

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



Senate
Office of the Secretary

'13 JUL 29 P2:28

SENATE
S. No. 1142

RECORDED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Our country has suffered numerous disasters throughout our history. Though our government has increased its efforts to attend to our countrymen who are affected by these emergencies and major disasters, it is still necessary to secure the assistance of the volunteer sector.

In order to encourage individuals to volunteer for these emergencies and major disasters, we should allow them relief from being dismissed due to their absences while serving as volunteer firefighters and emergency medical service personnel. This would allow them to maintain their regular jobs while standing by to serve when needed.

This bill seeks to prohibit the termination, demotion, or any other discrimination against volunteer firefighters and emergency medical service personnel.*

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Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.



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1 AN ACT
2 TO PROHIBIT TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS
3 AND EMERGENCY MEDICAL PERSONNEL RESPONDING TO EMERGENCIES

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Volunteer Firefighter and
5 EMS Personnel Job Protection Act.”

6 SECTION 2. *Definitions.* – In this Act, the term--

7 A. VOLUNTEER EMERGENCY MEDICAL SERVICES - means emergency medical
8 services performed on a voluntary basis for a fire department or other emergency
9 organization.

10 B. VOLUNTEER FIREFIGHTER - means an individual who is a member in good
11 standing of a qualified volunteer fire department.

12 SECTION 3. *Termination Prohibited.* – No employee may be terminated, demoted, or in
13 any other manner discriminated against in the terms and conditions of employment because such
14 employee is absent from or late to the employee's employment for the purpose of serving as a
15 volunteer firefighter or providing volunteer emergency medical services as part of a response to
16 an emergency or major disaster.

17 SECTION 4. *Deployment.* – The prohibition in Section 3 shall apply to an employee
18 serving as a volunteer firefighter or providing volunteer emergency medical services if such
19 employee—

- 1 A. is specifically deployed to respond to the emergency or major disaster in accordance
- 2 with a coordinated national deployment system or a pre-existing mutual aid
- 3 agreement; or
- 4 B. is a volunteer firefighter who—
- 5 1. is a member of a qualified volunteer fire department; and
- 6 2. has been deployed to respond to such emergency or major disaster.

7 SECTION 5. *Limitations.* – The prohibition in Section 3 shall not apply to an employee
8 who—

- 9 A. is absent from the employee's employment for the purpose described in Section 3 for
- 10 more than fourteen (14) working days per calendar year, unless the area suffering
- 11 such emergency or major disaster is declared as under a state of calamity as provided
- 12 by law;
- 13 B. responds on the emergency or major disaster without being officially deployed as
- 14 described in Section 4; or
- 15 C. fails to provide the written verification described in Section 6 within a reasonable
- 16 period of time.

17 SECTION 6. *Verification.* – An employer may require an employee to provide a written
18 verification from the official of the government agency supervising the response to the
19 emergency or major disaster that states—

- 20 A. the employee responded to the emergency or major disaster in an official capacity;
- 21 and
- 22 B. the schedule and dates of the employee's participation in such response.

23 SECTION 7. *Reasonable Notice Required.* – An employee who may be absent from or
24 late to the employee's employment for the purpose described in Section 3 shall—

- 25 A. make a reasonable effort to notify the employee's employer of such absence; and
- 26 B. continue to provide reasonable notifications over the course of such absence.

1 SECTION 8. *Right of Action.* – An individual who has been terminated, demoted, or in
2 any other manner discriminated against in the terms and conditions of employment in violation
3 of the prohibition described in Section 3 has the right to action for illegal termination, as defined
4 by law, against the individual's employer.

5 SECTION 9. *Study.* – The Secretary of Labor shall conduct a study on the impact that
6 this Act could have on the employers of volunteer firefighters or individuals who provide
7 volunteer emergency medical services and who may be called on to respond to an emergency or
8 major disaster.

9 SECTION 10. *Report.* – Not later than twelve (12) months after the date of the enactment
10 of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a
11 report on the study conducted under Section 9.

12 SECTION 11. *Separability Clause.* – If any provision or part hereof is held invalid or
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
14 valid and subsisting.

15 SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance, executive
16 order, letter of instruction, administrative order, rule, or regulation contrary to or is inconsistent
17 with the provision of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,