



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

'17 JAN 23 P4:55

SENATE

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Committee Report No. 29

Prepared and submitted jointly by the Committees on Women, Children, Family Relations, and Gender Equality; Civil Service, Government Reorganization and Professional Regulation; Finance; and Government Corporations and Public Enterprises on JAN 23 2017

Re: Senate Bill No. 1305

Recommending its approval in substitution of Senate Bill Nos. 56, 194, 215, 457, 1152, 1153, 1262 and 1276

Sponsor: Senator Risa Hontiveros

MR. PRESIDENT:

The Committees on Women, Children, Family Relations, and Gender Equality; Civil Service, Government Reorganization and Professional Regulation; Finance; and Government Corporations and Public Enterprises, to which were referred:

Senate Bill No. 56, introduced by Senator Francis N. Pangilinan, entitled:

**“AN ACT
INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED FIFTY (150) DAYS OF FEMALE EMPLOYEES IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN OPTION TO FURTHER EXTEND SAID PERIOD FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 1161, AS AMENDED, AND FOR OTHER PURPOSES”**

Senate Bill No. 194, introduced by Senator Emmanuel D. Pacquiao, entitled:

**“AN ACT
GRANTING MATERNITY LEAVE BENEFITS EQUIVALENT TO ONE HUNDRED EIGHTY (180) DAYS OR SIX (6) MONTHS TO ALL WOMEN WORKERS IN THE GOVERNMENT AND PRIVATE SECTORS”**

Senate Bill No. 215, introduced by Senator Risa Hontiveros, entitled:

**“AN ACT
INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED TWENTY (120) DAYS FOR FEMALE EMPLOYEES, MARRIED OR UNMARRIED, IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN ADDITIONAL THIRTY (30) DAYS FOR SOLO MOTHERS, AMENDING FOR THIS PURPOSE REPUBLIC ACT 1161, AS AMENDED, AND FOR OTHER PURPOSES”**

Senate Bill No. 457, introduced by Senator Antonio "Sonny" F. Trillanes IV, entitled:

**"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"**

Senate Bill No. 1152, introduced by Senator Maria Lourdes Nancy S. Binay, entitled:

**"AN ACT
FURTHER INCREASING THE MATERNITY LEAVE BENEFITS OF WOMEN IN PRIVATE SECTOR, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8282, AS AMENDED, OTHERWISE KNOWN AS THE SOCIAL SECURITY ACT OF 1997, AND FOR OTHER PURPOSES"**

Senate Bill No. 1153, introduced by Senator Maria Lourdes Nancy S. Binay, entitled:

**"AN ACT
PROVIDING MATERNITY LEAVE BENEFITS TO WOMEN IN THE GOVERNMENT SERVICE, AND FOR OTHER PURPOSES"**

Senate Bill No. 1262, introduced by Senator Loren B. Legarda, entitled:

**"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"**

and Senate Bill No. 1276, introduced by Senator Sonny M. Angara, entitled:

**"AN ACT
INCREASING THE MATERNITY LEAVE PERIOD TO NINETY EIGHT (98) DAYS FOR FEMALE WORKERS IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN OPTION TO FURTHER EXTEND SAID PERIOD FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 1161, AS AMENDED, AND FOR OTHER PURPOSES"**

have considered the same and have the honor to report back to the Senate, with the recommendation that the attached bill, Senate Bill No. 1305, prepared by the Committees, entitled:

**"AN ACT
INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED TWENTY (120) DAYS FOR FEMALE WORKERS IN THE GOVERNMENT SERVICE AND THE PRIVATE SECTOR WITH AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, PROVIDING A PARENTAL LEAVE PERIOD FOR ADOPTIVE PARENTS, AND GRANTING AN ADDITIONAL THIRTY (30) DAYS FOR SOLO MOTHERS, AND FOR OTHER PURPOSES"**

be approved in substitution of Senate Bill Nos. 56, 194, 215, 457, 1152, 1153, 1262 and 1276, with Senators Pangilinan, Pacquiao, Hontiveros, Trillanes IV, Binay, Legarda and Angara as authors thereof.

