

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 517

INTRODUCED BY HONORABLE DARLENE R. ANTONINO-CUSTODIO

EXPLANATORY NOTE

The penultimate objective of this bill is to allow a 3-day leave of absence with pay annually for employed parents in order for them to freely attend school conferences, programs, fora and meetings involving their children or wards, in which their direct participation and attendance are indispensable.

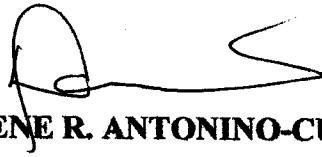
The 1987 Philippine constitution provides that "all educational institutions x x x shall teach to school children the rights and duties of citizenship, strengthen ethical and spiritual values, and develop moral character and personal discipline x x x " (Section 3, par. 2 Art. XIV). By the same token, the educational institutions could excellently inculcate such needed values to the youth, but we cannot deny the truth that the dogma of responsible parenthood is still paramount. Parents are still the best teachers.

According to the provisions of the Child and Youth Welfare Code, "the child is one of the most important assets of the nation. Every effort should be exerted to promote his welfare and enhance his opportunities for a useful and happy life x x x "(Art. 1). Moreover, every child has the right to moral security. Thus, this right could only be secured by the duty of their parents to ensure the proper upbringing of their children. Under the same Code, it clearly states that "all parents who have children enrolled in a school are encouraged to be active members of its PTA" (Art. 77). This bill seeks to give meaning to this provision.

Problems certainly arise because most parents or guardians are gainfully employed, and would rather not attend meetings, programs and conferences in school in order not to receive salary deductions due to the "No work. No pay " policy of most employers. The aftermath of which is that, 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, order or instructions, that provides a solution to this problem.

An ancillary of this bill is to institutionalize the grant of parental leave with pay to government employees who wish to attend to school activities in which their presence or their children's or wards' attendance are required.

In view of the foregoing, approval of this bill is earnestly requested in order to encourage parents in getting involved in school PTA meetings and conferences, and other child-related activities.

A handwritten signature in black ink, consisting of a large, stylized capital 'D' followed by a horizontal line that ends in a small upward flick.

DARLENE R. ANTONINO-CUSTODIO

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HOUSE BILL NO. 517

INTRODUCED BY HONORABLE DARLENE R. ANTONINO-CUSTODIO

AN ACT
GRANTING A 3-DAY NON-CUMMULATIVE 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 2004.”

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

- (a) Parent shall refer to mother and/or a father whether legally married or not, or legal guardian of a ward.
- (b) Employee refers to an individual who is employed either in the government or in 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 activity 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 corporations.
- (d) School activities refer to all activities wherein the child or ward or the parent or guardian's participation or attendance is required.

SEC. 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 three (3) 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, and 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.

SEC. 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.

SEC. 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 the school meeting, program or school activity which he intends to attend shall be attached thereof.

SEC. 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 said bodies to promulgate appropriate rules and regulations, in consultation with and jointly approved by the employees or labor union, or bargaining unit in cases of organized establishments.

SEC. 8. *Liability of Employer.* - Any employer who fails or refuses to grant the leave benefits is liable for damages under Section 9 of this Act..

SEC. 9. *Independent Action for Damages.* - Nothing in this Act shall preclude the employee from instituting separate and independent action for damages and other affirmative relief.

SEC. 10. *Penalties.* - Any person who violates the provisions of this Act shall, upon conviction, be punished by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than P10,000.00 nor more than P20,000.00 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.

SEC. 11. *Non-Impairment of Benefits, Power, Jurisdiction, Rights, Privileges, Functions and Activities.* - Nothing in this Act shall be construed as 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 thereof shall not be affected by such declaration, shall remain in full force and effect..

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 in a newspaper of general circulation.

Approved,