

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8363



Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

Explanatory Note

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this measure, which has constantly been receiving support from the past and present Congress.

The State recognizes that the Filipino family is the foundation of the nation. The loss of an immediate family member bears a significant emotional and psychological burden upon the family members left. It is only right and appropriate to provide adequate time for family members to mourn their loss, share in the emotional, psychological, and material burden in the interment of the departed, and give them the chance to comfort and support one another. It is the belief of this representation that the institutionalization of a bereavement leave benefit system will properly affirm this notion and will provide support to employees in the public and private sectors who have recently lost relatives belonging to their immediate family.

As such, the proposed measure seeks to provide bereavement leave of twelve (12) working days, with full compensation, to employees in the private and public sectors, subject to reasonable limitations which will maintain a productive work environment while providing support to a grieving employee.

In view of the foregoing reasons, immediate approval of this measure is earnestly sought.


JOHN MARVIN "YUL SERVO" NIETO

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AN ACT
GRANTING BEREAVEMENT LEAVE OF TWELVE (12) DAYS
PAY TO ALL EMPLOYEES IN THE PRIVATE AND PUBLIC SECTORS AND
FOR OTHER PURPOSES

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 "Bereavement Leave Act of 2018."

SECTION 2. Declaration of State Policy. - The State affirms that the Filipino family is the foundation of the nation and recognizes that the death of an immediate family member bears a significant emotional and psychological burden upon a family member. A bereavement leave benefit system is hereby institutionalized to support employees in the public and private sectors who have recently lost relatives belonging to their immediate family.

SECTION 3. Definition of Terms. - "Bereavement Leave" refers to a leave taken by an employee to grieve the death, or attend or to make arrangements for the funeral, of an immediate family member. "Immediate Family Member" refers to an employee's spouse, parent or child, brother or sister, and relatives within the third degree of consanguinity or affinity.

SECTION 4. Bereavement Leave for Immediate Family Members. - Employees in the private and public sectors shall be entitled to a bereavement leave of twelve (12) days with full pay following the death of an employee's immediate family member.

SECTION 5. Non-diminution of Benefits. - Nothing in this Act shall be construed to reduce existing benefits granted under existing laws, decrees, executive orders, or any contract, agreement, or policy between the employer and employee.

SECTION 6. Security of Tenure. - Employees in the public and private sectors who avail of bereavement leave provided under this Act shall be assured of security of tenure. Availment of the leave shall not be used as reason for misconduct, demotion, or termination in employment, or for any form of unsatisfactory performance.

SECTION 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 Thirty Thousand pesos (Php 30,000) or imprisonment of fifteen (15) days to one (1) month. 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.

SECTION 8. Implementing Rules and Regulations. - The Department of Labor and Employment and the Civil Service Commission, for the private sector and public sector respectively, shall issue the necessary rules and regulations of this act within thirty (30) days of its effectivity.

SECTION 9. Separability Clause. - If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 10. Repealing Clause. - All laws, decrees, orders, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly. Republic Act No. 1161, as amended, is further amended accordingly

SECTION 11. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,