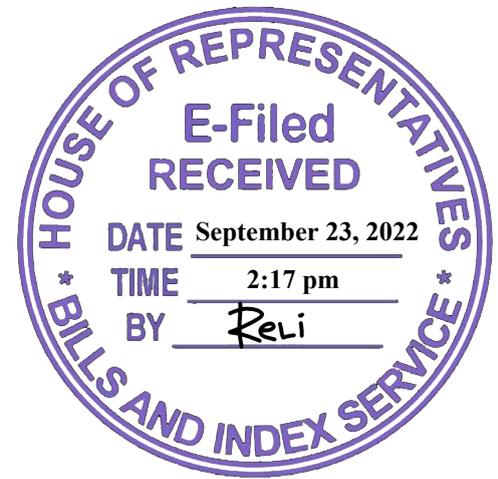


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5125



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

The State, under Article II, Section 18 of the 1987 Constitution, “affirms labor as a primary social economic force,” thus pledging to “protect the rights of workers and promote their welfare.” In connection, under Article XIII, Section 3, the State pledges to give “full protection to labor.”

Hence, in the context of the ongoing pandemic, it is only right that the government do its utmost in securing the safety and welfare of its own employees.

In May 2020, the Civil Service Commission (CSC) did in fact work towards this, in its Resolution No. 2000540 (Revised Interim Guidelines for Alternative Work Arrangements and Support Mechanisms for Workers in the Government During the Period of State of National Emergency Due to COVID-19 Pandemic), which was promulgated on May 7, 2020 and then circularized via CSC Memorandum Circular No. 10, s. 2020.¹ CSC “made available multiple alternative work arrangements (AWA) that government agencies can adopt while the entire country is placed under a State of Public Health Emergency due to the coronavirus disease-2019 or COVID-19 pandemic.”²

One of those AWA is working from home:³

Work-from-home (WFH) refers to an output-oriented work arrangement that authorizes the worker to produce outputs or results and accomplishments outside of the office. This shall be adopted in areas placed under Enhanced Community Quarantine (ECQ) by the President. For agencies in areas placed under General Community Quarantine (GCQ),

¹ Civil Service Commission, “CSC sets multiple alternative work arrangements for gov’t agencies, “ May 7, 2020, available at <http://www.csc.gov.ph/new-updates/1951-csc-sets-multiple-alternative-work-arrangement-s-for-gov%E2%80%99t-agencies.html>.

² Id.

³ Id.

where public transportation is limited and physical/social distancing in the workplace is required, WFH is an option.

For areas placed under GCQ, employees aged below 21 and those who are 60 years old and above, as well as those with immunodeficiency, co-morbidities or other health risk, pregnant women, including those who reside with the aforementioned, shall be under WFH arrangement, except when their services are indispensable under the circumstances or when office work is permitted. (emphasis in the original)

In support of WFH as an AWA, the Department of Information and Communications Technology (DICT) launched wfh.gov.ph:⁴

Remote work tools, tips and other learning materials and resources to enrich digital literacy and build ICT knowledge for people working from home can now be accessed by government employees at the Department of Information and Communications Technology's (DICT) Work from Home website (wfh.gov.ph).

The website aims to be a resource to help government agencies continue with their work online for the duration of the public health emergency. It features content that complements the continuing objective of the recently concluded National ICT Month 2020 to maximize ICT for the new normal through various digitalization initiatives, strategies and best practices.

President Rodrigo Duterte is steadfast in his directives to promote ICT-enabled work arrangements since the enactment of R.A. No. 11165 or the Telecommuting Act of 2018. After the President's June 30, 2020 announcement of the new quarantine classifications for the next two weeks, with the National Capital Region and select provinces remaining under General Community Quarantine (GCQ), and Cebu City under Enhanced Community Quarantine (ECQ), it is apparent that telecommuting remains a strategic alternative for both the public and private sector to consider and implement.

"The launch of wfh.gov.ph serves to support the President's agenda of unhampered and efficient service to the people," DICT Secretary Gregorio B. Honasan II said. "We encourage our government employees to visit the website and find the right resources to help guide them transition into a remote working lifestyle," he added.

Among other content, the website features instructions on how government employees can avail of various telecommuting software for video conferencing, document processing, e-mail, and digital certificates.

It aims to help government employees manage the new virtual working environment in accordance with the Civil Service Commission (CSC) Memorandum Circular No. 10, s. 2020 that provides guidelines for implementing alternative work arrangements for government employees affected by the community quarantine.

With these developments, there is no reason why telecommuting for government employees cannot now be institutionalized. This bill aims to be

⁴ Gov.ph, "DICT launches wfh.gov.ph to provide telecommuting resources for government employees," July 6, 2020, available at <https://dict.gov.ph/dict-launches-wfh-gov-ph-to-provide-telecommuting-resources-for-government-employees/>.

to government employees what R.A. No. 11165 is to private employees. As part of the various measures to be proposed, this Bill seeks to: 1) direct government agencies to lay out their policies and mechanisms for their employees' telecommuting; 2) provide for the training needed by employees for the transition to telecommuting; and 3) set up a reporting system for monitoring the effect telecommuting has on the productivity/efficiency of employees.

