



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5108



Introduced by Honorable MARK A. VILLAR

AN ACT
GRANTING UNIVERSAL MATERNITY LEAVE BENEFITS
TO WOMEN IN GOVERNMENT SERVICE

EXPLANATORY NOTE

The 1987 Philippine Constitution recognizes the State's obligation 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."* (Article III, Section 14)

Unfortunately, the current state of the law still contains policies discriminatory against women. One such discriminatory policy is the deprivation of maternity leave benefits to unmarried pregnant government employees which deprives both the woman and her unborn child of the protection they are entitled to.

There is a need to correct the present legislation concerning the maternity leave benefits of unmarried government employees for being discriminatory and for violating the equal protection clause of the fundamental law of the land.

Commonwealth Act 647, otherwise known as "AN ACT TO GRANT MATERNITY LEAVE TO MARRIED WOMEN WHO ARE IN THE SERVICE OF THE GOVERNMENT OR ANY OF ITS INSTRUMENTALITIES," provides:

"Section 7. Married women who are permanently or temporarily appointed in the service of the Government or in any of its branches, subdivisions, agencies or

instrumentalities, including the corporation and enterprises owned or controlled by the Government shall in addition to the vacation and sick leave which they may enjoy now, be entitled in case of pregnancy to maternity leave of sixty days."

Until now, this is still being applied by the government in implementing Section 12, Rule XVI of the Omnibus Rules implementing Book V of Executive Order No. 292 (Administrative Code of 1987) and Other Pertinent Civil Service Laws.

Moreover, the same interpretation is still being applied in the absence of a provision in the GSIS Law (R.A. 8291) granting maternity leave benefits to unmarried pregnant women in government.

Yet in the private sector, unmarried pregnant women enjoy maternity leave benefits. RA 8282 (Social Security System Act) provides for maternity leave of sixty (60) days for normal delivery, or seventy-eight (78) days in case of caesarean delivery to all pregnant employees in the private sector in law and in practice, no distinctions are made between unmarried and married pregnant employees in the private sector in this regard.

Concerned women's organizations as well as academic institutions, maintain that as a matter of right, unmarried pregnant women in government service should also enjoy maternity leave benefits as unmarried pregnant women in the private sector do. They also stressed that the protection of the health of the working woman and her unborn child must be given due importance.

This bill therefore seeks to address the discrimination against unmarried pregnant women in the government sector and to remove such discrepancy in the maternity benefits of women in the government and private sector, the urgent passage of this bill is earnestly sought.



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

SECTION 1. Maternity Leave Benefit. - Any woman employee who is permanently or temporarily appointed in government service, or in any of its branches, subdivisions or instrumentalities including corporations and enterprises owned or controlled by the Government shall, in case of childbirth under normal delivery, abortion or miscarriage, 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; provided that the woman employee shall be paid daily maternity benefit for seventy-eight (78) days in case of caesarean delivery.

SEC. 2. Conditions for the Availment of Maternity Leave Benefits. - Availment of the foregoing maternity benefits shall be subject to the following conditions:

- a) The employee is currently employed in the government and shall have paid at least three (3) monthly GSIS contributions in the twelve-month period preceding the semester of her childbirth, abortion or miscarriage;
- b) The employee shall have notified her employer of her pregnancy and the probable date of her childbirth;

- c) Payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided under the GSIS Law or policy for the same compensable period of sixty (60) days for the same childbirth, abortion, or miscarriage; and
- d) The maternity benefits provided in this Act shall be paid only for the first four (4) deliveries including deliveries or availment of maternity benefits under Commonwealth Act No. 647 and Republic Act No. 7322.

SEC. 3. Obligations of the Employer. - The employer shall:

- 1) Immediately transmit to the GSIS the notice of pregnancy given by its employee; and
- 2) Advance payment of maternity benefits in two (2) equal installments within thirty (30) days from filing of the maternity leave application by the employee.

SEC. 4. Separability Clause. - If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

SEC. 5. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act are hereby repealed or modified accordingly.

SEC. 6. Effectivity Clause. - This Act shall take effect fifteen (15) days following the completion of its publication in two (2) newspapers of general circulation.

Approved,