



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session



House Bill No. 3406

Introduced by **HON. JOSEPHINE VERONIQUE “Jaye” R. LACSON - NOEL**
Malabon City, Lone District

EXPLANATORY NOTE

Our country produces quality and hard-working professionals, technically skilled and rank-and-file workers. We are known to the whole world for it.

Over the past 12 months, according to the NEDA Report¹ issued last June 2019, An estimated 1.3 million jobs were created. However, our statistics would show that the current trend for our workers is not enough to alleviate our poverty rate.

The recent Labor Force Survey² published by the Philippine Statistics Authority (PSA) has shown that unemployment is at 94.9%, is down to 0.4 of the previous year while the underemployment rate is at 86.5% and it is down to 2.6% in comparison with the previous year. This leaves us with 42.2 million Filipino with jobs. They are either regular or part-time and no work limit has been specified. This, aside from our employment state, needs an immediate address.

The PSA published a report³ showing that there are around 8.1 million overworked Filipinos or have worked for more than the regular forty-eight (48) hours a week. Based on numerous local and international studies, overwork has several serious health repercussions including acute heart failure and subarachnoid hemorrhage, chronic depression, lack of concentration and impaired memory and accidents.

The Labor Code of the Philippines provides that the normal hours of work of any employee shall not exceed eight (8) hours a day⁴. As to overtime work, the code provides that it is not mandatory, except in situations specified under the law⁵, any employee may perform overtime work beyond eight (8) hours a day⁶, provided that the employee subject to appropriate compensation.

1. NEDA REPORT (2019). at <http://www.neda.gov.ph/ph-labor-market-upbeat-but-gains-need-to-be-sustained-neda/>

2. LABOR FORCE SURVEY (2019) at <https://psa.gov.ph/content/employment-rate-april-2019-estimated-949-percent>

3. DECENT WORK- (2015). at http://www.psa.gov.ph/sites/default/files/attachments/ird/specialrelease/DeWS%202018_092818_rev_0.pdf

4. ARTICLE 83, *The Labor Code of the Philippines*.

5. ARTICLE 89, *The Labor Code of the Philippines*.

6. ARTICLE 87, *The Labor Code of the Philippines*.

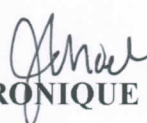
Section 18, Article II of the 1987 Constitution of the Philippines⁷ guarantees the protection of the rights of workers and promote their welfare. It also affirms labor as a primary social economic force.

Despite the efforts of our government to protect and develop our workers, currently there are no laws that shall limit the overtime work that one has to render. I personally understood the need of our countrymen to earn money due to increasing economic demands but, health and work-life balance should be prioritized.

Similar to the goals of the PSA upon publication of its “Decent Work” report, it also the goal of this bill to: (a) promote the creation of sustainable enterprises and increased efficiencies in the economy in order to explore opportunities for increased investments in human resource development and improved working conditions to achieve full and productive employment; (b) strengthen the observance of the constitutionally protected rights of workers to ensure the ratification of core and governing conventions and respect for fundamental principles and rights at work; and (c) seeks to improve access to social protection mechanisms, improved wages, better working conditions and expanded employment opportunities⁸.

This measure seeks to put a legal limit to the extent that employees can be made to work overtime, whether voluntary or involuntary.

IN VIEW OF THE FOREGOING, the immediate approval of this bill is earnestly sought.


JOSEPHINE VERONIQUE “Jaye” R. LACSON - NOEL

7. 1987 Constitution of the Philippines. Article II, Section 18.

8. DECENT WORK- (2015). at http://www.psa.gov.ph/sites/default/files/attachments/ird/specialrelease/DeWS%202018_092818_rev_0.pdf



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**AN ACT IMPOSING
A LIMIT TO THE NUMBER OF HOURS AN EMPLOYEE CAN WORK AND BE
MADE TO WORK OVERTIME, AMENDING FOR THE PURPOSE ARTICLES
87 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES**

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

SECTION 1. Declaration of State Policy. - It is hereby declared the policy of the State to afford full protection to labor and entitles all workers to humane work conditions. In addition, the state is mandated to regulate relations between workers and employers, recognising the right of labor to its just share un the fruit of production.

The Congress is constitutionally mandated to give the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity.

SECTION 2. Amendment of Article 87 of the Labor Code. - It is hereby amended to read as follows:

“Art. 87. Overtime work. 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.

FOR EMPLOYEES COVERED BY THE REGULAR WORK WEEK SCHEME, THE TOTAL ALLOWABLE OVERTIME WORK HOURS SHALL BE TEN (10) HOURS PER WEEK.

THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PROMULGATE SPECIFIC RULES TO DETERMINE THE APPLICABLE WEEKLY OVERTIME WORK LIMITS FOR EMPLOYEES COVERED BY THE COMPRESSED WORK WEEK SCHEMES AND OTHER SIMILARLY IRREGULAR WORK SCHEMES.

SECTION 6. *Implementing Rules and Regulations.* - The Department of Labor and Employment shall revise, amend and promulgate the necessary rules and regulations to implement the relevant provision of the Labor Code of the Philippines as amended by this Act within ninety (90) days after its approval.

SECTION 6. *Separability Clause.* - If any provision of this act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby, shall remain in full force and effect.

SECTION 7. *Repealing Clause.* - All laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations or parts thereof which are contrary to and inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

SECTION 8. *Effectivity.* - This act shall take effect fifteen (15) days after its complete publication either in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved,