



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

Eighteenth Congress  
First Regular Session

HOUSE BILL NO. **5586**

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Introduced by Representative Florencio Gabriel "Bem" G. Noel

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**EXPLANATORY NOTE:**

The 1987 Philippine Constitution guarantees the rights to life, health, safety and property which are fundamental rights of every Filipino. the state shall uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts. This is stated under Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010".

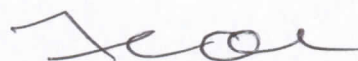
The Philippines' geographical location makes it prone to numerous calamities and typhoons. An average of twenty (20) typhoons hit our country annually.<sup>1</sup> This poses a huge problem for the state because a huge portion of the population of the country are living in low-lying coastal islands, with more than 60 percent of the living in coastal zones. This exposes them to threats which, most of the time, have forced them to evacuate, and sometimes even, rebuild their homes and lives from the rubbles.

This bill seeks to mitigate the losses of public and private employees whose homes are damaged, destroyed, or flooded due to calamities caused by typhoons, earthquakes, and other causes. Affording protection to both the employer and the employee, the availment of Calamity Leave under this bill shall be limited to the grounds and circumstances, and only upon compliance vsdth the requirements set forth and in conformity with the issued guidelines.

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<sup>1</sup> De La Cruz, Gwen, "IN NUMBERS: Typhoons in the Philippines and the 2016 polls." 19M arch 2016 .Rappler. Available at; <https://www.rappler.co /move-ph/issues//disasters /126001-typhoons-enter-philippines-fast facts>

In view of the foregoing, the approval of this measure is earnestly sought

A handwritten signature in dark ink, appearing to read 'F. Noel', with a stylized, cursive script.

**Florencio Gabriel “Bem” G. Noel**  
An Waray Party-list Representative.



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**AN ACT**  
**PROVIDING FOR A FIVE (5)-DAY SPECIAL EMERGENCY LEAVE FOR ALL**  
**WORKERS IN THE PUBLIC AND PRIVATE SECTOR DIRECTLY AFFECTED BY**  
**NATURAL CALAMITIES OR DISASTERS**

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

**SECTION 1.** Title. - This Act shall be known as the "Calamity Leave Law".

**SECTION. 2.** Declaration of Policy. - It is the policy of the State as enshrined in Article II, Sec. 18 of the Constitution to protect the rights of workers and promote their welfare. In compliance therewith, it is of utmost importance that workers and their right to safe and healthful working conditions must always be upheld.

Towards this end, and consistent with legal instruments that protect and promote the rights of the workers, the State shall institutionalize a mechanism to grant special emergency leave to employees affected by natural calamities/disasters. Labor, as a primary social economic force, shall be given the protection that the exigencies of time and circumstances mandate.

**SECTION 3.** Applicability. - All rights and benefits granted to employees under this Act apply to all officials, workers and employees, whether in the public or private Sector. This Act shall not apply to government workers or employees who render services during or on occasion of natural calamities or disasters.

**SECTION. 4.** Calamity Leave. -



- a) Every employee who has rendered at least six (6) months of service shall be entitled to five (s)-day special emergency leave each year, with pay, in times of natural calamities or disasters, based on any of the grounds specified in Section 6 of this Act.
- b) This provision shall not apply to those already enjoying the benefit herein provided regardless of nomenclature, those enjoying similar emergency leave of at least five days in times of natural calamities or disasters or personal emergencies and those employed in establishments regularly employing less than ten (10) employees or in establishments exempted from granting this benefit by the Secretary of Labor and Employment after considering the viability of such establishment.
- c) The grant of benefit in excess of that provided herein shall not be made a subject of arbitration or any court or administrative action.

**SECTION. 5.** Grant of Calamity Leave. - The five (s)-day special emergency leave with pay shall be available upon the declaration of a state of calamity by the President of the Philippines or by the Local Sanggunian pursuant to Section 16 of R.A. No. 10121.

However, in case a specific area was not declared under state of calamity but was nonetheless severely affected by the natural calamity/disaster, the head of the office or employer in the exercise of his/her sound discretion, may grant the special emergency leave to affected employee based on proof or evidence presented or news account.

The special emergency leave can be applied for five straight working days or on staggered basis and will not be deducted from the employee's leave credits. This leave may be availed of by employees within ten (10) days from the date when the natural calamity or disaster occurred.

**SECTION. 6.** Purpose of the Calamity Leave. - Any qualified employee may avail of this special emergency leave on any of the following grounds:

- a) Being stranded in affected areas where there are no means of transportation that can ensure a safe travel to and from work;
- b) Disease or illness of employee incurred by reason of the natural calamity or disaster;
- c) Caring of immediate family members affected by natural calamity or disaster; and
- d) Urgent repair and clean-up of damaged house.

**SECTION. 7.** Verification and Validation. - The granting of the special emergency leave under this Act shall be the duty of the head of office upon verification of the employee's eligibility thereto.

In determining the eligibility of an employee to the leave granted herein, the head of office or employer shall take into consideration the following:

1. Place of residence based on latest available records of the affected employee;
2. Declaration of calamity by the proper government agency;

3. Medical Certificate stating that the illness/disease was suffered by the employee or his/her immediate family member as a consequence of the natural calamity or disaster;
4. Availability of and access to public transportation on the day of the natural calamity/disaster;
5. Road closures due to the natural calamity or disaster along the route taken and could be taken by the employee to and from work; and
6. Other matters that may aid the head of office in his decision on the eligibility of the employee to avail of the said grant.

**SECTION. 8.** Suspension or Cancellation of Work. - If the head of office or employer suspended or cancelled work on occasion of such natural calamity or disaster, the employee may not be required to apply the special emergency leave during such suspension or cancellation.

**SECTION. 9.** Non-cumulative and Non-commutative. - Unused leaves under this Act shall not be cumulative and may not be converted into its cash equivalent.

**SECTION. 10.** Non-diminution of Benefits. - Benefits granted under this Act shall not in any manner mean any reduction, diminution, discontinuation or elimination of other existing benefits already enjoyed by workers. Rights already vested prior to the effectivity of this Act shall remain to be in full force and effect upon the passage of this Act.

**SECTION. 11.** Construction in favor of labor. - All doubts in the interpretation and implementation of the provisions of this Act shall be resolved in favor of labor.

**SECTION. 12.** Rules and Regulations. - The Department of Labor and Employment and other government agencies charged with the administration and enforcement of this Act shall promulgate the necessary implementing rules and regulations.

**SECTION. 13.** Separability Clause. - If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

**SECTION. 14.** Repealing Clause. - All laws, decrees, executive orders, proclamations, rules and regulations or parts thereof inconsistent herewith are repealed, amended, or modified accordingly.

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

Approved,