vacation leave as well as provide legal basis for the grant of rehabilitation leave to government officials and employees who sustained wounds or injuries while in the performance of their official duties and those whose illness was aggravated due to their working conditions.

Commonwealth Act No. 220 dated November 29, 1936 as amended by Republic Act No. 218 provides for the grant of 15 days vacation leave and 15 days sick leave to all government employees, whether permanent or temporary. Under the said Act, the grant of vacation leave is contingent upon the necessities of the service, while that of sick leave is granted on account of sickness of officials/employees or any member of their immediate family.

Prior to Civil Service Commission (CSC)-Department of Budget and Management (DBM) Joint Circular No. 1, s. 2006, as amended by CSC-DBM Joint Circular No. 1, s. 2015, Section 55, Rule XVI on Leave of Absence of the Omnibus Rules Implementing Book V of Executive Order No. 292, as amended by CSC Resolution No. 98-3142, s. 1998 and circularized in CSC MC No. 41, s. 1998, grants rehabilitation leave to officials and employees for wounds / injuries from accidents incurred in the performance of duty. The grant of said leave privilege is not supported by any legislation, hence its inclusion in the proposed bill.

A review of the current leave laws reveals that there is no law that provides leave benefits and privileges for illnesses of officials and employees acquired or aggravated in the workplace requiring intensive or longer periods of treatment, e.g. cancer. State workers suffering from this kind of illness or disease need to be provided with reasonable time to go through their treatment. Prolonged illness or sickness consumes the employees' accumulated leave credits (sick leave and vacation leave credits), most often leaving them on Leave Without Pay (LWOP), if their accumulated leave credits are exhausted.

Another leave privilege not supported by any legislation is the Special Leave Privilege (SLP). Under CSC MC No. 6 & 20 s. 1996 and CSC MC 41, s. 1998 as amended by CSC MC No. 6, 1999, government state workers are granted SLP for a maximum of three (3) days annually, over and above the vacation, sick, maternity and paternity leaves, to mark their personal milestones and/or attend to filial and domestic responsibilities. However, unlike the rehabilitation leave, the SLP shall be subsumed in the expanded vacation leave of 30 days.

On the other hand, the Forced Leave (FL) of five (5) working days annually should be strictly observed. Being mandatory, the FL should be availed of and enjoyed successively in consonance with its objective to allow officials and employees to take

time out from work, and spend time for their personal appointments and necessities so that when they return to work, they will be reenergized and rejuvenated in the performance of their jobs.

In order to alleviate the plight of Filipino state workers, the government should provide them additional leave privileges comparable to the leave benefits and privileges granted to their ASEAN counterparts. Such a gesture would allow government officials and employees to take leave of absence without losing their capacity to earn. Moreover, it would boost their morale thereby motivating them to perform efficiently and effectively resulting in their personal productivity as well as organizational productivity.

The immediate passage of this bill is highly recommended.




RAMON BONG REVILLA, JR.

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*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 “*Expanded Leave*
2 *Benefits Act of 2022*”.

3 Sec. 2. *Vacation and Sick leave.* – Officials and employees of the national
4 government, local government units, government-owned or controlled corporations
5 and state universities and colleges, regardless of employment status, who render work
6 during the prescribed office hours, shall be entitled to thirty (30) days vacation and
7 thirty (30) days sick leave annually with full pay, exclusive of Saturdays, Sundays and
8 holidays, without limitation as to the number of days of vacation and sick leave that
9 they may accumulate.

10 The 30 days vacation leave shall be inclusive of the three (3) days Special Leave
11 Privilege (SLP) and the five (5) days Forced Leave (FL).

12 Teachers are excluded from the said leave benefits, except those designated
13 to perform non-teaching functions, as their leave privileges shall be governed by other
14 laws.

15 Sec. 3. *Rehabilitation Leave.* –

1 a) Officials and employees shall be entitled to the Rehabilitation Leave for a
2 maximum period of six (6) months for: (i) wounds and/or injuries sustained
3 while in the performance of official duties; or (ii) sickness or illness resulting
4 from or aggravated by working conditions or environment.

5 Sickness referred herein includes illness accepted as an occupational disease
6 listed by the Employee Compensation Commission (ECC), and any illness
7 caused by employment, subject to proof by the employee that the risk of
8 contracting the same is increased by working conditions.

9 b) The duration, frequency and terms of availing of the rehabilitation leave
10 shall be based on the recommendation of medical authority.

11 c) Performance of official duty means situations wherein the official or
12 employee is already at work, or on Official Business outside their work
13 station, Official Travel, authorized Overtime, Detail Order, and Special
14 Assignments.

15 Injuries from accidents that occurred while the official or employee is going
16 to work and going home from work may be considered sustained while in
17 the performance of official duties.

18 Sec. 4. *Implementing Rules and Regulations (IRR).* – The Civil Service
19 Commission (CSC) shall, within thirty (30) days from approval of this Act, issue such
20 rules and regulations necessary for the proper implementation of the provisions
21 hereof.

22 Sec. 5. *Separability Clause.* – If, for any reason, any part, section, or provisions
23 of this Act is held invalid or unconstitutional, the remaining provisions not affected
24 thereby shall continue to be in full force and effect.

25 Sec. 6. *Repealing Clause.* – This Act repeals Republic Act No. 218 dated 1 July
26 1947, entitled "An Act to Amend Section Two Hundred Eighty-Four and Section Two
27 Hundred Eighty-Five-A of the Revised Administrative Code, as Amended."

28 Sec. 7. *Effectivity.* – This Act shall take effect after fifteen (15) days following
29 the completion of its publication in the *Official Gazette* or in at least two (2)
30 newspapers of general circulation in the Philippines.

Approved,