



DE LA SALLE UNIVERSITY
TAÑADA-DIOKNO SCHOOL OF LAW

DLSU LAW CLINIC

Primer on The Law on Paternal Leaves (Republic Act No. 8187)



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Introduction

The State, as the guardian of the people, recognizes the importance of parental guidance, love, and care for their children. (1987 Constitution, Art. II, Sec. 12 and Art. XV) The father, also known as “*haligi ng tahanan*” (Foundation of the Home), has the right and obligation to provide support and care for the mother and the child. With the enactment of various social justice laws and labor laws, the legislature has extended the rights of the father in taking care of his family, most especially at the time his wife has just delivered their newborn baby or has just suffered a miscarriage.

Republic Act 8187 or The Paternity Act of 1996 afforded married male employees both in the private and public sectors an entitlement to seven (7) days of Paternity Leave with full pay for the first four (4) deliveries of their legitimate spouse with whom they cohabit or live with (Paternity Leave Act of 1996, Rep. Act No. 8187 (11 June 1996), <https://www.officialgazette.gov.ph/republic-act-no-8187/>). These fathers need not report to work while still entitled to their salary, allowances, and other benefits for the whole seven (7) days, provided that his spouse 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 in the nursing of the newly-born child. However, with the passage of Republic Act 11210 (21 February 2019) or the 105-Day Expanded Maternity Leave Law, female Filipino workers are now allowed to transfer up to seven (7) days of their one hundred five (105) days of paid Maternity Leave to the child’s father, regardless if they are married or not. Thus, today, a father can have up to fourteen (14) days of paid Paternity Leave. (<https://www.officialgazette.gov.ph/republic-act-no-11210/>).

Definition of Terms

Term (Katawagan)	Definition	Kahulugan
Paternity Leave	<p>Paternity Leave refers to the benefits granted to a married male employee allowing him not to report for work for seven (7) days but continues to earn the compensation therefor, on the condition that his spouse 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 in the nursing of the newly born child.</p> <p><i>(Revised Implementing Rules and Regulations of Republic Act No. 8187 for the Private Sector, section 3)</i></p>	<p>Ang Paternity Leave ay ang benepisyon ipinagkakaloob sa isang kasal na lalaking empleyado na nagpapahintulot sa kanyang hindi pumasok sa trabaho ng pitong (7) araw habang patuloy siyang tumatanggap ng sahod. Siya ay pinapayagan dahil ang kanyang asawa ay bagong nanganak o nakunan, upang patuloy niyang mabigyan ng suporta ang kanyang asawa habang ito ay nagpapagaling or nag-aalaga sa kanilang bagong panganak na sanggol.</p>
Employee	<p>"Employee" refers to any person who performs services for another and receives compensation therefore, provided an employer-employee relationship exists between them.</p> <p><i>(Revised Implementing Rules and Regulations of Republic Act No. 8187 for the Private Sector, section 1 (b))</i></p>	<p>Ang "Employee" ay sinumang nagbibigay ng serbisyo para sa iba at tumatanggap ng sahod kapalit nito, sa kundisyon na mayroong silang employer-employee na relasyon.</p>
Delivery	<p>"Delivery" refers to childbirth or miscarriage.</p> <p><i>(Revised Implementing Rules and Regulations of Republic Act No. 8187 for the Private Sector, section 2)</i></p>	<p>Ang Delivery - kapag nanganak o nakunan ang kanyang asawa.</p>

Spouse	<p>"Spouse" refers to the lawful wife. For this purpose, lawful wife refers to a woman who is legally married to the male employee concerned.</p> <p><i>(Revised Implementing Rules and Regulations of Republic Act No. 8187 for the Private Sector, section 1 (d))</i></p>	<p>Ang "spouse" ay ang legal na asawa. Ang legal na asawa ay isang babaeng legal na ikinasal sa lalaking empleyadong pinaguusapan.</p>
Cohabiting	<p>"Cohabiting" refers to the obligation of the husband and wife to live together.</p> <p><i>(Revised Implementing Rules and Regulations of Republic Act No. 8187 for the Private Sector, section 1 (e))</i></p>	<p>"Cohabiting" ang tawag sa obligasyon ng mag-asawa na magkasamang manirahan sa iisang tahanan.</p>

