




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

14 JAN 27 P4 51

SENATE
S. B. NO. 2083

RECEIVED BY: 

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Quite obvious in our laws, is the disparity with respect to maternity benefits granted to women working in the private sector and women employed in the government. Those who are in the private sector, are entitled to fully paid maternity leave benefits for sixty (60) days or seventy-eight (78) days in case of caesarian delivery under Republic Act No. 8282, as amended, or the Social Security System Act of 1997 ("SSS Act"). The employer shall advance the payment of the benefits within thirty (30) days from filing of the notice. The SSS Act grants maternity leave benefit to women employees without discrimination and whether such employee is married or not. On the other hand, women in government service are not afforded the same maternity leave benefits under the Government Service Insurance System ("GSIS"). Worse, under Commonwealth Act No. 647, otherwise known as "An Act to Grant Maternity Leave to Married Women Who are in the Service of the Government or Any of Its Instrumentalities", which to date is still being applied, discriminates against unmarried pregnant women, by denying them maternity leave benefits.

The proposed bill therefore seeks to rationalize social security policy of the state with respect to women in public service.

This is consistent with the provision of the 1987 Philippine Constitution which seeks to protect working women by providing safe and healthful working conditions, and afford them with opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation as provided under Article XIII, Section 14 thereof. Furthermore, the proposed law is in line with the policy adopted by the state in Republic Act No. 9710, or the "Magna Carta of Women", to adopt support services that will enable women to balance their family obligations and work responsibilities.

In view of the foregoing, the passage of this bill is earnestly recommended.


MARIA LOURDES NANCY S. BINAY
Senator



14 JAN 27 P4 51

SENATE
S. B. NO. 2083

RECEIVED BY: *[Signature]*

Introduced by Senator Maria Lourdes Nancy S. Binay

1 AN ACT PROVIDING MATERNITY LEAVE BENEFITS TO WOMEN IN THE
2 GOVERNMENT SERVICE, AND FOR OTHER PURPOSES
3

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
5 *assembled:*
6

7 **SECTION 1.** Women who are permanently or temporarily appointed in the service of the
8 government, or in any of its branches, subdivisions, agencies, or instrumentalities, including
9 the corporations and enterprises owned or controlled by the government, in addition to other
10 leave benefits granted under the law, shall be paid a daily maternity benefit equivalent to one
11 hundred percent (100%) of her average daily salary credit for one hundred twenty (120) days
12 subject to the following conditions:
13

- 14 (a) The employee is currently employed in the government and shall have paid at least
15 three (3) monthly Government Service Insurance System ("GSIS") contributions in
16 the twelve month period preceding the childbirth, abortion or miscarriage;
17
18 (b) The employee shall have notified the head or chief of the bureau or office of the
19 pregnancy and the probable date of childbirth, which notice shall be transmitted by
20 the head or chief of the bureau or office to the GSIS in accordance with the rules and
21 regulations it may provide;
22
23 (c) The full payment of the maternity benefit shall be advanced by the employer within
24 thirty (30) days from the filing of the notice;
25
26 (d) The payment of daily maternity benefits shall be a bar to the recovery of sickness
27 benefits provided under Republic Act No. 8291, or the GSIS Act of 1997, for the
28 same period for which daily maternity benefits have been received; and
29
30 (e) The maternity benefits provided under this Act shall be paid only for the first four (4)
31 deliveries or miscarriage.
32

33 **SECTION 2. Implementation.** The GSIS, in coordination with all relevant government
34 offices including the Civil Service Commission, shall promulgate and issue the necessary
35 implementing rules and regulations for the implementation of this Act within sixty (60) days
36 after the effectivity of this Act.
37

1 **SECTION 3. *Funding and Appropriations.*** The amount necessary for the effective
2 implementation of this Act shall be charged to the appropriations for the GSIS under the
3 current General Appropriation Act. Thereafter, such sum as may be necessary for the
4 implementation of this Act shall be included in the regular appropriations for the GSIS in the
5 annual General Appropriations Act.

6
7 **SECTION 4. *Separability Clause.*** If any portion or provision of this Act is declared void
8 and unconstitutional, the remaining portions or provisions hereof shall not be affected by
9 such declaration.

10
11 **SECTION 5. *Repealing Clause.*** Commonwealth Act No. 647, otherwise known as "An Act
12 to Grant Maternity Leave to Married Women Who are in the Service of the Government or
13 Any of Its Instrumentalities" is hereby expressly repealed. All laws, decrees, orders, rules
14 and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act
15 are hereby repealed or modified accordingly.

16
17 **SECTION 6. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
18 complete publication in at least two (2) national newspapers of general circulation.

19
20 Approved,