

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



FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5334

Introduced by **Honorable Carmelo F. Lazatin**

EXPLANATORY NOTE

THE plight of victims of domestic violence doesn't end in the arrest and detention of the suspect who committed the crime.

Usually, the victim has to undergo counseling and therapy, pursue legal case, seek medical attention and other activities that can help overcome the bitter experience that she went through.

Sometimes, a victim cannot engage in these activities because of work, thus hampering her recovery, physical and mental rehabilitation and most of all, the pursuit of justice.

This bill seeks to give additional 15-day paid leave for eligible employees, aside from the 10-day leave provided by Republic Act 9262, or the Anti-Violence Against Women and their Children Act of 2004.

Thus, the passage of this measure is earnestly sought.


CARMELO LAZATIN
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House Bill No. **5334**

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AN ACT GRANTING AN ADDITIONAL 15-DAY PAID LEAVE FOR ELIGIBLE EMPLOYEES WHO ARE VICTIMS OF DOMESTIC VIOLENCE, AMENDING SECTION 43 OF REPUBLIC ACT 9262, OR THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004

Sec. 1. Short Title: This Act shall be known as the "Additional Leave for Victims of Domestic Violence Act of 2011".

Sec. 2. Declaration of Policy: The State values the dignity of women and children and guarantees full respect for human rights, as stated by RA 9262.

The aforementioned law also mentioned that the State recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to help victims of domestic violence in any way to recover from the traumatic experience.

Sec. 3. Definition of terms:

A. **ELIGIBLE EMPLOYEE** – An individual who:

1. 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.

B. 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.

C. CERTIFICATION FROM PROPER AUTHORITIES -- is any of the following that can prove that the employee is a victim of domestic violence:

- a. Certification from the court that the employee or her minor child is involved in legal proceedings related to domestic violence;
- b. Certification from a medical professional that the employee or her minor child needs medical attention, counseling and therapy.
- c. Certification from other law enforcement agencies and anti-domestic violence advocacy groups that the victim and/or her minor child/children are victims of domestic violence.

Sec. 4. Section 43 of Republic Act 9262, or the Anti-Violence Against Women and their Children Act of 2004, is amended to read as follows:

SECTION 43. Entitled to Leave. -- Victims under this Act shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations, extendible when the necessity arises as specified in the protection order.

ELIGIBLE EMPLOYEES WHO ARE VICTIMS OF DOMESTIC VIOLENCE, UPON SUBMISSION OF CERTIFICATION FROM PROPER AUTHORITIES AND AFTER DUE NOTICE, SHALL BE ENTITLED TO AN ADDITIONAL PAID LEAVE OF ABSENCE OF FIFTEEN (15) DAYS SPREAD OVER A 12-MONTH PERIOD FOR MEDICAL TREATMENT, LEGAL PROCEEDINGS, RELOCATION, COUNSELING, THERAPY AND ASSIST MINOR CHILD/CHILDREN WHO IS ALSO A VICTIM OF DOMESTIC VIOLENCE.

Any employer who shall prejudice the right of the person under this section shall be penalized in accordance with the provisions of the Labor Code and Civil Service Rules and Regulations. Likewise, an employer who shall prejudice any person for assisting a co-employee who is a victim under this Act shall likewise be liable for discrimination.

Sec. 6. Implementing Rules and Regulations: The Secretaries of the Social Welfare and Development and Department of Labor and Employment, within sixty (60) days from the effectivity of this Act, shall issue the necessary rules and regulations for the effective implementation of this Act.

Sec. 7: Separability clause: The declaration of unconstitutionality or invalidity of any provisions of this Act shall not affect the other provisions.

Sec . 8. Repealing clause: Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

Sec. 9. Effectivity: This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,