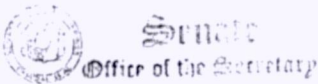


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE '19 JUL -8 P3:45

S. No. 303

RECEIVED BY:

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT  
GRANTING 15 DAYS OF PAID LEAVE A YEAR TO EMPLOYEES WHOSE  
SPOUSE, PARENT, UNMARRIED CHILD, OR WHEN THEY THEMSELVES ARE  
SUFFERING FROM SERIOUS ILLNESS**

**EXPLANATORY NOTE**

Many workers cannot afford to take unpaid time off work to provide care for their ailing child, parent or immediate family members. Family caregivers face financial, physical and emotional hardships, and in many cases their careers, incomes, and retirement security suffer because of their family responsibilities.

Due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking also often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

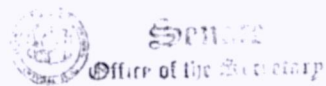
This bill seeks to grant 15 days of paid leave a year to employees whose spouse, parent, unmarried children, or when they themselves are suffering from serious illness. During prolonged illnesses or sickness, more often than not, employees consume their sick leave and vacation leave to attend to said exigencies. If not directly used for leave purposes, employees under the said situation resort to monetizing their accumulated leave credits to augment their financial needs, hence, diminishing the retirement money that will help them in their twilight years of non-employment.

The "Family and Medical Leave Act of 2019" will give employees a new venue to attend further to their families during these trying times without necessarily compromising their future income and fear the loss of their jobs. It also seeks to

balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity.

Considering the foregoing, the passage of this bill is earnestly sought.


  
**RAMON BONG REVILLA, JR.**



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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 "Family and Medical  
Leave Act of 2019."

Sec. 2. *Declaration of Policy.* – It is hereby the policy of the State to reinforce  
the importance of the family as the primary social institution of society. The State shall  
support and uphold the health and well-being of the family.

Sec. 3. *Definition of Terms.* – For purposes of this Act, the term:

(A) "Eligible employee" means an employee who has been employed— (i) for  
at least 12 months by the employer with respect to whom leave is requested; and (ii)  
for at least 1,250 hours of service with such employer during the previous 12-month  
period.

EXCLUSIONS. —The term "eligible employee" does not include— (ii) any  
employee of an employer who is employed at a worksite at which such  
employer employs less than 50 employees if the total number of employees  
employed by that employer within 75 miles of that worksite is less than 50.

1 (B) "Employer" means any person engaged in commerce or in any industry or  
2 activity affecting commerce who employs 50 or more employees for each working day  
3 during each of 20 or more calendar workweeks in the current or preceding calendar  
4 year; (ii) includes— (I) any person who acts, directly or indirectly, in the interest of an  
5 employer to any of the employees of such employer; and (II) any successor in interest  
6 of an employer;

7 (C) "Employment Benefits" means all benefits provided or made available to  
8 employees by an employer, including life insurance, health insurance, sick leave,  
9 annual leave, educational benefits, and pensions, regardless of whether such benefits  
10 are provided by a practice or written policy of an employer or through an "employee  
11 benefit plan".

12 (D) "Health care provider" means— (i) a doctor of medicine or osteopathy who  
13 is authorized to practice medicine or surgery (as appropriate) by the State in which  
14 the doctor practices; or (ii) any other person determined by the Secretary to be  
15 capable of providing health care services.

16 (E) "Parent" means the biological parent of an employee or an individual who  
17 stood in loco parentis to an employee when the employee was a son or daughter.

18 (F) "Secretary" means the Secretary of Department of Labor and Employment  
19 (DOLE).

20 (G) "Serious health condition" means an illness, injury, impairment, or physical  
21 or mental condition that involves— (i) inpatient care in a hospital, health center, lying-  
22 in clinic, or residential medical care facility; or (ii) continuing treatment by a health  
23 care provider.

24 (H) "Son or daughter" means a biological, adopted, or foster child, a stepchild,  
25 a legal ward, or a child of a person standing in loco parentis, who is— (i) under 18  
26 years of age; or (ii) 18 years of age or older and incapable of self-care because of a  
27 mental or physical disability.

28 (I) "Spouse" means a husband or wife, as the case may be.

1           Sec. 4. *Coverage*. – Any employee, regardless of status, may apply for and shall  
2 be granted by the employer a paid family and medical leave of up to fifteen (15) days  
3 when his/her spouse, parent or unmarried child suffers from a serious illness;  
4 Provided, however, That spouses working for the same employer when availing of the  
5 benefits under this Act shall only be granted a combined total of fifteen (15) days of  
6 paid leave. The employee may also apply for the same if he himself is physically unable  
7 to perform his job due to serious illness.

8           Sec. 5. *Certification* – The leave application shall be accompanied by a notarized  
9 medical certificate duly accomplished by a licensed physician. The medical certificate  
10 must clearly state the nature and extent of the illness, the date on which the serious  
11 health condition commenced, the probable duration of the condition, and the  
12 appropriate medical facts within the knowledge of the health care provider regarding  
13 the condition.

14           In any case in which the employer has reason to doubt the validity of the  
15 certification the employer may require, at the expense of the employer, that the  
16 eligible employee obtain the opinion of a second health care provider designated or  
17 approved by the employer concerning any information certified for such leave. The  
18 health care provider designated or approved shall not be employed on a regular basis  
19 by the employer.

20           In any case in which the second opinion differs from the opinion in the original  
21 certification, the employer may require, at the expense of the employer, that the  
22 employee obtain the opinion of a third health care provider designated or approved  
23 jointly by the employer and the employee concerning the information certified. The  
24 opinion of the third health care provider concerning the information certified shall be  
25 considered to be final and shall be binding on the employer and the employee. The  
26 employer may require that the eligible employee obtain subsequent re-certifications  
27 on a reasonable basis.

28  
29           Sec. 6. The employees availing of the leave benefits under this Act shall, upon  
30 return, be reinstated to his original position with equivalent pay, benefits and all other  
31 terms and conditions of employment.

1           Sec. 7. The fifteen (15) days leave provided under this Act may be availed of  
2 by the employee in parts but no remainder thereof shall be carried over the succeeding  
3 year. Provided, that no accumulated leave credits under this provision shall accrue in  
4 favor of the employee for every year of service.

5           Sec. 8. The leave benefits mandated under this Act shall not diminish or affect  
6 whatever vested rights and benefits the employee is already receiving under the law  
7 collective bargaining agreement (CBA) or from the employer: Provided, that the  
8 employee who is already receiving a similar unpaid leave benefits under the law or  
9 CBA shall only be entitled to a maximum of fifteen (15) days of paid leave benefits.

10          Sec. 9. *Implementing Rules and Regulations.* – The Secretary of the  
11 Department of Labor and Employment shall promulgate the necessary rules and  
12 regulations to effectively implement this Act.

13          Sec. 10. *Separability Clause.* – If any of the provision of this Act is declared  
14 unconstitutional, the same shall not affect the validity and effectively of other  
15 provisions hereof.

16          Sec. 11. *Repealing Clause.* – All laws, presidential decrees, executive orders  
17 proclamations and administrative regulations, which are inconsistent with the  
18 provisions of this Act, are hereby amended, modified, superseded or repealed  
19 accordingly.

20          Sec. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
21 publication in two (2) newspapers of general circulation.

22  
23          Approved,