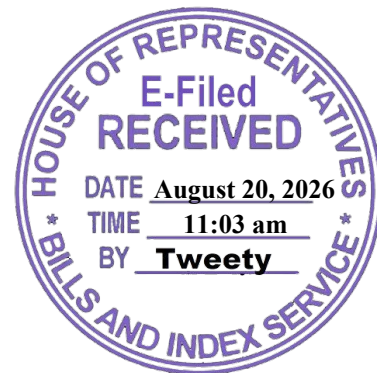


TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 10852

Introduced by Rep. CARMELO G. LAZATIN, JR.

AN ACT

**INSTITUTIONALIZING THE GRANT OF EMERGENCY LEAVE TO EMPLOYEES IN
THE PUBLIC AND PRIVATE SECTORS DIRECTLY AFFECTED BY CALAMITIES**

EXPLANATORY NOTE

The Philippines is no stranger to calamities. The country experiences an average of twenty (20) typhoons annually, in addition to recurring floods, earthquakes, and other natural disasters. Although Filipinos have demonstrated remarkable resilience in the face of these events, workers who are directly affected by calamities should be afforded sufficient time to attend to their safety, recover from damages and losses, and address urgent personal and family concerns without the added burden of reporting for work.

Hence, this proposed bill seeks to institutionalize the grant of five (5) days of emergency leave to employees in both the public and private sectors who are directly affected by calamities. It aims to provide workers with a reasonable period within which to recover from the effects of a disaster, attend to their basic needs and restore their homes and livelihoods, without fear of losing their employment or suffering further financial hardship.

It is also consistent with the existing government policies and issuances recognizing the need to protect employees affected by natural disasters and similar occurrences. These include Civil Service Commission Memorandum Circular No. 2, Series of 2012 entitled Special Emergency Leave to Government Employees Affected by Natural Disasters, Memorandum Circular No. 16, Series of 2012 or the Supplemental Guidelines in the Grant of Special Emergency Leave and Labor Advisory No. 17, Series of 2022 on the Suspension of Work in the Private Sector by reason of Weather Disturbances and Similar Occurrences issued by the Department of Labor and Employment.

This legislative measure is likewise proposed in furtherance of the constitutional duty of the State to afford full protection to labor and promote their welfare. It is a positive stance to ensuring that Filipinos are able to recover from calamities despite continuing threats these pose to their livelihood, property, financial resources, and, in some cases, the lives of their loved ones.

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


CARMELO G. LAZATIN, JR.



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

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

1 *Section 1. Short Title.* – This Act shall be known as “*Emergency Leave for Employees Affected*
2 *by Calamities Act.*”

3
4 *Section 2. Declaration of Policies.* – It is the policy of the State to protect the rights of workers
5 and promote their welfare.

6
7 The State recognizes that employees in the public and private sectors experience similar
8 hardships during calamities and may require time to recover from injury, illness, displacement,
9 property damage, transportation disruption, and other consequences of such events.

10
11 To this end, the State shall institutionalize a minimum of five (5) paid working days of
12 emergency leave per calendar year for qualified employees directly affected by calamities. The
13 emergency leave provided under this Act shall be without prejudice to more favorable benefits
14 granted under existing laws, rules, regulations, collective bargaining agreements, employment
15 contracts, company policies, or established company practices.

16
17 *Section 3. Definition of Terms.* – For purposes of this Act, the following terms shall mean, as
18 follows:

19

- 1 a. "Calamity" refers to a natural or human-induced disaster, crisis, or other occurrence
2 involving damage, loss, suffering or disruption of livelihood, infrastructures and
3 normal way of life;
4
5 b. "Emergency leave" refers to a five (5) paid working days of leave per calendar year
6 granted to employees directly affected by calamities. The emergency leave shall be
7 non-cumulative and non-commutable.
8
9 c. "Directly affected employee" refers to an employee whose place of residence,
10 workplace, route to or from work, health, immediate family, or primary household
11 facilities has been directly affected by a calamity, as provided under this Act and its
12 implementing rules and regulations.

13
14 *Section 4. Coverage.* – This Act shall apply to the following:
15

- 16 a. Employees in the private sector, subject to the eligibility requirements under this Act;
17 and
18
19 b. Civilian and uniformed personnel in the government service, including employees of
20 national government agencies, local government units, government-owned or -
21 controlled corporations, and state universities and colleges, unless their special law
22 provides a benefit that is equal to or more favorable than the benefit granted under this
23 Act.
24

25 The implementing rules and regulations shall provide appropriate rules for part-time, probationary,
26 fixed-term, project, seasonal, agency-deployed, and similarly situated employees.
27

28 *Section 5. Eligibility.* – An employee who has rendered at least six (6) months of service, whether
29 continuous or cumulative, as may be defined in the implementing rules and regulations, shall be
30 eligible to avail of the emergency leave under this Act.
31

