

Frequently Asked Questions on
Republic Act No. 11210
also known as the
105-Day Expanded Maternity Leave Law

[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]

Effectivity	<p><i>When did the law take effect?</i> The law took effect on 11 March 2019.</p> <p><i>When did the IRR take effect?</i> The IRR took effect on 18 May 2019.</p> <p><i>When can female workers avail of the benefits under R.A. No. 11210?</i> Female workers who underwent live childbirth, miscarriage, or emergency termination of pregnancy on 11 March 2019 and onwards shall be entitled to the maternity leave benefits under R.A. No. 11210.</p>
The IRR	<p><i>Where can I get a copy of the IRR?</i> A copy of the IRR can be accessed on the CSC website at: http://www.csc.gov.ph/2014-02-21-08-28-23/pdf-files/category/1645-irra11210.html</p> <p><i>Do provisions of the Omnibus Rules on Leave (CSC MC No. 41, s. 1998, as amended) pertinent to maternity leave still apply?</i> R.A. No. 11210 and the IRR have superseded the maternity leave provisions of the Omnibus Rules on Leave. Hence, the availment of maternity leave shall be governed by R.A. No. 11210 and its IRR.</p>
Benefits	<p><i>What are the benefits for those who gave live childbirth?</i> For live childbirth:</p> <ul style="list-style-type: none"> • 105 days maternity leave (full pay) • Additional 15 days, for solo parents as defined in R.A. No. 8972 or the Solo Parents' Welfare Act of 2000 • Option to extend for 30 days without pay* • Option to allocate up to seven (7) days of the maternity leave to the child's father or the alternate caregiver <p><i>*Extended maternity leave with pay is allowed, chargeable against the female employee's sick leave credits, and vacation leave credits in case her sick leave credits have been exhausted.</i></p> <p><i>What are the benefits for those who suffered miscarriage or emergency termination of pregnancy?</i> 60 days maternity leave with full pay.</p>

Can someone who delivered stillbirth avail of maternity leave? For how long? What benefits are entitled to her?

Yes. A female employee who delivered stillbirth can avail of maternity leave. She is entitled to 60 days maternity leave with full pay.

Are maternity leave benefits taxable?

Yes, being a paid leave.

Can female government employees claim maternity leave benefits from other institutions like the Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth)?

Yes, female government employees can claim maternity leave benefits from the SSS and PhilHealth if they are members who meet the contribution requirements of these institutions.

The SSS grants maternity leave benefits for self-employed/voluntary members who have remitted 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.

The PhilHealth grants benefits like Maternity Care Package (MCP) for members who have paid at least nine (9) months of premium contributions within the twelve (12) months prior to the first day of availment/confinement (including confinement month).

The other conditions for the grant of the PhilHealth benefits are as follows:

- The maximum number of days of confinement (45 days for the member or a total of 45 days shared among all qualified dependents) per year has not yet been consumed; and
- Procedure/operation must be done in a PhilHealth-accredited hospital/facility and attended by PhilHealth-accredited doctor or must be admitted for at least 24 hours in a PhilHealth-accredited hospital/facility and attended by a PhilHealth-accredited doctor.

What does full pay mean? What does it consist of?

Full pay consists of basic salary and allowances as may be provided under existing guidelines.

If the child dies shortly after delivery, is the female employee entitled to avail of maternity leave?

Yes, the female employee is entitled to 105 days maternity leave with full pay, as her right to enjoy the benefit has already accrued from the live childbirth.

	<p><i>If the female employee dies or becomes permanently incapacitated after childbirth, is there a need to return the maternity leave benefits she received?</i></p> <p>There is no need to return the maternity leave benefits received. Under the law, the balance of the maternity leave benefits of a female employee who died or became permanently incapacitated shall accrue to the child's father or, in his death, absence, or incapacity, to an alternate caregiver.</p>
<p>Requirements</p>	<p><i>What are the requirements for one to enjoy maternity leave?</i></p> <p>The following documents shall be submitted to the agency to enjoy maternity leave:</p> <ul style="list-style-type: none"> • Accomplished Application for Leave (Civil Service Form No. 6) • Medical Certificate issued by a government or private physician, as proof of pregnancy and estimated date of delivery • Accomplished Clearance Form (Civil Service Form No. 7) • Solo Parent I.D., for solo parents who want to avail of the additional maternity leave of 15 days <p><i>When is the application for maternity leave required to be filed?</i></p> <p>Application for maternity leave must be filed with the agency the soonest, preferably thirty (30) days before the expected delivery date of the female employee. In emergency cases, the application for maternity leave may be filed immediately after the emergency.</p> <p><i>How do I apply for extended maternity leave?</i></p> <p>Application for extended maternity leave must be filed with the agency at least forty-five (45) days before the end of the 105 days maternity leave. In case of a medical emergency, subsequent notice shall be submitted.</p> <p><i>When does a female employee qualify for maternity leave with full pay?</i></p> <p>A female employee can avail of maternity leave immediately upon her assumption to office, regardless of her length of government service.</p> <p><i>Can an unmarried female employee avail of maternity leave?</i></p> <p>Yes. Maternity leave can be availed of regardless of the civil status of the female employee.</p> <p><i>Will a female employee who gave live childbirth receive the same maternity leave benefits regardless of the mode of her delivery?</i></p> <p>Yes. The 105 days maternity leave with full pay shall be granted in case of live childbirth, regardless of the mode of delivery, whether normal or caesarian.</p>
<p>Availment</p>	<p><i>Does the counting of the maternity leave period include Saturdays, Sundays, and holidays?</i></p> <p>Yes. The maternity leave period is counted in calendar days, inclusive of Saturdays, Sundays, and holidays. This is in consonance with the</p>

