



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

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SENATE

S. B. No. 1300

Introduced by Senator JOEL VILLANUEVA

**AN ACT ALLOWING THE TRANSFER OF MATERNITY LEAVE
BENEFITS GRANTED TO WOMEN WORKERS IN CASE OF THE
LATTER'S DEATH DUE TO CHILDBIRTH, FURTHER AMENDING
SECTION 14-A OF REPUBLIC ACT NO. 1161, AS AMENDED,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

From January to September 2016, the Social Security System granted a total of 4,134,000,000 as maternity leave benefit to 200,037 beneficiaries. Under the current law, women workers in the private sector are entitled to maternity leave benefits in case of *childbirth, abortion or miscarriage* provided certain conditions are complied with. However, the law does not provide for contingencies in case of the death of the mother due to childbirth.

This bill seeks to address this gap by allowing the transfer of the maternity leave benefits granted under Republic Act No. 1161, as amended, to the father of the child, regardless of the marital status of the father and the mother, in case of the latter's death during, or arising from or in connection with complications from, childbirth. This will ensure that the child is given proper attention by his/her remaining parent, as well as provide the father sufficient time to grieve, and adjust to the realities after, the loss of his wife or partner.

Indeed, the incidence of maternal mortality during childbirth in the Philippines is undeniable. According to UNICEF, 11 mothers die everyday in the country from childbirth.

Thus, the immediate passage of this bill is earnestly sought.

SENATOR JOEL VILLANUEVA



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AN ACT ALLOWING THE TRANSFER OF MATERNITY LEAVE BENEFITS GRANTED TO WOMEN WORKERS IN CASE OF THE LATTER'S DEATH DUE TO CHILDBIRTH, FURTHER AMENDING SECTION 14-A OF REPUBLIC ACT NO. 1161, AS AMENDED, AND FOR OTHER PURPOSES

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

1 **Section 1.** Section 14-A of Republic Act No. 1161, as amended by Republic Act No.
2 7322, is further amended to read as follows:

3
4 **SEC. 14-A. Maternity Leave Benefit.** – A covered female employee who has
5 paid at least three monthly maternity contributions in the twelve-month period
6 preceding the semester of her childbirth, abortion or miscarriage and who is
7 currently employed shall be paid a daily maternity benefit equivalent to one
8 hundred percent (100%) of her present basic salary, allowances and other
9 benefits or the cash equivalents of such benefits for sixty (60) days subject to
10 the following conditions:

- 11
12 (a) That the employee shall have notified her employer of her pregnancy and
13 the probable date of her childbirth which notice shall be transmitted to the
14 SSS in accordance with the rules and regulations it may provide;
15
16 (b) That the payment shall be advanced by the employer in two equal
17 installments within thirty (30) days from the filing of the maternity leave
18 application;
19
20 (c) That in case of caesarian delivery, the employee shall be paid the daily
21 maternity benefit for seventy-eight (78) days;
22

- 1 (d) That payment of daily maternity benefits shall be a bar to the recovery of
2 sickness benefits provided by this Act for the same compensable period of
3 sixty (60) days for the same childbirth, abortion or miscarriage;
4
- 5 (e) That the maternity benefits provided under this Section shall be paid only
6 for the first four deliveries after March 13, 1973;
7
- 8 (f) That the SSS shall immediately reimburse the employer of one hundred
9 percent (100%) of the amount of maternity benefits advanced to the
10 employee by the employer upon receipt of satisfactory proof of such
11 payment and legality thereof; [and]
12
- 13 (g) That if an employee should give birth or suffer abortion or miscarriage
14 without the required contributions having been remitted for her by her
15 employer to the SSS, or without the latter having been previously notified
16 by the employer of the time of the pregnancy, the employer shall pay to
17 the SSS damages equivalent to the benefits which said employee would
18 otherwise have been entitled to, and the SSS shall in turn pay such
19 amount to the employee concerned; AND
20
- 21 (h) THAT IN CASE OF THE DEATH OF THE MOTHER DURING, OR
22 ARISING FROM OR IN CONNECTION TO COMPLICATIONS FROM,
23 CHILDBIRTH, THE FOREGOING BENEFITS SHALL BE
24 TRANSFERRED TO THE FATHER OF THE CHILD, REGARDLESS OF
25 THEIR MARITAL STATUS. FOR THE AVOIDANCE OF DOUBT, THE
26 FOREGOING BENEFIT SHALL BE IN ADDITION TO THE BENEFITS
27 GRANTED TO THE FATHER UNDER EXISTING LAWS.
28

29 **Section 2.** Nothing in this Act shall be construed as to diminish existing maternity
30 benefits under present laws, company policies and collective bargaining agreements.
31

32 **Section 3.** All laws, executive orders, proclamations, presidential decrees, rules and
33 regulations and other issuances, or parts thereof, inconsistent with the provisions of
34 this Act are hereby repealed or modified accordingly.
35

36 **Section 4.** This Act shall take effect fifteen (15) days after its publication in the
37 Official Gazette or in at least two (2) national newspapers of general circulation.
38

39
40 Approved.
41
42