

Republic of the Philippines
Department of Education
Region VI – Western Visayas
DIVISION OF AKLAN

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December 6, 2019

DIVISION MEMORANDUM

No. 450 s. 2019




IMPLEMENTATION OF RA 11210 (EXPANDED MATERNITY LEAVE)

To: **Chief Education Supervisors
Education Program Supervisors
Public Schools District Supervisors
School Heads and Teacher-In-Charge of Public Schools
All Others Concerned**

1. Attached is the memorandum dated September 30, 2019 from Atty. REVSEE A. ESCOBEDO, Assistant Secretary, entitled "**IMPLEMENTATION OF RA 11210 (Expanded Maternity Leave)**", which is self-explanatory.
2. For your information and guidance.


MIGUEL MAC D. APOSIN EdD, CESO V
Schools Division Superintendent

PYM/mtb

 Republic of the Philippines Department of Education REGION VI – WESTERN VISAYAS Duran Street, Iloilo City	 JAS-ANZ  ISO 9001:2015 CERTIFIED	Document Name	Miscellaneous
		Document No.	DepED RO6-ADM-PS-MEMO2-046
		Date Created	November 12, 2019
		Revision No./Date	
		Page	1

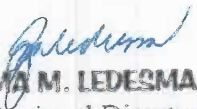
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MEMORANDUM

To: Schools Division Superintendents

Re: IMPLEMENTATION OF RA 11210 (Expanded Maternity Leave)

Herewith is a Memorandum dated September 30, 2019 from Atty. Revsee A. Escobedo, Assistant Secretary, OIC-Office of the Undersecretary, Field Operations, HR-EWD and PD, and DEACO, which is self-explanatory for information and guidance.


MA. GEMMA M. LEDESMA, CESO V
Regional Director

Incls.: as stated

ADM:JSS/pie



Republic of the Philippines
Department of Education

Tanggapan ng Pangalawang Kalihim
Office of the Undersecretary

30 September 2019



MEMORANDUM

To : Undersecretaries
Assistant Secretaries
Bureau/Service Directors
Regional Directors
Schools Division Superintendents
All Others Concerned

Subject: **IMPLEMENTATION OF RA 11210 (Expanded Maternity Leave)**

The Republic Act No. 11210 otherwise known as the **105-Day Expanded Maternity Leave Law** was enacted on February 21, 2019 and published in The Manila Bulletin on February 23, 2019.

EFFECTIVITY

The law provides that it shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation based on Sections 19 and 22 of RA 11210, as follows:

"Section 19. Implementing Rules and Regulations. - The CSC, the DOLE and the SSS shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days from the effectivity of the same.

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"Section 22. Effectivity. - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation."

Hence, female workers who gave birth, suffered miscarriage or emergency termination of pregnancy on **11 March 2019** and onwards shall be entitled to avail the maternity leave benefits.

Pursuant to Section 19 of the law, the Civil Service Commission (CSC), Department of Labor and Employment (DOLE) and Social Security System (SSS) issued the *Implementing Rules and Regulations (IRR) of the 105-Day Expanded Maternity Leave Law* on 01 May 2019. The IRR provides for the rules and procedures on the availment of the expanded maternity leave.

AVAILMENT OF LEAVE DURING LONG VACATIONS

Both Proportional Vacation Pay (PVP) and maternity leave benefits shall be given to female teachers in case the availment is during long vacations such as summer or Christmas vacations. This means that the teachers shall be paid the monetary value for the period of maternity leave during long vacations.

PROCEDURES FOR AVAILING MATERNITY LEAVE BENEFITS

Enjoyment of maternity leave cannot be deferred and shall be in a continuous and uninterrupted manner (calendar days). Hence, the previous CSC rule giving the female workers an option to return to work before the completion of the prescribed maternity leave period has been superseded by RA 11210.


Civil Service (CS) Form No. 6 (leave form) and Form No. 7 (clearance form) supported by medical certificate shall be used for the application, extension and allocation of maternity leave. It shall also serve as prior notice of the female worker to her agency. Prior notice or filing of maternity leave shall be done at least thirty (30) days in advance. Otherwise, in case of emergency, a subsequent notice shall be submitted upon the female worker's return to work.

Female workers who have given live childbirth on 11 March 2019 and onwards but were only granted sixty (60) days maternity leave prior to the issuance of the IRR shall automatically be granted one hundred five (105)-days maternity leave with full pay. No additional notice shall be necessary for the completion of the one hundred five (105) days maternity leave with full pay.

OTHER MATTERS

A copy of the IRR can be accessed and downloaded on the CSC website (Issuance section): <http://www.csc.gov.ph/2014-02-21-08-28-23/pdf-files/category/1645-irra11210.html>

For concerns about the implementation of R.A. No. 11210 in the Department of Education (DepEd), you may contact Mr. Albert Jerome C. Andres, (OIC, Personnel Division-BHROD) at (02) 6336682, 0917-814-7726 or at albert.andres@deped.gov.ph.


Atty. REVSEE A. ESCOBEDO
Assistant Secretary
OIC, Office of the Undersecretary
Field Operations, HR-EWD and PD, and DEACO

MATERNITY LEAVE BENEFITS

Female workers may avail the maternity leave benefits under the law **regardless** of their civil status, employment status and **length of service**, legitimacy of the child, and mode of delivery whether normal or caesarian.

For live childbirth, female workers are entitled to avail:

- One hundred five (105) days maternity leave with full pay;
- Fifteen (15) days additional maternity leave, for qualified solo parents pursuant to R.A. No. 8972 or the Solo Parents' Welfare Act of 2000; and
- Thirty (30) days (maximum) extended maternity leave with or without pay.

For miscarriage and emergency termination of pregnancy:

- Sixty (60) days paid leave

The expanded maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed the one hundred five (105) days or sixty (60) days, as the case may be, and that the postnatal care shall not be less than sixty (60) days.

In cases of live childbirth, to avail the additional maternity leave of thirty (30) days without pay, notice in writing must be provided at least forty-five (45) days before the end of the female worker's maternity leave. In the event of a medical emergency, no prior notice is required but subsequent notice must be submitted. The period of extended maternity leave without pay shall not be considered as gap in service.

For child care purposes, female workers who gave live childbirth may **allocate up to seven (7) days** of the one hundred five (105) days to the child's father or, in his death, absence or incapacity, to an alternate caregiver who may be a relative within the fourth degree of consanguinity or the current partner sharing the same household. The allocation of maternity leave shall only be available if the female worker and child's father or alternate caregiver are employed or enjoy leave. The allocated maternity leave shall be used in a continuous or in an intermittent manner not later than the period of the maternity leave availed of.

However, if the female worker dies or becomes permanently incapacitated, the maternity leave benefits or the balance of such shall be given to the child's father or to the alternate caregiver, provided that the leave benefits have not yet been commuted to cash. A certified true copy of the death or medical certificate or abstract shall be submitted to the employers of both the female worker and the child's father or alternate caregiver.

If the maternity leave benefits have already been paid to the female worker, the child's father or alternate caregiver shall only be excused from work without pay. Such leave without pay shall not be considered as a gap in the service.