Civil Service Form No. 6
Revised 2020

Republic of the Philippines
COMMISSION ON HIGHER EDUCATION
Region XI
DAVAO ORIENTAL STATE UNIVERSITY

Stamp of Date of Receipt

APPLICATION FOR LEAVE

1) OFFICE/DEPARTMENT	2) NAME : (Last)	(First)	(Middle)

3) DATE OF FILING :	4) POSITION :	5) SALARY :

6. DETAILS OF APPLICATION

6.A) TYPE OF LEAVE TO BE AVAILED OF

- ☐ Vacation Leave (Sec. 51, Rule XVI, Omnibus Rules Implementing E.O. No. 292)
- ☐ Mandatory/Forced Leave(Sec. 25, Rule XVI, Omnibus Rules Implementing E.O
- ☐ Sick Leave (Sec. 43, Rule XVI, Omnibus Rules Implementing E.O. No. 292)
- ☐ Maternity Leave (R.A. No. 11210 / IRR issued by CSC, DOLE and SSS)
- ☐ Paternity Leave (R.A. No. 8187 / CSC MC No. 71, s. 1998, as amended)
- ☐ Special Privilege Leave (Sec. 21, Rule XVI, Omnibus Rules Implementing E.O. I
- ☐ Solo Parent Leave (RA No. 8972 / CSC MC No. 8, s. 2004)
- ☐ Study Leave (Sec. 68, Rule XVI, Omnibus Rules Implementing E.O. No. 292)
- ☐ 10-Day VAWC Leave (RA No. 9262 / CSC MC No. 15, s. 2005)
- ☐ Rehabilitation Privilege (Sec. 55, Rule XVI, Omnibus Rules Implementing E.O. N
- ☐ Special Leave Benefits for Women (RA No. 9710 / CSC MC No. 25, s. 2010)
- ☐ Special Emergency (Calamity) Leave (CSC MC No. 2, s. 2012, as amended)
- ☐ Adoption Leave (R.A. No. 8552)

Others :

_____

_____

6.B) DETAILS OF LEAVE

In case of Vacation/Special Privilege Leave:

- ☐ Within the Philippines _____
- ☐ Abroad (Specify) _____

In case of Sick Leave:

- ☐ In Hospital (Specify Illness) _____
- ☐ Out Patient (Specify Illness) _____

_____

In case of Special Leave Benefits for Women:

(Specify Illness) _____

_____

In case of Study Leave:

- ☐ Completion of Master's Degree
- ☐ BAR/Board Examination Review

Other purpose:

- ☐ Monetization of Leave Credits
- ☐ Terminal Leave

6.C) NUMBER OF WORKING DAYS APPLIED FOR

_____

INCLUSIVE DATES

_____

6.D) COMMUTATION

- ☐ Not Requested
- ☐ Requested

_____
(Signature of Applicant)

7. DETAILS OF ACTION ON APPLICATION

7.A) CERTIFICATION OF LEAVE CREDITS

As of _____

	Vacation	Sick
Total Earned		
Less this application		
Balance		

ANGELITO S. DAVID
Administrative Officer V / Director - HRDS

7.B) RECOMMENDATION

- ☐ For approval
- ☐ For disapproval due to _____

_____

_____
Immediate Supervisor

7.C) APPROVED FOR:

_____ days with pay
_____ days without pay
_____ others (Specify)

7.D) DISAPPROVED DUE TO:

_____

_____

_____

_____
Vice President - Administration and Finance

_____
Vice President - Academic Affairs

DR. ROY G. PONCE
SUC President III
(for more than 5 days)

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S. No. 1305
H. No. 4113

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. **11210**]

AN ACT INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED FIVE (105) DAYS FOR FEMALE WORKERS WITH AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, AND GRANTING AN ADDITIONAL FIFTEEN (15) DAYS FOR SOLO MOTHERS, AND FOR OTHER PURPOSES

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 and cited as the "105-Day Expanded Maternity Leave Law".

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

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

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

SEC. 3. *Grant of Maternity Leave.* – All covered female workers in government and the private sector, including those in the informal economy, regardless of civil status or the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay and an option to extend for an additional thirty (30) days without pay: *Provided,* That in case the worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the worker shall be granted an additional fifteen (15) days maternity leave with full pay.

Enjoyment of maternity leave cannot be deferred but should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding one hundred five (105) days, as the case may be.

Maternity leave shall be granted to female workers in every instance of pregnancy, miscarriage or emergency termination of pregnancy, regardless of frequency: *Provided,* That for cases of miscarriage or emergency termination of pregnancy, sixty (60) days maternity leave with full pay shall be granted.

