

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE RESOLUTION NO. 159**



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Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

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**RESOLUTION**  
**DIRECTING THE COMMITTEES ON HEALTH AND LABOR AND**  
**EMPLOYMENT TO CONDUCT AN INVESTIGATION, IN AID OF**  
**LEGISLATION, INTO THE IMPLEMENTATION OF THE PROVISIONS OF**  
**PRESIDENTIAL DECREE NO. 442 (P.D NO. 442) OTHERWISE KNOWN AS**  
**THE LABOR CODE OF THE PHILIPPINES GOVERNING NORMAL HOURS**  
**OF WORK WITH THE END VIEW OF ASSURING HUMANE CONDITIONS**  
**OF WORK AND PROTECTION OF HEALTH AND WELL-BEING OF**  
**WORKERS**

WHEREAS, Article 2, Section 18 of the 1987 Philippine Constitution provides that: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare" and Section 15 states that: "The State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, pursuant to this Constitutional mandate, P.D No. 442 otherwise known as the Labor Code of the Philippines was enacted to afford protection to labor and assure the rights of workers to a just and humane conditions of work;

WHEREAS, Article 83 of the Labor Code which provides for the normal hours of work states that:

"The normal hours of work of any employee shall **not exceed eight (8) hours a day.**

Health personnel in cities and municipalities with a population of at least one million (1,000,000) or in hospitals and clinics with a bed capacity of at least one hundred (100) shall hold regular office hours for **eight (8) hours a day**, for five (5) days a week, exclusive of time for meals, except where the exigencies of the service require that such personnel work for six (6) days or forty-eight (48) hours, in which case, they shall be entitled to an additional compensation of at least thirty percent (30%) of their regular wage for work on the sixth day. For purposes of this Article, "health personnel" shall include resident physicians, nurses, nutritionists, dietitians, pharmacists, social workers, laboratory technicians,

paramedical technicians, psychologists, midwives, attendants and all other hospital or clinic personnel”<sup>1</sup> (*Emphasis supplied*);

WHEREAS, the provisions on compensation for overtime work is stated in the Labor Code as:

“Work may be performed beyond eight (8) hours a day provided that the employee is paid for the overtime work, an additional compensation equivalent to his regular wage plus at least twenty-five percent (25%) thereof. Work performed beyond eight hours on a holiday or rest day shall be paid an additional compensation equivalent to the rate of the first eight hours on a holiday or rest day plus at least thirty percent (30%) thereof”<sup>2</sup>;

WHEREAS, the Code also states the conditions warranting an emergency overtime work as provided for under Article 89 which provides that:

“Any employee may be required by the employer to perform overtime work in any of the following cases:

(a) When the country is at war or when any other national or local emergency has been declared by the National Assembly or the Chief Executive;

(b) When it is necessary to prevent loss of life or property or in case of imminent danger to public safety due to an actual or impending emergency in the locality caused by serious accidents, fire, flood, typhoon, earthquake, epidemic, or other disaster or calamity;

(c) When there is urgent work to be performed on machines, installations, or equipment, in order to avoid serious loss or damage to the employer or some other cause of similar nature;

(d) When the work is necessary to prevent loss or damage to perishable goods; and

(e) Where the completion or continuation of the work started before the eighth hour is necessary to prevent serious obstruction or prejudice to the business or operations of the employer.

Any employee required to render overtime work under this Article shall be paid the additional compensation required in this Chapter”<sup>3</sup>;

WHEREAS, it has been a common practice that employees across industries especially healthcare professionals are required to work for more than 8 hours or in 12-hour shifts on a regular basis;

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<sup>1</sup> Article 83, Labor Code of the Philippines

<sup>2</sup> Article 87, Labor Code of the Philippines

<sup>3</sup> Article 89, Labor Code of the Philippines



WHEREAS, resident physicians are required to render duty hours for thirty-six (36) or forty-eight hours straight, as the case maybe according to their employment contract and residency training programs;

WHEREAS, workers such as but not limited to miners, security personnel, construction workers are customarily required to work on 12-hour shifts on a regular basis or required to work for 7 consecutive days with 12 working hours in contravention with the provisions of the Labor Code on Right to Weekly Rest Day which provides for a rest period of not less than twenty-four (24) consecutive hours after every six (6) consecutive normal work days<sup>4</sup>;

WHEREAS, 12, 36, or 48-hour work or duty as the case maybe has become the general rule rather than exception to the rule;

WHEREAS, the report by Philippine Statistics Authority entitled Decent Work in the Philippines showed that there were 8.105 million overworked Filipinos in 2015<sup>5</sup>;

WHEREAS, in a study entitled "*The Impact of Overtime and Long Work Hours on Occupational Injuries and illnesses: New Evidence from United States*", it shows that working in jobs with overtime schedules was associated with a 61% higher injury hazard rate compared to jobs without overtime. Working at least 12 hours per day was associated with a 37% increased hazard rate and working at least 60 hours per week was associated with a 23% increased hazard rate<sup>6</sup>;

WHEREAS, across the globe, overworked workers die such as: a 31-year-old woman in Japan who put in more than 150 hours of overtime in a month died of congestive heart failure after working too much<sup>7</sup>; a doctor in Indonesia died after working four (4) days straight to cover for his colleagues' shifts<sup>8</sup>; and a 43-year-old female doctor from China collapsed and died after reportedly working for 18 hours without rest<sup>9</sup>;

WHEREAS, in view of the normalization of overtime work in the Philippines, it is imperative to look into the implementation of the provisions of the Labor Code on normal hours of work and rest days; and whether there is strict compliance with the conditions allowing for emergency overtime work, and voluntary rendition of overtime work with corresponding compensation in order to afford protection to labor, ensure just and humane conditions of work and promote health and well-being;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the House of Representatives to direct the Committees on Health and Labor and Employment

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<sup>4</sup> Art. 91, Labor Code of the Philippines

<sup>5</sup> <https://newsinfo.inquirer.net/879425/too-much-work-kills-poe-seeks-probe-as-more-filipinos-overworked#ixzz5uZrr6x3X>

<sup>6</sup> The Impact of Overtime and Long Work Hours on Occupational Injuries and illnesses: New Evidence from United States, A E Dembe, J B Erickson, R G Delbos, S M Banks, BMJ Journal ((<https://oem.bmj.com/content/62/9/588> accessed on 24/07/2019)

<sup>7</sup> <https://time.com/4972787/death-overwork-japan-heart-stress/>

<sup>8</sup> <https://rachfeed.com/dedicated-doctor-dies-working-4-days-straight-no-rest/>

<sup>9</sup> <https://www.asiaone.com/china/doctor-china-dies-suspected-overwork-after-18-hour-shift>

to conduct an investigation, in aid of legislation, into the enforcement and implementation of the provisions of the Labor Code of the Philippines governing overtime work with the end view of assuring humane conditions of work and protection of health and well-being of workers.

*Adopted,*



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