SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session



RECUMENDIN

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SENATE S. B. NO. <u>1258</u>

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Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

There are several types of leaves allowed by law, as follows:

- 1. Service Incentive Leave under the Labor Code five (5) days;
- 2. Maternity Leave under the SSS Law sixty (60) days or seventy-eight (78) days in case of caesarian delivery;
- 3. Paternity Leave under R.A. 8187 or the Paternity Leave Act seven (7) days;
- 4. Solo Parent's Leave under R.A. 8972 or the Solo Parents' Welfare Act seven (7) working days;
- 5. Battered Women Leave under R.A. 9262 or the Anti-Violence Against Women and Children Act up to ten (10) days; and
- 6. Special leaves under R.A. 9710 or the Magna Carta for Women two (2) months.

There are already plenty of leaves available, but there is no existing leave benefit available to employees that address special and unexpected circumstances. Special circumstances would include any other instance that would promote the minor's physical, moral, spiritual, intellectual and social well being that needs the quality time, supervision and undivided attention of the minor's parents.

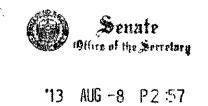
This bill ensures that employed parents, solo or otherwise, as well as legal guardians in both public and private institutions, are given the opportunity to care for their children especially in instances when the latter requires special attention.

In view of the foregoing, the timely passage of this bill is earnestly recommended.

MARIA LOURDES NANCY S. BINAY Senator

SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

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<u>SENATE</u> s. b. no. <u>1258</u>

RECEIPTION BY: Jun

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Introduced by Senator Maria Lourdes Nancy S. Binay

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1 2 3	AN ACT GRANTING PARENTAL CARE LEAVE WITH FULL PAY TO ALL EMPLOYED PARENTS OR LEGAL GUARDIANS OF MINOR CHILDREN IN THE PRIVATE AND PUBLIC SECTOR
4 5 6	Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:
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8	SECTION 1. Short Title. This Act shall be known as the "Parental Care Leave Act of
9	2013".
10	CECTION 2 Destantion (D. Part 1/2) have to be destand the method of the Cate to second the
11 12 13	SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to ensure the promotion of children's physical, moral, spiritual, intellectual and social well being in recognition of their vital role in nation-building. Towards this end, the State hereby
14	recognizes the need of employed parents and legal guardians of minor children to spend
15	quality time and give special attention to the latter's needs without prejudice to existing
16	employment rights of such parents or legal guardians.
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18	SECTION 3. Definition of Terms. Whenever used in this Act, the following terms shall mean
19	as follows:
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21	a) Parent – the biological or adoptive mother or father of a minor child;
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23	b) Legal Guardian – any individual who falls under any of the following
24	categories:
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26	i. A court-appointed individual who has custody and care of a
27 28	minor child;
20 29	ii. An individual authorized in a public document signed and
30	acknowledged by both parents of the minor child during the
31	period when both parents are required to work outside the
32	Philippines for at least one (1) year, whenever both parents
33	be unable to return to the Philippines during the said year.
34	
35	c) Minor/Child – refers to a child living with and dependent upon the
36	employed parent(s) or legal guardian for support who is not more than
37	eighteen (18) years of age, including those who are over eighteen (18)
38	years of age, but not more than twenty-one (21) years of age, when the

child is still finishing his or her schooling or training for some profession, trade or vocation;

 d) Parental care leave – shall mean leave benefits granted to any parent or legal guardian to enable him or her to perform parental duties and responsibilities and attend to the special needs of the minor child under their care.

9 SECTION 4. Entitlement to Parental Care Leave. In addition to leave privileges under 10 existing laws, a parental care leave of at least two (2) working days every year for each minor 11 child under their care shall be granted to any employed parent or legal guardian who has 12 rendered service for at least one (1) year: *Provided*, that such parental care leave shall not 13 exceed ten (10) working days for each parent or legal guardian.

SECTION 5. Application to Solo Parents under the Solo Parents' Welfare Act. In case of
solo parents covered by Republic Act No. 8972, otherwise known as the Solo Parents'
Welfare Act, the parental care leave provided herein shall not diminish nor replace the
benefits and privileges provided thereunder.

SECTION 6. Implementing Rules and Regulations. An interagency committee headed by the Department of Labor and Employment, in coordination with the Department of Social Welfare and Development, is hereby established which shall formulate, within ninety (90) days upon the effectivity of this Act, the rules and regulations necessary for the proper implementation of the provisions hereof.

SECTION 7. *Penalty Clause.* Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated in accordance with this Act shall be punished by a fine not exceeding Twenty-Five Thousand Pesos (PhP25,000.00) or imprisonment of not more than thirty (30) days, or both, at the discretion of the court.

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32 If the violation is committed by a corporation, trust or firm, partnership, association or any 33 other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, 34 including, but not limited to, the president, vice-president, chief executive officer, general 35 manager, managing director or partner directly responsible therefor. 36

SECTION 8. Non-diminution Clause. Nothing in this Act shall be construed to reduce any
 existing benefits of any form granted under existing laws, decrees, executive orders, or any
 contract agreement or policy between an employer and employee.

SECTION 9. Appropriations. The amount necessary to carry out the provisions of this Act
shall be charged out of the funds of the Department of Labor and Employment. Thereafter,
any sum that shall be needed for the regular implementation of this Act shall be included in
subsequent General Appropriations Act following this Act's enactment into law.

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46 SECTION 10. *Repealing Clause*. All laws, orders, and decrees, including rules and 47 regulations inconsistent with the provisions of this Act are hereby repealed or modified 48 accordingly.

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1 **SECTION 11.** Separability Clause. If any part or provision of this Act is held to be 2 unconstitutional or invalid, the other provisions hereof which are not affected by the 3 unconstitutionality or invalidity of the other provisions shall continue to be in full force and 4 effect.

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- 6 SECTION 12. Effectivity Clause. This Act shall take effect fifteen (15) days following its
 7 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,