

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



Senate
Office of the Secretary

'14 MAY 26 P5:53

SENATE
S.B. NO. **2241**

RECEIVED BY: ji

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT AMENDING REPUBLIC ACT NO. 10361, OR THE DOMESTIC WORKERS ACT, BY CLARIFYING THAT THE FINE IMPOSED THEREIN SHALL INURE TO THE SOLE BENEFIT OF THE AGGRIEVED DOMESTIC WORKER, WHICH MAY BE AWARDED IN THE SAME LABOR, CIVIL OR CRIMINAL PROCEEDINGS INSTITUTED BY THE DOMESTIC WORKER

EXPLANATORY NOTE

The Philippine Congress, in enacting Republic Act No. 10361, otherwise known as the "Domestic Workers Act" or "Batas Kasambahay" sought to protect the interest and welfare of domestic workers. The penal provision of the "Domestic Workers Act" provides that a fine shall be imposed for any violation of the Domestic Workers Act declared to be unlawful and shall be punishable, as follows:

"SEC. 40. *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."

In order to protect the welfare and interest of domestic workers, the law should be clarified on the following points: (a) the fine imposed under the law shall inure to the sole benefit and interest of the domestic worker, without prejudice to civil or criminal liability of the employer under applicable law; (b) the fine imposed under the law shall be without prejudice to the filing of appropriate labor, civil, or criminal action by the aggrieved party; and (c) the fine may be awarded in the same labor, civil, or criminal proceedings.

In view of the foregoing, the passage of this bill is earnestly recommended.


MARIA LOURDES NANCY S. BINAY
Senator

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2 ACT, BY CLARIFYING THAT THE FINE IMPOSED THEREIN SHALL INURE TO THE
3 SOLE BENEFIT OF THE AGGRIEVED DOMESTIC WORKER, WHICH MAY BE
4 AWARDED IN THE SAME LABOR, CIVIL OR CRIMINAL PROCEEDINGS
5 INSTITUTED BY THE DOMESTIC WORKER
6
7

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

10
11 SECTION 1. *Amendment.* Section 40 of Republic Act No. 10361, otherwise known as the
12 "Domestic Workers Act", is hereby amended to read as follows:

13
14 "SEC. 40. *Penalty.* – Any violation of the provisions of this Act declared
15 unlawful shall be punishable with a fine of not less than Ten thousand pesos
16 (P10,000.00) but not more than Forty thousand pesos (P40,000.00) without
17 prejudice to the filing of appropriate LABOR, civil or criminal action by the
18 aggrieved party.

19
20 THE FINE IMPOSED HEREIN SHALL BE FOR THE SOLE AND
21 EXCLUSIVE BENEFIT OF THE AGGRIEVED DOMESTIC WORKER,
22 WHICH MAY BE AWARDED IN THE SAME LABOR, CIVIL, OR
23 CRIMINAL PROCEEDING INSTITUTED BY THE AGGRIEVED
24 DOMESTIC WORKER."

25
26 SECTION 2. *Separability Clause.* If any provision or part of this Act, or the application
27 thereof to any person or circumstance be held unconstitutional or be invalid, such parts not
28 affected thereby shall remain in full force and effect.

29
30 SECTION 3. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and
31 regulations and other issuance of parts thereof, inconsistent with the provisions of this Act are
32 hereby repealed or modified accordingly.

33
34 SECTION 4. *Effectivity.* This Act shall take effect fifteen (15) days after its complete
35 publication in at least two (2) newspapers of general circulation.

36
37 Approved,