

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

6 JUN -7 P3:22

SENATE

S. No. 2312

RECEIVED BY: 

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

Problems arise between parents or guardians and their children or wards because most parents or guardians are gainfully employed, and would rather not attend school meetings, programs and conferences in order not to receive salary deductions due to the "no work, no pay" policy of most employers. What happens is the constitutional right of the child to moral security plays second fiddle to the duty of the parents to provide sustenance. Unfortunately, there is no specific provision in the Labor Code, or in any other laws, orders or instructions that provides a solution to this problem.

This bill grants a four-day leave of absence with pay annually for employed parents and legal guardians in order for them to freely attend school conferences, programs, and meetings involving their children or wards, in which their direct participation and attendance are indispensable.

The Child and Youth Welfare Code states that the child is one of the most important assets of the nation. Every effort should be exerted to promote his/her welfare and enhance his/her opportunities for a useful and happy life. Moreover, every child has the right to moral security. This right could only be fulfilled through their parents proper upbringing. The same Code also states that "all parents who have children enrolled in a school are encouraged to be active members of its PTA" (Article 77). This bill seeks to give meaning to this provision by encouraging parents to get involved in school PTA meetings and conferences, and other child-related activities.

The State should allow leave with pay to these employed parents, and require the employers to grant the same.

Immediate approval of this bill is earnestly sought.


MANNY VILLAR

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**AN ACT GRANTING A FOUR-DAY NON-CUMULATIVE LEAVE WITH PAY
ANNUALLY TO EMPLOYED PARENTS TO ATTEND TO THE SPECIAL NEEDS OF
THEIR CHILDREN**

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

SECTION 1. Short Title. This Act shall be known as the "Parental Leave Act of
2005."

SECTION 2. Definition of Terms. For purposes of this Act, the following terms
shall be defined as follows:

a. Parent shall refer to a mother and/or a father whether legally married or not, or
legal guardian of a ward

b. Employee refers to any individual who is employed either in the government or
the private sector.

c. Employer connotes any person, natural or juridical, domestic or foreign, who
carries on in the Philippines any trade, business, industry or undertaking, or actively of
any kind and uses the services of another person who is under his orders as regards
employment, including the Government and any of its political subdivisions, branches or
instrumentalities, including government-owned and controlled operations.

d. *School activities* refers to all activities wherein the child or ward, or the parent
or guardian's participation or attendance is a must.

SECTION 3. Right to Parental Leave. Employees who are parents or guardians,
whether working in the public or private sector, shall be entitled to a parental leave of
four (4) days annually with pay, to enable them to attend to special circumstances
involving their children or wards in any school activities.

The privilege granted to or now being enjoyed by government employees by
virtue of Civil Service Commission Memorandum Circular 6 series of 1996,
Memorandum Circular 20 series of 1996, and Memorandum Circular 6 series of 1999,
shall now be institutionalized through this Act.

This right should not be diminished by any existing collective bargaining
agreement.

SECTION 4. Condition Sine Qua Non. All employees who have rendered at least
one (1) year of continuous service with their company and/or government service shall
be eligible for the parental leave described in this Act.

SECTION 5. Notice Requirement. The employee availing of such leave must give due notice to his employer one (1) day prior to his intended leave. A copy of the notice of school meeting, program or school activity which he intends to attend shall be attached thereof.

SECTION 6. Implementing Authorities. The Department of Labor and Employment and the Civil Service Commission are the governing bodies that shall implement the provisions of this Act.

It shall be the duty of the said bodies to promulgate appropriate rules and regulations, in consultation with and jointly approved by the employees or labor union, or bargaining units in cases of organized establishments.

SECTION 7. Liability of Employer. Any employer who fails or refuses to grant the leave benefits is liable for damages of any manner, depending on the sound discretion of the Secretary or Commissioner, as the case may be.

SECTION 8. Independent Action for Damages. Nothing in this Act shall preclude the employee from instituting separate and independent action for damages and other affirmative relief.

SECTION 9. Penalties. Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Php 10,000.00 nor more than Php 20,000.00 or both such fine and imprisonment, at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

SECTION 10. Non-impairment of Benefits, Powers, Jurisdiction, Rights, Privileges, Functions and Activities. Nothing in this Act shall be construed to repeal, amend or limit any provision of existing laws, presidential decrees, and letters of instructions, not otherwise specifically inconsistent with the provisions of this Act.

SECTION 11. Separability Clause. If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 12. Repealing Clause. All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. Effectivity Clause. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or newspaper of general circulation.

Approved,