



SENATE

S. No. 1305

---

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 House of Representatives of  
the Philippines in Congress assembled:*

1           SECTION 1. *Short Title.* – This Act shall be known  
2 and cited as the “Expanded Maternity Leave Law of 2017”.

3           SEC. 2. *Declaration of Policy.* – It shall be the policy  
4 of the State under Article XIII, Section 14 of the 1987

1 Constitution to protect and promote the rights and welfare  
2 of working women, taking into account their maternal  
3 functions, and to provide an enabling environment in  
4 which their full potential can be achieved.

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

12 SEC. 3. *Grant of Maternity Leave.* – All covered  
13 female workers in government and the private sector,  
14 including those in the informal economy, regardless of civil  
15 status or the legitimacy of her child, shall be granted one  
16 hundred twenty (120) days maternity leave with pay and  
17 an option to extend for an additional thirty (30) days  
18 without pay: *Provided,* That in case the worker qualifies as  
19 a solo parent under Republic Act No. 8972, or the “Solo

1 Parents' Welfare Act", the worker shall be granted one  
2 hundred fifty (150) days maternity leave with pay.

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

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

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

14       SEC. 4. *Maternity Leave for Female Workers in the*  
15 *Public Sector.* – Any pregnant female worker in the  
16 government service, regardless of employment status, in  
17 National Government Agencies (NGAs), Local Government  
18 Units (LGUs), Government-Owned or -Controlled  
19 Corporations (GOCCs), or State Universities and Colleges

1 (SUCs), shall be granted a maternity leave of one hundred  
2 twenty (120) days with full pay based on her average  
3 weekly or regular wages, regardless if the delivery was  
4 normal or caesarean: *Provided*, That in case the employee  
5 qualifies as a solo parent under Republic Act No. 8972, or  
6 the "Solo Parents' Welfare Act", the employee shall be paid  
7 the daily maternity benefit for one hundred and fifty (150)  
8 days. An additional maternity leave of thirty (30) days,  
9 without pay, can be availed of, at the option of the female  
10 worker: *Provided, further*, That the head of the agency  
11 shall be given due notice, in writing, at least forty-five (45)  
12 days before the end of her ordinary maternity leave:  
13 *Provided, finally*, That no notice shall be necessary in the  
14 event of a medical emergency.

15       SEC. 5. *Maternity Leave for Female Workers in the*  
16 *Private Sector.* - Any pregnant female worker in the  
17 private sector who has paid at least three (3) monthly  
18 contributions in the twelve(12)-month period immediately  
19 preceding the semester of her childbirth or miscarriage,  
20 shall be paid a daily maternity benefit, which shall be

1 computed based on the average monthly salary credit, for  
2 one hundred twenty (120) days, regardless of whether she  
3 gave birth via caesarian section or natural delivery, subject  
4 to the following conditions:

5 a) That the female worker shall have notified her  
6 employer of her pregnancy and the probable date of her  
7 childbirth, which notice shall be transmitted to the Social  
8 Security System (SSS) in accordance with its rules and  
9 regulations;

10 b) That the full payment shall be advanced by the  
11 employer within thirty (30) days from the filing of the  
12 maternity leave application;

13 c) That the payment of daily maternity benefits  
14 shall be a bar to the recovery of sickness benefits provided  
15 under Republic Act No. 1161, as amended, for the same  
16 period for which daily benefits has been received;

17 d) That the SSS shall immediately reimburse the  
18 employer of one hundred percent (100%) of the amount of  
19 maternity benefits advanced to the female worker by the

1 employer upon receipt of satisfactory and legal proof of  
2 such payment; and

3 e) That if a female worker should give birth or suffer  
4 a miscarriage without the required contributions having  
5 been remitted for her by her employer to the SSS, or  
6 without the latter having been previously notified by the  
7 employer of the time of the pregnancy, the employer shall  
8 pay to the SSS damages equivalent to the benefits which  
9 said female member would otherwise have been entitled  
10 to.

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

15 An additional maternity leave of thirty (30) days,  
16 without pay, can be availed of, at the option of the female  
17 worker as long as the head of the agency shall be given due  
18 notice, in writing, at least forty-five (45) days before the  
19 end of her ordinary maternity leave: *Provided*, That no

1 notice shall be necessary in the event of a medical  
2 emergency.

3 Workers availing of the maternity leave period and  
4 benefits must receive not less than two thirds (2/3) of their  
5 regular monthly wages. Employers from the private sector  
6 shall be responsible for payment of the salary differential  
7 between the actual cash benefits received from the SSS by  
8 the covered female workers and their average weekly or  
9 regular wages, for the entire duration of the ordinary  
10 maternity leave, with the following exceptions, subject to  
11 the guidelines to be issued by the Department of Labor and  
12 Employment (DOLE):

- 13 1) Those operating distressed establishments;
- 14 2) Those retail/service establishments employing not  
15 more than ten (10) workers;
- 16 3) Those considered as micro-business enterprises and  
17 engaged in the production, processing, or manufacturing of  
18 products or commodities including agro-processing,

1 trading, and services, whose total assets are not more than  
2 Three million pesos (P 3,000,000.00); and

3 4) Those who are already providing similar or more  
4 than the benefits herein provided.

