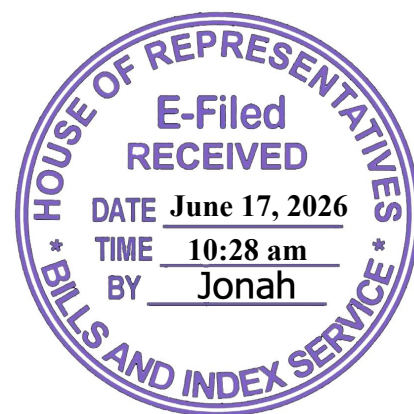


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Batasan Hills, Quezon City  
Twentieth Congress  
First Regular Session

House Bill No. 9891



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Introduced by Honorable Representatives  
JOSE MANUEL TADEO “CHEL” I. DIOKNO (Akbayan Partylist)  
PERCIVAL V. CENDAÑA (Akbayan Partylist)  
DADAH KIRAM ISMULA (Akbayan Partylist)  
KAKA BAG-AO (Dinagat Islands)

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AN ACT  
INCREASING THE PATERNITY LEAVE PERIOD TO NINETY (90)  
DAYS FOR LIVE BIRTH AND SIXTY (60) DAYS FOR  
MISCARRIAGE OR EMERGENCY TERMINATION OF  
PREGNANCY AND GRANTING AN ADDITIONAL FIFTEEN (15)  
DAYS OF PARENTAL LEAVE TO WORKERS WHO ARE FATHERS  
AND ALTERNATIVE CAREGIVERS OF CHILDREN, REPEALING  
REPUBLIC ACT NO. 8187 FOR THE PURPOSE, PROVIDING  
PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER  
PURPOSES

EXPLANATORY NOTE

Republic Act No. 8187, otherwise known as the Paternity Leave Act of 1996, was a landmark social legislation that institutionalized paid paternity leave for married male employees in both the private and public sectors.<sup>1</sup> Enacted to promote shared parental responsibility and support maternal recovery, the law grants a qualified employee seven (7) days of

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<sup>1</sup> Republic Act No. 8187 (1996).

paid leave for the first four (4) deliveries of his legitimate spouse with whom he is cohabiting.<sup>2</sup>

Although progressive at the time of its enactment, R.A. No. 8187 has not kept pace with evolving labor standards, changing family structures, and contemporary understandings of gender equality in childcare.<sup>3</sup> While existing laws such as the 105-Day Expanded Maternity Leave Law have strengthened protections for mothers, women continue to bear the disproportionate burden of child-rearing and unpaid domestic work. Evidence shows that childcare in the Philippines remains deeply gendered.

According to data cited by the Philippine Commission on Women and national studies, Filipino women spend nearly 11 hours daily on unpaid care and domestic work, significantly limiting their access to education, employment, and economic opportunities.<sup>4</sup> At the same time, research supported by the Philippine Institute for Development Studies shows that married women are three to four times more likely than men to cite housework as the primary reason for not participating in the labor force, highlighting how entrenched care responsibilities constrain women's economic participation.<sup>5</sup>

This imbalance fails to reflect the realities of modern parenting and undermines the State's policies on family solidarity, child development, and gender equality. Nearly three decades since its enactment, R.A. No. 8187 has not kept pace with evolving labor standards, changing family

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<sup>2</sup> *Ibid.* Section 2.

<sup>3</sup> Emily Sanchez Salcedo, *On Paternity Leaves and Parental Leaves – The Dilemma over “Daddy Days”*, DLSU Business & Economics Review: Vol. 23: No. 1, Article 9 (2013).

<sup>4</sup> Ma. Teresa Montemayor, *Filipino women spend nearly 11 hours daily on unpaid work*, Philippine News Agency (Sept. 18, 2025), <https://www.pna.gov.ph/articles/1259006>

<sup>5</sup> Philippine Institute for Development Studies, *Unpaid housework worsens economic, fertility woes—experts* (press release, Apr. 8, 2025), <https://www.pids.gov.ph/details/news/press-releases/unpaid-housework-worsens-economic-fertility-woes-experts>

structures, and contemporary gender norms.<sup>6</sup> The current framework for fathers and partners remains limited in scope and duration. Clearly, the law now presents several structural limitations that warrant legislative reform.

