

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

House Bill Number 5727



Introduced by Representative ROLANDO G. ANDAYA, JR.

EXPLANATORY NOTE

The State recognizes the role of women in nation-building. It therefore endeavors to provide them with equal protection and promote opportunities for social and economic empowerment.

The Magna Carta for Women also affirms that the State condemns discrimination against women in all its forms and pursues all appropriate means and without delay the policy of eliminating discrimination against women.

To strengthen the government's effort in dismantling all forms of inequity against women, this measure aims to correct a law that has long deprived unmarried women in government service in availing maternity benefits.

Commonwealth Act No. 647 grants maternity leave benefits only to married female employees in the government while the Social Security System (SSS) Act (Republic Act 8282) allows all female employees in the private sector to avail of maternity benefits, regardless of their civil status.

Moreover, in the SSS Act, three monthly contributions are sufficient to qualify a pregnant employee in availing maternity benefits. In the public sector however, aside from the prerequisite of marriage, a pregnant employee must have been in the service for at least 2 years before she can benefit from maternity compensation.

This is a clear manifestation that there is a double-standard in the application of the law. Regardless of a woman's civil status, she should be accorded with equal protection and just compensation, particularly when availing maternity benefits.

This measure should be approved the soonest. Only when we have eradicated all vestiges of discrimination against women can we sincerely claim that we have fought to uplift the rights of women.


ROLANDO G. ANDAYA, JR.

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**AN ACT EXPANDING THE COVERAGE OF MATERNITY LEAVE BENEFITS
GRANTED TO WOMEN IN THE CIVIL SERVICE**

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

SECTION 1. Maternity Leave Benefit. – Any female employee who is permanently or temporarily appointed in government service, which includes the national government, its political subdivisions, branches, agencies or instrumentalities, including government-owned or controlled corporations, and financial institutions with original charters, the constitutional commissions and the judiciary, shall be entitled, in case of normal childbirth, abortion or miscarriage, to a daily maternity benefit equivalent to one hundred percent (100%) of her basic salary, allowances and other benefits or the cash equivalent of such benefits for sixty (60) days subject to the following conditions:

- a) That in case of caesarian delivery, the employee shall be paid daily maternity benefits for seventy-eight (78) days;
- b) That the employee shall have paid at least three (3) monthly contributions to the Government Service and Insurance Corporation (GSIS) in the twelve-month period preceding the semester of her childbirth, abortion, or miscarriage;

- c) That the employee shall have notified her employer of her pregnancy and the probable date of her childbirth;
- d) That 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, or seventy-eight (78) days in case of caesarian delivery;
- e) That the maternity benefits provided in this Act shall be paid only for the first four (4) deliveries, including those maternity benefits availed under Commonwealth Act No. 647 and Republic Act No. 7322;
- f) That the employer immediately transmit to the GSIS the notice of pregnancy submitted by the employee;
- g) That the employer pay in advance the maternity benefits of the employee in two (2) equal installments within thirty (30) days from filing of maternity leave application by the employee.
- h) That the GSIS shall immediately reimburse the employer one hundred (100%) of the amount of maternity benefits advanced to the employee by the employer upon satisfactory proof of such payment and legality thereof;
- i) That if an employee should claim for maternity benefits without the required contributions having been remitted for her by her employer to the GSIS, or without the latter having been previously notified by the employer of the employee's pregnancy, the employer shall pay to the GSIS damages equivalent to the benefits which said employee would otherwise have been entitled to, and the GSIS shall in turn pay such amount to the employee concerned.

SEC. 2. 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. 3. Repealing Clause. - All laws, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,