

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2838**

HOUSE OF REPRESENTATIVES	
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Introduced by REP. TEDDY BRAWNER BAGUILAT

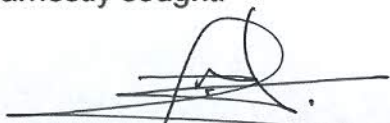
AN ACT INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED FIFTY (150) DAYS OF FEMALE EMPLOYEES IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN OPTION TO FURTHER EXTEND SAID PERIOD FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 1161, AS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

EXPLANATORY NOTE

The health impacts of parental leave on parent and child have been the subject of numerous studies in recent years and the vast positive effects of paid parental leave on the health of children and mothers can no longer be overlooked. According to the Public Health Reports (2011), an increase in the length of paid maternity leave can reduce infant mortality by as much as ten percent (10%). Paid maternity leave also increases the likelihood of infants getting well-baby care visits and vaccinations, and the rate and duration of breastfeeding which is known to be very beneficial to the health of mothers and infants.

Amidst these, the current allowable sixty (60)- day maternity leave for government employees and sixty (60) to seventy eight (78) days for employees in the government sector are below the international labor standard on maternal protection which recommends a minimum of fourteen (14) weeks or ninety eight (98) days of maternity leave. This bill, therefore, seeks to extend the paid maternity leave for employees in the public and private sectors to one hundred fifty (150) days to ensure the health of mothers and infants, and promote child rearing.

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


TEDDY BRAWNER BAGUILAT
Ifugao Lone District

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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

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Expanded Maternity*
2 *Leave Law of 20016.*”

3 **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State under Article
4 XIII, Sec. 14 of the 1987 Constitution to protect and promote the rights and welfare of
5 working women, taking into account their maternal functions, and to provide an enabling
6 environment in which their full potential can be achieved.

7 Towards this end, and in consonance with local and international legal instruments
8 that protect and promote women’s rights, the State shall institutionalize a mechanism to
9 expand the maternity leave period of working women to provide them with ample
10 transition time to regain health and overall wellness and to assume maternal roles
11 before resuming full-time work.

12 **SEC. 3. *Maternity Leave for Female Employees in the Private Sector.*** – Any
13 pregnant female employee in the private sector shall be granted a maternity leave of
14 One Hundred Fifty (150) days, regardless if 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 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 [a] **HER** daily maternity leave 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 FIFTY (150) DAYS, REGARDLESS IF THE DELIVERY WAS NORMAL OR CAESARIAN**, subject to the following conditions:” x x x

(b) An additional maternity leave of thirty (30) days without pay, may 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 original 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 by the covered employees from the Social Security System (SSS) and their average weekly or regular wages, for the entire duration of the original maternity leave, except:

- (i) Distressed establishments;
- (ii) Retail/Service establishments employing not more than ten (10) workers;
- (iii) Establishments paying their employees on a purely commission, boundary or task basis, or a fixed amount for performing a specific work;
- (iv) Micro-business enterprises 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 (₱ 3,000,000.00); and
- (v) Establishments already providing similar or more than the benefits herein provided.

SEC. 5. Non-diminution of Benefits. – Nothing in this Act shall be construed as to diminish existing maternity benefits currently granted by employers with or without collective bargaining agreements (CBA), or under present laws, if more beneficial to

1 the female employee. Any other working arrangement which the female employee shall
2 agree to, during the additional maternity leave period, shall be allowed: *Provided*, that
3 this shall be consented to in writing by the female employee and shall primarily
4 consider her maternal functions and post-natal care.

5 **SEC. 6. *Security of Tenure.***- Those who shall avail of the ordinary maternity
6 leave and the additional thirty (30)- day maternity leave, whether in the government
7 service or private sector, shall be assured of security of tenure. As such, their exercise
8 of this option shall not be used as basis for demotion or termination of employment.
9 The transfer to a parallel position or reassignment to another organizational unit in the
10 same agency shall be allowed: *Provided*, that it shall not involve a reduction in rank,
11 status, or salary.

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

20 **SEC. 8. *Implementing Rules and Regulations.*** – The Civil Service Commission
21 (CSC), the Department of Labor and Employment (DOLE), together with the GSIS and
22 the SSS shall issue the necessary rules and regulations for the proper implementation
23 of this act.

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

27 **SEC. 10. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
28 regulations contrary to or inconsistent with the provisions of this Act are hereby
29 repealed or modified accordingly, specifically Section 1 of Commonwealth Act No. 647,
30 Section 11 of the Omnibus Rules Implementing Book V of Executive Order No. 292 as
31 prescribed in the Revised Administrative Code of 1987, Article 133 of Presidential

1 Decree No. 442 or the Labor Code of the Philippines, and Section 14-A of Republic Act
2 1161, as amended.

3 **SEC. 11. Effectivity.** - This Act shall take effect fifteen (15) days after its
4 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.