**FREQUENTLY ASKED QUESTIONS (FAQs) on
THE LAW ON PATERNAL LEAVES**
Republic Act No. 8187 (11 June 1996)

<p>1. Who is entitled to Paternity Leave?</p> <p>Married male private and government employees are entitled to paternity leave (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 3</i>).</p> <p>https://www.officialgazette.gov.ph/1996/06/11/republic-act-no-8187/</p>	<p>1. Sino-sino ang mga may karapatan na makakuha ng Paternity Leave?</p> <p>Ang mga kasal na lalaking empleyado mula sa pribadong sektor at gobyerno ay maaring makakuha ng paternity leave.</p>
<p>2. What is the purpose of Paternity Leave?</p> <p>This leave is given so that the married male employee can lend support to his wife during her period of recovery and/or in nursing the newly born child (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 3</i>).</p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p>	<p>2. Para saan ang Paternity Leave?</p> <p>Ang leave na ito ay binibigay sa mga kasal na lalaking empleyado upang suportahan ang kanyang asawa habang siya ay nagpapagaling or nagaalaga ng kanilang bagong panganak na sanggol.</p>
<p>3. Who are private employees?</p> <p>Private employees are employees employed in the private sector.</p>	<p>3. Sino ang mga empleyado ng pribadong sektor?</p> <p>Ang mga empleyado ng pribadong sektor ay ang mga nagtatrabaho sa pribadong sektor.</p>
<p>4. What is a married male private employee entitled to?</p>	<p>4. Ano ang mga karapatan ng isang lalaking kasal na empleyado ng pribadong sektor?</p>

<p>A married male private employee is entitled to his full pay, consisting of basic salary, for the seven (7) days during which he is allowed not to report for work, provided that his pay shall not be less than the mandated minimum wage (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 6</i>).</p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p>	<p>Ang kasal na lalaking empleyado mula sa pribadong sektor ay may karapatang makakuha ng buong bayad, kasama ang sweldo, sa loob ng pitong (7) araw kung saan siya ay maaring hindi pumasok sa trabaho, basta siya ay sumusweldo ng hindi bababa sa minimum wage na nakasaad sa batas.</p>
<p>5. What are the Paternal Leave benefits for Government Employees?</p> <p>It refers to the leave of absence for married male government employees for seven (7) days with full pay, to enable them to lend care and support to their legal spouses before, during and after childbirth, and assist in the rearing of the newborn child (<i>Civil Service Commission, Expanded Maternity Leave; Paternity Leave; Adoption Leave; Medical Certificate for Leave Form; New Application for Leave Form; Notice of Allocation of Maternity Leave Form, Res. No. 2100020 (07 January 2021)</i>).</p> <p>https://gad.philmech.gov.ph/assets/resources/Gender-related%20laws%20and%20policies/4.%20CSC%20Resolution%20No.%202100020%20dated%2007%20January%202021.pdf)</p>	<p>5. Ano ang mga Paternal Leave benefits para sa mga empleyado ng gobyerno?</p> <p>Ang Paternity Leave ay ang leave of absence para sa mga kasal na lalaking empleyado ng gobyerno sa loob ng pitong (7) araw na may buong suweldo, upang bigyan ng suporta ang kanilang mga legal na asawa bago, habang at pagkatapos nitong manganak at tumulong sa pag-aalaga ng kanilang bagong panganak na sanggol.</p>
<p>6. What is parental leave?</p> <p>In relation to Paternity Leave, Parental Leave is defined under the <i>Expanded Solo Parent's Act</i> and its <i>IRR</i> as an addition to leave privileges under existing laws, a forfeitable and noncumulative parental leave of not more than seven (7) working days with pay every year shall be granted to any solo parent employee, regardless of employment status, who has rendered service of at least six (6) months: Provided, That the parental leave benefit</p>	<p>6. Ano ang parental leave?</p> <p>Ayon sa Expanded Solo Parent's Act at and IRRs nito, ang parental leave ay isang karagdagang leave benefits mula sa ating batas. Ito ay nawawala, hindi napagsasama-sama, at hindi lalagpas sa pitong (7) araw ng trabaho kada taon ang binibigay sa mga solo parent na empleyado, kahit na ano pa man ang posisyon nito; siya ay nakapaglingkod ng hindi bababa sa anim (6) na buwan; ang parental leave benefit na ito ay</p>

