

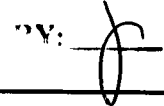
SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES

First Regular Session



16 AUG 16 AM 1:26

SENATE
S.B. No. 1026

BY: 

Introduced by Senator Poe

AN ACT
GRANTING BEREAVEMENT LEAVE OF TEN (10) DAYS WITH FULL PAY TO
ALL EMPLOYEES IN THE PRIVATE AND PUBLIC SECTORS AND FOR OTHER
PURPOSES

Explanatory Note

The loss of a family member is devastating. It carries an immeasurably heavy emotional and physical toll upon the bereaved. During this period, the mourner becomes crippled emotionally and drained mentally for days, unable to function normally. In some cases, it takes years to fully recover from such a loss.

Unfortunately, the demands of work and everyday life do not give mourners adequate time to cope with their loss. Companies have the discretion on whether or not to provide a bereavement leave. In some cases, a company will provide 3 to 5 days of leave- a terribly insufficient length of time to attend to the details of a wake and burial, much less to properly mourn a loss. More often, the time taken to mourn a loss is simply deducted from the leave benefits provided by a company, usually with a corresponding salary deduction.

This bill proposes a simple remedy- the provision of a mandatory 10 day bereavement leave with pay to support employees in the public and private sectors who have recently lost relatives belonging to their immediate family. Furthermore, this bill also provides for the nondiminution of benefits and security of tenure to those who avail of this benefit.

Speedy approval of this measure is eagerly sought


GRACE POE


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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Bereavement Leave Act*
2 *of 2016*”
3

4 **SECTION 2. Declaration of State Policy.** – The State affirms that the Filipino family
5 is the foundation of the nation and recognizes that the death of an immediate family member
6 bears a significant emotional and psychological burden upon a family member. A
7 bereavement leave benefit system is hereby institutionalized to support employees in the
8 public and private sectors who have recently lost relatives belonging to their immediate
9 family.

10 **SECTION 3. Definition of Terms.** –
11

12 a. “Bereavement Leave” refers to a leave taken by an employee to grieve the
13 death, or attend or to make arrangements for the funeral, of an immediate
14 family member.
15

1 b. "Immediate Family Member" refers to an employee's spouse, parent or child,
2 brother or sister, and relatives within the third degree of consanguinity or
3 affinity.
4

5 **SECTION 4. *Bereavement Leave for Immediate Family Members.*** – Employees in
6 the private and public sectors shall be entitled to a bereavement leave of ten (10) days with
7 full pay following the death of an employee's immediate family member.
8

9 **SECTION 5. *Nondiminution of Benefits.*** – Nothing in this Act shall be construed to
10 reduce existing benefits granted under existing laws, decrees, executive orders, or any
11 contract, agreement, or policy between the employer and employee.
12

13 **SECTION 6. *Security of Tenure.*** – Employees in the public and private sectors who
14 avail of bereavement leave provided under this Act shall be assured of security of tenure.
15 Availment of the leave shall not be used as reason for misconduct, demotion, or termination
16 in employment, or for any form of unsatisfactory performance.
17

18 **SECTION 7. *Penalties.*** – Any person, corporation, trust, firm, partnership,
19 association, or entity found violating this act or the rules and regulations promulgated
20 thereunder shall be punished by a fine not exceeding Twenty-thousand pesos (Php 20,000) or
21 imprisonment of fifteen (15) days to one (1) month.
22

23 If the violation is committed by a corporation, trust or firm, partnership, association or
24 any other entity, the penalty of imprisonment shall be imposed on the entity's responsible
25 officers, including but not limited to, the president, vice president, chief executive officer
26 general manager, managing director or partner directly responsible therefor.
27

28 **SECTION 8. *Implementing Rules and Regulations.*** – the Department of Labor and
29 Employment and the Civil Service Commission, for the private sector and public sector
30 respectively, shall issue the necessary rules and regulations of this act within thirty (30) days
31 of its effectivity.
32

1 **SECTION 9. *Separability Clause.*** – If, for any reason, any part, section or provision
2 of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby
3 shall continue to be in full force and effect.

4
5 **SECTION 10. *Repealing Clause.*** – All laws, decrees, orders, rules, regulations and
6 other issuances or parts thereof which are inconsistent with the provisions of this Act are
7 hereby repealed or modified accordingly. Republic Act No. 1161, as amended, is further
8 amended accordingly.

9
10 **SECTION 11. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in a newspaper of general circulation.

12
13 *Approved,*