

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



Senate
Office of the Secretary

'13 AUG -8 P2:57

SENATE
S. B. NO. 1258

RECEIVED BY: *Jui*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

There are several types of leaves allowed by law, as follows:

1. Service Incentive Leave under the Labor Code – five (5) days;
2. Maternity Leave under the SSS Law – sixty (60) days or seventy-eight (78) days in case of caesarian delivery;
3. Paternity Leave under R.A. 8187 or the Paternity Leave Act – seven (7) days;
4. Solo Parent's Leave under R.A. 8972 or the Solo Parents' Welfare Act – seven (7) working days;
5. Battered Women Leave under R.A. 9262 or the Anti-Violence Against Women and Children Act – up to ten (10) days; and
6. Special leaves under R.A. 9710 or the Magna Carta for Women – two (2) months.

There are already plenty of leaves available, but there is no existing leave benefit available to employees that address special and unexpected circumstances. Special circumstances would include any other instance that would promote the minor's physical, moral, spiritual, intellectual and social well being that needs the quality time, supervision and undivided attention of the minor's parents.

This bill ensures that employed parents, solo or otherwise, as well as legal guardians in both public and private institutions, are given the opportunity to care for their children especially in instances when the latter requires special attention.

In view of the foregoing, the timely passage of this bill is earnestly recommended.

MARIA LOURDES NANCY S. BINAY
Senator



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1 AN ACT GRANTING PARENTAL CARE LEAVE WITH FULL PAY TO ALL
2 EMPLOYED PARENTS OR LEGAL GUARDIANS OF MINOR CHILDREN IN THE
3 PRIVATE AND PUBLIC SECTOR
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in*
6 *Congress assembled:*
7

8 **SECTION 1. Short Title.** This Act shall be known as the "*Parental Care Leave Act of*
9 *2013*".

10
11 **SECTION 2. Declaration of Policy.** It is hereby declared the policy of the State to ensure the
12 promotion of children's physical, moral, spiritual, intellectual and social well being in
13 recognition of their vital role in nation-building. Towards this end, the State hereby
14 recognizes the need of employed parents and legal guardians of minor children to spend
15 quality time and give special attention to the latter's needs without prejudice to existing
16 employment rights of such parents or legal guardians.
17

18 **SECTION 3. Definition of Terms.** Whenever used in this Act, the following terms shall mean
19 as follows:
20

- 21 a) Parent – the biological or adoptive mother or father of a minor child;
22
23 b) Legal Guardian – any individual who falls under any of the following
24 categories:
25
26 i. A court-appointed individual who has custody and care of a
27 minor child;
28
29 ii. An individual authorized in a public document signed and
30 acknowledged by both parents of the minor child during the
31 period when both parents are required to work outside the
32 Philippines for at least one (1) year, whenever both parents
33 be unable to return to the Philippines during the said year.
34
35 c) Minor/Child – refers to a child living with and dependent upon the
36 employed parent(s) or legal guardian for support who is not more than
37 eighteen (18) years of age, including those who are over eighteen (18)
38 years of age, but not more than twenty-one (21) years of age, when the

1 child is still finishing his or her schooling or training for some profession,
2 trade or vocation;

- 3
4 d) Parental care leave – shall mean leave benefits granted to any parent or
5 legal guardian to enable him or her to perform parental duties and
6 responsibilities and attend to the special needs of the minor child under
7 their care.

8
9 **SECTION 4. *Entitlement to Parental Care Leave.*** In addition to leave privileges under
10 existing laws, a parental care leave of at least two (2) working days every year for each minor
11 child under their care shall be granted to any employed parent or legal guardian who has
12 rendered service for at least one (1) year: *Provided*, that such parental care leave shall not
13 exceed ten (10) working days for each parent or legal guardian.

14
15 **SECTION 5. *Application to Solo Parents under the Solo Parents' Welfare Act.*** In case of
16 solo parents covered by Republic Act No. 8972, otherwise known as the Solo Parents'
17 Welfare Act, the parental care leave provided herein shall not diminish nor replace the
18 benefits and privileges provided thereunder.

19
20 **SECTION 6. *Implementing Rules and Regulations.*** An interagency committee headed by the
21 Department of Labor and Employment, in coordination with the Department of Social
22 Welfare and Development, is hereby established which shall formulate, within ninety (90)
23 days upon the effectivity of this Act, the rules and regulations necessary for the proper
24 implementation of the provisions hereof.

25
26 **SECTION 7. *Penalty Clause.*** Any person, corporation, trust, firm, partnership, association or
27 entity found violating this Act or the rules and regulations promulgated in accordance with
28 this Act shall be punished by a fine not exceeding Twenty-Five Thousand Pesos
29 (PhP25,000.00) or imprisonment of not more than thirty (30) days, or both, at the discretion
30 of the court.

31
32 If the violation is committed by a corporation, trust or firm, partnership, association or any
33 other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers,
34 including, but not limited to, the president, vice-president, chief executive officer, general
35 manager, managing director or partner directly responsible therefor.

36
37 **SECTION 8. *Non-diminution Clause.*** Nothing in this Act shall be construed to reduce any
38 existing benefits of any form granted under existing laws, decrees, executive orders, or any
39 contract agreement or policy between an employer and employee.

40
41 **SECTION 9. *Appropriations.*** The amount necessary to carry out the provisions of this Act
42 shall be charged out of the funds of the Department of Labor and Employment. Thereafter,
43 any sum that shall be needed for the regular implementation of this Act shall be included in
44 subsequent General Appropriations Act following this Act's enactment into law.

45
46 **SECTION 10. *Repealing Clause.*** All laws, orders, and decrees, including rules and
47 regulations inconsistent with the provisions of this Act are hereby repealed or modified
48 accordingly.

49

1 **SECTION 11.** *Separability Clause.* If any part or provision of this Act is held to be
2 unconstitutional or invalid, the other provisions hereof which are not affected by the
3 unconstitutionality or invalidity of the other provisions shall continue to be in full force and
4 effect.

5

6 **SECTION 12.** *Effectivity Clause.* – This Act shall take effect fifteen (15) days following its
7 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,