

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



'14 JAN 27 P4 53

SENATE
S. B. NO. 2085

RECEIVED BY: *[Signature]*

Introduced by Senator Maria Lourdes Nancy S. Binay

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:

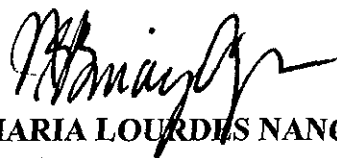
“Section 14. The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.”

Likewise, Republic Act No. 9710, or the “Magna Carta of Women” recognizes the right of women to decent work which shall include support services that will enable women to balance their family obligations and work responsibilities.

The proposed bill seeks to grant working women in the private sector and women in public service to a one-day paid leave every month for pre-natal medical check-up, in order to ensure the safety and health of both mother and child.

This is consistent with international treaties and conventions to which the Philippines is a signatory such as: the Convention on the Elimination of Discrimination Against Women (CEDAW), which emphasizes provision of necessary supporting social services to enable parents to combine family obligations with work responsibilities; and the United Nation Convention on the Rights of the Child, which recognizes a child's inherent right to life and the state's obligations to ensure the child's survival and development.

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



MARIA LOURDES NANCY S. BINAY
Senator

14 JAN 27 P4 52

SENATE
S. B. NO. 2085

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Introduced by Senator Maria Lourdes Nancy S. Binay

1 AN ACT PROVIDING PRE-NATAL LEAVE BENEFITS

2
3 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
4 *assembled:*

5
6 **SECTION 1.** In addition to other benefits under the law, women who are employed in the
7 private sector or in public service shall be entitled to a one (1) day paid pre-natal leave every
8 month from filing of notice of such pregnancy until delivery, abortion or miscarriage, subject
9 to the following conditions:

- 10
11 (a) The employee is currently employed in the private sector or the government, as the
12 case may be, and shall have paid at least three (3) monthly Social Security System
13 (“SSS”) or Government Service Insurance System (“GSIS”) contributions, as the case
14 may be, in the twelve month period preceding the childbirth, abortion or miscarriage;
15
16 (b) The employee shall have notified the employer, or the head or chief of the bureau or
17 office of the pregnancy and the probable date of childbirth, as the case may be, which
18 notice shall be transmitted to SSS or GSIS in accordance with the rules and
19 regulations it may provide;
20
21 (c) The employee shall present a medical certificate to the employer within five (5) days
22 from the pre-natal appointment; and
23
24 (c) The pre-natal leave benefit shall not be cumulative.

25
26 **SECTION 2. Implementation.** The SSS and the GSIS, in coordination with all relevant
27 government offices, shall jointly promulgate and issue the necessary implementing rules and
28 regulations for the implementation of this Act within sixty (60) days after the effectivity of
29 this Act.

30
31 **SECTION 3. Separability Clause.** If any portion or provision of this Act is declared void
32 and unconstitutional, the remaining portions or provisions hereof shall not be affected by
33 such declaration.

34
35 **SECTION 4. Repealing Clause.** All laws, decrees, orders, rules and regulations, other
36 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
37 modified accordingly.
38

1 **SECTION 5. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
2 complete publication in at least two (2) national newspapers of general circulation.

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4 Approved,