



Sixteenth Congress
First Regular Session

HOUSE BILL NO. **3590**

Introduced by Honorable Emmanuel D. Pacquiao

EXPLANATORY NOTE

Section 14, Article II (*Declaration of Principles and State Policies*) of the 1987 Constitution states:

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

Similarly, Section 14, Article XIII (*Women*) of the Constitution further ensures the protection of women, to wit:

SEC. 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.

Based on these constitutional provisions, this bill seeks to provide maternity leave benefits to all working women in government and private sectors for a period of one hundred eighty (180) days or six (6) months. The proposed measure aims to allow mothers who are working in both government and private sectors, a longer period of time to take care of their babies, bond with them, and give these working mothers a chance to complete exclusive breastfeeding for six months.

Maternity leave benefits are provided under Article 133 of the Labor Code and Section 14-A of Republic Act No. 1161, otherwise known as the "*Social Security Law*," as amended by RA No. 7322 (*An Act Increasing Maternity Benefits In Favor Of Women Workers In The Private Sector, Amending For The Purpose Section 14-A Of Republic Act No. 1161, As Amended, And For Other Purposes*) and RA No. 8282, otherwise known as the "*Social Security Act of*

1997.” Under the Labor Code, a qualified pregnant woman employee shall be entitled to a paid maternity leave of at least two weeks prior to expected date of delivery and another four weeks after normal delivery or abortion. Hence, a total of six weeks maternity leave. Under the Social Security Law, a working mother is given a paid maternity leave of sixty (60) days or 8.5 weeks for those who gave birth through normal delivery, and seventy-eight (78) days for caesarian delivery. Pursuant to Rule XVI (*Rules on Leave*) of the Omnibus Rules Implementing Book V of Executive Order No. 292, otherwise known as “*The Administrative Code of 1987*”, every woman in the government service shall be entitled to maternity leave of sixty (60) calendar days with full pay.

As stated in the 2000 International Labor Organization (ILO) Maternity Protection Convention No. 183, the standard length of time for maternity leave should not be less than fourteen (14) weeks. Most European countries offer at least six months of maternity leave benefits. In Asia, only Vietnamese women enjoy a paid maternity leave of up to six months. Bangladesh, Singapore and Mongolia give four months of paid maternity leave, while Indonesia, Cambodia, China, Laos and Thailand allow three months paid maternity leave.

The ILO reveals the negative effects on work or work performance of women who are deprived of longer maternity leave. Among these are loss of motivation, difficulty concentrating, increased absenteeism, reduced productivity, impaired working relationships, and wanting or needing to leave the job. These adverse effects on work performance would have an impact on the business in terms of loss of productivity, difficulty retaining women staff, increased costs, poor industrial relations and poor company image. However, the employers in both government and private sectors are encouraged to understand the long-term positive benefits they would gain should they grant their women employees the privilege of being able to nurture their babies for a longer period of time.

In view of the foregoing, passage of this bill is highly and earnestly recommended.



EMMANUEL D. PACQUIAO

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AN ACT
GRANTING MATERNITY LEAVE BENEFITS EQUIVALENT TO ONE
HUNDRED EIGHTY (180) DAYS OR SIX (6) MONTHS TO ALL WOMEN
WORKERS IN THE GOVERNMENT AND PRIVATE SECTORS

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

SECTION 1. *Grant of Maternity Leave.* – Maternity leave benefits, equivalent to one hundred eighty (180) days or six (6) months with full pay, shall be granted to all women workers in the government and private sectors, subject to the following conditions:

a) That every woman worker in the government and private sector must have rendered an aggregate of two (2) or more years in service: *Provided*, That those who have rendered one (1) year or more but less than two (2) years of service shall be computed in proportion to their length of service: *Provided, further*, That those who have served for less than one (1) year shall be entitled to 180-day maternity leave with half pay;

b) That every grantee shall notify her employer of the pregnancy and the probable date of her childbirth; and

c) The maternity benefits provided under this Act shall apply only for the first four (4) deliveries or miscarriages.

SEC. 2. **Implementing Rules and Regulations.** - The Chairpersons of the Civil Service Commission and the Social Security System shall, in coordination with the Secretary of Labor and Employment, issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 3. **Repealing Clause.** - Section 14-A of Republic Act No. 1161, otherwise known as the "*Social Security Law*", as amended and all other laws, decrees, order, rules and regulations, and other issuances or parts thereof, inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 4. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,