



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

'17 JAN 23 P 4:56

RECEIVED BY: \_\_\_\_\_

SENATE

Senate Bill No. 1305

(In substitution of Senate Bills No. 56, 194, 215, 457, 1152 and 1153, 1262 and 1276)

Prepared and submitted jointly by the Committees on Women, Children, Family Relations and Gender Equality; Civil Service, Government Reorganization and Professional Regulation; Finance; and Government Corporations and Public Enterprises with Senators Pangilinan, Pacquiao, Hontiveros, Trillanes IV, Binay, Legarda and Angara as authors thereof

AN ACT

INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED TWENTY (120) DAYS FOR FEMALE WORKERS IN THE GOVERNMENT SERVICE AND THE PRIVATE SECTOR WITH AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, PROVIDING A PARENTAL LEAVE PERIOD FOR ADOPTIVE PARENTS, AND GRANTING AN ADDITIONAL THIRTY (30) DAYS FOR SOLO MOTHERS, AND FOR OTHER PURPOSES

*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 and cited as the "Expanded  
2 Maternity Leave Law of 2017."

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

7       Towards this end, and consistent with local and international legal instruments  
8 that protect and promote the rights of women, the State shall institutionalize a  
9 mechanism to expand the maternity leave period of female workers to provide them  
10 with ample transition time to regain health and overall wellness before resuming full-  
11 time work.

12       **SEC. 3. Grant of Maternity Leave.** - All covered female workers in government  
13 and the private sector, including those in the informal economy, regardless of civil status

1 or the legitimacy of her child, shall be granted one hundred twenty (120) days maternity  
2 leave with pay and an option to extend for an additional thirty (30) days without pay,  
3 *Provided, That, in case the worker qualifies as a solo parent under Republic Act No.*  
4 *8972, or the Solo Parents' Welfare Act, the worker shall be granted one hundred fifty*  
5 *(150) days maternity leave with pay.*

6       Enjoyment of maternity leave cannot be deferred but should be availed of either  
7 before or after the actual period of delivery in a continuous and uninterrupted manner,  
8 not exceeding one hundred and twenty (120) calendar days, as the case may be.

9       Maternity leave shall be granted to female workers in every instance of  
10 pregnancy or miscarriage, regardless of frequency.

11       Nothing in this Act shall be construed to diminish benefits already provided under  
12 existing laws and regulations.

13       **SEC. 4. *Maternity Leave for Female Workers in the Public Sector.*** – Any  
14 pregnant female worker in the government service, regardless of employment status, in  
15 National Government Agencies (NGAs), Local Government Units (LGUs), Government-  
16 Owned or -Controlled Corporations (GOCCs), or State Universities and Colleges  
17 (SUCs), shall be granted a maternity leave of one hundred twenty (120) days with full  
18 pay based on her average weekly or regular wages, regardless if the delivery was  
19 normal or caesarean: *Provided, That, in case the employee qualifies as a solo parent*  
20 *under Republic Act No. 8972, or the Solo Parents' Welfare Act, the employee shall be*  
21 *paid the daily maternity benefit for one hundred and fifty (150) days. An additional*  
22 *maternity leave of thirty (30) days, without pay, can be availed of, at the option of the*  
23 *female worker: Provided, That, the head of the agency shall be given due notice, in*  
24 *writing, at least forty five (45) days before the end of her ordinary maternity leave.*

25       **SEC. 5. *Maternity Leave for Female Workers in the Private Sector.*** – Any  
26 pregnant female worker in the private sector who has paid at least three (3) monthly  
27 contributions in the twelve-month period immediately preceding the semester of her  
28 childbirth or miscarriage, shall be paid a daily maternity benefit, which shall be  
29 computed based on the average monthly salary credit, for one hundred twenty (120)

1 days, regardless of whether she gave birth via caesarian section or natural delivery,  
2 subject to the following conditions:

- 3 a. That the female worker shall have notified her employer of her pregnancy and  
4 the probable date of her childbirth, which notice shall be transmitted to the Social  
5 Security System (SSS) in accordance with its rules and regulations;
- 6 b. That the full payment shall be advanced by the employer within thirty (30)  
7 days from the filing of the maternity leave application;
- 8 c. That the payment of daily maternity benefits shall be a bar to the recovery of  
9 sickness benefits provided under Republic Act No. 1161, as amended, for the  
10 same period for which daily benefits has been received;
- 11 d. That the SSS shall immediately reimburse the employer of one hundred  
12 percent (100%) of the amount of maternity benefits advanced to the female  
13 worker by the employer upon receipt of satisfactory and legal proof of such  
14 payment;
- 15 e. That if a female worker should give birth or suffer a miscarriage without the  
16 required contributions having been remitted for her by her employer to the SSS,  
17 or without the latter having been previously notified by the employer of the time  
18 of the pregnancy, the employer shall pay to the SSS damages equivalent to the  
19 benefits which said female member would otherwise have been entitled to.

20 In case the employee qualifies as a solo parent under Republic Act No. 8972, or  
21 the Solo Parents' Welfare Act, the employee shall be paid the daily maternity benefit for  
22 one hundred and fifty (150) days.

23 An additional maternity leave of thirty (30) days, without pay, can be availed of, at  
24 the option of the female worker as long as the head of the agency shall be given due  
25 notice, in writing, at least forty five (45) days before the end of her ordinary maternity  
26 leave.

