

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 3513

HOUSE OF REPRESENTATIVES

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Introduced by REP. MERCEDES K. ALVAREZ

**EXPLANATORY NOTE**

Pregnancy and maternity are momentous events in a woman's life.. yet it is also a time when they are most vulnerable. Expectant and nursing mothers need adequate time to give birth, recover and nurse their children, without having to worry that they will lose their jobs because of their pregnancy.

As early as 1919, the International Labour Organization (ILO) has sought to safeguard women's employment and income security during and beyond maternity by adopting Maternity Protection Convention 1919 (No. 3). This was followed in 1952 by the Revised Maternity Protection Convention (No. 103) and by the most recent, Maternity Protection Convention No. 183 and its accompanying Recommendation No. 191, adopted in 2000.

Maternity Protection Convention No. 183 provides for 14 weeks of maternity benefit to women, a cash benefit – which shall be no less than two-thirds of her previous earnings or a comparable amount – to ensure that they will be able to maintain themselves and their child in proper conditions of health and a suitable standard of living, and protection from discrimination based on maternity.

While the Philippines has not ratified this convention, our Constitution nonetheless mandates 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.” (Article XIII, Section 14 of the 1987 Constitution)

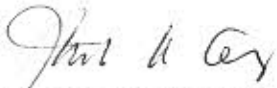
Laws granting maternity protection have likewise been enacted. Section 11 of the Omnibus Rules Implementing Book V of Executive Order No. 292, as prescribed in the Revised Administrative Code of 1987, provides that “(E)very woman in the government service who has rendered an aggregate of two (2) or more 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, Republic Act No. 1611, as amended<sup>1</sup>, gave working women in the private sector “a daily maternity benefit equivalent to one hundred percent (100%) of her basic salary, allowances and other benefits, or the cash equivalent of such benefits for sixty (60) days, or seventy eight (78) days in case of caesarian delivery.”

<sup>1</sup> Amended by RA 7322 in 1992, and by RA 8282 or the “Social Security Act of 1997”

However, our laws still fall short of the 14-weeks maternity leave standard prescribed by ILO Maternity Protection Convention No. 183.

This bill seeks to increase the maternity leave benefit of all working women to One Hundred (100) Days, thereby providing for the well-being of pregnant women, new mothers and their families and allowing our laws to conform to the international labor standards on maternity protection.

Considering its importance, the passage of this bill is earnestly sought.

  
REP. MERCEDES K. ALVAREZ

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**AN ACT**  
**INCREASING THE MATERNITY LEAVE PERIOD OF WORKING WOMEN IN THE**  
**GOVERNMENT AND PRIVATE SECTOR TO ONE HUNDRED (100) DAYS, AND**  
**GRANTING THE OPTION TO EXTEND IT FOR AN ADDITIONAL THIRTY (30) DAYS**  
**WITHOUT PAY**

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

SECTION 1. *Short Title.* - This Act shall be known as the "*Expanded Maternity Leave Act of 2017.*"

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 appointed in government service, regardless of employment status, in any National Government Agency (NGA), Local Government Unit (LGU), or Government Owned and Controlled Corporations (GOCC), shall be granted a maternity leave of One Hundred (100) Days, with full pay based on her average weekly or regular wages, regardless of whether 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, at least forty five (45) days before the end of her ordinary maternity leave.

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

(a) 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 female member who has paid at least three (3) monthly contributions in the twelve-month period immediately preceding the semester of her childbirth or miscarriage shall be paid HER [a] daily maternity benefit [equivalent to] WHICH SHALL BE COMPUTED BASED ON THE AVERAGE MONTHLY SALARY CREDIT, [one hundred percent (100%) of her average daily salary credit for sixty (60) days or seventy-eight (78) days in case of caesarian delivery] FOR ONE HUNDRED (100) DAYS, REGARDLESS OF WHETHER THE DELIVERY WAS NORMAL OR CAESARIAN, subject to the following conditions:

1) 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 Social Security System in accordance with the rules and regulations it may provide;

2) The full payment shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application;

3) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided under Republic Act No. 1611, as amended, for the same period for which daily maternity benefits have been received;

4) That the maternity benefits provided under this Act shall be paid only for the first four (4) deliveries or miscarriages;

5) 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

6) 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.

(b) 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, at least forty five (45) days before the end of her ordinary maternity leave.

(c) Employees availing of the maternity leave period and benefits must receive not

less than two-thirds (2/3) of their regular monthly wages. Employers from the private sector shall pay the salary differential between the actual cash benefits received from the SSS by the covered employees and their average weekly or regular wages, for the entire duration of the ordinary maternity leave, except:

- (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 provided under this Act

**SEC. 5. Non-diminution of Benefits.** - Nothing in this Act shall be construed as to diminish existing maternity benefits currently granted by the employer with or without collective bargaining agreements (CBA), or under present laws, 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 ordinary maternity leave and 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 demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same agency shall be allowed: *Provided*, That it shall not involve a reduction in rank, status or salary.

**SEC. 7. Periodic Review.** - The Government Service Insurance System (GSIS) and the Social Security System (SSS) shall immediately conduct a review of the maternity leave benefits of women employees in the government service and the private sector, respectively. Thereafter, they shall include maternity leave benefits in their valuation report conducted every four (4) years for the SSS and every three (3) years for the GSIS, or more frequently as may be necessary, with the end in view of meeting the needs of pregnant women and improving their welfare by increasing existing maternal benefits.

**SEC.8. Implementing Rules and Regulations.** - The Civil Service Commission (CSC), the Department of Labor and Employment (DOLE), together with the GSIS and the SSS shall issue the necessary rules and regulations for the grant of this expanded maternity leave for all female employees.

**SEC. 9. 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. 10. *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 Presidential Decree No. 442 or the Labor Code of the Philippines, and Section 14-A of Republic Act 1161, as amended.

**SEC. 11. *Effectivity.*** - This Act shall take effect fifteen (15) day after its publication in the Official Gazette or in a newspaper of general circulation.