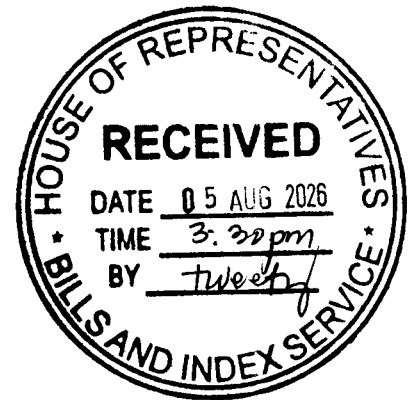


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
Second Regular Session

House Bill No. 10645



Introduced by Abang Lingkod Party-list Representative
Manuel "Manman" O. Ko

EXPLANATORY NOTE

Mental health is a fundamental component of a person's overall health, dignity, and quality of life. As recognized under Republic Act No. 11036, otherwise known as the Mental Health Act, the State has the responsibility to promote and protect the mental well-being of every Filipino and to ensure access to appropriate mental health services. However, despite this landmark legislation, there remains no statutory leave benefit that specifically enables employees to address their mental health needs without compromising their employment or income.

The demands of the modern workplace, coupled with increasing workloads, long working hours, financial pressures, and other personal and professional challenges, have contributed to rising cases of stress, burnout, anxiety, depression, and other mental health conditions among Filipino workers. When left unaddressed, these conditions may lead to reduced productivity, increased absenteeism, workplace accidents, higher employee turnover, and more serious health complications.

While employees may utilize existing leave benefits, these are often insufficient or intended for broader purposes and do not specifically recognize the importance of mental health care. Many workers also hesitate to seek professional help or take time off due to concerns over workplace stigma, discrimination, or the lack of an appropriate leave mechanism dedicated to mental health.

This bill seeks to bridge this gap by establishing a five (5)-day paid Mental Health Leave for employees in both the public and private sectors. The proposed leave will provide employees with reasonable time to rest, attend counseling or psychotherapy sessions, consult mental health professionals, and recover from mental or emotional distress. It also strengthens workplace protections by ensuring the confidentiality of

employees' mental health information and prohibiting discrimination or retaliation against employees who lawfully avail of the benefit.

By encouraging early intervention and fostering a workplace culture that recognizes mental health as an essential aspect of employee welfare, this measure is expected to promote healthier, more productive, and more resilient workplaces. Investing in employees' mental well-being not only improves individual health outcomes but also contributes to higher morale, increased productivity, reduced absenteeism, and a more sustainable workforce that ultimately benefits employers, government, and the national economy.

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

A handwritten signature in black ink, appearing to read 'Manman', is positioned above the printed name.

Manuel "Manman" O. Ko

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House Bill No. 10645

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**AN ACT ESTABLISHING A FIVE (5)-DAY PAID MENTAL HEALTH LEAVE
BENEFIT FOR EMPLOYEES IN THE PUBLIC AND PRIVATE SECTORS,
PROVIDING PROTECTION AGAINST DISCRIMINATION, AND FOR OTHER
PURPOSES**

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 "*Mental Health Leave Act.*"

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to protect and promote the right to health of the people pursuant to Article II, Section 15 and Article XIII of the 1987 Constitution.

The State recognizes that mental health is an integral component of overall health, human dignity, and workplace productivity. It shall therefore promote mentally healthy workplaces by providing employees with reasonable paid mental health leave benefits, safeguarding them from discrimination, encouraging early intervention, and ensuring access to appropriate support while maintaining the continued viability and productivity of employers.

This Act shall supplement the provisions of Republic Act No. 11036, otherwise known as the Mental Health Act, by establishing statutory mental health leave benefits and workplace protections for employees.

SECTION 3. Coverage. – This Act shall apply to all employees in the public and private sectors, whether regular, probationary, casual, project, seasonal, or fixed-term, including employees of National Government Agencies, Government-Owned or -Controlled Corporations (GOCCs), State Universities and Colleges (SUCs), Local

Government Units (LGUs), and private establishments, subject to existing labor laws and Civil Service Commission (CSC) rules, as applicable.

The implementation of this Act for government employees shall be subject to the applicable rules and regulations of the Civil Service Commission.

SECTION 4. *Mental Health Leave Benefit.* – Employees who have rendered at least six (6) months of continuous service shall be entitled to five (5) working days of paid Mental Health Leave every calendar year.

