

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

5 SEP -6 P2:16

SENATE  
S.B. No. 2111

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, in its declaration of State Policies, provides:

Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception.

Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

Section 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

Pursuant to these policies, laws have been enacted recognizing the special needs of women as workers and as mothers. Examples of these laws are Presidential Decree No. 442 or the "Labor Code of the Philippines" regarding maternity leave benefits in Section 133; Republic Act No. 8282 or the "Social Security Law of 1997" regarding maternity benefits for private employees in Sec. 14-A; Republic Act No. 8282 or the "Solo Parents' Welfare Act"; and Republic Act No. 8187 or the "Paternity Leave Act of 1996" where fathers are given time off from work to support their wives in their period of recovery and/or in the nursing of the newly-born child. However, while these laws grant women maternity leaves and benefits, and other financial support after they have given birth, their failure to aid women while they are pregnant is glaringly obvious.

This bill seeks to address the needs of pregnant women, especially if they work. Taking into consideration their delicate condition, as well as the need for them to continue working not only to support their families but also to prevent the collapse of the industries they work in, this

bill will grant them benefits like financial assistance, flexible work schedules, protection from discrimination, monthly medical leaves and medical assistance during their pregnancies.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*agb*

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AN ACT  
PROVIDING FOR THE BENEFITS AND PRIVILEGES TO PREGNANT WOMEN AND  
THEIR FAMILIES, APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “Pregnant Women’s Welfare Act.”

SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. Towards this end, it shall develop a comprehensive program of services for pregnant women and their families to be carried out by the Department of Labor and Employment (DOLE), the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), and other related government and non-government agencies.

SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term

- (a) “Pregnant Woman” means a woman expecting to deliver a child or children, which condition shall continue until she has delivered such child or children or has suffered a miscarriage.
- (b) “Family” means the pregnant woman, her legitimate spouse with whom she is cohabiting, and any children living with and dependent upon them who are unmarried, unemployed and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect/disability. If the pregnant woman is not lawfully married or is a widow, “family” shall refer to herself, her and her legitimate

spouse's parents who are living with her, and any children living with and dependent upon her who are unmarried, unemployed and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect/disability.

- (c) "Medical Leave" means the leave benefits granted to a pregnant woman to enable her to undergo a medical check-up related to her pregnancy, or to any ailment or affliction she may be suffering from as a result of her pregnancy.
- (d) "Flexible Work Schedule" means the work schedule granted to a pregnant employee allowing her to vary her arrival and departure time without affecting the core work hours as defined by the employer.

SECTION 4. *Criteria for Support.* – Any pregnant woman whose income in the place of domicile falls below the poverty threshold as set by the National Economic and Development Authority (NEDA) and subject to the assessment of the DSWD worker in the area shall be eligible for assistance: *Provided, however,* That any pregnant woman whose income is above the poverty threshold shall enjoy the benefits mentioned in Sections 5, 6 and 7 of this Act.

SECTION 5. *Flexible Work Schedule.* – The employer shall provide for a flexible working schedule for pregnant women: *Provided,* That the same shall not affect individual and company productivity: *Provided, further,* That any employer may request exemption from the above requirements from the DOLE on certain meritorious grounds.

SECTION 6. *Work Discrimination.* – Without prejudice to the relevant provisions of the Labor Code and the implementing rules thereto, no employer shall discriminate against any pregnant woman employee with respect to terms and conditions of employment on account of her status.

SECTION 7. *Medical Leaves.* – In addition to leave privileges under existing laws, medical leaves of one (1) day during each month of the woman's pregnancy shall be granted to enable her to undergo a medical check-up related to her pregnancy, or to any ailment or affliction she may be suffering from as a result of her pregnancy: *Provided,* she has previously furnished her employer a medical certificate confirming her pregnancy and/or the ailment or affliction she

may be suffering from as a result of her pregnancy; Provided, further, She has rendered service of at least one (1) year prior to her pregnancy: Provided, further, That the same shall not affect individual and company productivity: Provided, further, That each time she takes such medical leave, she notifies her employer at least five (5) days in advance.

SECTION 8. *Medical Assistance.* – The DOH shall develop a comprehensive health care program for pregnant women. The program shall be implemented by the DOH, through their retained hospitals and medical centers, and the local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units.

SECTION 9. *Implementing Rules and Regulations.* – An interagency committee headed by the DOLE, in coordination with the DSWD and DOH, is hereby established which shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations in consultation with the LGUs, non-government organizations and people's organizations.

SECTION 10. *Penalties.* – Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine not exceeding twenty-five thousand pesos (P25,000) or imprisonment of not less than thirty (30) days nor more than six (6) months.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or partner directly responsible therefor.

SECTION 11. *Nondiminution Clause.* – Nothing in this Act shall be construed to reduce any existing benefits of any form granted under existing laws, decrees, executive orders, or any contract, agreement or policy between employer and employee.

SECTION 12. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 13. *Repealing Clause.* – All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 14. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,