

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

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SENATE  
S.B. No. **2102**

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The 1987 Constitution, in Article II, Section 18, provides that:

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

By amending pertinent provisions of the Labor Code, this bill aims to encourage employers and their employees to negotiate and formulate working arrangements regarding hours of work. This will allow them to address, among others, peculiarities of the job, energy-saving schemes, and personal circumstances of the parties. This bill does not, however, sacrifice Labor Standards regulated by the Department of Labor and Employment.

The amendments also address shortened meal breaks and overtime work in a compressed work week. It incorporates provisions of treaties and executive agreements to which the country has acceded to or is a party to, in relation to liberalization and globalization. It likewise considers certain provisions of existing and related laws, i.e. Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000.

  
MIRIAM DEFENSOR SANTIAGO



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.”

SECTION 4. Article 85 of the same Code is likewise amended by adding a second paragraph to read as follows:

“ART. 85. *Meal periods.* - Subject to such regulations as the Secretary of Labor 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.”

SECTION 5. Article 87 of the same Code is likewise amended by inserting an additional sentence to read as follows:

“ART. 87. *Overtime work.* - Work may be performed beyond eight (8) hours a day provided that the employee is paid for the overtime work, an additional compensation equivalent to his regular wage plus at least twenty-five percent (25%) thereof. Work performed beyond eight hours on a holiday or rest day shall be paid an additional compensation equivalent to the rate of the first eight hours on a holiday or rest day plus at least thirty percent (30%) thereof.

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

SECTION 6. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,