



Republic of the Philippines
HOUSE OF REPRESENTATIVES
 Capitol Building, Manila, Philippines

FIFTEENTH CONGRESS
 Second Regular Session



COMMITTEE REPORT NO. 2160

09 MAY 2012

Submitted by the Committee on Labor and Employment on _____
 Re: House Bill No. **6144**
 Recommending its approval in substitution of House Bills No. 454, 553, 729, 837,
 1140, 1201, 1815, 2400, 2559, 3717, 4277, 4477, 4753, 4896, 5289, and SB No.
 78
 Sponsors: Reps. Ernil L. Ong, Ronald M. Cosalan, Juan C. Ponce-Enrile, Jr., and
 Juan Edgardo M. Angara

Mr. Speaker

The Committee on Labor and Employment, to which were referred House Bill No. 454, introduced by Reps. Juan Edgardo M. Angara, Rachel Marguerite B. del Mar, Augusto Boboy Syjuco, Ph.D., Eduardo R. Guillas, Susan A. Yap, and Salvador P. Cabaluna III, entitled:

"AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION
TO THE HOUSEHELPERS THEREBY AMENDING FOR THIS
PURPOSE ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER
III P.D. 442, AS AMENDED, OTHERWISE KNOWN AS "THE
LABOR CODE OF THE PHILIPPINES",

HB No. 553, introduced by Reps. Juan C. Ponce-Enrile, Jr., and Neri J. Conmenares, entitled:

AN ACT
INSTITUTING POLICIES GOVERNING THE HOUSEHOLD
EMPLOYMENT INDUSTRY, ESTABLISHING A STANDARD OF
PROTECTION AND PROMOTING THE WELFARE OF
HOUSEHOLD HELPERS,

HB No. 729, introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Ma. Ameita A. Calimbas-Villaresa, Rachel Marguerite B. del Mar, and Marcelino J. Teodoro, entitled:

AN ACT
INSTITUTING REGULATORY POLICIES FOR THE HOUSEHOLD EMPLOYMENT INDUSTRY, ESTABLISHING STANDARDS OF PROTECTION AND PROMOTION OF THEIR WELFARE AND OF THEIR FAMILIES, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES.

HB No. 837, introduced by Reps. Jose Carlos L. Cari, Angelo B. Palmones, Rodel M. Batocabe, Alfredo B. Garbin, Jr., Albert Raymond S. Garcia, Rosenda Ann Ocampo, Emil L. Ong, Pedro B. Acharon, Jr., Danilo Ramon S. Fernandez, Florencio C. Garay, Raymond Democrito C. Mendoza, Ronald M. Cosalan, Juan Edgardo M. Angara, Arturo B. Robes, Emerenciana "Emmi" A. de Jesus, Sonny F. Collantes, Romeo M. Jalosjos, Jr., Seth Frederick P. Jaloslos, and Salvador P. Cabaluna III, entitled:

AN ACT
INCREASING THE MINIMUM WAGE OF HOUSEHELPERS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7655, AND PROVIDING FOR THE MANDATORY COVERAGE OF HOUSEHELPERS IN THE NATIONAL HEALTH INSURANCE PROGRAM (NHIP) UNDER THE PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH).

HB No. 1140, introduced by Reps. Diosdado JM Macapagal-Arroyo, Gloria M. Macapagal-Arroyo, Juan Miguel "Mikey" Macapagal-Arroyo, Angelo B. Palmones, Rosenda Ann Ocampo, Augusto Boboy Syjuco, Ph.D., Carol Jayne B. Lopez, Salvador P. Cabaluna III, entitled:

AN ACT
ESTABLISHING A MAGNA CARTA FOR THE KASAMBAHAY, AMENDING FOR THIS PURPOSE, BOOK III, ARTICLES 141-152 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS "THE LABOR CODE OF THE PHILIPPINES",

HB No. 1201, introduced by Reps. Marcelino R. Teodoro, Christopher S. Co, Rodel M. Batocabe, and Alfredo A. Garbin, Jr., entitled:

AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION TO THE HOUSEHELPERS THEREBY AMENDING FOR THIS PURPOSE ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER III OF P.D.442, AS AMENDED, OTHERWISE KNOWN AS "THE LABOR CODE OF THE PHILIPPINES",

HB No. 1815, introduced by Reps. Emmeline Y. Aglipay, Christopher S. Co. Rodel M. Batocabe, Alfredo A. Garbin Jr., Maria Evita R. Arago, Maria Carmen Zamora-Apsay, Neri J. Colmanares, Walden F. Bello, Emi G. Calixto-Rubiano and Kaka J. Bag-Ao, entitled:

**AN ACT
PROVIDING FOR THE MAGNA CARTA OF HOUSEHOLD
HELPERS,**

HB No. 2400, introduced by Reps. Romeo M. Acop, and Angelo B. Palmones, entitled:

**AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION
TO THE HOUSEHELPERS THEREBY AMENDING FOR THIS
PURPOSE ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER
III, P.D. 442, AS AMENDED, OTHERWISE KNOWN AS THE
"LABOR CODE OF THE PHILIPPINES"; AND FOR OTHER
PURPOSE,**

HB No. 2559, introduced by Rep. Joseph Victor G. Ejercito, entitled:

**AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION
TO THE HOUSEHELPERS, THEREBY AMENDING FOR THIS
PURPOSE, ARTICLES 141, 142, 148 AND 151 OF CHAPTER III
P.D. 442, AS AMENDED, OTHERWISE KNOWN AS "THE LABOR
CODE OF THE PHILIPPINES",**

HB No. 3717, introduced by Reps. Tobias "Toby" M. Tiangco, Joseph Victor G. Ejercito and Nicanor M. Briones, entitled:

**AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION
TO THE HOUSEHELPERS THEREBY AMENDING FOR THIS
PURPOSE ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER
III OF P.D. 442, AS AMENDED, OTHERWISE KNOWN AS "THE
LABOR CODE OF THE PHILIPPINES",**

HB No. 4277, introduced by Reps. Raymond Democrito C. Mendoza, Angelo B. Palmones, and Rodante D. Marcoleta, entitled:

**AN ACT
INSTITUTING REGULATORY POLICIES FOR DOMESTIC
WORKERS, ESTABLISHING STANDARDS FOR THE
PROTECTION AND PROMOTION OF THEIR WELFARE AND OF
THEIR FAMILIES, AMENDING FOR THIS PURPOSE PERTINENT
PROVISIONS OF PRESIDENTIAL DECREE NO. 442,**

**OTHERWISE KNOWN AS THE LABOR CODE OF THE
PHILIPPINES AND FOR OTHER PURPOSES,**

HB No. 4477, introduced by Rep. Emil L. Ong, entitled

**AN ACT
INCREASING THE MINIMUM EMPLOYABLE AGE OF
HOUSEHELPERS TO 18 YEARS OF AGE, THEREBY AMENDING
FOR THIS PURPOSE ARTICLE 141 OF PRESIDENTIAL DECREE
NO. 442 (PD 442), AS AMENDED, OTHERWISE KNOWN AS THE
LABOR CODE OF THE PHILIPPINES,**

HB No. 4753, introduced by Rep. Catalina C. Bagasina, entitled:

**AN ACT
GRANTING THIRTEENTH MONTH-PAY TO ALL QUALIFIED
HOUSEHOLD HELPERS NATIONWIDE**

HB No. 4896, introduced by Reps. Lani Mercado-Revilla, Ryan Luis V. Singson,
and Raden C. Sakaluran, entitled

**AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION
TO HOUSEHOLD HELPERS THEREBY AMENDING FOR THIS
PURPOSE ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER
III OF PRESIDENTIAL DECREE NO. 442, AS AMENDED,
OTHERWISE KNOWN AS "THE LABOR CODE OF THE
PHILIPPINES"**

HB No. 5289, introduced by Rep. Eulogio "Amang" R. Magsaysay, entitled

**AN ACT
PROVIDING EDUCATIONAL OPPORTUNITIES TO HOUSEHOLD
HELPERS AND FOR OTHER PURPOSES,**

and SB No. 78, introduced by Senator Jinggoy Ejercito-Estrada, entitled

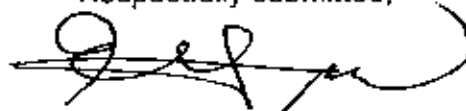
**AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION
TO THE HOUSEHELPERS THEREBY AMENDING FOR THIS
PURPOSE, ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER
III P.D. 442, AS AMENDED, OTHERWISE KNOWN AS THE
'LABOR CODE OF THE PHILIPPINES'**

has considered the same and recommends that the attached House Bill No
3147 entitled:

**AN ACT
INSTITUTING REGULATORY POLICIES FOR DOMESTIC WORK
THEREBY ESTABLISHING STANDARDS OF PROTECTION TO
PROMOTE THE WELFARE OF DOMESTIC WORKERS**

be approved in substitution of House Bills No. 454, 553, 729, 837, 1140, 1201, 1815, 2400, 2559, 3717, 4277, 4477, 4753, 4896, 5289, and SB No. 78, with Reps. Juan Edgardo M. Angara, Rachel Marguerite B. del Mar, Juan C. Ponce Enrile, Jr., Neri J. Colmenares, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Jose Carlos L. Cari, Angelo B. Palmones, Diosdado JM Macapagal-Arroyo, Gloria M. Macapagal-Arroyo, Marcelino R. Teodoro, Christopher S. Co, Emmeline Y. Aglipay, Romeo M. Acop, Joseph Victor G. Ejercito, Tobias "Toby" M. Tiangco, Raymond Democrito C. Mendoza, Emil L. Ong, Catalina C. Bagasina, Lani Mercado-Revilla, Ryan Luis V. Singson, Eulogio "Amang" R. Magsaysay, Augusto Boboy Syjuco, Ph.D., Eduardo R. Gullas, Susan A. Yap, Salvador P. Cabaluna III, Ma. Amelita A. Calimbas-Villarosa, Rodel M. Batocabe, Alfredo B. Garbin, Jr., Albert Raymond S. Garcia, Rosenda Ann Ocampo, Pedro B. Acharon, Jr., Danilo Ramon S. Fernandez, Florencio C. Garay, Ronald M. Cosalan, Arturo B. Robes, Emerenciana "Emmi" A. de Jesus, Sonny P. Collantes, Romeo M. Jalosjos, Jr., Seth Frederick P. Jaloslos, Juan Miguel "Mikey" Macapagal-Arroyo, Carol Jayne B. Lopez, Maria Evita R. Arago, Maria Carmen Zamora-Apsay, Walden F. Bello, Emi G. Calixto-Rubiano, Kaka J. Bag-Ao, Nicanor M. Briones, Rodante D. Marcoleta, Raden C. Sakaluran, and Philip A. Pichay as authors thereof.

Respectfully submitted,



EMIL L. ONG
Chairman

Committee on Labor and Employment

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY**



Republic of the Philippines
HOUSE OF REPRESENTATIVES
 Quezon City

Fifteenth Congress
 Second Regular Session

House Bill No. 6144

Introduced by Reprs. Juan Edgardo M. Angara, Rachel Marguerite B. del Mar, Juan C. Ponce Enrile, Jr., Neri J. Colmanares, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Jose Carlos L. Cari, Angelo E. Palmones, Diosdado JM. Macapagal-Arroyo, Gloria M. Macapagal-Arroyo, Marcelino R. Teodoro, Christopher S. Co, Emmeline Y. Aglipay, Romeo M. Acop, Joseph Victor G. Ejercito, Tobias "Toby" M. Tiangco, Raymond Democrito C. Mendoza, Emil L. Ong, Catalina C. Bagasna, Lani Mercado-Revilla, Ryan Luis V. Singson, Eulogio "Amang" R. Magsaysay, Augusto Boboy Syjuco, Ph.D., Eduardo R. Guñas, Susan A. Yap, Salvador P. Cavaluna III, Ma. Amelita A. Calimbas-Villarosa, Rodel M. Batocabe, Alfredo B. Garbin, Jr., Albert Raymond S. Garcia, Rosenda Ann Ocampo, Pedro B. Acharon, Jr., Danilo Ramon S. Fernandez, Florencio C. Garay, Ronald M. Cosalan, Arturo B. Robes, Emerenciana "Emmi" A. de Jesus, Sonny P. Collantes, Romeo M. Jaisijos, Jr., Sein Frederick P. Jaisijos, Juan Miguel "Mikey" Macapagal-Arroyo, Carol Jayne B. Lopez, Maria Evita R. Arago, Maria Carmen Zamora-Apsey, Walden F. Bello, Emi G. Calixto-Rubiano, Kaka - Bag-Ao, Nicamor M. Bricnes, Rodante D. Marcoleta, Raden C. Sakatulan, and Philip A. Pichay

AN ACT
INSTITUTING REGULATORY POLICIES FOR DOMESTIC WORK THEREBY
ESTABLISHING STANDARDS OF PROTECTION TO PROMOTE THE
WELFARE OF DOMESTIC WORKERS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title** - This Act shall be known as the "Domestic
 2 Workers Act."

3 **SEC. 2. Declaration of Policies.** - It is hereby declared that

4 a) The State strongly affirms labor as a primary social force and is
 5 committed to respect, promote, protect and realize the fundamental principles and
 6 rights at work including, but not limited to, the freedom of the workers to form or

1 join organizations of their own choosing, abolition of child labor, elimination of all
2 forms of forced labor, discrimination in employment and occupation, and
3 trafficking in persons, especially women and children;

4 b) The State adheres to internationally accepted working conditions for
5 workers in general, and establishes labor standards for domestic workers in
6 particular towards decent employment and income, enhanced coverage of social
7 protection, respect for human rights, and strengthened social dialogue;

8 c) The State recognizes the need to protect the rights of domestic workers
9 against abuse, harassment, violence, economic exploitation and performance of
10 work that is hazardous to their physical and mental health;

11 d) The State, in protecting working women and recognizing their special
12 needs to ensure safe and healthful working conditions, promote gender-sensitive
13 measures in the formulation and implementation of policies and programs
14 affecting the local domestic work industry; and

15 e) The State recognizes the vital role of legitimate labor organizations,
16 employers' organizations and non-governmental organizations (NGOs) as
17 partners in the protection and promotion of the welfare of domestic workers.

18 **SEC. 3. Coverage** – This Act applies to all domestic workers employed
19 and working within the country.

20 **SEC. 4. Definition of Terms.** - As used in this Act, the term:

21 a) *Debt bondage* refers to the rendering of service by the domestic
22 worker as security or payment for a debt where the length and nature of service
23 is not clearly defined or when the value of the service is not reasonably applied in
24 the payment of the debt.
25

26 b) *Domestic Work* refers to work performed in or for a household or
27 households.

28 c) *Domestic Worker* or "*Kasambahay*" refers to any person engaged in
29 domestic work within an employment relationship such as, but not limited to, the
30 following: general househelp, nursemaid or "*yaya*", cook, gardener, or laundry
31 person but shall exclude any person who performs domestic work only
32 occasionally or sporadically and not on an occupational basis.

33 d) *Employer* refers to any person who engages and controls the services
34 of a domestic worker and is party to the employment contract.

1 e) *Household* refers to the immediate members of the family or the
2 occupants of the house that are directly provided services by the domestic
3 worker.

4 f) *Private Employment Agency* refers to any individual, legitimate
5 partnership, corporation or entity engaged in the recruitment and placement of
6 domestic workers for local employment.

7 g) *Deployment Expenses* refers to expenses that are directly used for the
8 transfer of the domestic worker from place of origin to the place of work covering
9 the cost of transportation. Advances or loans by the domestic worker are not
10 included in the definition of deployment expenses.

12 **ARTICLE II**
13 ***Rights and Privileges***

14 **SEC. 5. *Standard of Treatment.*** - The employer or any member of the
15 household shall not subject a domestic worker or "*kasambahay*" to any kind of
16 abuse nor inflict any form of physical violence or harassment or any act tending
17 to degrade the dignity of a domestic worker.

18 **SEC. 6. *Board, Lodging and Medical Attendance.*** - The employer
19 shall provide for the basic necessities of the domestic worker to include at least
20 three (3) adequate meals a day and humane sleeping arrangements that
21 ensure privacy and safety.

22 The employer shall provide appropriate rest and assistance to the
23 domestic worker in case of illnesses and injuries sustained during service
24 without loss of benefits.

25 At no instance shall the employer withdraw or hold in abeyance the
26 provision of these basic necessities as punishment or disciplinary action to the
27 domestic worker.

28 **SEC. 7. *Guarantee of Privacy.*** - Respect for the privacy of the domestic
29 worker shall be guaranteed at all times and shall extend to all forms of
30 communication and personal effects. This guarantee equally recognizes that the
31 domestic worker is obliged to render satisfactory service at all times.

32 **SEC. 8. *Access to Outside Communication.*** The employer shall grant
33 the domestic worker access to outside communication during free time. *Provided,*
34 That in case of emergency, access to communication shall be granted even
35 during work time. Should the domestic worker make use of the employer's
36 telephone facility, the costs shall be borne by the domestic worker, unless such
37 charges are waived by the employer.

1 The private employment agency shall keep a copy of all employment
2 contracts of domestic workers and shall be made available for verification and
3 inspection by the DOLE

4 **SEC. 13. Pre-Employment Requirement.** - Prior to the execution of the
5 employment contract, the employer may require the following from the domestic
6 worker.

- 7 a) Medical certificate or a health certificate issued by a local government
8 health officer;
- 9 b) *Barangay* and police clearance;
- 10 c) National Bureau of Investigation (NBI) clearance; and
- 11 d) Duly authenticated birth certificate or if not available, any other
12 document showing the age of the domestic worker such as voter's
13 identification card, baptismal record, or passport.

14 The cost of the foregoing shall be borne by the prospective employer or
15 agency, as the case may be.

16 **SEC. 14. Recruitment and Finder's Fees.** - Regardless of whether the
17 domestic worker was hired through a private employment agency or a third party,
18 no share in the recruitment or finder's fees shall be charged against the domestic
19 worker by the said private employment agency or third party

20 **SEC. 15. Deposits for Loss or Damage.** - It shall be unlawful for the
21 employer or any other person to require a domestic worker to make deposits
22 from which deductions shall be made for the reimbursement of loss or damage to
23 tools, materials, furniture and equipment in the household.

24 **SEC. 16. Prohibition on Debt Bondage.** - It shall be unlawful for the
25 employer or any person acting on behalf of the employer to place the domestic
26 worker under debt bondage

27 **SEC. 17. Prohibition on the Employment of Minors as Domestic**
28 **Worker.** - It shall be unlawful to employ any person below eighteen (18) years of
29 age as a domestic worker. All domestic workers below the minimum age
30 presently employed shall continue their employment as such within a period of
31 one (1) year from the effectivity of this Act: *Provided*, That they are not
32 performing any dangerous or hazardous work: *Provided further*, That they shall
33 be entitled to education, minimum wage and all the benefits prescribed in this
34 Act.

35 The DOLE, the Department of Social Work and Development (DSWD),
36 and the Department of the Interior and Local Government (DILG), in coordination
37 with other concerned government agencies, NGOs, people's organizations, and
38 tri-media institutions shall immediately develop and implement an intensive and

1 continuous information and education campaign that will ensure the total
2 elimination of the employment of minors as domestic workers.

3 **SEC. 18. Employer's Reportorial Duties.** – The employers shall register
4 all domestic workers under their employment in the Registry of Domestic
5 Workers in the *barangay* where the employer's address is located. The DILG
6 shall, in coordination with the DOLE, formulate a registration system for this
7 purpose

8 **SEC. 19. Skills Training, Assessment and Certification.** - To ensure
9 productivity and assure quality services the DOLE, through the Technical
10 Education and Skills Development Authority (TESDA), shall facilitate access of
11 domestic workers to efficient training, assessment and certification based on a
12 duly-promulgated training regulation.

13 **ARTICLE IV**

14 **Employment – Terms and Conditions**

15 **SEC. 20. Health and Safety.** – The employer shall safeguard the safety
16 and health of the domestic worker in accordance with laws, rules and regulations
17 with due consideration of the peculiar nature of domestic work.

18 **SEC. 21. Daily Rest Period.** – The domestic worker shall be entitled to an
19 aggregate daily rest period of eight (8) hours per day.

20 **SEC. 22. Weekly Rest Period.**- The domestic worker shall be entitled to
21 at least twenty-four (24) consecutive hours of rest in a week. The employer and
22 the domestic worker shall agree in writing on the schedule of the weekly rest day
23 of the domestic worker; *Provided* That the employer shall respect the preference
24 of the domestic worker as to their weekly rest day when such preference is
25 based on religious grounds. Nothing in this provision shall deprive the domestic
26 worker and the employer from agreeing to the following:

- 27 a) Offsetting a day of absence with a particular rest day;
- 28 b) Waiving a particular rest day in return for an equivalent daily rate of
29 pay;
- 30 c) Accumulating rest days not exceeding five (5) days; or
- 31 d) Other similar arrangements.

32 **SEC. 23. Assignment to Non-Household Work.** – No domestic worker
33 shall be assigned to work in a commercial, industrial or agricultural enterprise at
34 a wage rate lower than that provided for agricultural or non-agricultural workers.

35 **SEC. 24. Extent of Duty.** - The domestic worker and the employer may
36 mutually agree for the former to temporarily perform a task that is outside the

1 latter's household for the benefit of another household. However, any liability that
2 will be incurred by the domestic worker on account of such arrangement shall be
3 borne by the original employer. In addition, such work performed outside the
4 household shall entitle the domestic worker to an additional payment of not less
5 than the existing minimum wage rate of a domestic worker. It shall be unlawful
6 for the original employer to charge any amount from the said household where
7 the service of the domestic worker was temporarily performed.

8 **SEC. 25. Minimum Wage.** – The Regional Tripartite Wages and
9 Productivity Boards (RTWPBs) shall, within ninety (90) days from the effectivity
10 of this Act, convene for the purpose of determining the appropriate minimum
11 wages of domestic workers.

12 **SEC. 26. Payment of Wages.** - Wages shall be paid monthly in cash
13 directly to the domestic worker and not by means of promissory notes, vouchers,
14 coupons, tokens, tickets, chits or any object. Except as otherwise allowed by
15 law, it shall be unlawful for the employer, directly or indirectly, to deduct any
16 amount from the wage of the domestic worker.

17 **SEC. 27. Pay Slip** - The employer shall at all times provide the domestic
18 worker with a copy of his or her pay slip containing the amount paid in cash every
19 pay day, and indicating all deductions made, if any.

20 **SEC. 28. Prohibition on Interference in the Disposal of Wages.** – It
21 shall be unlawful for the employer to interfere with the freedom of any domestic
22 worker to dispose of the latter's wages. The employer shall not force, compel, or
23 oblige the domestic worker to purchase merchandise, commodities or other
24 properties from the employer or from any other person, or otherwise make use of
25 any store or services of such employer or any other person.

26 **SEC. 29. Prohibition Against Withholding of Wages.** - It shall be
27 unlawful for an employer, directly or indirectly, to withhold the wages of the
28 domestic worker. Likewise, the employer shall not induce the domestic worker to
29 give up any part of the wages by force, stealth, intimidation, threat or by any
30 other means whatsoever.

31 **SEC. 30. Leave and Other Benefits.** - A domestic worker who has
32 rendered at least one (1) year of service shall be entitled to an annual service
33 incentive leave of five (5) with pay: *Provided*, That any unused portion of said
34 annual leave shall not be cumulative or carried over to the succeeding years.
35 Unused leaves shall not be convertible to cash.

36 The domestic worker shall be entitled to all other benefits under existing
37 laws.

ARTICLE V
Settlement of Disputes

1
2
3 **SEC. 31. Mechanism for Settlement of Disputes.** – The *Katarungang*
4 *Pambarangay* shall serve as the primary resort in settling disputes arising from
5 the employment contract or employment relationship between the domestic
6 worker and the employer.

7 Unresolved disputes shall be elevated to the DOLE regional office having
8 jurisdiction over the workplace without prejudice to the filing of a criminal action in
9 appropriate cases. The DOLE Regional Office shall decide the case within sixty
10 (60) days from date of filing after exhausting all efforts to conciliate and mediate
11 the dispute.

12 **SEC. 32. Rescue and Rehabilitation of Abused Domestic Workers.** –
13 Any abused or exploited domestic worker shall be immediately rescued by a
14 municipal or city social welfare officer or a social welfare officer from the DSWD
15 in coordination with the concerned *barangay* officials. The DSWD and the DILG
16 shall develop a standard operations procedure for the rescue and rehabilitation of
17 abused domestic workers, and in coordination with the DOLE, for possible
18 subsequent job placement.

ARTICLE VI
Post Employment

19 **SEC. 33. Termination of Service.** – Neither the domestic worker nor the
20 employer may terminate the contract before the expiration of the term except for
21 grounds provided for in Sections 34 and 35 of this Act. If the domestic worker is
22 unjustly dismissed, the domestic worker shall be paid the compensation already
23 earned plus the equivalent of fifteen (15) days work by way of indemnity. If the
24 domestic worker leaves without justifiable reason, any unpaid salary due not
25 exceeding the equivalent fifteen (15) days work shall be forfeited. In addition, the
26 employer may recover from the domestic worker costs incurred related to the
27 deployment expenses, if any: *Provided*, That the service has been terminated
28 within six (6) months from the domestic worker's employment.

29 The domestic worker and employer may mutually agree upon written
30 notice to pre-terminate the contract of employment to end the employment
31 relationship.

32 **SEC. 34. Termination Initiated by the Domestic Worker.** - The
33 domestic worker may terminate the employment relationship at any time before
34 the expiration of the contract for any of the following causes:

- a) Verbal or emotional abuse of the domestic worker by the employer or any member of the household;
- b) Inhuman treatment including physical abuse of the domestic worker by the employer or any member of the household;
- c) Commission of a crime or offense against the domestic worker by the employer or any member of the household;
- d) Violation by the employer of the terms and conditions of the employment contract and other standards set forth under this law;
- e) Communicable disease; and
- f) Other causes analogous to the foregoing.

SEC. 35. Termination Initiated by the Employer. - An employer may terminate the services of the domestic worker at any time before the expiration of the contract for any of the following causes:

- a) Serious misconduct or willful disobedience by the domestic worker of the lawful order of the employer in connection with the former's work;
- b) Gross or habitual neglect or inefficiency by the domestic worker in the performance of duties;
- c) Fraud or willful breach of the trust reposed by the employer on the domestic worker;
- d) Commission of a crime or offense by the domestic worker against the person of the employer or any immediate member of the employer's family;
- e) Violation by the domestic worker of the terms and conditions of the employment contract and other standards set forth under this law;
- f) Communicable diseases; and
- g) Other causes analogous to the foregoing.

SEC. 36. Employment Certification. - Upon the severance of the employment relationship, the employer shall issue the domestic worker within five (5) days from request a certificate of employment indicating the nature, duration of the service, and work performance.

ARTICLE VII *Private Employment Agencies*

SEC. 37. Regulation of Private Employment Agencies (PEAs). - The DQTE shall, through a system of licensing and regulation ensure the protection of domestic workers hired through private employment agencies (PEAs)

The provision of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines," on qualifications of PEAs with regard to nationality net worth owners and officers, office space and other

1 requirements, as well as non-transferability of license and commission of
2 prohibited practices, shall apply

3 In addition, PEAs shall have the following responsibilities:

- 4 a) Ensure that domestic workers are not charged or levied any recruitment
5 or placement fees;
- 6 b) Ensure that the employment agreement between the domestic worker
7 and the employer stipulates the terms and conditions of employment
8 and all the benefits prescribed by this Act;
- 9 c) Provide a pre-employment orientation briefing to the domestic worker
10 and the employer about their rights and responsibilities in accordance
11 with this Act;
- 12 d) Keep copies of employment contracts and agreements pertaining to
13 recruited domestic workers which shall be made available during
14 inspections or whenever required by the DOLE or local government
15 officials;
- 16 e) Assist domestic workers with respect to complaints or grievances
17 against their employers; and
- 18 f) Cooperate with government agencies in rescue operations involving
19 abused or exploited domestic workers.

21 **ARTICLE VIII**
22 ***Special Provisions***

23 **SEC. 38. Accreditation of Non-Governmental Organizations (NGOs).** -
24 All NGOs intending to assist domestic workers in any manner shall first register
25 and seek accreditation from the DSWD. Accredited NGOs may develop their
26 own programs and projects to complement governmental efforts in protecting the
27 rights and promoting the welfare of domestic workers.

28 **SEC. 39. Capability Building of the *Lupong Tagapamayapa*.** - The
29 DILG shall, in coordination with the DOLE, develop and implement a capability
30 building program for the *Lupong Tagapamayapa* on the provisions of this Act
31 immediately after the enactment of this law

32 **SEC. 40. Domestic Workers' Day.**- The '*Araw ng Mga Kasambahay*'
33 shall be commemorated annually on the date of the enactment of this law

34 **SEC. 41. Information Program.** - The DOLE shall, in coordination with
35 the DILG, develop and implement a continuous information dissemination
36 program on the provisions of this Act, both at the national and local level,
37 immediately after the enactment of this law.

ARTICLE IX
Penal and Miscellaneous Provisions

SEC. 42. *Penalty.* - Any violation of the provisions of this Act declared unlawful shall be punishable with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Forty thousand pesos (P40,000.00) without prejudice to the filing of appropriate civil or criminal action by the aggrieved party.

SEC. 43. *Transitory Provision; Non-Diminution of Benefits* - All existing arrangements between a domestic worker and the employer shall be adjusted to conform to the minimum standards set by this Act within a period of sixty (60) days after the effectivity of this Act: *Provided*, That adjustments pertaining to wages shall take effect immediately after the determination and issuance of the appropriate wage order by the Regional Tripartite Wages and Productivity Boards, but shall not be more than ninety (90) days from the effectivity of this Act.

SEC. 44. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act the Secretary of Labor and Employment, the Secretary of Social Work and Development, the Secretary of the Interior and Local Government, and the Director-General of the PNP, in coordination with other concerned government agencies and accredited NGOs assisting domestic workers, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

ARTICLE X
Final Provisions

SEC. 45. *Separability Clause.* - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 46. *Repealing Clause.* - Articles 141 to 152 of P.D. 442, as amended, as well as Articles 1689 to 1699 of the Civil Code, are hereby expressly repealed. All laws, decrees, executive orders, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 47. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,

FACT SHEET
House Bill No. 6144
(As Approved by the Committee)

AN ACT
INSTITUTING REGULATORY POLICIES FOR DOMESTIC WORK
THEREBY ESTABLISHING STANDARDS OF PROTECTION TO
PROMOTE THE WELFARE OF DOMESTIC WORKERS, PROHIBITING
THE EMPLOYMENT OF MINORS AS DOMESTIC WORKERS, AND FOR
OTHER PURPOSES

introduced by Reps. Juan Edgardo M. Angara, Rachel Marguerite B. de/ Mar, Juan C. Ponce Enrile, Jr., Neri J. Colmenares, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Jose Carlos L. Cari, Angelo B. Palmones, Diosdado JM Macapagal-Arroyo, Gloria M. Macapagal-Arroyo, Marcelino R. Teodoro, Christopher S. Co, Emmeline Y. Aglipay, Romeo M. Acop, Joseph Victor G. Ejercito, Tobias "Toby" M. Tiangco, Raymond Democrito C. Mendoza, Emil L. Ong, Catalina C. Bagasina, Lani Mercado-Revilla, Ryan Luis V. Singson, Eulogio "Amang" R. Magsaysay, Augusto Boboy Syjuco, Ph.D., Eduardo R. Gullas, Susan A. Yap, Salvador P. Cabaluna III, Ma. Amelita A. Calimbas-Villarosa, Rodel M. Batocabe, Alfredo B. Garbin, Jr., Albert Raymond S. Garcia, Rosenda Ann Ocampo, Pedro B. Acharon, Jr., Danilo Ramon S. Fernandez, Florencio C. Garay, Ronald M. Cosalan, Arturo B. Robes, Emerenciana "Emmi" A. de Jesus, Sonny P. Collantes, Romeo M. Jalosjos, Jr., Seth Frederick P. Jaloslos, Juan Miguel "Mikey" Macapagal-Arroyo, Carol Jayne B. Lopez, Maria Evita R. Arago, Maria Carmen Zamora-Apsay, Walden F. Bello, Emi G. Calixto-Rubiano, Kaka J. Bag-Ao, Nicanor M. Briones, Rodante D. Marcoleta, Raden C. Sakaluran, and Philip A. Pichay

Committee Referral: COMMITTEE ON LABOR AND EMPLOYMENT
Committee Chairperson: REP. EMIL L. ONG

OBJECTIVE: To establish standards of protection for local domestic workers

KEY PROVISIONS:

- Covers all domestic workers employed and working within the country.
- Provides for a standard treatment of the domestic worker by the employer such as the provision of the basic necessities of board, lodging and medical attendance; respect for the privacy of the domestic worker; allowing free access to outside communication; allowing access to basic education, and if practicable to advanced training or higher education; and respecting the freedom to form or join legitimate organizations.

- Covers pre-employment concerns such as requiring an employment contract between the domestic worker and the employer, registration by the employer of his or her domestic worker in the *barangay*, and, provision of skills training, assessment and certification by the TESDA to professionalize domestic work.
- Covers a) health and safety of the domestic worker as a responsibility of the employer, b) particulars of period of duty to include daily rest period, weekly rest day, conditions of assignment to non-household work, and, conditions of temporary performance of a task outside of the employer's household; c) particulars of wages such as: establishing minimum wage rates of P3,500/mo. for NCR, P3,000/mo. for chartered first class municipalities, and P2,000/mo. in other municipalities, mandating the Regional Tripartite Wages and Productivity Boards (RTWPB) to periodically review the minimum wage rates of domestic workers; providing that wages of domestic workers shall be paid monthly, and requiring the provision of pay slip to the domestic worker by the employer; d) leave benefits to include annual leave of ten (10) days with pay; maternity leave; paternity leave; parental leave for solo parents; violation against women and their children leave; and special leave benefits for women; e) other benefits to include thirteenth month pay, SSS coverage, EDC coverage, Philhealth coverage, and PAGIBIG Fund membership. The concerned government agencies shall establish a unified payment and claims scheme for domestic workers.
- Provides for a mechanism to settle disputes by identifying the *Katarungang Pambarangay* as the primary resort in resolving disputes between the employer and the domestic worker. Unresolved disputes shall be elevated to the DOLE regional office.
- Provides for emergency assistance to domestic workers by designating the DSWD in coordination with the DILG as the primary agency in charge of the rescue and custody of abused *kasambahays*.
- Covers post-employment concerns such as conditions of termination of service, provision of termination of notice, provision of certificate of employment, and regulation of private recruitment and placement agencies.
- Provides for special concerns such as accreditation by the DSWD of non-governmental organizations intending to assist domestic workers; capability-building of the *Lupong Tagapamayapa* which will be the first resort in the settlement of disputes between the employer and the domestic worker; continuous nationwide campaign by the DOLE on the law; and declaration of a special non-working holiday with pay for domestic workers.
- Provides for a fine of P10,000 to P40,000 as penalty for any unlawful act provided in the law, without prejudice to the filing of appropriate civil or criminal action by the aggrieved party. The following are deemed unlawful:
 - a)
 - b)
 - c)
 - d)
 - e)
 - f)
 - g)
 - h)
 - i)
 - j)
 - k)
 - l)
 - m)
 - n)
 - o)
 - p)
 - q)
 - r)
 - s)
 - t)
 - u)
 - v)
 - w)
 - x)
 - y)
 - z)

- a) Charging by the employer of any amount from the household where the service of the domestic worker is temporarily performed.
 - b) Interference of the employer in the disposal of wages of the domestic worker.
 - c) Withholding by the employer of the wages of the domestic worker.
 - d) Requiring deposits for loss or damage of tools, equipment and the like from the domestic worker.
 - e) Debt bondage; and
 - f) Employment of minors as domestic workers. A one-year grace period on the effectivity of the prohibition is granted except for domestic workers of minority age performing dangerous and hazardous work.
- Provides that existing arrangements between the domestic worker and the employer shall conform to the minimum standards of the law within 60 days after its enactment. There shall be no diminution or substitution of any benefit or privilege already being enjoyed by the domestic worker.

RELATED LAW:

Chapter III, Title III of the of P.D. 442 as amended, otherwise known as the Labor Code of the Philippines