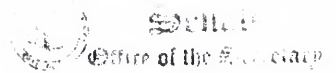


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 12 P 4 :54

SENATE

RECEIVED BY: _____

S.B. No. 414

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT STRENGTHENING REPUBLIC ACT NO. 11165, OTHERWISE KNOWN
AS THE "TELECOMMUTING ACT", AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution provides that *"the State shall protect and promote the right to health of the people and instill health consciousness among them."*

The Corona Virus 19 (COVID-19) pandemic has changed the landscape in which work was being conducted. As we transition from a pandemic to an endemic, a *"new normal"* of social distancing, hygiene standards and limited physical contact shall prevail into the future, given the expectation of new and novel disease outbreaks.

Various sectors, including the labor sector, have to make major modifications in their policy to ensure compliance and adaptability with social distancing measures. This bill thus seeks to strengthen the telecommuting law by making it mandatory, and not merely optional, for employers to offer telecommuting as an alternative to its employees whose physical presence in the workplace is not absolutely essential to the performance of their functions.

For the foregoing reasons, the passage of this bill is earnestly sought.

IMEE R. MARCOS

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AS THE "TELECOMMUTING ACT", AND FOR OTHER PURPOSES**

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

1 SECTION 1. Section 3 of Republic Act No. 11165 is hereby amended to read as
2 follows:

3
4 **"Section 3. Telecommuting Defined.** – As used in this Act, the
5 term "telecommuting" refers to a work **ARRANGEMENT THAT**
6 **ALLOWS AN EMPLOYEE IN THE PRIVATE SECTOR TO**
7 **WORK** from an alternative workplace with the use of
8 telecommunications and/or computer technologies."
9

10 SEC. 2. Section 4 of Republic Act No. 11165 is hereby amended to read as
11 follows:

12 **"Section 4. Telecommuting Program.** – An employer in **THE**
13 private sector [may] **SHALL** offer a telecommuting program to its
14 employees **WHOSE PHYSICAL PRESENCE IN THE**
15 **WORKPLACE IS NOT NECESSARY FOR THE COMPLETION**
16 **OF HIS/HER JOB** [on a voluntary bases], and upon such terms
17 and conditions as they may mutually agree upon: *Provided,* That
18 such terms and conditions shall not be less than the minimum
19 labor standards set by law, and shall include compensable work
20 hours, minimum number of work hours, overtime, rest days, and

1 entitlement to leave benefits. In all cases, the employer shall
2 provide the telecommuting employee with relevant written
3 information in order to adequately apprise the individual of the
4 terms and conditions of the telecommuting program, and the
5 responsibilities of employee. **PROVIDED, FURTHER THAT,**
6 **SHOULD THE PHYSICAL PRESENCE OF THE EMPLOYEE BE**
7 **NECESSARY FOR A PARTICULAR TASK, THE EMPLOYER MAY**
8 **REQUIRE HIS/HER ATTENDANCE IN THE WORKPLACE,**
9 **WITHIN OFFICE HOURS AND DURING WEEKDAYS.**

10
11 **A CONTRACT OF EMPLOYMENT SHALL CLEARLY INDICATE**
12 **THE ELIGIBILITY OF A GIVEN POSITION FOR**
13 **TELECOMMUTING.”**

14
15 SEC. 3. *Transitory Provision.* – Within one (1) year from the effectivity of this
16 Act, all employers in the private sector shall submit their assessment on the feasibility
17 of telecommuting in their respective businesses.

18
19 SEC. 4. *Separability Clause.* – If for any reason any part or provision of this Act
20 shall be deemed unconstitutional or invalid, the other sections or provisions hereof shall
21 not be affected and shall remain in force and effect.

22
23 SEC. 5. *Repealing Clause.* – All laws, executive orders, presidential decrees,
24 presidential proclamations, letters of instruction, rules and regulations or parts thereof
25 which are inconsistent with the provisions of this Act are hereby repealed or modified
26 accordingly.

27
28 SEC. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
29 publication in the Official Gazette or in a newspaper of general circulation.

Approved,