

SEVENTEENTH CONGRESS
CONGRESS OF THE PHILIPPINES
First Regular Session
HOUSE OF REPRESENTATIVES

House Bill No. _____

580

HOUSE OF REPRESENTATIVES

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Introduced by REPRESENTATIVE PIA S. CAYETANO

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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 provides for the grant of maternity leave. It states that, "Every woman in the government 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.

These provisions of law cited above provide for maternity leave which is considerably less than the fourteen (14) weeks maternity leave prescribed by the International Labor Organization under Convention No. 183.

According to a study cited by Time magazine, mothers who 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 thus providing for the needs of their newborn. This bill was approved on third reading in the Senate in the 15th Congress.

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

Pia S. Cayetano
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House Bill No. **580**

Introduced by REPRESENTATIVE PIA S. CAYETANO

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

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the ***“100-Day Maternity***
2 ***Leave Law of 2016.*”**

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

8
9 Towards this end, and in consonance with local and international legal
10 instruments that protect and promote the rights of women, the State shall
11 institutionalize a mechanism to expand the maternity leave period of working women
12 to provide them with ample transition time to regain health and overall wellness as
13 well as to assume maternal roles before resuming full-time work.

14
15 **SEC. 3. *Maternity Leave for Female Employees in Government Service.*** - Any
16 pregnant female employee who was appointed in government service, regardless of
17 employment status, in any National Government Agency (NGA), Local Government

1 Unit (LGU), or Government Owned and Controlled Corporations (GOCC), shall be
2 granted a maternity leave of one hundred (100) days, with full pay based on her
3 average weekly or regular wages, regardless if the delivery was normal or caesarian.

4
5 An additional maternity leave of thirty (30) days, without pay, can be availed of,
6 at the option of the employee; *Provided*, that the head of the agency shall be given
7 due notice, in writing, at least forty five (45) days before the end of her ordinary
8 maternity leave.

9
10 **SEC. 4. Maternity Leave for Female Employees in the Private Sector.-** Any
11 pregnant female employee in the private sector shall be granted a maternity leave of
12 one hundred (100) days, regardless if the delivery was normal or caesarian.

13
14 (a) Section 14-A of Republic Act 1161, as amended, otherwise known as the
15 Social Security Act of 1997, is hereby further amended to read as follows:

16
17 **“Section 14-A. Maternity Leave Benefit. —** A female member
18 who has paid at least three (3) monthly contributions in the twelve-
19 month period immediately preceding the semester of her childbirth or
20 miscarriage shall be paid HER [a] daily maternity benefit [equivalent to]
21 WHICH SHALL BE COMPUTED BASED ON THE AVERAGE
22 MONTHLY SALARY CREDIT, [one hundred percent (100%) of her
23 average daily salary credit for sixty (60) days or seventy-eight (78)
24 days in case of caesarian delivery] FOR ONE HUNDRED (100) DAYS,
25 REGARDLESS IF THE DELIVERY WAS NORMAL OR CAESARIAN,
26 subject to the following conditions: xxx
27

28 (b) An additional maternity leave of thirty (30) days, without pay, can be
29 availed of, at the option of the employee; *provided*, that the employer shall be given
30 due notice, in writing, at least forty five (45) days before the end of her ordinary
31 maternity leave.

32
33 (c) Employees availing of the maternity leave period and benefits must
34 receive not less than two-thirds (2/3) of their regular monthly wages. Employers from
35 the private sector shall be responsible to pay the salary differential between the
36 actual cash benefits received from the Social Security System (SSS) by the covered
37 employees and their average weekly or regular wages, for the entire duration of the

ordinary maternity leave, with the following exceptions, subject to the guidelines to be issued by the Department of Labor and Employment (DOLE):

(a) those operating distressed establishments;

(b) those retail/service establishments employing not more than ten (10) workers;

(c) those who pay their workers on a purely commission, boundary, or task basis, and those who are paid a fixed amount for performing a specific work;

(d) those considered as micro business enterprises and engaged in the production, processing, or manufacturing of products or commodities including agro-processing, trading, and services whose total assets are not more than three million pesos (P 3,000,000.00); and

(e) those who are already providing similar or more than the benefits herein provided.

SEC. 5. Maternity Leave for Female National Athletes. - In the event a national professional athlete becomes pregnant, she will be referred to the team physician or an accredited physician of the Philippine Sports Commission (PSC), or an Obstetrician-Gynecologist (OB-GYN), to determine her fitness to continue training. She will be allowed to fully participate in all team-related activities, unless the physician advises that participation is not medically safe or should be limited. Upon medical advice, she shall go on maternity leave until cleared to return to training. She shall continue receiving her allowance and be entitled to the same benefits during her maternity leave prior to childbirth and up to six (6) months after, unless she can resume training sooner as advised by her physician, in which case she will be entitled to the allowances and benefits she had prior to pregnancy.

SEC. 6. Non-diminution of Benefits. - Nothing in this Act shall be construed as to diminish existing maternity benefits currently granted by employer with or without collective bargaining agreements (CBA), or under present laws, if more beneficial to

1 the female employee. Any other working arrangement which the female employee
2 shall agree to, during the additional maternity leave period, shall be allowed;
3 *Provided*, That this shall be consented to in writing by the employee and shall
4 primarily consider her maternal functions and post-natal care.

5
6 **SEC. 7. Security of Tenure.** – Those who shall avail of the ordinary maternity leave
7 and the additional 30-day maternity leave, whether in the government service or
8 private sector, shall be assured of security of tenure. As such, the exercise of this
9 option by them shall not be used as basis for demotion in employment or termination.
10 The transfer to a parallel position or reassignment from one organizational unit to
11 another in the same agency shall be allowed: *Provided*, That it shall not involve a
12 reduction in rank, status or salary.

13
14 **SEC. 8. Periodic Review.**- The Government Service Insurance System (GSIS) and
15 the SSS shall immediately conduct a review of the maternity leave benefits of
16 women employees in the government service and the private sector, respectively.
17 Thereafter, they shall include maternity leave benefits in their valuation report
18 conducted every four (4) years for the SSS and every three (3) years for the GSIS,
19 or more frequently as may be necessary, with the end in view of meeting the needs
20 of pregnant women and improving their welfare by increasing existing maternal
21 benefits.

22
23 **SEC. 9. Implementing Rules and Regulations.**- The Civil Service Commission
24 (CSC), DOLE, together with the GSIS and the SSS shall issue the necessary rules
25 and regulations for the grant of this expanded maternity leave for all female
26 employees within six (6) months from the effectivity of this act. The PSC shall issue
27 implementing guidelines for female national athletes within six (6) months from the
28 effectivity of this act.

29
30 **SEC. 10. Separability Clause.** – If, for any reason, a provision or part hereof is
31 declared invalid, other provisions not affected thereby shall remain in full force and
32 effect.

1 **SEC. 11. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
2 regulations contrary to or inconsistent with the provisions of this Act are hereby
3 repealed or modified accordingly, specifically Section 1 of Commonwealth Act No.
4 647, Section 11 of the Omnibus Rules Implementing Book V of Executive Order No.
5 292 as prescribed in The Revised Administrative Code of 1987, Article 133 of the
6 Presidential Decree No. 442 or the Labor Code of the Philippines, and Section 14-A
7 of Republic Act 1161, as amended.

8
9 **SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) day after its publication
10 in the Official Gazette or in a newspaper of general circulation.

Approved,