

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 7899



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

EXPLANATORY NOTE

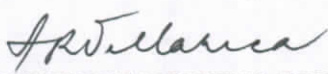
On July 28, 2010, the United Nations General Assembly declared safe and clean drinking water and sanitation a human right essential to the full enjoyment of life and all other human rights. This legally entitled everyone to sufficient, safe, acceptable, affordable and accessible drinking water, including employees in their workplaces.

Employers, therefore, must provide employees with safe drinking water, in recognition of this basic human right; more so, that drinking fluids is vital and essential for normal body functioning, which is very important to maintain the good health and productivity of employees.

The provision of free safe drinking water to employees, however, should not be limited to established office spaces, but should also be enjoyed in workplaces that are temporary, remote or mobile. Even the Department of Labor and Employment, in its Labor Advisory No. 03 Series of 2016, acknowledged this when it prescribed safety and health measures to prevent control and heat stress at the workplace, especially for those engaged in working outdoors who suffer from prolonged exposure to extreme heat. Among the measures DOLE mandated was the provision of free supply of adequate drinking water near workstations by employers.

This, essentially, is what the proposed bill seeks to institutionalize. It mandates all employers to provide free, safe and accessible drinking water to all their employees during working hours, regardless of place of assignment or workstations, with the qualification that the water provided will strictly adhere to established standards for drinking water quality, or the Philippine National Standards for Drinking Water (PNSDW).

Given the foregoing, immediate approval of this measure is earnestly sought.


LINABELLE RUTH R. VILLARICA

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AN ACT
MANDATING ALL EMPLOYERS IN THE PRIVATE AND PUBLIC SECTORS,
INCLUDING ALL GOVERNMENT OFFICES, AGENCIES AND
INSTRUMENTALITIES, TO PROVIDE, FREE OF CHARGE, CLEAN, HEALTHY,
SUFFICIENT AND ACCESSIBLE DRINKING WATER TO ALL ITS EMPLOYEES

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 “*Tubig para sa mga Empleyado Act of 2018*”.

SECTION 2. *Declaration of Policy.* – It is the declared policies of the State to promote the general welfare of everyone and to protect and promote everyone’s right to health.

In addition, it is the State’s policy to affirm that labor as a primary social economic force and shall protect the rights of workers and promote their welfare. It is hereby declared as a policy of the State to ensure that all employees shall be provided, free of charge, with clean, healthy, sufficient and accessible drinking water.

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

1. “*Drinking Water*” refers to water that is compliant with Administrative Order No. 2017-0010 issued by the Office of the Secretary, Department of Health (DOH) or the “Philippine National Standards for Drinking Water” or “PNSDW”; and,
2. “*Employee*” refers to any employee or worker regardless of the nature of employment, including regular, non-regular, project-based contractuels, permanent, casuals, co-terminus, job order employees and/or personnel.

SEC. 4. *Mandatory Provision of Drinking Water to all Employees.* – All employers in the private and public sectors are mandated to provide, free of charge, healthy, sufficient and accessible drinking water to all its employees during working hours while performing their respective tasks and/or duties inside or outside the office or business place and premises therefore.

Employers shall provide the above-mentioned drinking water not in the form of monetary allowance of whatever nature and shall never be allowed to deduct the expenses for said item in the salaries, allowances and/or benefits of/for the employees.

SEC. 5. *Penalties* – A fine of One Hundred Thousand Pesos (PhP100,000.00) to Five Hundred Thousand Pesos (PhP500,000.00) and/or imprisonment of six (6) months to two (2) years shall be imposed to an employer per violation of Section 4 of this Act.

For juridical entities, the officer(s)/official(s) responsible for the above-mentioned violation shall be the one(s) to be penalized. Said officer(s)/official(s) shall be solidarily liable with the juridical entity in relation to the payment of fines.

In case of public officers/officials/employees, the accessory penalty of perpetual disqualification from public office shall likewise be imposed. Filing of other appropriate administrative cases is not barred by the implementation of this Act.

SEC. 6. *Prescription* – Violations of Section 4 of this Act shall prescribe in one (1) year from the date of the discovery of said violation.

SEC. 7. *Jurisdiction* – Violations of this Act shall be cognizable by the appropriate Regional Trial Courts where said violations were committed.

SEC. 8. *Implementing Rules and Regulations* – The Department of Labor and Employment (DOLE) and the Department of the Interior and Local Government (DILG), together with the Department of Health (DOH), Civil Service Commission (CSC), Department of Budget and Management (DBM), and all other involved agencies, shall formulate and promulgate the necessary implementing rules and regulations of this Act within ninety (90) days from the effectivity of this Act.

SEC. 9. *Separability Clause* – If, for any reason, any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SEC. 10. *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,