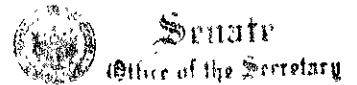


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



15 MAR 17 P4:46

SENATE  
S. B. No. 2710

RECEIVED BY: *J.*

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INTRODUCED BY SENATOR PIA S. CAYETANO

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**AN ACT  
INCREASING THE MATERNITY LEAVE PERIOD TO NINETY (90) DAYS FOR  
FEMALE EMPLOYEES, MARRIED OR UNMARRIED, IN THE GOVERNMENT  
SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN OPTION TO  
EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY,  
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 1161, AS AMENDED,  
AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Article XIII, Sec. 14 of the 1987 Constitution states that, "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."

Section 11 of the Omnibus Rules Implementing Book V of Executive Order No. 292 as prescribed in The Revised Administrative Code of 1987 also provides for the grant of maternity leave. It states that, "Every woman in the government service who has rendered an aggregate of two (2) or more years in service, shall, in addition to the vacation and sick leave granted to her, be entitled to maternity leave of sixty (60) calendar days with full pay."

In the private sector, in Section 14-A of Republic Act No. 1161, as amended, or the Social Security Act, the law gives the working women in the private sector a daily maternity leave benefit equivalent to one hundred percent (100%) of her average daily salary credit for sixty (60) days or two (2) months of maternity leave for normal delivery and seventy eight (78) days for caesarian delivery.

Under Article 133 of the Presidential Decree No. 442 or the Labor Code of the Philippines, a qualified pregnant woman employee shall be entitled maternity leave of at least two weeks prior to expected date of delivery and another four weeks after normal delivery or abortion, or a total of *six weeks* maternity leave. By way of practice, the provisions on the Social Security Law governs

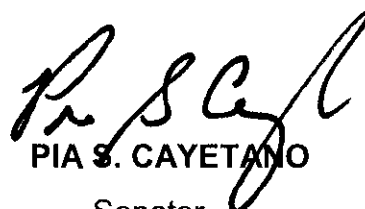
These provisions of law cited above provide for maternity leave which is considerably less than the 14 weeks maternity leave prescribed by the International Labor Organization under Convention No. 183, which the Philippines has yet to ratify.

According to a study cited by Time magazine, mothers immediately resume work after giving birth experiences disparaging health and increased parental stress. This, in turn, affects the total well-being of the family, including the health and cognitive development of children.

This measure seeks to provide an additional 30 day maternity leave for working mothers in the government and in the private sector to provide them with sufficient time to take care of their newborn babies and regain their full health. This will grant working mothers not only a longer time to bond with their babies but also have a stronger chance to complete exclusive breastfeeding for six months.

In addition, the bill mandates the review of the policy on maternity leave benefits for the employees in the private sector to ensure that their rights and welfare are protected.

It is for these reasons that I earnestly seek the passage of this bill.

  
PIA S. CAYETANO  
Senator

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

1           **SECTION 1. *Short Title.*** – This Act shall be known as the “***Expanded***  
2 ***Maternity Leave Law of 2015.***”

3           **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State  
4 under Article XIII, Sec. 14 of the 1987 Constitution to protect and promote the  
5 rights and welfare of working women, taking into account their maternal functions,  
6 and to provide an enabling environment in which their full potential can be  
7 achieved.

8           Towards this end, and in consonance with local and international legal  
9 instruments that protect and promote the rights of women, the State shall  
10 institutionalize a mechanism to expand the maternity leave period of working  
11 women to provide them with ample transition time to regain health and overall  
12 wellness as well as to assume maternal roles before resuming full-time work.

13           **SEC. 3. *Maternity Leave for Female Employees in Government***  
14 ***Service.*** - Any pregnant female employee, married or unmarried, who was  
15 permanently or temporarily appointed in government service of any National  
16 Government Agency (NGA), Local Government Unit (LGU), or Government

1 Owned and Controlled Corporations (GOCC), who has rendered an aggregate  
2 service of at least six (6) months for the last twelve (12) months, shall be granted  
3 a maternity leave of ninety (90) days, with full pay based on her average weekly  
4 or regular wages, regardless if the delivery was normal or caesarian.