<p>may be availed of by the solo parent employees in the government and the private sector. Provided, that if a qualified solo parent is the applicant, a valid Solo Parents Identification Card is required to avail of parental leave (<i>Expanded Solo Parents Welfare Act, R.A. No. 11861, section 7</i>).</p> <p>https://www.officialgazette.gov.ph/downloads/2022/06jun/20220604-RA-11861-RRD.pdf</p> <p>Parental leave benefits are granted to a solo parent to enable the performance of parental duties and responsibilities where physical presence is required or beneficial to the child or children (<i>Revised Implementing Rules and Regulations of R.A. No. 8972 or the “Solo Parents Welfare Act of 2000”, as amended by R.A. No. 11861 or the “Expanded Solo Parents Welfare Act”, Section 6 (aa)</i>).</p> <p>https://www.officialgazette.gov.ph/downloads/2022/09sep/20220929-IRR-RA-11861-FRM.pdf</p>	<p>magagamit ng isang solo parent na empleyado mula sa gobyerno o pribadong sector sa kundisyon na kung ang kwalipikadong solo parent ang aplikante, siya ay kinakailangang magkaroon ng Solo Parents Identification Card para magamit ang parental leave.</p> <p>Binibigay ang parental leave benefits para magampanan nila ang kanilang mga tungkulin bilang mga magulang at mga responsibilidad na kinakailangan ang kaniyang pisikal na presensya.</p>
<p>7. What is the difference between Parental Leave and Paternal Leave?</p> <p>Paternal Leave covers a married male employee allowing him to not report for work for seven (7) calendar days but continues to earn compensation, on the condition that his spouse 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 in nursing the newly born child, in comparison, Parental Leave/Solo Parent's Welfare Act Leave is the leave benefit granted to a male or female solo parent to enable him/her to perform parental duties and responsibilities where his/her physical presence is required. Solo Parent leave shall not be more than seven (7) working days every year.</p>	<p>7. Ano ang pagkakaiba ng Parental Leave at Paternal Leave?</p> <p>Sakop ng paternal leave ang isang kasal na lalaking empleyado kung saan siya ay pinapayagan na hindi pumasok sa trabaho ng pitong (7) araw habang patuloy na nakatatanggap ng kaniyang sahod, sa kundisyon na ang kanyang asawa ay nanganak o nagkunan para magbigay ng suporta sa kanyang asawa sa panahon ng kanyang pag-galing at pag-aalaga sa bagong silang na anak. Samantala, ang Parental Leave/Solo Parent's Welfare Act Leave naman ay ang leave benefit kung saan ibinibigay sa isang solo parent na lalaki o babae para magampanan ang kanilang mga tungkulin bilang magulang at mga responsibilidad na kinakailangan ang kaniyang pisikal na presensya. Ang Solo Parent leave ay hindi dapat hihigit sa pitong (7) araw ng trabaho kada taon.</p>
<p>8. Who can apply for Paternity Leave?</p>	<p>8. Sino ang pwede mapagkalooban ng Paternity Leave?</p>

<p>Every married male employee in the private sector shall be entitled to Paternity Leave benefits of seven (7) days with full pay for the first four (4) deliveries by his lawful spouse under such terms and conditions as hereinafter provided.</p> <p>The rules on Paternity Leave of employees in the public sector shall be promulgated by the Civil Service Commission (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 2</i>).</p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p>	<p>Ang Paternity Leave ay ipinagkakaloob sa bawat lalaking may asawa na nagtrabaho sa pampribado at pampublikong sektor. Hindi hadlang ang estado ng kanilang trabaho sang-ayon sa batas.</p> <p>Halimbawa, maaring magamit ng lalaking may asawa ang Paternity Leave kahit siya pa ay regular o project na empleyado.</p>
<p>9. What are the effects of the Expanded Maternity Act on fathers who are not married to the mother of the child? Can a father who is not married to the mother of the child avail of Paternal Leave?</p> <p>Any female worker entitled to Maternity Leave benefits, at her option, may allocate up to seven (7) days of said benefits to the child's father, whether or not the father is married to the female worker. Further, the benefit provided under the Expanded Maternity Leave Act is over and above that which is provided under the Paternity Leave Act (<i>Section 6 of R.A. 11210 or the Expanded Maternity Leave Act</i>).</p> <p>However, a father who is not married to the mother of the child cannot avail of Paternal Leave. According to the Paternity Leave Act of 1996, every <i>married</i> male employee in the private and public sectors shall be entitled to a Paternity Leave of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting (<i>Section 2, R.A. 8187</i>).</p>	<p>9. Ano ang mga epekto ng Expanded Maternity Act sa mga ama na hindi kasal sa ina ng bata? Maaari bang magkuha ng Paternal Leave ang isang ama na hindi kasal sa ina ng bata?</p> <p>Ang babaeng manggagawa na may karapatan sa benepisyo ng Maternity Leave ay may opsyon na maglaan ng hanggang sa pitong (7) araw ng nasabing benepisyo sa ama ng bata, kahit anuman ang katayuan ng ama sa babaeng manggagawa. Bukod pa rito, ang benepisyo na ibinibigay sa ilalim ng Expanded Maternity Leave Act ay higit pa sa ibinibigay sa ilalim ng Paternity Leave Act.</p> <p>Gayunpaman, ang isang ama na hindi kasal sa ina ng bata ay hindi maaaring makakuha ng Paternal Leave. Ayon sa Paternity Leave Act ng 1996, ang bawat kasal na lalaking empleyado mula sa pribado at pampublikong sektor ay may karapatan sa isang Paternal Leave na pitong (7) araw na may buong sahod para sa unang apat (4) na panganganak ng kanyang legal na asawa na kasama niyang manirahan.</p>

