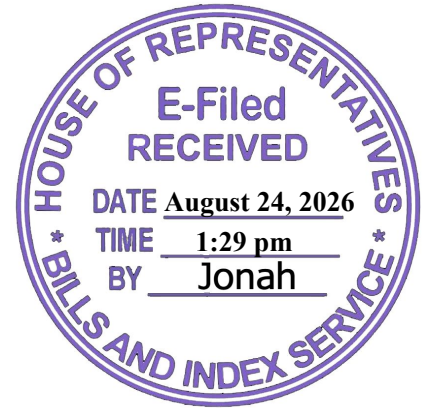


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 10869



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

The 1987 Constitution provides that the State shall recognize the role of women in nation-building¹ and shall protect and promote the right to health of the people and instill health consciousness among them.² Furthermore, the Constitution also provides that the State shall protect working women by providing 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.³

Menstruation is the recurring discharge of blood and tissue from the inner lining of the uterus as part of the menstrual cycle. Menstruation is usually experienced by individuals with a uterus, including cisgender women and transgender men. Some individuals may experience pain and discomfort during menstruation due to dysmenorrhea, the severe and frequent cramps during the menstruation period. It was reported that more than half of women who menstruate have some pain for 1 to 2 days each month⁴, affecting between 45 and 95% of all women⁵.

¹ 1987 CONST. Art. II, Sec. 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

² 1987 CONST. Art. II, Sec. 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

³ 1987 CONST. Art. XIII, Sec. 14.

⁴ National Nutrition Council. (October 28, 2021). *Why do women experience Dysmenorrhea?*. URL: <https://nnc.gov.ph/regional-offices/mindanao/region-ix-zamboanga-peninsula/6274-why-do-women-experience-dysmenorrhea>

⁵ Stella Iacovides, Ingrid Avidon, Fiona C. Baker (September 07, 2015). *What we know about primary dysmenorrhea today: a critical review*. Available at: <https://pubmed.ncbi.nlm.nih.gov/26346058/>

The pain during menstruation is normal, but for some individuals, the pain and discomfort may be severe enough to interfere with their normal activities.⁶ The pain may be due to hormonal activity during the menstrual cycle or may be an associated phenomenon of an underlying medical condition.

In light of the constitutional mandate and the factual backdrop surrounding menstrual health, this bill proposes that a menstrual health privilege be made available to employees in the public and private sectors who experience pain and discomfort during menstruation.

The menstrual health privilege shall be in the form of either a two-day paid leave or an option for a work-from-home arrangement during their menstruation period, if applicable to the nature of their duties and responsibilities. The option for a two-day paid leave, distinct and separate from the legally mandated sickness benefit under existing laws, is made available to allow the employee to recuperate in extreme and severe cases of painful menstruation.

On the other hand, the option for a work-from-home arrangement is made available to allow the employee to maintain productivity in less-severe cases of painful menstruation. The menstrual health privilege aims to promote the general well-being of employees who suffer from painful and burdensome menstruation and alleviate the distress that they experience.

The menstrual health privilege proposed by this bill should not be seen as a special treatment for a particular class of employees. Menstruation and its associated pain and discomfort are both health issues and medical concerns. It is high time that we recognize the plight of employees who experience these realities and give them our support as they go through this recurring struggle.

Based on the foregoing, the approval of this bill is earnestly sought.


ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

⁶ *Ibid.*

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Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

**AN ACT PROVIDING MENSTRUAL HEALTH PRIVILEGE TO EMPLOYEES IN
THE PUBLIC AND PRIVATE SECTORS**

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 “Menstrual Health Privilege Act of 2026”

SECTION 2. *Declaration of Policy.* – The State recognizes the role of women employees and employees who were assigned as females at birth in nation-building. Article XIII, Section 14 of the 1987 Constitution provides that the State shall protect working women by providing safe and healthful working conditions, considering 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. The State shall promote their general health and well-being and shall aid them to maintain their productivity as essential members of the labor force.

SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

- (a) **Menstrual Cycle** – the repetitive, recurring changes in hormone production and structure of the uterus and ovaries of the female reproductive system.
- (b) **Menstrual Health** – the state of physical, mental, emotional, and social well-being of an individual in relation to the menstrual cycle.
- (c) **Menstruation** – the discharge of blood and tissue from the inner lining of the uterus as part of the menstruation cycle, which may or may not

have associated discomfort and pain, occurring typically every four (4) weeks and lasting three (3) to five (5) days.

SECTION 4. *Menstrual Health Privilege.* – Employees in the public and private sectors, regardless of the type of their employment and whenever applicable, shall have the privilege of availing either a two-day paid leave under Section 6 of this Act or a work-from-home arrangement option under Section 7 of this Act during their menstruation period.

An employer may require or opt not to require an employee seeking to avail the privilege to present a medical certificate as proof of their special medical circumstance entitling them to the privilege; *Provided*, that such medical certificate, if so required by the employer, may be complied with in advance and in anticipation of the menstruation period; *Provided further*, that such medical certificate as proof of special medical circumstance, if so required by the employer, shall be valid for twelve (12) months for purposes of this Act.