SEC. 4. *Maternity Leave for Female Workers in the Public Sector.* – Any pregnant female worker in the government service, regardless of employment status, in National Government Agencies (NGAs), Local Government Units (LGUs), Government-Owned or -Controlled Corporations (GOCCs), or State Universities and Colleges (SUCs), shall be granted a maternity leave of one hundred five (105) days with full pay regardless if the delivery was normal or caesarian: *Provided,* That, in case the employee qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the employee shall be paid an additional maternity benefit of fifteen (15) days. An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker: *Provided, further,* That, the head of the agency shall be given due notice, in writing, at least forty-five (45) days before the end of her maternity leave: *Provided, finally,* That no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the head of the agency.

Maternity leave of sixty (60) days, with full pay, shall be granted for miscarriage or emergency termination of pregnancy.

SEC. 5. *Maternity Leave for Female Workers in the Private Sector.* – Any pregnant female worker in the private sector shall be granted a maternity leave of one hundred five (105) days with full pay, regardless of whether she gave birth via caesarian section or natural delivery, while maternity leave of sixty (60) days with full pay shall be granted for miscarriage or emergency termination of pregnancy.

(a) A female Social Security System (SSS) member who has paid at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth, miscarriage, or emergency termination of pregnancy shall be paid her daily maternity benefit which shall be computed based on her average monthly salary credit for one hundred five (105) 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 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 or emergency termination of pregnancy 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.

In case the employee qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the employee shall be paid an additional maternity benefit of fifteen (15) days.

(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 maternity leave: *Provided, further,* That no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the head of the agency.

(c) Workers availing of the maternity leave period and benefits must receive their full pay. Employers from the private sector shall be responsible for payment of the salary differential between the actual cash benefits received from the SSS by the covered female workers and their average weekly or regular wages, for the entire duration of the maternity leave, with the following exceptions, subject to the guidelines to be issued by the Department of Labor and Employment (DOLE):

(1) Those operating distressed establishments;

(2) Those retail/service establishments and other enterprises employing not more than ten (10) workers;

(3) Those considered as micro-business enterprises and engaged in the production, processing, or manufacturing of products or commodities including agro-processing, trading, and services, whose total assets are not more than Three million pesos (P3,000,000.00); and

(4) Those who are already providing similar or more than the benefits herein provided.

Provided, That said exemptions shall be subject to an annual submission of a justification by the employer claiming exemption for the approval of the DOLE.

SEC. 6. *Allocation of Maternity Leave Credits.* – Any female worker entitled to maternity leave benefits as provided for herein may, at her option, allocate up to seven (7) days of said benefits to the child's father, whether or not the same is married to the female worker: *Provided,* That in the death, absence, or incapacity of the former, the benefit may be allocated to an alternate caregiver who may be a relative within the fourth degree of consanguinity or the current partner of the female worker sharing the same household, upon the election of the mother taking into account the best interests of the child: *Provided, further,* That written notice thereof is provided to the employers of the female worker and alternate caregiver: *Provided, furthermore,* That this benefit is over and above that which is provided under Republic Act

No. 8187, or the "Paternity Leave Act of 1996": *Provided, finally,* That in the event the beneficiary female worker dies or is permanently incapacitated, the balance of her maternity leave benefits shall accrue to the father of the child or to a qualified caregiver as provided above.

SEC. 7. *Maternity Leave for Women Regardless of Civil Status.* – All female workers in the government and female members of the SSS, regardless of their civil status, shall be granted maternity leave, with full pay, upon compliance with the preceding section.

SEC. 8. *Maternity Leave With Pay in Case of Childbirth, Miscarriage, or Emergency Termination of Pregnancy After the Termination of an Employee's Service.* – Maternity leave with full pay shall be granted even if the childbirth, miscarriage, or emergency termination of pregnancy occurs not more than fifteen (15) calendar days after the termination of an employee's service, as her right thereto has already accrued: *Provided,* That such period is not applicable when the employment of the pregnant woman worker has been terminated without just cause, in which case the employer will pay her the full amount equivalent to her salary for one hundred five (105) days for childbirth and sixty (60) days for miscarriage or emergency termination of pregnancy based on her full pay, in addition to the other applicable daily cash maternity benefits that she should have received had her employment not been illegally terminated.

SEC. 9. *Maternity Leave Credits.* – The maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days and provided that compulsory postnatal leave shall not be less than sixty (60) days.

SEC. 10. *Maternity Leave Benefits for Women in the Informal Economy and Voluntary Contributors to the SSS.* – Maternity benefits shall cover all married and unmarried women, including female workers in the informal economy.

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

SEC. 11. *Maternity Benefits for Female Workers Who are Non-Members of the SSS.* – Female workers who are neither voluntary nor regular members of the SSS shall be governed by the Philippine Health Insurance Corporation (PhilHealth) Circular No. 022-2014 or the "Social Health Insurance Coverage and Benefits for Women About to Give Birth".

