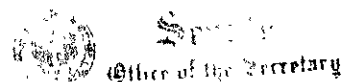


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



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SENATE
S. B. No. **2982**

(In Substitution of Senate Bill Nos. 288, 2083, 2084, 2661, and 2710)

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Prepared by the Committees on Women, Children, Family Relations, and Gender Equality; Finance; Government Corporations and Public Enterprises; and Civil Service, Government Reorganization and Professional Regulation with Senators Ramon "Bong" B. Revilla, Jr., Maria Lourdes Nancy S. Binay, Antonio "Sonny" F. Trillanes IV, Pia S. Cayetano and Loren Legarda as authors thereof

AN ACT
INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED (100) DAYS FOR FEMALE EMPLOYEES IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 1161, AS AMENDED, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the ***“Expanded***
2 ***Maternity Leave Law of 2015.*”**

3

4 **SEC. 2. Declaration of Policy.** – It is the declared policy of the State
5 under Article XIII, Sec. 14 of the 1987 Constitution to protect and promote the
6 rights and welfare of working women, taking into account their maternal functions,
7 and to provide an enabling environment in which their full potential can be
8 achieved.

9

10 Towards this end, and in consonance with local and international legal
11 instruments that protect and promote the rights of women, the State shall
12 institutionalize a mechanism to expand the maternity leave period of working
13 women to provide them with ample transition time to regain health and overall
14 wellness as well as to assume maternal roles before resuming full-time work.

15

16 **SEC. 3. Maternity Leave for Female Employees in Government**
17 ***Service.*** - Any pregnant female employee who was appointed in government

1 service, regardless of employment status, in any National Government Agency
2 (NGA), Local Government Unit (LGU), or Government Owned and Controlled
3 Corporations (GOCC), shall be granted a maternity leave of one hundred (100)
4 days, with full pay based on her average weekly or regular wages, regardless if
5 the delivery was normal or caesarian.

6
7 An additional maternity leave of thirty (30) days, without pay, can be
8 availed of, at the option of the employee; *Provided*, that the head of the agency
9 shall be given due notice, in writing, at least forty five (45) days before the end of
10 her ordinary maternity leave.

11
12 **SEC. 4. Maternity Leave for Female Employees in the Private Sector.-**

13 Any pregnant female employee in the private sector shall be granted a maternity
14 leave of one hundred (100) days, regardless if the delivery was normal or
15 caesarian.

16
17 (a) Section 14-A of Republic Act 1161, as amended, otherwise known as
18 the Social Security Act of 1997, is hereby further amended to read as follows:

19
20 **“Section 14-A. Maternity Leave Benefit. —** A female
21 member who has paid at least three (3) monthly contributions in the
22 twelve-month period immediately preceding the semester of her
23 childbirth or miscarriage shall be paid HER [a] daily maternity
24 benefit [equivalent to] WHICH SHALL BE COMPUTED BASED ON
25 THE AVERAGE MONTHLY SALARY CREDIT, [one hundred
26 percent (100%) of her average daily salary credit for sixty (60) days
27 or seventy-eight (78) days in case of caesarian delivery] FOR ONE
28 HUNDRED (100) DAYS, REGARDLESS IF THE DELIVERY WAS
29 NORMAL OR CAESARIAN, subject to the following conditions: xxx

30
31 (b) An additional maternity leave of thirty (30) days, without pay, can be
32 availed of, at the option of the employee; *provided*, that the employer shall be
33 given due notice, in writing, at least forty five (45) days before the end of her
34 ordinary maternity leave.

35
36 (c) Employees availing of the maternity leave period and benefits must
37 receive not less than two-thirds (2/3) of their regular monthly wages. Employers
38 from the private sector shall be responsible to pay the salary differential between

1 the actual cash benefits received from the SSS by the covered employees and
2 their average weekly or regular wages, for the entire duration of the ordinary
3 maternity leave, except:

4
5 (a) those operating distressed establishments;

6
7 (b) those retail/service establishments employing not more than ten (10)
8 workers;

9
10 (c) those who pay their workers on a purely commission, boundary, or task
11 basis, and those who are paid a fixed amount for performing a specific
12 work;

13
14 (d) those considered as micro business enterprises and engaged in the
15 production, processing, or manufacturing of products or commodities
16 including agro-processing, trading, and services whose total assets are
17 not more than three million pesos (P 3,000,000.00); and

18
19 (e) those who are already providing similar or more than the benefits
20 herein provided.

21
22 **SEC. 5. *Non-diminution of Benefits.*** - Nothing in this Act shall be
23 construed as to diminish existing maternity benefits currently granted by
24 employer with or without collective bargaining agreements (CBA), or under
25 present laws, if more beneficial to the female employee. Any other working
26 arrangement which the female employee shall agree to, during the additional
27 maternity leave period, shall be allowed; *Provided*, That this shall be consented
28 to in writing by the employee and shall primarily consider her maternal functions
29 and post-natal care.

30
31 **SEC. 6. *Security of Tenure.*** - Those who shall avail of the ordinary
32 maternity leave and the additional 30-day maternity leave, whether in the
33 government service or private sector, shall be assured of security of tenure. As
34 such, the exercise of this option by them shall not be used as basis for demotion
35 in employment or termination. The transfer to a parallel position or reassignment
36 from one organizational unit to another in the same agency shall be allowed:
37 *Provided*, That it shall not involve a reduction in rank, status or salary.

1 **SEC. 7. Periodic Review.-** The Government Service Insurance System
2 (GSIS) and the Social Security System (SSS) shall immediately conduct a review
3 of the maternity leave benefits of women employees in the government service
4 and the private sector, respectively. Thereafter, they shall include maternity leave
5 benefits in their valuation report conducted every four (4) years for the SSS and
6 every three (3) years for the GSIS, or more frequently as may be necessary, with
7 the end in view of meeting the needs of pregnant women and improving their
8 welfare by increasing existing maternal benefits.

9
10 **SEC.8. Implementing Rules and Regulations.-** The Civil Service
11 Commission (CSC), the Department of Labor and Employment (DOLE), together
12 with the GSIS and the SSS shall issue the necessary rules and regulations for
13 the grant of this expanded maternity leave for all female employees.

14
15 **SEC. 9. Separability Clause.** – If, for any reason, a provision or part
16 hereof is declared invalid, other provisions not affected thereby shall remain in
17 full force and effect.

18
19 **SEC. 10. Repealing Clause.** – All laws, decrees, executive orders, rules
20 and regulations contrary to or inconsistent with the provisions of this Act are
21 hereby repealed or modified accordingly, specifically Section 1 of Commonwealth
22 Act No. 647, Section 11 of the Omnibus Rules Implementing Book V of Executive
23 Order No. 292 as prescribed in The Revised Administrative Code of 1987, Article
24 133 of the Presidential Decree No. 442 or the Labor Code of the Philippines, and
25 Section 14-A of Republic Act 1161, as amended.

26
27 **SEC. 11. Effectivity.** – This Act shall take effect fifteen (15) day after its
28 publication in the Official Gazette or in a newspaper of general circulation.

29
30
31 **Approved,**