Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 97TH REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 18 JUNE 2024, 1:00 P.M. AT THE SANGGUNIANG BAYAN SESSION HALL

Present:

Acting Municipal Vice Mayor Robert S. Quiatchon	- Presiding Officer
Councilor John John S. Yason	- Member
Councilor Juan Rafael M. Talens	- Member
Councilor King Philip B. Dimapilis	- Member
Councilor Robert A. Baticos	- Member
Councilor Veil Charlleo B. Cusi	- Member
Councilor Marietta R. Pajila	- Member
Councilor Hermis S. Catapang	- Member, ABC President
Councilor Sheikinah Grace C. Sanz	- Member, MSKF President

Absent:

Councilor Lucille T. Bacay	- Member

MUNICIPAL ORDINANCE NO. 37
Series of 2024

AN ORDINANCE 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 WITH PAY FOR SOLO MOTHERS, AND FOR OTHER PURPOSES IN ACCORDANCE WITH REPUBLIC ACT NO. 11210

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Co-Authors: **COUNCILOR ROBERT S. QUIATCHON**
COUNCILOR LUCILLE T. BACAY
COUNCILOR ROBERT A. BATICOS
COUNCILOR VEIL CHARLLEO B. CUSI

WHEREAS, the health and well-being of mothers and their newborns are essential to a thriving society;

WHEREAS, current maternity leave provisions may not adequately support the recovery needs of mothers and the bonding time crucial for early childhood development; and

WHEREAS, extending maternity leave allows for a smoother transition back to work and promotes gender equality in the workplace;

BE IT ORDAINED by the Sangguniang Bayan of Roxas in session duly assembled that:

Section 1. Short Title. – This ordinance shall be known and cited as the "105-Day Expanded Maternity Leave Ordinance".

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

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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 Ordinance is consistent with local and international legal instruments that protect and promote the rights of women.

Section 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. 11861, or the " Expanded Solo Parents Welfare Act of 2023", 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.

Section 4. Maternity Leave for Female Workers in the Public Sector. – Any pregnant female worker in the government service, regardless of employment status, in Local Government Units (LGUs), Government-Owned or Controlled Corporations (GOCCs), or Primary and Secondary Schools and Colleges, 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. 11861, or the " Expanded Solo Parents Welfare Act of 2023", 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.

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Section 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.

In case the employee qualifies as a solo parent under Republic Act No. 11861, or the " Expanded Solo Parents Welfare Act of 2023", the employee shall be paid an additional maternity benefit of fifteen (15) days.

(a) 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.

(b) 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 (₱3,000,000.00); 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.

Section 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.

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

Section 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.

Section 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.

Section 10. Maternity Leave of a Female Worker with Pending Administrative Case. – The maternity leave benefits granted under this Ordinance shall be enjoyed by a female worker in the government service and in the private sector even if she has a pending administrative case.

Section 11. Non-Diminution of Benefits. – Nothing in this Ordinance 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 12. Security of Tenure. – Those who avail of the benefits of this Ordinance, 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.

Section 13. 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 Ordinance.

Section 14. Penalties. – Any employer who fails or refuses to comply with the provisions of this Ordinance shall pay a fine of Two Thousand Pesos (₱2,000.00) and a suspension of business permit or license to operate for six (6) months. For local government, department or agency, administrative sanctions shall be imposed. (Article II, Section 16, paragraph 2 of the Revised GAD Code of 2023).

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Section 15. Implementing Rules and Regulations. – Implementing Rules and Regulations (IRR) of this Ordinance shall be formulated within sixty (60) days from its effectivity.

Section 16. Separability Clause. – If any provision of this Ordinance is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

Section 17. Repealing Clause. – All laws, rules and regulations or parts thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 18. Effectivity. – This Ordinance shall take effect after fifteen (15) days from its posting in public conspicuous spaces of the Municipality.

On motion of Councilor Marietta R. Pajila duly seconded Councilor King Philip B. Dimapilis this ordinance is hereby ENACTED.

Adopted: 18 June 2024

CERTIFIED CORRECT:

FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:

ROBERT S. QUIATCHON
Acting Municipal Vice Mayor

APPROVED:

JERWIN S. DIMAPILIS
Acting Municipal Mayor
Date Signed: 06.20.2024

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