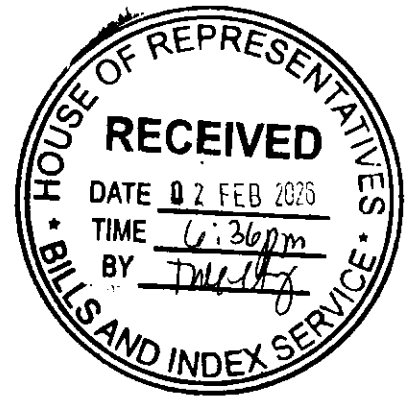




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session



HOUSE BILL NO. 7570

Introduced by Representative Johanne Monich G. Bautista

EXPLANATORY NOTE

This bill seeks to institutionalize the grant of bereavement leave of five (5) working days to all employees, both in the government and the private sector. It addresses an employee's need for time to grieve the loss or death of a family member, and for immediate attention to funeral arrangements, legal documentation, and family matters without worry of loss of income, or pressure from work responsibilities.

By institutionalizing bereavement leave, this bill fulfills the State's constitutional duty to protect labor and promote worker welfare, and to strengthen the family as a basic autonomous social institution. It recognizes, as the Constitution recognizes, the sanctity of family life, and that mourning the loss of a family member is part of family life. This measure ensures that in moments when workers undergo a period of family crisis, they are met with compassion and concrete support. This measure provides the dignity of time and consideration they deserve to process and recover from grief and return to productive life after a supported period of mourning.

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. 7570

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**AN ACT PROVIDING FOR
BEREAVEMENT LEAVE FOR ALL EMPLOYEES**

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

1 **SECTION 1. *Short Title.*** — This Act shall be known as the “*Bereavement Leave Law.*”

2
3 **SECTION 2. *Declaration of Policy.*** — It is the policy of the State to protect the rights
4 of workers and promote their welfare. It is also the policy of the State to strengthen the
5 solidarity of the Filipino family as the foundation of the nation, and to protect the sanctity of
6 family life.

7
8 Towards this end, the State shall institutionalize a mechanism to grant bereavement
9 leave to employees in the public and private sectors to grieve the loss or death of a family
10 member or a loved one.

11
12 **SECTION 3. *Definition of Terms.*** – Whenever used in this Act, the following terms
13 shall mean as follows:

14
15 (1) ***Bereavement Leave*** refers to the paid leave taken by an employee who is
16 suffering the death of, or grieving for, or attending or arranging the funeral, of an
17 immediate family member;

18
19 (2) ***Employee*** refers to any person who performs services for an employer, whether
20 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, status, and tenure of their employment, and irrespective of the methods by which their wages or salaries are paid;

(3) **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; and

(4) **Immediate Family Member** refers to a child, parent, spouse, sibling, or a relative within the third civil degree of consanguinity or affinity.

SECTION 4. Coverage. — All rights and benefits granted to employees under this Act shall apply to all employees, whether in the government or in the private sector, regardless of the nature, status, and tenure of their employment, and irrespective of the methods by which their wages or salaries are paid.

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.

SECTION 5. Entitlement to Bereavement Leave. — An employee who is suffering the death of, is grieving for, or attending or arranging the funeral of an immediate family member may take a bereavement leave of five (5) working days in addition to other paid leaves provided under the Labor Code, Civil Service Rules and Regulations, and other existing laws, rules, and regulations.

When bereavement leave is availed of, the employee shall be entitled to full pay based on his or her gross monthly compensation.

SECTION 6. Non-cumulative and Non-commutable Leave Credits. — Unused leaves under this Act shall not be cumulative and may not be converted into their cash equivalent.

SECTION 7. 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 in full force and effect upon the passage of this Act.

Where the collective bargaining agreement, other applicable contract, company policy, or company practice stipulates the grant of a longer bereavement leave than that prescribed under this Act, the employee shall be entitled to such longer leave.

65
66 However, for employees who are enjoying bereavement leaves of less than five (5)
67 working days, the same shall be increased to comply with the five (5) working days
68 bereavement leave granted under this Act.

69
70 **SECTION 8. *Non-discrimination.*** — No employer shall discriminate against any
71 employee with respect to terms and conditions of employment on account of the employee's
72 availment of leave under this Act. The availment of leave under this Act shall not be used as a
73 basis for unsatisfactory performance evaluation, demotion, termination, or any form of
74 administrative action or sanction against the concerned employee.

75
76 **SECTION 9. *Penalty for Violation.*** — Any employer found to be in violation of any
77 provision of this Act, or the rules and regulations promulgated pursuant to this Act, or through
78 deliberate failure or refusal to provide bereavement leave to a qualified employee shall be
79 punished by a fine not exceeding One Hundred Thousand Pesos (PhP100,000.00), or
80 imprisonment of not less than six (6) months nor more than one (1) year.

81
82 If the violation is committed by a corporation, trust, or firm, partnership, association,
83 or any entity, the penalty of imprisonment shall be imposed on the entity's responsible officer,
84 including, but not limited to, the president, vice-president, chief executive officer, general
85 manager, managing director, or partner directly responsible therefor.

86
87 **SECTION 10. *Construction in Favor of Labor.*** — All doubts in the interpretation and
88 implementation of the provisions of this Act shall be resolved in favor of labor.

89
90 **SECTION 11. *Appropriations.*** — The amount necessary to carry out the provisions of
91 this Act shall be included in the budget of the government agencies in the General
92 Appropriations Act (GAA), and in the internal revenue allotment and other internally generated
93 income of the local government units.

94
95 **SECTION 12. *Implementing Rules and Regulations.*** — The Civil Service Commission
96 and the Department of Labor and Employment shall issue the necessary rules and regulations
97 for the implementation of the provisions of this Act for the government and the private sector,
98 respectively, within sixty (60) days from the date of effectivity of this Act.

99
100 **SECTION 13. *Separability Clause.*** — If, for any reason, any section or provision of
101 this Act is declared unconstitutional or invalid, the other sections or provisions which are not
102 affected shall continue to be in full force and effect.

103
104 **SECTION 14. *Repealing Clause.*** — All laws, decrees, executive orders,
105 proclamations, rules and regulations, or parts thereof inconsistent herewith are repealed,
106 amended, or modified accordingly.

107

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

110

111 Approved,