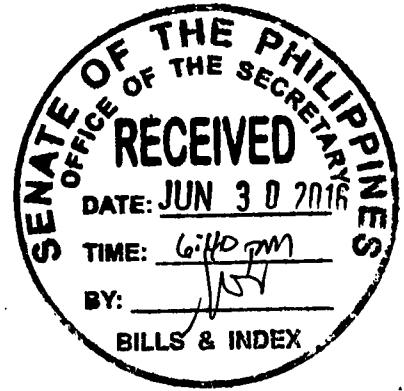


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S. B. No. 215

INTRODUCED BY SENATOR ANA THERESIA "RISA"
HONTIVEROS BARAQUEL

**AN ACT INCREASING THE MATERNITY LEAVE PERIOD TO
ONE HUNDRED TWENTY (120) DAYS FOR FEMALE
EMPLOYEES, MARRIED OR UNMARRIED, IN THE
GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR,
AND GRANTING AN ADDITIONAL THIRTY (30) DAYS FOR
SOLO MOTHERS, AMENDING FOR THIS PURPOSE
REPUBLIC ACT 1161, AS AMENDED, AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

Article XII of the 1987 Constitution states that, "(t)he 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."

Despite this directive in the Philippine Constitution, our existing legal infrastructure does not provide the adequate protections and safeguards that lead to welfare-enhancing outcomes for working women of reproductive age and capacity, and are at par with international standards. Specifically, maternity leave laws in the Philippines, both in the public¹ and private² sector, fall short of the internationally-prescribed period of ninety eight (98) days, under Convention No.

¹ Section 11 of the Omnibus Rules Implementing Book V of Executive Order No. 292 as prescribed in The Revised Administrative Code of 1987 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."

² Section 14-A of Republic Act No. 1161, as amended, or the Social Security Act, 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.

183 of the International Labor Code and provide only sixty (60) days of maternity leave for normal deliveries. It also falls short of the maternity leave benefits of our ASEAN counterparts, such as Vietnam, that provides one hundred twenty (120) to one hundred eighty (180) days of maternity leave.

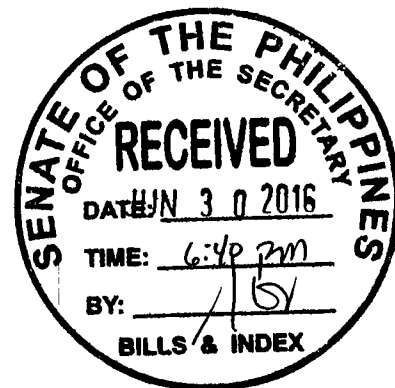
This measure seeks to provide an additional sixty (60) day maternity leave for working mothers in the government and in the private sector so that they may have an opportunity to spend time with and nurture their infants, and regain their full health before getting back to work. This will also be beneficial to the infants as the weight of scientific evidence demonstrates that an infant's cognitive and physical development is affected by the amount of time spent with their parents, and especially the mother. In addition, this measure will also support government efforts to promote exclusive breastfeeding from the first to sixth months. In addition, considering that alternate caregivers, such as the mother's Spouse, partner, or relatives are often involved in the care of children, the mother is also given the option to allocate up to thirty (30) days of her maternity leave in favor of these persons.

Further, this bill recognizes the challenges and vulnerabilities that confront adopters and solo mothers and seeks to provide an additional thirty (30) days for solo mothers who qualify as such under Republic Act 8972, or the Solo Parents' Welfare Act, as well as for adopters who have just obtained permanent custody of a minor child.

The passage of this bill is earnestly sought.


ANA THERESIA "RISA" HONTIVEROS BARAQUEL
Senator

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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S. B. No. 215

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PURPOSES**

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

1 Section 1. Short Title. This Act shall be known as the "Expanded
2 Maternity Leave Law of 2016".
3

4 Section 2. Declaration of Policy. It shall be the policy of the State under
5 Article XIII, Sec. 14 of the 1987 Constitution to protect and promote the rights
6 and welfare of working women, taking into account their maternal functions, and
7 to provide an enabling environment in which their full potential can be achieved.
8

9 Towards this end, and consistent with local and international legal
10 instruments that protect and promote the rights of women, the State shall
11 institutionalize a mechanism to expand the maternity leave period of working
12 women to provide them with ample transition time to regain health and overall
13 wellness as well as to assume maternal roles before resuming full-time work.
14

