

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 7573



Introduced by HON. LINABELLE RUTH R. VILLARICA
4th District, Bulacan

EXPLANATORY NOTE

The 2017 Survey on Overseas Filipinos estimated the number of Filipino overseas workers at 2.3 Million, with total remittances sent amounting to more than Two Hundred Five Billion Pesos (P205B). In 2016, the same survey yielded an estimate of 2.2 Million OFWs, with remittances totaling to Two Hundred Three Billion Pesos (P203B).

For more than two decades now, these OFW remittances, as the second biggest source of foreign currency for the country, have contributed immensely to the growth of the Philippine economy. Thus, OFWs have been hailed as our nation's "modern day heroes".

However, behind the heroism of our OFWs is the social cost that they and their families have to contend with in working abroad. As seven out of ten overseas Filipino workers are married, millions of households are suffering from the long separation of husband and wives, of fathers and children, and of mothers and children. Also, family members left behind are forced to take up additional roles and responsibilities, with spouses of migrant workers taking the role of both mother and father in order to compensate for the absence of the migrant parent. The demands of this dual role often take its toll on the OFW spouse, leaving him or her unable to carry out or attend to all the needs of their family.

This bill aims to give every legitimate spouse-employee of an OFW an additional special leave credit of fifteen (15) days a year with pay, subject to certain exceptions. The fifteen-day leave credit may be used by the OFW spouse to attend to the needs of their family, or to give the OFW and his or her family time to reconnect.

Given the objective of the bill to protect the Filipino family, its approval is most earnestly sought.


LINABELLE RUTH R. VILLARICA

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House Bill No. **7573**

Introduced by HON. LINABELLE RUTH R. VILLARICA
4th District, Bulacan

AN ACT
GRANTING A SPECIAL LEAVE OF ABSENCE OF FIFTEEN (15) DAYS A YEAR
WITH FULL PAY TO ALL LEGITIMATE SPOUSES OF OVERSEAS WORKERS IN
THE PRIVATE AND PUBLIC SECTORS, AND FOR OTHER PURPOSES

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 “Special Leave for Overseas Workers’ Spouse Act of 2018”.

SECTION 2. Notwithstanding any law, rules and regulations to the contrary, every legitimate spouse-employee of an overseas worker in the private and public sectors shall be entitled to an overseas worker’s spouse leave of fifteen (15) days a year with full pay.

Employees availing this leave privilege shall submit to their employer the following:

1. Name of spouse;
2. Copy of their Marriage Contract;
3. Information as to the nature and place of work of the overseas worker concerned;
4. Copy of the overseas worker’s passport.

SEC 3. *Definition of Terms.* – For purposes of this Act, the following terms shall have the meaning as indicated hereunder:

1. “*Employee*” refers to any person who performs services for another and received compensation therefor, provided an employer-employee relationship exists between them;
2. “*Overseas worker*” refers to a person who is engaged in a remunerated activity in a state of which he or she is not a legal resident;
3. “*Special Overseas Worker’s Spouse Leave*” refers to the leave benefits with pay for a period of fifteen (15) days a year granted to an employee who is a legitimate spouse of an overseas worker.
4. “*Spouse*” refers to the legitimate wife or husband; one who is legally married to the overseas worker concerned.

SEC. 4. Disqualifications. – The following employees shall not be allowed to avail of this leave:

1. Those who are absent from work without official leave;
2. Those who are on vacation, sick, forced or study leave, or those who have already availed of other forms of leave allowed by the law;
3. Those whose services are necessary to prevent loss of life or damage to property, brought about by serious accidents, fires, floods, typhoons, earthquake, epidemic or other disasters.

SEC. 5. Tax Credit; Income Tax Deduction for Employers in Non-Government Institutions. – Employers in non-government institutions granting this leave benefit shall be accorded income tax deduction from its gross income for each taxable year, based on the actual cost paid by the employer in granting this leave benefit to its qualified employees.

For purpose of claiming tax credits, private establishments are required to keep separate records of their employees who avail of this leave benefit.

SEC. 6. Implementing Rules and Regulations. – The Secretary of Labor and Employment and the Chairman 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 of this law.

SEC. 7. Penalties. – Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished 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.

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

SEC. 8. Non-diminution Clause. – Nothing in this Act shall be construed to reduce any existing benefits or any form granted under existing laws, decrees, executive orders, or any contract, agreement of policy between employer and employee.

SEC. 9. Repealing Clause. All laws, ordinances, rules, regulations, issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of national circulation.

Approved,