

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

EIGHTEENTH CONGRESS  
**Second Regular Session**

HOUSE BILL NO. 9504



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

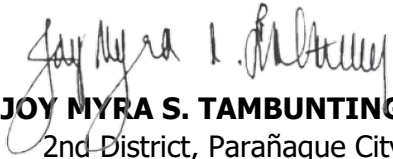
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#### **EXPLANATORY NOTE**

One way we could prevent the spread of infectious diseases (especially before we achieve herd immunity) is for the population to strictly observe health protocols such as proper use of personal protective equipment, physical distancing, quarantine and/or isolation upon exposure, among others. While simple, there are several circumstances which could prevent people from strictly adhering to these. For a lot of Filipinos, the suggested ten (10) days of quarantine and/or isolation upon exposure and/or manifesting symptoms is difficult to follow as it would entail losing income which they need for their daily finances. Indeed, this is one of the reasons behind employees choosing to report to work despite symptoms of COVID-19.

This measure is proposed with the aim of ensuring occupational safety and health in workplaces, by avoiding the further spread of the virus in the workplace and at the same time protecting the welfare of our employees and their families. This measure seeks to grant ten (10) working days of paid pandemic leaves to employees who will contract COVID-19, regardless of employment status. The said pandemic leave shall be availed immediately after the COVID-19 case of a qualified employee is confirmed.

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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**AN ACT**  
**MANDATING PAID PANDEMIC LEAVES FOR QUALIFIED EMPLOYEES DURING THE**  
**CORONAVIRUS DISEASE (COVID-19) PANDEMIC**

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

**SECTION 1. Short Title.** – This Act shall be known as the “Paid COVID-19 Leave Act”.

**Sec. 2. Declaration of Policy.** – It is hereby declared the policy of the State to protect and promote the right to health of the people, including workers who constitute the life and blood of the economy. The State recognizes that maintaining a healthy workforce and protecting workers during the Coronavirus disease (COVID-19) pandemic is an integral aspect of nation building.

**Sec. 3. Definition of Terms.** – As used in this Act, the term:

- a. Confirmed case refers to any individual, irrespective of the presence or absence of clinical/signs and symptoms, who was laboratory-confirmed for Covid-19 in a test conducted at a national reference laboratory, a subnational reference laboratory, or a laboratory testing facility duly certified by the Department of Health (DOH);
- b. Full pay refers to an employee's daily basic pay including fixed monetary allowances without conditions;
- c. Qualified employee refers to any employee who are required to report to office, physically or virtually, for work on a regular basis;

**Sec. 4. Applicability.** – The leave benefits to qualified employees under this Act shall apply to all officials, workers and employees, whether in public or private sector, who are confirmed cases of COVID-19. Qualified employees may avail this leave only during the duration of the COVID-19 pandemic.

**Sec. 5. Grant of Paid COVID-19 Leave Benefits.** – Employers are mandated to grant paid pandemic leaves to qualified employees, regardless of employment status, during the COVID-19 pandemic.

The paid pandemic leave shall be ten (10) working days of paid leave per year based on the employee's daily full pay.

Enjoyment of paid pandemic leave cannot be deferred and should be availed of immediately after the COVID-19 case of a qualified employee is confirmed, in a continuous and uninterrupted manner.

**Sec. 6. Eligibility for Paid COVID-19 Leave.** – An employee who applies for the paid pandemic leave must submit the necessary medical records and other proof of eligibility to the employer for immediate action. Processing of applications for paid pandemic leaves shall not exceed three (3) days.

The application shall be deemed approved if not acted upon by the employer within five (5) calendar days upon receipt thereof.

**Sec. 7. Non-cumulative and Non-commutative.** – Unused leaves under this Act shall not be cumulative and may not be converted into its cash equivalent.

**Sec. 8. Not a ground/or Disciplinary Action.** – Availment of the leave shall not be used as reason for misconduct, demotion, or termination in employment, or for any form of unsatisfactory performance.

**Sec. 9. Non-discrimination.** – No employee shall be discriminated in the availment of the paid pandemic leave benefit on the basis of sex, gender, political beliefs and employment status.

**Sec. 10. Non-diminution of benefits.** – Nothing in this Act shall be construed as to diminish or prejudice existing sick leaves and other benefits currently enjoyed by an employee, whether or not these are granted under a collective bargaining agreement or present laws. Rights already vested prior to the effectivity of this Act shall remain to be in full force and effect upon the passage of this Act.

**Sec. 11. Funding.** – The Social Security System (SSS) and the Government Service Insurance System (GSIS), as applicable, shall reimburse the employer for the payment of its employees' paid COVID-19 leaves.

**Sec. 12. Penalty.** – An employer's willful refusal to grant the paid pandemic leave shall be punished by a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Two hundred thousand pesos (P200,000.00). If the act or omission penalized by this Act was committed by an association, partnership, corporation or any other institution, its managing head, directors or partners shall be held liable to the penalties provided by this Act.

**Sec. 13. Periodic Review.** – The Civil Service Commission (CSC) and the Department of Labor and Employment (DOLE), in consultation with trade unions, labor organizations, and employers' representatives, within one (1) month after the effectivity of this Act and as frequently as may be necessary, shall conduct a review of the paid COVID-19 leave in the government service and the private sector.

**Sec. 14. Implementing Rules and Regulations.** – Within thirty (30) days from the effectivity of this Act, the DOLE, CSC and other government agencies charged with administration and

enforcement of this Act shall issue the necessary rules and regulations for the effective implementation of this Act.

**Sec. 15. Appropriations.** – For the following year, the amount necessary to carry out the provisions of this Act shall be appropriated in the General Appropriations Act.

**Sec. 16. Separability Clause.** – If any part, section or provision of this Act is declared invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

**Sec. 17. Repealing Clause.** – All laws, decrees, executive orders, rules and regulations inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

**Sec. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

*Approved,*