

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2473



INTRODUCED BY REP. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

The Constitution, in Article 11, Section 18, provides that:

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

This bill aims to provide room for parties, i.e., employers and employees, to formulate agreements. For instance, the newly proposed paragraph in the normal hours of work of Article 87 retains the normal working hours but encourages negotiation on working-time flexibility. This bill does not, however, sacrifice Labor Standards regulated by the Department of Labor and Employment.

This bill also proposes modification to existing normal hours of work, including shortened meal breaks and overtime work. It incorporates provisions of treaties and executive agreements to which the country has acceded to or is a party to, in relation to liberalization and globalization of trade. It likewise considers certain provisions of existing and related laws, i.e. Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000.

A handwritten signature in dark ink, appearing to read "Marcelino Teodoro".

MARCELINO "MARCY" R. TEODORO
Representative
1st District, City of Marikina

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INTRODUCED BY REP. MARCELINO "MARCY" R. TEODORO

AN ACT
PROVIDING FOR A FLEXIBLE WORKING SCHEDULE IN THE PRIVATE SECTOR,
THEREBY AMENDING ARTICLES 83, 85 AND 87 OF PRESIDENTIAL DECREE NO.
442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE

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

SECTION 1. Article 83 of the Labor Code on hours of work is hereby further amended by adding the following paragraph to read as follows:

"ART. 83. *Normal hours of work.* - The normal hours of work of any employee shall not exceed eight (8) hours a day.

Health personnel in cities and municipalities with a population of at least one million (1,000,000) or in hospitals and clinics with a bed capacity of at least one hundred (100) shall hold regular office hours for eight (8) hours a day, for five (5) days a week, exclusive of time for meals, except where the exigencies of the service require that such personnel work for six (6) days or forty-eight (48) hours, in which case, they shall be entitled to an additional compensation of at least thirty percent (30%) of their regular wage for work on the sixth day. For purposes of this Article, "health personnel" shall include resident physicians, nurses, nutritionists, dietitians, pharmacists, social workers, laboratory technicians, paramedical technicians, psychologists, midwives, attendants and all other hospital or clinic personnel.

HOWEVER, THE WORKWEEK OF EMPLOYEES MAY BE SHORTENED OR COMPRESSED BY EXTENDING THEIR NORMAL DAILY WORKING HOURS NOT EXCEEDING TEN (10) HOURS A DAY, SUBJECT TO SUCH CONDITIONS AS MAY BE DETERMINED BY THE SECRETARY OF LABOR AND EMPLOYMENT IN APPROPRIATE REGULATIONS TO PROTECT THE INTEREST OF THE EMPLOYEES."

SEC. 2. Article 85 of the same Code is likewise amended by adding a second paragraph to read as follows:

"ART. 85. *Meal periods.* - Subject to such regulations as the Secretary of Labor may prescribe, it shall be the duty of every employer to give his employees not less than sixty (60) minutes time-off for their regular meals.

IN CASE THE MEAL PERIOD IS LESS THAN SIXTY (60) MINUTES, IT SHALL BE DEEMED PART OF THE WORKING HOURS IN A DAY."

SEC. 3. Article 87 of the same Code is likewise amended by inserting an additional phrase to read as follows:

"ART. 87. *Overtime work.* - Work may be performed beyond eight (8) hours a day provided that the employee is paid for the overtime work, an additional compensation equivalent to his regular wage plus at least twenty-five percent

(25%) thereof. Work performed beyond eight hours on a holiday or rest day shall be paid an additional compensation equivalent to the rate of the first 8 eight hours on a holiday or rest day plus at least thirty percent (30%) thereof.

IN CASE OF A VALID COMPRESSED WORKWEEK AS PROVIDED HEREIN, THE OVERTIME PAY SHALL BE PAID FOR WORK IN EXCESS OF HIS ALLOWABLE WORK HOURS IN A DAY."

SEC. 4. *Separability Clause.* – Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SEC. 5. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,