SEC. 12. *Maternity Leave of a Female Worker With Pending Administrative Case.* – The maternity leave benefits granted under this Act shall be enjoyed by a female worker in the government service and in the private sector even if she has a pending administrative case.

SEC. 13. *Maternity Leave for Female National Athletes.* – In the event a national athlete becomes pregnant, she will be referred to the team physician or an accredited physician of the Philippine Sports Commission (PSC) or an obstetrician-gynecologist to determine her fitness to continue training. She will be allowed to participate in all team-related activities, unless the physician advises that participation is not medically safe or should be limited. Upon medical advice, she shall go on maternity leave until cleared to return to training. She shall continue receiving her allowance and be entitled to the same benefits while on maternity leave prior to childbirth and up to six (6) months after, unless she can resume sooner as advised by her physician, in which case, she will be entitled to the allowance and benefits she had prior to pregnancy: *Provided,* That a female national athlete employed in the public sector shall not receive double compensation or benefits.

SEC. 14. *Non-Diminution of Benefits.* – Nothing in this Act shall be construed as to diminish existing maternity benefits currently enjoyed whether or not these are granted under collective bargaining agreements (CBA) or present laws, if the same are more beneficial to the female worker. Any other working arrangement which the female worker shall agree to, during the additional maternity leave period, shall be allowed: *Provided,* That this shall be consented to in

writing by the female worker and shall primarily uphold her maternal functions and the requirements of postnatal care.

SEC. 15. *Security of Tenure.* – Those who avail of the benefits of this Act, whether in the government service or private sector, shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same agency or private enterprise shall be allowed: *Provided,* That it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive dismissal.

SEC. 16. *Non-Discrimination.* – No employer whether in the public or private sector shall discriminate against the employment of women in order to avoid the benefits provided for in this Act.

SEC. 17. *Periodic Review.* – The Civil Service Commission (CSC), the DOLE, the SSS, and the Gender Ombud of the Commission on Human Rights (CHR), in consultation with trade unions, labor organizations, and employers' representatives shall within one (1) month after the effectivity of this Act conduct a review of the maternity leave benefits of female workers in the government service and the private sector, respectively. Thereafter, they shall include maternity leave benefits in their valuation report conducted every four (4) years for the SSS and the DOLE and every three (3) years for the CSC, or more frequently as may be necessary, with the end in view of meeting the needs of pregnant women and newly-born infants, and improving their welfare.

SEC. 18. *Penalties.* – Whoever fails or refuses to comply with the provisions of this Act shall be punished by a fine of not less than Twenty thousand pesos (P20,000.00) nor more than Two hundred thousand pesos (P200,000.00), and imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years or both. If the act or omission penalized by this Act shall be committed by an association, partnership, corporation, or any other institution, its managing

head, directors, or partners shall be liable to the penalties provided in this Act for the offense.

Failure on the part of any association, partnership, corporation, or private enterprise to comply with the provisions of this Act shall be a ground for non-renewal of business permits.

SEC. 19. *Implementing Rules and Regulations.* – The CSC, the DOLE, and the SSS shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days from the effectivity of the same.

SEC. 20. *Separability Clause.* – If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

SEC. 21. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 22. *Effectivity.* – This Act shall take effect after fifteen (15) days from its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

GLORIA MACAPAGAL-ARROYO
Speaker of the House of Representatives

VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1305 and House Bill No. 4113 was passed by the Senate and the House of Representatives on November 14, 2018 and November 19, 2018, respectively.

DANTE ROBERTO P. MALING
Acting Secretary General
House of Representatives

MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: FEB 2 0 2019

RODRIGO ROA DUTERTE
President of the Philippines

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REPUBLIC OF THE PHILIPPINES
PRRD 2016 - 009449

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MALACAÑANG RECORDS OFFICE
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for: ATTY. CONCEPCION ZENY E. FERROLINO-ENAD
DIRECTOR IV
2-21-2019

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11210 (AN ACT INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED FIVE (105) DAYS FOR FEMALE WORKERS WITH AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, AND GRANTING AN ADDITIONAL FIFTEEN (15) DAYS FOR SOLO MOTHERS, AND FOR OTHER PURPOSES)

Pursuant to Section 19 of Republic Act No. 11210 or An Act Increasing the Maternity Leave Period to One Hundred Five (105) Days for Female Workers with an Option to Extend for an Additional Thirty (30) Days Without Pay, and Granting an Additional Fifteen (15) Days for Solo Mothers, and for Other Purposes, the following implementing rules and regulations are hereby issued:

RULE I
GENERAL PROVISIONS

Section 1. ***Title.*** – These rules and regulations shall be known as the "Implementing Rules and Regulations of the 105-Day Expanded Maternity Leave Law".