Respectfully Submitted:

Chairpersons:



LOREN B. LEGARDA

Committee on Finance;
Member, Civil Service, Government
Reorganization and Professional Regulation;
Women, Children, Family Relations
and Gender Equality



RISA HONTIVEROS

Committee on Women, Children,
Family Relations and Gender Equality;
Member, Government Corporations
and Public Enterprises; Finance



RICHARD J. GORDON

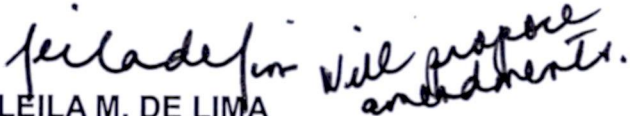
Committee on Government Corporations
and Public Enterprises;
Member, Finance



ANTONIO "SONNY" F. TRILLANES IV


Civil Service, Government Reorganization
and Professional Regulation;
Member, Finance; Women, Children,
Family Relations and Gender Equality

Vice Chairpersons:



LEILA M. DE LIMA

Committee on Women, Children,
Family Relations and Gender Equality



FRANCIS "CHIZ" G. ESCUDERO

Committee on Civil Service,
Government Reorganization and
and Professional Regulation;
Member, Finance; Government
Corporations and Public Enterprises




PANFILO M. LACSON

Committee on Finance

CYNTHIA A. VILLAR

Committee on Finance;
Member, Civil Service, Government
Reorganization and Professional
Regulation; Government Corporations
and Public Enterprises; Women, Children
Family Relations and Gender Equality



PAOLO BENIGNO "BAM" AQUINO IV

Committee on Finance;
Member, Women, Children, Family
Relations and Gender Equality



SONNY M. ANGARA

Committee on Finance;
Member, Women, Children, Family
Relations and Gender Equality

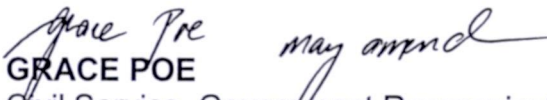


FRANCIS N. PANGILINAN
Committee on Government Corporations
and Public Enterprises;
Member, Finance

Members:



MARIA LOURDES NANCY S. BINAY
Government Corporations and
Public Enterprises; Finance;
Women, Children, Family Relations
and Gender Equality



GRACE POE
Civil Service, Government Reorganization
and Professional Regulation; Finance;
Women, Children, Family Relations and
Gender Equality



GREGORIO B. HONASAN II
Civil Service, Government Reorganization
and Professional Regulation



JOSEPH VICTOR G. EJERCITO
Finance



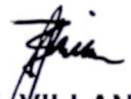
SHERWIN GATCHALIAN
Finance



JUAN MIGUEL "MIGZ" F. ZUBIRI
Finance; Government Corporations and
Public Enterprises



EMMANUEL "MANNY" D. PACQUIAO
Civil Service, Government Reorganization
and Professional Regulation;
Government Corporations and Public
Enterprises

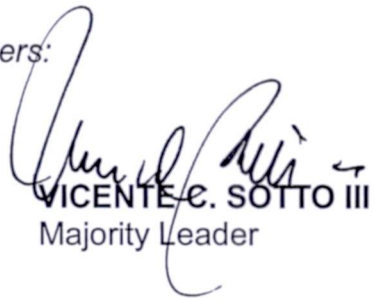


JOEL VILLANUEVA
Finance; Government Corporations
and Public Enterprises

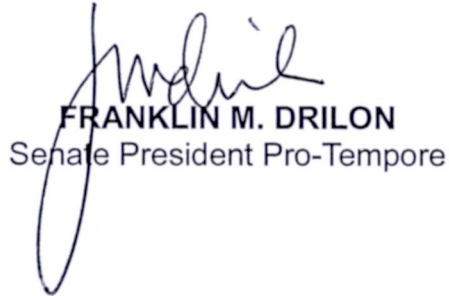


RALPH G. RECTO
Minority Leader

Ex-Officio Members:



VICENTE C. SOTTO III
Majority Leader




FRANKLIN M. DRILON
Senate President Pro-Tempore

HON. AQUILINO "KOKO" PIMENTEL III
Senate President
Senate of the Philippines
Pasay City



SEVENTEENTH CONGRESS OF THE)
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First Regular Session)

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RECEIVED BY: 

SENATE

Senate Bill No. 1305

(In substitution of Senate Bills No. 56, 194, 215, 457, 1152 and 1153, 1262 and 1276)

Prepared and submitted jointly by the Committees on Women, Children, Family Relations and Gender Equality; Civil Service, Government Reorganization and Professional Regulation; Finance; and Government Corporations and Public Enterprises with Senators Pangilinan, Pacquiao, Hontiveros, Trillanes IV, Binay, Legarda and Angara as authors thereof

AN ACT

INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED TWENTY (120) DAYS FOR FEMALE WORKERS IN THE GOVERNMENT SERVICE AND THE PRIVATE SECTOR WITH AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, PROVIDING A PARENTAL LEAVE PERIOD FOR ADOPTIVE PARENTS, AND GRANTING AN ADDITIONAL THIRTY (30) DAYS FOR SOLO MOTHERS, 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 and cited as the "Expanded
2 Maternity Leave Law of 2017."

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

7 Towards this end, and consistent with local and international legal instruments
8 that protect and promote the rights of women, the State shall institutionalize a
9 mechanism to expand the maternity leave period of female workers to provide them
10 with ample transition time to regain health and overall wellness before resuming full-
11 time work.

