

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SIXTEENTH CONGRESS

First Regular Session

House Bill No. 339



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Introduced by **Hon. Sol Aragones**

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#### EXPLANATORY NOTE

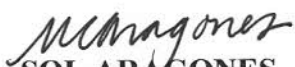
The Constitution, in its declaration of State Policies, provides:

Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception.

Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

We have laws that grant women maternity leaves and benefits, and other financial support after they have given birth. However, these laws fail to aid women while they are pregnant.

Pursuant to the policies of the Constitution, laws have been enacted recognizing the special needs of women as workers and as mothers. These laws include Presidential Decree No. 442 or the "Labor Code of the Philippines" regarding maternity leave benefits in Section 133; Republic Act No. 8282 or the "Social Security Law of 1997" regarding maternity benefits for private employees in Sec. 14-A; Republic Act No. 8282 or the "Solo Parents' Welfare Act"; and Republic Act No. 8187 or the "Paternity Leave Act of 1996" where fathers are given time off from work to support their wives in their period of recovery and/or in the nursing of the newly-born child. This bill seeks to address the needs of pregnant women. Taking into consideration their delicate condition, as well as the need for them to continue working not only to support their families but also to prevent the collapse of the industries they work in, this bill will grant them benefits like flexible work schedules, protection from discrimination, monthly medical leaves and medical assistance during their pregnancies.

  
**SOL ARAGONES**  
Representative, 3<sup>rd</sup> District of Laguna

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AN ACT  
PROTECTING THE WELFARE OF PREGNANT WOMEN BY GRANTING  
THEM CERTAIN BENEFITS AND PRIVILEGES

**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 "Pregnant Women's Protection Act."

SECTION 2. *Declaration of Policy.* - It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. Towards this end, it shall develop a comprehensive program of services for pregnant women and their families to be carried out by the Department of Labor and Employment (DOLE), the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), and other related government and nongovernment agencies.

SECTION 3. *Definition of Terms.* - For the purposes of this Act, the term

- (1) "pregnant woman" means a woman expecting to deliver a child or children, which condition shall continue until she has delivered such child or children or has suffered a miscarriage.

(2) "family" means the pregnant woman, her legitimate spouse with whom she is cohabiting, and any children living with and dependent upon them who are unmarried, unemployed and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect/disability. If the pregnant woman is not lawfully married or is a widow, "family" shall refer to herself, her common law spouse, her parents who are living with her, and any children living with and dependent upon her who are unmarried, unemployed and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect/disability.

(3) "Medical leave" means the leave benefits granted to a pregnant woman to enable her to undergo a medical check-up related to her pregnancy, or to any ailment or affliction she may be suffering from as a result of her pregnancy.

(4) "Flexible work schedule" means the work schedule granted to a pregnant employee allowing her to vary her arrival and departure time without affecting the core work hours as defined by the employer.

SECTION 4. *National Education Campaign.* – The Department of Health shall conduct a national and local information, education, and communication campaign regarding the do's and don'ts for pregnant women.

SECTION 5. *Pregnant Women Assistance Desk.* – There shall be a pregnant women assistance desk in all government hospitals and health centers. In line with this, the Department of Health shall ensure that the following measures are followed:

(a) Selected personnel in all government hospitals and health centers, including barangay health workers and barangay nutrition scholars shall be trained. These are the

personnel who may be approached for assistance by pregnant women in all government hospitals and health centers.

(b) There shall be free consultations in all government hospitals and health centers for pregnant women.

(c) There shall be free and/or discounted medicine, including multivitamins, promoting good health for pregnant women. The Implementing Rules and Regulations shall come up with a distribution system with safety nets against abuse or misuse.

SECTION 6. Corporate Social Responsibility Projects. – Businesses are hereby encouraged to allocate at least ten percent (10%) of their budget for corporate social responsibility for projects, programs, events and activities that are for the benefit of pregnant women.

SECTION 7. *Flexible Work Schedule*. – The employer shall provide for a flexible working schedule for pregnant women: Provided, That the same shall not affect individual and company productivity: Provided, further, That any employer may request exemption from the above requirements from the DOLE on certain meritorious grounds.

SECTION 6. *Work Discrimination*. – Without prejudice to the relevant provisions of the Labor Code and the implementing rules thereto, no employer shall discriminate against any pregnant woman employee with respect to terms and conditions of employment on account of his/her status.

SECTION 7. *Medical Leaves*. – In addition to leave privileges under existing laws, medical leaves of one (1) day during each month of the woman's pregnancy shall be granted to enable her to undergo a medical check-up related to her pregnancy, or to any ailment or affliction she may be suffering from as a result of her pregnancy: Provided, she has previously furnished her employer a medical certificate confirming her pregnancy and the ailment or affliction she may be suffering from as a result of her pregnancy; Provided,

further, She has rendered service of at least one (1) year prior to her pregnancy: Provided, further, that the same shall not affect individual and company productivity: Provided, further, that each time she takes such medical leave, she notifies her employer at least five (5) days in advance.

SECTION 8. *Medical Assistance.* – The DOH shall develop a comprehensive health care program for pregnant women. The program shall be implemented by the DOH, through their retained hospitals and medical centers, and the local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units.

SECTION 9. *Implementing Rules and Regulations.* – An interagency committee headed by the DOLE, in coordination with the DSWD and DOH, is hereby established which shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations in consultation with the LGUs, nongovernment organizations and people's organizations.

SECTION 10. Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine not exceeding Twenty-five thousand pesos (P25,000) or imprisonment of not less than thirty (30) days nor more than six (6) months.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or partner directly responsible therefor.

SECTION 11. *Non-diminution Clause.* – Nothing in this Act shall be construed to reduce any existing benefits of any form granted under existing laws, decrees, executive orders, or any contract, agreement or policy between employer and employee.

SECTION 12. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 13. *Repealing Clause.* – All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 14. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,