



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. **361**

REPRESENTATIVE LAWRENCE LEMUEL H. FORTUN

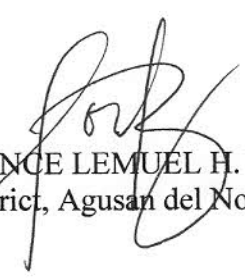
EXPLANATORY NOTE

Section 14, Article XIII of the 1987 Constitution provides, to wit:

“Section 14. 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. “

The proposed bill seeks for the development of a comprehensive program that would benefit pregnant women who are employed during their pregnancies. The bill provides that pregnant women will be entitled to medical leave once every month for pregnancy related medical consultation in the course of their pregnancy. It likewise provides the opportunity for employed pregnant women to work flexible hours subject to certain conditions.

This bill has been previously filed in the 15th Congress by Rep. Maria Evita R. Arago and it is hoped that it will see passage in the 16th Congress.


REP. LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

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H.B. No. **361**

Representative LAWRENCE LEMUEL H. FORTUN

AN ACT PROVIDING FOR THE BENEFITS AND PRIVILEGES TO PREGNANT WOMEN
AND THEIR FAMILIES, APPROPRIATING FUNDS THEREFOR 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 “Pregnant Women’s Welfare Act.”

SEC. 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, and other related government and nongovernment agencies.

SEC. 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 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 and her legitimate spouse’s parents who are living with her, and any children living with her, and any children living with any dependent upon her who are unmarried, unemployed and not more than eighteen (18) years of age, or even eighteen (18) years but 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.

(4) “Flexible work schedule” means the work of 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.

SEC. 4. *Criteria for Support.* – Any pregnant woman whose income in the place of domicile falls below the poverty threshold as set by the National Economic and Development Authority and subject to the assessment of the DSWD worker in the area shall be eligible for assistance: *Provided, however,* that any pregnant woman whose income is above the poverty threshold shall enjoy the benefit mentioned in Section 5,6 and 7 of this Act.

SEC. 5. *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 mentioned requirements from the DOLE on certain meritorious grounds.

SEC. 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.

SEC. 7. *Medical Leave.* – 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 is a result of her pregnancy: Provided further, that 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.

SEC. 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/municipal hospital and rural health units.

SEC. 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 organization and people's organizations.

SEC. 10. *Penalties.* – 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.

SEC. 11. *Nondimination 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.

Act shall included in the budget of the concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 12. *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.

SEC. 13. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, other provision not affected thereby shall continue to be in full force and effect.

SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved.