



HOUSE OF REPRESENTATIVES

H. No. 4113

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AN ACT INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED (100) DAYS FOR FEMALE WORKERS IN THE GOVERNMENT SERVICE AND IN THE PRIVATE SECTOR, AND GRANTING AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY

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

1 SECTION 1. *Short Title.* — This Act shall be known as the “100-Day
2 Maternity Leave Law”.

3 SEC. 2. *Declaration of Policy.* — It is the declared policy of the State
4 under Article XIII, Section 14 of the 1987 Constitution to protect and
5 promote the rights and welfare of working women, taking into account their
6 maternal functions, and to provide an enabling environment in which their
7 full potential can be achieved.

8 Article II, State Policies, Section 12 of the 1987 Constitution provides
9 that the State recognizes the sanctity of family life and shall protect and
10 strengthen the family as the basic autonomous social institution and that it
11 shall equally protect the life of the mother and the life of the unborn from
12 conception. Moreover, Sections 17 and 22 of Republic Act No. 9710,
13 otherwise known as “The Magna Carta of Women”, provides for women’s
14 rights to health and decent work.

15 To achieve these, and in recognition of women’s maternal function as
16 a social responsibility, the State shall institutionalize a mechanism to expand
17 the maternity leave period of women workers. This will provide them with
18 ample transition time to regain health and overall wellness as well as to
19 assume maternal roles before resuming paid work. This Act is consistent with
20 local and international legal instruments that protect and promote the rights
21 of women.

22 SEC. 3. *Grant of Maternity Leave.* — All covered female workers in
23 the government and in the private sector including those in the informal
24 economy, regardless of civil status or the legitimacy of her child, shall be
25 granted one hundred (100) days maternity leave with pay and an option to
26 extend for an additional thirty (30) days without pay.

1 Enjoyment of maternity leave cannot be deferred but should be availed
2 of either before or after the actual period of delivery in a continuous and
3 uninterrupted manner, not exceeding one hundred (100) calendar days, as the
4 case may be.

5 Maternity leave shall be granted to female workers only for the four
6 (4) deliveries: *Provided*, That for cases of miscarriage, sixty (60) days
7 maternity leave with pay shall be granted.

8 SEC. 4. *Maternity Leave for Female Workers in Government Service.*

9 – Any pregnant female worker in the government service, regardless of
10 employment status, in any national government agency (NGA), local
11 government unit (LGU), government-owned and -controlled corporation
12 (GOCC) or state university and college (SUC), shall be granted a maternity
13 leave of one hundred (100) days, with full pay based on her average weekly
14 or regular wages, regardless if the delivery was normal or caesarian. An
15 additional maternity leave of thirty (30) days, without pay, can be availed of,
16 at the option of the female worker: *Provided*, That the head of the agency
17 shall be given due notice, in writing, at least forty-five (45) days before the
18 end of her ordinary maternity leave.

19 Maternity leave of sixty (60) days, with full pay based on her average
20 weekly or regular wages, shall be granted for miscarriage.

21 SEC. 5. *Maternity Leave for Female Workers in the Private Sector.* –

22 Any pregnant female worker in the private sector shall be granted a maternity
23 leave of one hundred (100) days, regardless of whether she gave birth via
24 caesarian section or natural delivery, while the maternity leave benefit of a
25 female member who had a miscarriage shall be computed based on the
26 average monthly salary credit for sixty (60) days.

27 (a) A female member who has paid at least three (3) monthly
28 contributions in the twelve (12)-month period immediately preceding the
29 semester of her childbirth or miscarriage shall be paid her daily maternity

benefit which shall be computed based on the average monthly salary credit, for one hundred (100) days, regardless of whether she gave birth via caesarian section or natural delivery, subject to the following conditions:

(1) That the female worker shall have notified her employer of her pregnancy and the probable date of her childbirth, which notice shall be transmitted to the Social Security System (SSS) in accordance with the rules and regulations it may provide;

(2) That the full payment shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application;

(3) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided under Republic Act No. 1161, as amended, for the same period for which daily maternity benefits have been received;

(4) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the female worker by the employer upon receipt of satisfactory and legal proof of such payment; and

(5) That if a female worker should give birth or suffer a miscarriage without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of the time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said female member would otherwise have been entitled to.

(b) An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker: *Provided*, That the employer shall be given due notice, in writing, at least forty-five (45) days before the end of her ordinary maternity leave.

SEC. 6. *Maternity Leave for Women Regardless of Civil Status.* –

All female workers in the government and female members of the SSS,

1 regardless of their civil status, shall be granted maternity leave, with pay,
2 upon compliance with the preceding section.

