

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3762

Introduced by **Rep. Pablo P. Garcia**

EXPLANATORY NOTE

We, Filipinos, value the family very dearly. In times of joy and sorrow, we have our families to count on. We celebrate together every happy occasion and we stick together during difficult times, especially in the event of death of a family member.

By tradition, we always find a way to be with our families when a loved one passes away even if it means incurring absences from work. We feel it is our duty to be with each other not only to mourn together but to help out in the heartrending process of laying the departed relative to rest.

While the country's workforce enjoys some forms of authorized leaves with full compensation such as maternity, paternity, hospitalization and vacation leaves, there is none available when a member of the immediate family passes away. Hence, absences are inevitable when this contingency arises.

Therefore, it is the objective of this bill to grant a mortuary leave of fourteen (14) days with full compensation to employees of the private and public sectors in the event of death of a parent, child, spouse or sibling to enable them to mourn with their families and help out in laying the departed relative to rest. The leave shall be for fourteen (14) days to give the employees enough time to fully recover after the agonizing responsibility of attending to the embalming, wake and burial of the departed family member.

In view of the foregoing, the prompt approval of this measure is earnestly requested.



PABLO P. GARCIA

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AN ACT
GRANTING MORTUARY LEAVE OF FOURTEEN (14) DAYS WITH FULL
COMPENSATION TO EMPLOYEES IN THE PRIVATE AND PUBLIC SECTORS IN
THE EVENT OF DEATH OF A FAMILY MEMBER WITHIN THE FIRST DEGREE

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Mortuary Leave Act of 2010.*”

SECTION 2. Notwithstanding any law, rules and regulations to the contrary, every employee in the private and public sectors shall be entitled to a mortuary leave of fourteen (14) days with full compensation in the event of death of a family member within the first degree.

For purposes of this Act, *Mortuary Leave* refers to benefits granted to employees of the private and public sectors in the event of death of a parent, spouse, child or sibling, allowing them not to report for work for fourteen (14) days but continue to earn full compensation therefor, for purposes of allowing them to mourn with their families and help out in the laying of the dead relative to rest. *Provided*, that any employee may avail of this leave for a maximum of four times during the duration of his employment.

SECTION 3. The Secretary of Labor and Employment and the Chairperson 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 hereof.

SECTION 4. Any person, corporation, trust, firm, partnership, association or entity found guilty of violating Section 2 of this Act or the rules and regulations promulgated thereunder shall be penalized 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, at the discretion of the Court.

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

SECTION 5. *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 employers and employees.

SECTION 6. *Repealing Clause.* – All laws, ordinances, rules, regulations, issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. *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.