
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," which gives fathers 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 bill¹ seeks to address the needs of pregnant women, especially those who are working, taking into consideration their delicate condition, as well as the need for them to

¹ This bill was originally filed by the Senator during the 13th Congress

continue working not only to support their families but also to prevent the collapse of the industries they work in. This bill seeks to grant pregnant women benefits such as financial assistance, flexible work schedules, protection from discrimination, monthly medical leaves, and medical assistance during their pregnancies.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
Edk

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

7 JUN 18 1917

SENATE
S.B. No. 1267

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

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

6 SECTION 1. *Short Title.* - This Act shall be known as the "Pregnant Women's
7 Welfare Act."

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

15 SECTION 3. *Definition of Terms.* - For the purposes of this Act, the term:

16 (1) "Pregnant Woman" means a woman expecting to deliver a child or children,
17 which condition shall continue until she has delivered such child or children or has
18 suffered a miscarriage.

19 (2) "Family" means the pregnant woman, her legitimate spouse with whom she is
20 cohabiting, and any children living with and dependent upon them who are unmarried,
21 unemployed and not more than eighteen (18) years of age, or even over eighteen (18)
22 years but are incapable of self-support because of mental and/or physical defect or
23 disability. If the pregnant woman is not lawfully married or is a widow, "family" shall

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

5 (3) "Medical Leave" means the leave benefits granted to a pregnant woman to
6 enable her to undergo a medical check-up related to her pregnancy, or to any ailment or
7 affliction she may be suffering from as a result of her pregnancy.

8 (4) "Flexible Work Schedule" means the work schedule granted to a pregnant
9 employee allowing her to vary her arrival and departure time without affecting the core
10 work hours as defined by the employer.

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

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

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

25 SECTION 7. *Medical Leaves.* - In addition to leave privileges under existing
26 laws, medical leaves of one (1) day during each month of the woman's pregnancy shall be

1 granted to enable her to undergo a medical check-up related to her pregnancy, or to any
2 ailment or affliction she may be suffering from as a result of her pregnancy: *Provided*,
3 she has previously furnished her employer a medical certificate confirming her pregnancy
4 and/or the ailment or affliction she may be suffering from as a result of her pregnancy;
5 *Provided, further*, she has rendered service of at least one (1) year prior to her pregnancy:
6 *Provided, further*, that the same shall not affect individual and company productivity:
7 *Provided, further*, that each time she takes such medical leave, she notifies her employer
8 at least five (5) days in advance.

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

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

19 SECTION 10. *Penalties*. - Any person, corporation, trust, firm, partnership,
20 association or entity found violating this Act or the rules and regulations promulgated
21 hereunder shall be punished by a fine not exceeding twenty-five thousand pesos
22 (P25,000.00) or imprisonment of not less than thirty (30) days nor more than six (6)
23 months.

24 If the violation is committed by a corporation, trust or firm, partnership,
25 association or any other entity, the penalty of imprisonment shall be imposed on the
26 entity's responsible officers, including, but not limited to, the president, vice-president,

1 chief executive officer, general manager, managing director or partner directly
2 responsible.

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

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

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

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

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

18 Approved,