


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

6 JUN 16 AM 11:42

SENATE

S. B. No. 2188

FILED BY: 

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

The liberalization of international economic trade has led to the advent of a global economy that is fast becoming one integrated unit. As a result of better communication and transportation facilities, business opportunities abroad are now within closer reach of local business entities. However, these opportunities may be lost if the local economy fails to adjust and cope with the new demands of the international market.

Thus, it is imperative that Government creates a business environment that allows the local economy to be more competitive in the global market.

Undoubtedly, there is a need to amend certain provisions of our labor laws to spur productivity and employment, afford flexibility to investors, and assure our workers reasonable benefits and security. The economic conditions that prevailed during the time PD 442 (Labor Code of the Philippines) was passed have drastically changed. Our labor laws must allow business to become more efficient, competitive, and flexible in responding to client needs, and at same time protect the interest of the workforce by providing for an enhanced work-life balance.

This bill, therefore, intends to strike a balance between the two competing interests. It will provide the necessary amendments to the Labor Code that will enable the local economy to be more competitive internationally while safeguarding the interests of the Filipino workers, *to wit:*

1. Allowing compressed workweek/flexitime arrangements;
2. Revising the doctrine against the elimination/diminution of benefits under certain conditions;
3. Restructuring the visitorial and enforcement power of the Labor Secretary to allow for self-regulation; and
4. Excepting from the night work prohibition on women such industries or establishments operating on a continuous 24-hour schedule.


In view of the foregoing, approval of this bill is earnestly sought.


EDGARDO J. ANGARA
Senator

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AN ACT AMENDING ARTICLES 83, 87, 100, 128, AND 131
OF PRESIDENTIAL DECREE 442,
OR THE LABOR CODE OF THE PHILIPPINES

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

1 SEC. 1. Article 83, paragraph 1, of PD 442, as amended, is hereby amended
2 to read as follows:

3
4 “ART. 83. *NORMAL HOURS OF WORK.* - The normal hours of work
5 of any employee shall not exceed eight (8) hours a day [.] , EXCEPT WHEN
6 THE BUSINESS REQUIREMENTS OF THE EMPLOYER REQUIRE
7 THE ADOPTION OF A COMPRESSED WORKWEEK
8 ARRANGEMENT; *PROVIDED*, THAT THE EMPLOYEE SHALL NOT
9 BE SUFFERED TO WORK BEYOND TWELVE (12) HOURS A DAY;
10 *PROVIDED FURTHER*, THAT THE NUMBER OF REGULAR HOURS
11 OF WORK IN A WEEK SHALL NOT EXCEED FORTY-EIGHT (48)
12 HOURS.

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14 Xxx ”

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16 SEC. 2. Article 87 of PD 442 is likewise hereby amended to read as follows:

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19 “ART. 87. *OVERTIME WORK.* - Work may be performed beyond
20 [eight (8) hours a day] THE NUMBER OF HOURS A DAY ALLOWED
21 BY LAW provided that the employee is paid for the overtime work an
22 additional compensation equivalent to his regular wage plus at least twenty-
23 five percent (25%) thereof. Work performed beyond [eight (8) hours] THE
24 NUMBER OF HOURS A DAY ALLOWED BY LAW on a holiday or rest
25 day shall be paid an additional compensation equivalent to [the rate of the
26 first eight hours on a holiday or rest day plus at least thirty percent (30%)
27 thereof] 130% OF THE RATE FOR SUCH NUMBER OF HOURS
28 ALLOWED BY LAW.”

