

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 5044



Introduced by **Pangasinan Fifth District Representative**  
**HON. RAMON V. GUICO III**

**EXPLANATORY NOTE**

Teleworking refers to a work arrangement wherein employees or employers do not commute to a central office location, but instead work within the comfort of their own homes or the confines of an off-site location. While teleworking was traced to have started in as early as the 1980s, the technological advancements of the 21<sup>st</sup> century in mobile communication and internet connectivity has made this practice increasingly feasible and more attractive as a work option.

Worsening traffic conditions in Metro Manila and the geographical distance of a number of employees from their office locations is making the rigid 8-hour work schedule increasingly untenable for most Filipinos. In fact, many of them are resigning from their work within a year or two, best illustrated by figures from the Philippine Statistics Authority which showed a 7.59% overall separation rate in the country. It is only common sense therefore that flexible working conditions is becoming a requirement for many Filipinos.

It is by virtue of the this demand that Republic Act No. 11165, otherwise known as the Telecommuting Act was signed into law by President Rodrigo R. Duterte on December 20, 2018. The law provides that employers in the private sector can offer the option, on a voluntary basis, for their employees to telecommute and mandates the fair treatment of telecommuters, as any regular employee is entitled to under Philippine laws.

However, while the abovementioned law is well-intentioned, it did not take into account that government employees also suffer from the same problems as their private sector counterparts do. They are no less than susceptible to the hellish traffic and the weariness of traveling such long distances and therefore, we must grant these employees an opportunity to partake on the benefits of teleworking. Under this Act, teleworking shall become an institutionalized practice in all government agencies without compromise to its service delivery and competencies.

More than a policy borne out of pity for our government employees, institutionalizing telework in government is expected to boost productivity, promote stress-free working conditions, decrease operation costs, reduce employee turnovers, and overall, foster government best practices in line with the technological advancements of the 21<sup>st</sup> century. Moreover, telework is projected to help decongest major thoroughfares and the public transportation system; allow solo parents to attend to the needs of their children; retain older generations in the workforce; and unburden physically-disabled employees, among others. .

Teleworking is the future of work, thus approval of this measure is earnestly sought.

  
Rep. Ramon V. Guico III

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AN ACT  
TO REQUIRE EACH AGENCY OF THE GOVERNMENT TO ESTABLISH AND  
IMPLEMENT A POLICY UNDER WHICH EMPLOYEES SHALL BE AUTHORIZED TO  
TELEWORK, AND FOR OTHER PURPOSES

*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 the “**Work at Home Act.**”  
2

3       **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to innovate on  
4 certain work practices and promote flexible work options. As such, under this Act, each government  
5 agency shall be required to establish telework as a viable work option and for such purpose,  
6 implement policies under which employees of different government agencies shall be authorized to  
7 telework.  
8

9       **SEC. 3. *Definitions.*** – For purposes of this Act:  
10

11               **Employee** means any such person currently employed in any government agency.  
12

13               **Government Agency** has the meaning as provided in section (2)(4) of E.O. No. 292,  
14 also known as the Administrative Code of 1987.  
15

16               **Telework** or teleworking refers to a work flexibility arrangement under which an  
17 employee performs the duties and responsibilities of such employee’s position, and other  
18 authorized activities, from an approved worksite other than the location from which the  
19 employee would otherwise work.  
20

21       **SEC. 4. *Government Agencies Telework Requirement.*** –  
22

23               a) Telework Policy.—  
24

25                       1) In general.—Not later than 180 days after the date of enactment of this  
26 Act, each government agency shall—  
27

28                               A) establish a policy under which eligible employees of the  
29 government agency may be authorized to telework;  
30

31                               B) determine the eligibility for all employees of the government  
32 agency to participate in telework; and



1  
2 C) notify all employees of the government agency of their eligibility  
3 to telework.  
4

5 2) Limitations.—An employee may not telework under a policy established  
6 under this if—  
7

8 A) the employee has been officially disciplined for being absent  
9 without permission for more than 5 days in any calendar year; or  
10

11 B) the employee has been officially disciplined for violations of  
12 R.A.No. 6713 also known as the "Code of Conduct and Ethical  
13 Standards for Public Officials and Employees."  
14

