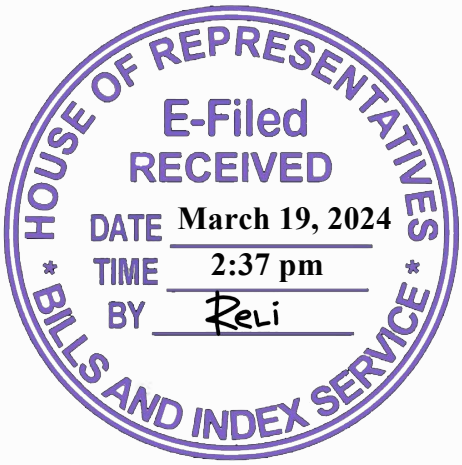
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 10182

Introduced by 2nd District of Agusan del Norte Representative
HON. DALE B. CORVERA

AN ACT
PROVIDING FOR A FIVE-DAY SPECIAL EMERGENCY LEAVE FOR ALL WORKERS IN THE PUBLIC AND PRIVATE SECTORS DIRECTLY AFFECTED BY NATURAL CALAMITIES OR DISASTERS

EXPLANATORY NOTE

Based on the World Risk Index 2022, the Philippines has been ranked as the most affected country by extreme weather events. The World Risk Index is a tool used to assess and estimate the disaster risk of a country, using both external and internal hazard factors, including cyclones, floods, droughts, sea level rise and societal conditions. Thus, Filipinos, especially whose main source of income are wages, are very prone to succumb to the devastating and debilitating effects of natural calamities or disasters.

It is a declared policy under Section 18, Article II of the Constitution that the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

This proposed measure aims to provide employees in both the public and the private sectors with five-day special emergency leave with pay, to minimize the impact of natural calamities and disasters on their income and well-being. It aims to help individuals and families whose homes are damaged, flooded, or destroyed by typhoons, earthquakes, storm surges, or flooding to immediately cope up and recover.

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

DALE B. CORVERA
Representative
2nd District of Agusan del Norte

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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 **"Calamity Leave Law".**

Section 2. *Declaration of Policy.* – It is a declared policy that the State shall protect the rights of workers and promote their welfare. In compliance therewith, it is of utmost importance that workers and their right to safe and healthful working conditions must always be upheld.

Towards this end, and consistent with legal instruments that protect and promote the rights of the workers, the State shall institutionalize a mechanism to grant special emergency leave to employees affected by natural calamities/disasters. Labor, as a primary social economic force, shall be given the protection that the exigencies of time and circumstances mandate.

Section 3. *Definition of Terms.* – For the purposes of this Act, the following shall refer to:

(a) "Calamity" – an event involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard;

(b) "Disaster" – a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences, Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with

damage to property, destruction of assets, loss of services, Social and economic disruption and environmental degradation;

(c) "State of Calamity" – a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard.

Section 4. *Applicability.* – All rights and benefits granted to employees under this Act apply to all official, workers, and employees, whether in the public or private sector.

Section 5. *Calamity Leave.* –

a. Every employee who has rendered at least six (6) months of service shall be entitled to annual calamity leave of five days with pay, prorated on an annual basis, available on any of the grounds specified in Section 8 of this Act;

b. This provision shall not apply to those who are already enjoying the benefit herein provided, regardless of nomenclature; those enjoying similar emergency leave of at least five days in times of natural calamities or disasters or personal emergencies; and those employed in establishments regularly employing less than ten (10) employees or in establishments exempted from granting this benefit by the Secretary of Labor and Employment after considering the viability of such establishment;

c. The grant of benefit in excess of that provided herein shall not be made a subject of arbitration or any court or administrative action.

Section 6. *Grant of Calamity Leave.* – The five-day Calamity Leave with pay shall be available upon the declaration of a state of calamity by the President of the Philippines or by the Local Sanggunian under Section 16 or Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010", affecting either the place of residence of the employee, the employee's place of work, or the place where the employee regularly passes through to get to work.

The calamity leave can be applied for five straight working days or on a staggered basis and shall not be deducted from the employee's leave credits. This leave may be availed of by employees during the existence of the state of calamity; Provided, That government workers or employees whose functions involve the delivery of basic and health services, preparedness/response to natural disasters and calamities, and/or the performance of other vital services and who have reported for work during the existence of the state of calamity, shall be able to avail of the calamity leave starting from the lifting of the state of calamity and until ten (10) days thereafter.

Section 7. *Purpose of the Calamity Leave.* – Any qualified employee may avail of this special emergency leave on any of the following grounds:

(a) Being stranded in affected areas where no means of transportation can ensure safe travel to and from work;

(b) Disease, illness, or injury incurred by the employee due to the occurrence of the calamity or disaster;

(c) Caring for immediate family members affected by calamity or disaster; and

(d) Urgent repair and clean-up of the damaged dwelling place.

Section 8. *Suspension or Cancellation of Work.* – If for any reason, work has been suspended or cancelled by the head of office, employer or any proper authority, the employee may not be required to apply for the special emergency leave during such suspension or cancellation.

Any approved calamity leave covering the day when work has been suspended or cancelled shall be automatically revoked and shall not be deducted against the employee's remaining calamity leaves.

Section 9. *Non-cumulative and Non-commutative.* – Unused leaves under this Act shall not be cumulative and may not be converted into its cash equivalent.

Section 10. *Non-diminution of Benefit.* – Benefits granted under this Act shall not in any manner mean any reduction, diminution, discontinuation, or elimination of other existing benefits already enjoyed by workers. Rights already vested before the effectivity of this Act shall remain to be in full force and effect upon the passage of this Act.

Section 11. *Construction in favor of labor.* – All doubts in the interpretation and implementation of the provision of this Act shall be resolved in favor of labor.

Section 12. *Implementing Rules and Regulations.* – Within ninety (90) days upon the effectivity of this Act, the Department of Labor and Employment, in consultation with other concerned agencies of the government, shall formulate the necessary rules and regulations implementing the provisions of this Act.

Section 13. *Separability Clause.* – If, for any reason, any section, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Section 14. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders, letters of instruction, rules, and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,