Article III, Section 1 of the Constitution guarantees that “no person shall be denied the equal protection of the laws,” underscoring the need to eliminate unjustified distinctions in parental benefits. Article II, Section 14 mandates that the State “shall ensure the fundamental equality before the law of women and men,” which extends to the duty to care for children.

Article XV, Section 1 recognizes the Filipino family as “the foundation of the nation” and directs the State to strengthen its solidarity and promote its total development, including responsible parenthood. Meanwhile, Article XV, Section 3 (2) mandates the State to defend “right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.”

Taken together, these constitutional principles compel the State to update existing laws to reflect gender equality, support family solidarity, and advance child development and the best interests of children through more inclusive and equitable parental leave policies.

Against this constitutional backdrop, several limitations in the current law become evident. First, the duration of paid leave, which is limited to seven (7) days, is no longer sufficient to meaningfully support postpartum recovery, newborn care, and paternal bonding during the critical early stages of child development.<sup>7</sup> Second, the eligibility criteria,

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<sup>6</sup> Emily Sanchez Salcedo, *On Paternity Leaves and Parental Leaves – The Dilemma over “Daddy Days”*, DLSU Business & Economics Review: Vol. 23: No. 1, Article 9 (2013).

<sup>7</sup> INT’L LABOUR ORG. [ILO], *MATERNITY AND PATERNITY AT WORK: LAW AND PRACTICE ACCROSS THE WORLD* (2014), [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms\\_242615.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_242615.pdf)

particularly the restriction to married male employees, raise concerns regarding inclusivity and discrimination, especially in light of diverse family arrangements and constitutional principles on equal protection.<sup>8</sup> Notably, data from the Philippine Statistics Authority show that a majority of births in the country now occur outside of marriage—more than half (57%) of registered live births in 2020 were born to unmarried mothers, reflecting a significant shift in family structures.<sup>9</sup> This trend has persisted in recent years, with over 57% of births likewise recorded as non-marital in 2021.<sup>10</sup> Lastly, workers in the informal economy are not covered under the existing law.

Hence, this bill which seeks to: (1) increase the paid paternity leave to ninety (90) continuous days for live childbirth and sixty (60) continuous days in cases of miscarriage or emergency termination of pregnancy; (2) introduce an additional fifteen (15) days of paid parental leave, which may be availed within one (1) year from childbirth, on a continuous or non-continuous basis; (3) expand eligibility beyond married fathers to include non-marital fathers and alternative caregivers; (4) extend coverage to workers in the informal economy and voluntary Social Security System (SSS) members, subject to contribution requirements; (5) provide that, in the private sector, SSS shall reimburse employers one hundred percent (100%) of paternity leave benefits advanced; (6) guarantee security of tenure by prohibiting dismissal, demotion, or discrimination when a worker avails of the leave benefits; (7) impose penalties on non-compliant employers and persons, including fines, imprisonment, and revocation of business permits;

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<sup>8</sup> Salcedo, *supra* note 3, at 2.

<sup>9</sup> Philippine Statistics Authority, More than Half of Babies Were Born to Unwed Mothers (Jan. 26, 2022), <https://psa.gov.ph/statistics/vital-statistics/node/165745>

<sup>10</sup> Xinhua News Agency, Philippines' Live Birth Rate Continues to Fall: Gov't Data (Feb. 25, 2023), <https://english.news.cn/20230225/327317ad8b1247f39eefba40a5a88519/c.html>

and (8) establish accountability mechanisms, including the proper use of leave benefits.

By investing in shared parenting, this measure advances gender equality, improves child and family wellbeing, and strengthens labor force participation. It affirms that childcare is not solely the responsibility of women, but a shared parental duty that must be actively supported by the State.



