

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



'14 JAN 27 P4 52

SENATE  
S. B. NO. 2084

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Introduced by Senator Maria Lourdes Nancy S. Binay

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EXPLANATORY NOTE

Article II, Section 14 of the Constitution states:

“Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.”

Article XIII, Section 11 of the Constitution states:

“Section 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.”

Furthermore, Article XIII, Section 14 of the Constitution states:

“Section 14. The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.”


Under Republic Act No. 8282, as amended, or the Social Security System Act, women are given a paid maternity leave of only sixty (60) days or seventy-eight (78) days for those who went through caesarian delivery. The maternity leave benefit granted to working women in the private sector is less than the recommended fourteen (14) weeks maternity leave under the 2000 International Labor Organization Maternity Protection Convention No. 183 (ILO Convention).

The proposed law intends to increase the maternity leave benefits granted to working women in the private sector to one hundred twenty (120) days. The proposal recognized that extending the maternity leave affords working women an opportunity to realize their full potential in the work force without compromising their health, and more importantly, motherhood and family life. Furthermore, the extended maternity leave likewise encourages and promotes breastfeeding, consistent with the policies adopted by the state in Republic Act No. 10028, otherwise known as the Expanded Breastfeeding Promotion Act of 2009, which gives prime consideration to the health conditions of children.

The proposed law is also consistent with international treaties and conventions to which the Philippines is a signatory, particularly, the Convention on the Elimination of Discrimination Against Women (CEDAW). CEDAW emphasizes the significance of enacting supporting social services to enable parents to combine family obligations with work responsibilities.

There have been, in the past, series of proposals to increase the maternity leave benefits of the working women in the private sector. Regrettably, to date none have been enacted into law. It is therefore strongly urged that the passing of this bill be granted utmost importance.

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



**MARIA LOURDES NANCY S. BINAY**  
Senator

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1 AN ACT FURTHER INCREASING THE MATERNITY LEAVE BENEFITS OF WOMEN  
2 IN PRIVATE SECTOR, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.  
3 8282, AS AMENDED, OTHERWISE KNOWN AS THE SOCIAL SECURITY ACT OF  
4 1997, AND FOR OTHER PURPOSES  
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*  
7 *assembled:*  
8

9 **SECTION 1.** Section 14-A of Republic Act 1161, as amended, otherwise known as the  
10 Social Security Act of 1997, is hereby amended to read as follows:  
11

12 "SECTION 14-A. Maternity Leave Benefit. — A female member who  
13 has paid at least three (3) monthly contributions in the twelve-month  
14 period immediately preceding the semester of her childbirth or miscarriage  
15 shall be paid a daily maternity benefit equivalent to one hundred percent  
16 (100%) of her average daily salary credit for [sixty (60) days or seventy  
17 eight (78) days] **ONE HUNDRED TWENTY (120) DAYS** [in case of  
18 caesarean delivery], subject to the following conditions:  
19

- 20 (a) That the employee shall have notified her employer of her  
21 pregnancy and the probable date of her childbirth, which notice  
22 shall be transmitted to the SSS in accordance with the rules and  
23 regulations it may provide;  
24  
25 (b) The full payment shall be advanced by the employer within thirty  
26 (30) days from the filing of the maternity leave application;  
27  
28 (c) That payment of daily maternity benefits shall be a bar to the  
29 recovery of sickness benefits provided by this Act for the same  
30 period for which daily maternity benefits have been received;  
31  
32 (d) That the maternity benefits provided under this section shall be  
33 paid only for the first four (4) deliveries or miscarriages;  
34  
35 (e) That the SSS shall immediately reimburse the employer of one  
36 hundred percent (100%) of the amount of maternity benefits  
37 advanced to the employee by the employer upon receipt of  
38 satisfactory proof of such payment and legality thereof; and

1  
2 (f) That if an employee member should give birth or suffer  
3 miscarriage without the required contributions having been  
4 remitted for her by her employer to the SSS, or without the latter  
5 having been previously notified by the employer of the time of the  
6 pregnancy, the employer shall pay to the SSS damages equivalent  
7 to the benefits which said employee member would otherwise have  
8 been entitled to.  
9

10 **MATERNITY LEAVE SHALL BE EXTENDED WITHOUT PAY**  
11 **ON ACCOUNT OF ILLNESS MEDICALLY CERTIFIED TO**  
12 **ARISE OUT OF THE PREGANCY, DELIVERY OR**  
13 **MISCARRIAGE.**  
14

15 **SECTION 2. *Separability Clause.*** If any portion or provision of this Act is declared void  
16 and unconstitutional, the remaining portions or provisions hereof shall not be affected by  
17 such declaration.  
18

19 **SECTION 3. *Repealing Clause.*** All laws, decrees, orders, rules and regulations, other  
20 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or  
21 modified accordingly.  
22

23 **SECTION 4. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its  
24 complete publication in at least two (2) national newspapers of general circulation.  
25

26 Approved,