

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session



COMMITTEE REPORT NO. 13

Submitted by the Committee on Women & Gender Equality on 4113

Re: House Bill No. 17 OCT 2016

Recommending its approval and substitution of House Bills Numbered 152, 472, 483, 509, 580, 1046, 1382, 1644, 1912, 2838, 3224, 3445, 3513, 3645 and 3650

Sponsors: Representatives Emmeline Y. Aglipay-Villar, Francisca L. Castro, Pia S. Cayetano, Emmi A. de Jesus, Linabelle Ruth R. Villarica, and Micaela S. Violago

Mr. Speaker:

The Committee on Women and Gender Equality to which were referred House Bill No. 152, introduced by Representative Emmeline Aglipay-Villar, entitled:

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 SUCH LEAVE FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY;

House Bill No. 472, introduced by Representatives Antonio L. Tinio and Francisca L. Castro, entitled:

AN ACT

EXTENDING THE PERIOD OF MATERNITY LEAVE TO ONE HUNDRED (120) DAYS OR ONE HUNDRED THIRTY-EIGHT (138) DAYS IN CASE OF CEASARIAN DELIVERY, MAKING THE SAME AVAILABLE TO ALL WOMEN WORKERS AND EMPLOYEES IN THE PUBLIC AND PRIVATE SECTORS WITHOUT ANY DISCRIMINATION AS TO THE CIVIL STATUS OF THE MOTHER OR THE LEGITIMACY OF HER CHILD, AND FOR OTHER PURPOSES;

House Bill No. 483, introduced by Mark A. Villar, entitled:

AN ACT

INCREASING THE MATERNITY LEAVE PERIOD TO NINETY (90) DAYS FOR FEMALE EMPLOYEES, MARRIED OR UNMARRIED, 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;

House Bill No. 509, introduced by Representative Rolando G. Andaya, Jr., entitled:

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;

House Bill No. 580, introduced by Representative Pia S. Cayetano, entitled:

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;

House Bill No. 1046, introduced by Representative Emmi A. de Jesus and Arlene D. Brosas, entitled:

AN ACT

INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED TWENTY (120) DAYS FOR FEMALE EMPLOYEES IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND FOR OTHER PURPOSES;

House Bill No. 1382, introduced by Representative Alfredo D. Vargas III, entitled:

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;

House Bill No. 1644, introduced by Representative Linabelle Ruth R. Villarica, entitled:

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;

House Bill No. 1912, introduced by Representative Micaela S. Violago, entitled:

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

House Bill No. 2838, introduced by Representative Teddy Brawner Baguilat, entitled:

AN ACT

INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED FIFTY (150) DAYS OF FEMALE EMPLOYEES IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN OPTION TO FURTHER EXTEND SAID PERIOD FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 1161, AS AMENDED, AND FOR OTHER PURPOSES;

House Bill No. 3224, introduced by Representative Gus S. Tambunting, entitled:

AN ACT

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

House Bill No. 3445, introduced by Representative Marlyn L. Primicias-Agabas, entitled:

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;

House Bill No. 3513, introduced by Representative Mercedes K. Alvarez, entitled:

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;

House Bill No. 3645, introduced by Representative Maximo B. Rodriguez, Jr., entitled:

AN ACT

GRANTING FAVORABLE WORKING CONDITIONS TO MOTHERS IN THE PRIVATE SECTOR FOR THE PURPOSE OF ATTENDING TO THE PERSONAL CARE OF THEIR INFANTS, AMENDING FOR THE PURPOSE SECTION 14-A OF REPUBLIC ACT NO. 1161, AS AMENDED AND FOR OTHER PURPOSES;

and House Bill No. 3650, introduced by Representative Winston "Winnie" Castelo, entitled:

AN ACT

INCREASING THE MATERNITY BENEFITS OF WOMEN WORKERS IN GOVERNMENT AND IN THE PRIVATE SECTOR, AND FOR OTHER PURPOSES

**4113**

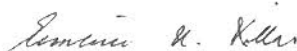
has considered the same and recommends that the attached House Bill No. \_\_\_\_\_, entitled:

AN ACT

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

be approved in substitution of House Bills Numbered 152, 472, 483, 509, 580, 1046, 1382, 1644, 1912, 2838, 3224, 3445, 3513, 3645 and 3650 with Representatives Emmeline Y. Aglipay-Villar, Antonio L. Tinio, Francisca L. Castro, Mark A. Villar, Rolando G. Andaya, Jr., Pia S. Cayetano, Emmi A. de Jesus, Arlene D. Brosas, Alfredo D. Vargas III, Linabelle Ruth R. Villarica, Micaela S. Violago, Teddy Brawner Baguilat, Jr., Gus S. Tambunting, Marlyn L. Primicias-Agabas, Mercedes K. Alvarez, Maximo B. Rodriguez, Jr., Winston Castelo, Harlin Neil J. Abayon, III, Nancy A. Catamco, Julieta R. Cortuna, Cristina "Chiqui" Roa-Puno, Anna Marie Villaraza-Suarez, Bernadette "BH" Herrera-Dy, Yedda Marie K. Romualdez, Luisa Lioren Cuaresma, Sharon S. Garin, Evelina G. Escudero, Divina Grace C. Yu, Lianda B. Bolilia, Eleanor C. Bulut-Begtang, Len B. Alonte-Naguiat, Maria Theresa V. Collantes, Gwendolyn F. Garcia, Corazon N. Nuñez-Malanyaon, Anna Katrina "Trina" M. Enverga, Rosanna "Ria" V. Vergara, Lorna Bautista-Bandigan, Tricia Nicole Q. Velasco-Catera, Cristal L. Bagatsing, Vini Nola A. Ortega, Jennifer Austria Barzaga, Michelle M. Antonio, Angelina Tan, Victoria Isabel G. Noel, Deogracias Victor "DV" B. Savellano, Vilma Santos-Recto, Aileen C. Radaza, Jum J. Akbar, Ann K. Hofer, Cheryl P. Deloso-Montalla, Ariel "Ka Ayik" B. Casilao, Sarah Jane I. Elago, Estrellita B. Suansing, Francisco Jose F. Matugas II, Carmelo Jon B. Lazatin II, Fredenil "Fred" H. Castro, Jericho Jonas B. Nograles, Eric M. Martinez, Vicente "Ching" S.E. Veloso, Jose Antonio "Kuya Jonathan" R. Sy-Alvarado, Emmanuel F. Madrona, Johnny Ty Pimentel, Mohamad Khalid Q. Dimaporo, Ma. Lourdes R. Aggabao, Luis Raymund F. Villafuerte, Jr., Gil "Kabarangay" P. Acosta, Arlene B. Arcillas, Allen Jesse C. Mangaoang, Edward Vera Perez Maceda, Suharto T. Mangudadatu, Greg G. Gasataya, Marisol C. Panotes, Raul "Boboy" C. Tupaz, Manuel F. Zubiri, Sabiniano S. Canama, Aurora Enerio Cerilles, Ma. Lucille L. Nava, M.D., Cecilia Leonila V. Chavez, and Abigail Faye C. Ferriol-Pascual

Respectfully submitted:



EMMELINE Y. AGLIPAY-VILLAR

Chairperson

Committee on Women and Gender Equality

HONORABLE SPEAKER  
HOUSE OF REPRESENTATIVES

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. **4113**

(In substitution of House Bill Numbered 152, 472, 483, 509, 580, 1046, 1382, 1644, 1912, 2838, 3224, 3445, 3513, 3645 & 3650)

Introduced by Representatives Emmeline Y. Aglipay-Villar, Antonio L. Tinio, Francisca L. Castro, Mark A. Villar, Rolando G. Andaya, Jr., Pia S. Cayetano, Emmi A. de Jesus, Arlene D. Brosas, Alfredo D. Vargas III, Linabelle Ruth R. Villarica, Micaela S. Violago, Teddy Brawner Baguilat, Jr., Gus S. Tambunting, Marlyn L. Primicias-Agabas, Mercedes K. Alvarez, Maximo B. Rodriguez, Jr., Winston Castelo, Harlin Neil J. Abayon, III, Nancy A. Catamco, Julieta R. Cortuna, Cristina "Chiqui" Roa-Puno, Anna Marie Villaraza-Suarez, Bernadette "BH" Herrera-Dy, Yedda Marie K. Romualdez, Luisa Lloren Cuaresma, Sharon S. Garin, Evelina G. Escudero, Divina Grace C. Yu, Lianda B. Bolilia, Eleanor C. Bulut-Begtang, Len B. Alonte-Naguiat, Maria Theresa V. Collantes, Gwendolyn F. Garcia, Corazon N. Nunez-Malanyaon, Anna Katrina "Trina" M. Enverga, Rosanna "Ria" V. Vergara, Lorna Bautista-Bandigan, Tricia Nicole Q. Velasco-Catera, Cristal L. Bagatsing, Vini Nola A. Ortega, Jennifer Austria Barzaga, Michelle M. Antonio, Angelina Tan, Victoria Isabel G. Noel, Deogracias Victor "DV" B. Savellano, Vilma Santos-Recto, Aileen C. Radaza, Jum J. Akbar, Ann K. Hofer, Cheryl P. Deloso-Montalla, Ariel "Ka Ayik" B. Casilao, Sarah Jane I. Elago, Estrellita B. Suansing, Francisco Jose F. Matugas II, Carmelo Jon B. Lazatin II, Fredenil "Fred" H. Castro, Jericho Jonas B. Nograles, Eric M. Martinez, Vicente "Ching" S.E. Veloso, Jose Antonio "Kuya Jonathan" R. Sy-Alvarado, Emmanuel F. Madrona, Johnny Ty Pimentel, Mohamad Khalid Q. Dimaporo, Ma. Lourdes R. Aggabao, Luis Raymund F. Villafuerte, Jr., Gil "Kabarangay" P. Acosta, Arlene B. Arcillas, Allen Jesse C. Mangaoang, Edward Vera Perez Maceda, Suharto T. Mangudadatu, Greg G. Gasataya, Marisol C. Panotes, Raul "Boboy" C. Tupaz, Manuel F. Zubiri, Sabiniano S. Canama, Aurora Enerio Cerilles, Ma. Lucille L. Nava, M.D., Cecilia Leonila V. Chavez, and Abigail Faye C. Ferriol-Pascua I

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

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

**SECTION 1. Short Title.** This Act shall be known as the "100-Day Maternity Leave Law."

**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.

Article II, State Policies, Section 12 of the 1987 Constitution provides that the State recognizes the sanctity of family life and shall protect and strengthen the family as the basic

1 autonomous social institution and that it shall equally protect the life of the mother and the  
2 life of the unborn from conception. Moreover, Sections 17 and 22 of Republic Act No. 9710,  
3 otherwise known as the "Magna Carta of Women", provides for women's rights to health and  
4 decent work.

5  
6 To achieve these, and in recognition of women's maternal function as a social  
7 responsibility, the State shall institutionalize a mechanism to expand the maternity leave  
8 period of women workers. This will provide them with ample transition time to regain health  
9 and overall wellness as well as to assume maternal roles before resuming paid work. This  
10 Act is consistent with local and international legal instruments that protect and promote the  
11 rights of women.

12  
13 **SEC. 3. Grant of Maternity Leave.** - All covered female workers in government and private  
14 sector including those in the informal economy, regardless of civil status or the legitimacy of  
15 her child, shall be granted one hundred (100) days maternity leave with pay and an option to  
16 extend for an additional thirty (30) days without pay.

17  
18 Enjoyment of maternity leave cannot be deferred but should be availed of either before or  
19 after the actual period of delivery in a continuous and uninterrupted manner, not exceeding  
20 one hundred (100) calendar days, as the case maybe.

21  
22 Maternity leave shall be granted to female workers in every instance of pregnancy,  
23 miscarriage or abortion, regardless of its frequency.

24  
25 **SEC. 4. Maternity Leave for Female Workers in Government Service.** - Any pregnant  
26 female worker in the government service, regardless of employment status, in any National  
27 Government Agencies (NGAs), Local Government Units (LGUs), Government Owned and  
28 Controlled Corporations (GOCCs) or State Universities and Colleges (SUCs), shall be  
29 granted a maternity leave of one hundred (100) days, with full pay based on her average  
30 weekly or regular wages, regardless if the delivery was normal or caesarian. An additional  
31 maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female  
32 worker: *Provided*, that the head of the agency shall be given due notice, in writing, at least  
33 forty five (45) days before the end of her ordinary maternity leave.

34  
35 **SEC. 5. Maternity Leave for Female Workers in the Private Sector.**- Any pregnant  
36 female worker in the private sector shall be granted a maternity leave of one hundred (100)  
37 days, regardless of whether she gave birth via caesarian section or natural delivery.

38  
39 (a) A female member who has paid at least three (3) monthly contributions in the twelve-  
40 month period immediately preceding the semester of her childbirth or miscarriage shall be  
41 paid her daily maternity benefit which shall be computed based on the average monthly  
42 salary credit, for one hundred (100) days, regardless of whether she gave birth via caesarian  
43 section or natural delivery, subject to the following conditions:

44  
45 1) That the female worker shall have notified her employer of her pregnancy and the  
46 probable date of her childbirth, which notice shall be transmitted to the Social Security  
47 System (SSS) in accordance with the rules and regulations it may provide;

48  
49 2) That the full payment shall be advanced by the employer within thirty (30) days from the  
50 filing of the maternity leave application;

51  
52 3) That payment of daily maternity benefits shall be a bar to the recovery of sickness  
53 benefits provided under Republic Act No. 1161, as amended, for the same period for which  
54 daily maternity benefits have been received;



4) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the female worker by the employer upon receipt of satisfactory and legal proof of such payment; and

5) That if a female worker should give birth or suffer a 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 female 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 female worker: *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 be responsible to pay the salary differential between the actual cash benefits received from the Social Security System (SSS) by the covered female workers 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 (P3,000,000.00); and
- (e) those who are already providing similar or more than the benefits herein provided.

**SEC. 6. Maternity Leave for Women Regardless of Civil Status-** All female workers in the government and female members of SSS, regardless of their civil status, shall be granted maternity leave, with pay, upon compliance with the preceding section

**SEC. 7. Maternity Leave With Pay in Case of Childbirth, Miscarriage, or Abortion After Termination.** – Maternity leave with pay shall be granted even if the childbirth, miscarriage, or abortion occurs not more than fifteen (15) calendar days after the termination of an employee's service, as her right thereto has already accrued.

**SEC. 8. Maternity Leave Credits.** – The maternity leave can be credited as combinations of pre-natal and post-natal leave as long as it does not exceed one hundred (100) days and provided that compulsory postnatal leave shall not be less than sixty (60) days.

**SEC. 9. Maternity Leave Benefits for Women in the Informal Economy and Voluntary Contributors to the SSS.** – Maternity benefits shall cover all married and unmarried women, including female workers in the informal economy.

Female workers in the informal economy are entitled to maternity leave benefits if they have remitted to the SSS at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth or miscarriage.

1 **SEC. 10. Maternity Leave of a Female Worker with Pending Administrative Case. –**  
2 The maternity leave benefits granted under this Act shall be enjoyed by a female worker in  
3 the government service and in the private sector even if she has a pending administrative  
4 case.

5  
6 **SEC. 11. Maternity Benefits for Female Workers Who are Non-Members of the Social**  
7 **Security System. –** Female workers who are neither voluntary nor regular members of the  
8 Social Security System shall be governed by Philhealth Circular no. 022-2014 or the "Social  
9 Health Insurance Coverage and Benefits for Women About to Give Birth.

10  
11 **SEC. 12. Non-Diminution of Benefits. –** Nothing in this Act shall be construed as to  
12 diminish existing maternity benefits currently enjoyed whether or not these are granted under  
13 collective bargaining agreements (CBA) or present laws, if the same are more beneficial to  
14 the female worker. Any other working arrangement which the female worker shall agree to,  
15 during the additional maternity leave period, shall be allowed: *Provided*, That this shall be  
16 consented to in writing by the female worker and shall primarily uphold her maternal  
17 functions and the requirements of post-natal care.

18  
19 **SEC. 13. Security of Tenure. –** Those who shall avail of the ordinary maternity leave and  
20 the additional 30-day maternity leave, whether in the government service or private sector,  
21 shall be assured of security of tenure. As such, the exercise of this option by them shall not  
22 be used as basis for demotion in employment or termination. The transfer to a parallel  
23 position or reassignment from one organizational unit to another in the same agency shall be  
24 allowed: *Provided*, That it shall not involve a reduction in rank, status or salary.

