

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 3445**

HOUSE OF REPRESENTATIVES	
<b>RECEIVED</b>	
DATE:	05 SEP 2016
TIME:	11:30 am
BY:	pelh
REGISTRATION UNIT BILLS AND INDEX SERVICE	

---

Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

---

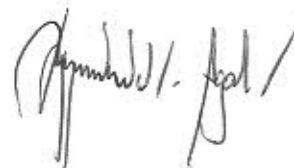
**AN ACT**  
**INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED (100) DAYS**  
**FOR FEMALE EMPLOYEES IN THE GOVERNMENT SERVICE AND IN THE**  
**PRIVATE SECTOR, AND GRANTING AN OPTION TO EXTEND FOR AN**  
**ADDITIONAL THIRTY (30) DAYS WITHOUT PAY**

**EXPLANATORY NOTE**

As a policy of the State, the 1987 Philippine Constitution recognizes the sanctity of family life and declares to equally protect the life of the mother. Accordingly, our labor laws then grants maternity leave to mothers who just gave birth to regain their strength and even to nurture and take care the newborn. International organizations, likewise, recognizes the role of mothers and their need to recuperate after childbirth as they declare and recommend the number of maternity leave days that should be granted the female workers. Admittedly, however, Philippine labor laws are not yet compliant with the international standards.

This bill proposes to grant additional maternity leave days for female employees, both in the government and private sector. It is hereby recognized that child bearing and post-natal care of a female individual is a critical phase in a woman's life. Even our elders usually say and believe that when a woman gives birth, her life is put into peril. More so, after child birth, care should be given more now that a woman has to take care and nurse another human being. This also takes toll on the health and welfare of the mother. With the grant of additional maternity leave days, mothers can recuperate fully before going back to work. Moreover, the mother can take care and nurse the newborn during its critical days after birth. The benefit that can be derived from the grant of additional maternity days may be unquantifiable. Thus, the imperative need to provide additional maternity leave days to mothers who have just gave birth or those uneventfully had a miscarriage should be upheld.

With the foregoing, the approval of the bill is hereby earnestly sought.



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 3445**

---

Introduced by **Representative MARLYN L. PRIMICIAS-AGABAS**

---

1  
2 **AN ACT**  
3 **INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED (100) DAYS**  
4 **FOR FEMALE EMPLOYEES IN THE GOVERNMENT SERVICE AND IN THE**  
5 **PRIVATE SECTOR, AND GRANTING AN OPTION TO EXTEND FOR AN**  
6 **ADDITIONAL THIRTY (30) DAYS WITHOUT PAY**  
7

8  
9 *Be it enacted by the Senate and House of Representatives of the Philippines*  
10 *in Congress assembled:*  
11

12  
13 **SECTION 1. *Short Title.*** – This Act shall be known as the “One Hundred  
14 (100) Day Maternity Leave Law.”  
15

16 **SEC. 2 *Declaration of Policy.***– It is the declared policy of the State under  
17 Section 14, Article XII of the 1987 Constitution to protect and promote the rights and  
18 welfare of working women, taking into account their maternal functions, and to  
19 provide an enabling environment in which their full potential can be achieved.  
20

21 Towards this end, and in consonance with local and international legal  
22 instruments that protect and promote the rights of women, the State shall  
23 institutionalize a mechanism to expand the maternity leave period of working women  
24 to provide them with ample transition to regain health and overall wellness as well as  
25 to assume maternal roles before resuming full time work.  
26

27 **SEC. 3. *Maternity Leave for Female Employees in Government Service.***–  
28 Any pregnant female employee who is appointed in government service, regardless

1 of employment status, in any National Government Agency (NGA), Local  
2 Government Unit (LGU), or Government Owned and Controlled Corporations  
3 (GOCC), shall be granted a maternity leave of one hundred (100) days with full pay  
4 based on her average weekly or regular wages, regardless if the delivery was normal  
5 or through caesarian section, or for sixty (60) days if the female employee suffered a  
6 miscarriage.

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

12  
13 **SEC. 4. Maternity Leave for Female Employees in the Private Sector. –**

14 Any pregnant female employee in the private sector shall be granted a maternity  
15 leave of one hundred (100) days, regardless if the delivery was normal or through  
16 caesarian section, or for sixty (60) days if the female employee suffered a  
17 miscarriage.

