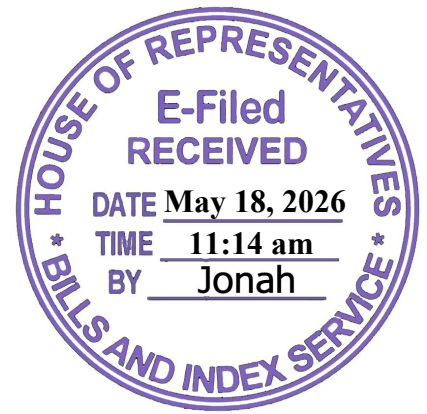


1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Batasan Hills, Quezon City
4

5
6 **TWENTIETH CONGRESS**
7 First Regular Session
8

9
10 **HOUSE BILL No. 9280**
11



12 -----
13 Introduced by
14 **ACT Teachers Party-List Rep. ANTONIO L. TINIO,**
15 **Gabriela Women's Party Rep. SARAH JANE I. ELAGO,**
16 **and KABATAAN Party-List Rep. RENEE LOUISE M. CO**
17 -----

18
19 **AN ACT**
20 **PROVIDING FOR EXPANDED PATERNITY LEAVE BENEFITS,**
21 **AMENDING REPUBLIC ACT 8187, OTHERWISE KNOWN AS**
22 **THE "PATERNITY LEAVE ACT OF 1996"**
23

24
25 **EXPLANATORY NOTE**
26

27 Paternity leave is the period that a father takes off work before, during, and
28 after the delivery in order to support his wife or partner during the earliest stages of
29 childrearing and the mother's recovery. Research suggests that fathers who take
30 paternity leave, especially those taking two weeks or more immediately after
31 childbirth, are more likely to be involved with their young children.¹ Giving new
32 fathers time off work helps to evenly distribute childcare duties and allows women to
33 take care of their health and maintain their careers. Beyond having positive effects for
34 gender equality in the home and at work, paternity leave also greatly improves
35 maternal and infant health, and its multiple advantages echo into the child's
36 adulthood.²
37

38 No international standard concerning paternity leave exists. However, the
39 International Labor Organization in 2009 called for governments to develop adequate
40 policies for a better balance of work and family responsibilities, to include paternity
41 and/or parental leave, with incentives for men to use them.³

1 *Maternity and paternity at work (Law and practice across the world)*. International Labor Organization, 2014.

2 *State of the World's Fathers: A MenCare Advocacy Publication*. Save the Children (2015).

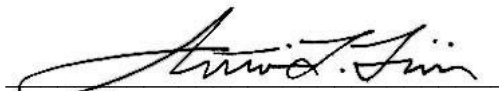
3 *Resolution concerning gender equality at the heart of decent work*.

1
2 Republic Act 8187 of the *Paternity Leave Act* was enacted in 1996, granting
3 seven days leave with full pay to all married male employees in the private and public
4 sectors. Though beneficial, this law limits the vital bond between the expecting
5 parents and their infants, and the period is not long enough for the husband to perform
6 all his obligations.
7

8 This Bill seeks to grant to male employees a longer paternity leave to give them
9 a longer time to assist their wives and partners and to care for their newborns. Thirty
10 days is about one-third of the total maternity leave of 105 days.
11

12 This Bill also removes the limit of four deliveries in availing the benefit and
13 extends the benefit to all male employees, regardless of employment status.
14 Furthermore, in recognition of current social realities in which about four million of
15 the population are in “live-in” or common-law relationships,⁴ the bill proposes to
16 make the benefit available to a male employee who is not married to the woman who
17 gave birth or suffered an abortion or miscarriage, provided that they have no legal
18 impediment to marry each other during their cohabitation and have been living
19 exclusively as husband and wife for at least one year at the time of childbirth, abortion,
20 or miscarriage.
21

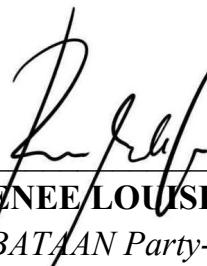
22 For these reasons, passage of this Bill is earnestly sought.
23
24



