

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

SENATE
S. No. 1786

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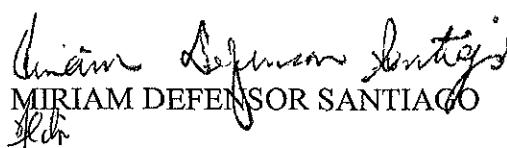

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article XV, Section 1 recognizes the Filipino family as the foundation of the nation. Accordingly, it mandates the State to strengthen family solidarity and actively promote its total development.

It is important for the development of the family unit that its members should be able to participate in the rearing and taking care of members who have serious health condition. However, as the present economic crisis continue to inflate the prices of our basic commodities, family members are compelled to work and leave their responsibility of family caretaking to other people.

This bill entitles every eligible employee to take reasonable leave that will allow him or her to care for his or her spouse, ascendant or descendant who has serious health condition without fear of losing his job. It seeks to promote both the stability and economic security of the family as well as the national interest in preserving family integrity.*


MIRIAM DEFENSOR SANTIAGO


* This bill was re-filed during the Thirteenth Congress, First Regular Session.

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 GRANTING FAMILY LEAVE TO ELIGIBLE EMPLOYEES

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Family Leave Act of 2007.”

6 SECTION 2. *Declaration of Policy.* – The State is mandated to strengthen and protect
7 the family as a basic social institution. To comply with this mandate, the State must provide
8 working members of the family such benefits that will enable them to meet both the demands of
9 their works as well as the needs of their family.

10 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term –

11 (A) “Secretary” refers to the Secretary of the Department of Labor and Employment.

12 (B) “Serious health condition” means an illness, injury, impairment, or physical or mental
13 condition that involves in-patient care in a hospital; or continuing treatment by a doctor;

14 (C) “Descendant” means a biological child, adopted child, a step child, a legal ward, or a
15 child of a person standing in loco parentis, who is under eighteen (18) years of age or older and
16 incapable of self-care because of a mental or physical disability.

17 (D) “Spouse” means a legitimate husband or wife.

18 (E) “Eligible Employee” means an employee who has been employed for at least twelve
19 (12) months by the employer with respect to whom leave is requested.

20 (F) “Ascendant” means the biological parent of an employee.

21 (G) “Doctor” means a doctor of medicine who is authorized to practice medicine or
22 surgery.

1 (H) "Employer" means any person engaged in commerce or in any industry or activity
2 affecting commerce who employs ten (10) or more employees for each working day.

3 SECTION 4. *Entitlement to Leave.* – An eligible employee shall be entitled to a total of
4 seven (7) days of leave during any twelve (12) month period in order to care for the spouse,
5 descendant or ascendant of the employee, if such spouse, ascendant or descendant has a serious
6 health condition.

7 SECTION 5. *Duties of the Employee.* – In case the necessity for leave under this Act is
8 foreseeable based on a planned medical treatment, the employee:

9 (A) Shall make a reasonable effort to schedule the treatment so as not to disrupt unduly
10 the operations of the employer; and

11 (B) In any case in which the employee has reason to doubt the validity of the certification
12 provided under the preceding section, the employer may require, at the expense of the employer,
13 that the eligible employee obtain the opinion of a second doctor designated or approved by the
14 employer concerning any information certified for such leave.

15 (C) In any case in which the second opinion described in the preceding paragraph differs
16 from the opinion in the original certification, the employer may require, at the expense of the
17 employer, that the employee obtain the opinion of a third doctor designated, or approved jointly
18 by the employer and the employee. His opinion shall be considered to be final and shall be
19 binding on the employer and the employee.

20 SECTION 6. *Penalty.* – Any person, corporation, trust, firm, partnership, association or
21 entity found violating this act shall be punished by a fine not exceeding Twenty Thousand Pesos
22 (P20,000.00) or imprisonment of not less than thirty (30) days nor more than six (6) months.

23 If the violation is committed by a corporation, trust, firm, partnership, association or
24 entity, the penalty shall be imposed upon the guilty officers of that corporation, trust, firm,
25 partnership, association or entity.

1 SECTION 7. *Separability Clause.* – If any provision or part hereof, is held invalid or
2 unconstitutional, the reminder of the law of the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
6 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

7 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

9 Approved,