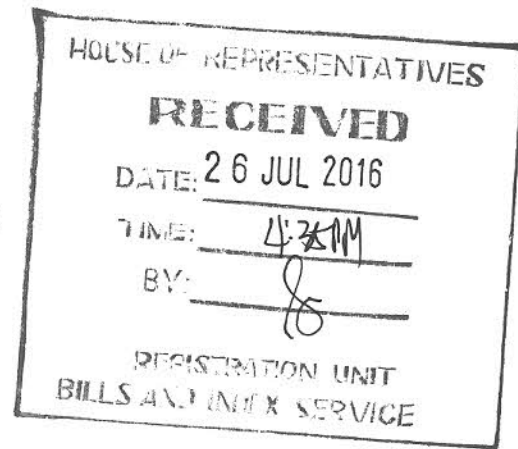


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1912



Introduced by Representative MICAELA S. VIOLAGO

EXPLANATORY NOTE

The maternity benefits law of the Philippines is 23 years old, and highly outdated. Other countries have upgraded their maternity leave benefits to at least 14 weeks, the amount of time necessary for women to fully recover from giving birth, as determined by the International Labor Organization (ILO). This was the ILO determination of minimum time required for women to recover physically, psychologically and emotionally from pregnancy and childbirth, and to promote the establishment of a healthy feeding regime and care arrangements for the new born. In the Philippines we only give such maternity leave of 60-78 days or 8-11 weeks, enacted to law on March 3, 1992.

The Department of Health shows that the maternal mortality rate (MMR) in the Philippines increased by over 36% or from 162 per 100,000 live births in 2006 to 221 per 100,000 live births in 2011. Last year, 2015 MMR was 120 deaths per 100,000 live births. This is far below the supposedly 52 per 100,000 live births target in the Medium-Term Development Goal (MDG) for the year 2015.

Increasing maternity benefits enables women to carry out their unique biological role of bearing and nursing children while maintaining their productive roles as workers. It strengthens women's access to the labor market and enables them to use their skills and education efficiently. It helps alleviate poverty through gender equality and economic security for women, allowing them to support themselves and their families, and better contribute to economic growth.

Healthy women and children are good for the government as it allows the latter's scarce resources to be utilized for other important programs. A generation of healthy and happy children is an asset for any society. A workforce of happy women workers will be more productive, more efficient and more competitive.

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


MICAELA S. VIOLAGO
Second District, Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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SEVENTEENTH CONGRESS
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Introduced by Representative MICAELA S. VIOLAGO

AN ACT
INCREASING MATERNITY BENEFITS OF WOMEN WORKERS FROM SIXTY (60)
TO ONE HUNDRED TWENTY (120) DAYS, AMENDING FOR THE PURPOSE
SECTION 14-A OF R.A.1161, AS AMENDED BY R.A. 7322, AND EXPANDING
COVERAGE TO ALL MARRIED AND UNMARRIED WOMEN, INCLUDING
WOMEN WORKERS IN THE INFORMAL ECONOMY

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

SECTION 1. Section 14-A of Republic Act 1161, as amended, is further amended to read as follows:

“SEC 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 benefits equivalent to one hundred percent (100%) of her present basic salary, allowances and other benefits or the cash equivalent of such benefits for [sixty (60)] ONE HUNDRED TWENTY (120) 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) That the payment shall be advanced by the employer in two equal instalments within thirty (30) days from the filing of the maternity leave application;”

“(c) That in case of caesarean delivery, the employee shall be paid the daily maternity benefit for [seventy eight (78)] ONE HUNDRED TWENTY (120) DAYS;”

“(d) That the payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided by this Act for the same compensable period of [sixty (60)] ONE HUNDRED TWENTY (120) DAYS for the same childbirth, abortion, or miscarriage;”

“(e) That the maternity benefits provided under this Section shall be paid only for the first four deliveries after March 13, 1973;”

“(f) 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”

“(g) That if an employee should give birth or suffer abortion or 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 or the time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said employee would otherwise have been entitled to, and the SSS shall in turn pay such amount to the employee concerned.”

“SEC. 2. THE MATERNITY LEAVE CAN BE CREDITED AS COMBINATIONS OF PRENATAL AND POSTNATAL LEAVE AS LONG AS IT DOES NOT EXCEED ONE HUNDRED TWENTY (120) DAYS, AND PROVIDED THAT COMPULSORY POSTNATAL LEAVE SHALL NOT BE LESS THAN SIXTY (60) DAYS.”

“SEC. 3. MATERNITY BENEFITS SHALL COVER ALL MARRIED AND UNMARRIED WOMEN, INCLUDING WOMEN WORKERS IN THE INFORMAL ECONOMY.”

“SEC. 4. WOMEN WORKERS WHO ARE NEITHER VOLUNTARY NOR REGULAR MEMBERS OF THE SOCIAL SECURITY SYSTEM SHALL BE GOVERNED BY PHILHEALTH CIRCULAR NO. 022-2014 OR THE "SOCIAL HEALTH INSURANCE COVERAGE AND BENEFITS FOR WOMEN ABOUT TO GIVE BIRTH". LOCAL GOVERNMENT UNITS (LGUs) AND THE DEPARTMENT OF SOCIAL WELFARE & DEVELOPMENT (DSWD) ARE ALSO ENCOURAGED TO INCLUDE IN THEIR ANNUAL BUDGETS REASONABLE ALLOCATION FOR THIS PURPOSE.”

SEC. 5. Nothing in this Act shall be construed as to diminish existing maternity benefits under present laws and collective bargaining agreements.

SEC. 6. All laws, executive orders, proclamations, presidential decrees, rules and regulations, and other issuances, or parts hereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,