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

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

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

RULE II
DEFINITION OF TERMS

Section 1. ***Definition of terms.*** – As used in this Rules, the following terms shall be understood to mean:

a. **"Alternate caregiver"** refers to a relative within the fourth civil degree of consanguinity of the female worker or to her current partner.

b. **"Current partner"** refers to a person who shares an intimate relationship and lives with the female worker.

c. **"Emergency termination of pregnancy"** refers to pregnancy loss on or after the 20th week of gestation, including stillbirth.

d. **"Employer"** refers to any person, natural or juridical, in the public and private sector, employing the services of another, or any person acting in the interest of an employer, which shall include the government and all its branches, subdivisions and instrumentalities, all government-owned or controlled corporations and institutions, as well as non-profit private institutions, or organizations: *Provided*, That the self-employed shall be an employer and employee at the same time.

e. **"Employment status in the public sector"** refers to the status of appointment. It may be permanent, temporary, coterminous, fixed term, casual, contractual, substitute or provisional.

f. **"Employment status in the private sector"** refers to the type of employment which may be regular, probationary, casual, project or seasonal.

g. **"Female workers in the private sector covered by the SSS"** – Female workers in the private sector who may avail of the maternity benefit shall include those who are covered under Republic Act No. 11199, or the *Social Security Act of 2018, particularly in Section 9, Section 9-A and 9-B, as follows:*

1. "Employed female worker" refers to a female worker, including a domestic worker, who performs services for an employer in which either both mental or physical efforts are used and who receives compensation for such services, where there is an employer-employee relationship: *Provided*, That a self-employed person shall be both employee and employer at the same time.

2. "Self-employed female member" refers to any female worker whose income is not derived from employment, including those in the informal economy,

as defined under the Social Security Act of 2018, as well as those workers enumerated in Section 9-A thereof.

3. "Overseas Filipino Worker (OFW)" refers to any female worker who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which she is not a citizen, or on-board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A "person to be engaged in a remunerated activity" refers to an applicant worker who has been promised or assured employment overseas.

4. "Female members who are voluntary contributors to the SSS" shall include the following:

   i. A spouse of a member who devotes full time to managing the household and family affairs but does not engage in other vocation or employment which is subject to compulsory or mandatory coverage (Non-Working Spouse [NWS]);

   ii. An OFW upon the termination of her employment overseas who continues to pay her contributions;

   iii. A covered employee who was separated from employment who continues to pay her contributions; and

   iv. A self-employed member who realizes no income in any given month who continues to pay her contributions.

h. "Female workers in the public sector" refer to women in government service who, in accordance with existing laws, rules and regulations, hold public office by virtue of an appointment issued by the proper appointing officer/authority or by way of election in National Government Agencies (NGAs), Local Government Units (LGUs), Government-Owned or -Controlled Corporations (GOCCs), State Universities and Colleges (SUCs), or Local Universities and Colleges (LUCs).

i. "Female workers in the informal economy" refer to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and unincorporated enterprises, including home workers, micro-entrepreneurs and producers, and operators of sari-sari stores.

j. "Full pay" refers to actual remuneration or earnings paid by an employer to a worker for services rendered on normal working days and hours not lower than the wage rate fixed by the Regional Tripartite Wages and Productivity Board

(RTWPB) including allowances provided for under existing company policy or collective bargaining agreement, if any. Full pay in the public sector, on the other hand, includes the basic salary and allowances as may be provided under existing guidelines.

k. **"Miscarriage"** refers to pregnancy loss before the 20th week of gestation.

l. **"National athletes"** refer to athletes including persons with disabilities who are Filipino citizens, members of the national training pool, recognized and accredited by the Philippine Olympic Committee (POC) and the Philippine Sports Commission (PSC), including athletes with disabilities (AWD) who are recognized and accredited by the National Paralympic Committee of the Philippines (NPC PHIL) and the PSC and who have represented the country in international sports competitions.

m. **"Pregnancy"** refers to the period from the conception up to the time before actual delivery or birth of a child, miscarriage or emergency termination.

n. **"Relative within the fourth degree of consanguinity"** refers to a person who is related to the female worker by blood and shares the same ancestry or lineage.

o. **"Solo parent"** refers to a covered female worker who falls under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the "Solo Parents' Welfare Act of 2000".

RULE III
COVERAGE AND TYPES OF BENEFITS

Section 1. ***Who are Covered.*** – The 105-Day Expanded Maternity Leave Law (EMLL) shall cover the following:

1. Female workers in the Public Sector;
2. Female workers in the Private Sector;
3. Female workers in the Informal Economy;
4. Female members who are voluntary contributors to the Social Security System (SSS); and
5. Female national athletes.

Section 2. ***What Benefits are Granted.*** – The following benefits are granted under the 105-Day Expanded Maternity Leave Law (EMLL) to the corresponding sectors:

1. Paid leave benefit granted to a qualified female worker in the public sector, for the duration of:

    a. One Hundred Five (105) days for live childbirth, regardless of the mode of delivery, and an additional fifteen (15) days paid leave if the female worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act of 2000"; or

    b. Sixty (60) days paid leave for miscarriage and emergency termination of pregnancy;

2. Paid leave benefit granted to a qualified female worker in the private sector covered by the SSS, including those in the informal economy, for the duration of:

    a. One Hundred Five (105) days for live childbirth, regardless of the mode of delivery, and an additional fifteen (15) days paid leave if the female worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act of 2000"; or

    b. Sixty (60) days paid leave for miscarriage and emergency termination of pregnancy;

    Employed female workers shall receive full pay which consists of (i) SSS maternity benefit computed based on their average daily salary credit and (ii) salary differential to be paid by the employer, if any;

3. An option to extend for an additional thirty (30) days without pay in case of live childbirth;

4. Paid maternity leave, allowances and benefits granted to female national athletes; and

5. Health care services for pre-natal, delivery, postpartum and pregnancy-related conditions granted to female workers, particularly those who are neither voluntary nor regular members of the SSS, as governed by the existing rules and regulations of the Philippine Health Insurance Corporation (PhilHealth).

RULE IV
GRANT OF MATERNITY LEAVE BENEFITS

Section 1. ***Grant of Maternity Leave.*** – All covered females regardless of civil status, employment status, and the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay, and an additional fifteen (15) days with full pay in case the female worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act of 2000".

In cases of miscarriage or emergency termination of pregnancy, sixty (60) days maternity leave with full pay shall be granted.

Section 2. ***Manner of Enjoyment of the Benefit.*** – Enjoyment of maternity leave cannot be deferred but should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, and such that:

a. In cases of live childbirth, one hundred five (105) days maternity leave with full pay shall be granted; or

b. In cases of miscarriage or emergency termination of pregnancy, sixty (60) days maternity leave shall be granted.

In all of the above instances, the maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days or sixty (60) days, as the case may be. In no case shall postnatal care be less than sixty (60) days.

Section 3. ***Extended Maternity Leave.*** – In cases of live childbirth, 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.

Due notice to the employer must be in writing and must be given at least forty-five (45) days before the end of the female worker's maternity leave. However, no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the employer.

The above period of extended maternity leave without pay shall not be considered as gap in the service.

Section 4. ***Frequency of the Grant.*** – Maternity leave shall be granted to a qualified female worker in every instance of pregnancy, miscarriage or emergency termination of pregnancy regardless of frequency.

Section 5. ***Grant of Maternity Leave Benefits After Termination of Employment.*** – Maternity leave with full pay shall be granted even if the childbirth, miscarriage, or

emergency termination of pregnancy occurs not more than fifteen (15) calendar days after the termination of an employee's service, as her right thereto has already accrued. Such period is not applicable when the employment of the pregnant woman worker has been terminated without just cause, in which case the employer will pay her the full amount equivalent to her salary for one hundred five (105) days for childbirth and sixty (60) days for miscarriage or emergency termination of pregnancy based on her full pay, in addition to the other applicable daily cash maternity benefits that she should have received had her employment not been illegally terminated.

Section 6. ***Maternity Leave of a Female Worker with Pending Administrative Case.*** – The maternity leave benefits granted under Republic Act No. 11210 and this Rules shall be enjoyed by a female worker in the public sector and in the private sector even if she has a pending administrative case.

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

Section 8. ***Security of Tenure.*** – Those who avail of the benefits of Republic Act No. 11210 or this Rules, whether in the public or private sector, shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same agency or private enterprise shall be allowed: *Provided,* That it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive dismissal.

Section 9. ***Non-Discrimination.*** – No employer whether in the public or private sector shall discriminate against the employment of women in order to avoid the benefits provided for in this Rules.

RULE V

MATERNITY LEAVE FOR FEMALE WORKERS IN THE PUBLIC SECTOR

Section 1. ***Eligibility.*** – Any pregnant female worker in the government service, regardless of employment status and length of service, in National Government

Agencies (NGAs), Local Government Units (LGUs), Government-Owned or -Controlled Corporations (GOCCs), State Universities and Colleges (SUCs), or Local Universities and Colleges (LUCs) shall be granted maternity leave of one hundred five (105) days with full pay regardless of the manner of delivery of the child, and an additional fifteen (15) days paid leave if the female worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act of 2000".

She shall be entitled to maternity leave of sixty (60) days with full pay for miscarriage or emergency termination of pregnancy.