3 SEC. 7. *Maternity Leave With Pay in Case of Childbirth or*
4 *Miscarriage After Termination.* – Maternity leave with pay shall be granted
5 even if the childbirth or miscarriage occurs not more than fifteen (15)
6 calendar days after the termination of an employee's service, as her right
7 thereto has already accrued: *Provided,* That such period is not applicable
8 when the employment of the pregnant woman worker has been terminated
9 without just cause, in which case the employer will pay her the full amount
10 equivalent to her salary for one hundred (100) days based on her average
11 weekly or regular wages, in addition to the other applicable daily cash
12 maternity benefits that she should have received had her employment not
13 been illegally terminated.

14 SEC. 8. *Maternity Leave Credits.* – The maternity leave can be
15 credited as combinations of prenatal and postnatal leave as long as it does not
16 exceed one hundred (100) days and provided that compulsory postnatal leave
17 shall not be less than sixty (60) days.

18 SEC. 9. *Maternity Leave Benefits for Women in the Informal*
19 *Economy and Voluntary Contributors to the SSS.* – Maternity benefits shall
20 cover all married and unmarried women, including female workers in the
21 informal economy.

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

26 SEC. 10. *Maternity Leave of a Female Worker With Pending*
27 *Administrative Case.* – The maternity leave benefits granted under this Act
28 shall be enjoyed by a female worker in the government service and in the
29 private sector even if she has a pending administrative case.

1 SEC. 11. *Maternity Benefits for Female Workers Who are*
2 *Non-Members of the SSS.* – Female workers who are neither voluntary nor
3 regular members of the SSS shall be governed by PhilHealth Circular
4 No. 022-2014 or the “Social Health Insurance Coverage and Benefits for
5 Women About to Give Birth”.

6 SEC. 12. *Non-Diminution of Benefits.* – Nothing in this Act shall be
7 construed as to diminish existing maternity benefits currently enjoyed
8 whether or not these are granted under collective bargaining agreements
9 (CBA) or present laws, if the same are more beneficial to the female worker.
10 Any other working arrangement which the female worker shall agree to,
11 during the additional maternity leave period, shall be allowed: *Provided,*
12 That this shall be consented to in writing by the female worker and shall
13 primarily uphold her maternal functions and the requirements of postnatal
14 care.

15 SEC. 13. *Security of Tenure.* – Those who shall avail of the ordinary
16 maternity leave and the additional thirty (30)-day maternity leave, whether in
17 the government service or in the private sector, shall be assured of security of
18 tenure. As such, the exercise of this option by them shall not be used as basis
19 for demotion in employment or termination. The transfer to a parallel
20 position or reassignment from one organizational unit to another in the same
21 agency shall be allowed: *Provided,* That it shall not involve a reduction in
22 rank, status or salary.

23 SEC. 14. *Non-Discrimination.* – No employer whether in the public
24 or private sector shall discriminate against the employment of women in
25 order to avoid the benefits provided for in this Act.

26 SEC. 15. *Periodic Review.* – The Civil Service Commission (CSC)
27 and the SSS shall immediately conduct a review of the maternity leave
28 benefits of female workers in the government service and in the private
29 sector, respectively. Thereafter, they shall include maternity leave benefits in

1 their valuation report conducted every four (4) years for the SSS and every
2 three (3) years for the CSC, or more frequently as may be necessary, with the
3 end in view of meeting the needs of pregnant women and improving their
4 welfare by increasing existing maternal benefits.

5 SEC. 16. *Appropriations.* – The amount necessary to implement the
6 provisions of this Act shall be included in the annual General Appropriations
7 Act (GAA). The Gender and Development (GAD) fund of the LGUs and
8 national agencies may be a source of funding for the implementation of this
9 Act.

10 SEC. 17. *Implementing Rules and Regulations.* – The CSC,
11 the DOLE, and the SSS shall issue the necessary rules and regulations for the
12 grant of this expanded maternity leave for all female workers within six (6)
13 months from the effectivity of this Act.

14 SEC. 18. *Separability Clause.* – If, for any reason, any provision or
15 part hereof is declared invalid, other provisions not affected thereby shall
16 remain in full force and effect.

17 SEC. 19. *Repealing Clause.* – All laws, decrees, executive orders,
18 rules and regulations contrary to or inconsistent with the provisions of this
19 Act are hereby repealed or modified. Accordingly, Commonwealth Act
20 No. 647 is hereby repealed, Article 133 of Presidential Decree No. 442 or the
21 Labor Code of the Philippines, and Section 14-A of Republic Act No. 8282,
22 are hereby further amended.

23 SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days
24 after its publication in the *Official Gazette* or in a newspaper of general
25 circulation.

Approved,

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