REP. ANTONIO L. TINIO
ACT Teachers Party-List



REP. SARAH JANE I. ELAGO
Gabriela Women's Party



REP. RENEE LOUISE M. CO
KABATAAN Party-List

25

⁴ Estimate of the Philippine Commission on Women, May 2014

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22 **THE “PATERNITY LEAVE ACT OF 1996”**
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24
25 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
26 *Congress assembled:*
27

28 **SECTION 1.** The title of Republic Act 8187 otherwise known as *The Paternity*
29 *Leave Act of 1996* is hereby amended to read as follows:
30

31 **AN ACT**
32 **GRANTING PATERNITY LEAVE OF [SEVEN (7) DAYS] THIRTY (30)**
33 **DAYS WITH FULL PAY TO ALL [MARRIED] QUALIFIED MALE**
34 **EMPLOYEES IN THE PRIVATE AND PUBLIC SECTORS FOR [THE**
35 **FIRST FOUR (4)] ALL DELIVERIES OF THE LEGITIMATE SPOUSE**
36 **WITH WHOM HE IS COHABITING OR THE WOMAN WITH WHOM**
37 **HE IS EXCLUSIVELY COHABITING WITHOUT THE BENEFIT OF**
38 **MARRIAGE AND FOR OTHER PURPOSES**
39

40 **SEC. 2.** Section 2 of the same law is hereby further amended to read as follows:
41

42 “Section 2. **PATERNITY LEAVE.** – Notwithstanding any law, rules and
43 regulations to the contrary, every [married] male employee, **REGARDLESS**
44 **OF EMPLOYMENT STATUS, MARRIED OR IN A COMMON-LAW**
45 **RELATIONSHIP,** in the private and public sectors shall be entitled to a
46 paternity leave of [seven (7)] **THIRTY (30) WORKING** days with full pay

1 for [the first four (4)] ALL deliveries of the legitimate spouse with whom he
2 is cohabiting **OR THE WOMAN WITH WHOM HE IS EXCLUSIVELY**
3 **COHABITING WITHOUT THE BENEFIT OF MARRIAGE.** The male
4 employee applying for paternity leave shall notify his employer of the
5 pregnancy of his legitimate spouse **OR THE WOMAN WITH WHOM HE**
6 **IS EXCLUSIVELY COHABITING WITHOUT THE BENEFIT OF**
7 **MARRIAGE** and the expected date such delivery.

8
9 **SEC. 3.** Section 3 is hereby amended to read as follows:

10
11 “Section 3. **Definition of Terms.** – For purposes of this Act,

- 12
13 a. Delivery shall include childbirth, abortion, or any miscarriage.
- 14
15 b. Male employee is in a common-law relationship if he and his spouse
16 have been living together as husband and wife without the benefit of
17 marriage for at least two years at the time of childbirth, abortion, or
18 miscarriage: *Provided, however,* that the male employee and his partner
19 have been exclusively cohabiting for at least one (1) year, having no
20 legal impediment to marry each other during their common-law
21 relationship.”
- 22
23 c. Paternity leave refers to the benefits granted to a male employee,
24 regardless of employment status, married or in a common-law
25 relationship, allowing him not to report for work for thirty (30) working
26 days but continues to earn the compensation therefor, on the condition
27 that his legitimate spouse or the woman with whom he is exclusively
28 cohabiting without the benefit of marriage has delivered a child,
29 undergo abortion or suffered a miscarriage for purposes of enabling him
30 to effectively lend support to his wife in her period of recovery and/or
31 nursing of the newly-born child.”

32
33 **SEC. 4. *Separability Clause.*** If for any reason any section or provision of this Act is
34 declared unconstitutional, other provisions hereof which are not affected thereby shall
35 continue to be in full force and effect.

36
37 **SEC. 5. *Repealing Clause.*** - Any Laws, decrees, or laws, decrees, or rules and
38 regulations which are inconsistent with or contrary to the provisions of this Act are
39 hereby amended or repealed.

40
41 **SEC. 6. *Effectivity.*** This Act shall take effect fifteen (15) days from the publication in
42 the Official Gazette or in any newspaper of general circulation.

43
44 *Approved,*