SECTION 5. *Coverage of the Privilege.* – Employees who experience difficulties, pain, and discomfort during their menstruation period, regardless of their sexual orientation, gender identity and expression (SOGIE), and type of employment, are entitled to the menstrual health privilege provided under Section 4 of this Act.

SECTION 6. *Menstrual Two-day Paid Leave.* – Employees in the public and private sectors entitled to the menstrual health privilege under Section 5 of this Act may opt to avail of a two-day paid leave during their menstruation period separate and distinct from the legally-mandated sickness leave benefit under existing laws, rules, and regulations. *Provided*, that such leave is not convertible to cash if unused.

SECTION 7. *Option for a Work-From-Home Arrangement.* – Employees in the public and private sectors entitled to the menstrual health privilege under Section 5 of this Act may opt to avail of a work-from-home arrangement for two (2) days during their menstruation period; *Provided*, that such work-from-home arrangement is available only to employees whose nature of duties and responsibilities allows them to work remotely.

SECTION 8. *Security of Tenure.* – Any female worker who avails of the benefits under this Act, whether in government service or the private sector, and regardless of employment status, including probationary, casual, contractual, project-based, or job-order employment, shall be assured of security of tenure. The exercise of this right shall not be used as a ground for dismissal, non-renewal of contract, demotion, suspension, or reduction in rank or pay, nor shall any employer impose new performance conditions or alter any compensation or incentive scheme with the effect of penalizing a worker for such availment. In any complaint alleging a violation of this Section where an adverse employment

action is taken against an employee within a reasonable period following their availment of the benefits under this Act, the burden shall be on the employer to prove that the action was taken for a valid and legitimate reason unrelated to such availment.

SECTION 9. *Non-Discrimination.* - No employer shall discriminate against any individual, whether a prospective or existing employee, on the basis of their menstrual health condition, or on account of their availment, intended availment, or eligibility to avail of the menstrual health privilege granted under this Act. Discrimination under this Section includes, but is not limited to: refusing to hire an applicant, or imposing different terms or conditions of hiring an applicant, on account of the applicant's potential future availment of the benefits under this Act; dismissing, demoting, suspending, or otherwise disadvantaging an employee, or refusing to renew a contract, on account of such availment as a condition for hiring, continued employment, or promotion; and imposing on employees eligible for this privilege less favorable terms of employment or opportunities for training and advancement than those enjoyed by other employees similarly situated. Nothing in this Section shall be construed to prevent an employer from imposing performance standards or taking personnel actions based on just and legitimate grounds unrelated to the availment of the privilege under this Act.

SECTION 10. *Construction of this Act.* - When the need arises, this Act shall be construed in favor of the employee seeking to avail of the menstrual health privilege with due regard and consideration to the right to due process of employers.

SECTION 11. *Just Cause for Termination of Employment.* - Misrepresentation of any fact or circumstance by an employee who is not entitled to the menstrual health privilege shall be a just cause for termination of employment.

SECTION 12. *Penalized acts.* - For purposes of this Act, the following acts are penalized:

- (a) **Discrimination against an employee.** - Any person, corporation, partnership, or association who shall commit any form of discrimination, as defined under Section 10, against individuals in relation to the menstrual health privilege, including prospective and existing employees, shall be penalized with a fine not less than one hundred thousand pesos (Php 100,000.00) or imprisonment of not more than six (6) months. If the employer is a corporation, partnership, or association, the penalized act under this item is without prejudice to the civil, criminal, or administrative liability that may be incurred by its responsible officers.

- (b) **Refusal to honor the menstrual health privilege.** – Any person, corporation, partnership, or association who shall refuse to honor the menstrual health privilege of an employee entitled to the same shall be penalized with a fine not less than one hundred thousand pesos (Php 100,000.00) or imprisonment of not more than six (6) months. If the employer is a corporation, partnership, or association, the penalized act under this item is without prejudice to the civil, criminal, or administrative liability that may be incurred by its responsible officers.

SECTION 13. *Access to medical professionals.* – The Department of Health (DOH) is hereby mandated to formulate policies and mechanisms that will provide free and equitable access to licensed medical professionals in government and private hospitals and facilities for purposes of securing a medical certificate to be used in availing the menstrual health privilege. Such policies and mechanisms shall form part of the implementing rules and regulations.

SECTION 14. *Implementing Rules and Regulations.* – The Department of Labor and Employment (DOLE) and the Civil Service Commission (CSC), in coordination with the Department of Health (DOH), Department of Economy, Planning, and Development (DEPDev), and other relevant government agencies, shall promulgate the implementing rules and regulations of this Act within sixty (60) days from its effectivity.

SECTION 15. *Separability Clause.* – If any provision of this Act, or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 16. *Repealing Clause.* – All provisions of laws, presidential decrees, letters of instruction, and other presidential issuances that are incompatible or inconsistent with the provisions of this Act are hereby deemed amended or repealed.

SECTION 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,