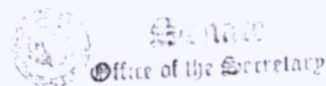


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 673



'19 JUL 22 P2:17

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
AMENDING ARTICLE 83 OF THE PRESIDENTIAL DECREE NO. 442,
OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS
AMENDED**

EXPLANATORY NOTE

Article II Section 8 of the 1987 Constitution states that, "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

Presidential Decree No. 442, otherwise known as the "Labor Code of the Philippines" was promulgated in 1974 when traditional work arrangements such as attendance in workplace and hours of work were still observed. With the advancement in information, communication and technology, the employees can work outside the premises of the workplace and sustain working beyond eight (8) hours without sacrificing its quality.

This was, in fact, recognized by the Department of Labor and Employment (DOLE) when it issued Department Advisory No. 2, Series of 2009 entitled, "Guidelines on the Adoption of Flexible Work Arrangements" where it identified some flexible work arrangements that may be adopted by employers including compressed workweek where the normal number of working days in a week is reduced but the total number of working hours remains; and flexi-holidays where the employees agree to avail the holidays at some other days. These were echoed in the subsequent Department

Advisory No. 4, Series of 2010 entitled, "Guidelines on the Implementation of Flexible Work Arrangements and the Exemption From the Nightwork Prohibition for Women Employees in the Business Process Outsourcing Industry" where it added gliding or flexi-time schedule where the employees are required to complete the core workhours in the establishment but are free to determine their arrival and departure time.

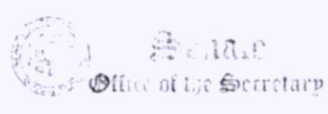
In view of the various technologies that the employees can utilize in performing their work and the various circumstances that can allow them to be more productive, this measure seeks to legislate the adoption of voluntary work arrangement by amending Article 83 of the Labor Code. Such arrangements will not only save time and resources of both employees and employers but will also contribute to the other aspects of our economy such as saving the cost of traffic congestion. Most importantly, they will allow employees to achieve work life balance making them more energized, satisfied, fulfilled, and productive.

This measure was already approved on Third Reading by the Senate and the House of Representatives in the 17th Congress but remained pending in the Bicameral Conference Committee.


The immediate passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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AMENDED

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

1 Section 1. Article 83 of the Philippine Labor Code, as amended, is hereby
2 amended to read as follows:

3 "Article 83. *Normal Hours of Work.* – The normal hours
4 of work of any employee shall not exceed eight (8) hours a
5 day.

6 "Health personnel in cities and municipalities with a
7 population of at least one million (1,000,000) or in hospitals
8 and clinics with a bed capacity of at least one hundred (100)
9 shall hold regular office hours for eight (8) hours a day, for
10 five (5) days a week, exclusive of time for meals, except
11 where the exigencies of the services require that such
12 personnel work for six (6) days or forty-eight (48) hours, in
13 which case, they shall be entitled to an additional
14 compensation of at least thirty percent (30%) of their regular
15 wage for work on the sixth day. For purposes of this Article,
16 "health personnel" shall include resident physicians, nurses,

1 nutritionists, dietitians, pharmacists, social workers,
2 laboratory technicians, paramedical technicians,
3 psychologists, midwives, attendants and all other hospital or
4 clinic personnel.

5 **"ARTICLE 83-A. ADOPTION OF VOLUNTARY**
6 **WORK ARRANGEMENT. – WHEN NATIONAL**
7 **EMERGENCY REQUIRES OR THE PARTIES MUTUALLY**
8 **AGREE, THE EMPLOYER AND THE EMPLOYEE MAY**
9 **ADOPT A VOLUNTARY WORK ARRANGEMENT:**
10 **PROVIDED, THAT HOURS OF WORK SHALL NOT**
11 **EXCEED FORTY-EIGHT (48) HOURS A WEEK:**
12 **PROVIDED, FURTHER, THAT IT SHALL NOT RESULT IN**
13 **THE DIMINUTION OF EXISTING BENEFITS AND THE**
14 **RIGHT TO OVERTIME PAY CONSISTENT WITH**
15 **ARTICLE 87 OF THE LABOR CODE, NIGHT SHIFT**
16 **DIFFERENTIAL AND OTHER BENEFITS SHALL NOT BE**
17 **VIOLATED."**

18 Sec. 2. *Rules and Regulations.* – The Secretary of Labor and Employment shall
19 promulgate the necessary implementing rules and regulations within ninety (90) days
20 from the effectivity of this Act.

21 Sec. 3. *Separability Clause.* – If any part of this Act shall be held
22 unconstitutional or invalid, other parts not otherwise affected thereby shall remain in
23 force and effect.

24 Sec. 4. *Repealing Clause.* – All laws, decrees, resolutions, orders, or ordinances
25 or parts thereof inconsistent with this Act are hereby repealed, amended or modified
26 accordingly.

27 Sec. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its
28 publication in the *Official Gazette* or one newspaper of general circulation.

29
30 Approved,