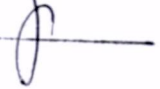




EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'19 OCT 22 A11 :10

SENATE
S. No. 1123

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 OR DISASTERS**

EXPLANATORY NOTE

Under Republic Act No. 10121, otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010”, the policy of the State to “uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts” was laid down. It recognized that the rights to life, health, safety and property are fundamental rights of every Filipino guaranteed by no less than the Constitution. For when environmental challenges are a commonplace, making necessary safety precaution and reparation become warranted. The State, as the protector of the people, is thus mandated to ensure that these rights are held forever sacred especially in times of where the inevitable effects of uncontrolled variables haunt the nation.

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 endangers 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. These upheavals have made surviving in an already poverty stricken country even more burdensome – making the climb up the social ladder even more arduous, making surviving a priority over living, breathing and improving one’s life.

The truth is that a huge portion of the population of the country are living in low-lying coastal islands, with more than 60 percent of the living in coastal zones.² The geographical location of the country has resulted to it being dubbed as the “most exposed country in the world to tropical storms.”³ This exposes them to threats which, at times, have forced them to evacuate, and sometimes even, rebuild their homes and lives from the rubbles.

The fight to survive is the daily concern of every Filipino. For this reason, this Act strikes a balance between the duties of every Filipino as an employee and as a member of the work force, on the one hand, and his primal instinct to survive, on the other. Complementing Section 2 (p) of R.A.No. 10121, which makes it the policy of the State to “[p]rovide maximum care, assistance and services to individuals and families affected by disaster, implement emergency rehabilitation projects to lessen the impact of disaster, and facilitate resumption of normal social and economic activities”, the grant under this bill will not only aid Filipinos to stand up after every wave of calamity hits our country, but likewise provides them a few days of respite to facilitate the resumption of their daily activities. 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.

¹ De La Cruz, Gwen, “*IN NUMBERS: Typhoons in the Philippines and the 2016 polls.*” 19 March 2016. Rappler. Available at: <https://www.rappler.com/move-ph/issues/disasters/126001-typhoons-enter-philippines-fast-facts> <last visited on 30 April 2019>

² Philippine Coastal & Marine Resources: An Introduction. Available at: <http://siteresources.worldbank.org/INTPHILIPPINES/Resources/PEM05-ch1.pdf> <last visited on 30 April 2019>

³ Brown, Sophie, “*The Philippines Is the Most Storm-Exposed Country on Earth.*” 11 November 2013. Time. Available at: <http://world.time.com/2013/11/11/the-philippines-is-the-most-storm-exposed-country-on-earth/> <last visited on 30 April 2019>

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.

Approval of this measure is earnestly sought.


LEILA M. DE LIMA



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**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 OR DISASTERS**

*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 Article
3 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 legal instruments that protect and
7 promote the rights of the workers, the State shall institutionalize a mechanism to grant
8 special emergency leave to employees affected by natural calamities/disasters. Labor,
9 as a primary social economic force, shall be given the protection that the exigencies of
10 time and circumstances mandate.

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

15 Sec. 4. *Calamity Leave.* –

16 (a) Every employee who has rendered at least six (6) months of service shall
17 be entitled to five (5)-day special emergency leave each year, with pay, in times of

1 natural calamities or disasters, based on any of the grounds specified in Section 6 of
2 this Act.

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

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

11 *Sec. 5. Grant of Calamity Leave.* – The five (5)-day special emergency leave
12 with pay shall be available upon the declaration of a state of calamity by the President
13 of the Philippines or by the Local Sanggunian pursuant to Section 16 of R.A. No. 10121.
14 However, in case a specific area was not declared under state of calamity but was
15 nonetheless severely affected by the natural calamity/disaster, the head of the office
16 or employer in the exercise of his/her sound discretion, may grant the special
17 emergency leave to affected employee based on proof or evidence presented or news
18 account.

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

23 *Sec. 6. Purpose of the Calamity Leave.* – Any qualified employee may avail of
24 this special emergency leave on any of the following grounds:

- 25 (a) Being stranded in affected areas where there are no means of transportation
26 that can ensure a safe travel to and from work;
- 27 (b) Disease or illness of employee incurred by reason of the natural calamity or
28 disaster;
- 29 (c) Caring of immediate family members affected by natural calamity or
30 disaster; and
- 31 (d) Urgent repair and clean-up of damaged house.

1 *Sec. 7. Verification and Validation.* – The granting of the special emergency
2 leave under this Act shall be the duty of the head of office upon verification of the
3 employee’s eligibility thereto.

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

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

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

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

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

13 (5) Road closures due to the natural calamity or disaster along the route taken
14 and could be taken by the employee to and from work; and

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

17 *Sec. 8. Suspension or Cancellation of Work.* – If the head of office or employer
18 suspended or cancelled work on occasion of such natural calamity or disaster, the
19 employee may not be required to apply the special emergency leave during such
20 suspension or cancellation.

21 *Sec. 9. Non-cumulative and Non-commutative.* – Unused leaves under this Act
22 shall not be cumulative and may not be converted into its cash equivalent.

23 *Sec. 10. Non-diminution of Benefits.* – Benefits granted under this Act shall not
24 in any manner mean any reduction, diminution, discontinuation or elimination of
25 other existing benefits already enjoyed by workers. Rights already vested prior to the
26 effectivity of this Act shall remain to be in full force and effect upon the passage of this
27 Act.

28 *Sec. 11. Construction in favor of labor.* – All doubts in the interpretation and
29 implementation of the provisions of this Act shall be resolved in favor of labor.

30 *Sec. 12. Rules and Regulations.* – The Department of Labor and Employment
31 and other government agencies charged with the administration and enforcement of
32 this Act shall promulgate the necessary implementing rules and regulations.

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

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