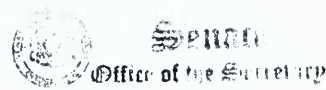


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
***First Regular Session*)**



'22 JUL 14 P4 :07

SENATE
S. No. 652

RECEIVED BY: 

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

AN ACT
PROVIDING FOR A SPECIAL EMERGENCY LEAVE FOR EMPLOYEES
AFFECTED BY NATURAL CALAMITIES OR DISASTERS

Explanatory Note

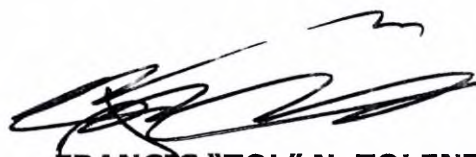
The Philippines has experienced a number of large scale and devastating natural calamities and disasters, including deadly earthquakes, catastrophic fires, far reaching floods, damaging storms, and other hazards that substantially flatfooted our communities, economy, infrastructure, and environment.

The threat of natural and man-made disasters is a feature of the Philippine climate and landscape which is expected to continue because climate change is making weather patterns less predictable and more extreme. Given our disaster risk profile, there is a need to supplement the provisions of Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010," by enabling affected citizens to recover from the devastating effects of a natural calamity or disaster.

This measure seeks to institutionalize Civil Service Commission Memorandum Circular No. 2, s. 2012 and Civil Service Commission Memorandum Circular No. 16, s. 2012 which grant special emergency leave to government employees affected by natural calamities or disasters. Furthermore, this measure also seeks to expand the coverage of the said memorandum to include the private sector in the grant of

special emergency leave because a natural calamity or disaster does not differentiate whom it will affect.

Considering the foregoing, the immediate enactment of this bill is respectfully requested.

A handwritten signature in black ink, appearing to read 'Francis Tolentino', with a stylized flourish at the end.

FRANCIS "TOL" N. TOLENTINO

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

1 **Section 1. *Short Title.*** – This Act shall be known as the "Special Emergency
2 Leave Law."

3 **Section 2. *Applicability.*** – This Act shall apply to all government and
4 private employees, officials, and workers who have rendered at least six (6) months
5 of service to their present employer.

6 However, this Act shall not apply to the following:

7 (a) Those already enjoying a similar benefit involving at least five (5) days
8 of special emergency leave;

9 (b) Those employed in establishments employing less than ten (10)
10 employees; and

11 (c) Those whose services are necessary for disaster response and relief.

12 **Section 3. *Natural Calamities or Disasters.*** – For purposes of this Act, a
13 natural calamity or disaster shall refer to a serious disruption of the functioning of a
14 community or a society involving widespread human, material, economic or
15 environmental losses and impacts, which exceeds the ability of the affected

1 community or society to cope using its own resources. Natural calamities or disasters
2 include, but not be limited to, typhoons, landslides, floods, volcanic eruptions,
3 earthquakes, and other similar occurrences whose impacts may include loss of life,
4 injury, disease and other negative effects on human, physical, mental and social
5 well-being, together with damage to property, destruction of assets, loss of services,
6 social and economic disruption, and environmental degradation.

7 **Section 4. *Special Emergency Leave.*** – A five (5) -day special emergency
8 leave with pay shall be granted to employees directly affected by a natural calamity
9 or disaster.

10 The special emergency leave can be applied for five (5) straight working days
11 or on staggered basis and shall not be deducted from the employee’s other leave
12 credits granted by law or being enjoyed at the time of promulgation of this Act.

13 The special emergency leave may be availed of by the affected employees
14 within thirty (30) days from the actual occurrence of the natural disaster or calamity.

15 The said leave is non-commutative and non-cumulative and may not be
16 converted into its cash equivalent.

17 **Section 5. *Purpose of the Special Emergency Leave.*** – The purpose of
18 the special emergency leave may be any of the following:

- 19 (a) Urgent repair and clean-up of damaged house;
20 (b) Being stranded in affected areas;
21 (c) Disease or illness of employees brought by natural calamity or disaster;
22 or
23 (d) Caring for immediate family members affected by natural calamity or
24 disaster.

25 **Section 6. *Eligibility.*** – The head of office or employer shall take full
26 responsibility for the grant of special emergency leave and verification of the
27 employee’s eligibility to be granted thereof. The validation shall include:

- 28 (a) Place of residence based on the latest available records of the affected
29 employee;
30 (b) Extent of damage caused by the calamity to the affected employee;

1 (c) Medical certificate stating that the illness or disease was suffered by
2 the employee or his/her immediate family member brought by the natural calamity
3 or disaster;

4 (d) Such other proofs as may be necessary.

5 **Section 7. *Non-diminution of Benefits.*** – Nothing in this Act shall be
6 construed to eliminate or in any way diminish employee benefits enjoyed at the time
7 of promulgation of this Act.

8 **Section 8. *Separability Clause.*** – If any section or provision of this Act
9 shall be declared unconstitutional or invalid, the other sections or provisions not
10 affected thereby shall remain in full force and effect.

11 **Section 9. *Repealing Clause.*** – All laws, decrees, rules and regulations,
12 issuances, or parts thereof which are inconsistent with the provisions of this Act are
13 hereby repealed, amended, or modified accordingly.

14 **Section 10. *Effectivity.*** – This Act shall take effect fifteen (15) days from
15 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,