Section 2. ***Notice of Pregnancy and Application for Maternity Leave.*** – The female worker shall give prior notice to the head of agency of her pregnancy and her availment of maternity leave at least thirty (30) days in advance, whenever possible, specifying the effective date of the leave. The female worker shall use the prescribed civil service form in the filing of the maternity leave application, supported by a medical certificate.

Section 3. ***Maternity Leave in the Teaching Profession.*** – Female teachers in the teaching profession may also avail of maternity leave even during long vacations, *i.e.,* summer and Christmas vacations, in which case, both the maternity leave benefits and the proportional vacation pay (PVP) shall be granted.

Section 4. ***Extended Maternity Leave.*** – In cases of live childbirth, the female worker has the option to extend her maternity leave for an additional thirty (30) days without pay, or use her earned sick leave credits for extended leave with pay. In case the sick leave credits are exhausted, the vacation leave credits may be used.

Section 5. ***Manner of Payment of Maternity Leave Benefits.*** – The female worker shall be entitled to full pay during maternity leave which shall be paid by the agency. The female worker shall have the option to receive full pay either through lump sum payment or regular payment of salary through agency payroll. A clearance from money, property and work-related accountabilities shall be secured by the female worker. Money, property and work-related accountabilities as well as pending administrative case shall not deprive the female worker of the availment of her maternity leave benefits.

Section 6. ***Consecutive pregnancies and multiple childbirths.*** – In case of overlapping maternity benefit claims, e.g., one miscarriage or emergency termination of pregnancy after the other or followed by live childbirth, the female member shall be granted maternity benefits for the two contingencies in a consecutive manner. The female worker shall be paid only one maternity benefit, regardless of the number of offspring, per childbirth/delivery.

Section 7. *Dispute Resolution.* – Any dispute, controversy or claim arising out of or relating to the payment of full pay shall be filed by the concerned female worker initially to the head of agency and may be appealed to the Civil Service Commission (CSC) Regional Office having jurisdiction over the agency, and to the Commission Proper, respectively. The agency shall not hold or delay the payment of full pay to the female worker pending the resolution of the dispute, controversy or claim.

RULE VI
MATERNITY LEAVE FOR FEMALE WORKERS IN THE PRIVATE SECTOR

Section 1. *Eligibility.* – To qualify for the grant of maternity leave benefit, the female worker must meet the following requirements:

a. She must have at least three (3) monthly contributions in the twelve-month period immediately preceding the semester of childbirth, miscarriage, or emergency termination of pregnancy.

   In determining the female member's entitlement to the benefit, the SSS shall consider only those contributions paid prior to the semester of contingency; and

b. She shall have notified her employer of her pregnancy and the probable date of her childbirth, which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide.

Section 2. *Notice Requirement.* – The notification process for SSS-covered female workers and/or members and employers shall be governed by the following rules:

a. The female member, upon confirmation of pregnancy, shall immediately inform her employer of such fact and the expected date of childbirth;

b. The employer shall, in turn, notify the SSS through the prescribed manner;

c. The above rules notwithstanding, failure of the pregnant female worker to notify the employer shall not bar her from receiving the maternity benefits, subject to guidelines to be prescribed by the SSS; and

d. Self-employed female members, including those in the informal economy, OFWs and voluntary SSS members may give notice directly to the SSS.

Section 3. *Amount of Benefit.* – Covered female workers availing of the maternity leave benefits must receive their full pay. Full payment of the maternity leave benefit shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application.

In the case of self-employed female members, including those in the informal economy, OFWs and voluntary SSS members, the SSS shall directly pay the maternity benefit.

Section 4. *Reimbursement.* – The SSS shall immediately reimburse to the employer the maternity benefits advanced to the employed female member, only to the extent of one hundred percent (100%) of her average daily salary credit for one hundred five (105) days, one hundred twenty (120) days or sixty (60) days, as the case may be, upon receipt of satisfactory and legal proof of such payment.

Section 5. *Salary Differential, Exceptions.* – Employers from the private sector shall pay for the difference between the full salary and the actual cash benefits received from the SSS.

Female workers employed by exempt establishments and enterprises, which satisfy the requirements and criteria listed below, shall not be entitled to the salary differential. The said female workers shall be entitled to receive only their SSS maternity benefits.

Upon submission of proofs and other necessary documents, the following establishments in the private sector may be exempted from paying the salary differential herein prescribed, provided the criteria below are satisfied:

1. *Those operating distressed establishments.*

   A. For corporation/cooperative:

      When the actual net loss amounts to 25% of total assets or when the corporation/cooperative registers capital deficiency, i.e. negative stockholders' equity immediately preceding the application for exemption.

   B. For sole proprietorship and partnership:

      When the accumulated net losses for the last two (2) full accounting periods immediately preceding application for exemption amounts to 20% or more of the total invested capital at the beginning of the period under review or when the sole proprietorship/partnership registers capital deficiency, i.e. negative net worth as of the last full accounting period immediately preceding application for exemption.

