



Republic of the Philippines
Department of Social Welfare and Development

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20 January 2017

Representative EMMELINE Y. AGLIPAY - VILLAR

Chairperson

Committee on Women and Gender Equality

House of Representatives

Quezon City

Dear **Chairperson Aglipay - Villar**:

This refers to the request of your Committee for our Department's comments on House Bill No. 4113 or An Act Increasing the Maternity Leave Period to One Hundred (100) Days for Female Workers in the Government and in the Private Sector, and Granting an Option to Extend for an Additional Thirty (30) Days without Pay.

The Department of Social Welfare and Development reiterates its full support on the bill with the suggestion to reinstate the Section on Maternity Leave with Pay of Adoptive Parents as indicated in our position paper dated 14 October 2016. We find the need to reinstate this section in order to clearly assert the entitlement of adoptive parents to maternity leave as provided under existing law, as follows:

Republic Act No. 8552 or the Domestic Adoption Act of 1998, particularly the last part of Section 12 on Supervised Trial Custody, provides that "If the child is below seven (7) years of age and is placed with the prospective adopter(s) through a pre-adoption placement authority issued by the Department, the prospective adopter(s) shall enjoy all the benefits to which biological parent(s) is entitled from the date the adoptee is placed with the prospective adopter(s)."

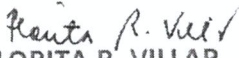
This was clarified by Section 34 of the law's Implementing Rules and Regulations by stating that "Maternity and paternity benefits and other benefits given to biological parents upon the birth of a child shall be enjoyed if the adoptee is below seven (7) years of age as of the date the child is placed with the adoptive parents thru the Pre-Adoptive Placement Authority issued by the Department."

Considering that most of the provisions of House Bill No. 4113 still made reference to pregnant female, those who gave birth or suffered miscarriage, there is a need to particularly state the qualification of adoptive parents to avail of maternity and paternity

benefits that will avoid future confusion or consequently, possible denial of rights of adoptive parents.

Thank you.

Very truly yours,


FLORITA R. VILLAR
Undersecretary and
Officer-in-Charge