

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

House Bill No. **10695**



Introduced by Representative Camille A. Villar

**AN ACT AMENDING REPUBLIC ACT NO. 11210, OTHERWISE KNOWN AS THE
"105-DAY EXPANDED MATERNITY LEAVE LAW", GRANTING MATERNITY
BENEFITS TO WOMEN WORKERS IN THE INFORMAL ECONOMY,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The 1987 Philippine Constitution recognizes the importance of the role of women in nation-building.¹ It also recognizes the need for the State to protect working women by providing them 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.²

This Constitutional provision is principally relevant to women workers in the informal economy.

The informal economy consists of independent, self-employed small-scale producers and distributors of goods and services. Workers in this sector are for the most part not covered by the country's labor laws and regulations.³ Workers in the informal economy can include street vendors, petty goods and service traders, subsistence farmers, seasonal workers, domestic workers and industrial outworkers. A considerable number of these workers are women.⁴

Based on a study of the International Labour Organization, unlike their counterparts in the formal sector, workers in the informal economy have no or little job and social security protection. They do not have access to social security benefits that guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury or maternity. This makes them particularly vulnerable to situations where they are unable to work (through their own, or a family member's sickness), as they have no income replacement.⁵

This bill, to be known as the “Equal Maternity Protection Act of 2024”, endeavors to equalize the maternity benefits of workers in the formal and informal economy by granting one-time *direct* maternity cash benefit per delivery to workers in the informal sector equivalent to the prevailing minimum wage rate in their region of residence multiplied by sixty calendar (60) days. The foregoing benefit is in addition to maternity benefits they are currently entitled under existing laws.

In view thereof, the passage of this bill is earnestly sought.


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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 "Equal Maternity Protection Act of 2024."

SECTION 2. Declaration of policy. — It is the declared policy of the State to protect the rights and welfare of women workers in the informal economy, to ensure optimal maternal health consistent with the Sustainable Development Goals, and to encourage and support the practice of breastfeeding in furtherance of its obligation to ensure the survival and development of Filipino children.

SECTION 3. Coverage. — This Act shall apply to all workers and economic units, including enterprises, entrepreneurs and households in the informal economy. In particular:

- a) Those in the informal economy who own and operate economic units, including freelance workers, self-employed workers, own-account workers, employers, members of cooperatives, and members of other social and solidarity economy units;
- b) Home-based workers or contributing family workers, irrespective of whether they work in economic units in the formal or informal economy;
- c) Employees holding informal jobs in or for formal enterprises, or for economic units in the informal economy, including those in contract arrangement and/or in supply chains, or as paid domestic workers employed by households;
- d) Workers in unrecognized or unregulated employment relationships;
- e) Agricultural workers or fisherfolk in unrecognized or unregulated agricultural or farming endeavors and fishing activities;
- f) Non-regular domestic workers and

SECTION 4. Definition of terms. — Whenever used in this Act, the following terms shall have the respective meanings hereafter set forth:

- a) "Informal Economy" refers to all economic activities by workers and economic units that are, in law or in practice, not covered or insufficiently covered by laws or formal arrangements.
- b) Freelance worker refers to any natural person or entity composed of no more than one (1) natural person, whether incorporated under the Securities and Exchange Commission, registered as a sole proprietorship under the Department of Trade and Industry (DTI) or registered as self-employed with the Bureau of Internal Revenue (BIR), who is hired or retained to provide services, in exchange for compensation, as an independent contractor to do work according to one's own methods and without being subjected to the control of the hiring party, except only as to the results of the work;
- c) "Economic Units in the Informal Economy" refer to units that are owned by individuals working on their own account either alone or with the help or contributing family workers; household enterprises engaged in the production of goods and services or unincorporated enterprises owned by households; cooperatives and other social and solidarity economy units.
- d) "Own-account worker" refers to workers who, working on their own account or with one or more partners, hold the type of job defined as a self-employed job, and have not engaged on a continuous basis any employees to work for them during the reference period.

SECTION 5. Maternity benefit for women workers in the informal economy. — Section 11 of Republic Act No. 11210 is hereby amended to read as follows:

"Section 11. Maternity Benefits for Female Workers Who are Non-Members of the SSS. - Female workers who are neither voluntary nor regular members of the SSS shall be governed by the Philippine Health Insurance Corporation (PhilHealth) Circular No. 022-2014 or the "Social Health Insurance Coverage and Benefits for Women About to Give Birth".

IN ADDITION, THEY SHALL RECEIVE, THROUGH THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), A ONE-TIME *DIRECT* MATERNITY CASH BENEFIT PER DELIVERY EQUIVALENT TO THE PREVAILING MINIMUM WAGE RATE IN THEIR REGION OF RESIDENCE MULTIPLIED BY SIXTY CALENDAR (60) DAYS."

SECTION 6. Appropriations. — The amounts necessary to fund this maternity benefit shall be taken from revenues from excise taxes on sweetened beverages, alcohol, tobacco products, heated tobacco and vapor products, and may be augmented under the General Appropriations Act.

SECTION 7. Implementing Rules and Regulations. - The Department of Social Welfare and Development (DSWD), Philippine Health Insurance Corporation (PhilHealth), Social Security System (SSS), the Department of Labor and Employment (DOLE), Department of

SECTION 8. Separability Clause. - Should any provision of this Act be declared unconstitutional, the remaining parts not affected thereby shall remain valid and operational.

SECTION 9. Repealing Clause. — All laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 10. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,