27 Workers availing of the maternity leave period and benefits must receive not less  
28 than two thirds (2/3) of their regular monthly wages. Employers from the private sector  
29 shall be responsible for payment of the salary differential between the actual cash

1 benefits received from the Social Security System (SSS) by the covered female workers  
2 and their average weekly or regular wages, for the entire duration of the ordinary  
3 maternity leave, with the following exceptions, subject to the guidelines to be issued by  
4 the Department of Labor and Employment (DOLE):

- 5 a. Those operating distressed establishments;
- 6 b. Those retail/service establishments employing not more than ten (10)  
7 workers;
- 8 c. Those considered as micro-business enterprises and engaged in the  
9 production, processing, or manufacturing of products or commodities  
10 including agro-processing, trading, and services, whose total assets are not  
11 more than three million pesos (PhP3,000,000.00); and
- 12 d. Those who are already providing similar or more than the benefits herein  
13 provided.

14 **SEC. 6. Allocation of Maternity Leave Credits.** - Any female worker entitled to  
15 maternity leave benefits as provided for herein may, at her option, allocate up to thirty  
16 (30) days of said benefits to the child's father, whether or not the same is married to the  
17 female worker: *Provided*, That, in the death, absence or incapacity of the former, the  
18 benefit may be allocated to an alternative caregiver who may be a relative within the  
19 fourth degree of consanguinity or the current partner of the female worker sharing the  
20 same household, upon the election of the mother taking into account the best interests  
21 of the child: *Provided, further*, That, written notice thereof is provided to the employers  
22 of the female worker and alternate caregiver: *Provided, finally*, That, this benefit is over  
23 and above that which is provided under Republic Act No. 8187, or the Paternity Leave  
24 Act of 1996.

25 **SEC. 7. Parental Leave for Adopters.** - Any person who has legally adopted a  
26 minor child, shall, after the issuance of the Pre-Adoption Placement Authority issued by  
27 the Department of Social Welfare and Development (DSWD) be entitled to thirty (30)  
28 days of parental leave: *Provided*, That, if an adoptive parent also qualifies for leave  
29 benefits under Republic Act No. 8552, "*The Domestic Adoption Act of 1998*", the leave

1 benefit with the higher number of days shall apply.

2       **SEC. 8. Maternity Leave with Pay in Case of Childbirth or Miscarriage After**  
3 **Termination.** – Maternity leave with pay shall be granted even if the childbirth or  
4 miscarriage occurs not more than fifteen (15) calendar days after the termination of the  
5 employee's service, as her right thereto has already accrued.

6       **SEC. 9. Maternity Leave Benefits for Women in the Informal Economy and**  
7 **Voluntary Contributors to the SSS.** – Maternity benefits shall cover all married and  
8 unmarried women, including female workers in the informal economy.

9       Female workers in the informal economy are entitled to maternity leave benefits if  
10 they have remitted to the SSS at least three (3) monthly contributions in the twelve (12)  
11 month period immediately preceding the semester of her childbirth or miscarriage.

12       **SEC. 10. Maternity Benefits for Female Workers Who are Non-members of**  
13 **the Social Security System.** – Female workers who are neither voluntary nor regular  
14 members of the Social Security System shall be governed by Philhealth Circular No.  
15 022-2014 or the “Social Health Insurance Coverage and Benefits for Women About to  
16 Give Birth”.

17       **SEC.11. Maternity Leave for Female National Athletes.** - In the event a  
18 national athlete becomes pregnant, she will be referred to the team physician or an  
19 accredited physician of the Philippine Sports Commission (PSC) or an obstetrician-  
20 gynecologist to determine her fitness to continue training. She will be allowed to  
21 participate in all team-related activities, unless the physician advises that participation is  
22 not medically safe or should be limited. Upon medical advice, she shall go on maternity  
23 leave until cleared to return to training. She shall continue receiving her allowance and  
24 be entitled to the same benefits while on maternity leave prior to childbirth and up to six  
25 (6) months after, unless she can resume sooner as advised by her physician, in which  
26 case, she will be entitled to the allowance and benefits she had prior to pregnancy.

27       **SEC. 12. Security of Tenure.** – Those who avail of the benefits of this Act,  
28 whether in the government service or private sector, shall be assured of security of  
29 tenure. As such, the exercise of this option by them shall not be used as basis for

1 demotion in employment or termination. The transfer to a parallel position or  
2 reassignment from one organizational unit to another in the same agency shall be  
3 allowed: *Provided*, That, it shall not involve a reduction in rank, status or salary.

4       **SEC. 13. *Periodic Review.*** – The Civil Service Commission (CSC), the DOLE  
5 and the SSS, in consultation with trade unions and labor organizations, shall  
6 immediately conduct a review of the maternity leave benefits of female workers in the  
7 government service and the private sector, respectively. Thereafter, they shall include  
8 maternity leave benefits in their valuation report conducted every four (4) years for the  
9 SSS and the DOLE and every three (3) years for the CSC, or more frequently as may  
10 be necessary, with the end in view of meeting the needs of pregnant women and newly-  
11 born infants, and improving their welfare.

12       **SEC. 14. *Implementing Rules and Regulations.*** – The CSC, DOLE and the  
13 SSS shall issue the necessary rules and regulations for the effective implementation of  
14 this Act within six (6) months from the effectivity of the same.

15       **SEC. 15. *Separability Clause.*** - If any provision of this Act is declared  
16 unconstitutional or otherwise invalid, the validity of the other provisions shall not be  
17 affected thereby.

18       **SEC. 16. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or  
19 parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

20       **SEC. 17. *Effectivity.*** - This Act shall take effect after fifteen (15) days from its  
21 publication in the *Official Gazette* or in a newspaper of general circulation.

22       Approved,