5 SEC. 6. *Allocation of Maternity Leave Credits.* – Any  
6 female worker entitled to maternity leave benefits as  
7 provided for herein may, at her option, allocate up to thirty  
8 (30) days of said benefits to the child's father, whether or  
9 not the same is married to the female worker: *Provided,*  
10 That in the death, absence or incapacity of the former, the  
11 benefit may be allocated to an alternative caregiver who  
12 may be a relative within the fourth degree of consanguinity  
13 or the current partner of the female worker sharing the  
14 same household, upon the election of the mother taking  
15 into account the best interests of the child: *Provided,*  
16 *further,* That written notice thereof is provided to the  
17 employers of the female worker and alternate caregiver:  
18 *Provided, finally,* That this benefit is over and above that



1 which is provided under Republic Act No. 8187, or the  
2 "Paternity Leave Act of 1996".

3       SEC. 7. *Parental Leave for Adopters.* – Any person  
4 who has legally adopted a minor child, shall, after the  
5 issuance of the Pre-Adoption Placement Authority issued  
6 by the Department of Social Welfare and Development  
7 (DSWD) be entitled to thirty (30) days of parental leave:  
8 *Provided, That if an adoptive parent also qualifies for leave*  
9 *benefits under Republic Act No. 8552, the "Domestic*  
10 *Adoption Act of 1998", the leave benefit with the higher*  
11 *number of days shall apply.*

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

18       SEC. 9. *Maternity Leave Benefits for Women in the*  
19 *Informal Economy and Voluntary Contributors to the SSS.*

1 – Maternity benefits shall cover all married and unmarried  
2 women, including female workers in the informal economy.

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

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

14 *SEC. 11. Maternity Leave for Female National*  
15 *Athletes.* – In the event a national athlete becomes  
16 pregnant, she will be referred to the team physician or an  
17 accredited physician of the Philippine Sports Commission  
18 (PSC) or an obstetrician-gynecologist to determine her  
19 fitness to continue training. She will be allowed to

1 participate in all team-related activities, unless the  
2 physician advises that participation is not medically safe  
3 or should be limited. Upon medical advice, she shall go on  
4 maternity leave until cleared to return to training. She  
5 shall continue receiving her allowance and be entitled to  
6 the same benefits while on maternity leave prior to  
7 childbirth and up to six (6) months after, unless she can  
8 resume sooner as advised by her physician, in which case,  
9 she will be entitled to the allowance and benefits she had  
10 prior to pregnancy.

11       SEC. 12. *Security of Tenure.* – Those who avail of the  
12 benefits of this Act, whether in the government service or  
13 private sector, shall be assured of security of tenure. As  
14 such, the exercise of this option by them shall not be used  
15 as basis for demotion in employment or termination. The  
16 transfer to a parallel position or reassignment from one  
17 organizational unit to another in the same agency shall be  
18 allowed: *Provided,* That it shall not involve a reduction in  
19 rank, status or salary or otherwise amount to constructive  
20 dismissal.

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

14           SEC. 14. *Penalties.* – Whoever fails or refuses to  
15 comply with the provisions of this Act shall be punished by  
16 a fine of not less than Five thousand pesos (P5,000.00) nor  
17 more than Twenty thousand pesos (P20,000.00), and  
18 imprisonment for not less than six (6) years and one (1)  
19 day nor more than twelve (12) years or both. If the act or  
20 omission penalized by this Act shall be committed by an

1 association, partnership, corporation or any other  
2 institution, its managing head, directors or partners shall  
3 be liable to the penalties provided in this Act for the  
4 offense.

5       SEC. 15. *Implementing Rules and Regulations.* – The  
6 CSC, DOLE and the SSS shall issue the necessary rules  
7 and regulations for the effective implementation of this Act  
8 within six (6) months from the effectivity of the same.

9       SEC. 16. *Separability Clause.* – If any provision of  
10 this Act is declared unconstitutional or otherwise invalid,  
11 the validity of the other provisions shall not be affected  
12 thereby.

13       SEC. 17. *Repealing Clause.* – All laws, decrees,  
14 orders, rules and regulations or parts thereof inconsistent  
15 with this Act are hereby repealed or modified accordingly.

16       SEC. 18. *Effectivity.* – This Act shall take effect after  
17 fifteen (15) days from its publication in the *Official Gazette*  
18 or in a newspaper of general circulation.

Approved,