

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

SENATE

S. No. 44



Introduced by SENATOR JINGGOY EJERCITO ESTRADA

AN ACT

PROVIDING FOR A WORKING TIME FLEXIBILIZATION IN THE PRIVATE SECTOR AND FOR OTHER PURPOSES, THEREBY AMENDING ARTICLE 83, 85 AND 87 OF PRESIDENTIAL DECREE FOUR HUNDRED FORTY-TWO (PD 442), AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

EXPLANATORY NOTE

This bill proposes modification to existing normal hours of work, including shortened meal breaks, and overtime work. It incorporates provisions of treaties and executive agreements to which the country has acceded to or a party to, in relation to liberalization and globalization. It likewise considered certain provision of existing and related laws, such as Republic Act No. 8972 otherwise known as the Solo Parents' Welfare Act of 2000. The following takes up the above-mentioned labor matters and discussion based on Labor Code and Convention reviews:

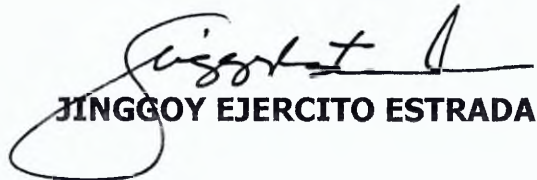
- (1) The newly proposed paragraph in the normal hours of work of Article 87 can retain the normal working hours and shall encourage negotiation on working time flexibility. This shall provide room for parties to formulate agreements. This should not however sacrifice labor standards still regulated by the Department of Labor and Employment (DOLE).

The Compressed Work Week (CWW) has been considered and is acceptable and being adopted by establishments provided requisites are met and after evaluation and approval by the DOLE.

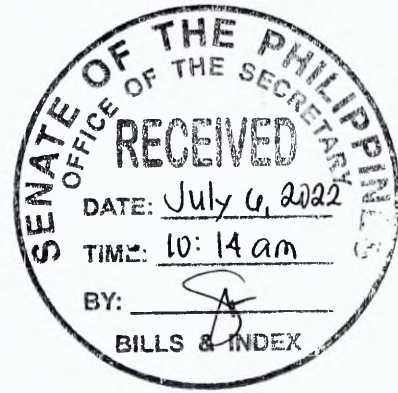
(2) A typical working time arrangement may be defined as any work schedule agreed upon by the employer and employees which deviates from the normal working hours, the meal period of sixty (60) minutes and the rest day of twenty-four (24) hours after six (6) consecutive work days.

Where irregular or atypical working arrangement has been agreed upon by the parties that would result in a daily schedule of more than eight (8) hours in a day, meal breaks may be more than once and such may be made in addition to mandatory rest periods.

In view of the foregoing, the proposed amendments and supplements are hereby recommended.


JINGGOY EJERCITO ESTRADA

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

1 Section 1. Article 83 of the Presidential Decree No. 442, otherwise known as
2 the Labor Code of the Philippines is hereby further amended by adding the following
3 paragraph to read as follows:

4 "Article 83. Normal hours of work. – x x x

5 "x x x.

6 **"HOWEVER, THE WORKWEEK OF EMPLOYEES MAY**
7 **BE SHORTENED OR COMPRESSED BY EXTENDING THEIR**
8 **NORMAL DAILY WORKING HOURS NOT EXCEEDING TEN**
9 **(10) HOURS A DAY, SUBJECT TO SUCH CONDITIONS AS**
10 **MAY BE DETERMINED BY THE SECRETARY OF LABOR AND**
11 **EMPLOYMENT IN APPROPRIATE REGULATIONS TO**
12 **PROTECT THE INTEREST OF THE EMPLOYEES"**

13 Sec. 2. Article 85 of the same Code is likewise amended by adding a new
14 paragraph to read as follows:

15 "Article 85. Meal Periods. – x x x

1 **"IN CASE THE MEAL PERIOD IS LESS THAN SIXTY (60)**
2 **MINUTES, IT SHALL BE DEEMED PART OF THE WORKING**
3 **HOURS IN A DAY."**

4 Sec. 3. Article 87 of the same Code is likewise amended by inserting new
5 paragraph to read as follows.

6 "Article 87. Overtime Work. – x x x

7 **"IN CASE OF VALID COMPRESSED WORKWEEK AS**
8 **PROVIDED HEREIN, THE OVERTIME PAY SHALL BE PAID**
9 **FOR WORK IN EXCESS OF HIS ALLOWABLE WORK HOURS**
10 **IN A DAY."**

11 Sec. 4. *Separability Clause.* - If any portion of this Act is declared
12 unconstitutional, the same shall not affect the validity and effectivity of the other
13 provisions not affected thereby.

14 Sec. 5. *Repealing Clause.* - All laws, acts, decrees, executive orders, rules and
15 regulations or other issuances or parts thereof, which are inconsistent with this Act,
16 are hereby modified and repealed.

17 Sec. 6. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days
18 following its publication in two (2) national newspapers of general circulation

19 *Approved,*