

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

OFFICE OF THE SECRETARY

16 JUL 19 11:09

SENATE

S. No. 457

OFFICE OF THE SECRETARY

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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AN ACT  
INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED (100) DAYS FOR FEMALE EMPLOYEES 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 PRUPOSES

EXPLANATORY NOTE

The vital role of women in society and economy has long been recognized in our country. The Philippine Constitution under Art. II, Sec. 14 states that the State shall recognize the role of women in nation-building and shall ensure the fundamental equality before the law of men and women. Also, Art. XIII, Sec. 14 of our Constitution, provides 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.

In 2008, UNICEF cited the Philippines' Mortality Rate wherein thirty two (32) Filipino children (per 1,000 live births) die before the age of five and the Philippines ranked 86th among 190 countries with the highest under-five mortality rate. The report also cited several recommendations that would help reduce our country's mortality rate among which is access to exclusive breastfeeding for a long period of time. WHO even recognizes breastfeeding as an ideal way of providing young infants with the nutrients they need for healthy growth and development.

This recognizes maternity as a vital social function played by women and protects the rights of working women and their infants to proper health care by increasing the maternity leave of

working women from sixty (60) days or eight (8) weeks to one hundred (100) days or fourteen (14) weeks thereby allowing mothers to breastfeed their child for at least four (4) months.

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

  
ANTONIO "SONNY" F. TRILLANES IV  
*Senator*

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

1       **SECTION 1. Short Title.** - This Act shall be known as the "*One Hundred (100)-Day*  
2       *Maternity Leave Law of 2016*".  
3

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

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

15       **SEC. 3. Maternity Leave for Female Employees in Government Service.** – Any  
16       pregnant female employee who was appointed in government service, regardless of  
17       employment status, in any National Government Agency (NGA), Local Government Unit  
18       (LGU), or Government Owned and –Controlled Corporations (GOCC), shall be granted a  
19       maternity leave of one hundred (100) days, with full pay based on her average weekly or  
20       regular wages, regardless if the delivery was normal or caesarian.

1 An additional maternity leave of thirty (30) days, without pay, can be availed of, at  
2 the option of the employee: *Provided*, That the head of the agency shall be given due notice,  
3 in writing, at least forty five (45) days before the end of her ordinary maternity leave.  
4

5 **SEC. 4. *Maternity Leave for Female Employees in the Private Sector.*** – Any  
6 pregnant female employee in the private sector shall be granted a maternity leave of one  
7 hundred (100) days, regardless if the delivery was normal or caesarian.  
8

9 (a) Section 14-A of Republic Act No. 1161, as amended, otherwise known as the Social  
10 Security Act of 1997, is hereby further amended to read as follows:  
11

12 “Section 14-A. *Maternity Leave Benefit.* – A female member who has paid at  
13 least (3) monthly contributions in the twelve-month period immediately  
14 preceding the semester of her childbirth or miscarriage shall be paid HER [a]  
15 daily maternity benefit [equivalent to] WHICH SHALL BE COMPUTED  
16 BASED ON THE AVERAGE MONTHLY SALARY CREDIT, [one hundred  
17 percent (100%) of her average daily salary credit for sixty (60) days or seven-  
18 eight (78) days in case of caesarian delivery] FOR ONE HUNDRED (100)  
19 DAYS, REGARDLESS IF THE DELIVERY WAS NORMAL OR  
20 CAESARIAN, subject to the following conditions: xxx.”  
21

22 (b) An additional maternity leave of thirty (30) days, without pay, can be availed of, at  
23 the option of the employee: *Provided*, That the employer shall be given due notice, in  
24 writing, at least forty five (45) days before the end of her ordinary maternity leave.  
25

26 (c) Employees availing of the maternity leave period and benefits must receive not less  
27 than two-thirds (2/3) of their regular monthly wages. Employers from the private  
28 sector shall be responsible to pay the salary differential between the actual cash  
29 benefits received from the Social Security System (SSS) by the covered employees  
30 and their average weekly or regular wages, for the entire duration of the ordinary  
31 maternity leave, with the following exceptions, subject to the guidelines to be issued  
32 by the Department of Labor and Employment (DOLE):  
33

- 34 (i) those operating distressed establishments;  
35 (ii) those retail/service establishments employing not more than ten (10) workers;  
36 (iii) those who pay their workers on a purely commission, boundary, or task basis,  
37 and those who are paid a fixed amount for performing a specific work;  
38 (iv) those considered as micro business enterprises and engaged in the production,  
39 processing, or manufacturing or products or commodities including agro-  
40 processing, trading, and services whose total assets are not more than three  
41 million pesos (P 3,000,000.00); and  
42 (v) those who are already providing similar or more than the benefits herein  
43 provided.

1           **SEC. 5. Maternity Leave for Female National Athletes.** – In the event a national  
2 athlete becomes pregnant, she will be referred to the team physician or an accredited  
3 physician of the Philippine Sports Commission (PSC) or an Obstetrician-Gynecologist (ob-  
4 gyne) to determine her fitness to continue training. She will be allowed to fully participate in  
5 all team-related activities unless the physician advises that participation is not medically safe  
6 or should be limited. Upon medical advice, she shall go on maternity leave until cleared to  
7 return to training. She shall continue receiving her allowance and be entitled to the same  
8 benefits while on maternity leave prior to childbirth and up to six (6) months after, unless she  
9 can resume sooner as advised by her physician, in which case, she will be entitled to the  
10 allowance and benefits she had prior to pregnancy.

11  
12           **SEC. 6. Non-diminution of Benefits.** – Nothing in this Act shall be construed as to  
13 diminish existing maternity benefits currently granted by employer with or without collective  
14 bargaining agreements (CBA), or under present laws, if more beneficial to the female  
15 employee. Any other working arrangement which the female employee shall agree to, during  
16 the additional maternity leave period, shall be allowed: *Provided*, That this shall be consented  
17 to in writing by the employee and shall primarily consider her maternal functions and post-  
18 natal care.

19  
20           **SEC. 7. Security of Tenure.** – Those who shall avail of the ordinary maternity leave  
21 and the additional 30-day maternity leave, whether in the government service or private  
22 sector, shall be assured of security of tenure. As such, the exercise of this option by them  
23 shall not be used as basis for demotion in employment or termination. The transfer to a  
24 parallel position or reassignment from one organizational unit to another in the same agency  
25 shall be allowed: *Provided*, That it shall not involve a reduction in rank, status or salary.

26  
27           **SEC. 8. Periodic Review.** - The Government Service Insurance System (GSIS) and  
28 the SSS shall immediately conduct a review of the maternity leave benefits of women  
29 employees in the government service and the private sector, respectively. Thereafter, they  
30 shall include maternity leave benefits in their valuation report conducted every four (4) years  
31 for the SSS and every three (3) years for the GSIS, or more frequently as may be necessary,  
32 with the end in view of meeting the needs of pregnant women and improving their welfare by  
33 increasing existing maternal benefits.

34  
35           **SEC. 9. Implementing Rules and Regulations.** - The Civil Service Commission  
36 (CSC), the DOLE, together with the GSIS and the SSS shall issue the necessary rules and  
37 regulations for the grant of this expanded maternity leave for all female employees within six  
38 (6) months from the effectivity of this Act. The PSC shall issue implementing guidelines for  
39 female national athletes within six (6) months from the effectivity of this Act.

40  
41           **SEC. 10. Separability Clause.** – If, for any reason, a provision or part hereof is  
42 declared invalid, other provisions not affected thereby shall remain in full force and effect.

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

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8           **SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication  
9 in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*