15 Section 3. *Maternity leave in the private sector.* Section 14-A of
16 Republic Act No. 1161, as amended, is further amended to read as follows:
17

18 "SEC. 14-A. *Maternity Leave Benefit.* - A covered

1 female employee who has paid at least three monthly
2 maternity contributions in the twelve-month period preceding the
3 semester of her childbirth, abortion or miscarriage and who
4 is currently employed shall be paid a daily maternity
5 benefit equivalent to one hundred percent (100%) of her present
6 basic salary, allowances and other benefits or the cash equivalent of
7 such benefits for ONE HUNDRED TWENTY (120) DAYS
8 subject to the following conditions:
9

10 "(a) That the employee shall have notified her employer of her
11 pregnancy and the probable date of her childbirth which notice
12 shall be transmitted to the SSS in accordance with the rules and
13 regulations it may provide;
14

15
16 "(b) That the payment shall be advanced by the employer in two
17 equal instalments within thirty (30) days from the filing of the
18 maternity leave application;
19

20 "(c) THAT IN CASE THE EMPLOYEE QUALIFIES AS A
21 SOLO PARENT UNDER REPUBLIC ACT NO. 8972, OR THE
22 SOLO PARENTS WELFARE ACT, THE EMPLOYEE
23 SHALL BE PAID THE DAILY MATERNITY BENEFIT FOR
24 ONE HUNDRED AND FIFTY (150) DAYS;
25

26 "(d) That payment of daily maternity benefits shall be a bar to the
27 recovery of sickness benefits provided by this Act for the same
28 compensable period of one HUNDRED TWENTY (120) DAYS
29 for the same childbirth, abortion, or miscarriage;
30

31 "(e) That the maternity benefits provided under this Section shall be
32 paid only for the first four deliveries after March 13, 1973;
33

34 "(f) That the SSS shall immediately reimburse the employer of one
35 hundred percent (100%) of the amount of maternity benefits
36 advanced to the employee by the employer upon receipt of
37 satisfactory proof of such payment and legality thereof; and
38

39 "(g) That if an employee should give birth or suffer abortion or
40 miscarriage without the required contributions having been
41 remitted for her by her employer to the SSS, or without the latter
42 having been previously notified by the employer of the time of the
43 pregnancy, the employer shall pay to the SSS damages equivalent to
44 the benefits which said employee would otherwise have been
45 entitled to, and the SSS shall in turn pay such amount to the
46 employee concerned."

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Section 4. *Maternity leave in the public sector.* Any pregnant female employee, married or unmarried, who was permanently or temporarily appointed in government service of any National Government Agency (NGA), Local Government Unit (LGU), or Government, 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 a maternity leave of one hundred twenty (120) days, with full pay based on her average weekly or regular wages, regardless if the delivery was normal or caesarian, provided that in case the employee qualifies as a solo parent under Republic Act no. 8972, or the Solo Parents Welfare Act, the employee shall be paid the daily maternity benefit for one hundred and fifty (150) days.

Section 5. *Allocation of Maternity Leave Credits to Alternate Caregiver.* Any female employee entitled to maternity leave benefits as provided for herein may allocate up to thirty (30) days of said benefits to an alternate caregiver, who may be her spouse, common law partner, or relative up to the 4th degree of consanguinity, provided that written notice thereof is provided to the employers of the female employee and the alternate caregiver.

Section 6. *Parental Leave for Adopters.* Any person who has just legally adopted a minor shall, after the issuance of the Decree of Adoption, be entitled to thirty (30) days paid parental leave which must be utilized immediately after permanent custody of the minor is obtained. The Secretary of Labor and Employment and the Chairman of the Civil Service Commission shall, within thirty (30) days from the effectivity of this Act, issue such rules and regulations for the proper implementation of this provision.

Section 7. *Implementing Rules and Regulations.* The Civil Service Commission, the Department of Labor and Employment, together with the Government Service Insurance System (GSIS) and the Social Security System (SSS) shall issue the necessary rules and regulations for the grant of this expanded maternity leave for all female employees.

Section 8. *Non-diminution of Benefits.* - Nothing in this Act shall be construed as to diminish existing maternity benefits under present laws and collective bargaining agreements, if more beneficial to the female employee.

Section 9. *Separability Clause.* If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 10. *Repealing Clause.* All laws, decrees, orders, issuances or portion thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

1 **Section 11. *Effectivity*** – This Act shall take effect fifteen (15) days after
2 its publication in two (2) newspapers of general circulation.

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Approved: