

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

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **10814**



Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

EXPLANATORY NOTE

The death of an immediate family member is one of the most difficult experiences an employee may face. Beyond the emotional and psychological pain of losing a loved one, bereaved employees are often required to attend to funeral arrangements, burial, family obligations, and other personal and legal matters at a time when they are least able to perform their regular duties.

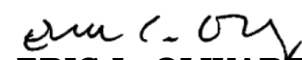
While existing laws provide various leave benefits to employees, there is presently no general statutory bereavement leave benefit applicable to employees in both the private and public sectors. Employees should not be compelled to choose between grieving and fulfilling their obligations at work during such a difficult period.

This measure seeks to institutionalize a ten (10)-day bereavement leave with full pay for employees in the private and public sectors following the death of an immediate family member. The leave may be used consecutively or intermittently within thirty (30) days from the date of death, allowing employees reasonable flexibility to attend to their family and personal responsibilities.

The measure likewise ensures that the avilment of bereavement leave shall not result in discrimination, loss of employment, or other adverse employment action. It further provides that the proposed benefit shall not diminish or adversely affect existing leave benefits that are more favorable to employees.

By recognizing the need of workers to grieve, care for their families, and attend to essential matters following the death of a loved one, this measure promotes worker welfare while affirming the importance of the Filipino family.

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


ERIC L. OLIVAREZ

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**“AN ACT
GRANTING TEN (10) DAYS BEREAVEMENT LEAVE WITH
FULL PAY TO ALL EMPLOYEES IN THE PRIVATE AND
PUBLIC SECTORS, 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 "*Bereavement Leave Act.*"

Section 2. Declaration of State Policy. – The State affirms that the Filipino family is the foundation of the nation and recognizes that the death of an immediate family member bears a significant emotional and psychological burden upon an employee. A bereavement leave benefit system is hereby institutionalized to support employees in the private and public sectors who have lost an immediate family member.

Section 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- a. *Bereavement Leave* – refers to a leave of absence granted to an employee following the death of an immediate family member for the purpose of grieving, attending the funeral or burial, making funeral arrangements, and attending to other necessary personal, family, or legal matters arising from the death; and
- b. *Immediate Family Member* – refers to the employee's spouse, parent, child, brother, sister, and relatives within the third degree of consanguinity or affinity.

Section 4. Bereavement Leave Benefit. – Employees in the private and public sectors shall be entitled to ten (10) days of bereavement leave with full pay following the death of an employee's immediate family member.

The bereavement leave may be taken consecutively or intermittently within thirty (30) days from the date of death, subject to reasonable notice and submission of proof of death and relationship as may be prescribed by the appropriate implementing rules and regulations.

The bereavement leave shall be in addition to and shall not be charged against any existing leave credits or other leave benefits to which the employee is entitled under existing laws, rules, regulations, collective bargaining agreements, employment contracts, or established company or government policies.

For purposes of this Act, full pay shall mean the basic salary or wage that the employee would have earned during the period of bereavement leave, without prejudice to benefits that are more favorable to the employee under existing laws, rules, regulations, collective bargaining agreements, employment contracts, or established company or government policies.

Section 5. Non-Diminution of Benefits. – Nothing in this Act shall be construed to reduce, diminish, or otherwise adversely affect existing leave benefits or other benefits granted under existing laws, decrees, executive orders, rules and regulations, collective bargaining agreements, employment contracts, or company or government policies which are more favorable to the employee.

Section 6. Security of Tenure and Protection Against Discrimination. – No employee shall be dismissed, suspended, demoted, discriminated against, or otherwise subjected to any adverse employment action by reason of the employee's exercise of the bereavement leave provided under this Act.

The availment of bereavement leave in accordance with this Act shall not be considered an unauthorized absence or a ground for imposing any disciplinary measure or withholding any employment benefit to which the employee is otherwise entitled.

Section 7. Penalties. – Any employer or person who willfully refuses to grant the bereavement leave benefit provided under this Act, or who willfully interferes with or prevents the availment thereof, shall be punished by a fine of not less than Twenty Thousand Pesos (₱20,000.00) nor more than Fifty Thousand Pesos (₱50,000.00), or imprisonment of not less than fifteen (15) days nor more than one (1) month, or both, at the discretion of the court.

If the violation is committed by a corporation, partnership, association, or other juridical entity, the penalty shall be imposed upon the responsible officer or officers who willfully participated in or consented to the violation.

For violations committed in the public sector, the responsible public officer or employee shall likewise be subject to appropriate administrative sanctions under existing civil service laws, rules, and regulations, without prejudice to civil or criminal liability under applicable laws.

Section 8. Implementing Rules and Regulations. – Within thirty (30) days from the date of effectivity of this Act, the Department of Labor and Employment (DOLE) shall promulgate the necessary rules and regulations for the private sector, while the Civil Service Commission (CSC) shall promulgate the necessary rules and regulations for the public sector.

The implementing rules and regulations shall prescribe the requirements and procedures for the availment of bereavement leave, including reasonable documentary requirements, without unduly burdening employees who are in mourning.

Section 9. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. – All laws, decrees, orders, rules, regulations, and other issuances, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 11. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,