

SENATE

'18 AUG -6 A9 :17

S. NO. 1910

RECEIVED _____
[Signature]

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
PROVIDING FOR A FIVE (5) DAY SPECIAL EMERGENCY LEAVE FOR
ALL WORKERS IN THE PUBLIC AND PRIVATE SECTOR DIRECTLY
AFFECTED BY NATURAL CALAMITIES/DISASTER**

EXPLANATORY NOTE

The rights to life, health, safety and property are fundamental rights of every Filipino guaranteed by no less than the Constitution. The State, as the protector of the people, is thus mandated to ensure that these rights are held forever sacred.

Recognizing the environmental consequences of the geographical location of the Philippines as the Pearl of the Orient Seas, the State through this Act seeks to dampen the natural adversities that plague the people. Ours is a tropical country and our industries thrive in water. But the force of the earth that catapults us to our growth as a nation, is the same force that endanger our people. Located along the Pacific Belt, an average of twenty typhoons – five of which destructive,¹ wreak havoc among our lands, endanger the lives of the people and destroy everything along their path. Situated in the “Pacific Ring of Fire”, our country is also catastrophically shaken each year by earthquakes and volcanic eruptions.

The fight to survive is the daily concern of every Filipino, but is of all the importance when Mother Nature herself makes her presence known. For this reason, this Act strikes a balance between the duties of every Filipino as an employee and as a

¹ Information on Disaster Risk Reduction of the Member Countries available at <http://www.adrc.asia/nationinformation.php?NationCode=608>

a member of the work force, on the one hand, and his primal instinct to survive on the other.

The profound environmental effect of natural disasters and/or calamities to the nation is inevitable, and it for that reason this proposed measure seeks to at the very least soften the blow of the unforeseen and the inescapable.

Affording protection to both the employer and the employee, the availment of Calamity Leave under this bill shall be limited to the grounds and circumstances, and only upon compliance with the requirements, set forth and in conformity with the issued guidelines.

In view of the foregoing, approval of this measure is earnestly sought.


LEILA M. DE LIMA

'18 AUG -6 A9 :17

SENATE

S. NO. 1910

RECEIVED BY



Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
**PROVIDING FOR A FIVE (5) DAY SPECIAL EMERGENCY LEAVE FOR
ALL WORKERS IN THE PUBLIC AND PRIVATE SECTOR DIRECTLY
AFFECTED BY NATURAL CALAMITIES/DISASTER**

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

1 SECTION 1. **Title.** - This Act shall be known as the "Calamity Leave Law".

2 Sec. 2. **Declaration of Policy.** - It is the policy of the State as enshrined in
3 Article II, Sec. 18 of the Constitution to protect the rights of workers and promote their
4 welfare. In compliance therewith, it is of utmost importance that workers and their
5 right to safe and healthful working conditions must always be upheld.

6 Towards this end, and consistent with local and legal instruments that protect
7 and promote the rights of the workers, the State shall institutionalize a mechanism to
8 grant special emergency leave to employees affected by natural calamities/disaster.
9 Labor, as a primary social economic force, shall be given the protection that the
10 exigencies of time and circumstances mandate.

11 Sec. 3. **Construction in favor of labor.** - All doubts in the interpretation
12 and implementation of the provisions of this Act shall be resolved in favor of labor.

13 Sec. 4. **Rules and Regulations.** - The Department of Labor and
14 Employment (DOLE) and other government agencies charged with the administration
15 and enforcement of this Act shall promulgate the necessary implementing rules and
16 regulations.

1 Sec. 5. **Applicability.** – All rights and benefits granted to employees under
2 this Act, apply to all officials, workers and employees, whether in the public or private
3 sector. This Act shall not apply to government workers/employees who render
4 services during or on occasion of natural calamities/disasters.

5 Sec. 6. **Calamity Leave.** –

6 (a) Every employee who has rendered at least six (6) months of service shall
7 be entitled to a yearly five (5) day special emergency leave, with pay, in times of natural
8 calamities/disasters.