<p>10. What are the benefits of the Paternity Leave Act of 1996?</p> <p>The benefits granted to married male employees allow them not to report for work for seven (7) days but continue to earn the compensation therein (<i>Paternity Leave Act of 1996, R.A. No. 8187, section 3</i>).</p> <p>https://www.officialgazette.gov.ph/1996/06/11/republic-act-no-8187/)</p> <p>The employee is entitled to his full pay, consisting of basic salary, for the seven (7) days during which he is allowed not to report for work, provided that his pay shall not be less than the mandated minimum wage (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 6</i>).</p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p>	<p>10. Ano ang mga benepisyo sa ilalim ng Paternity Leave Act of 1996?</p> <p>Isa sa mga benepisyo ng mga kasal na lalaking empleyado ay payagan silang hindi pumasok sa trabaho ng pitong (7) araw at patuloy na makatanggap ng sweldo sa trabaho.</p> <p>Ang lalaking empleyado ay may karapatan sa kabuuang bayad na binubuo ng kaniyang basic salary para sa pitong (7) araw na pinayagan siyang hindi magtrabaho at makatanggap ng kabayaran na hindi bababa sa minimum wage.</p>
<p>11. Are Parental Leaves convertible to cash if not used? What happens to Parental Leaves if they are not used?</p> <p>If the Paternity Leave benefit is not availed of, said leave shall not be convertible to cash (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 7</i>).</p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p> <p>On the other hand, R.A. 11210 allows 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 (<i>105-Day Expanded Maternity Leave Law, R.A. No. 11210, section 6</i>).</p>	<p>11. Maari bang ipagpalit sa pera ang mga Parental Leaves kung hindi magagamit? Ano ang mangyayari sa mga Parental Leaves kung hindi ito magagamit?</p> <p>Hindi. Sa oras na hindi makuha ang paternity leave ng lalaking empleyado, hindi niya ito pwede ipagpalit sa pera.</p> <p>Samantala, ang RA 11210 o ang “105-Day Maternity Leave Law” ay pinapayagan ang bawat babaeng empleyado na makakuha ng Maternity Leave benefits kung saan pwede itong maglaan ng pitong (7) araw mula sa benepisyo nito na</p>

<p>https://www.officialgazette.gov.ph/2019/02/20/republic-act-no-11210/)</p> <p>In effect, this measure can increase the number of Paternity Leave to fourteen (14) days from the existing seven (7) days under RA 8187 or the Paternity Leave Act of 1996.</p> <p>In relation to Paternity Leave, when parental leave is not availed of, said leave shall not be convertible to cash unless specifically agreed upon previously by the employer and the employee (<i>Revised Implementing Rules and Regulations of R.A. No. 8972 or the “Solo Parents Welfare Act of 2000”, as amended by R.A. No. 11861 or the “Expanded Solo Parents Welfare Act”, section 24</i>).</p> <p>https://www.officialgazette.gov.ph/downloads/2022/9sep/20220929-IRR-RA-11861-FRM.pdf)</p>	<p>matatanggap niya para sa tatay ng kanilang anak sang-ayon sa batas.</p> <p>Dahil rito, mas pinahaba pa ng labing-apat (14) na araw ang Paternity Leave ng isang kasal na lalaki mula sa pitong (7) araw lamang sa ilalim ng RA 8187 o ang Paternity Leave Act of 1996.</p>
<p>12. How can a married male employee apply for Paternity Leave?</p> <p>The married male employees shall apply for Paternity Leave with their employer within a reasonable period of time, from the expected date of delivery by the pregnant spouse, or within such period as may be provided by company rules and regulations or by their collective bargaining agreement (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 24</i>).</p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p>	<p>12. Ano ang proseso sa pagkuha ng Paternity Leave?</p> <p>Ang kasal na lalaking empleyado ay dapat humingi ng Paternity Leave sa kani-kanilang employer sa loob ng makatwirang panahon mula sa inaasahang pag aanak ng buntis niyang asawa, o sa loob ng panahon na napagkasunduan sa trabaho sang-ayon sa batas ng kumpanya at regulasyon o collective bargaining agreement.</p>
<p>13. What happens in case there is a miscarriage?</p> <p>Prior application for leave shall not be required in case of miscarriage under the law (<i>Revised</i></p>	<p>13. Ano ang mangyayari kapag nagkaroon ng pagkukunan?</p> <p>Hindi na kailangan humingi ng leave ng asawang nakunan ayon sa batas.</p>

