



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Thirteenth Congress
Third Regular Session

HB No. 5753

Introduced by **Suharto T. Mangudadatu**

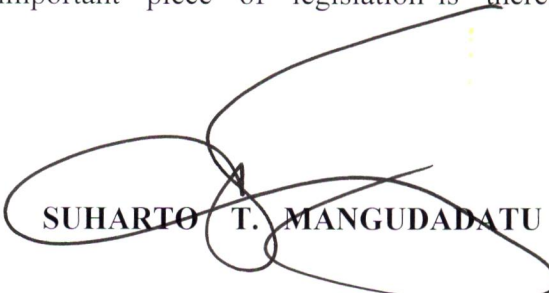
EXPLANATORY NOTE

Pursuant to the constitutional provision mandating Congress to recommend effective measures for the protection of labor, this House bill seeks extend the number of hours included in the term night shift, amending for the purpose the P.D. No. 442, as amended, otherwise known as the Labor Code of the Philippines, particularly Section 2, Rule II, Book III thereof.

The old law provides that employees shall be paid night shift differential of no less than ten percent (10%) of his regular wage for each hour of work performed between ten o'clock in the evening and six o'clock in the morning. It may be noted that this law was enacted when there are only a small scale of establishments operating within these hours. Now, with the emergence of establishments operating at night, like the call center industry, this representation believes that it is about time to amend this provision of the Labor Code. This is to provide additional compensation for employees made to suffer work during these hours to cover for transportation and other expenses. As these employees will be made to work not in the normal or usual working hours of the day, it is but just to provide them with additional compensation.

By extending the coverage of night shift from eight (8) o'clock in the evening to six (6) o'clock in the morning, the employees of these establishments will enjoy better protection.

The earliest passage of this important piece of legislation is therefore earnestly sought.


SUHARTO T. MANGUDADATU

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**“AN ACT
EXTENDING THE HOURS COVERED IN THE TERM NIGHT SHIFT
AMENDING SECTION 2 OF RULE II, BOOK III OF PRESIDENTIAL
DECREE NUMBER 442, AS AMENDED, OTHERWISE KNOWN AS THE
LABOR CODE OF THE PHILIPPINES.”**

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

Section 1. Rule II, Book III of P.D. No. 442, as amended, is hereby further amended to read as follows:

Night shift differential. — An employee shall be paid night shift differential of no less than ten per cent (10%) of his regular wage for each hour of work performed between EIGHT o'clock in the evening and SIX o'clock in the morning.

Section 2. This Act shall take effect upon its approval.

Approved,