

S E N A T E

S. NO. 380

Introduced by ^{Senator} Hon. Maceda (E.)

AN ACT
PROVIDING FOR A COMPULSORY PERIOD OF MATERNITY LEAVE FOR
SIX WEEKS AND ENTITLEMENT TO A FURTHER FOUR (4) WEEKS OF
LEAVE TO A MAXIMUM, AMENDING FOR THE PURPOSE SEC. 14-A
OF REPUBLIC ACT NO. 1161, AS AMENDED, AND FOR OTHER PURPOSES

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

1 SECTION 1. Section 14-A of Republic Act No. 1161, ^{as}
2 ^{amended,} is further amended to read as follows:
3 "Sec. 14-A. Maternity Leave Benefit - A
4 covered employee who has paid at least three
5 monthly maternity contributions in the twelve-
6 month period preceding the semester of her child-
7 birth, abortion or miscarriage and who is currently
8 employed shall be paid a daily maternity benefit
9 equivalent to one hundred per cent of her average
10 daily salary credit for [forty-five days] AT LEAST
11 TWO WEEKS PRIOR TO THE EXPECTED DATE OF DELIVERY
12 AND ANOTHER FOUR WEEKS AFTER NORMAL DELIVERY OR
13 ABORTION; PROVIDED, THAT, IN THE LATTER CASE, UPON
14 THE EXPIRATION OF THE FOUR-WEEK VACATION PERIOD, SHE
15 SHALL HAVE THE OPTION TO EXTEND HER MATERNITY LEAVE
16 TO A MAXIMUM OF ANOTHER FOUR WEEKS WITH PAY CORRES-
17 PONDING TO SEVENTY-FIVE PER CENT (75%) OF HER AVERAGE
18 DAILY SALARY CREDIT; PROVIDED, FURTHER, THAT IN THE
19 EVENT SAID OPTION IS EXERCISED, SHE MAY REPORT FOR
20 WORK FOR A MAXIMUM PERIOD OF SIX (6) HOURS ONLY PER
21 DAY, ALL OF THE ABOVE subject to the following con-
22 ditions:



1 (a) That the employee shall have notified her
2 employer of her pregnancy and the probable date of
3 her childbirth which notice shall be transmitted
4 to the SSS in accordance with the rules and regula-
5 tions it may provide;


6 (b) The payment shall be advanced by the em-
7 ployer in two equal installments within thirty days
8 from the filing of the maternity leave application;

9 (c) That payment of daily maternity benefits
10 shall be a bar to the recovery of sickness benefits
11 provided by this Act for the same compensable period
12 [of forty-five days] for the same childbirth, abor-
13 tion, or miscarriage;

14 [(d) That the maternity benefits provided under
15 this Section shall be paid only for the first four
16 deliveries after March 13, 1973;]

17 [(e)] (D) That the SSS shall immediately reimburse
18 the employer of one hundred per cent of the amount of
19 maternity benefits advanced to the employee by the
20 employer upon receipt of satisfactory proof of such
21 payment and legality thereof;

22 [(f)] (E) That if an employee should give birth
23 or suffer abortion or miscarriage without the required
24 contributions having been remitted for her by her
25 employer to the SSS, or without the latter having been
26 previously notified by the employer of time of the
27 pregnancy, the employer shall pay to the SSS damages
28 equivalent to the benefits which said employee would
29 otherwise have been entitled to, and the SSS shall in
30 turn pay such amount to the employee concerned.



1 SEC. 2. This Act shall take effect upon its approval.
Approved,

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Senate Archives (LRAS)

From RA7322

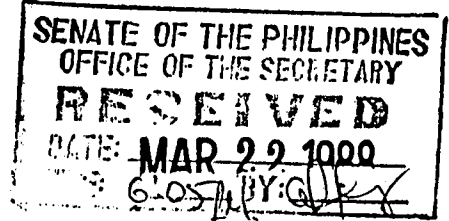
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Congress of the Philippines)
First Regular Session)

SENATE

S. NO. ^{to} 380



Introduced by ^{Senator} Hon. Maceda

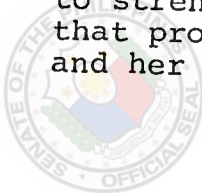
EXPLANATORY NOTE

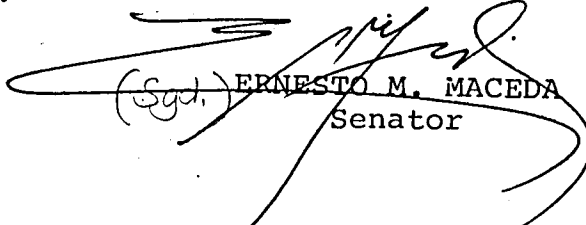
It is of note that maternity protection is a primary concern of the State for the working female populace. Maternity protection includes the right to maternity leave, the right to benefits and the right to job security during prescribed periods. It is in this context that this bill is being proposed.

This bill seeks to provide for a longer period of maternity leave by making it mandatory for employers to grant their pregnant women employees a period of six weeks maternity leave with pay, extendible for a period of another four weeks at the option of the employee, with pay at a reduced rate. It is notable that under the present law, only a period of forty-five days is allowed by way of maternity leave benefits. This period of time is utterly insufficient taking into account the weak physical constitution of the employee after childbirth and the need for her continued attention to the infant during its first weeks after delivery. It is believed that this extended period of maternity leave is necessary to insure the protection of the woman and the infant's health whenever practicable. (45) (e)

It is also worthy of note that in most countries, legislations provided for a period of maternity leave ranging from twelve (12) to twenty-nine (29) weeks in consideration of the welfare of the working mother and the infant.

In the pursuit of the declared policy of the State to strengthen the family as a basic social institution and that protection be given equally to the life of the mother and her child, this bill is earnestly urged for approval.




(Sgd.) ERNESTO M. MACEDA
Senator

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