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HOUSE OF REPRESENTATIVES
13th CRP
LEGISLATIVE ARCHIVES

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

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1018

Introduced by GABRIELA Women's Party List

Representative Liza Largoza-Maza

EXPLANATORY NOTE

In 1950, government-owned and controlled National Development Company (NDC) employed a certain Concepcion Arceo as a spinner. On August 5, 1950, she delivered a baby out of wedlock. The child was duly registered in the Civil Registry with one Federico Cruz as the acknowledged father. Cruz and Arceo were married on November 11, 1950, just a few months after the baby was born.

Arceo applied for maternity leave benefits but the NDC Auditor's Office did not grant Arceo's application on the ground that Arceo was not a "married woman" when she gave birth.

Then DOJ Secretary Pedro Tuason affirmed NDC's decision. In a DOJ Opinion, Secretary Tuason explained that the term "married women" in contemplation of the law, must be united to a man by the bonds of lawful matrimony.

This is based on the interpretation of Commonwealth Act 647, otherwise known as "ÁN ACT TO GRANT MATERNITY LEAVE TO MARRIED WOMEN WHO ARE IN THE SERVICE OF THE GOVERNMENT OR ANY OF ITS INSTRUMENTALITIES," which provides:

"Section 1. Married women who are permanently or temporarily appointed in the service of the Government or in any of its branches, subdivisions, agencies or instrumentalities, including the corporation and enterprises owned or controlled by the Government shall in addition to the vacation and sick leave which they may enjoy now, be entitled in case of pregnancy to a maternity leave of sixty days..."

It is appalling that such interpretation made in the 1950s still persists in the 21st Century.

Until today, the same interpretation is still being applied by government offices in implementing Section 12, Rule XVI of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987) and Other Pertinent Civil Service Laws.

Moreover, the same interpretation is still being applied in the absence of a provision in the GSIS Law (R.A. 8291) granting maternity leave benefits to unmarried pregnant women in government.

Yet in the private sector, unmarried pregnant women enjoy maternity leave benefits. R.A. 8282 (Social Security System Act) provides for maternity leave of sixty (60) days for normal delivery, or seventy-eight (78) days in case of caesarian delivery to all pregnant employees in the private sector. In law and in practice, no distinctions are made between unmarried and married pregnant employees in the private sector in this regard.

Concerned women's organizations including the U.P. Portia Sorority, Department of Women and Development Studies of the U.P. College of Social Work and Community Development, COURAGE and GABRIELA maintain that as a matter of right, unmarried pregnant women in government service should also enjoy maternity leave benefits as unmarried pregnant women in the private sector do. They also stress that the protection of the health of the working woman and her unborn must be given due importance.

This bill therefore seeks to address the discrimination against unmarried pregnant women in the government sector.

The urgent passage of this bill is requested.

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AN ACT
GRANTING MATERNITY LEAVE BENEFITS TO UNMARRIED PREGNANT WOMEN WHO ARE IN GOVERNMENT SERVICE

Whereas, women's role in nation building has yet to be fully recognized, appreciated and valued;

Whereas, the current state of the law still contains policies discriminatory against women, even as it is the State's policy, as enshrined in Art. III Section 14 of the 1987 Philippine Constitution, to protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation;

Whereas, one such discriminatory policy is the deprivation of maternity leave benefits to unmarried pregnant women government employees;

Whereas, such policy deprives both the unmarried pregnant women in the government service and her unborn child of the protection they are entitled to;

Whereas, the laws on maternity leave benefits should be enacted for the protection of both unmarried pregnant women, whether married or otherwise;

Whereas, the discrimination against unmarried women in the government service is made more apparent by Republic Act No. 1161, as amended by Republic Act No. 8282, which grants maternity leave benefits to a female employee in private firms, whether or not such female employee is married at the time of the pregnancy;

Whereas, there is a need to correct the present legislation concerning the maternity leave benefits of women government employees for being discriminatory and violative of the equal protection of the laws;

Therefore, be it enacted, as it is hereby enacted, An Act Granting Maternity Leave Benefits to Unmarried Women who are in Government Service.

Section 1. Any employee who is permanently or temporarily appointed in government service, or in any of its branches, subdivisions or instrumentalities including corporations and enterprises owned or controlled by the Government shall, in addition to the vacation and sick leaves which they may enjoy, be entitled in case of pregnancy to a maternity leave of sixty (60) days for normal delivery, or seventy-eight (78) days in case of caesarian delivery.

Section 2. If, for any reason, any part hereof is declared unconstitutional, the remainder of this Act shall not be affected by such declaration.

Section 3. All laws, executive orders, administrative orders, ordinances or issuance inconsistent herewith are hereby repealed or modified accordingly.

Section 4. This Act shall take effect immediately.

Approved,