

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

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 1172



Introduced by Honorable Bryan B. Revilla

AN ACT

**GRANTING 15 DAYS OF PAID LEAVE A YEAR TO EMPLOYEES
WHOSE SPOUSE, PARENT, UNMARRIED CHILDREN, OR WHEN
THEY THEMSELVES ARE SUFFERING FROM SERIOUS ILLNESS**

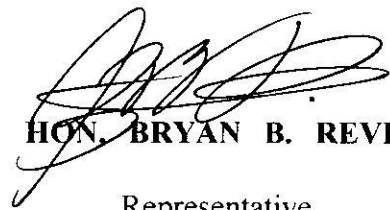
EXPLANATORY NOTE

Having a family member get seriously sick or injured could throw a regular Filipino family into debt and financial awry. This is caused by high medical expenses in the country in addition to the fact that another member of the household have to miss work to take care for sick or injured family member. According to the Philippine Statistics Authority 2020 Annual Poverty Indicator Survey, 7% of Filipinos got sick or injured in the past months preceding the survey.

This bill seeks to grant 15 days of paid leave a year to employees whose spouse, parent, unmarried children or when they themselves are suffering from serious illness. During prolonged illnesses or injuries, more often than not, employees consume their vacation leave to attend to said exigencies. If not directly used for leave purposes, employees under the said situation resort to monetizing their accumulated leave credits to augment their financial needs, hence, diminishing the retirement money that will help them beyond their retirement.

The "Family Medical Leave Act of 2022" will give employees a new venue to attend further to their families during these trying times without necessarily compromising the future income and fear the loss of their jobs. It also seeks to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interest in preserving the family integrity.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

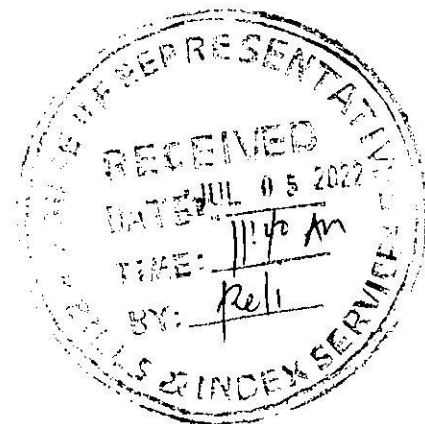


HON. BRYAN B. REVILLA
Representative
AGIMAT Partylist

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

Nineteenth Congress
First Regular Session

HOUSE BILL NO. **1172**



Introduced by Honorable Bryan B. Revilla

AN ACT
GRANTING 15 DAYS OF PAID LEAVE A YEAR TO EMPLOYEES WHOSE
SPOUSE, PARENT, UNMARRIED CHILDREN, OR WHEN THEY THEMSELVES
ARE SUFFERING FROM SERIOUS ILLNESS

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 “Family and Medical Leave Act of 2022.”

SEC. 2. Declaration of Policy. – It is hereby the policy of the State to reinforce the importance of the family as primary social institution of society. The State shall support and uphold the health and well-being of the family.

SEC. 3. Definition of Terms. – For the purposes of the Act the term:

- (a) “Eligible employee” means an employee who has been employed – (i) for at least 12 months by the employer with respect to whom leave is requested; and (ii) for at least 1,250 hours of service with such employer during the previous 12-month period.

EXCLUSIONS. – The term “eligible employee” does not include – (iii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

- (b) “Employer” means any person engaged in commerce or in any industry or activity affecting commerce who employ 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year; (ii) includes – (I) any person who acts, directly or indirectly, in the interest of an employer or any of the employees of such employers; (II) any successor in the interest of an employer.

- (c) “Employment Benefits” means all benefits provided or made available to employees by an employer, including life insurance, health insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an “employee benefit plan”.

- (d) "Health care provider" means – (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or (ii) any other person determined by the Secretary to be capable of providing health care services.
- (e) "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.
- (f) "Secretary" means the Secretary of the Department of Labor and Employment (DOLE)
- (g) "Serious health condition" – means an illness, injury, impairment, or physical or mental condition that involves – (i) in patient care in a hospital, health center, lying in clinic, or residential medical care facility; or (ii) continuing treatment by a health care provider.
- (h) "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward. Or a child of a person standing loco parentis, who is (i) under 18 years of age; or (ii) 18 years of age or older and incapable of self-care because of a mental or physical disability.
- (i) "Spouse" means a husband or wife, as the case may be.

SEC. 4. Coverage. – Any employee, regardless of status, may apply for and shall be granted by the employer a paid family and medical leave of up to fifteen (15) days when his/her spouse, parent or unmarried child suffers from a serious illness; *Provided, however,* That Spouses working for the same employer when availing of the benefits under this Act shall only be granted a combined total of fifteen (15) days of paid leave. The employee may also apply for the same if he himself is physically unable to perform his job due to serious illness.

SEC. 5. Certification. – The leave application shall be accompanied by a notarized medical certificate duly accomplished by a licensed physician. The medical certificate must clearly state the nature and extent of the illness, the date which the serious health condition commenced, the probable duration of the condition, and the appropriate medical facts within the knowledge of the health care provider regarding the condition.

In any case in which the employer has reason to doubt the validity of the certification, the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified for such leave. The health care provider designated or approved shall not be employed on a regular basis by the employer.

In any case in which the second opinion differs from the opinion in the original certification, the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified. The opinion of the third health care provider concerning the information certified shall be considered to be final and shall be binding on the employer and the employee. The employer may require that the eligible employee obtain subsequent re-certification or on reasonable basis.

SEC. 6. The employees availing of leave benefits under this Act shall, upon return, be reinstated to his original position with equivalent pay, benefits and all other terms and conditions of employment.

SEC. 7. The leave benefits mandated under this Act shall not diminish or affect whatever vested rights and benefits the employee is already receiving under the laws collective bargaining agreement (CBA) or from the employer: *Provided*, That the employee who is already receiving similar unpaid leave benefits under the law or CBA shall only be entitled to a maximum of fifteen (15) days of paid leave benefits.

SEC. 8. **Implementing Rules and Regulations.** – The Secretary of the Department of Labor and Employment (DOLE) shall promulgate the necessary rules and regulations to effectively implement this Act.

SEC. 14. **Separability Clause.** – If any provision of this Act is declared unconstitutional or invalid, the provisions hereof which are not affected shall continue to be in force and effect.

SEC. 15. **Repealing Clause.** – All laws, decrees, proclamations, issuances, or ordinances that are contrary to or inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 16. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,