




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

'16 DEC -1 A11 :46

SENATE

RECEIVED BY: 

S.B. No. 1262

Introduced by SENATOR LOREN LEGARDA

AN ACT INCREASING THE MATERNITY LEAVE OF FEMALE EMPLOYEES PERIOD TO ONE HUNDRED (100) DAYS 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

Explanatory Note

The maternity leave benefit recognizes the importance of granting time for a new mother to nurture her newborn baby and ensure the well being of both parent and child. Further, it is intended to allow a smooth transition for a mother who is an employee in the workplace to adopt a maternal role. This bill underscores the State's obligation to allow women to spend adequate time to assume their roles as mothers and as equal partners of men in nation-building.

Article XIII Social Justice and Human Rights, Section 14 of the Constitution states that:

“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.”

Through this legislative measure, the maternity leave period is increased to one hundred (100) days with pay for female employees both in government and in the private sector. Further, an option to extend for an additional thirty (30) days without pay is created.

For these considerations, the passage of this bill is earnestly sought.



LOREN LEGARDA

Senator



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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.**"

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

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

14 **Sec. 3. Maternity Leave for Female Employees in the Government**
15 **Service.** - A pregnant female employee in the government service, regardless
16 of employment status, including those employed in a Local Government Unit
17 (LGU) or Government Owned and Controlled Corporation (GOCC), shall be
18 granted a maternity leave of one hundred (100) days with full pay based on
19 her average weekly or regular wages.

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

24 **Sec. 4. Maternity Leave for Female Employees in the Private Sector.** - A
25 pregnant female employee in the private sector shall be granted a maternity
26 leave of one hundred (100) days, regardless if the delivery was normal or
27 caesarian.

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

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

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

17 (c) Employees availing of the maternity leave period and benefits must
18 receive not less than two-thirds (2/3) of their regular monthly wages.
19 Employers from the private sector shall be responsible to pay the salary
20 differential between the actual cash benefits received from the SSS by the
21 covered employees and their average weekly or regular wages, for the entire
22 duration of the ordinary maternity leave, except:

23 (a) those operating distressed establishments;

24 (b) those retail/service establishments employing not more than ten
25 (10) workers;

26 (c) those who pay their workers on a purely commission, boundary,
27 or task basis, and those who are paid a fixed amount for
28 performing a specific work;

29 (d) those considered as micro business enterprises and engaged in
30 the production, processing, or manufacturing of products or
31 commodities including agro-processing, trading, and services
32 whose total assets are not more than Three Million Pesos
33 (P3,000,000.00); and

34 (e) those who are already providing similar or more than the
35 benefits herein provided.

36 **Sec. 5. Non-diminution of Benefits.** - Nothing in this Act shall be
37 construed as to diminish existing maternity benefits currently granted by
38 employer with or without collective bargaining agreements (CBA), or
39 under present laws, if more beneficial to the female employee. Any other
40 working arrangement which the female employee shall agree to, during the
41 additional maternity leave period, shall be allowed; Provided, That this shall
42 be consented to in writing by the employee and shall primarily consider her
43 maternal functions and post-natal care.

44 **Sec. 6. Security of Tenure.** - Those who shall avail of the ordinary
45 maternity leave and the additional 30-day maternity leave, whether in the
46 government service or private sector, shall be assured of security of tenure.
47 As such, the exercise of this option by them shall not be used as basis for

1 motion in employment or termination. The transfer to a parallel position or
2 reassignment from one organizational unit to another in the same agency
3 shall be allowed; Provided, That it shall not involve a reduction in rank, sta-
4 tus or salary.

5 **Sec. 7. Periodic Review.** - The Government Service Insurance System
6 (GSIS) and the Social Security System (SSS) shall immediately conduct a re-
7 view of the maternity leave benefits of women employees in the government
8 service and the private sector, respectively. Thereafter, they shall include
9 maternity leave benefits in their regular valuation report, with the end in
10 view of meeting the needs of pregnant women and improving their welfare by
11 increasing existing maternal benefits.

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

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

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

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.

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30 Approved,