5 An additional maternity leave of thirty (30) days, without pay, can be  
6 availed of, at the option of the employee; *Provided*, that the head of the agency  
7 shall be given due notice, in writing, before the lapse of the seventy-fifth (75<sup>th</sup>)  
8 day of her maternity leave.

9 **SEC. 4. Maternity Leave for Female Employees in the Private Sector.-**  
10 Section 14-A of Republic Act 1161, as amended, otherwise known as the Social  
11 Security Act of 1997, is hereby further amended to read as follows:

12 **“Section 14-A. Maternity Leave Benefit.** — A covered  
13 female employee who has paid at least three monthly maternity  
14 contributions in the twelve-month period preceding the semester of  
15 her childbirth, abortion, or miscarriage and who is currently  
16 employed shall be paid a daily maternity benefit equivalent to one  
17 hundred per cent of her present basic salary, allowances and other  
18 benefits or the cash equivalents of such benefits for [sixty (60) days  
19 or seventy-eight (78) days in case of caesarian delivery] NINETY  
20 (90) DAYS subject to the following conditions:

21 (a) That the employee shall have notified her employer of  
22 her pregnancy and the probable date of her childbirth, which notice  
23 shall be transmitted to the SSS in accordance with the rules and  
24 regulations it may provide;

25 (b) The full payment shall be advanced by the employer  
26 within thirty (30) days from the filing of the maternity leave  
27 application;

28 (c) That payment of daily maternity benefits shall be a bar to  
29 the recovery of sickness benefits provided by this Act for the same  
30 period for which daily maternity benefits have been received;

1 (d) That the maternity benefits provided under this section  
2 shall be paid only for the first four (4) deliveries or miscarriages;

3 (e) That the SSS shall immediately reimburse the employer  
4 of one hundred percent (100%) of the amount of maternity benefits  
5 advanced to the employee by the employer upon receipt of  
6 satisfactory proof of such payment and legality thereof; and

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

14 AN ADDITIONAL MATERNITY LEAVE OF THIRTY (30)  
15 DAYS, WITHOUT PAY, CAN BE AVAILED OF, AT THE OPTION  
16 OF THE EMPLOYEE; *PROVIDED*, THAT THE EMPLOYER SHALL  
17 BE GIVEN DUE NOTICE, IN WRITING, BEFORE THE LAPSE OF  
18 THE SEVENTY-FIFTH (75<sup>TH</sup>) DAY OF HER MATERNITY LEAVE."

19 **SEC. 5. *Non-diminution of Benefits.*** - Nothing in this Act shall be  
20 construed as to diminish existing maternity benefits under present laws and  
21 collective bargaining agreements, if more beneficial to the female employee. Any  
22 other working arrangement which the female employee shall agree to, during the  
23 additional maternity leave period, shall be allowed; *Provided*, That this shall be  
24 consented to in writing by the employee and shall primarily consider her maternal  
25 functions and post-natal care.

26 **SEC. 6. *Security of Tenure.*** – Those who shall avail of the additional 30-  
27 day maternity leave, whether in the government service or private sector, shall be  
28 assured of security of tenure. As such, the exercise of this option by them shall  
29 not be used as basis for termination from employment.

30 **SEC. 7. *Implementing Rules and Regulations.***- The Civil Service  
31 Commission, the Department of Labor and Employment, together with the  
32 Government Service Insurance System (GSIS) and the Social Security System

1 (SSS) shall issue the necessary rules and regulations for the grant of this  
2 expanded maternity leave for all female employees.

3 **SEC. 8. Separability Clause.** – If, for any reason, a provision or part  
4 hereof is declared invalid, other provisions not affected thereby shall remain in  
5 full force and effect.

6 **SEC. 9. Repealing Clause.** – All laws, decrees, executive orders, rules  
7 and regulations contrary to or inconsistent with the provisions of this Act are  
8 hereby repealed or modified accordingly, specifically Section 1 of Commonwealth  
9 Act No. 647, Section 11 of the Omnibus Rules Implementing Book V of Executive  
10 Order No. 292 as prescribed in The Revised Administrative Code of 1987, Article  
11 133 of the Presidential Decree No. 442 or the Labor Code of the Philippines, and  
12 Section 14-A of Republic Act 1161, as amended.

13 **SEC. 10. Effectivity.** – This Act shall take effect fifteen (15) day after its  
14 publication in the Official Gazette or in a newspaper of general circulation.

**Approved,**