12 **SEC. 3. Grant of Maternity Leave.** - All covered female workers in government
13 and the private sector, including those in the informal economy, regardless of civil status

1 or the legitimacy of her child, shall be granted one hundred twenty (120) days maternity
2 leave with pay and an option to extend for an additional thirty (30) days without pay,
3 *Provided, That, in case the worker qualifies as a solo parent under Republic Act No.*
4 *8972, or the Solo Parents' Welfare Act, the worker shall be granted one hundred fifty*
5 *(150) days maternity leave with pay.*

6 Enjoyment of maternity leave cannot be deferred but should be availed of either
7 before or after the actual period of delivery in a continuous and uninterrupted manner,
8 not exceeding one hundred and twenty (120) calendar days, as the case may be.

9 Maternity leave shall be granted to female workers in every instance of
10 pregnancy or miscarriage, regardless of frequency.

11 Nothing in this Act shall be construed to diminish benefits already provided under
12 existing laws and regulations.

13 **SEC. 4. *Maternity Leave for Female Workers in the Public Sector.*** – Any
14 pregnant female worker in the government service, regardless of employment status, in
15 National Government Agencies (NGAs), Local Government Units (LGUs), Government-
16 Owned or -Controlled Corporations (GOCCs), or State Universities and Colleges
17 (SUCs), shall be granted a maternity leave of one hundred twenty (120) days with full
18 pay based on her average weekly or regular wages, regardless if the delivery was
19 normal or caesarean: *Provided, That, in case the employee qualifies as a solo parent*
20 *under Republic Act No. 8972, or the Solo Parents' Welfare Act, the employee shall be*
21 *paid the daily maternity benefit for one hundred and fifty (150) days. An additional*
22 *maternity leave of thirty (30) days, without pay, can be availed of, at the option of the*
23 *female worker: Provided, That, the head of the agency shall be given due notice, in*
24 *writing, at least forty five (45) days before the end of her ordinary maternity leave.*

25 **SEC. 5. *Maternity Leave for Female Workers in the Private Sector.*** – Any
26 pregnant female worker in the private sector who has paid at least three (3) monthly
27 contributions in the twelve-month period immediately preceding the semester of her
28 childbirth or miscarriage, shall be paid a daily maternity benefit, which shall be
29 computed based on the average monthly salary credit, for one hundred twenty (120)

1 days, regardless of whether she gave birth via caesarian section or natural delivery,
2 subject to the following conditions:

3 a. That the female worker shall have notified her employer of her pregnancy and
4 the probable date of her childbirth, which notice shall be transmitted to the Social
5 Security System (SSS) in accordance with its rules and regulations;

6 b. That the full payment shall be advanced by the employer within thirty (30)
7 days from the filing of the maternity leave application;

8 c. That the payment of daily maternity benefits shall be a bar to the recovery of
9 sickness benefits provided under Republic Act No. 1161, as amended, for the
10 same period for which daily benefits has been received;

11 d. That the SSS shall immediately reimburse the employer of one hundred
12 percent (100%) of the amount of maternity benefits advanced to the female
13 worker by the employer upon receipt of satisfactory and legal proof of such
14 payment;

15 e. That if a female worker should give birth or suffer a miscarriage without the
16 required contributions having been remitted for her by her employer to the SSS,
17 or without the latter having been previously notified by the employer of the time
18 of the pregnancy, the employer shall pay to the SSS damages equivalent to the
19 benefits which said female member would otherwise have been entitled to.

20 In case the employee qualifies as a solo parent under Republic Act No. 8972, or
21 the Solo Parents' Welfare Act, the employee shall be paid the daily maternity benefit for
22 one hundred and fifty (150) days.

23 An additional maternity leave of thirty (30) days, without pay, can be availed of, at
24 the option of the female worker as long as the head of the agency shall be given due
25 notice, in writing, at least forty five (45) days before the end of her ordinary maternity
26 leave.

27 Workers availing of the maternity leave period and benefits must receive not less
28 than two thirds (2/3) of their regular monthly wages. Employers from the private sector
29 shall be responsible for payment of the salary differential between the actual cash

1 benefits received from the Social Security System (SSS) by the covered female workers
2 and their average weekly or regular wages, for the entire duration of the ordinary
3 maternity leave, with the following exceptions, subject to the guidelines to be issued by
4 the Department of Labor and Employment (DOLE):

- 5 a. Those operating distressed establishments;
- 6 b. Those retail/service establishments employing not more than ten (10)
7 workers;
- 8 c. Those considered as micro-business enterprises and engaged in the
9 production, processing, or manufacturing of products or commodities
10 including agro-processing, trading, and services, whose total assets are not
11 more than three million pesos (PhP3,000,000.00); and
- 12 d. Those who are already providing similar or more than the benefits herein
13 provided.

