

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

2238

House Bill No. _____



Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

EXPLANATORY NOTE

Section 14, Article XIII of the 1987 Constitution provides 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.”*

Pursuant to the foregoing declaration under the Constitution, this bill seeks to provide for the development of a comprehensive program for the benefit of pregnant women who are employed or working during their pregnancies. The measure provides for entitlement of women to medical leaves of one (1) day during each month of pregnancy to enable them to undergo medical check-ups related to pregnancy or to any ailment or condition they may be suffering from due to pregnancy. The bill likewise requires employers to provide for flexible work schedule for pregnant women subject to certain conditions.

This measure is a recognition by the State of the vital importance of the maternal functions of women, and hence, the essential need to ensure the preservation and protection of the health of pregnant women, as well as that of the unborn.

In view of the foregoing, passage of this bill is earnestly sought.


LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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House Bill No. 2238

Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

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

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Pregnant Women’s Welfare Act.”
2

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to promote the family as the
4 foundation of the nation, strengthen its solidarity and ensure its total development. Towards this
5 end, it shall develop a comprehensive program of services for pregnant women and their families to
6 be carried out by the Department of Labor and Employment (DOLE), the Department of Social
7 Welfare and Development (DSWD), the Department of Health, and other related government and
8 nongovernment agencies.
9

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

11 (1) “Pregnant woman” means a woman expecting to deliver a child or children, which shall
12 continue until she has delivered such child or children or has suffered a miscarriage.

13 (2) “Medical Leave” means the leave benefits granted to a pregnant woman to enable her to
14 undergo a medical check-up related to her pregnancy.

15 (3) “Flexible work schedule” means the work of schedule granted to a pregnant employee
16 allowing her to vary her arrival and departure time without affecting the core work hours as defined
17 by the employer.
18

19 **SEC. 4. Criteria for Support.** – Any pregnant woman whose income in the place of domicile
20 falls below the poverty threshold as set by the National Economic and Development Authority and
21 subject to the assessment of the DSWD worker in the area shall be eligible for assistance: *Provided,*
22 *however,* that any pregnant woman whose income is above the poverty threshold shall enjoy the
23 benefits mentioned in Section 5,6 and 7 of this Act.
24

25 **SEC. 5. Flexible Work Schedule.** – The employer shall provide for a flexible working
26 schedule for pregnant women: *Provided,* that the same shall not affect individual and company
27 productivity: *Provided,* further, that any employer may request exemption from the above mentioned

28 requirements from the DOLE on certain meritorious grounds.
29

30 **SEC. 6. Work Discrimination.** – Without prejudice to the relevant provisions of the Labor
31 Code and the implementing rules thereto, no employer shall discriminate against any pregnant
32 woman employee with respect to terms and conditions of employment.
33

34 **SEC. 7. Medical Leave.** – In addition to leave privileges under existing laws, medical leaves
35 of one (1) day during each month of the woman's pregnancy shall be granted to the pregnant woman
36 to enable her to undergo a medical check-up related to her pregnancy, or to any ailment or affliction
37 she may be suffering from as a result of her pregnancy; Provided, she has previously furnished her
38 employer a medical certificate confirming her pregnancy and the ailment or affliction she may be
39 suffering from is a result of her pregnancy: Provided further, that she has rendered service of at least
40 one (1) year prior to her pregnancy; Provided further, that the same shall not affect individual and
41 company productivity; Provided further, that each time she takes such medical leave, she notifies her
42 employer at least five (5) days in advance.
43

44 **SEC. 8. Medical Assistance.** – The DOH shall develop a comprehensive health care program
45 for pregnant women. The program shall be implemented by the DOH, through their retained
46 hospitals and medical centers, and the local government units (LGUs) through their
47 provincial/district/municipal hospital and rural health units.
48

49 **SEC. 9. Implementing Rules and Regulations.** – An interagency committee headed by the
50 DOLE, in coordination with the DSWD and DOH, is hereby established which shall formulate,
51 within ninety (90) days upon the effectivity of this Act, the organization and people's organizations.
52

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

57 If the violation is committed by a corporation, trust or firm, partnership, association or any
58 other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers,
59 including but not limited to, the president, vice-president, chief executive officer, general manager,
60 managing director or partner directly responsible therefor.
61

62 **SEC. 11. Nondimination Clause.** - Nothing in this Act shall be construed to reduce any
63 existing benefits of any form granted under existing laws, decrees, executive orders, or any contract,
64 agreement or policy between employer and employee.
65

66 **SEC. 12. Appropriation.** - The amount necessary to carry out the provisions of this Act shall
67 be charged against the current year's appropriations of the concerned agencies. Thereafter, such
68 sums as may be necessary for the operation and maintenance of this Act shall be included in the
69 General Appropriations Act.
70

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

73 accordingly.

74

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

77

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

80 Approved,