


13<sup>TH</sup> CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

'04 JUL -6 11:55

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SENATE

S. BILL NO. 1393

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Introduced by Senator Ralph G. Recto

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#### EXPLANATORY NOTE

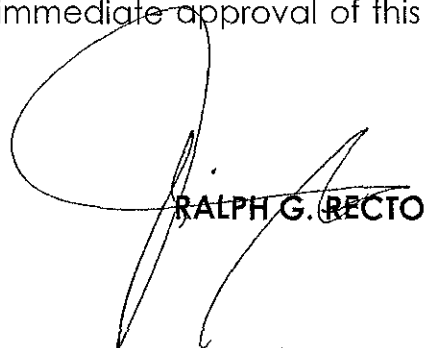
In the October 2003 National Statistics Report, fifty percent (50%) of the Philippine labor force participation rate is composed of women. Thus, there is the possibility of more and more mothers returning to work after their parental leave.

In essence, maternity leave is the time a mother takes a leave from work upon the birth of a child. This is important not only to develop a healthy work force but also a to maintain a productive one.

Changes in family formation, living arrangements, marital separation and labor force participation (especially maternal labor force participation) mean that in the majority of families with dependants, all adults are in paid employment. It is interesting to note that only one-third of dependent children in couple families and half of those in lone parent families have a "stay at home" parent.

This bill seeks to grant maternity leave benefits to women employees, whether married or not, and regardless of employment status by amending Article 33 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines.

In view of the foregoing, immediate approval of this bill is earnestly urged.



RALPH G. RECTO

13<sup>TH</sup> CONGRESS OF THE REPUBLIC )  
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**AN ACT  
GRANTING MATERNITY LEAVE BENEFITS TO WOMEN EMPLOYEES, WHETHER  
MARRIED OR NOT AND REGARDLESS OF EMPLOYMENT STATUS, AMENDING  
FOR THIS PURPOSE ARTICLE 133 OF PRESIDENTIAL DECREE NO. 442, AS  
AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES**

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

1 SECTION 1. Article 133 of Presidential Decree No. 442, as amended,  
2 otherwise known as the Labor Code of the Philippines, is hereby amended  
3 as follows:

4 "ART. 133. *Maternity leave benefits.* – (a) Every employer shall grant  
5 to any pregnant woman, employee, [who has rendered an aggregate  
6 service of at least six (6) months for the last twelve (12) months,] **WHETHER**  
7 **MARRIED OR NOT AND REGARDLESS OF HER EMPLOYMENT STATUS,**  
8 maternity leave of [at least two (2) weeks prior to the expected date of  
9 delivery and another four (4) weeks after normal delivery or abortion with  
10 full pay based on her regular or average weekly wages] **SIXTY (60) DAYS**  
11 **FOR NORMAL DELIVERY AND SEVENTY-EIGHT (78) DAYS IN CASE OF**  
12 **CAESARIAN DELIVERY.** The employer may require from any woman  
13 employee applying for maternity leave the production of a medical  
14 certificate stating that delivery will probably take place within two (2)  
15 weeks.

16           “(b) The maternity leave shall be extended without pay on account  
17 of illness medically certified to arise out of the pregnancy, delivery,  
18 abortion, or miscarriage, which renders the woman unfit of work, unless  
19 she has earned unused leave credits from which such extended leave  
20 may be charged.

21           “(c) The maternity leave provided in this Article shall be paid by the  
22 employer only for the first four (4) deliveries **OR MISCARRIAGES** by a  
23 woman employee [after the effectivity of this Code].”

24

25           SEC. 2. The Secretary of the Department of Labor and Employment  
26 shall promulgate the necessary rules and regulations to effectively  
27 implement this Act.

28

29           SEC. 3. If any of the provisions of this Act is declared  
30 unconstitutional, the same shall not affect the validity and effectivity of  
31 the other provisions hereof.

32

33           SEC. 4. All laws, presidential decrees, orders, issuances, executive  
34 orders, rules and regulations or parts thereof inconsistent with the  
35 provisions of this Act are hereby repealed or modified accordingly.

36

37           SEC. 5. This Act shall take effect fifteen (15) days after its complete  
38 publication in the *Official Gazette* or in at least two (2) newspapers of  
39 general circulation.

40

41           Approved,