25  
26 **SEC. 14. Periodic Review. –** The Civil Service Commission (CSC) and the SSS shall  
27 immediately conduct a review of the maternity leave benefits of female workers in the  
28 government service and the private sector, respectively. Thereafter, they shall include  
29 maternity leave benefits in their valuation report conducted every four (4) years for the SSS  
30 and every three (3) years for the CSC, or more frequently as may be necessary, with the end  
31 in view of meeting the needs of pregnant women and improving their welfare by increasing  
32 existing maternal benefits.

33  
34 **SEC. 15. Implementing Rules and Regulations. –** The CSC, DOLE, and the SSS shall  
35 issue the necessary rules and regulations for the grant of this expanded maternity leave for  
36 all female workers within six (6) months from the effectivity of this Act.

37  
38 **SEC. 16. Separability Clause. –** If, for any reason, a provision or part hereof is declared  
39 invalid, other provisions not affected thereby shall remain in full force and effect.

40  
41 **SEC. 17. Repealing Clause. –** All laws, decrees, executive orders, rules and regulations  
42 contrary to or inconsistent with the provisions of this Act are hereby repealed or modified.  
43 Accordingly, Commonwealth Act No. 647 is hereby repealed, Section 11, Rule VI of the  
44 Omnibus Rules Implementing Book V of Executive Order No. 292 or the Revised  
45 Administrative Code of 1987, Article 133 of the Presidential Decree No. 442 or the Labor  
46 Code of the Philippines, and Section 14-A of Republic Act No. 8282, are hereby further  
47 amended.

48  
49 **SEC. 18. Effectivity. –** This Act shall take effect fifteen (15) day after its publication in the  
50 Official Gazette or in a newspaper of general circulation.

Approved,

(In substitution of House Bills Numbered 152, 472, 483, 509, 580, 1046, 1382, 1644, 1912, 2838, 3224, 2445, 3513, 3645, & 3650)

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

*Introduced by: REPRESENTATIVES EMMELINE Y. AGLIPAY-VILLAR, ANTONIO L. TINIO, FRANCISCA L. CASTRO, MARK A. VILLAR, ROLANDO G. ANDAYA, JR., PIA S. CAYETANO, EMMI A. DE JESUS, ARLENE D. BROSAS, ALFREDO D. VARGAS III, LINABELLE RUTH R. VILLARICA, MICAELA S. VIOLAGO, TEDDY BRAWNER BAGUILAT, JR., GUS S. TAMBUNTING, MARLYN L. PRIMICIAS-AGABAS, MERCEDES K. ALVAREZ, MAXIMO B. RODRIGUEZ, JR., WINSTON CASTELO, HARLIN NEIL J. ABAYON, III, NANCY A. CATAMCO, JULIETA R. CORTUNA, CRISTINA "CHIKI" ROA-PUNO, ANNA MARIE VILLARAZA-SUAREZ, BERNADETTE "BH" HERRERA-DY, YEDDA MARIE K. ROMUALDEZ, LUISA LLOREN CUARESMA, SHARON S. GARIN, EVELINA G. ESCUDERO, DIVINA GRACE C. YU, LIANDA B. BOLILIA, ELEANOR C. BULUT-BEGTANG, LEN B. ALONTE-NAGUIAT, MARIA THERESA V. COLLANTES, GWENDOLYN F. GARCIA, CORAZON N. NUÑEZ-MALANYAON, ANNA KATRINA "TRINA" M. ENVERGA, ROSANNA "RIA" V. VERGARA, LORNA BAUTISTA-BANDIGAN, TRICIA NICOLE Q. VELASCO-CATERA, CRISTAL L. BAGATSING, VINI NOLA A. ORTEGA, JENNIFER AUSTRIA BARZAGA, MICHELLE M. ANTONIO, ANGELINA TAN, VICTORIA ISABEL G. NOEL, DEOGRACIAS VICTOR "DV" B. SAVELLANO, VILMA SANTOS-RECTO, AILEEN C. RADAZA, JUM J. AKBAR, ANN K. HOFER, CHERYL P. DELOSO-MONTALLA, ARIEL "KA AYIK" B. CASILAO, SARAH JANE I. ELAGO, ESTRELLITA B. SUANSING, FRANCISCO JOSE F. MATUGAS II, CARMELO JON B. LAZATIN II, FREDENIL "FRED" H. CASTRO, JERICHO JONAS B. NOGRALES, ERIC M. MARTINEZ, VICENTE "CHING" S.E. VELOSO, JOSE ANTONIO "KUYA JONATHAN" R. SY-ALVARADO, EMMANUEL F. MADRONA, JOHNNY TY PIMENTEL, MOHAMAD KHALID Q. DIMAPORO, MA. LOURDES R. AGGABAO, LUIS RAYMUND F. VILLAFUERTE, JR., GIL "KABARANGAY" P. ACOSTA, ARLENE B. ARCILLAS, ALLEN JESSE C. MANGAOANG, EDWARD VERA PEREZ MACEDA, SUHARTO T. MANGUDADATU, GREG G. GASATAYA, MARISOL C. PANOTES, RAUL "BOBOY" C. TUPAZ, MANUEL F. ZUBIRI, SABINIANO S. CANAMA, AURORA ENERIO CERILLES, MA. LUCILLE L. NAVA, M.D., CECILIA LEONILA V. CHAVEZ, AND ABIGAIL FAYE C. FERRIOL-PASCUAL*