**JOSE MANUEL TADEO**  
**“CHEL” I. DIOKNO**  
**Akbayan Representative**



**PERCIVAL V. CENDAÑA**  
**Akbayan Representative**



**DADAH KIRAM ISMULA**  
**Akbayan Representative**



**KAKA BAG-AO**  
**Dinagat Islands Representative**

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PURPOSES

*Be it enacted by the Senate and the House of Representatives of the  
Philippines in Congress assembled:*

1       **Sec. 1. Short Title.** – This Act shall be known as the “*Paternity and*  
2       *Parental Leave Act.*”

3       **Sec. 2. Declaration of Policy.** – It is hereby declared the policy of  
4       the State to recognize, promote, and support the evolving roles of working  
5       parents in family life and child development. It is also the policy of the State  
6       to:

- a. Promote shared parental responsibility in child-rearing and household management and ensure the active involvement of fathers and partners from the earliest stages of a child's life, including the prenatal, birth, and postnatal periods;
- b. Establish an inclusive and equitable system of paternity and parental leave responsive to diverse family structures and work arrangements and provide sufficient, flexible, and accessible leave benefits that support the wellbeing of children and families;
- c. Recognize caregiving and child-rearing as valuable social contributions and promote gender equality in the workplace and at home by eliminating stereotypes that assign childcare primarily to women; and
- d. Protect workers from discrimination, job insecurity, and income loss arising from the exercise of their duties as parents.

**Sec. 3. Definition of Terms.** — For purposes of this Act, the following terms are hereby defined:

- a. **Delivery.** — Refers to childbirth, miscarriage, or emergency termination of pregnancy.
- b. **Alternative Caregiver.** — Refers to an individual, regardless of sex, who is designated by the mother to care for her child in case of absence, death, or incapacity of the child's father. The alternative caregiver may be:
  - i. A relative of either parent within the fourth civil degree of consanguinity or affinity; or
  - ii. The current partner of the mother who is sharing the same household with the mother and her child.

**Sec. 4. Grant of Paternity Leave.** – Every male worker in government and the private sector, including the informal economy, regardless of his civil status or the legitimacy of his child, shall be entitled to paternity leave with full pay for each delivery of his child: *Provided, That* the worker is cohabiting with the child’s mother.

In cases of live childbirth, the paternity leave shall be for a period not exceeding ninety (90) days. In cases of miscarriage or emergency termination of pregnancy, the paternity leave shall be for a period not exceeding sixty (60) days. The paternity leave shall be availed of after delivery, or both before and after delivery, in a continuous and uninterrupted manner.

**Sec. 5. Paternity Leave for Male Employees in the Public Sector.** – Any male employee in the government service, regardless of employment status, whether in national government agencies, local government units, government-owned or controlled corporations, or state universities and colleges, must notify the head of the agency in writing prior to availing the paternity leave, or within a reasonable period thereafter in cases of medical emergency, in accordance with applicable civil service rules.

**Sec. 6. Paternity Leave for Male Employees in the Private Sector** – A male employee in the private sector who has paid at least three (3) monthly Social Security System (SSS) contributions within the twelve (12)-month period immediately preceding the semester of the delivery shall be entitled to paternity leave benefits which shall be computed based on his average monthly salary credit.

The employer shall advance the full payment of paternity benefits to the employee within thirty (30) days from the filing of the paternity leave application, subject to the following conditions:

- a. The male employee must have notified his employer of the pregnancy and the expected or probable date of delivery, which shall be transmitted to the SSS in accordance with its rules;
- b. The SSS shall reimburse the employer one hundred percent (100%) of the amount of paternity benefits advanced, upon submission of complete and satisfactory proof of payment;
- c. The availment of paternity benefits shall preclude recovery of sickness benefits under Republic Act No. 1161 for the same period of paternity leave; and
- d. Failure of the employer to remit the required SSS contributions or to comply with notification requirements shall render the employer liable to the SSS for the amount of benefits due to the male employee, without prejudice to other penalties provided by law.

**Sec. 7. Paternity Leave Benefits for Male Employees or Workers in the Informal Economy and Voluntary SSS Members.** – Paternity leave benefits under this Act shall extend to qualified male workers in the informal economy and voluntary male members of the Social Security System (SSS). A male worker in the informal economy or a voluntary male SSS member shall be entitled to paternity benefits if he has paid at least three (3) monthly contributions within the twelve (12)-month period immediately preceding the semester of the delivery.