Mental Health Leave shall be separate and distinct from all other leave benefits provided by law and shall not be charged against vacation leave, sick leave, service incentive leave, or any other leave benefit granted under existing laws.

Mental Health Leave may be availed of for any of the following purposes:

- (a) to promote mental wellness;
- (b) to attend counseling, psychotherapy, psychiatric consultation, or other mental health services;
- (c) to recover from stress, burnout, anxiety, depression, or other mental health conditions; or
- (d) for such other mental health-related purposes as may be provided under the Implementing Rules and Regulations.

Unused Mental Health Leave shall neither be cumulative nor convertible to cash, unless otherwise provided under a collective bargaining agreement, company policy, or employment contract.

SECTION 5. *Conditions for Availment.* – Mental Health Leave may be taken consecutively or intermittently.

Whenever practicable, the employee shall provide prior notice to the employer before availing of the leave. In emergency situations or where prior notice is not reasonably possible, notice shall be given as soon as practicable.

For leave exceeding two (2) consecutive working days, the employer may require the submission of a certification issued by a licensed physician, psychologist, or psychiatrist authorized to practice in the Philippines, confirming that the leave is necessary.

The required certification shall be submitted within the period prescribed under the Implementing Rules and Regulations.

An employer shall not require disclosure of an employee's specific diagnosis or other confidential medical information beyond what is reasonably necessary to determine entitlement to the leave.

SECTION 6. *Protection Against Discrimination.* – No employee shall be dismissed, suspended, demoted, denied promotion, subjected to retaliation, or otherwise subjected to any adverse employment action solely by reason of lawfully availing of Mental Health Leave under this Act.

The exercise of rights under this Act shall not constitute a ground for disciplinary action or any form of discrimination in employment.

SECTION 7. *Confidentiality.* – All records and information relating to an employee's mental health condition, treatment, and application for Mental Health Leave shall be treated as confidential and processed in accordance with Republic Act No. 10173 (Data Privacy Act of 2012) and Republic Act No. 11036 (Mental Health Act).

SECTION 8. *Non-Diminution of Benefits.* – Nothing in this Act shall be construed to diminish, reduce, or impair existing leave benefits or other employment benefits granted under the Labor Code of the Philippines, Republic Act No. 11036, collective bargaining agreements, employment contracts, company policies, or other applicable laws.

Where existing benefits are more favorable to the employee, such benefits shall prevail.

SECTION 9. *Administrative Remedies.* – Any employee whose rights under this Act are violated may file a complaint before the Department of Labor and Employment, in the case of private sector employees, or the Civil Service Commission, in the case of government employees, without prejudice to the filing of appropriate civil, criminal, or administrative actions under existing laws.

The appropriate agency shall have the authority to investigate complaints, conduct inspections, issue compliance orders, and impose administrative sanctions in accordance with applicable laws and regulations.

SECTION 10. *Prohibited Acts.* – It shall be unlawful for any employer or any person acting on behalf of the employer to:

- (a) refuse, without lawful basis, to grant Mental Health Leave to a qualified employee;
- (b) dismiss, suspend, demote, harass, retaliate against, or otherwise discriminate against an employee for lawfully availing of Mental Health Leave;

(c) require disclosure of confidential medical information beyond what is authorized under this Act;

(d) unlawfully disclose or misuse confidential information relating to an employee's mental health condition; or

(e) interfere with, restrain, or deny the exercise of rights guaranteed under this Act.

SECTION 11. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Department of Labor and Employment (DOLE), in coordination with the Department of Health (DOH) and the Civil Service Commission (CSC), shall promulgate the necessary rules and regulations for the effective implementation of this Act.

In the formulation of the Implementing Rules and Regulations, the DOLE shall consult with representatives from employers' organizations, labor groups, mental health professionals, and other relevant stakeholders.

SECTION 12. *Appropriations.* – The amount necessary to implement this Act in the public sector shall be charged against the current appropriations of the agencies concerned. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

Private employers shall comply with the provisions of this Act in accordance with applicable labor laws and regulations.

SECTION 13. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remaining provisions shall remain in full force and effect.

SECTION 14. *Repealing Clause.* – All laws, presidential decrees, executive orders, and issuances inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 15. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two newspapers of general circulation.

Approved,