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SENATE

S. No. **1460**

(In Substitution of Senate Bill No. 554)

RECEIVED BY: 

Prepared by the Committee on Civil Service, Government Reorganization and Professional Regulation with Senator Antonio "Sonny" F. Trillanes IV as author

AN ACT  
CREATING THE SICK LEAVE BANK FOR GOVERNMENT EMPLOYEES

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

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

SEC. 2. *Definition of Terms.* - As used in this Act, unless the context otherwise requires, the following terms shall mean:

- a) "Commission" means the Civil Service Commission;
- b) "Agency" means any branch, department, board, committee or commission of the government;
- c) "Sick leave bank" means a depository into which participating employees may donate or deposit accrued sick leave time for allocation to other participating employees;
- d) "Participating employee" means a permanent full or part-time employee who has been employed by a government agency for a period of six (6) months or more who voluntarily enrolls in the sick leave bank by depositing at least three (3) full days of accrued sick leave in that bank; and
- e) "Catastrophic illness or injury" shall mean those illnesses and injuries which will be classified as such by the Commission.

SEC. 3. *Sick Leave Bank.* - The Commission shall establish a system or scheme allowing participating employees in each agency to deposit a designated number or portion of their accrued sick leave into a sick leave bank, to be used by any participating employee in the agency who has exhausted his or her accrued vacation leave, personal days, sick leave and other compensated time off.

The Commission shall promulgate the rules governing the operation of the system or scheme subject, however, to the following restrictions and limitations:

- a) Participation in the sick leave bank shall, at *all* times, be voluntary on the part of any employee.
- b) A participating employee may deposit into the sick leave bank as much accrued sick leave as desired; provided, that the participating employee shall retain in his or her own account at least five (5) sick days.
- c) A government employee cannot avail of the benefits of the sick leave bank unless he becomes a member of that bank by depositing at three (3) full days of accrued sick leave with that bank.
- d) Any sick leave in the sick leave bank used by a participating employee shall be only for purpose of that employee's personal catastrophic illness or injury.
- e) A participating employee cannot avail the benefits of the sick leave bank by reason of any injury or illness caused by or as a result of an *elective surgery*; *Provided*, That the injury or illness has not culminated into a catastrophic illness or injury defined under this Act.
- f) A participating employee shall not use sick leave deposited and accumulated in the sick leave bank until all of his or her accrued vacation leave, personal days, sick leave and other compensatory time have been used.
- g) A participating employee shall not be allowed to receive any benefits from the sick leave bank during any period the member is receiving disability benefits from social security, or worker's compensation benefits for the job or service related injury or illness that is subject to the same grant from which the employee has applied.
- h) Participating employees who transfer from one agency to another may transfer their participation in the sick leave bank.
- i) An employee who cancels his or her participation in the sick leave bank shall not be eligible to withdraw the sick leave time he or she has contributed to the pool.
- j) Provisions for the appeal of adverse decisions affecting a participating employee's use of the sick leave bank shall be included in rules to be adopted by the Commission.
- k) Accumulation of sick leave in the sick leave bank shall be on an agency to agency basis but the procedures prescribed in the rules for the operation of the sick leave bank shall be uniform among all agencies.
- l) Upon termination, retirement, or death, neither a participating employee nor the participating employee's estate shall be entitled to payment for unused sick leave acquired from the sick leave bank

**SEC. 4. Penal Provision.** - Any abuse of the use of the sick leave bank shall be investigated by the agency and the Commission and, upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days he has drawn from the sick leave bank, and shall be subjected to other disciplinary action.

1        **SEC. 5. *Repealing Clause.*** - All laws, presidential decrees, executive orders and  
2 other issuances, and rules and regulations, or part thereof, contrary to or inconsistent with any  
3 provision of this Act, are hereby repealed, modified or amended accordingly.  
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5        **SEC. 6. *Implementing Rules and Regulations.*** - The Commission, in consultation  
6 with the duly recognized associations and/or unions of government employees, shall  
7 promulgate the rules and regulations for the proper implementation of this Act within sixty  
8 (60) days from the effectivity thereof.  
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10       **SEC. 7. *Separability Clause.*** - Should any provision of this Act be found  
11 unconstitutional by a court of law, such provision shall be severed from the other provisions,  
12 and the same shall not affect the enforceability and effectivity of the remaining provisions of  
13 this Act.  
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15       **SEC. 8. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its  
16 complete publication in any two (2) national newspapers of general circulation.

*Approved,*