

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session



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HOUSE BILL NO. 1329

Introduced by: Gabriela Women's Party Reps. **LUZVIMINDA C. ILAGAN** and **EMMI A. DE JESUS**

EXPLANATORY NOTE

This bill aims to enhance the benefits for pregnant workers and workers who have recently given birth and those who are nursing mothers. It is hoped that such enhancement will bring Philippine laws for the safety and health of pregnant workers, at the very least, close to emergent international standards.

At present, Philippine labor laws for women give pregnant workers only sixty (60) calendar days of paid maternal leave for normal delivery and seventy-eight (78) calendar days in case of Caesarian operation. This is very far behind the International Labor Organization recommendation, issued on the occasion of its Maternity Protection Convention in 2000, of at least 14 weeks with provision for a 6-week compulsory postnatal leave. It is not even at par with the 90-days standards of South East Asia where the Philippines, unsurprisingly, ranks the lowest.

Following the ILO recommendation, an 18 to 20 weeks period for maternity leave is now the norm across member-countries of the European Union and proposals are even coming out in some European countries for a 40-week maternity leave.

This bill does not intend to follow the standards in Europe. Its objective, taking into account local conditions, is rather humble: to increase the maternity leave benefits for pregnant women to 120 days. This is still a far cry from the ILO standards but at least it will inch our women labor laws nearer toward that direction.

Studies have shown that a longer maternity leave period has beneficial effects on mother and child. Among these benefits are:

1. It allows the mother complete recovery.
2. It spares the mother from the stress of work that affects her nursing capabilities.
3. It allows the mother a longer period to breast feed the child which has beneficial effects on the health and physical development of the child.
4. It allows a longer bonding time between mother and child which has beneficial effects on the psychological development of the child.

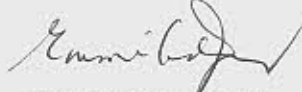
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In sum, these studies show that a longer maternity leave produces healthier children and happier mothers. Happy mothers, in turn, are productive workers. But the biggest benefit of all is that countries that provide longer maternity leave to their pregnant workers have low infant mortality.

In countries that practice longer maternity leave period, studies also report the added social benefit of child caring savings in the form of unexpended costs for baby sitters.

Maternity is one vital social function played by women. Recognizing such role and institutionalizing adequate support mechanisms to ensure maternity protection is not only a pay back to women but also enhances gender equality as mandated in our Constitution and the Magna Carta of Women.


LUZVIMINDA C. ILAGAN
Gabriela Women's Party


EMMI A. DE JESUS
Gabriela Women's Party

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HOUSE BILL NO. 1329

Introduced by: Gabriela Women's Party Reps. **LUZVIMINDA C. ILAGAN** and **EMMI A. DE JESUS**, Bayan
Muna Reps. **NERI J. COLMENARES** and **CARLOS T. ZARATE**, ACT Teachers Party List Rep.
ANTONIO L. TINIO, Anakpawis Rep. **FERNANDO HICAP**
and Kabataan Party List Rep. **TERRY RIDON**

**AN ACT PROVIDING FOR MATERNITY LEAVE BENEFITS OF ONE HUNDRED TWENTY (120) DAYS
TO FEMALE EMPLOYEES WHO ARE MEMBERS OF EITHER THE SOCIAL SECURITY SYSTEM (SSS)
OR THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS)**

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

SECTION 1 A covered female employee who has paid at least three (3) 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 equivalents of such benefits for one hundred twenty (120) days subject to the following conditions:

- a. That the employee shall have notified her employer of her pregnancy and the probable date of her childbirth which notice shall be transmitted to the Social Security System (SSS) and Government Service Insurance System (GSIS) in accordance with the rules and regulations it may provide;
- b. That the payment shall be advanced by the employer in two (2) equal installments. The first installment shall be paid fourteen (14) days before the probable date of childbirth and the second installment within 30 days after the date of delivery;
- c. That in case of caesarian delivery, the employee shall also be paid the daily maternity benefit for one hundred thirty-eight (138) days;

- d. That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided by the Labor Code for the same compensable period of one hundred twenty (120) days for the same childbirth, abortion, or miscarriage;
- e. That the SSS or GSIS, as the case maybe, shall immediately reimburse the employer of one hundred percent (100 %) of the amount of maternity benefits advanced to the employee by the employer upon receipt of satisfactory proof of such payment and legality thereof; and
- f. That if an employee should give birth or suffer abortion or miscarriage without the required contributions having been remitted for her by her employer to the SSS or GSIS, as the case maybe, or without the latter having been previously notified by the employer of the time of the pregnancy, the employer shall pay to the SSS or GSIS damages equivalent to the benefits which said employee would otherwise have been entitled to, and the SSS or GSIS shall in turn pay such amount to the employees concerned.

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SECTION 2. Section 14-A of Republic Act 1161, as amended, otherwise known as the "Social Security Law" is hereby repealed. All laws, decrees, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 3. The Department of Labor and Employment shall, in coordination with the Civil Service Commission, issue the necessary rules and regulations for the effective implementation of this Act .

SECTION 4. This Act shall take effect fifteen (15) days after publication in the Official Gazette or into (2) national newspapers of general circulation.

Approved,