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SENATE
S. No. 1767

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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

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

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

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

8 Health personnel in cities and municipalities with a population of at least
9 one million (1,000,000) or in hospitals and clinics with a bed capacity of at least
10 13 one hundred (100) shall hold regular office hours for eight (8) hours a day, for
11 14 five (5) days a week, exclusive of time for meals, except where the exigencies
12 of 15 the service require that such personnel work for six (6) days or forty-eight
13 (48) 16 hours, in which case, they shall be entitled to an additional compensation
14 of at 17 least thirty percent (30%) of their regular wage for work on the sixth day.
15 For 18 purposes of this Article, "*health personnel*" shall include resident
16 physicians, 19 nurses, nutritionists, dietitians, pharmacists, social workers,
17 laboratory 20 technicians, paramedical technicians, psychologists, midwives,
18 attendants and all 21 other hospital or clinic personnel.

19 HOWEVER, THE WORKWEEK OF EMPLOYEES MAY
20 BESHORTENED OR COMPRESSED BY EXTENDING THEIR NORMAL
21 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.

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27 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved.