

SENATE

Senate Bill No. 568

INTRODUCED BY



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EXPLANATORY NOTE

Overseas Filipino Workers (OFWs) contribute greatly to the nation building. This year alone, OFWs remitted billions of dollars to the country to the much-needed foreign currency into the economy. This bright spot, however, has its own drawbacks. OFWs reap the fruits of their labor earning money from foreign countries, but they suffer in silence the tremendous solitude and isolation in distant lands, away from the comfort and love of their families and friends.

Families of OFWs also carry the same burden. They bear the pain of separation from loved ones, who have to travel thousand miles to earn a living. As a result, many OFW families are dysfunctional.

An Overseas Filipino Worker's spouse necessarily plays the role of both father and mother back home. Like a single parent, said spouse alone will have to attend to the needs of their family. The demands of the double role played by the OFWs spouse are so heavy that they often do not have the time to carry out or complete their tasks.

This bill seeks to provide a solution to that problem. It aims to give every legitimate spouse-employee of an Overseas Filipino Worker in the private and public sectors an additional special leave credit of fifteen (15) days a year with full pay, subject to certain exceptions.

The passage of this bill is earnestly requested.

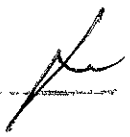


JINGGOY EJERCITO ESTRADA
Senator

10-22-11 10:25

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Senate Bill No. 568

RECEIVED BY: 

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AN ACT
GRANTING A SPECIAL LEAVE OF ABSENCE OF FIFTEEN (15) DAYS A
YEAR WITH FULL PAY TO ALL LEGITIMATE SPOUSES OF OVERSEAS
WORKERS IN THE PRIVATE AND PUBLIC SECTORS, AND FOR OTHER
PURPOSES

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 “**Special Leave for Overseas Workers’ Spouses Act of 2010**”.

SEC 2. Notwithstanding any law, rules and regulations to the contrary, every legitimate spouse-employee of an overseas worker in the private and public sectors shall be entitled to an overseas worker’s spouse leave of fifteen (15) days a year with full pay.

Employees availing of this leave privilege shall submit to their employer the following:

1. Name of spouse;
2. Copy of their Marriage Contract;
3. Information as to the nature and place of work of the overseas worker concerned;
4. Copy of the overseas worker's passport.

SEC 3. Definition of Terms. – For purposes of this Act, the following terms shall have the meaning as indicated hereunder:

1. “*Employee*” refers to any person who performs services for another and receives compensation therefor, provided an employer-employee relationship exists between them;
2. “*Overseas worker*” refers to a person who is engaged in a remunerated activity in a state of which he or she is not a legal resident;

3. "*Special Overseas Worker's Spouse Leave*" refers to the leave benefits with pay for a period of fifteen (15) days a year granted to an employee who is a legitimate spouse of an overseas worker.

This special leave may be utilized to attend to the needs of the overseas worker's family.

4. "*Spouse*" refers to the legitimate wife or husband; one who is legally married to the overseas worker concerned.

SEC 4. *Disqualifications.* – The following employees shall not be allowed to avail of this leave:

1. Those who are absent from work without official leave;
2. Those who are on vacation, sick, forced or study leave, or those who have already availed of other forms of leave allowed by law;
3. Those whose services are necessary to prevent loss of life or damage to property, brought about by serious accidents, fires, floods, typhoons, earthquake, epidemic or other disasters.

SEC 5. *Tax Credit; Income Tax Deduction for Employers in Non-Government Institutions.* – Employers in non-government institutions granting this leave benefit shall be accorded income tax deduction from its gross income for each taxable year, based on the actual cost paid by the employer in granting this leave benefit to its qualified employees.

For purpose of claiming tax credits, private establishments are required to keep separate records of their employees who avail of this leave benefit.

SEC 6. The Secretary of Labor and Employment and the Chairman of the Civil Service Commission shall, within thirty (30) days from the effectivity of this Act, issue such rules and regulations necessary for the proper implementation of the provisions of this law.

SEC 7. Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine not exceeding Twenty five thousand pesos (P25,000.00) or imprisonment of not less than thirty (30) days nor more than six (6) months.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or partner directly responsible therefor.

SEC 8. *Non-diminution Clause.* – Nothing in this Act shall be construed to reduce any existing benefits of any form granted under existing laws, decrees, executive orders, or any contract, agreement or policy between employer and employee.

SEC 9. *Repealing Clause.* – All laws, ordinances, rules, regulations, issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC 10. *Effectivity.* – This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of national circulation.

Approved,