15 b) Participation.—The policy described under subsection (a) shall—  
16

17 1) ensure that telework does not diminish employee performance or agency  
18 operations;  
19

20 2) require a written agreement that—  
21

22 A) is entered into between the government agency and an employee  
23 authorized to telework, that outlines the specific work arrangement  
24 that is agreed to; and  
25

26 B) is mandatory in order for any employee to participate in telework;  
27

28 3) provide that an employee may not be authorized to telework if the  
29 performance of that employee does not comply with the terms of the written  
30 agreement between the government agency and that employee;  
31

32 4) except in emergency situations as determined by the government agency,  
33 not apply to any employee of the department whose official duties require on  
34 a daily basis (every work day)—  
35

36 A) direct handling of secure materials determined to be inappropriate  
37 for telework by the agency head; or  
38

39 B) on-site activity that cannot be handled remotely or at an alternate  
40 worksite; and  
41

42 5) be incorporated as part of the continuity of operations plans of the agency  
43 in the event of an emergency.  
44

45 **SEC. 5. *Training and Monitoring.* —**  
46

47 a) In general.—Each government agency shall ensure that—  
48

49 1) an interactive telework training program is provided to—  
50

51 A) employees eligible to participate in the telework program of the  
52 agency; and

1  
2 B) all managers of teleworkers;  
3

4 2) except as provided under subsection (b), an employee has successfully  
5 completed the interactive telework training program before that employee  
6 enters into a written agreement to telework described under section (4)(b)(2);  
7

8 3) teleworkers and non-teleworkers are treated the same for purposes of—  
9

10 A) periodic appraisals of job performance of employees;  
11

12 B) training, rewarding, reassigning, promoting, reducing in grade,  
13 training, and removing employees;  
14

15 C) work requirements; or  
16

17 D) other acts involving managerial discretion; and  
18

19 4) when determining what constitutes diminished employee performance, the  
20 agency shall consult the guidelines as provided for by the Strategic  
21 Performance Management System (SPMS) of the Civil Service Commission.  
22

23 b) Training Requirement Exemptions.—Each government agency may provide for  
24 an exemption from the training requirements under subsection (a), if the head of that  
25 department determines that the training would be unnecessary because the employee is  
26 already teleworking under a work arrangement in effect before the date of enactment of this  
27 Act.  
28

29 **SEC. 6. Guidelines on Purchasing Computer Systems.**—Not later than 120 days after the  
30 date of the enactment of this Act, each government agency shall issue department guidelines  
31 requiring that when purchasing computer systems, to purchase computer systems that enable and  
32 support telework, unless the head of the agency determines that there is a mission-specific reason  
33 not to do so.  
34

35 **SEC. 7. Telework Website.**—The Department of Information and Communications  
36 Technology shall—  
37

38 a) maintain a central telework website; and  
39

40 b) include on that website related—  
41

42 1) telework links;  
43

44 2) announcements; and  
45

46 3) telework guidelines developed by the Civil Service Commission.  
47

48 **SEC. 8. Telework Managing Officer.**—  
49

50 a) Designation.—The head of each government agency shall designate an employee  
51 of the agency as the Telework Managing Officer. The Telework Managing Officer shall be



1 established within the human resource department or a comparable department with similar  
2 functions.

3  
4 b) Duties.—The Telework Managing Officer shall—

5  
6 1) be devoted to policy development and implementation related to agency  
7 telework programs;

8  
9 2) serve as—

10  
11 A) an advisor for agency leadership, including the head of the human  
12 resource department;

13  
14 B) a resource for managers and employees; and

15  
16 C) a primary agency point of contact for the Civil Service  
17 Commission and the Department of Information and Communications  
18 Technology on telework matters; and

19  
20 3) perform other duties as the applicable delegating authority may assign.

21  
22 c) Status within agency.—The Telework Managing Officer of a government agency  
23 shall be a senior official of the agency who has direct access to the head of the agency.

24  
25 d) Rule of Construction Regarding Status of Telework Managing Officer.—Nothing  
26 in this section shall be construed to prohibit an individual who holds another office or  
27 position in a government agency from serving as the Telework Managing Officer for the  
28 agency under this Act.

