Republic Act 8187 of the Paternity Leave Act was enacted in 1996, granting seven days leave with full pay to all married male employees in the private and public sectors.

25 years after the law was enacted, it is about time to amend the same and make it more apt to current times. Further, Republic Act No. 11210, or the “105-Day Expanded Maternity Leave Law” was enacted in 2019 and it basically extends paid maternity leave from 60 days to 105 days.

Seven days is definitely not enough as it is very vital that the father be present in the early days of the life of the child.

Hence, this bill which seeks, among others, to grant to male employees a longer paternity leave to give them a longer time to assist their wives and care for their newborns.

This bill also removes the limit of four deliveries in the availment of the benefit and extends the benefit to all male employees, regardless of employment status. The bill also proposes to make the benefit available to a male employee who is not married to the woman who gave birth or suffered an abortion or miscarriage, provided that they have no legal impediment to marry each other during their cohabitation and have been living as husband and wife for at least two years at the time of childbirth, abortion, or miscarriage.

In view of the foregoing, immediate passage of this measure is earnestly requested.

RUFUS B. RODRIGUEZ
AN ACT
PROVIDING FOR EXPANDED PATERNITY LEAVE BENEFITS, AMENDING REPUBLIC ACT 8187, OTHERWISE KNOWN AS THE “PATERNITY LEAVE ACT OF 1996”

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

SECTION 1. The title of Republic Act 8187 otherwise known as “The Paternity Leave Act of 1996” is hereby amended to read as follows:

AN ACT
GRANTING PATERNITY LEAVE OF [SEVEN (7) DAYS] FIFTEEN (15) DAYS WITH FULL PAY TO ALL MARRIED MALE EMPLOYEES IN THE PRIVATE AND PUBLIC SECTORS FOR [THE FIRST FOUR (4)] ALL DELIVERIES OF THE LEGITIMATE SPOUSE WITH WHOM HE IS COHABITING OR THE WOMAN WITH WHOM HE IS EXCLUSIVELY COHABITING WITHOUT THE BENEFIT OF MARRIAGE AND FOR OTHER PURPOSES

SECTION 2. Section 2 of the same law is hereby further amended to read as follows:

“Section 2. PATERNITY LEAVE. – Notwithstanding any law, rules and regulations to the contrary, every [married] male employee, REGARDLESS OF EMPLOYMENT STATUS, MARRIED OR IN A COMMON-LAW RELATIONSHIP, in the private and public sectors shall be entitled to a paternity leave of [seven (7)] FIFTEEN (15) WORKING days with full pay for [the first four (4)] ALL deliveries of the legitimate spouse with whom he is cohabiting OR THE WOMAN WITH WHOM HE IS EXCLUSIVELY COHABITING WITHOUT THE BENEFIT OF MARRIAGE. The male employee applying for paternity leave shall notify his employer of the pregnancy of his legitimate spouse OR THE WOMAN WITH WHOM HE IS EXCLUSIVELY COHABITING WITHOUT THE BENEFIT OF MARRIAGE and the expected date such delivery.

“FOR PURPOSES OF THIS ACT:

1. DELIVERY SHALL INCLUDE CHILDBIRTH, ABORTION, OR ANY MISCARRIAGE, PROVIDED THAT, THE PATERNITY LEAVE SHALL BE FIFTEEN (15) WORKING DAYS IN THE CASE OF ABORTION OR MISCARRIAGE.

2. A MALE EMPLOYEE IS IN A COMMON-LAW RELATIONSHIP IF HE AND HIS SPOUSE HAVE BEEN LIVING TOGETHER AS HUSBAND AND WIFE WITHOUT THE BENEFIT OF MARRIAGE FOR
AT LEAST TWO YEARS AT THE TIME OF CHILDBIRTH, ABORTION, OR MISCARRIAGE, PROVIDED HOWEVER, THAT THE MALE EMPLOYEE AND HIS PARTNER HAVE BEEN COHABITING FOR AT LEAST ONE (1) YEAR, HAVING NO LEGAL IMPEDIMENT TO MARRY EACH OTHER DURING THEIR COMMON-LAW RELATIONSHIP."

SECTION 3. Section 3 is hereby amended to read as follows:

"Section 3. DEFINITION OF TERM. – For purposes of this Act, Paternity Leave refers to the benefits granted to a [married] male employee, REGARDLESS OF EMPLOYMENT STATUS, MARRIED OR IN A COMMON-LAW RELATIONSHIP, allowing him not to report for work for FIFTEEN (15) WORKING DAYS but continues to earn the compensation therefor, on the condition that his legitimate spouse OR THE WOMAN WITH WHOM HE IS EXCLUSIVELY COHABITING WITHOUT THE BENEFIT OF MARRIAGE has delivered a child or suffered a miscarriage for purposes of enabling him to effectively lend support to his wife in her period of recovery and/or nursing of the newly-born child."

SECTION 4. Separability Clause. If for any reason any section or provision of this Act is declared unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 5. Repealing Clause. - Any Laws, decrees, or laws, decrees, or rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SECTION 6. Effectivity. This Act shall take effect fifteen (15) days from the publication in the Official Gazette or in any newspaper of general circulation.

Approved,