



Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session
9081
HOUSE BILL No. _____



Introduced by Representative RONALD S. ANG (AKO BICOL Partylist)

AN ACT
ESTABLISHING A SHARED PARENTAL LEAVE POLICY THAT GRANTS AN
OPTION TO FEMALE WORKERS IN THE GOVERNMENT SERVICE AND IN THE
PRIVATE SECTOR TO SHARE THEIR LEAVE BENEFITS WITH THEIR SPOUSES,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This bill seeks to establish a shared parental leave where the maternity leave benefits can be shared to the child's father which will enable the latter to give more time to care for his child and aid in his wife's recovery. The additional leave that can be enjoyed by the husband is crucial in case the mother experiences sudden and unpredictable complications that would render her incapable of taking care of the new born during the said period.

Section 12, Article 2, of the 1987 Constitution provides:

SEC. 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

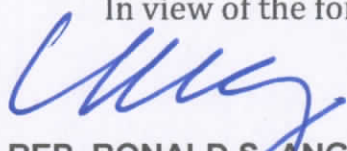
Laws relating to family rights and duties instruct that both parents are responsible for the care and welfare of children up to the age of 18. The law presumes that it is best for most children if both parents cooperate and share equal parental responsibility. In most countries in Europe, parents enjoy a shared parental leave policy that help women return to work and help men become more involved in taking care of their new born.

In a research paper entitled "*Factors Affecting Mental Health Utilization in the Philippines*" published by the then National Statistics Office (NSO), it was reported that although most women do not experience major problems during labor and delivery, complications that do occur can be unpredictable and sudden. It is also claimed that "a number of the problems women experience surrounding childbirth occur in the *postpartum* period, the six weeks following delivery." Thus, apart from

the need to improve health care services and programs in the country, it is also necessary to increase husband's participation in aiding his wife during and after delivery.

In the Philippines, the law regarding the number of days legislated for paternity leave is arbitrary. Republic Act No. 8187 or otherwise known as "Paternity Leave Act" was enacted in order for the husband to effectively render support, care, and assistance to the wife in her period of recovery and/or in the nursing of the newly born child. However, our present law only grants the father a leave of seven (7) days.

In view of the foregoing, urgent approval of this bill is earnestly sought.



REP. RONALD S. ANG
AKO BICOL Party-list

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*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 "Co-Parenting Act of 2019".

Section 2. Declaration of Policy. - It is hereby declared the policy that the state recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government

Section 3. Coverage— Any worker in the government service, regardless of employment status, in any National Government Agencies (NGAs), Local Government Units (LGUs), Government-Owned and Controlled Corporations (GOCCs), or State Universities and Colleges (SUCs), shall be entitled to avail the shared parental leave. The same benefit shall likewise be available to all workers in the private sector, regardless of their employment status. *Provided*, That the head of the agency or the employer shall be given due notice, in writing, at least thirty (30) days before the availment of the said parental leave.

Section 4. Grant of Shared Parental Leave – All covered female workers in government and private sector entitled to maternity leave benefits under existing laws may, at her option, allocate up to sixty (60) days of said benefits to the child's father, whether or not the same is married to the female worker. The shared period of leave to the child's father shall be in addition to the seven (7) days paternity leave granted under RA 8187 or otherwise known as the "Paternity Leave Act"

Shared parental leave shall be granted to all workers in every instance of pregnancy or miscarriage, regardless of frequency. *Provided*, That in case of miscarriage, the female worker, at her option, can only allocate to the child's father a period of thirty (30) days of maternity leave, for purposes of enabling him to effectively lend support to his female partner/spouse in the latter's period of recovery.

1 Enjoyment of shared parental leave cannot be deferred but should be availed of either
2 before or after the actual period of delivery in a continuous and uninterrupted manner.

3
4 **Section 5.** *In case of Death, Absence or Incapacity of the male partner/spouse* – In case
5 of death, absence or incapacity of the male partner/spouse, the benefit may be allocated
6 to an alternative caregiver who may be a relative within the fourth degree of consanguinity
7 or the current partner of the female worker sharing the same household, upon election of
8 the mother taking into account the best interest of the child.

9
10 **Section 6.** *Non-Diminution of Benefits* – Nothing in this Act shall be construed as to
11 diminish existing maternity and paternity benefits currently enjoyed whether or not the
12 same are granted under collective bargaining agreements (CBA) or present laws, if the
13 same are more beneficial to the female and male worker. Any other working arrangement
14 which the worker shall agree to, during the additional leave period, shall be allowed.
15 *Provided, That* this shall be consented to in writing by the female worker and shall
16 primarily uphold her maternal functions and the requirements of post-natal care.

17
18 **Section 7.** *Security of Tenure.* – Those who avail of the benefits of this Act, whether in
19 the government service or private sector, shall be assured of security of tenure. As such,
20 the exercise of this option by them shall not be used as basis for demotion in employment
21 or termination. The transfer to a parallel position or reassignment from one organization
22 unit to another in the same agency shall be allowed: *Provided, That*, it shall not involve a
23 reduction in rank, status or salary.

24
25 **Section 8.** *Periodic Review.* – The Civil Service Commission (CSC), the Department of
26 Labor and Employment (DOLE) and the Social Security System (SSS), in consultation
27 with trade unions and labor organizations, shall immediately conduct a review of
28 maternity and paternity leave benefits of the workers in the government service and the
29 private sector, respectively. Thereafter, they shall include maternity and paternity leave
30 benefits in their valuation report conducted every four (4) years for the SSS and the DOLE
31 and every three (3) years of the CSC, or more frequently as maybe necessary, with the end
32 in view of meeting the needs of pregnant women and newly born infants and improving
33 their welfare.

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35 **Section 9.** *Implementing Rules and Regulations* – The CSC, DOLE and the SSS shall
36 issue the necessary rules and regulations for the effective implementation of this Act
37 within six (6) months from the effectivity of the same.

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39 **Section 10.** *Separability Clause* – If any provision of this Act is declared
40 unconstitutional or otherwise invalid, the validity of the other provisions shall not be
41 affected thereby.

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43 **Section 11.** *Repealing Clause* – All laws, decrees, orders, rules and regulations or parts
44 thereof inconsistent with this Act are hereby repealed or modified accordingly.

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46 **Section 12.** *Effectivity.* – This Act shall take effect after fifteen (15) days from its
47 publication in the Official Gazette or in a newspaper of general circulation.

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49 Approved,