

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



Senate
Office of the Secretary

16 OCT 18 P4:52

SENATE
S. B. No. 1209

RECEIVED BY: 

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT AMENDING SECTION 2 OF REPUBLIC ACT NO. 8187, OTHERWISE
KNOWN AS THE PATERNITY LEAVE ACT OF 1996, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Under Section 12, Article II of the 1987 Philippine Constitution, the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution.

Republic Act No. 8187, otherwise known as the Paternity Leave Act of 1996 grants male employees in public and private sectors paternity leave benefits. However, there are reports that application for paternity leave benefits have been denied on the basis of the non-regular or non-permanent employment status of male parents. There is nothing under the law which limits the paternity leave benefit to certain classes of employees. Therefore, this bill seeks to clarify Section 2 of the Paternity Leave Act of 1996 by stating that the paternity leave benefit shall be available to all types of employees – regular, permanent, temporary, contractual, or probationary.

Furthermore, consistent with the provision of our Constitution which recognizes the sanctity of family life and the duty of the state to strengthen the family, this bill seeks to extend the allowed paid leave benefits of married employees from seven (7) days to fifteen (15) days and to grant an additional fifteen (15) days of unpaid leave for the purpose of giving husbands more time to bond with and take care of his wife and newly-born child.

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


MARIA LOURDES NANCY S. BINAY
Senator

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

SECTION 1. Section 2 of Republic Act No. 8187, otherwise known as the "Paternity Leave
Act of 1996", is hereby amended to read as follows:

SECTION 2. Notwithstanding any law, rules and regulations to the contrary, every
married male employee in the private and public sectors REGARDLESS OF THE
NATURE OF EMPLOYMENT, WHETHER REGULAR, PERMANENT,
CONTRACTUAL, TEMPORARY OR CASUAL shall be entitled to a paternity leave
of [seven (7)] FIFTEEN (15) days with full pay for the first four (4) deliveries of the
legitimate spouse with whom he is cohabiting AND SAID LEAVE SHALL NOT BE
DEDUCTED FROM HIS ANNUAL LEAVE CREDITS. HE SHALL ALSO HAVE
THE OPTION TO EXTEND HIS PATERNITY LEAVE UP TO THIRTY (30) DAYS
OF WHICH THE LAST FIFTEEN (15) DAYS ARE UNPAID AND WILL
LIKEWISE NOT BE DEDUCTED FROM HIS ANNUAL LEAVE CREDITS. The
male employee applying for paternity leave shall notify his employer of the pregnancy
of his legitimate spouse and the expected date of such delivery.

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

SECTION 2. *Implementation.* The Department of Labor and Employment, in consultation
with all relevant government agencies, shall issue implementing rules and regulations within
ninety (90) days from effectivity hereof, and such other rules and regulations as may be
necessary to carry out the purpose of this Act.

SECTION 3. *Separability Clause.* If any portion or provision of this Act is declared void and
unconstitutional, the remaining portions or provisions hereof shall not be affected by such
declaration.

SECTION 4. *Repealing Clause.* All laws, decrees, orders, rules and regulations, other
issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
modified accordingly.

1 SECTION 5. *Effectivity Clause*. This Act shall take effect fifteen (15) days after its complete
2 publication in at least two (2) national newspapers of general circulation.
3
4 Approved,