<p><i>Implementing Rules and Regulations of Republic Act No. 8187 for the Private Sector, section 24).</i></p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p>	
<p>14. When can Paternity Leave be granted?</p> <p>Paternity Leave benefits shall be granted to the qualified employee after the delivery by his wife, without prejudice to an employer allowing an employee to avail of the benefit before or during the delivery; provided, that the total number of days shall not exceed seven (7) days for each delivery (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector</i>).</p> <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p>	<p>14. Kailan pwedeng makatanggap ng mga benepisyo ng Paternity Leave?</p> <p>Makatanggap ng mga benepisyo ng Paternity Leave ang isang kwalipikadong empleyado pagkatapos ng panganganak ng kaniyang asawa. Pinapayagan din ng batas na payagan ng employer ang empleyado na makatanggap ng benepisyo bago o sa oras ng panganganak ng kaniyang asawa na hindi dapat lumagpas ng pitong (7) araw sa bawat panganganak.</p>
<p>15. What are the conditions to be entitled to Paternity Leave benefits?</p> <p>A married male employee shall be entitled to paternity benefits provided that:</p> <ol style="list-style-type: none"> He is an employee at the time of delivery of his child; He is cohabiting with his spouse at the time she gives birth or suffers a miscarriage. He has applied for Paternity Leave in accordance with <i>Section 4</i> hereof; and His wife has given birth or suffered a miscarriage (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 5</i>). He has notified his employer of the pregnancy of his wife and her expected 	<p>15. Ano ang mga kondisyon para mapagkalooban ng mga benepisyo ng Paternity Leave?</p> <p>Ang isang kasal na lalaking empleyado ay dapat mapagkalooban ng mga benepisyo ng Paternity Leave kung:</p> <ol style="list-style-type: none"> Siya ay isang empleyado nang manganak ang kaniyang asawa; Siya ay may kinakasamang asawa sa oras ng panganganak nito o dumanas ng pagkalaglag. Siya ay humiling ng Paternity Leave sang-ayon sa <i>Section 4</i> ng batas; at Ang kanyang asawa ay nagsilang ng anak o nagkaroon ng pagkalaglag. Siya ay nagbigay ng abiso sa kanilang employer sa pagbubuntis at petsa ng panganganak ng kanyang asawa na napasailalim sa probisyon ng Sec.4

<p>date of delivery subject to the provisions of Sec. 4;</p> <ol style="list-style-type: none"> f. As soon as the married employee learns that his spouse is pregnant, he shall inform his employer of such pregnancy and the expected date of delivery within a reasonable period of time; g. The Employee shall accomplish a Paternity Notification Form and submit the same to the employer together with a copy of his marriage contract or any proof of marriage, however, this requirement shall not apply in cases of miscarriage or abortion; <p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p> <p>The requirements under the Implementing Rules and Regulations of Republic Act No. 8187 in availing Paternity Leave from the employer should be complied with by the employees for it to be granted (<i>Supreme Steel Corporation v. Nagkakaisang Manggagawa ng Supreme Independent Union, G.R. No. 185556, 28 March 2011</i>).</p>	<ol style="list-style-type: none"> f. Sa sandaling nalaman ng kasal na empleyado na buntis ang kanyang asawa, dapat niyang ipaalam sa kanyang employer ang pagbubuntis ng kanyang asawa at petsa ng kanyang panganganak sa loob ng makatwirang panahon g. Kailangan ng lalaking empleyado na sagutan ang Paternity Notification Form at ipasa sa kanyang employer kasabay ang kopya ng kanyang kontrata ng kasal o kahit anong pruweba ng kanyang kasal, ang pangangailangan ito ay hindi magagamit sa kaso ng pagkalaglag o pagpapalaglag <p>Dapat sundin ng mga lalaking empleyado ang mga kailangan na gawin o proseso sang-ayon sa Implementing Rules and Regulations of Republic Act No. 8187 sa pagkuha ng Paternity Leave mula sa kanilang employer para ito ay mapagbigyan.</p>
<p>16. What are the additional conditions to be entitled to Paternity Leave benefits?</p> <p>In relation to Paternity Leaves, solo parents shall be entitled to parental leave provided that:</p> <ol style="list-style-type: none"> 1. They have rendered at least six (6) months of service, whether continuous or interrupted, at the time of the effectivity of the Act. 2. They have notified his/her employer of the availment thereof within a reasonable time; and 3. They have presented a valid Solo Parents Identification Card (SPIC) (<i>Revised Implementing Rules and Regulations of R. A. No. 8972 or the "Solo Parents Welfare</i> 	<p>16. Ano pa ang mga karagdagang kondisyon para mapagkalooban ng mga benepisyo ng Paternity Leave?</p> <p>Tungkol sa naman sa Paternity Leaves, ang mga solo parents ay may karapatan sa parental leave kung:</p> <ol style="list-style-type: none"> 1. Nakapaglingkod sila ng hindi bababa sa anim (6) na buwan, patuloy o hindi patuloy, sa panahon ng bisa ng Batas. 2. Nagbigay ng abiso sa kanilang employer tungkol sa pagkuha nito sa loob ng makatuwirang panahon; at 3. Nagpakita ng wastong Solo Parents Identification Card (SPIC).

