



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 483

HOUSE OF REPRESENTATIVES
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REGISTRATION UNIT BILLS AND INDEX SERVICE

Introduced by Honorable **MARK A. VILLAR**

AN ACT
INCREASING THE MATERNITY LEAVE PERIOD TO NINETY (90) DAYS FOR FEMALE EMPLOYEES, MARRIED OR UNMARRIED, 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

EXPLANATORY NOTE

Article XIII, Sec. 14 of the 1987 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.*"

Section 11 of the Omnibus Rules Implementing Book V of Executive Order No. 292 as prescribed in The Revised Administrative Code of 1987 also provides for the grant of maternity leave. It states that, "Every woman in the government service who has rendered an aggregate of two (2) or more years in service, shall, in addition to the vacation and sick leave granted to her, be entitled to maternity leave of sixty (60) calendar days with full pay."

In the private sector, in Section 14-A of Republic Act No. 1161, as amended, or the Social Security Act, the law gives the working women in the private sector a daily maternity leave benefit equivalent to one hundred percent (100%) of her average daily salary credit for sixty (60) days or two (2) months of maternity leave for normal delivery and seventy eight (78) days for caesarian delivery.

Under Article 133 of the Presidential Decree No. 442 or the Labor Code of the Philippines, a qualified pregnant woman employee shall be entitled maternity leave of at least two weeks prior to expected date of delivery and another four weeks after normal delivery or abortion, or a total of six weeks maternity leave. By way of practice, the provisions on the Social Security Law governs

These provisions of law cited above provide for maternity leave which is considerably less than the 14 weeks maternity leave prescribed by the International Labor Organization under Convention No. 183, which the Philippines has yet to ratify. According to a study cited by Time magazine, mothers immediately resume work after giving birth experiences disparaging health and increased parental stress.

This, in turn, affects the total well-being of the family, including the health and cognitive development of children.

This measure seeks to provide an additional 30 day maternity leave for working mothers in the government and in the private sector to provide them with sufficient time to take care of their newborn babies and regain their full health. This will grant working mothers not only a longer time to bond with their babies but also have a stronger chance to complete exclusive breastfeeding for six months.

In addition, the bill mandates the review of the policy on maternity leave benefits for the employees in the private sector to ensure that their rights and welfare are protected.

It is for these reasons that I earnestly seek the passage of this bill.



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

SECTION 1. Short Title. - This Act shall be known as the "*Expanded Maternity Leave Law of 2016.*"

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

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

SEC. 3. Maternity Leave for Female Employees in Government Service. - Any pregnant female employee, married or unmarried, who was permanently or temporarily appointed in government service of any National Government Agency (NGA), Local Government Unit (LGU), or Government Owned and Controlled

Corporations (GOCC), who has rendered an aggregate service of at least six (6) months for the last twelve (12) months, shall be granted a maternity leave of ninety (90) days, with full pay based on her average weekly or regular wages, regardless if the delivery was normal or caesarian. An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the employee; *Provided*, that the head of the agency shall be given due notice, in writing, before the lapse of the seventy-fifth (75th) day of her maternity leave.

SEC. 4. Maternity Leave for Female Employees in the Private Sector.-

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

"Section 14-A. Maternity Leave Benefit. - A covered female employee who has paid at least three monthly maternity contributions in the twelve-month period preceding the semester of her childbirth, abortion, or miscarriage and who is currently employed shall be paid a daily maternity benefit equivalent to one hundred per cent of her present basic salary, allowances and other benefits or the cash equivalents of such benefits for [sixty (60) days or seventy-eight (78) days in case of caesarian delivery] NINETY (90) DAYS subject to the following conditions:

- a) That the employee shall have notified her employer of her pregnancy and the probable date of her childbirth, which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide;
- b) The full payment shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application;
- c) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided by this Act for the same period for which daily maternity benefits have been received;
- d) That the maternity benefits provided under this section shall be paid only for the first four (4) deliveries or miscarriages;
- e) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the employee by the employer upon receipt of satisfactory proof of such payment and legality thereof; and
- f) That if an employee member should give birth or suffer miscarriage without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of the time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said employee member would otherwise have been entitled to

AN ADDITIONAL MATERNITY LEAVE OF THIRTY (30) DAYS, WITHOUT PAY, CAN BE AVAILED OF, AT THE OPTION OF THE EMPLOYEE; *PROVIDED*, THAT THE EMPLOYER SHALL BE GIVEN DUE NOTICE, IN WRITING, BEFORE THE LAPSE OF THE SEVENTY-FIFTH (75TH) DAY OF HER MATERNITY LEAVE."

SEC. 5. Non-diminution of Benefits. - Nothing in this Act shall be construed as to diminish existing maternity benefits under present laws and collective bargaining agreements, if more beneficial to the female employee. Any other working arrangement which the female employee shall agree to, during the additional maternity leave period, shall be allowed; *Provided*, That this shall be consented to in writing by the employee and shall primarily consider her maternal functions and post-natal care.

SEC. 6. Security of Tenure. - Those who shall avail of the additional 30- day maternity leave, whether in the government service or private sector, shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for termination from employment.

SEC. 7. Implementing Rules and Regulations.- The Civil Service Commission, the Department of Labor and Employment, together with the Government Service Insurance System (GSIS) and the Social Security System (SSS) shall issue the necessary rules and regulations for the grant of this expanded maternity leave for all female employees.

SEC. 8. Separability Clause. - If, for any reason, a provision or part hereof is declared invalid, other provisions not affected thereby shall remain in full force and effect.

SEC. 9. Repealing Clause. - All laws, decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly, specifically Section 1 of Commonwealth Act No. 647, Section 11 of the Omnibus Rules Implementing Book V of Executive Order No. 292 as prescribed in The Revised Administrative Code of 1987, Article 133 of the Presidential Decree No. 442 or the Labor Code of the Philippines, and Section 14-A of Republic Act 1161, as amended.

SEC. 10. Effectivity. - This Act shall take effect fifteen (15) day after its publication in the Official Gazette or in a newspaper of general circulation.

Approved