29  
30 **SEC. 9. Reports.—**

31  
32 a) Reports by the Civil Service Commission.—

33  
34 1) Submission of reports.—Not later than 18 months after the date of  
35 enactment of this Act and on an annual basis thereafter, the Chairman of the  
36 Civil Service Commission, in consultation with the human resource offices of  
37 each government agency shall—

38  
39 A) submit a report addressing the telework programs of each  
40 government agency to:

41  
42 i) the Committee on Civil Service and Government and  
43 Reorganization of the Senate; and

44  
45 ii) the Committee on Civil Service and Professional Regulation  
46 of the House of Representatives; and

47  
48 B) transmit a copy of the report to the Department of Budget and  
49 Management.

50  
51 2) Contents.—Each report submitted under this subsection shall include—  
52

1 A) the degree of participation by employees of each government  
2 agency in teleworking during the period covered by the report (and  
3 each government agency, the degree of participation in each bureau,  
4 division, or other major administrative unit of that agency),  
5 including—  
6

7 i) the total number of employees in the agency;

8  
9 ii) the number and percent of employees in the agency who are  
10 eligible to telework; and  
11

12 iii) the number and percent of eligible employees in the agency  
13 who are teleworking—  
14

15 I) 3 or more days per pay period;

16  
17 II) 1 or 2 days per pay period;

18  
19 III) once per month; and  
20

21 IV) on an occasional, episodic, or short-term basis;  
22

23 B) the method for gathering telework data in each agency;  
24

25 C) if the total number of employees teleworking is 10 percent higher  
26 or lower than the previous year in any agency, the reasons for the  
27 positive or negative variation;  
28

29 D) the agency goal for increasing participation to the extent  
30 practicable or necessary for the next reporting period, as indicated by  
31 the percent of eligible employees teleworking in each frequency  
32 category described under subparagraph (A)(iii);  
33

34 E) an explanation of whether or not the agency met the goals for the  
35 last reporting period and, if not, what actions are being taken to  
36 identify and eliminate barriers to maximizing telework opportunities  
37 for the next reporting period;  
38

39 F) an assessment of the progress each agency has made in meeting  
40 agency participation rate goals during the reporting period, and other  
41 agency goals relating to telework, such as the impact of telework on—  
42

43 i) emergency readiness;

44  
45 ii) energy use;

46  
47 iii) recruitment and retention;

48  
49 iv) performance;

50  
51 v) productivity; and  
52



vi) employee attitudes and opinions regarding telework; and

G) the best practices in agency telework programs.

b) Chief Human Resource Officer Reports.—

1) In general.—Each year the chief human resource officer of each government agency, in consultation with the Teleworking Managing Officer of that agency shall submit a report to the Civil Service Commission on agency management efforts to promote telework.

**SEC. 10. *Implementing Rules and Regulations.*—**

a) Agency Consultation with the Civil Service Commission.—Each government agency shall consult with the Civil Service Commission in developing telework policies.

b) Guidance and Consultation.—The Civil Service Commission shall—

1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities; and

2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals.

c) Telework Security Guidelines.—

1) In general.—The Secretary of the Department of Information and Communications Technology, shall issue guidelines not later than 180 days after the date of enactment of this Act to ensure the adequacy of information and security protections for information and information systems used while teleworking.

2) Contents.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

A) control access to agency information and information systems;

B) protect agency information (including personally identifiable information) and information systems;

C) limit the introduction of vulnerabilities;

D) protect information systems not under the control of the agency that are used for teleworking;

E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

1 F) prevent inappropriate use of official time or resources that violates  
2 the Code of Conduct and Ethical Standards for Public Officials and  
3 Employees.  
4

5 **SEC. 11. Appropriations.** – The amount necessary for the implementation of the provisions  
6 of this Act shall be charged to the annual appropriated funding of the respective government  
7 agencies covered by this Act. Thereafter, any such amounts necessary for the effective  
8 implementation of this Act shall be included in the appropriations for each government agency in  
9 the General Appropriations Act.  
10

11 **SEC. 12. Separability Clause.** – If any provision, section or part of this Act shall be  
12 declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other  
13 provisions, sections or parts thereof.

14 **SEC. 13. Repealing Clause.** – All laws, decrees, orders, rules and regulations or portions  
15 thereof, inconsistent with this Act are hereby repealed or modified accordingly.

16 **SEC. 14. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the  
17 Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*