*Committee Referral: COMMITTEE ON WOMEN AND GENDER EQUALITY*

*Committee Chairperson: REP. EMMELINE Y. AGLIPAY-VILLAR*

**OBJECTIVES:**

- To protect the maternal health and postnatal healthcare of women, employed in both government and private sector, as well as the welfare of her child

**KEY PROVISIONS:**

- Increases maternity leave period to one hundred (100) days for female workers in the government service and in the private sector;
- grants an option to extend for an additional maternity leave of thirty (30) days without pay;



- Amends Sec. 11, Rule VI of the Omnibus Rules Implementing Book V of Executive Order No. 292 or the Revised Administrative Code of 1987, Article 133 of the Presidential Decree No. 442 or the Labor Code of the Philippines, Sec. 14-A of Republic Act No. 8282, otherwise known as the Social Security Act of 1997;
- States that a female member of the SSS 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 daily maternity benefit which shall be computed based on the average monthly salary credit, for one hundred (100) days, regardless if the delivery was normal or caesarian, subject to the following conditions:
  - a. That the female worker 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 (SSS) in accordance with the rules and regulations it may provide;
  - b. That the full payment shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application;
  - c. That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided under Republic Act No. 1161, as amended, for the same period for which daily maternity benefits have been received;
  - d. That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the female worker by the employer upon receipt of satisfactory proof of such payment and legality thereof; and
  - e. That if a female worker 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 female member would otherwise have been entitled to."
- An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker; 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.
- Specifies that female workers in the private sector availing of the maternity leave period and benefits must receive not less than two-thirds (2/3) of their regular monthly wages and employers shall be responsible for the salary differential between the actual cash benefits received from the SSS 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 are 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; and
  - e) those who are already providing similar or more than the benefits herein provided;
- States that 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 the female employee.
- Grants coverage to female workers in the government and private sector regardless of civil status, in case of childbirth, miscarriage, or abortion after

- termination, female workers in the informal economy, those with pending administrative case and those who are non-members of the SSS;
- Assures security of tenure to female workers and emphasizes that maternity leave shall not be used as basis for demotion in employment or termination and allows transfer to a parallel position or reassignment from one organizational unit to another in the same agency provided that it shall not involve a reduction in rank, status or salary;
  - Designates the Civil Service Commission (CSC) and the Social Security System (SSS) to immediately conduct a review of the maternity leave benefits of women employees in the government service and the private sector respectively and include maternity leave benefits in their valuation report conducted every four (4) years for the SSS and every three (3) years for the CSC, or more frequently as may be necessary; and
  - Designates the CSC, Department of Labor and Employment (DOLE) together with the SSS to issue the necessary rules and regulations for the grant of this expanded maternity leave for all female employees within six (6) months from the effectivity of this Act.

#### **RELATED LAWS:**

- Republic Act No. 8282 (Social Security Act of 1997)
- Republic Act 9710 (Magna Carta of Women)
- Executive Order No. 292 (Revised Administrative Code of 1987)
- Presidential Decree No. 442 (Labor Code of the Philippines)

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