C. For Non-stock, non-profit organizations:

When the accumulated net losses for the last two (2) full accounting periods immediately preceding application for exemption amounts to 20% or more of the fund balance/members' contribution at the beginning of the period or when an establishment registers capital deficiency, i.e. negative fund balance/members; contribution as of the last full accounting period or interim period, if any, immediately preceding application for exemption.

D. For banks and quasi-banks

When there is a certification from the Bangko Sentral ng Pilipinas that it is under receivership or liquidation as provided in Section 30 of RA 7653, otherwise known as the New Central Bank Act.

2. *Those retail/service establishments and other enterprises employing not more than ten (10) workers:*

When it is engaged in the retail sale of goods and/or services to end users for personal or household use and it is regularly employing not more than ten (10) workers regardless of status, except the owner/s, for at least six (6) months in any calendar year.

3. *Those considered as micro-business enterprises and engaged in the production, processing, or manufacturing of products or commodities including agro-processing, trading, and services, whose total assets are not more than Three Million Pesos (P3,000,000.00) in accordance with the Barangay Micro Business Enterprises (BMBE's) Act of 2002;* and

4. *Those who are already providing similar or more than the benefits herein provided under an existing Collective Bargaining Agreement (CBA), company practice or policy.*

That said exemptions shall be subject to an annual submission of justification by the employer claiming exemption for the approval of the Department of Labor and Employment (DOLE).

Section 6. ***Bar to Recovery of Sickness Benefits.*** – The payment of daily SSS maternity benefits shall be a bar to recovery of sickness benefits provided under Republic Act No. 11199, for the same period for which daily maternity benefits have been received.

Section 7. ***Consecutive Pregnancies and Multiple Childbirths.*** – The payment of the SSS maternity benefits in cases of consecutive pregnancies resulting in overlapping maternity leaves and in cases of multiple childbirths shall be governed by the following rules:

a. In case of the overlapping of two (2) maternity benefit claims, the female member shall be granted maternity benefits for the two contingencies in a consecutive manner. However, the amount of benefit corresponding to the period where there is an overlap shall be deducted from the current maternity benefit claim; and

b. The female member shall be paid only one maternity benefit, regardless of the number of offspring, per childbirth/delivery.

Section 8. ***Liability of the Employer.*** – The employer shall pay to the SSS damages equivalent to the benefits which said female member would otherwise have been entitled to in any of the following instances:

a. Failure of employer to remit to the SSS the required contributions for the female worker; or

b. Failure of the employer to transmit to SSS the female worker's notification on the fact of pregnancy and probable date of childbirth.

Section 9. ***Dispute Resolution.*** – Any dispute, controversy, or claim as regards the grant of SSS maternity leave benefit under this Rules shall be filed before the Social Security Commission (SSC). The filing, determination, and settlement of disputes shall be governed by the Rules and Regulations of the SSC, which provide that all petitions shall be filed with the Office of the Executive Clerk of the Commission or his/her Deputy, or at any Regional Commission Legal Department.

Any dispute, controversy, or claim arising out of or relating to the payment of salary differential shall be filed before the DOLE Field/Provincial/Regional Office having jurisdiction over the workplace and shall be subject to existing enforcement mechanisms of the DOLE.

RULE VII
MATERNITY LEAVE BENEFITS
FOR WOMEN IN THE INFORMAL ECONOMY

Section 1. ***Maternity Leave Benefits for Women in the Informal Economy and Voluntary Contributors to the SSS.*** – Maternity benefits shall cover all married and unmarried women, including female workers in the informal economy.

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

RULE VIII
ALLOCATION OF MATERNITY LEAVE CREDITS

Section 1. ***Allocation to the Child's Father or Alternate Caregiver.*** – A female worker entitled to maternity leave benefits may, at her option, allocate up to seven (7) days of said benefits to the child's father, whether or not the same is married to the female worker. The allocated benefit granted to the child's father under this law is over and above that which is provided under Republic Act No. 8187, or the "Paternity Leave Act of 1996".

In case of death, absence, or incapacity of the child's father, the female worker may allocate to an alternate caregiver who may be any of the following, upon the election of the mother taking into account the best interests of the child:

a. A relative within the fourth degree of consanguinity; or

b. The current partner, regardless of sexual orientation or gender identity, of the female worker sharing the same household.

The option to allocate maternity leave credits shall not be applicable in case the female worker suffers miscarriage or emergency termination of pregnancy.

Section 2. ***Allocation for the SSS-Covered Female Workers.*** – In case the female worker avails of the option to allocate, the SSS shall pay her the amount of the maternity benefit corresponding to the period not allocated.