rule that maternity leave should be availed of in a continuous and uninterrupted manner.

Can maternity leave be availed of prior to delivery date?

Yes. A female employee can avail of maternity leave of not more than forty-five (45) days prior to her delivery date for pre-natal care purposes.

Can the application for maternity leave be given due course notwithstanding the pendency of an administrative case filed against the female employee?

Yes. A female employee is not barred under R.A. No. 11210 from enjoying maternity leave with full pay in case she has a pending administrative case.

Can a female employee go on maternity leave pending the completion of her clearance from money, property, and work-related accountabilities?

Yes. The pendency of clearance from money, property, and work-related accountabilities shall not deprive the female employee of the availment of maternity leave benefits.

Note: CS Form No. 7 (Clearance Form) shall be used for clearance.

Can the enjoyment of maternity leave be divided into two (2) phases or availed of in a protracted basis?

No. Enjoyment of maternity leave cannot be deferred to some later time. It should be availed of in a continuous and uninterrupted manner.

I gave birth on (or after) 11 March 2019, but I was only granted sixty (60) days maternity leave. I have returned to work. Can I resume and complete the remaining forty-five (45) days of my one hundred (105) days maternity leave?

Yes. Female employees who gave birth on 11 March 2019 and onwards are covered by R.A. No. 11210.

As a rule, enjoyment of maternity leave cannot be deferred to some later date since R.A. No. 11210 explicitly declares that it shall be enjoyed in a continuous and uninterrupted manner.

However, considering that you were only granted 60 days maternity leave based on Section 11 of the Omnibus Rules on Leave (which was the policy in effect prior to the approval of the IRR of R.A. No. 11210), you are still entitled to enjoy the remaining forty-five (45) days maternity leave with full pay. This is in consonance with the social justice principle that the maternity leave law, being a social legislation, should be accorded liberal interpretation in favor of those whom the law intends to be benefited.

However, there is a need for you to notify the head of office/agency that you are resuming to enjoy your maternity leave benefit.

How should the additional 15 days maternity leave for solo parents be availed of?

The additional maternity leave of 15 days for solo parents should be availed of in a continuous and uninterrupted manner immediately after the expiration of the approved maternity leave.

Apart from the Solo Parent I.D., what other proof of solo parenthood can the female employee present?

Pursuant to Section 10, Article IV of the IRR of R.A. No. 8972 or the Solo Parents' Welfare Act of 2000, the Solo Parent Identification Card (ID) is an indispensable requirement to avail of all solo parent benefits.

There being no alternative thereto, a valid Solo Parent ID shall be secured and presented in order to enjoy the additional fifteen (15) days maternity leave benefit for solo parents.

Note: The Solo Parent ID is issued by the Department of Social Welfare and Development (DSWD) through the City/Municipal Social Welfare and Development Offices. It is valid for one (1) year, but may be renewed subject to new assessment and evaluation.

Is the option to avail of the extended maternity leave of up to thirty (30) days subject to the approval of the head of office?

Yes. The head of office shall be given due notice in writing of the option to avail of the extended maternity leave at least forty-five (45) days before the end of the maternity leave or through subsequent notice in case of a medical emergency. The requirement of prior notice will give the head of office/agency necessary preparation for the extended leave of absence. Moreover, the approval of the said leave is ministerial on the part of the head of office/agency.

The period of extended maternity leave without pay shall not be considered as gap in the service. (Sec. 3, Rule IV of R.A. No. 11210)

Can the extended maternity leave of up to thirty (30) days be charged against the sick/vacation leave credits of the female employee?

Yes. In case 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 have been exhausted, the vacation leave credits may be used.

