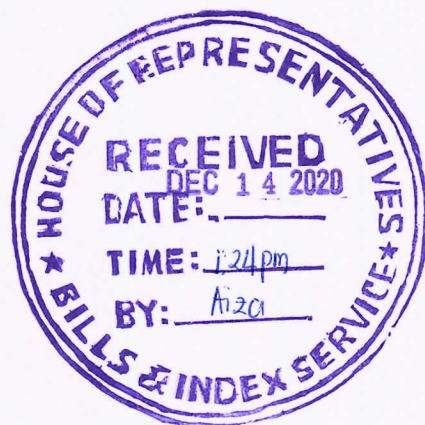




Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8230

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

The Philippines has been lauded by the world for its efforts in promoting gender equality. Various laws have been passed throughout the years that seek to protect and promote the welfare and rights of women and eliminate any form of discrimination against them.

Just recently, the Expanded Maternity Leave Act has been passed granting women a total of one hundred five (105) days of paid maternity leave. This is indeed a great gender equality milestone as it recognizes the multiple roles and burdens experienced by women who need to work and earn a living while taking care of her children and the household in general. But, while this is truly deserving of a celebration, it might also slowly flame up a silent form of discrimination against female workers whereby employers might be more inclined to hire a man over a woman even though the latter might be more qualified, in order to evade the potential responsibility of paying up higher maternity leave benefits. Silent discrimination will be very hard to curb and reprimand precisely because its existence is difficult, if not totally impossible, to prove in court. Thus, it is better to proactively seal off the possibility of its occurrence rather than deal with it belatedly when the damage has been done.

This bill seeks to address this potential anomaly by highlighting and promoting the rights and duties of men as fathers or parents, and by proactively normalizing the concept of shared parenting in our society. The contribution of fathers in attending to and caring for a new born child is undeniably important and significant yet it is not usually celebrated or even discussed. The assumption by men of an active, hands-on, and central parenting role will greatly benefit not just their female partners, but also the newborn child and the family as a whole.

When women and men equally share the time and labor of raising children, women are given the opportunity to spend equal time and labor in building a career and financial independence. It also eliminates the possibility of the above-discussed silent discrimination against women in the hiring phase of a job opportunity. Most importantly though, increasing the paternity leave benefits will pave the way for a cultural transformation where men and women share both domestic and economic burdens equitably.

Moreover, various researches have shown that when fathers are more engaged with their children, their children have better developmental outcomes. This includes having fewer behavioral problems and having well-improved cognitive and mental health conditions.

All of this taken into account, this bill in fact reaffirms the provision in our 1987 Constitution pertaining to the family, to wit: *"The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development."*

This bill also complements the recently passed law expanding the maternity leave benefits to one hundred five (105) days and reaffirms the basic gender equality principles embodied in the Magna Carta of Women.

For these reasons, this bill is sought to be approved.


ERIC OLIVAREZ



Republic of the Philippines
House of Representatives
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. **8230**

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

1
2 **AN ACT EXPANDING THE PATERNITY LEAVE TO TWENTY-FIVE (25) DAYS**
3 **WITH FULL PAY TO ALL MALE EMPLOYEES IN THE PRIVATE AND**
4 **PUBLIC SECTORS FOR THE DELIVERIES OF THE SPOUSE OR THE**
5 **COMMON LAW PARTNER WITH WHOM HE IS COHABITING**
6 **WITHOUT ANY LEGAL IMPEDIMENT AND**
7 **FOR OTHER PURPOSES**

8 *Be it enacted in the Senate and the House of Representatives of the Republic of the*
9 *Philippines in Congress assembled:*

10 **Section 1. Short Title.** This Act shall be known as the "Twenty Five (25) -Day Expanded
11 Paternity Leave Act of 2020".

12 **Section 2. Statement of Policy.** It shall be the policy of the State to uphold and promote
13 gender equality; recognize the importance of shared parenting as a way to ease the
14 existing multiple burdens of women, particularly mothers, in the household; and
15 acknowledge the vital role of fathers in the lives of their children, especially the newborns.

16 **Section 3. Expansion of Paternity Leave.** Notwithstanding any law, rules, and regulations
17 to the contrary, every male employee in the private and public sectors shall now be
18 entitled to a paternity leave of twenty-five (25) days with full pay for every delivery of his
19 legal spouse, or his common law partner with whom he is cohabiting without any legal
20 impediment. The male employee applying for paternity leave shall notify his employer of

1 the pregnancy of his legitimate spouse or common law partner with whom he is cohabiting
2 without any legal impediment, and the expected date of such delivery.

3 For purposes of this Act, delivery shall mean either child birth or miscarriage.

4 **Section 4. *Definition of Paternity Leave.*** For purposes of this Act, Paternity Leave refers
5 to the benefits granted to a male employee allowing him not to report for work for twenty-
6 five (25) days but continues to earn the compensation therefor, on the condition that his
7 legal spouse or common law partner has delivered a child or suffered a miscarriage for
8 purposes of enabling him to effectively lend support to his spouse or common law partner
9 with whom he is cohabiting without any legal impediment.

10 **Section 5. *Extraordinary Circumstances.*** In the event of death of the mother, or of the
11 onset of a permanent disability or serious/debilitating illness so as to render her totally
12 incapable of taking care of the new born child, the father may avail of an additional
13 seventy-five (75) days of fully-paid paternity leave. Provided, that such death, permanent
14 disability, or serious/debilitating illness occurs within seven (7) months after the delivery
15 of the newborn child.

16 **Section 6. *Penalties.*** Any person, corporation, trust, firm, partnership, association or
17 entity found violating this Act or the Rules and Regulations promulgated thereunder shall
18 be punished by a fine not less than one hundred thousand pesos (Php 100,000) but not
19 exceeding three hundred thousand pesos (Php 300,000) or imprisonment of not less than
20 thirty (30) days nor more than six (6) months.

21 If the violation is committed by corporation, trust, firm, partnership, association, or
22 any other entity, the penalty of imprisonment shall be imposed on the entity's responsible
23 officers, including, but not limited to the members of the board of directors, president,
24 vice-president, chief executive officer, general manager, managing director, or partner
25 directly responsible therefor.

26 **Section 7. *Non-diminution clause.*** Nothing in this Act shall be construed to reduce
27 any existing benefits of any form granted under existing laws, decrees, executive orders,
28 or any contract, agreement, or policy between employer and employee.

29 **Section 8. *Implementing Rules and Regulations (IRR).*** The Secretary of Labor
30 and Employment, the Chairperson of the Civil Service Commission as well as the
31 Secretary of Health shall, within sixty (60) days from the effectivity of this Act, issue the
32 necessary rules and regulations to carry out the provisions of this Act. The IRR shall be
33 published in the Official Gazette or in any newspaper of general circulation.
34

1 **Section 9. *Separability Clause.*** In the event that any provision of this Act shall be declared
2 invalid or unconstitutional, other provisions unaffected thereby shall remain valid and
3 subsisting.

4 **Section 10. *Repealing Clause.*** All laws, decrees, executive orders, proclamations, rules
5 and regulations, and other issuances, or parts thereof, which are inconsistent with this
6 Act are hereby repealed, amended, or modified accordingly.

7 **Section 11. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its complete
8 publication in the Official Gazette or in a newspaper of general circulation.

9 **Approved.**