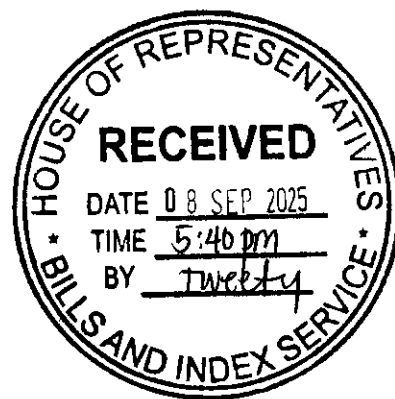




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session



HOUSE BILL NO. 4434

Introduced by Representative Johanne Monich G. Bautista

EXPLANATORY NOTE

This bill seeks to institutionalize a five (5)-day Calamity Leave with full pay for all qualified employees in the government and the private sector who are directly affected by natural calamities, subject to reasonable limitations that balance the interests of both workers and employers. It addresses not only the loss of livelihood during such critical periods, but also upholds the dignity of workers by ensuring that they have the means and time to recover without fear of financial hardship.

The bill draws strength from existing issuances, such as the Civil Service Commission's Memorandum Circular (M.C.) No. 2, series of 2012 titled, *Special Calamity Leave to Government Employees Affected by Natural Calamities / Disasters*, and M.C. No. 16, series of 2012 titled, *Supplemental Guidelines in the Grant of Special Emergency Leave For Government Employees*; and the Department of Labor and Employment's Labor Advisory No. 17, series of 2022 titled, *Suspension of Work in the Private Sector by Reason of Weather Disturbances and Similar Occurrences*, harmonizing them into a nationwide standard.

By institutionalizing calamity leave, this bill fulfills the State's constitutional duty to protect labor and promote worker welfare. It recognizes that disasters are part of our shared national experience and ensures that, in the moments when workers are most vulnerable, they are met with compassion, understanding, and concrete support. This measure is not merely a policy. It is a promise that no Filipino worker will be left to face nature's fury without the time, resources, and respect they deserve to recover and return to productive life.

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


JOHANNE MONICH G. BAUTISTA
Representative, TRABAHO Party-List



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HOUSE BILL NO. 4434

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**AN ACT PROVIDING FOR CALAMITY LEAVE FOR EMPLOYEES DIRECTLY
AFFECTED BY NATURAL CALAMITIES**

*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 “*Calamity Leave Law.*”

SECTION 2. *Declaration of Policy.* — It is the policy of the State under Article II, Section 18 of the Constitution to protect the rights of workers and promote their welfare. It is also the policy of the State to uphold at all times the right of workers to safe and healthful working conditions, especially during times of calamities.

Further, it is the policy of the State to develop and strengthen the capacities of labor groups, especially the vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters.

Towards this end, the State shall institutionalize a mechanism to grant calamity leave to employees affected by calamities. Labor, as a primary social economic force, shall be given the protection that the exigencies of time and circumstances require.

SECTION 3. *Definition of Terms.* – Whenever used in this Act, the following terms shall mean, as follows:

- (1) **Calamity** refers to a natural disaster or occurrence involving significant loss, damage, suffering, or disruption of means of livelihood, roads, and normal way of life within the Philippines, such as, but not limited to, earthquake, volcanic

eruption, storm, typhoon, flooding, landslide, severe weather disturbance, and other similar events.

- (2) **Calamity Leave** refers to the five (5)-day paid leave granted annually to employees directly affected by natural calamity or disaster.
- (3) **Employee** refers to any person who performs services for an employer, whether in the government or the private sector, in which either or both mental and physical efforts are used, and who receives compensation for such services, where there is an employer-employee relationship, regardless of the nature of their employment and irrespective of the methods by which their wages are paid.
- (4) **Employer** refers to any person, natural or juridical, domestic or foreign, who carries on in the Philippines any trade, business, industry, undertaking, or activity of any kind, and uses the services of employees, including the Government and any of its political subdivisions, branches or instrumentalities, including corporations owned or controlled by the Government.
- (5) **Immediate Family Members** refer to family members up to second civil degree of consanguinity or affinity, including common law spouses or live-in partners.
- (6) **Severely Affected** refers to a condition involving mass casualty and/or major damages to property, disruption of means of livelihood, roads, and normal way of life of people in the affected areas as a result of the occurrence of the calamity.

SECTION 4. Coverage. — All rights and benefits granted to employees under this Act shall apply to all employees and workers, whether in the government and in the private sector. However, such rights and benefits shall not apply to employees or workers who render services during or on occasion of calamities or disasters by virtue of the nature of their jobs.

Those employed in retail and service establishments regularly employing less than ten (10) employees, or establishments exempted from granting the benefits under this Act by the Secretary of Labor and Employment, after considering the viability of such establishment, are not covered by this Act.

Further, this Act shall not apply to those who enjoy leaves for calamities or emergencies of at least five (5) days per year other than the Service Incentive Leave granted under Article 95 of the Labor Code, as amended. However, for employees who are enjoying calamity or emergency leaves of less than five (5) days per year, the same shall be increased to comply with the five (5)-day leave granted by this Act.

