

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



SENATE
S. B. No. 1687

Introduced by Senator Miriam Defensor Santiago

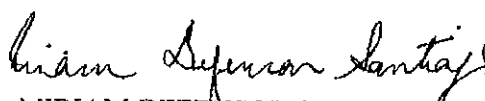
EXPLANATORY NOTE

The Constitution, Article XIII, Section 14 provides that “the State shall protect working women by providing safe and healthful 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.”

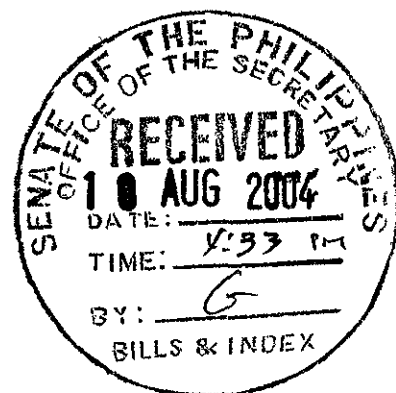
Unlike in South Korea, Japan, Indonesia, and Taiwan, there is no law in the Philippines that allows female employees not to report for work due to premenstrual or menstrual tension.

Many women experience symptoms of premenstrual tension. It begins from ten (10) to fourteen (14) days before menses. High levels of estrogen and its tendency to cause fluid retention in cells and tissues cause premenstrual tension. Brain-cell swelling, in turn, causes increased irritability, depression, emotional instability, and headaches. Effects in other parts of the body include abdominal cramps, constipation, fullness and tenderness in breasts, and aching and heaviness in legs. Some women also experience severe pain during menses.

This bill affords every female employee in the private and public sectors a leave of one (1) day every month with fifty percent (50%) daily remuneration.


MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC)
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AN ACT
GRANTING MENSTRUATION LEAVE OF ONE (1) DAY A MONTH WITH FIFTY
PERCENT DAILY REMUNERATION TO ALL FEMALE EMPLOYEES IN THE
PRIVATE AND PUBLIC SECTORS.

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

SECTION 1. *Short Title.* - This Act shall be known as the "Menstruation Leave
Act."

SECTION 2. *Definition of Terms.* - For purposes of this Act, the following terms
shall have the following meanings:

a. Employer - any person, natural or juridical, domestic or foreign, who carries on
in the Philippines any trade, business, industry, undertaking or activity of any kind and
uses the services of another person who is under his orders as regards the employment, or
the national government, its political subdivisions, branches, agencies, instrumentalities,
including government-owned or controlled corporations and financial institutions, the
constitutional commissions, and the judiciary.

b. Employee - any person who performs services for an employer in which either
or both mental and physical efforts are used and who receives compensation for such
services, where there is an employer-employee relationship.

c. Menstruation - a discharging of blood, secretions, and tissue debris that recurs
in women typically at four (4) week intervals and lasting three (3) to five (5) days.

d. Premenstrual Tension - a state of physical or mental lack of well-being or
physical or mental uneasiness relating to the period just preceding menstruation.

e. Menstrual Tension - a state of physical or mental lack of well-being or physical or mental uneasiness relating to the period of menstruation.

f. Menstruation Leave – refers to the benefits granted to a female employee allowing her not to report for work for one (1) day every month due to premenstrual or menstrual tension but continues to earn at least fifty percent (50%) of the compensation therefor.

SECTION 3. Notwithstanding any law, rules and regulations to the contrary, every female employee, except pregnant and menopausal women, in the private and public sectors, regardless of the nature of their employment, shall be entitled to a menstruation leave.

SECTION 4. Employers already granting a menstruation leave or its equivalent are not covered by this Act.

SECTION 5. The Secretary of Labor and Employment, the Chairman of the Civil Service Commission and the Secretary of Health shall, within thirty (30) days from the effectivity of this Act, issue such rules and regulations necessary for the proper implementation of the provisions hereof.

SECTION 6. Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine not exceeding Thirty thousand pesos (P30,000.00) or imprisonment of not less than thirty (30) days nor more than six (6) months.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, including but not limited to, the president, vice-president, chief executive officer, general manager, managing director or partner directly responsible therefor.

SECTION 7. *Non-Diminution Clause.* – Nothing in this Act shall be construed to reduce any existing benefits of any form granted under existing laws, decrees, executive orders, or any contract, agreement or policy between employer and employee.

SECTION 8. *Separability Clause.* - If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

/baf