

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3670**



Introduced by **HON. GUS S. TAMBUNTING**

EXPLANATORY NOTE

This bill seeks to grant two (2) weeks of unpaid leave a year to employees whose spouse, parent, unmarried child or when they themselves are suffering from serious illness.

During prolonged illnesses or sickness, more often than not, consume their sick leave and vacation leave to attend to said exigencies. If not directly used for leave purposes, employees under the said situation resort to monetizing their accumulated leave credits to augment their financial needs, hence, diminishing the retirement money that will help them in their twilight years of non-employment.

The "Family and Medical Leave Act of 2016" will give the employees a new venue to attend further to the family during these trying times without necessarily compromising their future income and fear the loss of their jobs.

It is for this reason that the passage of this bill is earnestly sought.


GUS S. TAMBUNTING

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AN ACT
MANDATING EMPLOYERS TO GRANT TWO (2) WEEKS OF UNPAID LEAVE A YEAR TO EMPLOYEES WHOSE SPOUSE, PARENT, UNMARRIED CHILD, OR WHEN THEY THEMSELVES ARE SUFFERING FROM SERIOUS ILLNESS

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 “Family and Medical Leave Act of 2016.”

SECTION 2. *Declaration of Policy.* – It is hereby the policy of the State to reinforce the importance of the family as the primary social institution of society. The State shall support and uphold the health and well-being of the family.

SECTION 3. *Coverage.* – Any employee, regardless of status, may apply for and shall be granted by the employer an unpaid family and medical leave of up to two (2) weeks when his spouse, parent or unmarried child suffers from a serious illness; Provided, however, That spouses working for the same employer when availing of the benefits under this Act shall only be granted a combined total of two (2) weeks of unpaid leave. The employee may also apply for the same if he himself is physically unable to perform his job due to serious illness.

SECTION 4. The leave application shall be accompanied by a notarized medical certificate duly accomplished by a licensed physician. The medical certificate must clearly state the nature and extent of the illness.

SECTION 5. The employees availing of the availing of the leave benefits under this Act shall, upon return, be reinstated to his original position with equivalent pay, benefits and all other terms and conditions of employment.

SECTION 6. The two (2) weeks leave provided under this Act may be availed of by the employee in parts but no remainder thereof shall be carried over the succeeding

year. Provided, that no accumulated leave credits under this provision shall accrue in favor of the employee for every year of service.

SECTION 7. The leave benefits mandated under this Act shall not diminish or affect whatever vested rights and benefits the employee is already receiving under the law, collective bargaining agreement (CBA) or from the employer: Provided, That the employee who is already receiving a similar unpaid leave benefits under the law or CBA shall only be entitled to a maximum of four (4) weeks of unpaid leave benefits.

SECTION 8. *Implementing Rules and Regulations.* – The Secretary of the Department of Labor and Employment shall promulgate the necessary rules and regulations to effectively implement this Act.

SECTION 9. *Separability Clause.* – If any of the provision of this Act is declared unconstitutional, the same shall not affect the validity and effectively of other provisions hereof.

SECTION 10. *Repealing Clause.* – All laws, presidential decrees, executive orders, proclamations and administrative regulations, which are inconsistent with the provisions of this Act , are hereby amended, modified, superseded or repealed accordingly.

SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,