

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session



House Bill No. 4994

Introduced by **HONORABLE DANILO E. SUAREZ**

EXPLANATORY NOTE

The Constitution mandates that the State shall promote social justice in all phases of national development. It is likewise incumbent upon Congress to "give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities and remove cultural inequities by equitably diffusing wealth and political power for the common good" (Art. XIII Sec. 1, 1987 Constitution). Encompassed in this commitment is the mandate to create economic opportunities through generation of more jobs and promotion of full employment as well as equal employment opportunities for all.

Corollary to this, the State affirms labor as a primary social economic force and is thus bound to safeguard the rights of workers, protect their special interests and promote their general welfare. The State is mandated to provide opportunities, which create not merely economic options and prospects, but opportunities which diffuse economic wealth, as well, so that the political rights guaranteed by the Constitution may be enjoyed by the underprivileged as well.

Along with these State policies, it is important to note that responsive and responsible labor legislation plays a key and vital role in the improvement of economic conditions as well as the promotion of social order towards the achievement of genuine national development. It is through labor that people are empowered and given a chance to improve their status in life. Further, dreams are realized and hopes are sustained through labor.

Hence, this bill seeks to afford laborers a chance for rest and recreation on their birthdays to rejuvenate themselves and to spend their time with their respective families. Its main thrust is to give the members of the labor force the gift of a day's pay, not simply as a mere concession or act of grace from the employer, but as a matter of legal right granted by the State.

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


DANILO E. SUAREZ
Representative
3rd District, Quezon Province

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AN ACT GRANTING A BIRTHDAY LEAVE WITH PAY, AMENDING FOR THAT PURPOSE CHAPTER III, ARTICLE 95 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AND FOR OTHER PURPOSES.

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

SECTION 1. Article 95 of the Labor Code of the Philippines is hereby amended to read as follows:

ART. 95. *Right to BIRTHDAY LEAVE and Service Incentive Leave with pay.* - (a) Every employee who has rendered at least one year of service shall be entitled to a BIRTHDAY LEAVE and yearly service incentive leave of five days, BOTH with pay.

(b) This provision shall not apply to those who are already enjoying the benefit herein provided, those enjoying BIRTHDAY LEAVE WITH PAY OR vacation leave with pay of at least five days and those employed in establishments regularly employing less than ten employees or in establishments exempted from granting this benefit by the Secretary of Labor after considering the viability of financial condition of such establishment.

(c) The grant of benefit in excess of that provided herein shall not be made subject of arbitration or any court of administrative action.

SEC. 2. *Separability Clause.* If any provisions of this Act is declared invalid by competent court, the remainder of this Act or any provision not affected by such declaration of invalidity shall remain in force and effect.

SEC. 3. *Repealing Clause.* All laws, rules and regulations and executive orders contrary or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. *Effectivity Clause.* This Act shall take effect upon its publication in at least two newspapers of general circulation.

Approved.