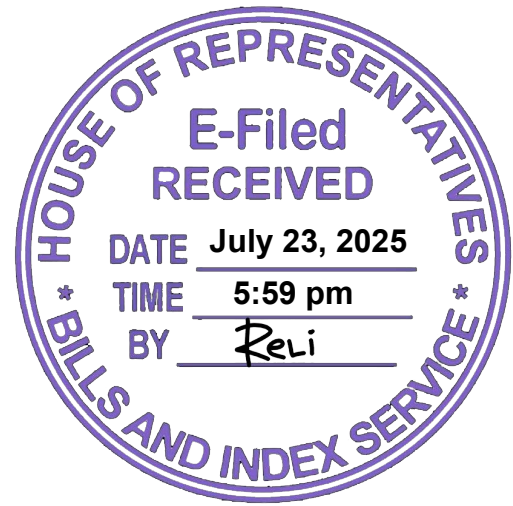


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2240



Introduced by **HON. BRIAN RAYMUND S. YAMSUAN**

AN ACT

GRANTING MATERNITY BENEFITS TO WOMEN WORKERS IN THE INFORMAL ECONOMY, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO 11210, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The 1987 Constitution guarantees the protection of women in the workforce. Article XIII, Section 14 mandates “protecting working women by providing safe and healthful work conditions, taking into account their maternal functions.” The basic law was unequivocal in this commitment, making no distinction between workers in the formal and informal economy. This Constitutional directive prompts us to explore equalizing access to statutory benefits, especially concerning maternity protection for those in the informal economy.

The International Labour Organization (ILO) defines informal economy as referring to “all economic activities by workers and economic units that are – in law or practice – not covered or insufficiently covered by formal arrangements”.¹ According to the 2019 Labor Force Survey, around 12.7 million individuals were engaged in informal sector employment in the Philippines.² This number includes millions of Filipino women who are freelance workers, own-account workers, and workers in unrecognized or unregulated employment relationships. As such, more often than not, these women are not entitled to any of the benefits that may be available to employees in the formal sector, such as vacation or sick leaves, health insurance, and retirement benefits.

¹ International Labour Office (2002a): Effect to be given to resolutions adopted by the International Labour Conference at its 90th Session (2002), (b) Resolution concerning decent work and the informal economy; Governing Body, 285th Session, Seventh item on the agenda; Geneva, November 2002.


² Philippine Statistics Authority, Labor Force Survey (2019)

Women freelancers, in particular, face compounded vulnerabilities as they do not have access to the most fundamental protection—maternity benefits. Republic Act No. 11210, or the *105-Day Expanded Maternity Leave Law*, is a stride towards the right direction, ensuring maternity leave for mothers in the formal sector. While the law explicitly contemplates workers in the informal sector,³ eligibility is limited to those who are Social Security System (SSS) members and contributors, thereby excluding a considerable number of Filipino women workers who are not enrolled in the insurance program. Meanwhile, the benefits for female workers who are neither voluntary nor regular members of the SSS are only governed by circulars of the Philippine Health Insurance Corporation (PhilHealth),⁴ which do not include the grant of leave benefits or its monetary equivalent. This measure aims to address that gap by providing a one-time cash assistance per delivery equivalent to the prevailing minimum wage rate in their region of residence multiplied by twenty-two (22) days.

More than alleviating the hardships and worries of working mothers-to-be, the provision of maternity protection has been linked to a number of positive outcomes for the mother, for her child, for the economy, and for communities and society at large. Access to the benefit increases female participation in productivity, promoting workforce equality and ultimately, economic growth.

Finally, this measure aligns with the Philippines' international commitments under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). These human rights treaties provide justification for expanding maternity protection for all Filipino mothers, irrespective of their employment status.

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


BRIAN RAYMUND S. YAMSUAN
Representative
2nd District of Parañaque

³ Republic Act 11210, Section 10 provides:

Section 10. Maternity Leave Benefits for Women in the Informal Economy and Voluntary Contributors to the SSS. — Maternity benefits shall cover all married and unmarried women, including female workers in the informal economy.

Female workers in the informal economy are entitled to maternity leave benefits if they have remitted to the SSS at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth, miscarriage, or emergency termination of pregnancy.

⁴ Republic Act 11210, Section 11 provides:

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".

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AN ACT
GRANTING MATERNITY BENEFITS TO WOMEN WORKERS IN THE INFORMAL
ECONOMY, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO 11210,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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 2025.”

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; and
 - f) Non-regular domestic workers.

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 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” **AND ITS SUBSEQUENT AMENDMENTS.**

IN ADDITION, FEMALE WORKERS WHO ARE NEITHER VOLUNTARY NOR REGULAR MEMBERS OF THE SSS 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 TWENTY-TWO (22) DAYS.

SECTION 6. Application. – The Department of Social Welfare and Development shall determine the requirements and eligibility of beneficiaries. Applicants under this Act shall prepare all the requirements as determined by the relevant office or division designated by the DSWD and to be submitted to the office authorized by the same.

SECTION 7. 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 products, and vapor products, and may be augmented under the General Appropriations Act.

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 any two (2) newspapers of general circulation in the Philippines.

Approved,