



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 5179

Introduced by: Representative Florencio Gabriel G. Noel

EXPLANATORY NOTE:

The state recognizes the importance of workers as the driving force of our economy. This recognition is enshrined in Article II, Section 18 of the 1987 Constitution, which states:

“The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.”

At present, our country, through Presidential Decree No. 442, as amended, otherwise known as The Labor Code of the Philippines, (the “Labor Code”) merely mandates five (5) days of Service Incentive Leave (SIL) for employees who have rendered at least one (1) year of service. This puts our employees at a disadvantage compared to our neighbors.

In Japan, their Labor laws allow employees who have rendered six (6) months of service to a ten (10) day Service Incentive Leave. The number of days for Service Incentive Leave increases depending on the seniority of the employee in the company.¹ In Australia,


¹ Japan Employee Benefits accessed at: <http://japan-payroll.com/japan-employee-benefits/>

the Australian Government grants ten (10) days of annual sick/carer's leave.² In Singapore, the Ministry of Manpower grants a five (5) day sick leave if you are an outpatient, and fifteen (15) days if you are hospitalized for those employees who have rendered at least three (3) months of service.³

In order to address the country's socioeconomic issues, we must first address the issues of our workforce who are the driving forces of our economy. Given these figures from our neighbors, our workforce deserves to receive more leave benefits which is comparable to other countries.

This bill seeks to amend Article 95 of the Labor Code, by granting a mandatory sick leave (SL) of five (5) days to employees who have rendered service for at least one (1) year.

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



FLORENCIO GABRIEL G. NOEL
An Waray Party-list Representative

² Paid sick & carer's leave *accessed at:* <https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave>

³ Sick Leave Eligibility and Entitlement *accessed at:* <https://www.mom.gov.sg/employment-practices/leave/sick-leave/eligibility-and-entitlement>



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**AN ACT AMENDING FOR THE PURPOSE ARTICLE 95 OF
PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN
AS THE LABOR CODE OF THE PHILIPPINES BY REQUIRING A
MANDATORY SICK LEAVE FOR REGULAR EMPLOYEES**

*May it be enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section 95 of Presidential Decree no. 442, as amended, is hereby
amended further to read as follows:

X X X X

**(D) EVERY EMPLOYEE WHO HAS RENDERED AT LEAST ONE
YEAR OF SERVICE SHALL BE ENTITLED TO A YEARLY
SICK/HOSPITALIZATION LEAVE OF FIVE (5) DAYS IF
OUTPATIENT WITH PAY, AND FIFTEEN (15) DAYS IF
HOSPITALIZED WITH PAY, PROVIDED THAT, THEY OBTAIN A
CERTIFICATION FROM A GOVERNMENT MEDICAL DOCTOR
DECLARING THAT THE EMPLOYEE IS UNFIT TO WORK.**

SECTION 2. Implementing Rules and Regulation – Within ninety (90) days from
the effectivity of this Act, the Department of Labor and Employment, in

consultation with relevant stakeholders, shall promulgate the implementing rules and regulations necessary for the effectivity of this Act.

SECTION 3. Repealing Clause – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 4. Effectivity – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,