

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3788**



Introduced by REP. TEDDY BRAWNER BAGUILAT

EXPLANATORY NOTE

Republic Act 8187, also known as the "Paternity Leave Act of 1996" was enacted in order to provide for the well being of families by assuring that husbands can effectively exercise their functions as new fathers through a paid work leave of seven (7) days. Aside from this, the Paternity Leave Act also restricts the benefits of this leave to married male employees.

The presence of both parents is important in the formative stages of an infant's development. The role of child rearing cannot be left to the mother alone and thus it is essential for the father to fulfill his responsibilities as well. Dividing the responsibilities between the husband and the wife balances the freedoms afforded by both as defined by the Indian economist, Amartya Sen in the theory he formulated known as the Capabilities Approach. Extending the paternity leave will help in the development of the child while also making sure that married individuals both male and female are able to have the same professional opportunities as unmarried individuals.

The Family Code states that no marriage license is needed for couples who have been married for 5 years, a familiar set-up which is more widely known as a common-law marriage (Art. 34). The Family Code also acknowledges the joint ownership of properties of couples under a common-law marriage since it is assumed that these properties were acquired through the joint efforts of the couple (Art. 147).

For one reason or another, common-law marriages are prevalent in the Philippines. 2010 NSO data estimates that the Philippines has a population of 93 million and 44.3% of the population aged 10 and above were unmarried. 4.5% of this number, or around 4 million people, is composed of couples in common-law relationships. The passage of this bill would assure that this portion of the

population would also enjoy the same benefits currently enjoyed by married individuals as prescribed in the existing versions of the parental leave laws.

Incidentally, in order for male employees to better fulfill their paternal obligations and fully enjoy the opportunity to provide the necessary material and non-material support to the wife or common-law partner and to the infant, it is the intension of this proposal to also to provide an allowable Fifteen (15) day extension at the option of the male employee, after due notice made in writing, at least Seven (7) days before the end of his original paternal leave.

In view of this, the approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'TEDDY BRAWNER BAGUILAT', with a large, stylized flourish extending from the end of the signature.

TEDDY BRAWNER BAGUILAT

Lone District, Ifugao

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AN ACT
AMENDING SECTIONS 2 AND 3 OF REPUBLIC ACT NO. 8187, OTHERWISE
KNOWN AS "THE PATERNITY LEAVE ACT OF 1996"

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

SECTION 1. Short Title.—This Act shall be known as the *"Expanded Paternity Leave Act of 2016."*

SECTION 2. Section 2 and 3 of Republic Act 8187 otherwise known as "The Paternity Leave Act of 1996" provides:

"XXX

SECTION 2. Notwithstanding any law, rules and regulations to the contrary, every married male employee in the private and public sectors shall be entitled to a paternity leave of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting. The male employee applying for paternity leave shall notify his employer of the pregnancy of his legitimate spouse and the expected date of such delivery.

For the purposes, of this Act, delivery shall include childbirth or any miscarriage.

SECTION 3. Definition of Term. - For purposes of this Act, Paternity Leave refers to the benefits granted to a married male employee allowing him not to report for work for seven (7) days but continues to earn the compensation therefor, on the condition that his spouse has delivered a child or suffered a miscarriage for purposes of enabling him to effectively

lend support to his wife in her period of recovery and/or in the nursing of the newly-born child."

For the purpose of this Act, Section 1 and 2 of RA 8187, is hereby amended to read as follows:

"XXX

SECTION 2. Notwithstanding any law, rules and regulations to the contrary, every MARRIED OR IN A COMMON-LAW RELATIONSHIP male employee, in the private and public sectors shall be entitled to a paternity leave of [seven (7)] FIFTEEN (15) WORKING DAYS with full pay for the first four (4) deliveries of the legitimate spouse OR COMMON LAW SPOUSE with whom he is cohabiting. The male employee applying for paternity leave shall notify his employer of the pregnancy of his spouse and the expected date of such delivery. AN ADDITIONAL PATERNITY LEAVE OF FIFTEEN (15) DAYS WITHOUT PAY, MAYBE AVAILED OF, AT THE OPTION OF THE EMPLOYEE; PROVIDED THAT THE EMPLOYER SHALL BE GIVEN DUE NOTICE, IN WRITING, AT LEAST SEVEN (7) DAYS BEFORE THE EXPIRATION OF HIS ORIGINAL PATERNITY LEAVE.

FOR THE PURPOSES OF THIS ACT, A MALE EMPLOYEE IS IN A COMMON LAW RELATIONSHIP IF HE AND HIS SPOUSE HAVE BEEN LIVING TOGETHER LIKE HUSBAND AND WIFE FOR AT LEAST FIVE (5) YEARS AT THE TIME OF CHILDBIRTH: PROVIDED HOWEVER THAT THE MALE EMPLOYEE AND HIS SPOUSE HAVE NO LEGAL IMPEDIMENT TO MARRY EACH OTHER DURING THEIR COMMON-LAW RELATIONSHIP.

For the purposes, of this Act, delivery shall include childbirth or any miscarriage.

SECTION 3. *Definition of Term.* - For purposes of this Act, Paternity Leave refers to the benefits granted to a [married] male employee, MARRIED OR IN A COMMON-LAW RELATIONSHIP allowing him not to report for work for [seven (7) days] FIFTEEN (15) WORKING DAYS but continues to earn the compensation therefor, on the condition that his spouse has delivered a child or suffered a miscarriage for purposes of enabling him to effectively lend support to his wife in her period of recovery and/or in the nursing of the newly-born child."

SECTION 3. *Repealing Clause.* - all laws, decrees, orders, proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 4. *Effectivity Clause.* – This act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.