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31 SEC. 3. Article 100 of PD 442, as amended, is hereby amended to read as
32 follows:

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2 "ART. 100. *PROHIBITION AGAINST ELIMINATION OR*
3 *DIMINUTION OF BENEFITS.* - Nothing in this Book shall be construed to
4 eliminate or in any way diminish supplements, or other employee benefits
5 being enjoyed at the time of promulgation of this Code: *PROVIDED, THAT*
6 *SUPPLEMENTS OR OTHER BENEFITS THEREAFTER GIVEN MAY*
7 *NOT BE ELIMINATED OR DIMINISHED AFTER HAVING BEEN*
8 *CONTINUOUSLY GRANTED FOR AT LEAST FOUR (4) YEARS;*
9 *PROVIDED FURTHER, THAT SUPPLEMENTS OR BENEFITS MAY*
10 *BE SUBSTITUTED FOR OTHER SUPPLEMENTS OR BENEFITS OF*
11 *EQUIVALENT VALUE; PROVIDED FINALLY, THAT SUPPLEMENTS*
12 *OR BENEFITS MAY BE ELIMINATED IF THESE RESULTED FROM*
13 *AN ERRONEOUS INTERPRETATION OF A DIFFICULT QUESTION*
14 *OF LAW, WITHIN A PERIOD OF ONE (1) YEAR FROM THE*
15 *DISCOVERY OF THE ERROR."*
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18 SEC. 4. Art 128 (f) of PD 442, as amended, is hereby amended to read as
19 follows:
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21 "ART. 128. *VISITORIAL AND ENFORCEMENT POWER.* -
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24 x x x
25

26 (f) The Secretary of Labor may by appropriate regulations, require
27 employers to keep and maintain such employment records as may be
28 necessary in aid of his visitorial and enforcement powers under this Code.
29 **WHERE AN EMPLOYER HAS NOT BEEN CITED FOR ANY**
30 **VIOLATION OF LABOR STANDARDS LAWS OVER A PERIOD OF**
31 **TEN (10) YEARS, THE SECRETARY MAY, PURSUANT TO SUCH**
32 **REGULATIONS, EXEMPT SAID EMPLOYER FROM INSPECTION**
33 **FOR THE SUCCEEDING YEAR: PROVIDED, THAT THE EMPLOYER**
34 **SUBMITS REPORTS, AS MAY BE REQUIRED BY THE SECRETARY**
35 **OF LABOR, TO VERIFY COMPLIANCE WITH LABOR AND**
36 **SOCIAL LEGISLATION.**
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40 SEC. 5. Art. 131 of PD 442, as amended is hereby amended, to read as
41 follows:
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43 "ART. 131. *EXCEPTIONS.* - The prohibitions prescribed by the
44 preceding Article shall not apply in any of the following cases:
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46 (a) In cases of actual or impending emergencies caused by serious
47 accident, fire, flood, typhoon, earthquake, epidemic or other disasters or
48 calamity, to prevent loss of life or property, or in cases of force majeure or
49 imminent danger to public safety;
50

51 (b) In case of urgent work to be performed on machineries, equipment
52 or installation, to avoid serious loss which the employer would otherwise
53 suffer;
54

55 (c) Where the work is necessary to prevent serious loss of perishable
56 goods;

1
2 (d) Where the woman employee holds a responsible position of
3 managerial or technical nature, or where the woman employee has been
4 engaged to provide health and welfare service;

5
6 (e) Where the nature of the work requires the manual skill and
7 dexterity of women workers and the same cannot be performed with equal
8 efficiency by male workers;

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10 (g) **WHERE THE ESTABLISHMENT IS OPERATING ON A 24-**
11 **HOUR SCHEDULE;**

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13 (h) [Under] Other analogous cases exempted by the Secretary of Labor
14 in appropriate regulations.”

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18 **SEC. 6. Separability Clause.** If any part or provision of this Act shall be held
19 unconstitutional or invalid, other provisions thereof that are not affected thereby
20 shall remain in full force and effect.

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23 **SEC. 7. Repealing Clause.** All laws, presidential decrees, executive orders,
24 presidential proclamations, rules and regulations or parts thereof inconsistent with
25 the provisions of this Act are hereby repealed, amended, or modified accordingly.

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28 **SEC. 8. Effectivity Clause.** This Act shall take effect fifteen (15) days after its
29 complete publication in the Official Gazette or in at least two (2) newspapers of
30 general circulation, whichever comes first.

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34 *Adopted,*