As applicable, the father or, in his death, absence, or incapacity, the alternate caregiver shall be granted by his employer a leave with pay equivalent to a period from one (1) to seven (7) days, which may be enjoyed either in a continuous or in an intermittent manner not later than the period of the maternity leave availed of.

The female worker shall notify her employer of her option to allocate with her application for maternity leave. The father or alternate caregiver, as the case may be, shall notify the employer concerned of his or her availment of the allocated leave and the inclusive dates therefor.

This written notice to the employers shall be required even if the child's father or the alternate caregiver is employed in the public sector.

Section 3. ***Allocation of Maternity Leave Credits for Female Workers in the Public Sector.*** – In case the female worker avails of the option to allocate, she shall submit a written notice to the head of agency or the head of agency's authorized representative, with her application for maternity leave.

The allocated maternity leave may be enjoyed by the child's father or the alternate caregiver either in a continuous or in an intermittent manner not later than the period of the maternity leave availed of.

In case full pay has been given to the female worker, the child's father or the alternate caregiver, as the case may be, shall only be excused from work (leave without pay). The leave without pay shall not be considered as a gap in the service.

Section 4. ***Death or Permanent Incapacity of the Female Worker.*** – In the event the beneficiary female worker dies or becomes permanently incapacitated, the balance of her maternity leave benefits, if any, shall accrue to the child's father or to a qualified alternate caregiver as provided in the preceding sections subject to the following conditions:

a. That the maternity leave benefits have not yet been commuted to cash, if applicable; and

b. That a certified true copy of the death certificate or medical certificate or abstract is provided to the employers of both the female worker and the child's father or alternate caregiver.

In case the maternity leave benefits of the deceased or permanently incapacitated female worker have already been paid to the latter in full, the child's father or alternate caregiver shall be entitled to enjoy the remaining unexpired leave credits of the female worker, if there be any, without pay: *Provided*, That such leave without pay shall not be considered as a gap in the service of the child's father or alternate caregiver, in both the public and private sector.

RULE IX
MATERNITY LEAVE FOR FEMALE NATIONAL ATHLETES

Section 1. ***Maternity Leave for Female National Athletes.*** – In the event that a national athlete who is in the roster of national athletes of the National Sports Association (NSA) to which she is affiliated becomes pregnant, she will be referred to a physician of the Philippine Sports Commission (PSC) or an obstetrician-gynecologist to determine her fitness to continue training. She will be allowed to participate in all team-related activities, unless the physician advises that participation is not medically safe or should be limited. Upon medical advice, she shall go on maternity leave until cleared to return to training. She shall continue receiving her allowance and be entitled

to the same benefits while on maternity leave prior to childbirth and up to six (6) months after, unless she can resume sooner as advised by her physician, in which case, she will continue to receive the same allowances and benefits she received prior to and during the pregnancy: *Provided*, That a female national athlete employed in the public sector shall not receive double compensation or benefits.

RULE X
PENALTIES

Section 1. *Penalties.* – Whoever fails or refuses to comply with the provisions of R.A. No. 11210 shall be punished by a fine of not less than Twenty thousand pesos (P20,000.00) nor more than Two hundred thousand pesos (P200,000.00), and imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years or both. If the act or omission penalized by R.A. No. 11210 shall be committed by an association, partnership, corporation, or any other institution, its managing head, directors, or partners shall be liable to the penalties herein provided.

Failure on the part of any association, partnership, corporation, or private enterprise to comply with the provisions of R.A. No. 11210 shall be a ground for non-renewal of business permits.

RULE XI
FINAL PROVISIONS

Section 1. *Periodic Review.* – The CSC, the DOLE, the SSS, and the Gender Ombud of the Commission on Human Rights (CHR), in consultation with trade unions, labor organizations, and employers' representatives shall, within one (1) month after the publication of this Rules, conduct a review of the maternity leave benefits of female workers in the public and private sector, respectively. Thereafter, they shall include maternity leave benefits in their validation report conducted every four (4) years for the SSS and the DOLE and every three (3) years for the CSC, or more frequently as may be necessary, with the end in view of meeting the needs of pregnant women and newly-born infants, and improving their welfare.

Section 2. *Separability Clause.* – If any provision of this Rules is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

Section 3. *Repealing Clause.* – All orders, rules and regulations, and other issuances, or parts thereof inconsistent with this Rules are hereby repealed or modified accordingly.

Section 4. *Effectivity.* – This Rules shall be effective fifteen (15) days after date of its publication in at least two (2) newspapers of general circulation.

ALICIA dela ROSA-BALA
Chairperson, CSC

SILVESTRE H. BELLO III
Secretary, DOLE

AURORA C. IGNACIO
President and CEO, SSS

San Fernando, Pampanga, Philippines, 01 May 2019.