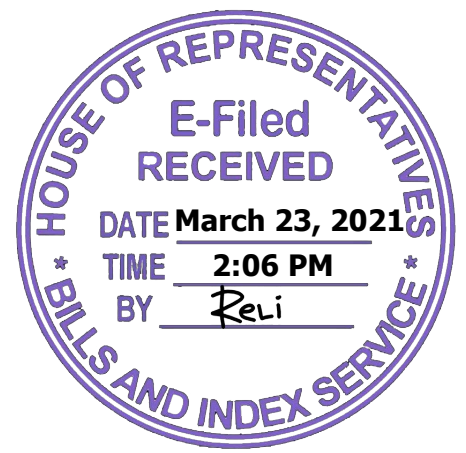


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **9135**



Introduced by **HON. JOY MYRA S. TAMBUNTING**

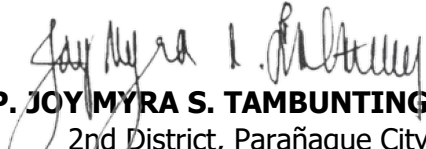
EXPLANATORY NOTE

Republic Act 11165 or the Telecommuting Act, which was enacted in 2018, allows employers in the private sector to offer a telecommuting program to its employees on a voluntary bases. It is presently the only law which covers telecommuting in the Philippines. The said law defines “telecommuting” as work from an alternative workplace with the use of telecommunications and/or computer technologies. With the onset of COVID-19 pandemic, most companies have shifted to telecommuting, in compliance with the community quarantine measures implemented by the government.

In the past year, we have witnessed how telecommuting could be a viable work arrangement in the post-COVID-19 world. Telecommuting offers benefits to employees and employers alike—with reduced costs for transportation and increased level of flexibility for employees; and increased productivity and savings from reduced operational costs. On top of these, this arrangement may also help alleviate road traffic conditions as employees would not have to travel from home to workplaces.

In consideration of these abovementioned benefits, this measure seeks to expand RA 11165 to include in its coverage institutions from the public sector. This measure also seeks to provide incentives to telecommuting employees, in consideration of the additional costs to utilities as people work in their homes.

On behalf of the people of Parañaque City’s Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **9135**

Introduced by **HON. JOY MYRA S. TAMBUNTING**

AN ACT
EXPANDING THE COVERAGE OF THE TELECOMMUTING ACT AND PROVIDING
INCENTIVES FOR TELECOMMUTING EMPLOYEES, AMENDING FOR THE PURPOSE,
REPUBLIC ACT NO. 11165, OTHERWISE KNOWN AS THE TELECOMMUTING ACT AND
FOR OTHER PURPOSES

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

SECTION 1. Section 4 of Republic Act No. 11165, otherwise known as the Telecommuting Act, is hereby amended to read as follows:

SEC. 4. Telecommuting Program – An employer in the private **OR PUBLIC** sector may offer a telecommuting program to its employees on a voluntary basis, and upon such terms and conditions as they may mutually agree upon; XXX

Sec. 2. A new section is hereby inserted after Section 8 of Republic Act No. 11165, which shall read as follows:

"SEC 9. INCENTIVES FOR TELECOMMUTING EMPLOYEES. ALL EMPLOYEES WORKING UNDER A TELECOMMUTING PROGRAM SHALL BE ENTITLED TO A NON-TAXABLE TELECOMMUTING ALLOWANCE OF AT LEAST ONE THOUSAND PESOS (P1,000.00) FOR EVERY MONTH SERVED UNDER SUCH AGREEMENT. PROVIDED, THAT, NOTHING IN THIS PROVISION SHALL BE CONSTRUED TO ELIMINATE OR IN ANY WAY DIMINISH SUPPLEMENTS, ALLOWANCES, OR OTHER EMPLOYEE BENEFITS SERVING A SIMILAR PURPOSE BEING ENJOYED AT THE TIME OF THE IMPLEMENTATION OF THIS LAW. PROVIDED FURTHER, THAT, NOTHING IN THIS PROVISION SHALL BE INTERPRETED TO PROHIBIT THE EMPLOYERS OR THE COLLECTIVE BARGAINING AGREEMENT FROM PROVIDING TERMS HIGHER OR MORE FAVORABLE THAN THE ABOVE-MENTIONED RATE. PROVIDED FINALLY, THAT, ALLOWANCES GRANTED BY PRIVATE EMPLOYERS UNDER THIS PROVISION SHALL BE DEDUCTIBLE FOR INCOME TAX PURPOSES."

Succeeding sections of RA 11165 are hereby renumbered accordingly.

Sec. 3. Penalties. Any violation of the provisions of this Act shall be punished with a fine of not more than One Hundred Thousand Pesos (P 100,000.00).

Sec. 4. Implementing Rules and Regulations. – The Department of Labor and Employment, the Department of Finance, and the Bureau of Internal Revenue shall promulgate the rules and regulations to implement this Act within ninety (30) days from the effectivity of this Act.

Sec. 5. Separability Clause. – If any provision or part thereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Sec. 6. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

Sec. 7. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,