



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF EDUCATION, CULTURE AND SPORTS
Meralco Avenue, Pasig, Metro Manila

OFFICE OF THE SECRETARY


September 23, 1996

DECS ORDER
No. 65, s. 1996

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 8187
(The Paternity Leave Act of 1996)

To: Undersecretaries
Assistant Secretaries
Bureau/Cultural Agency Directors
Regional Directors
Schools Superintendents
Directors of Services/Centers and Heads of Units
Vocational School Superintendents/Administrators

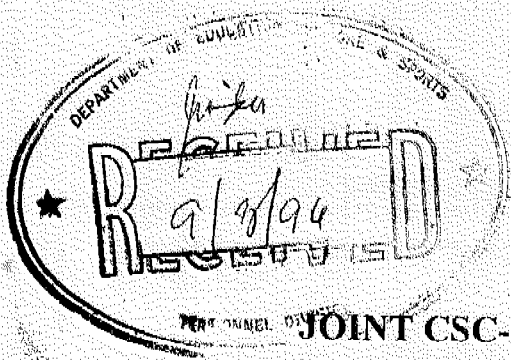
1. Inclosed is a copy of the Joint CSC-DOH Memorandum Circular No. 1, s. 1996 entitled "Implementing Rules and Regulations of Republic Act No. 8187 (The Paternity Leave Act of 1996)".
2. As stipulated in said Joint CSC-DOH Memorandum Circular, a married male employee may be granted paternity leave of seven (7) work days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting.
3. Such paternity leave shall be non-cumulative and strictly non-convertible to cash.
4. A married male employee shall file the application for said leave at least one (1) week prior to the expected delivery except in cases of miscarriage and abnormal deliveries which are unforeseen.
5. Wide dissemination of and compliance with this Order is desired.


RICARDO T. GLORIA
Secretary
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Incl.: As stated
Reference: DECS Order: No. 34, s. 1996
Allotment: 1-2-3--(M.O. 1-97)
To be indicated in the Perpetual Index
under the following subjects:

✓EMPLOYEES
✓LEAVE
✓LEGISLATIONS

✓OFFICIALS
✓RULES & REGULATIONS



Joint CSC-DOH MC No. 1, s. 1996

JOINT CSC-DOH MEMORANDUM CIRCULAR

FOR : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENT, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND STATE COLLEGES AND UNIVERSITIES

SUBJECT: *Implementing Rules and Regulations of Republic Act No. 8187 (The Paternity Leave Act of 1996)*

By virtue of the provisions of Section 4 of Republic Act. 8187, 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 these Rules, the following terms shall have the meaning as indicated hereunder:

(a) "*Paternity Leave*" refers to the privilege granted to a married male employee allowing him not to report for work for seven (7) days while continuing to earn the compensation therefor, on the condition that his legitimate 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.

(b) "*Government employee*" refers to any person who holds a regular position item in any government office or entity as well as casuals and contractuels with existing appointments who have a direct employer-employee relationship with a particular government office/entity.

(c) "*Days*" refer to working days and shall exclude Saturdays, Sundays and holidays.

(d) "*Delivery*" includes childbirth and miscarriage.

(e) "*Legitimate Spouse*" in this Act refers to a woman who validly entered into a contract of marriage with the male government employee availing of the paternity leave benefits under the Law.

(f) "*Cohabiting*" refers to the obligation of the husband and wife to live together. However, one spouse may be exempted from living with the other if the latter should live abroad or there are valid reasons for the exemption, Provided: such exemption shall not apply if the same is not compatible with the solidarity of the family.

Section 2. Coverage. - Every married male government employee shall be entitled to paternity leave benefits of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting under such terms and conditions as hereinafter provided.

Section 3. Notification. - A married male employee shall be entitled to paternity leave by filing the requisite leave application form within a reasonable period prior to the expected delivery except in cases of miscarriage and abnormal deliveries which were unforeseen. Approval of the leave application shall be mandatory on the part of the approving authority unless the services of the male employee are urgently needed to preserve life and property in which case the male employee shall be entitled to overtime pay.

Section 4. Availment. - The paternity benefits set forth herein may be enjoyed by the qualified male employee on the days immediately before, during and after the childbirth or miscarriage of his legitimate spouse.

Section 5. Validation requirement. - Any employee who has availed of the paternity leave may be required to furnish his office a certified true copy of his marriage contract; the birth certificate of the newly born child; medical certificate with pathology reports in case of miscarriage duly signed by the attending physician or midwife showing the actual date of the childbirth or miscarriage.

Section 6. Non-commutation of benefits. - The benefits specified hereunder shall be non-cumulative and strictly non-convertible to cash.


Section 7. Penalty. - Any government official or employee found violating any provision of RA 8187 or these Rules shall be punished by a fine not exceeding Twenty Five Thousand Pesos (P25,000) or imprisonment of not less than thirty (3) days nor more than six (6) months. Any government official or employee who files a fraudulent claim shall be punished with separation from the service for dishonesty.


Section 8. Non-diminution clause. - Nothing in RA 8187 or in these Rules shall be construed to reduce any existing benefits of any form granted under existing laws, decrees, executive orders.

Section 9. Repealing clause. - All laws, ordinances, rules, regulations, issuances or parts thereof which are inconsistent with RA 8187 or these Rules are hereby repealed or modified accordingly.

Section 10. Separability clause. - If any portion or provision of RA 8187 or these Rules are declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

Section 11. Retroactivity clause. - These Implementing Regulations retroact to 5 July 1996, the date of effectivity of the Paternity Act of 1996.


CORAZON ALMA G. DE LEON
Chairman
Civil Service Commission


CARMENCITA N. REODICA
Secretary
Department of Health