

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 279



Introduced by Representatives Bryan B. Revilla, Lani Mercado-Revilla, and Ramon
Jolo B. Revilla III

AN ACT
PROVIDING FOR A FIVE (5) DAY SPECIAL EMERGENCY LEAVE FOR ALL
WORKERS IN THE PUBLIC AND PRIVATE SECTOR DIRECTLY AFFECTED BY
NATURAL CALAMITIES/DISASTER

EXPLANATORY NOTE

The rights to life, health, safety and property are fundamental rights of every Filipino guaranteed by no less than the Constitution. The State, as the protector of the people, is thus mandated to ensure that these rights are held forever sacred.

Recognizing the environmental consequences of the geographical location of the Philippines as the Pearl of the Orient Seas, the State through this Act seeks to dampen the natural adversities that plague the people. Ours is a tropical country and our industries thrive in water. But the force of the earth that catapults us to our growth as a nation, is the same force that endanger our people. Located along the Pacific Belt, an average of twenty typhoons – five of which destructive,¹ wreak havoc among our lands, endanger the lives of the people and destroy everything along their path. Situated in the “Pacific Ring of Fire”, our country is also catastrophically shaken each year by earthquakes and volcanic eruptions.

¹ Information on Disaster Risk Reduction of the Member Countries *available at*
<http://www.adrc.asia/nationinformation.php?NationCode=608>

The fight to survive is the daily concern of every Filipino, but is of all the importance when Mother Nature herself makes her presence known. For this reason, this act strikes a balance between the duties of every Filipino as an employee and as a member of the work force on the one hand, and his primal instinct to survive on the other.

The profound environmental effect of natural disasters and/or calamities to the nation is inevitable, and it for that reason this proposed measure seeks to at the very least soften the blow of the unforeseen and the inescapable.

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



REP. BRYAN B. REVILLA
Representative, AGIMAT Party-list



REP. LANI MERCADO-REVILLA
Representative, 2nd District of Cavite



REP. RAMON JOEL B. REVILLA III
Representative, 1st District of Cavite

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*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

SECTION 1. *Title.* - This Act shall be known as the "Calamity Leave Law".

SEC. 2. *Declaration of Policy.* - It is the policy of the State as enshrined in Article II, Sec. 18 of the Constitution to 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 local and 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/disaster. Labor, as a primary social economic force, shall be given the protection that the exigencies of time and circumstances mandate.

SEC. 3. *Construction in favor of labor.* - All doubts in the interpretation and implementation of the provisions of this Act shall be resolved in favor of labor.

SEC. 4. *Rules and Regulations.* - The Department of Labor and Employment (DOLE) and other government agencies charged with the administration and

enforcement of this Act shall promulgate the necessary implementing rules and regulations.

SEC. 5. *Applicability.* – All rights and benefits granted to employees under this Act, apply to all officials, workers and employees, whether in the public or private sector. This Act shall not apply to government workers/employees who render services during or on occasion of natural calamities/disasters.

SEC. 7. *Calamity Leave.* –

(a) Every employee who has rendered at least six (6) months of service shall be entitled to a yearly five (5) day special emergency leave, with pay, in times of natural calamities/disasters.

(b) This provision shall not apply to those already enjoying the benefit herein provided regardless of nomenclature, those enjoying similar emergency leave of at least five days in times of natural calamities/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.

SEC. 8. *Grant of Calamity Leave.* - All employees in public and private sectors directly affected by natural calamity/disaster shall be entitled to five (5) days special emergency leave with pay. The benefit shall be available upon the declaration of a state of calamity by the President of the Philippines or by the Local Sanggunian pursuant to Section 16 of R.A. No. 10121. However, in case a specific area was not declared under state of calamity but was nonetheless severely affected by the natural calamity/disaster, the head of the office or employer in the exercise of his/her sound discretion, may grant the special emergency leave to affected employee based on proof or evidence presented or news account.

The special emergency leave can be applied for five straight working days or on staggered basis and will not be deducted from the employee's leave credits. This leave may be availed of by employees within ten (10) days from the from the date when the natural calamity/disaster occurred.

SEC. 9. *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 there are no means of transportation that can ensure a safe travel to and from work;
- (b) Disease/illness of employee incurred by reason of the natural calamity/disaster;
- (c) Caring of immediate family members affected by natural calamity/disaster; and
- (d) Urgent repair and clean-up of damaged house.

SEC. 10. *Verification and Validation.* – The granting of the special emergency leave under this act shall be the duty of the head of office upon verification of the employee's eligibility thereto.

In determining the eligibility of an employee to the leave granted herein, the head of office or employer shall take into consideration the following:

- (1) Place of residence based on latest available records of the affected employee;
- (2) Declaration of calamity by the proper government agency;
- (3) Medical Certificate stating that the illness/disease was suffered by the employee or his/her immediate family member as a consequence of the natural calamity/disaster;
- (4) Availability of and access to public transportation on the day of the natural calamity/disaster;
- (5) Road closures due to the natural calamity/disaster along the route taken and could be taken by the employee to and from work;
- (6) Other matters that may aid the head of office in his decision on the eligibility of the employee to avail of the said grant.

SEC. 11. *Suspension or Cancellation of Work.* – If the head of office or employer suspended or cancelled work on occasion of such natural calamity/disaster, the employee may not be required to apply the special emergency leave during such suspension or cancellation.

SEC. 11. *Non-cumulative and Non-commutative.* – Unused leaves under this Act shall not be cumulative and may not be converted into its cash equivalent.

SEC. 12. *Non-diminution of Benefits.* – Benefits granted under this act shall not in any manner mean any reduction, diminution, discontinuation or elimination of other existing benefits already enjoyed by the workers. Rights already vested prior to the effectivity of this act shall remain to be in full force and effect upon the passage of this Act.

SEC. 13. *Separability Clause.* - If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SEC 14. *Repealing Clause.* - All laws, decrees, executive orders, proclamations, rules and regulations or parts thereof inconsistent herewith are repealed, amended, or modified accordingly.

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

Approved