18  
19 (a) A female employee in the private sector who has paid at least three  
20 (3) monthly contributions in the twelve-month period immediately  
21 preceding the semester of her childbirth or miscarriage shall be paid  
22 her daily maternity benefit, which shall be computed based on the  
23 average monthly salary credit, for one hundred (100) days,  
24 regardless if the delivery was normal or through caesarian section,  
25 or for sixty (60) days if the female employee suffered a miscarriage,  
26 subject to the following conditions:

27  
28 (1) That the employee shall have notified her employer of  
29 her pregnancy and the probable date of childbirth,  
30 which notice shall be transmitted to the Social  
31 Security System (SSS) in accordance with the rules  
32 and regulations it may provide;

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

4 (3) That payment of daily maternity benefits shall be a bar  
5 to the recovery of sickness benefits provided under  
6 Republic Act No. 1161, as amended, for the same  
7 period, for which daily maternity benefits have been  
8 received;

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

12 (5) That the SSS shall immediately reimburse the  
13 employer of one hundred percent (100%) of the  
14 amount of maternity benefits advances to the  
15 employee by the employer upon receipt of satisfactory  
16 proof of such payment and legality thereof; and

17 (6) That is an employee member should give birth or  
18 suffer miscarriage without the required contributions  
19 having been remitted for her by her employer to the  
20 SSS, or without the latter having been previously  
21 notified by the employer of the time of the pregnancy,  
22 the employer shall pay to the SSS damages  
23 equivalent to the benefits which said employee  
24 member would otherwise have been entitled to.

25 (b) An additional maternity leave of thirty (30) days, without pay, can be  
26 availed of, at the option of the employee: Provided, That the  
27 employer shall be given due notice, in writing, at least forty five (45)  
28 days before the end of her regular maternity leave;

29 (c) An employee availing of the maternity leave period and benefits  
30 must receive not less than two-thirds (2/3) of their regular wages.  
31 Employers from the private sector shall be responsible to pay the  
32 salary differential between the actual cash benefits received from  
33 the SSS covered employees and their average weekly or regular  
34 wages, for the entire duration of the regular maternity leave, with

1 the following exceptions, subject to the guidelines to be issued by  
2 the Department of Labor and Employment (DOLE);

3 (1) financially-distressed establishments, which are  
4 exempted from payment of minimum wage as defined  
5 by the existing guidelines of the DOLE;

6 (2) those retail/service establishments employing not  
7 more than (10) workers;

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

11 (4) those considered as micro business enterprises and  
12 engaged in the production, processing, or  
13 manufacturing of products or commodities including  
14 agro-processing, trading, and services whose total  
15 assets are not more than Three Million Pesos  
16 (P3,000,000.00); and

17 (5) those who are already providing similar or more than  
18 the benefits provided under this Act.

19  
20 **SEC. 5. Non-diminution of Benefits.-** Nothing in this Act shall be construed  
21 as to diminish existing maternity benefits currently granted by employer with or  
22 without collective bargaining agreements (CBA), or under present laws, if more  
23 beneficial to the female employee. Any other working arrangement which the female  
24 employee shall agree to, during the additional maternity leave period, shall be  
25 allowed: **Provided,** That this shall be consented to in writing by the employee and  
26 shall primarily consider her maternal functions and post-natal care.

27  
28 **SEC. 6. Security of Tenure.-** Those who shall avail of the regular maternity  
29 leave and additional 30-day maternity leave, whether in the government service or  
30 private sector, shall be assured of security of tenure. As such, the exercise of this  
31 option by them shall not be used as basis for demotion in employment or  
32 termination. The transfer to a parallel position or reassignment from one  
33 organizational unit to another in the same agency shall be allowed: **Provided,** That it  
34 shall not involve a reduction in rank, status or salary.

1  
2       **SEC. 7. Periodic Review.** – The Government Service Insurance System  
3 (GSIS) and the Social Security System (SSS) shall immediately conduct a review of  
4 the maternity leave benefits of women employees, both in the government and in the  
5 private sector. Thereafter, they shall include maternity leave benefits in their  
6 valuation report conducted every four (4) years for the SSS and every three (3) years  
7 for the GSIS, or more frequently as may be necessary, with the end in view of  
8 meeting the needs of pregnant women and improving their welfare by increasing  
9 existing maternal benefits.  
10

11       **SEC. 8. Implementing Rules and Regulations.**– The Civil Service  
12 Commission (CSC), the DOLE, together with the GSIS and the SSS shall issue the  
13 necessary rules and regulations for the grant of this expanded maternity leave for all  
14 female employees within six (6) months from the effectivity of this Act.  
15

16       **SEC. 9. Separability Clause.**– If for any reason a provision or part hereof is  
17 declared invalid, other provisions not affected thereby shall remain in full force and  
18 effect.  
19

20       **SEC. 10. Repealing Clause.**– Commonwealth Act No. 647 is hereby  
21 repealed. Section 11, Book V of Executive Order No. 292 (Omnibus Rules on Leave)  
22 and Rule XVI of the Omnibus Rules Implementing it, Article 133 of Presidential  
23 Decree No. 442 or the Labor Code of the Philippines, and Section 140 A of Republic  
24 Act No. 1161, as amended, are hereby further amended. Any other law, decree,  
25 executive order, rules and regulations contrary to or inconsistent with the provisions  
26 of this Act are hereby repealed or modified accordingly.  
27

28       **SEC. 11. Effectivity.**– This Act shall take effect fifteen (15) days after its  
29 publication in the *Official Gazette* or in a newspaper of general circulation.  
30

31       *Approved,*