

Questions & Answers

Solo Parent's Welfare Act and Parental Leave

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WHAT IS THE SOLO PARENT'S WELFARE ACT?

Republic Act (RA) 8972 or the *Solo Parent's Welfare Act* provides for benefits and privileges to solo parents and their children. It aims to develop a comprehensive package of social development and welfare services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), as the lead agency, various government agencies including NSO, and other related NGOs.

WHEN DID RA 8972 TAKE EFFECT?

RA 8972 was signed into law on November 7, 2000 and took effect on November 28, 2000. Its implementing rules and regulations (IRR) was approved on April 2002.

WHO ARE CONSIDERED AS SOLO PARENTS?

Solo Parent is any individual who falls under any of the following categories:

1. A woman who gives birth as a result of rape and other crimes against chastity even without a final conviction of the offender, provided that the mother keeps and raises the child/children.
2. Parent left solo or alone with the responsibility of parenthood due to the following circumstances:
 - a. Death of spouse.
 - b. Spouse is detained or is serving sentence for a criminal conviction for at least one (1) year.
 - c. Physical and/or mental incapacity of spouse as certified by a public medical practitioner.
 - d. Legal separation or *de facto* separation from spouse for at least one (1) year, as long as he/she is entrusted with the custody of the child/children.
 - e. Declaration of nullity or annulment of marriage as decreed by a court or by a church as long as he/she is entrusted with the custody of the child/children.
3. Unmarried mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution.
4. Any other person who solely provides parental care and support to a child or children.
5. Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent.

WHAT ARE THE CONDITIONS FOR THE TERMINATION OF THE PRIVILEGES OF A SOLO PARENT?

A change in the status or circumstances of the parent claiming benefits under this Act, such that he/she is no longer left alone with the responsibility of parenthood, shall terminate his/her eligibility for benefits such as change in the status with marriage, the concerned parent is no longer left alone with the responsibility of parenthood, among others.

DOES THE SOLO PARENT ACT APPLY TO THOSE WHOSE SPOUSE IS ABROAD?

The law did not consider this as one of the categories of solo parent since the other spouse still exercise duties over his/her family. However, if the other parent is abroad and has lost contact with his/her family for a year or more, the other parent who is left with the custody of the family, may be considered as solo parent, provided proofs are presented to qualify as such.

WHAT IS THE PACKAGE OF SERVICES FOR SOLO PARENTS?

The comprehensive package of programs/services for solo parents includes livelihood, self-employment and skills development, employment-related benefits, psychosocial, educational, health, and housing services.

WHAT ARE THE CRITERIA FOR SUPPORT?

Any solo parent whose income in the place of domicile falls below the poverty threshold as set by the National Economic and Development Authority (NEDA) and subject to the assessment of the DSWD worker in the area shall be eligible for assistance. A solo parent can directly inquire from the following agencies to avail of their services:

1. Health services (DOH)
2. Educational services (CHED, TESDA)
3. Housing (NHA)
4. Parental leave (employer, DOLE, CSC)

A solo parent whose income is above the poverty threshold shall enjoy only such limited benefits as flexible work schedule, parental leave, and others to be determined by the DSWD.

WHAT ARE THE STEPS TO AVAIL OF THE PACKAGE OF SERVICES?

A solo parent shall apply for a *Solo Parent Identification Card* (Solo Parent ID) from the City/Municipal Social Welfare and Development (C/MSWD) Office. Once the C/MSWD Office issues the Solo Parent ID, a solo parent can apply for services he/she needs from the C/MSWD Office or to specific agencies providing such assistance/services.

WHAT ARE THE REQUIREMENTS IN SECURING A SOLO PARENT ID?

1. Barangay certificate residency in the area;
2. Documents/evidences that the applicant is a solo parent (e.g., death certificate of spouse, declaration of nullity of marriage, medical certificate – if incapacitated); and
3. Income Tax Return (ITR) or certification from the barangay/municipal treasurer.

WHAT DOCUMENT/PROOF WILL A SOLO PARENT PRESENT IF HE/SHE HAS CHILD OR IS *DE FACTO* SEPARATED FROM HUSBAND/WIFE?

A certificate issued by the Barangay Captain indicating the circumstances on one's being a solo parent.

IF A SOLO PARENT FILES THE APPLICATION, CAN AN ID BE SECURED RIGHT AWAY?

No. The social worker has to complete the assessment/evaluation of the solo parent situation. The ID will be issued after 30 days from filing. The validity of the ID is one year and is renewable.

WHAT IS PARENTAL LEAVE?

Parental leave refers to leave benefits granted to a solo parent to enable said parent to perform parental duties and responsibilities where physical presence is required as provided under *Civil Service Commission (CSC) Memorandum Circular No. 08, Series 2004*.

IS PARENTAL LEAVE RETROACTIVE SINCE THE LAW TOOK EFFECT LAST NOVEMBER 2000?

No. Parental leave is noncumulative and can be availed only during the current year. Further, it can only be availed after the issuance of the Solo Parent ID.

IS THE SEVEN-DAY PARENTAL LEAVE IN ADDITION TO THE EXISTING THREE-DAY SPECIAL LEAVE PRIVILEGE?

The law clearly indicates that the granting of the seven-day parental leave is on top of the three-day special leave and other mandatory leave benefits.

CAN A SOLO PARENT APPLY FOR PARENTAL LEAVE FOR ANY CHILD?

Yes, as long as the child is living with him/her, dependent for support, unmarried, unemployed, and below eighteen (18) years old, or eighteen (18) years old and above but is incapable of self-support and/or with physical/mental defect/disability.

WHAT ARE THE CONDITIONS FOR GRANTING PARENTAL LEAVE TO SOLO PARENTS?

The parental leave of seven (7) days shall be granted to any solo parent employee subject to the following conditions:

1. The solo parent must have rendered government service for a least one (1) year, whether continuous or broken, reckoned at the time of the effectivity of the law on September 22, 2002, regardless of the employment status.
2. The parental leave shall be availed of every year and shall not be convertible to cash. If not availed within the calendar year, said privilege shall be forfeited within the same year.
3. The parental leave shall be availed of on a continuous or staggered basis, subject to the approval of the Administrator. In this regard, the solo parent shall submit the application for parental leave at least one (1) week prior to availing the solo parent leave, except on emergency cases.
4. The solo parent employee may avail of parental leave under any of the following circumstances:
 - a. Attend to personal milestones of a child such as birthday, communion, graduation, and other similar events;
 - b. Perform parental obligations such as enrolment and attendance in school programs, PTA meetings, and the like;
 - c. Attend to medical social, spiritual, and recreational needs of the child;

d. Other similar circumstances necessary in the performance of parental duties and responsibilities, where physical presence of the parent is required.

5. The head of agency/office concerned may determine whether granting of parental leave is proper or may conduct the necessary investigation to ascertain if ground for termination and withdrawal of the privilege exist.

CAN A SOLO PARENT AVAIL OF THE MATERNITY LEAVE?

There is no provision in the law that there is a maternity leave for solo parents, however, other laws can be applied.

References:

1. Republic Act No. 8972 - "An Act Providing for Benefits and Privileges to Solo Parents and their Children, Appropriating Funds thereof and for Other Purposes." November 2000
2. CSC Memorandum Circular No. 8, s. 2004 - "Guidelines on the Grant of Parental Leave to Solo Parent." March 24, 2004