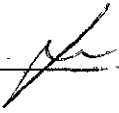


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SENATE
S. No. **1943**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The abiding principle of social justice provided in the 1987 Constitution reserves a special concern for working women when it mandates thus: "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". (Sec. 14, Art XIII). The International Labor Organization (ILO) through the ILO Convention No. 103 urges member countries to adopt maternity benefits "sufficient for the full and healthy maintenance of the woman and her child in accordance with a suitable standard of living (Art 4[2]) ILO Convention no. 103).

R.A. 7322 passed on March 30, 1992, amended the maternity leave provisions of the Social Security System (SSS) Law. In effect, the maternity leave benefits was increased from 45 days to 60 calendar days for a normal delivery and 78 days in the case of a caesarean operation. But due to changing times and the worsening economic conditions, these benefits are no longer sufficient to address the demands of childbirth and the requirements of the newly-born.

This bill seeks to increase further the maternity leave benefits from sixty (60) calendar days to eighty-four (84) calendar days for normal delivery and one hundred (100) calendar days, in the case of high-risk pregnancy or caesarean delivery, for women workers both in the government and in the private sector in keeping with the ILO Convention No. 103 which provides for twelve weeks.

This is a senate counterpart bill to one filed in the House of Representatives by Rep.
Nanette Castelo Daza. ¹

ac. *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

¹ This was originally filed during the 14th Congress 1st Regular Session

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SENATE
S. No. **1943**

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 INCREASING THE MATERNITY BENEFITS OF WOMEN WORKERS IN GOVERNMENT
3 AND IN THE PRIVATE SECTOR, AND FOR OTHER PURPOSES

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

4 SECTION 1. A covered female employee who has paid at least three (3) monthly
5 contributions to the Social Security System, in the case of private sector employees or the
6 Government Service Insurance System (GSIS), in the case of the government employees,
7 preceding the semester of her childbirth, abortion or miscarriage and who is currently employed
8 shall be paid a daily maternity benefit equivalent to one hundred fifty percent (150%) of her
9 present basic salary, allowances and other benefits or cash equivalent of such benefits for eighty-
10 four (84) calendar days subject to the following conditions:

- 11 (a) That in case of high-risk pregnancy or caesarean delivery, the employee shall be paid
12 the daily maternity benefit for one hundred (100) calendar days;
- 13 (b) That the maternity benefits provided under this section shall be paid only for the first
14 four deliveries;
- 15 (c) That the payment of maternity benefits shall be advanced by the employer in two (2)
16 equal installment within one (1) month from the filing of the maternity leave
17 application; and
- 18 (d) That the Social Security System (SSS) and the Government Service Insurance System
19 (GSIS) shall immediately reimburse the employer of one hundred percent (100%) of
20 the amount of maternity benefits advanced by the employer upon receipt of proof of
21 such payment.

1 SECTION 2. All laws, executive orders, proclamations, presidential decrees, rules and
2 regulations, and other issuances, or parts thereof, inconsistent with the provisions of this Act are
3 hereby repealed or modified accordingly.

4 SECTION 3. This Act shall take effect fifteen (15) days after its publication in the
5 Official Gazette or in at least two (2) national newspapers of general circulation, whichever
6 comes earlier.

Approved,