

FIFTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
Second Regular Session

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **5956**

EXPLANATORY NOTE

The Constitution declares it a State policy 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.

Our present laws granting maternity benefits to women working in the private sector provides that, "a covered female employee who has paid at least three monthly maternity contributions in the twelve-month period preceding the semester of her childbirth, abortion or miscarriage and who is currently employed shall be paid a daily maternity benefit equivalent to one hundred percent (100%) of her present basic salary, allowances and other benefits or the cash equivalent of such benefits for sixty (60) days" subject to certain condition.

However, the benefits granted are no longer commensurate with the current minimum standard of living, minimum daily wage, and the rising costs of infant healthcare. Therefore, such financial or monetary benefits ought to be increased, if we are to provide working mothers with safe and healthful working conditions, as well as assist them in the care and nurturing of their children, pursuant to constitutional policies and principles.

Aside from providing financial assistance to working mothers in private employment, an equally important objective this bill seeks to pursue impacts on the health of the infant.

In a study of the World Health Organization (WHO), it was discovered that based on statistics of the National Statistics Office in 2003 and 2008, only 16 percent of four to five months old Filipinos were breastfed exclusively. Further, the WHO is promoting exclusive breastfeeding for infants during the first six months of their lives and they can receive complementary food with continued breastfeeding up to two years of age and above.

Many health experts say there is insufficient support of breast-feeding by society in general, in particular for women who are trying to combine breast-feeding with employment outside the home. In an article by Imelda V. Abaño published in



teh The Women's International Perspective (The WIP) website entitled "Breast-feeding Rates Decline Across Asia and the Pacific Posing Health Risks to Infants and Children", Dr. Elizabeth Solang was quoted as saying that, "while it is important to maintain breast-feeding in the first six months, many working women in many countries face obstacles to breast-feeding their babies, especially when they are required to go back to work after a short maternity leave." This results in mothers being constrained to go to work and delegate the care of their infants to relatives or "yayas".

While laws have been passed encouraging employers to promote breastfeeding to their women employees, the fact remains that all the working mothers need so they can breastfeed their infants is time. In conjunction with the State and WHO policy to promote exclusive breastfeeding within the first six (6) months of the infant life, working mothers must therefore be granted maternity leave benefits equivalent to six (6) months. The 6 months maternity leave benefits will ensure that exclusive breastfeeding policy is being practiced, and in addition, will foster the bonding between the mother and child.

In view of the foregoing, immediate passage of this bill is earnestly requested.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

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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

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

Section 1. *Short Title* – This Act shall be known as the “Working Mothers and Infant Protection Act of 2012”.

SEC 2. *Declaration of Policy* – Consistent with relevant provisions stated in the Constitution, and with the end in view of fostering our nation's economic and social progress, it is hereby declared the policy of the State to:

- (a) Financially and morally assist mothers working in the private sector in personally caring for their infants for the first six (6) months of life;
- (b) Ensure that infants are given the proper attention and care of their mothers working in the private sector, such as exclusive breastfeeding for the infants' six (6) months of life;
- (c) Support employers in the private sector in achieving their productivity goals, without disrupting business operations;
- (d) Maintain harmonious relationships between employers and working mother-employees; and
- (e) Protect the sanctity of family life.

SEC 3. *Covered Employers* – Private corporations, partnerships, associations, non-government organizations, other unincorporated entities, and individuals employing at least 10 employees are covered within the scope of this Act.

SEC 4. Covered Employees – Female individuals who, regardless of employment status, have rendered at least six (6) months of interrupted or uninterrupted service to her employer, and who has made at least three (3) monthly maternity contributions to the Social Security System (SSS) in the twelve (12) - month period preceding the semester of their childbirth are entitled to the benefits under this Act.

SEC 5. Maternity Leave Benefit – Section 14 of Republic Act No. 1161, as amended by Republic Act No. 7322, is further amended by inserting additional provisions, Section 14-B and Section 14-C, after Section 14-A, to be read as follows:

"SEC. 14-B. Extended Maternity Leave Benefit. – In addition to the benefits provided for in the preceding section, the covered employer shall, within thirty (30) days from presentation of a certified true copy of certificate of live birth of a covered employee's infant, pay the covered employee a cash value in an amount equivalent to her two (2) months' salary preceding the filing of maternity leave with her employer, but in no case exceeding thirty thousand pesos (Php 30,000.00), or in the case of daily-paid employees, a cash value in an amount equivalent to her two (2) months' wages preceding the filing of maternity leave with her employer, but in no case exceeding thirty thousand pesos (Php 30,000.00), subject to the following conditions:

- (a) The presentation by a covered employee, or anyone on her behalf, of a certified true copy of her infant's certificate of live birth to her employer and the Social Security System (SSS) within thirty (30) days from its issuance by the local civil registry or the National Statistics Office;
- (b) Reimbursement of the paid cash value of the maternity benefit to the covered employer by the Social Security System (SSS), within sixty (60) days upon submission of satisfactory proof of payment.

SEC. 14-C. Unpaid leave and security of tenure. A covered employee may avail of an extended two (2) months maternity leave without pay by filing an application for leave with the covered employer at least seven (7) days prior to the expiration of the two (2) months extended paid leave as mentioned under the preceding section. A covered employer shall accept in its employment a covered employee who has returned after availing of the maternity leave benefits provided under this Act, without loss of employment status and seniority rights. If upon her return, the employer cannot give her the position she vacated preceding the filing of the application for maternity leave, the former shall place her to a different position with an equal rank, status and salary as the last position preceding the application for maternity leave; **Provided** that, a covered employee may at her option avail of unpaid maternity leave for less than two (2) months.

SEC 6. *Non-diminution of benefits* – Nothing in this Act shall be construed as to diminish existing maternity benefits under present laws and collective bargaining agreements.

SEC 7. *Implementing Rules and Regulations* – The Department of Environment and Natural Resources shall promulgate the Rules and Regulations necessary for the effective implementation of this Act.

SEC 8. *Separability Clause* – Should any of the provisions of this Act or any part thereof be declared invalid, the other provisions, so far as they are separable from the invalid ones, shall remain in full force and effect.

SEC 9. *Repealing Clause* – All laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC 10. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,