

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



Senate
Office of the Secretary

13 SEP 10 P3:08

SENATE
S. No. 1615

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 13, Section 3, provides that "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment opportunities for all. The State shall guaranty the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law."

Employees in the private sector are notably squeezed by their employers to give as much work as would permit. Many are often compelled to work beyond the legally prescribed working hours without monetary or other form of compensation benefit. Among others, these lead to the neglect of the employees' families and their own physical and spiritual needs.

In accordance with the constitutional mandate, this bill seeks to afford further protection to labor by providing employees in the private sector demands of workplaces with their personal needs and those of their families by allowing employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

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1 AN ACT.
2 PROVIDING PRIVATE SECTOR EMPLOYEES COMPENSATORY TIME OFF,
3 BIWEEKLY WORK SCHEDULES, AND FLEXIBLE CREDIT HOURS

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

4 SECTION 1. *Short Title.* – This Act shall be known as “Family Friendly Workplace
5 Act.”

6 SECTION 2. *Declaration of Policy.* – It is the policy of the State to afford full protection
7 to labor and provide them with humane working conditions.

8 SECTION 3. *Compensatory Time Off.* – An employee may receive, in lieu of monetary
9 overtime compensation, compensatory time off at a rate of not less than one and one-half (1 ½
10 hours) for each hour of employment for which monetary compensation is required.

11 For purposes of this Act, the term “employee” does not include an employee of the
12 national government, its branches, instrumentalities, and agencies; local governments; and
13 government-owned and –controlled corporations.

14 SECTION 4. *Conditions.* – An employer may provide compensatory time off to
15 employees under Section 3 pursuant to such time as may be provided only in accordance with:

16 (A) Applicable provisions of the employee recognized under the Labor Code;

17 (B) In the case of employees who are not represented by a labor organization
18 recognized as provided in the Labor Code, an agreement or understanding arrived at between the

1 employer and employee before the performance of the work involved if such agreement or
2 understanding was entered into knowingly and voluntarily by such employee and was not a
3 condition of employment;

4 (C) If the employee has not accrued compensatory time off in excess of the limit
5 applicable to the employee prescribed by Section 5.

6 SECTION 5. *Hour Limit.* -

7 (A) *Maximum Hours.* - An employee may accrue not more than two hundred forty
8 (240) hours of compensatory time off.

9 (B) *Compensation Date.* - Not later than 31 January of each calendar year, the
10 employee's employer shall provide monetary compensation for any unused compensatory time
11 off accrued during the preceding calendar year that was not used prior to 31 December of the
12 preceding calendar year. An employer may designate and communicate to the employees of the
13 employer a twelve (12) month period, other than the calendar year, in which case such
14 compensation shall be provided not later than thirty one (31) days after the end of such 12-month
15 period.

16 (C) *Excess of Eighty (80) Hours.* - The employer may provide monetary
17 compensation for an employee's unused compensatory time off in excess of eighty (80) hours at
18 any time after giving the employee at least thirty (30) days notice.

19 SECTION 6. *Separability Clause.* - If any provision or part thereof is held invalid or
20 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
21 valid and subsisting.

22 SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive
23 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
24 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,