It is for the foregoing premises that the approval of this Bill is earnestly sought.


ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

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Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

AN ACT
TO REQUIRE EACH AGENCY OF THE GOVERNMENT TO ESTABLISH
AND IMPLEMENT A POLICY UNDER WHICH EMPLOYEES SHALL BE
AUTHORIZED TO TELECOMMUTE, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Work from Home Act.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to innovate on certain work practices and promote flexible work options, especially in times of local and national emergency. As such, under this Act, each government agency shall be required to establish telecommuting as a viable work option and for such purpose, implement policies under which employees of different government agencies shall be authorized to telecommute.

SECTION 3. *Definition of Terms.* – For purposes of this Act:

- a) *Employee* refers to any such person currently employed in any government agency;
- b) *Government agency* refers to any of the various units of the Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporations, or a local government or a distinct unit therein; and
- c) *Telecommute* refers to a work flexibility arrangement, under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite

other than the location from which the employee would otherwise work. This shall include work from home.

SECTION 4. *Government Agencies Telecommuting Requirement.* – Not later than 180 days after the date of enactment of this Act, each government agency shall establish a policy under which eligible employees of the government agency may be authorized to telecommute. The government agency shall determine the eligibility for all employees to participate in telecommuting, as well as the circumstances under which telecommuting shall be allowed, and notify the employees of the same: *Provided*, that an employee may not telecommute under a policy established under this Act if the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year, or for violations of R.A. No. 6713 (“Code of Conduct and Ethical Standards for Public Officials and Employees”).

The policy described above shall:

- a) Ensure that telecommuting does not diminish employee performance or agency operations;
- b) Provide that the agreement for the employee to telecommute shall be terminated upon notice to the employee if the performance of that employee does not comply with the established metrics;
- c) Not apply to any employee of the department whose official duties require to be at work on a daily basis, such as direct handling of secure materials determined to be inappropriate for telecommuting by the agency head, or on-site activity that cannot be handled remotely or at an alternate worksite, except in emergency situations as may be determined by the government agency; and
- d) Be incorporated as part of the continuity of operations plan of the agency in the event of an emergency.

SECTION 5. *Guidelines on Purchasing Computer Systems.* – Not later than 180 days after the enactment of this Act, each government agency shall issue guidelines requiring the purchase of computer systems that enable and support telecommuting, unless the head of the agency determined that there is a mission-specific reason not to do so.

SECTION 6. *Telecommute Website.* – The Department of Information and Communications Technology (DICT) shall maintain a central telecommute website which shall include telecommute links, announcements, telecommute guidelines developed by the Civil Service Commission, and other related websites.

SECTION 7. *Reports by the Civil Service Commission.* - Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Chairman of the Civil Service Commission, in consultation with the human resource offices of each government agency, shall:

- a) Submit a report addressing the telecommute programs of each government agency to:
 - i) The Committee on Civil Service and Government and Reorganization of the Senate; and
 - ii) The Committee on Civil Service and Professional Regulation of the House of Representatives; and
- b) Transmit a copy of the report to the Department of Budget and Management.

Each report submitted under this subsection shall include:

- a) The degree of participation by employees of each government agency in telecommuting during the period covered by the report and the degree of participation in each bureau, division, or other major administrative units of that agency;
- b) The method for gathering telecommute schedules in each agency;
- c) If the total number of employees telecommuting is 10% higher or lower than the previous year in any agency, the reasons for the positive or negative variation;
- d) The agency's goal for increasing participation to the extent practicable or necessary for the next reporting period;
- e) An explanation of whether the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telecommute opportunities for the next reporting period;
- f) An assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telecommute; and
- g) The best practices in agency telecommute programs.

SECTION 8. Reports by Chief Human Resource Officer. - Each year, the chief human resource officer of each government agency shall submit a report to the Civil Service Commission on agency management efforts to promote telecommuting.

SECTION 9. Agency Consultation with the Civil Service Commission. - Each government agency shall consult with the Civil Service Commission in developing telecommute policies, including, but not limited to, matters such as:

- a) Policy and policy guidance for telecommuting in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities; and
- b) Appropriate qualitative and quantitative measures and telecommuting goals.

SECTION 10. *Implementing Rules and Regulations.* - The Civil Service Commission, in consultation with the Department of Information and Communications Technology, shall issue guidelines not later than 180

days after the enactment of this Act to ensure the adequacy of information and security protections for information and information systems used while telecommuting.

SECTION 11. *Appropriations.* – The amount necessary for the implementation of the provisions of this Act shall be charged from the annual appropriated funding of the respective government agencies covered by this Act. Thereafter, any such amounts necessary for the effective implementation of this Act shall be included in the appropriations for each government agency in the General Appropriations Act.

SECTION 12. *Separability Clause.* – If any provision of this Act shall be declared unconstitutional or invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SECTION 13. *Repealing Clause.* – All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

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

Approved,