
**IMPLEMENTING RULES AND
REGULATIONS OF
REPUBLIC ACT NO. 8187
FOR THE PRIVATE SECTOR**

Pursuant to Republic Act No. 8187 entitled, “An Act Granting Paternity Leave of Seven (7) Days With Full Pay To All Married Male Employees In the Private and Public Sectors For the First Four (4) Deliveries of the Legitimate Spouse With Whom He Is Cohabiting And For Other Purposes,” the following Rules and Regulations are hereby issued:

SECTION 1. Definition of Terms. — As used in this Rules, the following terms shall have the meaning as indicated hereunder:

- a. “Paternity Leave” refers to the leave credits granted to a married male employee to allow him to earn compensation for seven (7) working days without reporting for work, provided that his spouse has delivered a child or had a miscarriage or an abortion for the purpose of lending support to his wife during her period of recovery and/or the nursing of the newly born child.
- b. “Employee” refers to any person who performs services for an employer and receives compensation therefor, provided an employer-employee relationship exists between them.
- c. “Delivery” refers to childbirth, miscarriage or abortion.
- d. “Spouse” refers to the lawful wife. For this purpose, lawful wife refers to a woman who is legally married to the male employee concerned.
- e. “Cohabiting” refers to the obligation of the husband and wife to live together.

SECTION 2. Coverage. — Every married male employee in the private sector shall be entitled to paternity leave benefits of seven (7) working days with full pay for the first four (4) deliveries by his lawful spouse under such terms and conditions as hereinafter provided.

The rules on paternity leave of employees in the public sector shall be promulgated by the Civil Service Commission.

SECTION 3. Conditions for entitlement of paternity leave benefits. — A married male employee shall be entitled to paternity benefits provided that:

- a. he is employed at the time of delivery of his child;
- b. he has notified his employer of the pregnancy of his wife and her expected date of delivery subject to the provisions of Section 4 hereof; and
- c. his wife has given birth, suffers a miscarriage or an abortion.

SECTION 4. Notification. — As soon as the married male 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. The employee shall accomplish a Paternity Notification Form to be provided for by the employer and submit the same to the latter, together with a copy of his marriage contract, or where not applicable, any proof of marriage. Provided, That this notification requirement shall not apply in cases of miscarriage or abortion.

Any employee who has availed of the paternity benefits shall, within a reasonable period of time, submit a copy of the birth certificate of the newly born child, death or medical certificate in case of miscarriage or abortion, duly signed by the attending physician or midwife showing actual date of childbirth, miscarriage or abortion, as the case may be.

SECTION 5. Availment. — The paternity benefits set forth herein may be enjoyed by the qualified employee before, during or after the delivery by his wife; provided, that the total number of days shall not exceed seven (7) working days for each delivery. Provided, further, that this benefit shall be availed of not later than sixty (60) days after the date of said delivery.

SECTION 6. Benefits. — The employee is entitled to seven (7) working days paternity leave with pay, consisting of basic salary, all allowances and other monetary benefits.

SECTION 7. Non-Conversion of benefits. — In the event that the paternity leave benefit is not availed of, said leave shall not be convertible to cash.

SECTION 8. Penalty. — Any person, corporation, trust, firm, partnership, association or entity found violating any provision of these Rules shall be penalized by a fine not exceeding twenty five thousand pesos (P25,000) or imprisonment of not less than thirty (30) days nor more than six (6) months.

If the violation is committed by a corporation, trust firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or partner directly responsible therefor.

SECTION 9. Non-diminution clause. — Nothing in these Rules shall be construed to reduce or replace any existing benefits of any kind granted under existing laws, decrees, executive orders; or any contract, agreement or policy between employer and employee.

SECTION 10. Repealing Clause. — All laws, ordinances, rules, regulations, issuances, or parts thereof which are inconsistent with these Rules are deemed repealed or modified accordingly.

SECTION 11. Separability Clause. — If any provision or portion of these Rules is declared void or unconstitutional; the remaining portions or provisions hereof shall continue to be valid and effective.

SECTION 12. Effectivity. — These Rules shall have retroactive effect on July 5, 1996, when Republic Act No. 8187 became effective.

Adopted: 5 August 1996

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