SECTION 5. Entitlement to Calamity Leave. — Every employee having rendered continuous aggregate employment service of at least six (6) months shall be entitled to a yearly five (5)-day calamity leave. When calamity leave is availed of and granted, the employee will be entitled to full pay based on his or her gross monthly compensation.

SECTION 6. Declaration of State of Calamity. — Upon the declaration of a State of Calamity by the President of the Philippines or by the Local Sanggunian, pursuant to Section 16 of Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act, work may be cancelled or suspended by the President or the concerned local chief executive,

in accordance with Executive Order No. 66, series of 2012. In this case, the employee shall be entitled to a full day salary, which shall be charged to his or her calamity leave, subject to the requirements and limits under Section 5 of this Act.

When work is not cancelled or suspended despite the official declaration of a State of Calamity, an employee who is unable to report for work due to calamity shall still be entitled to a full day's salary; *Provided*, that the absence is charged against his or her calamity leave.

SECTION 7. *Employer's Grant of the Calamity Leave.* In case the province, city, or municipality of the place of the employer or the residence of the employee was not declared to be under state of calamity pursuant to Section 16 of Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act, but was nonetheless severely affected by a calamity, the head of the office or the employer, in the exercise of his or her sound discretion, may grant the calamity leave to the affected employee/s, subject to the requirements and limits under Section 5 of this Act.

The head of the office or the employer may extend the calamity leave granted under this Act, subject to their sound discretion and their internal or company policies.

SECTION 8. *Application for Calamity Leave.* – A qualified employee, as provided under Section 5 of this Act, may apply for calamity leave on any of the following grounds:

- (a) Necessary urgent repair and clean-up of the property of the employee or his or her immediate family members damaged by the calamity;
- (b) Being stranded in the areas affected by the calamity where there are no means of transportation that can ensure a safe travel to and from work;
- (c) Injury, disease, or illness sustained by the employee directly attributable to the calamity;
- (d) Assisting immediate family members affected by a calamity; and
- (e) Other meritorious causes, as may be determined by the employer.

The calamity leave may be availed of by employees during the calamity, or within (10) days from the date when any of the grounds under this Section occurred.

SECTION 9. *Verification and Validation.* – The grant of the calamity leave under Section 8 of this Act shall be the duty of the head of office or the employer upon verification of the employee's eligibility thereto.

In determining the eligibility of an employee for calamity leave, the head of office or the employer shall take into consideration the following:

- (a) The place of residence of the affected employee, based on latest available records with the employer;
- (b) Availability of and access to public transportation on the day of the calamity;

- (c) Road closures or unpassable roads due to calamity along the route taken and could be taken by the employee to and from his or her workplace;
- (d) Whether the province, city, or municipality of the place of work or the place of residence of the employee is covered by a declaration of state of calamity, pursuant to Section 16 of Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act;
- (e) The situation and extent of damage caused by the calamity to the affected employee; and
- (f) Other relevant matters that may aid the head office or the employer in his or her decision on the eligibility of the employee to avail of the said grant.

SECTION 10. *Non-cumulative and non-commutative.* — Unused leaves under this Act shall not be cumulative and may not be converted into its cash equivalent.

SECTION 11. *No Liability in case of Tardiness, Failure, or Refusal to Work.* – There shall be no diminution of pay for all employees who are tardy due to calamity, whether officially declared as stated in Section 6 or justified under Section 8 of this Act.

Further, employees who fail or refuse to work by reason of imminent danger resulting from calamity shall not be subject to any disciplinary action.

SECTION 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 employees. 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.

Where the collective bargaining agreement or other applicable contract stipulates the grant of a longer calamity leave than that prescribed under this Act, the employer shall grant such longer leave.

SECTION 13. *Penalty for Violation.* Any employer found to be in violation of Sections 11 and 12 of this Act, or the rules and regulations promulgated pursuant to this Act, or through deliberate failure or refusal to provide calamity leave to a qualified employee shall be punished by a fine not exceeding One Hundred Thousand Pesos (PhP100,000.00), or imprisonment of not less than six (6) months nor more than one (1) year.

If the violation is committed by a corporation, trust or firm, partnership, association, or any 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.

Failure on the part of any corporation, trust or firm, partnership, association, or any entity to comply with the provisions of this Act shall be a ground for non-renewal of business permits.

SECTION 14. *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.

SECTION 15. *Implementing Rules and Regulations.* — The Civil Service Commission, in coordination with the National Disaster Risk Reduction and Management Council, the Department of Interior and Local Government, and the Department of Budget and Management, shall promulgate the necessary implementing rules and regulations applicable to employees in the public sector within sixty (60) days from the effectivity of this Act.

The Department of Labor and Employment, in consultation with the National Disaster Risk Reduction and Management Council and other relevant government agencies charged with the administration and enforcement of this Act, shall promulgate the necessary implementing rules and regulations applicable to employees in the private sector within sixty (60) days from the effectivity of this Act.

SECTION 16. *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.

SECTION 17. *Repealing Clause.* — All laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof inconsistent herewith are repealed, amended, or modified accordingly.

SECTION 18. *Effectivity.* — This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in a newspaper of general circulation.

Approved,