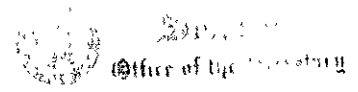


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



13 JUL -3 P2:27

SENATE  
S. No. 402

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 15, 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 conditions. 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 or her job. It seeks to promote both the stability and economic security of the family as well as the national interest in preserving family integrity.<sup>1</sup>

*acc* *Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

<sup>1</sup> This bill was originally filed during the Thirteenth Congress, First Regular Session.

Office of the Secretary  
13 JUL -3 P 1:06

SENATE  
S. No. 402

REGISTERED BY: *Jia*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 GRANTING FAMILY LEAVE TO ELIGIBLE EMPLOYEES

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

3 SECTION 1. *Short Title.* - This Act shall be known as the "Family Leave Act."

4 SECTION 2. *Declaration of Policy.* - The State is mandated to strengthen and protect the  
5 family as a basic social institution. Thus, the State must provide working members of the family  
6 such benefits that will enable them to meet both the demands of their work as well as the needs  
7 of their family.

8 SECTION 3. *Definition of Terms.* - For purposes of this Act, the term -

9 (A) "Secretary" refers to the Secretary of Labor and Employment;

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

12 (C) "Descendant" means a biological child, adopted child, a step child, a legal ward, or a  
13 child of a person standing *in loco parentis*, who is under eighteen (18) years of age, or older but  
14 is incapable of self-care because of a mental or physical disability;

15 (D) "Spouse" means a legitimate husband or wife;

16 (E) "Eligible Employee" means an employee who has been employed for at least twelve  
17 (12) months by the employer with respect to whom leave is requested;

18 (F) "Ascendant" means the biological parent of an employee;

1 (G) "Doctor" means a doctor of medicine who is authorized to practice medicine or  
2 surgery; and

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

5 SECTION 4. *Entitlement to Leave.* - An eligible employee shall be entitled to a total of  
6 seven (7) days of leave during any twelve (12) month period in order to care for the spouse,  
7 descendant, or ascendant of the employee, if such spouse, ascendant, or descendant has a serious  
8 health condition. The employee shall provide his or her employer a medical certification from  
9 the patient's attending doctor attesting to such serious health condition.

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

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

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

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

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

1 the violation is committed by a corporation, trust, firm, partnership, association or entity, the  
2 penalty shall be imposed upon the guilty officers of that corporation, trust, firm, partnership,  
3 association or entity.

4 SECTION 7. *Implementing Rules and Regulations.* – Not later than ninety (90) days from  
5 the effectivity of this Act, the Secretary of Labor and Employment shall promulgate the rules and  
6 regulations implementing this Act.

7 SECTION 8. *Separability Clause.* - If any provision or part hereof is held invalid or  
8 unconstitutional, the reminder of the law of the provision not otherwise affected shall remain  
9 valid and subsisting.

10 SECTION 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
11 order, letter of instruction, administrative order, rule, or regulation contrary to, or inconsistent  
12 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

13 SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
14 publication in at least two (2) newspapers of general circulation.

Approved,