14 **SEC. 6. Allocation of Maternity Leave Credits.** - Any female worker entitled to
15 maternity leave benefits as provided for herein may, at her option, allocate up to thirty
16 (30) days of said benefits to the child's father, whether or not the same is married to the
17 female worker: *Provided, That*, in the death, absence or incapacity of the former, the
18 benefit may be allocated to an alternative caregiver who may be a relative within the
19 fourth degree of consanguinity or the current partner of the female worker sharing the
20 same household, upon the election of the mother taking into account the best interests
21 of the child: *Provided, further, That*, written notice thereof is provided to the employers
22 of the female worker and alternate caregiver: *Provided, finally, That*, this benefit is over
23 and above that which is provided under Republic Act No. 8187, or the Paternity Leave
24 Act of 1996.

25 **SEC. 7. Parental Leave for Adopters.** - Any person who has legally adopted a
26 minor child, shall, after the issuance of the Pre-Adoption Placement Authority issued by
27 the Department of Social Welfare and Development (DSWD) be entitled to thirty (30)
28 days of parental leave: *Provided, That*, if an adoptive parent also qualifies for leave
29 benefits under Republic Act No. 8552, "*The Domestic Adoption Act of 1998*", the leave

1 benefit with the higher number of days shall apply.

2 **SEC. 8. Maternity Leave with Pay in Case of Childbirth or Miscarriage After**
3 **Termination.** – Maternity leave with pay shall be granted even if the childbirth or
4 miscarriage occurs not more than fifteen (15) calendar days after the termination of the
5 employee's service, as her right thereto has already accrued.

6 **SEC. 9. Maternity Leave Benefits for Women in the Informal Economy and**
7 **Voluntary Contributors to the SSS.** – Maternity benefits shall cover all married and
8 unmarried women, including female workers in the informal economy.

9 Female workers in the informal economy are entitled to maternity leave benefits if
10 they have remitted to the SSS at least three (3) monthly contributions in the twelve (12)
11 month period immediately preceding the semester of her childbirth or miscarriage.

12 **SEC. 10. Maternity Benefits for Female Workers Who are Non-members of**
13 **the Social Security System.** – Female workers who are neither voluntary nor regular
14 members of the Social Security System shall be governed by Philhealth Circular No.
15 022-2014 or the "Social Health Insurance Coverage and Benefits for Women About to
16 Give Birth".

17 **SEC.11. Maternity Leave for Female National Athletes.** - In the event a
18 national athlete becomes pregnant, she will be referred to the team physician or an
19 accredited physician of the Philippine Sports Commission (PSC) or an obstetrician-
20 gynecologist to determine her fitness to continue training. She will be allowed to
21 participate in all team-related activities, unless the physician advises that participation is
22 not medically safe or should be limited. Upon medical advice, she shall go on maternity
23 leave until cleared to return to training. She shall continue receiving her allowance and
24 be entitled to the same benefits while on maternity leave prior to childbirth and up to six
25 (6) months after, unless she can resume sooner as advised by her physician, in which
26 case, she will be entitled to the allowance and benefits she had prior to pregnancy.

27 **SEC. 12. Security of Tenure.** – Those who avail of the benefits of this Act,
28 whether in the government service or private sector, shall be assured of security of
29 tenure. As such, the exercise of this option by them shall not be used as basis for

1 demotion in employment or termination. The transfer to a parallel position or
2 reassignment from one organizational unit to another in the same agency shall be
3 allowed: *Provided*, That, it shall not involve a reduction in rank, status or salary.

4 **SEC. 13. *Periodic Review.*** – The Civil Service Commission (CSC), the DOLE
5 and the SSS, in consultation with trade unions and labor organizations, shall
6 immediately conduct a review of the maternity leave benefits of female workers in the
7 government service and the private sector, respectively. Thereafter, they shall include
8 maternity leave benefits in their valuation report conducted every four (4) years for the
9 SSS and the DOLE and every three (3) years for the CSC, or more frequently as may
10 be necessary, with the end in view of meeting the needs of pregnant women and newly-
11 born infants, and improving their welfare.

12 **SEC. 14. *Implementing Rules and Regulations.*** – The CSC, DOLE and the
13 SSS shall issue the necessary rules and regulations for the effective implementation of
14 this Act within six (6) months from the effectivity of the same.

15 **SEC. 15. *Separability Clause.*** - If any provision of this Act is declared
16 unconstitutional or otherwise invalid, the validity of the other provisions shall not be
17 affected thereby.

18 **SEC. 16. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or
19 parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

20 **SEC. 17. *Effectivity.*** - This Act shall take effect after fifteen (15) days from its
21 publication in the *Official Gazette* or in a newspaper of general circulation.

22 Approved,