9 (b) This provision shall not apply to those already enjoying the benefit
10 herein provided regardless of nomenclature, those enjoying similar emergency leave
11 of at least five days in times of natural calamities/disasters or personal emergencies
12 and those employed in establishments regularly employing less than ten (10)
13 employees or in establishments exempted from granting this benefit by the Secretary
14 of Labor and Employment after considering the viability of such establishment.

15 (c) The grant of benefit in excess of that provided herein shall not be made
16 a subject of arbitration or any court or administrative action.

17 Sec. 7. **Grant of Calamity Leave.** – All employees in public and private
18 sectors directly affected by natural calamity/disaster shall be entitled to five (5) days
19 special emergency leave with pay. The benefit shall be available upon the declaration
20 of a state of calamity by the President of the Philippines or by the Local Sanggunian
21 pursuant to Section 16 of R.A. No. 10121. However, in case a specific area was not
22 declared under state of calamity but was nonetheless severely affected by the natural
23 calamity/disaster, the head of the office or employer in the exercise of his/her sound
24 discretion, may grant the special emergency leave to affected employee based on proof
25 or evidence presented or news account.

26 The special emergency leave can be applied for five (5) straight working days or
27 on staggered basis and will not be deducted from the employee's leave credits. This
28 leave may be availed of by employees within ten (10) days from the date when the
29 natural calamity/disaster occurred.

30 Sec. 8. **Purpose of the Calamity Leave.** – Any qualified employee may avail
31 of this special emergency leave on any of the following grounds:

32 (a) Being stranded in affected areas where there are no means of transportation
33 that can ensure a safe travel to and from work;

1 (b) Disease/illness of employee incurred by reason of the natural
2 calamity/disaster;

3 (c) Caring of immediate family members affected by natural calamity/disaster;
4 and

5 (d) Urgent repair and clean-up of damaged house.

6 **Sec. 9. Verification and Validation.** – The granting of the special
7 emergency leave under this Act shall be the duty of the head of office upon verification
8 of the employee's eligibility thereto.

9 In determining the eligibility of an employee to the leave granted herein, the
10 head of office or employer shall take into consideration the following:

11 (1) Place of residence based on latest available records of the affected employee;

12 (2) Declaration of calamity by the proper government agency;

13 (3) Medical Certificate stating that the illness/disease was suffered by the
14 employee or his/her immediate family member as a consequence of the natural
15 calamity/disaster;

16 (4) Availability of and access to public transportation on the day of the natural
17 calamity/disaster;

18 (5) Road closures due to the natural calamity/disaster along the route taken
19 and could be taken by the employee to and from work; and

20 (6) Other matters that may aid the head of office in his decision on the eligibility
21 of the employee to avail of the said grant.

22 **Sec. 10. Suspension or Cancellation of Work.** – If the head of office or
23 employer suspended or cancelled work on occasion of such natural calamity/disaster,
24 the employee may not be required to apply the special emergency leave during such
25 suspension or cancellation.

26 **Sec. 11. Non-cumulative and Non-commutative.** – Unused leaves under
27 this Act shall not be cumulative and may not be converted into its cash equivalent.

28 **Sec. 12. Non-diminution of Benefits.** – Benefits granted under this Act shall
29 not in any manner mean any reduction, diminution, discontinuation or elimination of
30 other existing benefits already enjoyed by the workers. Rights already vested prior to
31 the effectivity of this Act shall remain to be in full force and effect upon the passage of
32 this Act.

1 Sec. 13. **Separability Clause.** – If, for any reason, any section or provision of
2 this Act is declared unconstitutional or invalid, the other sections or provisions which
3 are not affected shall continue to be in full force and effect.

4 Sec. 14. **Repealing Clause.** – All laws, decrees, executive orders,
5 proclamations, rules and regulations or parts thereof inconsistent herewith are
6 repealed, amended, or modified accordingly.

7 Sec 15. **Effectivity.** – This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in a newspaper of general circulation.

Approved,