

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

7 OCT 16 26:01

SENATE
S. No. 1746

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Introduced by Senator Miriam Defensor Santiago

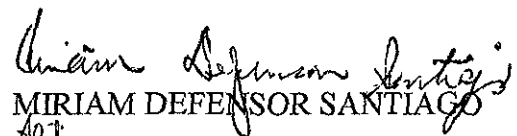
EXPLANATORY NOTE

The Constitution, in Article II, Section 18, provides that:

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

This bill aims to provide room for parties, *i.e.*, employers and employees, to formulate agreements. For instance, the newly proposed paragraph in the normal hours of work of Article 87 retains the normal working hours but encourages negotiation on working-time flexibility. This bill does *not*, however, sacrifice Labor Standards regulated by the Department of Labor and Employment.

This bill also proposes modification to existing normal hours of work, including shortened meal breaks and overtime work. It incorporates provisions of treaties and executive agreements to which the country has acceded to or is a party to, in relation to liberalization and globalization of trade. It likewise considers certain provisions of existing and related laws, *i.e.* Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000.*


MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed during the Thirteenth Congress, Second Regular Session.

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7 OCT 15 P6:02

SENATE
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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROVIDING FOR A FLEXIBLE WORKING SCHEDULE IN THE PRIVATE SECTOR,
3 THEREBY AMENDING ARTICLES 83, 85 AND 87 OF PRESIDENTIAL DECREE NO. 442,
4 AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE

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

7 SECTION 1. Article 83 of the Labor Code on hours of work is hereby further amended
8 by adding the following paragraph to read as follows:

9 "ART. 83. *Normal hours of work.* -- The normal hours of work of any
10 employee shall not exceed eight (8) hours a day.

11 Health personnel in cities and municipalities with a population of at least
12 one million (1,000,000) or in hospitals and clinics with a bed capacity of at least
13 one hundred (100) shall hold regular office hours for eight (8) hours a day, for
14 five (5) days a week, exclusive of time for meals, except where the exigencies of
15 the service require that such personnel work for six (6) days or forty-eight (48)
16 hours, in which case, they shall be entitled to an additional compensation of at
17 least thirty percent (30%) of their regular wage for work on the sixth day. For
18 purposes of this Article, "health personnel" shall include resident physicians,
19 nurses, nutritionists, dietitians, pharmacists, social workers, laboratory
20 technicians, paramedical technicians, psychologists, midwives, attendants and all
21 other hospital or clinic personnel.

22 HOWEVER, THE WORKWEEK OF EMPLOYEES MAY BE
23 SHORTENED OR COMPRESSED BY EXTENDING THEIR NORMAL
24 DAILY WORKING HOURS NOT EXCEEDING TEN (10) HOURS A DAY,

1 SUBJECT TO SUCH CONDITIONS AS MAY BE DETERMINED BY THE
2 SECRETARY OF LABOR AND EMPLOYMENT IN APPROPRIATE
3 REGULATIONS TO PROTECT THE INTEREST OF THE EMPLOYEES.”

4 SECTION 2. Article 85 of the same Code is likewise amended by adding a second
5 paragraph to read as follows:

6 “ART. 85. *Meal periods.* – Subject to such regulations as the Secretary of
7 Labor may prescribe, it shall be the duty of every employer to give his employees
8 not less than sixty (60) minutes time-off for their regular meals.

9 IN CASE THE MEAL PERIOD IS LESS THAN SIXTY (60) MINUTES,
10 IT SHALL BE DEEMED PART OF THE WORKING HOURS IN A DAY.”

11 SECTION 3. Article 87 of the same Code is likewise amended by inserting additional
12 phrase to read as follows:

13 “ART. 87. *Overtime work.* – Work may be performed beyond eight (8)
14 hours a day provided that the employee is paid for the overtime work, an
15 additional compensation equivalent to his regular wage plus at least twenty-five
16 percent (25%) thereof. Work performed beyond eight hours on a holiday or rest
17 day shall be paid an additional compensation equivalent to the rate of the first
18 eight hours on a holiday or rest day plus at least thirty percent (30%) thereof.

19 IN CASE OF A VALID COMPRESSED WORKWEEK AS PROVIDED
20 HEREIN, THE OVERTIME PAY SHALL BE PAID FOR WORK IN EXCESS
21 OF HIS ALLOWABLE WORK HOURS IN A DAY.”

22 SECTION 4. *Separability Clause.* - If any provision or part hereof is held invalid or
23 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
24 valid and subsisting.

1 SECTION 5. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
3 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

4 SECTION 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved.

jps/8-8-05