

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1800

Introduced by GABRIELA Women's Party List
Representatives LUZVIMINDA C. ILAGAN and EMERENCIANA A. DE JESUS

EXPLANATORY NOTE

Women comprise 50% of the labor force in the Philippines. It is projected to remain at this proportion beyond 2010 (Gender Statistics on Labor and Employment, BLES, DOLE)

The Philippine society has long recognized the important role women play in the economy, the Philippine Constitution having at least three (3) policy declarations on the protection of working women, namely:

1. Art. II, Sec. 14. State Policies. "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.
2. Art. XIII, Social Justice and Human Rights, Sec. 11. Health. " There shall be priority for the needs of the underprivileged, sick, elderly, disabled, **women** and children."
3. Art. XIII, Social Justice and Human Rights, Sec. 14. Women. "The State shall 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."

Likewise, "The Labor Code of the Philippines, as amended, stipulates that "The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between worker and employees..." (Art. 3. Declaration of Policy). The Code even provides for a specific chapter on Employment of Women, the Labor Code provides night work prohibition (with exceptions) for women. Under the same Title, Art. 132, the Code mandates the establishment "of standards that will ensure the safety and health of women employees." The same Code also prohibits "discrimination against women employees with respect to terms and conditions of employment..." (Art. 135).

Historically, the 1952 Women and Children Labor Law granted twelve (12) weeks (84 days) maternity leave for pregnant women, four weeks prior to delivery and eight weeks after delivery. In 1974, Presidential Decree (P.D.) 442, or the Labor Code of the Philippines, reduced the period of maternity leave from 12 weeks to six (6) weeks (or 42 days), two weeks before delivery and four weeks after delivery. This was again increased by Republic Act (R.A.) 7322, to sixty (60) calendar days for a normal delivery and seventy-eight (78) calendar days in the case of Caesarian operation.

The International Labor Organization (ILO) convened in Geneva during its 88th Session on 30 May 2000, recommended in its Maternity Protection Convention, 2000 the extension of the period of maternity leave to at least fourteen (14) weeks (98) days with provision for a 6-week compulsory postnatal leave.

The Philippines ranks the lowest in South East Asia, along with Malaysia in providing for maternity protection as indicated by the length of period of maternity leave benefits granted to women workers. The following shows a comparative listing of maternity leave benefits in South East Asia:

Vietnam	4-6 months or 120 to 180 days
Thailand	90 days
Cambodia	90 days
Indonesia	3 months or 90 days
Laos	90 days
Myanmar	12 weeks or 84 days
Singapore	12 weeks or 84 days
Philippines	60 days
Malaysia	60 days

The Philippines also ranks 156th among 192 countries with the lowest expenditure on health. At the rate of 2% of the total expenditure or ₱0.11 per person per day on health care (CWR), maternal and child health would logically be inadequately addressed.

Studies show that in the Philippines, eleven (11) mothers died daily in 2009 due to pregnancy and childbirth. Infant Mortality was recorded at 25 per 1,000 live births in 2005, while maternal mortality was 200 per 100,000 live births. The Philippines ranks 84th among 179 countries with available data on infant mortality rate.

Breastfeeding has been known to be a major determinant of infant health. Studies have shown that infants who have been exclusively breastfed for at least four months are less at risk to gastrointestinal and respiratory illness including ear infections and asthma, than those who are breastfeeding on demand for at least four months.

Maternity is one vital social function played by women and unless society recognizes this and institutionalizes adequate support mechanisms to ensure maternity protection to women workers, it is guilty of gender discrimination.

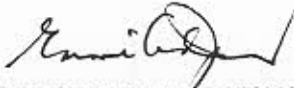
Maternity Protection as embodied in the ILO Convention ensures not only protection of working women and the right of infants to proper health care and nutrition but also affords equality of opportunities for both men and women workers. It is one way of recognizing maternity as one vital social function played by women.

Developed countries such as Sweden, Norway, Canada, Ireland, Denmark, France, Greece, UK and Italy have amended their maternity protection laws extending maternity leave to at least six (6) months (or 180 days) to as long as 480 days, in full recognition of maternity as a social function of women, and to allow full maternal and infant care and protection.

Increasing maternity leave from sixty (60) days or eight weeks to one hundred twenty (120) days or 16 weeks would allow mothers to breastfeed for at least the first four months after delivery. Hence, it will ensure not only gender equality, but also proper health care and nutrition to infants, as guaranteed under the Philippine Constitution and other relevant laws of the land.

Immediate passage of this bill is therefore prayed.


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**AN ACT INCREASING MATERNITY LEAVE BENEFITS
FROM SIXTY (60) DAYS TO ONE HUNDRED TWENTY (120) DAYS OR FOUR MONTHS,
AMENDING FOR THE PURPOSE, P.D. 442, AS AMENDED BY R.A.7322**

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

SECTION 1. Art. 133 of P.D. 442, as amended by R.A. 7322, are hereby amended to read as follows:

ART. 133. Maternity leave benefits.

(a) Every employer shall grant to any pregnant woman employee, who has rendered an aggregate service of at least (6) months for the last (12) months, maternity leave of at least two (2) weeks prior to the expected date of delivery and another [four (4)] **FOURTEEN (14) WEEKS** after normal **OR CAESARIAN DELIVERY**, or abortion with full pay based on her regular or average weekly wages.

SECTION 2. All laws, decrees, order, rules and regulations, and other issuances or parts thereof, inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 3. This Act shall take effect after fifteen (15) days following its publication in newspapers of general circulation.

APPROVED.