

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5273

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
REQUIRING EMPLOYERS TO PROVIDE EMPLOYMENT LEAVE FOR
VICTIMS OF DOMESTIC VIOLENCE; PROHIBITING CERTAIN ACTS; AND
PRESCRIBING PENALTIES

EXPLANATORY NOTE

The passage of Republic Act No. 9262 or the Anti-Violence Against Women and their Children Act of 2004 was a landmark piece of legislation as it successfully addressed the growing concern of violence perpetrated against women and their children. This proposed legislation would like to further strengthen said law by providing job protected leave for workers who suffer from domestic violence as espoused in R.A. 9262. In particular, the bill seeks to provide protected leave for workers to be able to seek medical attention, obtain legal assistance, attend support groups, and participate in other activities necessitated by these crimes.

Domestic violence victims end up being traumatized by such experience and under no circumstances should their pain be aggravated by the threat of losing their jobs. This proposed bill therefore seeks to ensure that survivors of abuse have time to receive the care and attention they need to be able to recuperate from such an ordeal.

Most, if not all of these victims find themselves in a no-win situation and tolerate staying in abusive relationships because they are financially dependent on their abusers. By providing greater employment protections, this legislation

will assist survivors of domestic violence to break free from the cycle of abuse in their lives.

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



DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur

GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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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 “Victims of Domestic Violence Employment Leave Act of 2011.”

SECTION 2. *Definitions.* – The following words and phrases when used in this Act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

a) “DOMESTIC VIOLENCE” – Any act or acts of abuse as defined in Section 3 of Republic Act 9262 “Anti-Violence Against Women and their Children Act of 2004”

b) “ELIGIBLE EMPLOYEE” – An individual who:

(1) is a victim of domestic violence or is the parent of a minor child who is a victim of domestic violence;

(2) has been employed for at least 12 months by the employer to whom a request for leave under this act is directed;

(3) has performed at least 1,250 hours of service during the previous 12 months of employment for the employer.

c) "EMPLOYER" – Is any of the following:

(1) The National Government or an agency or instrumentality of the National Government;

(2) A Local Government or an agency or instrumentality of the local Government;

(3) A person or entity that currently employs at least 15 persons each work day for 20 or more weeks in a calendar year; or

(4) A person or entity that employed at least 15 persons each work day for 20 or more weeks in the immediately preceding calendar year.

d) "PERPETRATOR" – A person who has committed domestic violence against another person or persons.

e) "VICTIM OF DOMESTIC VIOLENCE." – A person who is subjected to domestic violence by a perpetrator.

SECTION 3. *Domestic violence employee leave.* – An eligible employee may request and an employer shall permit an eligible employee to take leave with pay from work for any of the following reasons:

(i) for the eligible employee to secure medical treatment to recover from injuries suffered as a result of domestic violence;

(ii) for the eligible employee to attend to legal proceedings relating to domestic violence involving the eligible employee or the eligible employee's minor child;

(iii) for the eligible employee to relocate to a new temporary or permanent residence for reasons related to domestic violence;

(iv) for the eligible employee to obtain counseling or advocacy services; or

(v) for the eligible employee to assist the employee's minor child who is a victim of domestic violence in any of the actions in subparagraphs (i), (ii), (iii) or (iv).

An eligible employee shall be entitled to a total of 10 days of leave during any 12-month period. An eligible employee shall make a reasonable effort to schedule matters so as not to unduly disrupt the operations of the employer.

SECTION 4. *Notice.* – Except as provided in this section, an eligible employee shall provide the employer with at least five days advance notice of the eligible employee's intention to take leave under Section 3.

An eligible employee shall provide notice to the employer as soon as practicable if the five day advance notice is not possible due to any of the following:

- (i) the safety of the eligible employee or the eligible employee's minor child;
- (ii) the scheduling of any legal proceeding; or
- (iii) the availability of counseling or advocacy services.

SECTION 5. *Certification.* – An employer may require an eligible employee to provide certification to the employer that:

- (i) The eligible employee or the eligible employee's minor child is a victim of domestic violence; and
- (ii) The leave is requested for one of the purposes enumerated in Section 3.

The eligible employee shall provide the certification to the employer within a reasonable period after the employer requests certification. An eligible employee may satisfy the certification requirement by providing to the employer one of the following:

- (i) A police report indicating that the eligible employee or the eligible employee's minor child was a victim of domestic violence;
- (ii) A court order protecting or separating the eligible employee or the eligible employee's minor child from the perpetrator;
- (iii) A signed statement from a medical professional, therapist, clergy member, counselor, domestic violence counselor, or domestic violence advocate affirming that the eligible employee or the eligible employee's minor child is undergoing counseling for physical or mental injuries resulting from domestic violence;

(iv) A signed statement from a victim and witness advocate or other court personnel affirming that the eligible employee or the eligible employee's minor child is involved in legal proceedings relating to domestic violence; or

(v) A signed statement from a police officer, victim and witness advocate or other court personnel, medical professional, therapist, clergy member, counselor, domestic violence counselor or domestic violence advocate affirming that the eligible employee or the eligible employees.

SECTION 6. *Confidentiality.* – All information provided to the employer under section 5, including the fact that the eligible employee has requested or obtained leave under this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

- (1) Requested or consented to in writing by the eligible employee; or
- (2) Required by courts of law in relation to a pending case.

SECTION 7. *Prohibited Acts.* – An employer shall not interfere with, restrain or deny the exercise of or the attempted exercise of any right provided by this Act. An employer shall also not discriminate against an eligible employee for exercising the eligible employee's rights under this Act.

SECTION 8. *Penalties.* – An employer who violates section 7 of this Act shall suffer the penalty of imprisonment of 15 days and a fine of Thirty Thousand Pesos (P30,000.00) upon conviction.

SECTION 9. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,