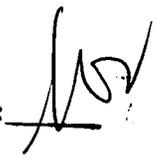


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'16 AUG 23 P6:11

RECEIVED BY: 

SENATE

S.B. No. 1064

Introduced by SENATOR JOEL "TESDAMAN" VILLANUEVA

**AN ACT
PROVIDING FOR PARENTAL LEAVE AND OTHER BENEFITS TO
WORKERS IN PRIVATE AND PUBLIC SECTORS**

EXPLANATORY NOTE

Republic Act No. 8972 known as the "Solo Parents' Welfare Act of 2000" limits the benefits of flexible work schedule, work discrimination and parental leave only to solo-parents. Yet, working couples, or workers in common-law relationship or same-sex relationship are faced with the same parental responsibilities as the solo-parents, but are denied such benefits. For instance, where no flexible work schedule or parental leave is provided, the workers with family responsibilities incur tardiness or absences as they go about their duties toward their children. For instance, in the case of working couples, discrimination occur when women are stereotyped as the sole child-carer; they are expected to absent themselves from work or be late for work where their children need parental care or protection. They become the default child-carer by virtue of stereotyping which is a form of discrimination. On the other hand, for employees in common-law relationship or same-sex relationship, discrimination also occurs in the grant of parental and other benefits for want of recognition of such relationships.

In this light, the passage of the bill will not only benefit the solo-parents, but also the working couples and other employees with family responsibilities, thereby removing the unnecessary hindrance on the ability of employees to combine family obligations with work responsibilities. It will also reduce discrimination in the workplace in regard to terms and conditions and benefits of employment. At the same time, the bill will encourage joint parental responsibility, in the best interest of the child.

Finally, consistent with the constitutional ideal, it would strengthen the family solidarity and promote the total family development.


SENATOR JOEL VILLANUEVA

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TO WORKERS IN PRIVATE AND PUBLIC SECTORS**

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

1 **SEC. 1. Short Title.** – This Act shall be known as the "*Parental Leave Act of*
2 *2016*".

3

4 **SEC. 2. Declaration of Policy.** – It is the policy of the State to promote the
5 rights and welfare of employees with family responsibilities to ensure the
6 solidarity and total development of the family as the foundation of the nation.
7 Toward this end, the State shall provide measures that would encourage
8 greater parental responsibility of workers to ensure that the children are given
9 the assistance, including proper care and protection against conditions
10 prejudicial to their development.

11

12 **SEC. 3. Coverage.** – The provisions of this Act shall apply in the private and
13 public sector.

14

15 **SEC. 4. Definition of Terms.** – For purposes of this Act, the following terms
16 shall mean as follows:

17

- 1 a) **Employee** refers any person who has parental responsibilities and who
2 performs services for another and receives compensation, regardless of
3 his/her employment status, provided an employer-employee relationship
4 exists between them. The employee may be one of the working
5 couples, an employee in a common-law relationship, an employee in a
6 same-sex relationship, or a solo-parent.
- 7 b) **Working couples** are employees who are married to each other, or are
8 in common-law relationship, or in same-sex relationship, and are both
9 employed, either in the same establishment or in different establishment.
- 10 c) **Common-law relationship** refers to an arrangement where a male
11 employee is living together with his/her spouse as a married couple for
12 at least one year and both have no legal impediment to marry each other.
- 13 d) **Same-sex partnership** means a relationship where an employee is
14 living together with his/her partner of the same sex.
- 15 e) **Children** refer to those living with and dependent upon the employee for
16 support who are unmarried, unemployed and not more than eighteen
17 (18) years of age, or even over eighteen (18) years but are incapable of
18 self-support because of mental and/or physical defect/disability.
- 19 f) **Parental responsibility**, with respect to their children, means the
20 biological or adopted, or their ward, the rights and duties of the
21 parents/guardians as defined in Article 351 of Republic Act No. 386,
22 otherwise known as the "*Civil Code of the Philippines*" and Article 220 of
23 Executive Order No. 209, as amended, otherwise known as the "*Family*
24 *Code of the Philippines*."
- 25 g) **Parental leave** are benefits granted to an employee to enable him/her
26 to perform parental duties and responsibilities where physical presence
27 is required.
- 28 h) **Flexible work schedule** refers to the right granted to a worker to vary
29 his/her arrival and departure time without affecting the core work hours
30 as defined by the employer.

31
32 **SEC. 5. Benefits.** – The employee with parental responsibility shall enjoy the
33 following benefits:

- 34 a) *Flexible Work Schedule.* – The employer shall provide for a flexible
35 working schedule for the employee; *Provided*, That the same shall not
36 affect individual and company productivity; *Provided, further*, That any
37 employer may request exemption from the above requirements from the
38 DOLE on certain meritorious grounds;
- 39 b) *Work Discrimination.* – No employer shall discriminate against an

1 employee with respect to terms and conditions of employment on
2 account of his/her status; and

3 c) *Parental Leave.* – In addition to leave privileges under existing laws,
4 parental leave of fifteen (15) working days every year shall be granted
5 to an employee who has rendered service of at least one (1) year.

6

7 **SEC. 6. *Availment of Parental Leaves.*** – Where the working couples work in
8 the same establishment, each of the employees shall be entitled to separate
9 parental leaves. In all cases, every employee with family responsibilities shall
10 be entitled to parental leaves.

11

12 **SEC. 7. *Rules and Regulations.*** – The Secretary of Labor and Employment,
13 the Chair of the Civil Service Commission and the Secretary of Health shall,
14 within thirty (30) days from the effectivity of this Act, issue such rules and
15 regulations necessary for the proper implementation of the provisions hereof.

16

17 **SEC. 8. *Penalties.*** – Any person, corporation, trust, firm, partnership,
18 association or entity found violating this Act or the rules and regulations
19 promulgated thereunder shall be punished by a fine not exceeding Twenty-five
20 thousand pesos (P25,000) or imprisonment of not less than thirty (30) days nor
21 more than six (6) months.

22 If the violation is committed by a corporation, trust or firm, partnership,
23 association or any other entity, the penalty of imprisonment shall be imposed
24 on the entity's responsible officers, including, but not limited to, the president,
25 vice-president, chief executive officer, general manager, managing director or
26 partner directly responsible therefor.

27

28 **SEC. 9. *Non-diminution Clause.*** – Nothing in this Act shall be construed to
29 reduce any existing parental leave benefits granted under existing laws,
30 decrees, executive orders, or any contract agreement or policy between
31 employer and employee.

32

33 **SEC. 10. *Repealing Clause.*** – All laws, ordinances, rules and regulations or
34 parts thereof, which are inconsistent with this Act are hereby repealed or
35 modified accordingly.

36

37 **SEC. 11. *Effectivity.*** – This Act shall take effect (15) days from its publication
38 in the Official Gazette or in at least two (2) newspapers of national circulation.

1 Approved,