<p><i>Act of 2000”, as amended by R.A. No. 11861 or the “Expanded Solo Parents Welfare Act”, section 23).</i></p> <p>https://www.officialgazette.gov.ph/downloads/2022/09sep/20220929-IRR-RA-11861-FRM.pdf</p>	
<p>17. What is the covered total number of deliveries of the legitimate spouse?</p> <p>The benefit applies to the first four (4) deliveries of the legitimate spouse with whom the married male employee is cohabiting with (<i>Paternity Leave Act of 1996, R.A. No. 8187, section 2</i>).</p> <p>https://www.officialgazette.gov.ph/1996/06/11/republic-act-no-8187/</p>	<p>17. Ano ang kabuuang bilang ng panganganak ng lehitimong asawa na sakop ng batas?</p> <p>Sakop ng benepisyo ang unang apat (4) na panganganak ng lehitimong asawa ng isang lalaking empleyado na kaniyang kinakasama.</p>
<p>18. What are the instances when existing leaves may be credited?</p> <p>Where a male employee is already enjoying the Paternity Leave benefits by reason of contract, company policy or collective bargaining agreement, the following rules shall apply:</p> <ol style="list-style-type: none"> 1. If the existing Paternity Leave benefit is greater than the benefit herein provided, the greater benefit shall prevail; 2. If the existing Paternity Leave is less than that provided herein, such existing benefit shall be adjusted to the extent of the difference. <p>However, where a contract, company policy or collective bargaining agreement provides for an emergency or contingency leave without specific provisions on Paternity Leave, the Paternity Leave as herein provided shall apply in full (<i>Revised Implementing Rules and Regulations of R.A. No. 8187 for the Private Sector, section 9</i>).</p>	<p>18. Ano ang mga pagkakataon kung saan maaaring magkaloob ng kredito sa umiiral na mga leave?</p> <p>Kung ang isang lalaking empleyado ay may benepisyo ng Paternity Leave sa pamamagitan ng kontrata, patakaran ng kumpanya, o kolektibong kasunduan, ang mga sumusunod na patakaran ay magagamit:</p> <ol style="list-style-type: none"> 1. Kung ang kasalukuyang Paternity Leave benefit ay mas malaki kaysa sa ibinibigay dito, ang mas malaking benepisyo ang magiging batayan; 2. Kung ang kasalukuyang Paternity Leave ay mas maliit kaysa sa ibinibigay dito, ang nasabing benepisyo ay iaayon sa laki ng pagkakaiba. <p>Gayunpaman, kung ang kontrata, patakaran ng kumpanya o kolektibong kasunduan ay nagbibigay ng emergency o contingency leave na walang partikular na probisyon tungkol sa Paternity Leave, ang buong halaga ng Paternity Leave na ibinibigay dito ang magagamit.</p>

