

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

SENATE
S.B. No. 1915

Introduced by Senator **JINGGOY EJERCITO ESTRADA**

EXPLANATORY NOTE

This bill proposes modification to existing (1) normal hours of work, including (2) shortened meal breaks, and (3) overtime work. It incorporates provisions of treaties and executive agreements to which the country has acceded to or a party to, in relation to liberalization and globalization. It likewise considered certain provisions of existing and related laws, i.e. R.A. 8972 otherwise known as the Solo Parents' Welfare Act of 2000. The following takes-up the above mentioned labor matters and discussion based on Labor code and Convention reviews:

(1) The newly proposed paragraph in the normal hours of work of Article 87 can retain the normal working hours and shall encourage negotiation on working time flexibility. This shall provide room for parties to formulate agreements. This should not however sacrifice Labor Standards still regulated by the Department of Labor and Employment (DOLE).

The Compressed Work Week (CWW) Scheme has been considered and is acceptable and being adopted by establishments provided requisites are met and after evaluation and approval by the DOLE.

(2) A typical working time arrangement may be defined as any work schedule agreed upon by the employer and employees which deviates from the normal working hours, the meal period of sixty (60) minutes and the rest day of twenty four (24) hours after six (6) consecutive work days.

Where irregular or atypical working arrangement has been agreed upon by the parties that would result in a daily schedule of more than eight (8) hours in a day, meal breaks may be more than once and such may be made in addition to the mandatory rest periods.

In view of the foregoing, the proposed amendments/ supplements are hereby recommended.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
PROVIDING FOR A WORKING TIME FLEXIBILIZATION IN THE
PRIVATE SECTOR AND FOR OTHER PURPOSES, THEREBY AMENDING
ARTICLES 83, 85 AND 87 OF PRESIDENTIAL DECREE FOUR HUNDRED
FORTY TWO (PD 442), AS AMENDED, OTHERWISE KNOWN AS THE
LABOR CODE OF THE PHILIPPINES

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

SECTION 1. Article 83 of the Labor Code on hours of work is hereby further amended by adding the following paragraph to read as follows:

“Article 83. Normal hours of work. - The normal hours of work of any employee shall not exceed eight (8) hours a day.

Health personnel in cities and municipalities with a population of at least one million (1,000,000) or in hospitals and clinics with a bed capacity of at least one hundred (100) shall hold regular office hours for eight (8) hours a day, for five (5) days a week exclusive of time for meals, except where the exigencies of the service require that such personnel work for six (6) days or forty-eight (48) hours, in which case they shall be entitled to an additional compensation of at least thirty per cent (30%) of their regular wage for work on the sixth day. For purposes of this Article, “health personnel” shall include: resident physicians, nurses, nutritionists, dietitians, pharmacists, social workers, laboratory technicians, paramedical technicians, psychologists, midwives, attendants, and all other hospital or clinic personnel.

HOWEVER, THE WORKWEEK OF EMPLOYEES MAY BE SHORTENED OR COMPRESSED BY EXTENDING THEIR NORMAL DAILY WORKING HOURS NOT EXCEEDING TEN (10) HOURS A DAY, SUBJECT TO SUCH CONDITIONS AS MAY BE DETERMINED BY THE SECRETARY OF LABOR AND EMPLOYMENT IN APPROPRIATE REGULATIONS TO PROTECT THE INTEREST OF THE EMPLOYEES”.

SEC. 2. Article 85 of the same Code is likewise amended by adding a second paragraph to read as follows:

"Article 85. Meal Periods. – Subject to such regulations as the Secretary of Labor and Employment may prescribe, it shall be the duty of every employer to give his employees not less than sixty (60) minutes time-off for their regular meals.

IN CASE THE MEAL PERIOD IS LESS THAN SIXTY (60) MINUTES, IT SHALL BE DEEMED PART OF THE WORKING HOURS IN A DAY.

SEC. 3. Article 87 of the same Code is likewise amended by inserting additional phrase to read as follows:

"Article 87. Overtime Work. – Work may be performed beyond eight hours a day **BUT NOT TO EXCEED TEN (10) HOURS A DAY OR FORTY EIGHT HOURS A WEEK FOR A REGULAR FOUR-DAY, FIVE-DAY OR SIX-DAY WORKWEEK.** Provided that the employee is paid an additional compensation equivalent to his regular wage plus at least twenty-five per cent (25%) thereof. Work performed beyond eight (8) hours on a holiday or rest day plus at least thirty per cent (30%) thereof.

IN CASE OF VALID COMPRESSED WORKWEEK AS PROVIDED HEREIN, THE OVERTIME PAY SHALL BE PAID FOR WORK IN EXCESS OF HIS ALLOWABLE WORK HOURS IN A DAY."

SEC. 4. Separability Clause. – If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 5. Repealing Clause. – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

SEC. 6. Effectivity Clause – This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,