	<p><i>Can the female employee return to work during the unexpired period of her maternity leave?</i></p> <p>No. Sec. 3 of R.A. No. 11210 provides that the enjoyment of maternity leave shall not be deferred but shall be in a continuous and uninterrupted manner. Thus, a female worker shall fully enjoy her maternity leave, 105 or 60 days, as the case may be. If she returns to work during the unexpired period of her maternity leave, she shall not be paid for actual services rendered since maternity leave under R.A. No. 11210 shall no longer be commutable or convertible to cash.</p>
Employment Status	<p><i>Can non-career service employees avail of the maternity leave benefits under R.A. No. 11210?</i></p> <p>Yes. Female employees in the government service can avail of maternity leave under R.A. No. 11210 regardless of their employment/appointment status, whether permanent, temporary, casual, contractual, provisional, substitute, coterminous, or fixed term.</p>
Termination of Employment	<p><i>Can a female employee who was terminated or who resigned from the service avail of maternity leave?</i></p> <p>Yes. A female employee can avail of maternity leave if live childbirth, miscarriage, or emergency termination of pregnancy occurs not more than fifteen (15) calendar days after the termination of her service.</p>
Leave for Local Elected and Appointed Officials	<p><i>Can local elected and appointed officials, like barangay officials, avail of maternity leave under R.A. No. 11210?</i></p> <p>Yes. The coverage of R.A. No. 11210 includes female workers in public sector, including the Local Government Units (LGUs). Their entitlement to maternity leave benefits is also granted under Republic Act No. 7160 or the Local Government Code of 1991 and its Implementing Rules and Regulations, and CSC-DBM Joint Circular No. 1, s. 2004 (Leave Benefits of Barangay Officials).</p>
Subsidiaries of Government-Owned or -Controlled Corporations (GOCCs) with original charters	<p><i>Female workers employed in subsidiaries of Government-Owned or -Controlled Corporations (GOCCs) with original charters belong to what sector and what maternity leave benefits are they entitled to?</i></p> <p>They are considered as female workers in the private sector. Thus, they may avail of the Social Security System (SSS) maternity leave benefit.</p>
Contract of Service and Job Order (COS/JO) Workers in Government	<p><i>Can contract of service and job order workers in government avail of maternity leave under R.A. No. 11210?</i></p> <p>Yes. Female contract of service and job order workers in government are classified as female workers in the informal economy. They can claim maternity leave benefits from the SSS 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. 1, Rule VII of the IRR of R.A. No. 11210)</p> <p>Non-SSS members can avail of the health care services for pre-natal, delivery, postpartum and pregnancy-related conditions from the Philippine Health Insurance Corporation (PhilHealth). (Sec. 2[5], Rule III of the IRR of R.A. No. 11210).</p>

<p>Allocation of Maternity Leave</p>	<p><i>What is allocation of maternity leave?</i> 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 R.A. No. 11210 is over and above that which is provided under Republic Act No. 8187, or the “Paternity Leave Act of 1996”.</p> <p>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:</p> <ul style="list-style-type: none"> • A relative within the fourth degree of consanguinity; or • The current partner, regardless of sexual orientation or gender identity, of the female worker sharing the same household. <p>The option to allocate maternity leave credits shall not be applicable in case the female worker suffers miscarriage or emergency termination of pregnancy. (Sec. 1, Rule VIII of the IRR of R.A. No. 11210)</p> <p><i>What are the requirements in the allocation of maternity leave?</i> To allocate up to seven (7) days of the maternity leave, the female worker must submit prior notice in writing to the head of office/agency, with her Application for Leave using Civil Service (CS) Form No. 6 and proof of relationship.</p> <p><i>How should allocated leave be used or enjoyed?</i> The allocated leave can be used or enjoyed in a continuous or intermittent manner within the duration of the maternity leave.</p> <p><i>Who is a relative within the fourth degree of consanguinity?</i> A relative within the fourth degree of consanguinity is someone who is related to the female employee by blood and shares the same ancestry or lineage. Examples of relatives within the fourth degree of consanguinity are as follows:</p> <ul style="list-style-type: none"> • 1st degree: Parents, children • 2nd degree: Siblings (brothers/sisters), grandparents, grandchild • 3rd degree: Nephews, nieces, uncles, aunts • 4th degree: First cousins <p><i>What are examples of proof of relationship?</i></p> <ul style="list-style-type: none"> • Philippine Statistics Authority (PSA) or Local Civil Registrar (LCR)-issued Certificate of Live Birth • Marriage Certificate • Barangay Certificate • Other bona fide documents that can prove filial relationship
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The full text of the Implementing Rules and Regulations of Republic Act No. 11210 (An Act Increasing the Maternity Leave Period to 105 Days for Female Workers) may be accessed from the CSC website at www.csc.gov.ph under *Government Issuances*.

For inquiries relating to R.A. 11210 or the Expanded Maternity Leave Law, particularly its implementation in the public sector, please contact:

CSC Human Resource Policies and Standards Office

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CSC Regional and Field Offices:

Access the directory at www.csc.gov.ph/cscrod

Contact Center ng Bayan:

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