

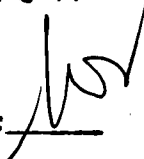
**SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



Senate
Office of the Secretary

'16 AUG 23 P6:11

SENATE

RECEIVED BY: 

S. B. No. 1063

Introduced by SENATOR JOEL "TESDAMAN" VILLANUEVA

**AN ACT
AMENDING SECTIONS 2 AND 3 OF REPUBLIC ACT NUMBER
8187, OTHERWISE KNOWN AS THE "PATERNITY LEAVE ACT
OF 1995" AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

A common-law marriage is a relationship between a man and a woman who live exclusively with each other just like a husband and wife without the benefit of marriage or when the marriage is void. Under the Family Code, the effects of a common-law relationship is expressly recognized. For instance, property relations between a man and a woman in a common-law relationship are expressly governed under the Family Code (Art. 147). Even illegitimate children of common-law spouses are entitled to support (Arts. 195, 196, 197, 200, and 201, Family Code of the Philippines) and to inheritance (Art. 988 to 994, Civil Code of the Philippines). Moreover, no license is necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without legal impediment to marry each other are exempt from the requirement of marriage license should they decide to get married (Art. 34, Family Code of the Philippines).

The 'live-in' relationship, also called "common-law relationship" is common in the Philippines. In 2007, the total population of the Philippines is 88.6 million. Of the household population 10 years old and over, 45.3 percent of the population were married while 44.3 percent were never married. Those in common law relationship are placed at 4.5% or almost four (4) million of the population, with the proportion of females higher than men (50.7%) [PCW, 13 May 2014). Although the proportion of the population in common-law

relationship is significantly lower than those married, there are studies showing that some who got married have been in live-in relationship prior to marriage. For instance, in a study done as part of the Young Adult Fertility and Sexuality 3 Working Paper Series, it was revealed that: a) Some of those who formally married have cohabited prior to the wedding; b) Of those who were married in 1994 (26%), almost half (47%) were in live-in relationship before the formal marriage. In 2002, this proportion increased to 54%, consequently reducing the proportion of those who formally married without going through a cohabitation episode. [Virola, Are Marriage Patterns of *Pinoy* Changing?]

Considering the existence of the common-law relationship, there is need also to provide paternity leaves for male employees in common-law relationship for purposes of enabling an employee to effectively lend support to his spouse in her period of recovery and/or in the nursing of the newborn child.

The passage of this bill will encourage joint parental responsibility for the rearing of a newborn, thereby promoting gender equality between men and women. First, fathers who take paternity leave are more likely to take an active role in child-care. Second, studies show that paternity leave is good for women's careers. When childcare responsibilities fall exclusively on the mother, the effect is to depress women's wages. Time out of the labor force deprives them of experience and promotions. When men shoulder more of the child burden, the effect is lessened. [The Economist, 14 may 2015]


More importantly, in providing for longer paternity leaves, this bill will advance the best interest of the child, consistent with the Philippines' legal obligation under the Convention on the Right of the Child. This finds support in a study showing that the early interaction between father and the newborn has longer-term benefits for a child's learning abilities, such as improved performance at secondary school. This, however, tends to benefit children whose fathers come from more advantaged backgrounds. Most paternity leave are short and poorly paid so richer fathers are more likely to take the time off. [The Economics, 14 may 2015] A longer paternity leave therefore would help the poorer fathers, the majority in the labor force, to take time off from work.


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OF 1995" AND FOR OTHER PURPOSES

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

- 1 **SEC. 1.** Section 2 is hereby amended to read as follows:
2 "Section 2. *PATERNITY LEAVE.* – Notwithstanding any law, rules and
3 regulations to the contrary, every [married] male employee, REGARDLESS OF
4 EMPLOYMENT STATUS, MARRIED OR IN A COMMON-LAW
5 RELATIONSHIP, in the private and public sectors, shall be entitled to a
6 paternity leave of [seven (7) days] THIRTY (30) WORKING DAYS with full pay
7 for the first four (4) deliveries of the legitimate spouse OR COMMON-LAW
8 SPOUSE, with whom he is cohabiting. The male employee applying for
9 paternity leave shall notify his employer of the pregnancy of his spouse and
10 the expected date of [such delivery] CHILDBIRTH, ABORTION OR ANY
11 MISCARRIAGE.
12 "FOR PURPOSES OF THIS ACT, A MALE EMPLOYEE IS IN A COMMON-
13 LAW RELATIONSHIP IF HE AND HIS SPOUSE HAVE BEEN LIVING
14 TOGETHER LIKE A HUSBAND AND WIFE FOR AT LEAST TWO YEARS AT
15 THE TIME OF CHILDBIRTH, ABORTION OR ANY MISCARRIAGE:
16 PROVIDED, HOWEVER, THAT THE MALE EMPLOYEE AND HIS SPOUSE
17 HAVE NO LEGAL IMPEDIMENT TO MARRY EACH OTHER DURING THEIR
18 COMMON-LAW RELATIONSHIP."

1 [For purposes, of this Act, delivery shall include childbirth or any miscarriage.]

2

3 **SEC. 2.** Section 3 is hereby amended to read as follows:

4 "Section 3. *Definition of Term.* - For purposes of this Act, Paternity Leave refers
5 to the benefits granted to a [married] male employee, MARRIED OR IN A
6 COMMON-LAW RELATIONSHIP, allowing him not to report for work for [seven
7 (7) days] THIRTY (30) WORKING DAYS but continues to earn the
8 compensation therefor, on the condition that his spouse has delivered a child
9 or suffered a miscarriage for purposes of enabling him to effectively lend
10 support to his wife in her period of recovery and/or in the nursing of the newly-
11 born child."

12

13 **SEC. 4. *Repealing Clause.*** – All laws, decrees, rules and regulations or parts
14 thereof, which are inconsistent with this Act, are hereby repealed or modified
15 accordingly.

16

17 **SEC. 5. *Effectivity.*** – This Act shall take effect (15) days from its publication in
18 the Official Gazette or in at least two (2) newspapers of national circulation.

19

20 Approved,