32 An employee who has rendered less than six (6) months of service may be granted emergency
33 leave on a pro-rated basis if so provided in the implementing rules and regulations or under a more
34 favorable employer policy.
35

36 The six-month service requirement shall not prevent an employee from being granted emergency
37 leave under a more favorable law, collective bargaining agreement, employment contract,
38 company policy, or established company practice.
39

1 *Section 6. When the Leave May Be Availed Of.* – A qualified employee may avail of emergency
2 leave when the employee’s place of residence, workplace, or route to and from work is directly
3 affected by:

4
5 (a) a state of calamity declared by the President or the appropriate local sanggunian pursuant
6 to Section 16 of Republic Act No. 10121, otherwise known as the “Philippine Disaster Risk
7 Reduction and Management Act of 2010”; or

8
9 (b) a calamity or emergency verified by the appropriate national government agency, local
10 government unit, or other competent authority, even in the absence of a formal declaration
11 of a state of calamity.

12
13 The emergency leave may be availed of for five (5) consecutive working days or on a staggered
14 basis within thirty (30) calendar days from the occurrence of the calamity or from the date the
15 employee was directly affected, whichever is later.

16
17 The emergency leave shall be available only to the extent of the employee’s unused emergency-
18 leave entitlement for the calendar year.

19
20 *Section 7. Grounds for Availment.* – A qualified employee may avail of the emergency leave upon
21 the existence of any one or more of the following circumstances:

22
23 (a) The employee is stranded in an affected area or cannot safely travel to or from work
24 because transportation is unavailable, roads are closed, or infrastructure has been
25 damaged;

26
27 (b) The employee sustained an injury, illness, or medical emergency caused by the
28 calamity;

29
30 (c) The employee must provide essential care or assistance to an immediate family member
31 directly affected by the calamity; or

32
33 (d) The employee must undertake urgent repair, cleaning, or restoration of the employee’s
34 primary residence or household facilities damaged by the calamity.

35
36 *Section 8. Notice, Verification and Validation.* – The employee shall notify the head of office or
37 employer of the intention to avail of emergency leave as soon as reasonably practicable. Notice
38 may be given through any available means of communication during or immediately after the
39 calamity.

1
2 The head of office or employer shall be responsible for determining the employee's eligibility and
3 approving the emergency leave upon verification that the employee was directly affected by the
4 calamity. Verification may include, but shall not be limited to:

- 5
6 1. Proof that the employee's place of residence is located in an affected area;
- 7
8 2. A declaration of calamity or other similar official notice issued by the proper government
9 agency;
- 10
11 3. A medical certificate stating that the illness or injury of the employee or the employee's
12 immediate family was sustained as a result of the calamity;
- 13
14 4. Proof concerning road conditions and the availability of transportation during the calamity;
- 15
16 5. Proof of road closures or transportation disruption caused by the calamity along the
17 employees' route to and from work; and
- 18
19 6. Such other proof as may reasonably assist the head of office or employer in determining
20 the employee's eligibility to avail of emergency leave.

21
22 The absence of a document that could not reasonably be obtained during the calamity shall not by
23 itself justify denial of the leave. The employee may submit the required proof within a reasonable
24 period after returning to work.

25
26 *Section 9. Suspension or Cancellation of Work.* – An official suspension or cancellation of work
27 due to a calamity shall not be charged against the employee's emergency leave and shall not, by
28 itself, prevent the employee from subsequently availing of emergency leave when the conditions
29 under this Act exist.

30
31 Nothing in this Act shall diminish the employee protections and rules applicable to the suspension
32 of work during calamities, including the protection of employees who cannot safely report for
33 work because of imminent danger.

34
35 *Section 10. Pay During Emergency Leave.*— For employees in the private sector, emergency leave
36 shall be paid at the employee's applicable daily wage for each approved working day of leave,
37 subject to the implementing rules and regulations.

1 For government employees, the emergency leave shall be with pay and shall not be deducted from
2 regular leave credits, subject to applicable budgeting, accounting, auditing, and civil-service rules.

3
4 *Section 11. Implementing Rules and Regulations.* — Within ninety (90) days from the effectivity
5 of this Act, the Civil Service Commission, the Department of Labor and Employment, and the
6 Department of Budget and Management, in consultation with representatives of employees,
7 employers, government offices, and local government units, shall promulgate the implementing
8 rules and regulations necessary for the effective implementation of this Act.

9
10 *Section 12. Separability Clause.* – If any provision of this Act is declared unconstitutional or
11 invalid, the other provisions not affected thereby shall remain in full force and effect.

12
13 *Section 13. Repealing Clause.* – All laws, decrees, orders, rules and regulations, or parts thereof,
14 which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

15
16 *Section 14. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in
17 the Official Gazette or in a newspaper of general circulation.

18
19 Approved,