

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3224

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 22 AUG 2016

TIME: 3:45 PM

BY: pel

REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced by **HON. GUS S. TAMBUNTING**

EXPLANATORY NOTE

This bill aims to empower women in the workplace by increasing the number of days allowed for their maternity leave to give them adequate time to give birth, recover and to nurse their children.

Starting and raising a family is a goal for many female employees. Unfortunately, pregnancy is also a very vulnerable time for pregnant women who are working. They need protection in terms of job security and equal access to employment for these ensure the continuation of the vital income that they depend on to sustain their well-being and provide for their family's various needs.

Currently, the Philippine labor laws grant women only sixty (60) days of paid maternal leave for normal delivery and seventy eight (78) days for caesarian delivery. This is far below the international standard of fourteen (14) weeks maternity leave.

It is the intention of this bill that by increasing and standardizing paid maternity leave of one hundred (100) days regardless of type of delivery, and by providing them with job security, we will be able to achieve genuine equality of opportunity and treatment between men and women in the workplace and enable them to raise their families in secured conditions.

In view of the foregoing, the approval of this bill is highly and earnestly recommended.


GUS S. TAMBUNTING

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HOUSE BILL NO. _____

Introduced by **HON. GUS S. TAMBUNTING**

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

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

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

SECTION 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. In this regard, and with consonance to the International Labor Organization's Maternity Protection Convention which entitles women to maternity leave of not less than fourteen (14) weeks and other local and international legal instrumentalities that protect and promote the rights of women, the State shall institutionalize a mechanism to expand the maternity leave period of working women to provide them with ample time to regain their health and strength as well as to initially care for their child and form a maternal bond before resuming full-time work.

SECTION 3. *Maternity Leave for Female Employees in Government Service.* – Any pregnant female employee in the government service, regardless of employment status, in any National Government Agency (NGA), Local Government Unit (LGU), or Government Owned and Controlled Corporations (GOCC), shall be granted a maternity leave of one hundred (100) days, with full pay based on her regular wages, regardless if the delivery was normal or caesarian. An additional maternity leave of thirty (30) days, without pay, can be availed of at the option of the employee; Provided, that the head of the agency shall be given due notice, in writing, at least forty five (45) days before the end of her ordinary maternity leave.

SECTION 4. *Maternity Leave for Female Employees in the Private Sector.* – Any pregnant female employee in the private sector shall be granted a maternity leave of one hundred (100) days, regardless if the 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 hereby 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 HER [a] daily maternity 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 (100) DAYS, REGARDLESS IF THE DELIVERY WAS NORMAL OR CAESARIAN, subject to the following conditions: xxx

(b) An additional maternity leave of thirty (30) days, without pay, can 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 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 SSS by the covered employees and their average weekly or regular wages, for the entire duration of the ordinary maternity leave, except:

- (1) those operating distressed establishments;
- (2) those retail/service establishments employing not more than ten (10) workers;
- (3) 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;
- (4) 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 (P 3,000,000.00); and
- (5) those who are already providing similar or more than the benefits herein provided.

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

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

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

SECTION 8. *Implementing Rules and Regulations.* – The Civil Service Commission (CSC), the Department of Labor and Employment (DOLE), together with the GSIS and the SSS shall issue the necessary rules and regulations for the grant of this expanded maternity leave for all female employees.

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

SECTION 10. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly, specifically Section 1 of Commonwealth Act No. 647, Section 11 of the Omnibus Rules Implementing Book V of Executive Order No. 292 as prescribed in The Revised Administrative Code of 1987, Article 133 of the Presidential Decree No. 442 or the Labor Code of the Philippines, and Section 14-A of Republic Act 1161, as amended.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) day after its publication in the Official Gazette and in a newspaper of general circulation.

Approved,