<p>(https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/)</p> <p>Similarly, under the IRR of the Expanded Solo Parent's Act, if there is an existing or similar benefit under a company policy, or a collective bargaining agreement (CBA) or collective negotiation agreement (CNA) the same shall be credited as such. If the same is greater than the seven (7) days provided for in the Act, the greater benefit shall prevail.</p> <p>Emergency or contingency leave provided under a company policy, or a collective bargaining agreement shall not be credited as compliance with the parental leave provided for under the Act and these Revised IRR (<i>Revised Implementing Rules and Regulations of R.A. No. 8972 or the "Solo Parents Welfare Act of 2000", as amended by R.A. No. 11861 or the "Expanded Solo Parents Welfare Act", section 25</i>).</p> <p>https://www.officialgazette.gov.ph/downloads/2022/09sep/20220929-IRR-RA-11861-FRM.pdf)</p>	<p>Gayundin, sa ilalim ng IRR ng Expanded Solo Parent's Act, kung mayroong umiiral o katulad na benepisyo sa ilalim ng patakaran ng kumpanya, kolektibong kasunduan (CBA) o kolektibong kasunduan sa negosasyon (CNA), ito ay magkakaroon ng kredito. Kung ito ay mas malaki kaysa sa pitong (7) araw na ibinigay sa batas, ang mas malaking benepisyo ang magiging batayan.</p> <p>Ang emergency o contingency leave na ibinibigay sa ilalim ng patakaran ng kumpanya o kolektibong kasunduan ay hindi magkakaroon ng kredito bilang pagsunod sa parental leave na ibinigay sa ilalim ng Batas at ng mga Bagong IRR na ito.</p>
<p>19. Can kasambahays also avail of the seven-day parental leave benefits?</p> <p>In addition, and in relation to the Expanded Solo Parent's Act, a solo parent <i>kasambahay</i> shall also be entitled to the seven-day parental leave benefits, provided that they have rendered service of at least six (6) months to the same employer (<i>Revised Implementing Rules and Regulations of R. A. No. 8972 or the "Solo Parents Welfare Act of 2000", as amended by R.A. No. 11861 or the "Expanded Solo Parents Welfare Act", section 22</i>).</p> <p>https://www.officialgazette.gov.ph/downloads/2022/09sep/20220929-IRR-RA-11861-FRM.pdf)</p>	<p>19. Maaaring bang gamitin din ng mga kasambahay ang pitong-araw na benepisyo ng parental leave?</p> <p>Oo. Bilang karagdagan at may kaugnayan sa Expanded Solo Parents Act, ang kasambahay na tinataguriang solo parent ay may karapatan sa pitong araw na benepisyo ng parental leave, sa kondisyon na sila ay nakapagbigay ng serbisyo ng hindi bababa sa anim (6) na buwan sa parehong employer.</p>

20. What are the differences between Solo Parent Leave and Regular Parents Leave?

Solo Parent Leave is the leave benefit granted to a male or female solo parent to enable him/her to perform parental duties and responsibilities where his/her physical presence is required. Solo Parent leave shall not be more than seven (7) working days every year.

In comparison, a Paternal Leave covers a married male employee allowing him to not report for work for seven (7) calendar days but continues to earn compensation, on the condition that his spouse 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 in nursing the newly born child.

Further, in comparison with Maternity Leave, Maternity Leave applies to all female employees whether married or unmarried as long as there is childbirth, abortion, or miscarriage and that the female employee has paid at least three (3) monthly contributions immediately preceding the semester of her childbirth or miscarriage. Maternity Leave is for a period of 105 days for live childbirth and additional 15 days if she qualifies as a Solo Parent. However, for miscarriage and emergency termination of pregnancy, the period is for 60 days.

20. Ano ang pagkakaiba sa pagitan ng Solo Parent's Leave at Regular Parents Leave?

Ang Solo Parent Leave ay ang leave benefit na ibinibigay sa isang solo parent na lalaki o babae upang magampanan ang mga tungkulin bilang magulang at responsibilidad kung saan kinakailangan ang kanyang pisikal na presensya. Ang Solo Parent leave ay hindi dapat hihigit sa pitong (7) araw ng trabaho kada taon.

Samantalang ang sakop ng Paternal Leave ay ang isang kasal na lalaking empleyado na pinapayagan na hindi pumasok sa trabaho ng pitong (7) araw ngunit patuloy na kumikita ng sahod, sa kondisyon na ang kanyang asawa ay nanganak o nakunan para magbigay ng suporta sa kanyang asawa sa panahon ng kanyang paggaling at pag-aalaga sa bagong silang na anak.

Bukod pa rito, kumpara sa Maternity Leave, ang Maternity Leave ay naayon sa lahat ng babaeng empleyado, kasal man o hindi, basta't siya ay nanganak, nagpalaglag, o nakunan at ang babaeng empleyado ay nagbayad ng hindi bababa sa tatlong (3) buwan ng mga kontribusyon bago ang semester ng kanyang panganganak. Ang Maternity Leave ay may haba ng 105 na araw mula sa araw ng panganganak at karagdagang 15 araw kung siya ay kwalipikado bilang Solo Parent. Gayunpaman, para sa mga nakunan at emergency nagpalaglag, ang panahon ay 60 araw.

