

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



Senate  
Office of the Secretary

14 JUN 19 P1:21

SENATE  
S. No. **2289**

RECEIVED BY. *ji*

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
AMENDING SECTIONS TWO AND THREE OF REPUBLIC ACT NO. 8187,  
OTHERWISE KNOWN AS THE PATERNITY LEAVE ACT OF 1996

EXPLANATORY NOTE

The Constitution, Article 2, Section 12 provides:

SEC. 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

Laws regarding paternity leave in other countries vary and the number of days legislated for paternity leave is arbitrary. In most countries in Europe, parents enjoy a shared parental leave policy that help women return to work and help men become more involved in taking care of their new born. By 2015, the United Kingdom will grant a shared 12-month parental leave to couples after the birth of their child. In Sweden, this policy has been in effect since 1974. In Norway, mothers are granted 14 weeks of leave,

and the rest of the time (18 weeks on full salary, or 28 weeks on 80 percent salary), can be split as the parents choose.<sup>1</sup>

International organizations, such as the United Nations, have their own policies on parental leave. In the United Nations, parents are granted 100 percent pay for four weeks of paternal leave. Staff members who serve at locations where they are not allowed to live with their family are given eight weeks paternity leave with 100 percent pay.<sup>2</sup>

In Asia and the Pacific, the Philippines is one of the few countries that offer paternity leave. Another country is South Korea that allows both parents partially paid parental leave for up to one year. The case is different for Australia and Japan, which offer long periods of parental leave, though such are unpaid. In Australia, parents can share up to 52 years of unpaid leave, while Japan allows each parent an unpaid leave of up to one year.<sup>3</sup>

A research paper entitled “Factors Affecting Maternal Health Utilization in the Philippines” published by the National Statistics Office, reported that although most women do not experience major problems during labor and delivery, complications that do occur can be unpredictable and sudden. It also claimed that “a number of the problems women experience surrounding childbirth occur in the postpartum period, the six weeks following delivery.” Thus, apart from the need to improve health care services and programs in the country, it is also necessary to increase the husband’s participation in aiding his wife during and after delivery.

Republic Act No. 8187 was enacted in order for the husband to effectively render support, care, and assistance to the wife in her period of recovery and/or in the nursing of the newly born child. It takes six weeks or 42 days for a woman to recover almost fully from childbirth.<sup>4</sup> This bill therefore seeks to extend paternal leave from seven days to 21

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<sup>1</sup> “Parental Leave Rights Around the World”. <http://www.theguardian.com/money/shortcuts/2013/nov/29/parental-leave-rights-around-world>

<sup>2</sup> <http://www.un.org/womenwatch/osagi/fpgenderpolicies.htm#LEAVE>

<sup>3</sup> *Id.*

<sup>4</sup> <http://www.womenshealth.gov/pregnancy/childbirth-beyond/recovering-from-birth.html>

days to give the husband more time to care for his child and aid in his wife's recovery. The additional leave given to the husband is also crucial in case the mother experiences sudden and unpredictable complications that would render her incapable of taking care of her baby during that period.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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SENATE  
S. No. **2289**

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Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT  
2 AMENDING SECTION TWO AND THREE OF REPUBLIC ACT NO. 8187,  
3 OTHERWISE KNOWN AS THE PATERNITY LEAVE ACT OF 1996

4 SECTION 1. Section 2 of Republic Act No. 8187, otherwise known as the  
5 Paternity Leave Act of 1996, is hereby amended to read as follows:

6 "SECTION 2. Notwithstanding any law, rules and regulations to the  
7 contrary, every married male employee in the private and public sectors shall be  
8 entitled to a paternity leave of [seven (7)] **TWENTY ONE (21)** days with full pay  
9 for [the first four (4) deliveries] **ALL DELIVERIES** of the legitimate spouse with  
10 whom he is cohabiting. The male employee applying for paternity leave shall  
11 notify his employer of the pregnancy of his legitimate spouse and the expected  
12 date of such delivery.

13 For purposes, of this Act, delivery shall include childbirth or any  
14 miscarriage."

15 SECTION 2. Section 3, of the same act, is hereby amended to read as follows:

16 "SECTION 3. Definition of Term. - For purposes of this Act, Paternity  
17 Leave refers to the benefits granted to a married male employee allowing him not  
18 to report for work for [seven (7)] **TWENTY ONE (21)** days but continues to earn  
19 the compensation therefor, on the condition that his spouse has delivered a child or

1 suffered a miscarriage for purposes of enabling him to effectively lend support to  
2 his wife in her period of recovery and/or in the nursing of the newly-born child.”

3 SECTION 3. *Repealing Clause.* - All laws, decrees, orders, proclamation, rules  
4 and regulations or parts thereof inconsistent with the provisions of this Act are hereby  
5 repealed, amended, or modified accordingly.

6 SECTION 4. *Effectivity Clause.* - This Act shall take effect fifteen days (15) days  
7 after its publication in at least two (2) newspapers of general circulation.

Approved,