**Sec. 8. Parental Leave.** – A working father or designated alternative caregiver with actual custody of the child shall also be entitled to fifteen (15) days of paid parental leave.

Parental leave may be availed of within one (1) year from the date of birth of the child, in a continuous or non-continuous manner. Parental leave may be used for illnesses or emergencies involving the child, in which case the application therefor may be filed after the worker's absence.

88           The employer, whether in government or the private sector, shall be  
89 responsible for the payment of parental leave benefits.

90           The parental leave is not convertible to its monetary equivalent,  
91 unless otherwise allowed in a contract, collective bargaining or negotiation  
92 agreement, or company policy or practice.

93           **Sec. 9. Security of Tenure.** – No worker in government or the  
94 private sector shall be dismissed, demoted, or otherwise prejudiced in  
95 working conditions by reason of availing the benefits under this Act.

96           Reassignment or parallel transfer is allowed but it must not result in  
97 the diminution of the worker's rank, status, salary, or benefits nor  
98 constitute constructive dismissal.

99           **Sec. 10. Non-Diminution of Benefits.** – Nothing in this Act shall  
100 be construed as to diminish existing benefits more favorable to the worker,  
101 whether granted under existing laws, collective bargaining or negotiation  
102 agreements, individual contracts, or company policies or practices. Any  
103 alternative work arrangement agreed upon during the period of paternity  
104 or parental leave is valid: *Provided*, That such arrangement is voluntarily  
105 agreed to in writing by the worker without prejudice to the purpose of the  
106 leave and the benefits of this Act.

107           **Sec. 11. Penalties.** – Any person who fails or refuses to comply with  
108 the provisions of this Act shall, upon conviction, be punished by a fine of not  
109 less than twenty thousand pesos (₱20,000.00) nor more than two hundred  
110 thousand pesos (₱200,000.00) or imprisonment of not less than six (6) years  
111 and one (1) day but not more than twelve (12) years, or both, at the  
112 discretion of the court.

113 If the offense is committed by a corporation, partnership, or any  
114 juridical entity, the penalty will be imposed upon the responsible officers,  
115 including directors, partners, or managing heads.

116 Non-compliance with this Act constitutes a ground for the denial,  
117 revocation, or non-renewal of local business permits, subject to the  
118 discretion of the issuing authority.

119 **Sec. 12. Accountability and Proper Use of Paternity Leave. –**

120 The paternity and parental leaves under this Act are granted to ensure that  
121 an eligible father will provide essential care to his newborn and necessary  
122 support to the child's mother during her recovery. Any father who, while on  
123 paternity or parental leave, fails to provide such care and support is deemed  
124 to have committed an act of violence under Section 5 (i) of Republic Act No.  
125 9262, otherwise known as the Anti-Violence Against Women and Their  
126 Children Act of 2004.

127 **Sec. 13. Implementing Rules and Regulations. –** Within sixty (60)

128 days from the effectivity of this Act, the Civil Service Commission (CSC),  
129 Department of Labor and Employment (DOLE), and SSS must promulgate  
130 the necessary rules and regulations for its effective implementation. Failure  
131 to promulgate the IRR will not affect the effectivity of this Act.

132 **Sec. 14. Separability Clause. –** If, for any reason, any part or

133 provision of this Act is declared unconstitutional or invalid, other parts or  
134 provisions not affected thereby will continue to be in full force and effect.

135 **Sec. 15. Repealing Clause. –** Republic Act No. 8187, otherwise

136 known as the Paternity Leave Act of 1996, is hereby repealed. All other  
137 laws, decrees, executive orders, proclamations, rules and regulations, and  
138 other issuances or part or parts thereof contrary to or inconsistent with this  
139 Act are likewise hereby repealed or modified accordingly.

140           **Sec. 16. Effectivity.** – This Act takes effect fifteen (15) days after its  
141 publication in the Official Gazette or in a newspaper of general circulation.

142           *Approved,*