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Department of Health (DOH)	<p><u>Central Office</u> Address: San Lazaro Compound, Tayuman, Sta. Cruz, 1003 Manila Tel. No.: (632) 8651-7800; 8711-6744 Website: www.doh.gov.ph</p> <p><u>NCR Office</u> Address: Mandaluyong City, Manila, Metro Manila Tel. No.: 8531-0015; 8531-0017; 8531-0021 Website: http://ncroffice.doh.gov.ph/</p>
Department of Education (DepEd)	<p><u>Central Office</u> Address: DepEd Complex, Meralco Ave., 1604 Pasig City Tel. No.: 8633-7208; 8633-7228; 8687-2922; 8636-4876 Website: www.deped.gov.ph</p> <p><u>NCR Office</u> Address: 6 Misamis St., Bago Bantay, Quezon City, 1105 Metro Manila Tel. No.: (02) 8920-5824; 8929-4315 Website: https://www.deped.gov.ph/regions/ncr/</p>

Department of the Interior and Local Government (DILG)	<p><u>Central Office</u> Address: DILG-NAPOLCOM Center, EDSA cor. Quezon Ave. West Triangle, 1104 Quezon City Tel. No.: (+632) 8876-3454 Website: www.dilg.gov.ph</p> <p><u>NCR Office</u> Address: 4th Floor, Annex Building – SRA, Sugar Center, North Ave., Diliman, Quezon City, Philippines 1101 Tel. No.: 876-3454 loc. 8601; 7225-2681 Website: http://ncr.dilg.gov.ph/home/ Email: mlagustin@dilg.gov.ph</p>
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Technical Education and Skills Development Authority (TESDA)	<p><u>Central Office</u> East Service Road, Taguig, Metro Manila Tel. No.: 8893-2454; 8815-3622 Website: www.tesda.gov.ph Email: odg@tesda.gov.ph</p> <p><u>NCR Office</u> Address: Bldg 15. TESDA Gate 2 TESDA Complex East Service Rd. South Superhighway, Taguig, Metro Manila Tel. No.: TF 811-3499 TF 817-2781 TF 810-2540 TF 893-6184 Email: NCR@tesda.gov.ph</p>
National Housing Authority (NHA)	<p><u>Central Office</u> 5 Elliptical Road, Diliman, Quezon City Trunkline Tel. No.: (02) 8790-0800 or (02) 8354-0961 Information Division Tel. No.: 8921-4066 Website: www.nha.gov.ph</p>

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References

105-Day Expanded Maternity Leave Law, Rep. Act No. 11210 (February 21, 2019), <https://www.officialgazette.gov.ph/2019/02/20/republic-act-no-11210/>.

Civil Service Commission, Expanded Maternity Leave; Paternity Leave; Adoption Leave; Medical Certificate for Leave Form; New Application for Leave Form; Notice of Allocation of Maternity Leave Form, Res. No. 2100020 (January 7, 2021), <https://gad.philmech.gov.ph/assets/resources/Gender-related%20laws%20and%20policies/4.%20CSC%20Resolution%20No.%202100020%20dated%2007%20January%202021.pdf>.

CONST., (1987).

Expanded Solo Parents Welfare Act, Rep. Act No. 11861, (04 June 2022), https://lawphil.net/statutes/repacts/ra2022/ra_11861_2022.html).

Paternity Leave Act of 1996, Rep. Act No. 8187 (11 June 1996), <https://www.officialgazette.gov.ph/1996/06/11/republic-act-no-8187/>.

Revised Implementing Rules and Regulations of Republic Act No. 8187 for the Private Sector, (05 July 1996)
<https://www.deped.gov.ph/1996/09/23/do-65-s-1996-implementing-rules-and-regulations-of-republic-act-no-8187-the-paternity-leave-act-of-1996/>

Revised Implementing Rules and Regulations of Republic Act No. 8972 or the “Solo Parents Welfare Act of 2000”, as amended by Republic Act No. 11861 or the “Expanded Solo Parents Welfare Act”, (29 September 2022), <https://www.officialgazette.gov.ph/downloads/2022/09sep/20220929-IRR-RA-11861-FRM.pdf>.

Supreme Steel Corporation vs. Nagkakaisang Manggagawa ng Supreme Independent Union, G.R. No. 185556 (28 March 2011).