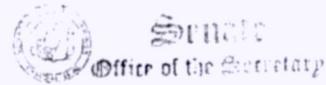


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

'19 JUL -8 P3:45

S. No. 303

RECEIVED BY:

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
GRANTING 15 DAYS OF PAID LEAVE A YEAR TO EMPLOYEES WHOSE
SPOUSE, PARENT, UNMARRIED CHILD, OR WHEN THEY THEMSELVES ARE
SUFFERING FROM SERIOUS ILLNESS**

EXPLANATORY NOTE

Many workers cannot afford to take unpaid time off work to provide care for their ailing child, parent or immediate family members. Family caregivers face financial, physical and emotional hardships, and in many cases their careers, incomes, and retirement security suffer because of their family responsibilities.

Due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking also often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

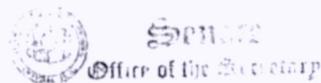
This bill seeks to grant 15 days of paid leave a year to employees whose spouse, parent, unmarried children, or when they themselves are suffering from serious illness. During prolonged illnesses or sickness, more often than not, employees consume their sick leave and vacation leave to attend to said exigencies. If not directly used for leave purposes, employees under the said situation resort to monetizing their accumulated leave credits to augment their financial needs, hence, diminishing the retirement money that will help them in their twilight years of non-employment.

The "Family and Medical Leave Act of 2019" will give employees a new venue to attend further to their families during these trying times without necessarily compromising their future income and fear the loss of their jobs. It also seeks to

balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity.

Considering the foregoing, the passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.



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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 "Family and Medical
2 Leave Act of 2019."

3 Sec. 2. *Declaration of Policy.* – It is hereby the policy of the State to reinforce
4 the importance of the family as the primary social institution of society. The State shall
5 support and uphold the health and well-being of the family.

6 Sec. 3. *Definition of Terms.* – For purposes of this Act, the term:

7 (A) "Eligible employee" means an employee who has been employed— (i) for
8 at least 12 months by the employer with respect to whom leave is requested; and (ii)
9 for at least 1,250 hours of service with such employer during the previous 12-month
10 period.

11 EXCLUSIONS. —The term "eligible employee" does not include— (ii) any
12 employee of an employer who is employed at a worksite at which such
13 employer employs less than 50 employees if the total number of employees
14 employed by that employer within 75 miles of that worksite is less than 50.

1 (B) "Employer" means any person engaged in commerce or in any industry or
2 activity affecting commerce who employs 50 or more employees for each working day
3 during each of 20 or more calendar workweeks in the current or preceding calendar
4 year; (ii) includes— (I) any person who acts, directly or indirectly, in the interest of an
5 employer to any of the employees of such employer; and (II) any successor in interest
6 of an employer;

7 (C) "Employment Benefits" means all benefits provided or made available to
8 employees by an employer, including life insurance, health insurance, sick leave,
9 annual leave, educational benefits, and pensions, regardless of whether such benefits
10 are provided by a practice or written policy of an employer or through an "employee
11 benefit plan".

12 (D) "Health care provider" means— (i) a doctor of medicine or osteopathy who
13 is authorized to practice medicine or surgery (as appropriate) by the State in which
14 the doctor practices; or (ii) any other person determined by the Secretary to be
15 capable of providing health care services.

16 (E) "Parent" means the biological parent of an employee or an individual who
17 stood in loco parentis to an employee when the employee was a son or daughter.

18 (F) "Secretary" means the Secretary of Department of Labor and Employment
19 (DOLE).

20 (G) "Serious health condition" means an illness, injury, impairment, or physical
21 or mental condition that involves— (i) inpatient care in a hospital, health center, lying-
22 in clinic, or residential medical care facility; or (ii) continuing treatment by a health
23 care provider.

24 (H) "Son or daughter" means a biological, adopted, or foster child, a stepchild,
25 a legal ward, or a child of a person standing in loco parentis, who is— (i) under 18
26 years of age; or (ii) 18 years of age or older and incapable of self-care because of a
27 mental or physical disability.

28 (I) "Spouse" means a husband or wife, as the case may be.

1 Sec. 4. *Coverage.* – Any employee, regardless of status, may apply for and shall
2 be granted by the employer a paid family and medical leave of up to fifteen (15) days
3 when his/her spouse, parent or unmarried child suffers from a serious illness;
4 Provided, however, That spouses working for the same employer when availing of the
5 benefits under this Act shall only be granted a combined total of fifteen (15) days of
6 paid leave. The employee may also apply for the same if he himself is physically unable
7 to perform his job due to serious illness.

8 Sec. 5. *Certification* – The leave application shall be accompanied by a notarized
9 medical certificate duly accomplished by a licensed physician. The medical certificate
10 must clearly state the nature and extent of the illness, the date on which the serious
11 health condition commenced, the probable duration of the condition, and the
12 appropriate medical facts within the knowledge of the health care provider regarding
13 the condition.

14 In any case in which the employer has reason to doubt the validity of the
15 certification the employer may require, at the expense of the employer, that the
16 eligible employee obtain the opinion of a second health care provider designated or
17 approved by the employer concerning any information certified for such leave. The
18 health care provider designated or approved shall not be employed on a regular basis
19 by the employer.

20 In any case in which the second opinion differs from the opinion in the original
21 certification, the employer may require, at the expense of the employer, that the
22 employee obtain the opinion of a third health care provider designated or approved
23 jointly by the employer and the employee concerning the information certified. The
24 opinion of the third health care provider concerning the information certified shall be
25 considered to be final and shall be binding on the employer and the employee. The
26 employer may require that the eligible employee obtain subsequent re-certifications
27 on a reasonable basis.

28
29 Sec. 6. The employees availing of the leave benefits under this Act shall, upon
30 return, be reinstated to his original position with equivalent pay, benefits and all other
31 terms and conditions of employment.

1 Sec. 7. The fifteen (15) days leave provided under this Act may be availed of
2 by the employee in parts but no remainder thereof shall be carried over the succeeding
3 year. Provided, that no accumulated leave credits under this provision shall accrue in
4 favor of the employee for every year of service.

5 Sec. 8. The leave benefits mandated under this Act shall not diminish or affect
6 whatever vested rights and benefits the employee is already receiving under the law
7 collective bargaining agreement (CBA) or from the employer: Provided, that the
8 employee who is already receiving a similar unpaid leave benefits under the law or
9 CBA shall only be entitled to a maximum of fifteen (15) days of paid leave benefits.

10 Sec. 9. *Implementing Rules and Regulations.* – The Secretary of the
11 Department of Labor and Employment shall promulgate the necessary rules and
12 regulations to effectively implement this Act.

13 Sec. 10. *Separability Clause.* – If any of the provision of this Act is declared
14 unconstitutional, the same shall not affect the validity and effectively of other
15 provisions hereof.

16 Sec. 11. *Repealing Clause.* – All laws, presidential decrees, executive orders
17 proclamations and administrative regulations, which are inconsistent with the
18 provisions of this Act, are hereby amended, modified, superseded or repealed
19 accordingly.

20 Sec. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
21 publication in two (2) newspapers of general circulation.

22
23 Approved,