

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P2:28

RECEIVED BY: 

SENATE
S.B. NO. 202

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

The Magna Carta for Household Helpers or the Batas Kasambahay seeks to institutionalize and uplift the minimum working parameters and standards of the household helper industry, and strives to bring this traditionally informal labor sector closer towards the benefits and protection accorded by law to the more formalized sectors of the labor force – without losing sight of the singular peculiarities traditionally inherent in the relationship between the employer and the household helper.

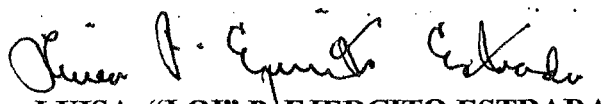
It is a recognized fact that the institution of domestic household help is an integral aspect of Philippine society, deeply rooted as it is in the history and culture of the Filipino people. In truth and in fact, household helpers are considered to be extensions of the Filipino family, and not mere indentured servants. As members of the extended family, it is recognized that the relationship between the homeowner and the household helper transcends that of a simple employer-employee relationship. It is nonetheless the duty of the State to establish the minimum working parameters and standards that will ensure the protection and well-being of both employer and household helper, and to promote the harmonious and productive relationship between both parties.

Beyond providing for the daily demands of the household and its maintenance, household helpers contribute in no inconsequential terms towards the furtherance of national economic growth and productivity. By providing their employers with more time for economic activities, either through entrepreneurial pursuits or as more productive members of the labor force, household helpers act as efficient labor multipliers within the purview of the macro-economic perspective. Furthermore, household helpers are a direct source of financial support for their dependents in the countryside, effectively creating significant economic well-being in the less developed areas of the country.

Despite all these, household helpers have hitherto been relegated by law, custom and convention to the informal sector of the labor force. They have been deliberately excluded from several protective provisions of law relating to basic rights and privileges otherwise accorded traditional groups of the labor sector. Since the interaction between employer and household helper is confined within the walls of private residences; the predominantly female members of the industry are unduly exposed to physical, mental and sexual abuse and exploitation. Compounding the problem is the inherent timidity and passiveness of the household helpers themselves, who have little or no awareness of their basic rights and privileges.

The proposed Batas Kasambahay seeks to redress the grave injustice levied on this significant section of the labor force, by providing the basic structure that would uphold their dignity and protect their rights and privileges. Let it not be construed however, that the Batas Kasambahay will fully correct the societal imbalance prevalent in this sector, for the circumstances are so complex and the inter-relationships so intricate. But we have to start somewhere. Let the Batas Kasambahay be the springboard by which other laws that seek to protect the interests of our fellow Filipinos are enacted by this august body.

In view of the foregoing, the timely approval of the Batas Kasambahay is earnestly sought.


LUISA "LOI" PEJERCITO ESTRADA
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P2:29

RECEIVED BY:

SENATE

S.B. NO. 202

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

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

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

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITIONS OF TERMS

Section 1. *Short Title.* - This Act shall be known and cited as the "Magna Carta for Household Helpers" or, preferably, as the "Batas Kasambahay".

Section 2. *Declaration of State Policy and Principles.* -

- a) It is hereby declared the policy of the State to uphold the dignity of its citizens, and to guarantee full respect for their human rights. The State recognizes the dignity of honest labor, including the nobility and self-respect inherent in the household helper industry. Hereafter, the Tagalog term 'kasambahay' or 'kasama sa bahay' shall be used in lieu of 'katulong', to properly signify the worth of their labor within the context of the Filipino family.
- b) The need to nurture and protect the interests of this hitherto unheralded heroes of the Philippine economy is recognized by the

- State, and they shall be provided with adequate and timely social, economic and legal services, as well as mechanisms that shall protect their rights and promote benefits that ensure their dignified existence and economic upliftment;
- c) The State recognizes the rights of the household helpers to be protected from abuse, economic exploitation and from performing work that is hazardous to their physical, mental and spiritual health. The State further recognizes that household helpers of minority age have special inalienable rights and privileges that should be espoused and protected, particularly in the areas of education, self-determination and self-improvement:
 - d) It is the policy of the State to protect working women by providing safe and healthful working conditions, and to take particular account of their maternal functions and needs. It is recognized by the State that the household helper industry is predominantly composed of women and, as such, the State shall promote gender-sensitive measures in the formulation and implementation of policies and programs affecting the household helper industry, and to ensure the proper dissemination of the same; and
 - e) Duly recognized non-government organizations are partners of the State in the protection of household helpers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect.

Section 3. Definition of Terms. - As used in this Act, the term:

- a) “ Household Helper” or “kasambahay” – shall refer to any person, whether male or female, who is to be engaged, is engaged or has been engaged locally in a salaried capacity under a full-time basis

and paid directly by the homeowner/employer, undertaking tasks ascribed as normal household chores within a specific household. The term includes maids, cooks, houseboys, family drivers and “yayas” who provide daily service to a single, specific household, either on a live-in or live-out basis;

- b) “Self-employed worker working as household helper” – shall refer to any person, whether male or female, who is to be engaged, is engaged or has been engaged locally and paid directly by the homeowner/employer to provide services to either a single or a number of households on a contractual or day-to-day basis. The term includes gardeners, laundry women and household helpers hired on a day-to-day basis, provided that they do not report for work to a single household for four (4) days a week or more, else they shall be classified as household helpers or kasambahays;
- c) “Household helpers of minority age” – or the “batang kasambahay” shall refer to children fifteen (15) years up to seventeen (17) years of age who are engaged as household helpers under a valid contract of employment;
- d) “Homeowner” or “Employer” - shall refer to a natural person who is identified to be the head of the family of the particular household for which the household helper is rendering service, or any member of the household designated by the head of the family to manage the general housekeeping functions for the family;
- e) “Household” – shall refer to the immediate members of the family that are directly being provided for by the head of the said family;
- f) “Residence” – shall include the various residences being kept by the homeowner/employer, either as primary or secondary places of domicile;

- g) “Working hours” - shall refer to the period of time within which the household helper is required to be on call to perform any and all tasks that may be designated, regardless of whether there are actual tasks being undertaken;
- h) “Deployment expenses” - shall consist of only such expenses as are directly attendant to the relocation or transfer of the household helper from his/her place of origin to the place of work, including transportation costs, finder’s fees or agency fees if said household worker was sourced through third parties or an employment agency. Advances or loans made by the household helper are not included in the definition of deployment expenses.
- i) “Hazardous work, undertaking, activity or condition” – shall refer to any activity or circumstances where the household helper is exposed to any risk which constitutes an imminent danger to his/her health and safety, such as but not limited to:
 - 1) any work, employment or activity which exposes the household helper to physical, emotional or sexual abuse;
 - 2) any work which involves manual handling or transport of heavy loads;
 - 3) any work in an unhealthy environment which exposes household helpers to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
 - 4) any work which requires the household helper to render services for long periods of time or during late nights;
 - 5) any or all forms of slavery or practices similar to slavery, such as the sale and trafficking of household helpers, forced or compulsory labor, debt bondage and serfdom;

- 6) any use, procuring or offering of the household helper for prostitution or pornography;
 - 7) any use, procuring or offering of the household helper for the commission of any offense or crime, particularly for the production and trafficking of narcotics drugs and substances as defined in the Dangerous Drugs Act;
 - 8) any other type of work or activity which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of the household helper; and
 - 9) any other type of work, activity, condition or undertaking that may hereinafter be defined as hazardous by the Department of Labor and Employment.
- j) "Gender sensitivity" - refers to the recognized inequalities and differences between men and women in society, and a commitment to address issues with concern for the respective interests of both genders.

ARTICLE 2

TERMS AND CONDITIONS FOR EMPLOYMENT

Section 1. *Employment Contract.* - All household working arrangements or agreements shall be covered by a written employment contract, in a language or dialect understood by both homeowner and household helper, duly signed by both contracting parties. Each contracting party shall be provided with a full set of the duly signed employment contract, the basic provisions of which shall include the following:

- a) period of employment, which shall not exceed two (2) years;
- b) monthly compensation and mode of payment;

- c) annual salary increases;
- d) computation of Social Security System (SSS) and Philhealth contributions;
- e) computation of leave deductions;
- f) duties and responsibilities;
- g) working hours and day-off schedule;
- h) living quarters or sleeping arrangements.

In cases wherein employment of household helpers of minority age are allowed hereunder, said employment contract shall be signed on his or her behalf by either parent or legal guardian, with the express written consent of said minor.

Section 2. *Medical Certificate as Pre-requisite for Employment.* – A medical certificate attesting to the physical and mental fitness of the household helper must be secured from a licensed physician as a pre-requisite for employment, the cost of which shall be for the account of the employer.

Section 3. *Medical Wage.* – Subparagraphs (1), (2) and (3) of Article 143 of Presidential Decree No. 442, as amended, otherwise known as the “Labor Code of the Philippines” are hereby amended to read as follows:

“Article 143. Minimum wage – (a) Househelpers shall be paid the following minimum wage rates:

- (1) One Thousand Five Hundred Pesos (P1,500.00) a month for household helpers working in the National Capital Region;
- (2) One Thousand Two Hundred Pesos (P1,200.00) a month for household helpers working in chartered cities and first class municipalities; and
- (3) One Thousand Pesos (P1,00.00) a month for household helpers working in other municipalities.

Section 4. *Payment of Wages.* - Payment of wages shall be made directly to the household helper in cash, at least once every two (2) weeks or twice a month. No deductions from said wages shall be made by the employer except those provided by law. The express written consent of the household helper shall first be secured before any deduction from his/her wages is made.

Section 5. *Thirteenth (13th) Month Pay.* - Revising for the purpose Guideline No. 2 of the Revised Guidelines on the Implementation of the Thirteenth Month Pay Law (16 November 1987), all household helpers shall be entitled to a thirteenth (13th) month pay equivalent to one (1) month's basic salary. Notwithstanding the provisions of Section 1 of Memorandum No. 28, said thirteenth (13th) month pay shall be paid to household helpers not later than the 16th of December of every year.

Section 6. *Membership in the Social Security System (SSS).* - All household helpers, regardless of age and compensation levels, shall be covered by the Social Security System (SSS) and be entitled to all the benefits provided under Republic Act No. 1161, as amended. The employers of said household helpers shall pay for the employer's share of the aforementioned SSS contribution without deducting the same from the monthly compensation of the household helpers.

For this purpose, the Social Security System (SSS) is hereby required to implement an outreach program that will facilitate the remittance of SSS contributions by either the homeowners or the household helpers by whatever means deemed feasible. Said outreach program should be conceptualized and initiated within a period of one (1) year from the date of effectivity of this Act.

Section 7. *Membership in the Philippine Health Insurance Corporation (Philhealth).* - All household helpers, regardless of age and compensation levels, shall be covered under the Philippine Health Insurance Corporation (Philhealth), and be

entitled to all the benefits provided for under the law. The employer of said household helper shall pay for the employer's share of the aforementioned Philhealth, without deducting the same from the monthly compensation of the household helper.

Section 8. *Normal Hours of Work.* - Cognizant of the peculiarities of the relationship between the employer and the household helper, the normal hours of work of kasambahays shall be set at ten (10) hours per day, exclusive of one (1) hour breaks each for breakfast, lunch and dinner. Any work done by the household helper beyond the normal hours of work per day shall be duly compensated for by the employer. Furthermore, the household helper shall be allowed at least eight (8) hours of continuous rest per day.

Section 9. *Regular Working Days.* - No household helper shall render work for more than six (6) days per week. While the specific day of the week set aside as rest day for the household helper may be stipulated in the employment contract, the same may be changed for another day of the week upon the mutual agreement of the employer and the household helper as the exigencies of the household may dictate.

Section 10. *Vacation Leaves.* - All household helpers shall be entitled to a fourteen (14) day vacation leave with pay, in addition to the one (1) day per week designated as the rest day. Said leave may only commence at the end of the first year of employment, and shall not cumulate from year to year.

Section 11. *Maternity Benefits.* - All female household workers shall be entitled to maternity benefits pursuant to Article 133 of the Labor Code of the Philippines.

Section 12. *Deployment Expenses.* - Deployment expenses of domestic household workers, including transportation and agency fees, shall be for the account of the employer.

Section 13. *Automatic Salary Increases.* - The contract of employment executed by and between the employer and the household helper shall provide for an annual salary increase, the amount of which shall be determined by mutual agreement of the parties.

Section 14. *Pre-Termination of Contract.* - The employer may, at his or her own discretion, terminate the services of the household helper, *Provided*, that said employer provides the household helper with at least fifteen (15) days notice of termination and termination pay equivalent to at least one half (1/2) month's salary. In lieu of the fifteen (15) day notice of termination, the employer may immediately terminate the services of the household helper; *Provided*, that said employer provides the household helper termination pay equivalent to one (1) month's salary.

The employer may, for valid or just cause or loss of confidence, terminate the services of the household helper prior to the expiration of the contract without indemnifying the latter with termination pay.

Should the household helper decide, on his/her own volition, to unilaterally leave the household of employment prior to the expiration of the contract period, said household helper shall forfeit any separation pay that may be due.

ARTICLE 3

RIGHTS AND PRIVILEGES OF HOUSEHOLD HELPERS

Section 1. *Standard of Treatment.* - The homeowner and the members of the household shall, at all times, treat the household helper in a just and humane manner. In no instance shall abusive language, physical violence or any act which debases, degrades or demeans the intrinsic worth and dignity of the household helper as a human being be used upon the latter.

Section 2. *Extent of Duty.* - The homeowner shall not require the household helper to perform any task or work outside the household of employment for the service or benefit of another household without the latter's consent and payment of just compensation.

Section 3. *Prohibition on Labor Sub-Contracting.* - In no instance shall the employer sub-contract the services of the household helper to any third party or household, unless such activity falls within the purview of an employment agency arrangement for which the necessary permits and licenses had been priorly secured.

Section 4. *Prohibition on Recruitment and Finders Fees.* - Regardless of whether the household helper was sourced either through an employment agency or a third party, said household helper shall neither be charged nor levied a share in the recruitment fees or finder's fees by the aforementioned employment agency or third party.

Section 5. *Basic Necessities.* - In a manner befitting the means of a responsible head of the family, the homeowner shall provide for the basic necessities of the household helper. These shall include:

- (a) Food - at least three (3) meals a day;
- (b) Shelter - provision of humane sleeping arrangements that ensure privacy and safety of the household helper;
- (c) Medical - all medical expenses incurred for work-related illnesses or injuries sustained by the household helper shall be for the account of the employer; otherwise, the employer shall bear fifty percent (50%) of the expenses for non-work-related illnesses or injuries, while the household helper shall bear the other half. Said household helper's share, however, shall be advanced by the

employer at the time the medical expenses are incurred. The employer shall be reimbursed out of deductions from the household helper's monthly compensation which shall, at all times, be no greater than fifty percent (50%) of the latter's monthly compensation.

In no instance shall the employer be allowed to withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to be meted out to the household worker.

Section 6. *Guarantee to Household Helper Privacy.* - The employer shall respect the privacy of the household helper during the course of the latter's rest periods. The household helper's right to privacy shall extend to any and all forms of personal communications, including letters or correspondence issued or received by the household helper, and allowed communications coursed through the private telephone of the household.

Section 7. *Access to Outside Communication.* - The employer shall allow the household helper access to outside communication, both through letters or the private telephone of the household, specially in instances of the household helper's personal or family emergencies. Further, the employer shall guarantee access by the household helper to the private telephone of the household for the purpose of communicating with the latter's family at least once a week; *Provided*, that costs incurred in making the telephone call shall be for the account of the household helper.

Section 8. *Prohibition on Bonded Labor.* - No household helper shall be allowed to use his/her future services as collateral for any loan or advances made or to be made by said household helper with the employer. Likewise, no employer shall be

allowed to bind the household helper to his/her continued employment as a form of payment for any loan or advances which the household helper may have made with the employer. Should a household helper with an outstanding loan or advance decide to unilaterally terminate the contract of employment, said loan or advance shall be paid by the household helper to the employer under terms and conditions specified in a duly executed promissory note between the parties.

Section 9. *Access to Lawful Third-Party Mediation.* - Upon employment, the household helper shall be provided by the employer with the names, addresses and telephone numbers of the designated liaison officials of the following:

- a) the Department of Labor and Employment (DOLE);
- b) the Barangay office of the household helper's place of work; and
- c) duly registered non-government organizations accredited to mediate in employer-employee disputes involving employers and household helpers.

The homeowner shall further guarantee the household helper access to all means of communication for the purpose of contracting any of the above-enumerated institutions.

Section 10. *Inter-Agency Networking.* - The Department of Labor and Employment (DOLE) shall provide for and lead the inter-agency networking system among the different departments and instrumentalities of government, should the same be required in the continuing efforts to protect the interests, rights and privileges of household helpers.

ARTICLE 4
SPECIAL RIGHTS AND PRIVILEGES OF
HOUSEHOLD HELPERS OF MINORITY AGE

Section 1. *Allowable Employment of Household Helpers of Minority Age.* - Children fifteen (15) years up to seventeen (17) years of age may be employed as household helpers. In no instance shall children below fifteen (15) years of age be employed as household helpers.

Section 2. *Children of Household Helpers.* - Unless expressly employed as household helpers under a duly executed contract of employment, children of household helpers who live with their parents at the employer's residence or those whose sustenance or education is being provided for by the homeowner, shall not be considered as household helpers themselves.

Section 3. *Normal Hours of Work for Household Helpers of Minority Age.* - No household helper of minority age shall be allowed to render work for more than ten (10) hours a day, five (5) days per week, exclusive of one (1) hour breaks each for breakfast, lunch and dinner.

Section 4. *Prohibition on Night Work.* - No household helper of minority age shall be allowed to render work between ten o'clock in the evening and six o'clock in the morning of the following day.

Section 5. *Prohibition on Work to be Undertaken.* - No household helper of minority age shall be allowed to render work beyond their mental and physical capabilities.

Section 6. *Prohibition on Hazardous Work, Activities, Conditions and/or undertakings.* - No household helper of minority age shall be employed in any hazardous work, activity or undertaking, and neither shall he/she be exposed to hazardous working conditions.

Section 7. *Minimum Wage.* - No household helper of minority age, shall be deprived of the minimum wage mandated in this Batas Kasambahay.

Section 8. *Right of the Child to Wages Earned.* - All employers shall pay directly to the household helper of minority age, any and all wages, remuneration or compensation earned by said minor during the period of his employment.

No parent, guardian or relative shall be allowed to borrow against the compensation of the household helper of minority age without the express written consent of said household helper. Neither shall the household helper of minority age be made to render work in payment of a loan or liability incurred by a parent, guardian or relative.

Section 9. *Emergency Services.* - The Department of Social Welfare and Development (DSWD) shall, within a period of one (1) year from the date of effectivity of this Act, institute a program designed specifically to provide emergency services to household helpers of minority age in need of custody, shelter, healing, or medical, psychological, legal and rehabilitative services.

Section 10. *Repatriation of Household Helpers of Minority Age.* - The Department of Social Welfare and Development (DSWD) shall, upon the recommendation of the Department of Labor and Employment (DOLE), effect the repatriation of household helpers of minority age who either voluntarily seek government protection against abuse and exploitation or upon report or discovery of the same. Said

household helpers shall be supervised and escorted by a social worker. The cost of such repatriation shall be borne by the Department of Social Welfare and Development (DSWD). The Department of Labor and Employment (DOLE) shall formulate the rules and regulations governing the emergency repatriation of household helpers of minority age.

For this purpose, a Repatriation Fund is hereby created and established under the administration and control of the Department of Social Welfare and Development (DSWD) in the amount of Five Million Pesos (P5,000,000.00), to be taken from the President's Social Fund. Thereafter, such funds shall be provided for in the General Appropriations Act from year to year.

Section 11. *Custody or Re-placement of Household Helpers of Minority Age.* - Should a household helper of minority age refuse to be repatriated against the recommendation of the Department of Social Welfare and Development (DSWD), said household helper may be placed under the custody and care of the Department of Social Welfare and Development (DSWD) or that of a duly recognized and accredited non-government organization, or placed in a suitable household for employment.

ARTICLE 5

RIGHTS AND PRIVILEGES OF SELF-EMPLOYED WORKERS WORKING AS HOUSEHOLD HELPERS

Section 1. *Exclusivity Clause.* - For the purpose of this Act, the rights and privileges of self-employed workers working as household helpers shall be limited to the provisions of this Article.

Section 2. *Standard of Treatment.* - The homeowner, as well as the members of the household, shall treat the household helper in a just and humane manner. In no

instance shall abusive language, physical violence or any act which debases, degrades or demeans the intrinsic worth and dignity of the household helper as a human being be used upon the latter.

Section 3. *Scope of Work to be Undertaken.* - Prior to the commencement of any work to be undertaken by the household helper, both the employer and the household helper shall mutually agree on the scope of work, the period of time within which the work must be completed, the amount of compensation to be paid and the manner by which the compensation shall be made.

Section 4. *Payment of Work.* - Unless the parties had agreed otherwise prior to the commencement of the work, compensation for work completed to the satisfaction of the employer shall be in the form of cash payment made directly by the employer to the household helper immediately upon completion of the work.

Section 5. *Normal Hours of Work.* - The period of time within which the work must be completed by the household helper shall be mutually agreed upon by the parties prior to the commencement of the work; *Provided*, that the household helper shall not be required to render work for longer than ten (10) hours per day, exclusive of one (1) hour rest periods each for meal breaks.

Section 6. *Provision for Worker Meals.* - The employer shall provide the household helper with meals during the hours of work, i.e., breakfast, should the work start before six o'clock in the morning; lunch, should the work start before eleven o'clock in the morning or end by one o'clock in the afternoon; and, dinner, should the work start after six o'clock in the evening or end after seven o'clock in the evening.

Section 7. *Medical Expenses.* - All medical expenses incurred for work-related illnesses or injuries sustained by the household helper shall be for the account of the employer.

ARTICLE 6
SPECIAL PROVISIONS FOR
KASAMBAHAY EDUCATION

Section 1. *Opportunity for Self-Improvement.* - The employer shall allow the household helper who is eighteen (18) years of age or above with the opportunity to pursue his/her education, at the expense of said household helper. Should the household helper decide to pursue his/her education, the employer shall adjust the work schedule in accordance with the former's class schedule. In no case shall the household helper's compensation be altered on account of his/her pursuit of education.

Section 2. *Access to Education and Training.* - No household helper of minority age shall be deprived of formal or non-formal education. In cases where household helpers of minority age are allowed to be employed, the employer shall allow said household helper access to public primary, secondary or vocational education. Said employer may advance all or part of the expenses incidental to the pursuit of said education. The employer shall be reimbursed out of deductions from the household helper's monthly compensation which shall, at all times, be no greater than fifty (50%) percent of the latter's monthly compensation.

Should the household helper of minority age decide to pursue his/her education, the employer shall adjust the work schedule in accordance with the former's class schedule. In no case shall the household helper's compensation be altered on account of his/her pursuit of education.

Section 3. *Employer Initiatives for Skills Development.* - Should the employer decide to improve the inherent skills of the household helper through external training, the employer shall bear the cost and expenses of said training. The time spent by the household helper during the conduct of the said training, including the time spent going to and coming from the training shall be counted as part of the household helper's hour of work.

ARTICLE 7

MISCELLANEOUS PROVISIONS

Section 1. *Household Helper Day.* - The date upon which the President shall approve this Batas Kasambahay shall be designated as the 'Araw ng mga Kasambahay,' a special non-working holidays with pay for household helpers, and shall be commemorated as such annually.

Section 2. *Implementing Rules and Regulations.* - The department and agencies of government charged with the implementation of the provisions of this Batas Kasambahay shall, within a period of one (1) year from its date of effectivity, formulate rules and regulations for the purpose.

Section 3. *Transitory Provisions.* - No household helper enjoying benefits and privileges in excess of those stipulated in this Batas Kasambahay shall suffer any diminution or substitution thereof.

All existing arrangements between employer and household helper shall conform to the minimum standards set by this Batas Kasambahay within a period of sixty (60) days after the date of effectivity of this Act.

Section 4. *Penal Provisions.* - Violation of any provision of this Act shall be punished with a fine of not less than One Thousand Pesos (P1,000.00), nor more than Ten Thousand Pesos (P10,000.00), imprisonment of not less than three (3) months nor more than three (3) years, or both such fine and imprisonment, at the discretion of the court.

Section 5. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or parts thereof not consistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6. *Separability Clause.* - If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act, or the application of such provision or part to other persons or circumstances, shall not be affected thereby.

Section 7. *Effectivity Clause.* - This Batas Kasambahay shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national papers of general circulation, whichever comes earlier.

Approved,