

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1289

Introduced by HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.

EXPLANATORY NOTE

The Philippine national economy soars and falls on the strength and productivity of its most vital resource – its labor force. Hence, the State has enshrined in the Constitution its duty to provide full protection to labor and to promote the rights of all workers, including their right to paid days off to pursue well-balanced lives.

Existing laws currently entitle every qualified Filipino worker to enjoy distinct types of paid days off or *leaves*. Some of the basic leaves are service incentive, maternity, paternity, parental, and special ones for abused women or those battling gynecological health issues. While these benefits exemplify legislative efforts to nurture a work environment that upholds the welfare of employees, they are also reflective of traditional Filipino values which reward hard work, recognize the role of women in nation-building, and preserve the sanctity of the family. A close examination of the aforementioned leaves, however, reveals a gaping lack in a legally mandated time off for employees who recently lost a family member. In fact, the discretion to grant employees the space to grieve and recover from the loss lies solely on the employer who may or may not permit the same. This scenario contradicts the State policy to provide

employees with humane working conditions that foster their productivity and maintain their dignity.

In light of the foregoing, this bill seeks to decree the mandatory provision of a 10-day bereavement leave with full pay to all employees in the public and private sectors who have recently lost an immediate family member within the third level of consanguinity or affinity. Among others, this bereavement leave is sought to provide employees adequate time to make the necessary wake and/or burial arrangements, as well as to reach out to family members and friends for emotional support during this difficult time. Furthermore, this bill also ensures the non-diminution of benefits and security of tenure to those who avail of this benefit.

In consideration of the foregoing premises, the approval of this bill is humbly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT

**GRANTING BEREAVEMENT LEAVE OF TEN (10) DAYS WITH FULL
PAY TO ALL EMPLOYEES IN THE PRIVATE AND PUBLIC SECTORS AND
FOR OTHER PURPOSES**

*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
“Bereavement Leave Act of 2017”

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 a family member. A bereavement leave benefit system is hereby
institutionalized to support employees in the public and private sectors who have
recently lost relatives belonging to their immediate family.

SECTION 3. Definition of Terms. –

- a. "Bereavement Leave" refers to a leave taken by an employee to grieve the death, or attend or to make arrangements for the funeral, of an immediate family member.
- b. "Immediate Family Member" refers to an employee's spouse, parent or child, brother or sister, and relatives within the third degree of consanguinity or affinity.

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

SECTION 5. *Non-diminution of Benefits.* – Nothing in this Act shall be construed to reduce existing benefits granted under existing laws, decrees, executive orders, or any contract, agreement, or policy between the employer and employee.

SECTION 6. *Security of Tenure.* – Employees in the public and private sectors who avail of bereavement leave provided under this Act shall be assured of security of tenure. Availment of the leave shall not be used as reason for misconduct, demotion, or termination in employment, or for any form of unsatisfactory performance.

SECTION 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-thousand pesos (Php 20,000) or imprisonment of fifteen (15) days to one (1) month.

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.

SECTION 8. *Implementing Rules and Regulations.* – The Department of Labor and Employment and the Civil Service Commission, for the private sector and public sector respectively, shall issue the necessary rules and regulations of this act within thirty (30) days of its effectivity.

SECTION 9. *Separability Clause.* – If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 10. *Repealing Clause.* – All laws, decrees, orders, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly. Republic Act No. 1161, as amended, is further amended 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,