

Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5493**



INTRODUCED BY CONGRESSMAN ALFRED VARGAS

EXPLANATORY NOTE

The Philippine State considers the Overseas Filipino Workers (OFWs) as the unsung heroes of our nation. However, while they have kept a sturdy stream of remittances that continue to strengthen our economy, they pay the ultimate sacrifice of being away from their families and bearing the loneliness in distant countries.

This burden is also shared by the families these OFWs left behind in the country, especially their spouses. Even more difficult if the said spouses are employed. Apart from helping the OFW earn a living for the family, they also play the role of both father and mother to their children. All these, coupled with emotional strains that come with separation from a loved one, are so heavy that the spouse of the OFW may not have enough time to carry out their responsibilities to the family effectively.

This bill aims to strengthen the families of Filipino OFWs by granting their legitimate spouse with an additional special leave credit of ten (10) days a year with full pay. This will give them the necessary time to attend to their families needs and provide high quality of parenting to their children.

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



ALFRED VARGAS

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AN ACT

GRANTING A SPECIAL LEAVE OF ABSENCE OF TEN (10) DAYS A YEAR WITH FULL PAY TO THE LEGITIMATE SPOUSE OF OVERSEAS WORKERS IN THE PRIVATE AND PUBLIC SECTORS, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "*Special Leave for Overseas Workers' Spouses Act of 2017*".

SEC 2. Special Overseas Worker's Spouse Leave. - Notwithstanding any laws, rules and regulations to the contrary, every legitimate spouse-employee of an overseas worker in the private and public sectors shall be entitled to an overseas worker's spouse leave ten (10) days a year with full pay.

Employees availing this leave privilege shall submit to their employer the following:

1. Name of spouses;
2. Copy of their Marriage Contract;
3. Information as to the nature and place of work of the overseas worker concerned; and
4. Copy of the overseas worker's passport.

SEC. 3. Definition of Terms. - For purposes of this Act, the following terms shall have the meaning as indicated hereunder:

1. "*Employee*" refers to any person who performs services for another and receives compensation therefor, provided an employer-employee relationship exists between them;
2. "*Overseas worker*" refers to a person who is engaged in a remunerated activity in a state of which he or she is not a legal resident;

3. "*Special Overseas Worker's Spouse Leave*" refers to the leave benefits with pay for a period of ten (10) days a year granted an employee who is a legitimate spouse of an overseas worker.
4. "*Spouses*" refers to the legitimate wife or husband; one who is legally married to the overseas worker concerned.

SEC. 4. *Disqualification.* - The following employees shall not be allowed to avail of this leave:

1. Those who are absent from work without official leave;
2. Those who are on vacation, sick, forced or study leave, or those who have already availed of other forms of leave allowed by law;
3. Those whose services are necessary to prevent loss of life or damage to property, brought about by serious accidents, fires, floods, typhoons, earthquake, epidemic or other disasters.

SEC. 5. *Tax Credit and Income Tax Deduction for Employers in Non-Government Institutions.* - Employers in non-government institutions granting this leave benefit shall be accorded income tax deduction from its gross income for each taxable year, based on the actual cost paid by the employer in granting this leave benefit to its qualified employees.

For the purpose of claiming tax credits, private establishments are required to keep separate records of their employees who avail of this leave benefit.

SEC. 6. *Implementing Rules and Regulations.* - The Secretary of Labor and Employment and the Chairman of the Civil Service Commission shall, within thirty (30) days from the effectivity of this Act issue such rules and regulations necessary for the proper implementation of the provisions of this law.

SEC. 7. *Penalties.* - Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine not exceeding Twenty Five Thousand Pesos (P25,000.00) or imprisonment of not less than thirty (30) days not more than six (6) months.

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

SEC. 8. *Non-diminution Clause.* – Nothing in this Act shall be construed to reduce any existing benefits of any form granted under existing laws, decrees, executive orders, or any contract, agreement or policy between employer and employee.

SEC. 9. *Repealing Clause.* - All laws, ordinances, rules regulations, issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity.* - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of national circulation.

Approved,