

SENATE

S.B. No. 1772

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Introduced by Senator JINGGOY EJERCITO ESTRADA

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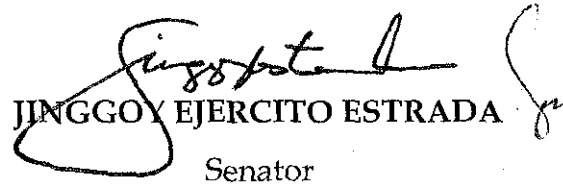
EXPLANATORY NOTE

For quite a time, the welfare of our poor household helpers has been overlooked and neglected not only by the government but by our society, as well. It is for this reason that this Representation filed Senate Bill No. 860, with the ardent purpose of protecting the rights and interests of this massive, yet invisible everyday army and unsung heroes of the Philippine economy.

On the other hand, domestic child labor, as declared by the International Labor Organization in 2002, is one of the worst forms of child labor. And one substantial component in advancing the interests of our *kasambahay* is the fact that it also espouses the crusade of defending our children household helpers, which is in consonance with the government's overriding pursuit in totally eradicating child domestic labor in the Philippines by year 2015.

In order to effectively carry out this intention of alleviating the plight our destitute *kasambahay*, this Representation has made additional consultations with concerned non-government organizations, particularly, the Visayan Forum Foundation, Inc., a Philippine-based national NGO that mobilizes countrywide efforts by championing the cause of trafficked women and domestic workers, most especially the children. And as a result of this, a modified legislative measure on the *kasambahay* was conceived by this Representation.

Finally, the Philippines, being a signatory to various international labor-related conventions and treaties and with the incorporation of the labor welfare clause into our constitution, immediate passage of this long-deserved *Batas Kasambahay* is thus, earnestly and fervently sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

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

SENATE  
S.B. No. 1772

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Introduced by Senator JINGGOY EJERCITO ESTRADA

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AN ACT  
TO INSTITUTIONALIZE THE *BATAS KASAMBAHAY*

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

ARTICLE 1

TITLE, POLICIES, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. *Short title.* - This Act shall be known and cited as the "*Batas Kasambahay Act of 2004.*"

SEC. 2. *Declaration of policies and principles.* - It is hereby declared the policy of the State to value the dignity of its citizens and to guarantee full respect for human rights. The State, likewise, recognizes the dignity of honest labor, including the nobility and self respect inherent in the household helper industry.

The need to nurture and protect the interest of these unsung heroes of the Philippine economy is recognized by the State, and they shall be provided with adequate and timely social and economic services, as well as statutory mechanisms and instruments that shall defend their rights and promote benefits that assure their dignified existence and economic upliftment;

Acknowledging the fact that the domestic working sector is predominantly composed of women and children, the State shall protect them by ensuring safe and healthful working conditions and by taking particular account of their maternal and peculiar functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

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 area of education, self-determination and self-improvement.

As such, the State shall promote gender-sensitive measures in the formulation, implementation and proper dissemination of policies and programs affecting the household helper industry;

*SEC. 3. Definition of terms.* - As used in this Act, the following terms shall mean:

- a.) "*Kasambahay*" or "household helper"- shall refer to any person employed full-time in the homeowner's or employer's home performing tasks ascribed as normal household chores within a specific household for which he or she is being paid by the employer. The term includes the maids, cooks, houseboys, family drivers and "*yayas*" who provide daily service to a single, specific household on a live-in basis;
- b.) "*Batang-kasambahay*" or "Household helper of minority age" - Children fifteen (15) years old up to below eighteen (18) years of age employed under a valid employment contract, with the express written consent of either the parent or the legal guardian, as *kasambahay*, in any non-hazardous work and shall be afforded the same protection and benefits accorded to adult *kasambahay*. In no instance shall household helpers below fifteen (15) years of age be employed as *kasambahay*;

- c.) "Homeowner" or "employer" - shall refer to any person who engages the service of *kasambahay* and is identified to be the head of the family of a particular household for which the *kasambahay* is rendering service. It may also refer to any other member of the household designated by the head of the family to manage the general housekeeping functions for the family;
- d.) "Household" - shall refer to the immediate members of the family and/or occupants of the house for whom the service of the *kasambahay* is intended;
- e.) "Residence" - shall refer to the various residences being kept by the homeowner or employer, either as primary or secondary place of domicile;
- f.) "Working hours" - shall refer to the period of time within which the *kasambahay* 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;
- g.) "Deployment expenses" - shall cover the expenses that are directly attendant to the transfer of the *kasambahay* from the place of origin to the place of work, including transportation costs, finder's fees or agency fees if said *kasambahay* was sourced through third parties. Advances or loans made by the *kasambahay* are not included in the definition of deployment expenses;
- h.) "Finder's Fees" - Amount charged by a third party to the homeowner or employer as payment for the sourcing of the household helper or *kasambahay*, which shall be for the account of the employer;
- i.) "Hazardous work, undertaking, activity or condition" - shall refer to any activity or circumstance where the *kasambahay* is exposed to any risk which constitutes an imminent danger to his or her life, safety, health and morals, such as, but not limited to:
  - (1) any activity which exposes the *kasambahay* to physical, emotional or sexual activity;

- (2) any activity which involves manual handling or transport of heavy loads;
  - (3) any work in an unhealthy environment which exposes the *kasambahay* to hazardous substances, agents, processes or to temperatures, noise levels or vibrations damaging to health;
  - (4) any work which requires the *kasambahay* to render services for excessively long periods of time or during late nights;
  - (5) all forms of slavery or similar practices such as the sale and trafficking of *kasambahay*, forced or compulsory labor, debt bondage and serfdom;
  - (6) use, procurement or endorsement of the *kasambahay* for prostitution or pornography;
  - (7) use, procurement or endorsement of the *kasambahay* for the commission of any offense or crime, particularly for the production and trafficking of narcotic drugs, precursors and substances as defined in the Comprehensive Dangerous Drugs Act;
  - (8) any other type of work or activity which, by its nature or circumstance in which it is carried out, is likely to jeopardize the health, safety or morals of the *kasambahay*; and
  - (9) any other analogous type of work activity as may hereafter 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 concerning the respective interest of both genders.

## ARTICLE 2

### TERMS AND CONDITIONS FOR EMPLOYMENT

SEC. 4. *Employment contract.* - (a) All household working arrangements or agreements shall be covered by a written employment contract, in a language or dialect understood by both employer and the *kasambahay*, duly signed by both of them. Each of the contracting party shall be provided with a complete set of the duly signed and notarized employment contract, which shall include the following:

- 1) period of employment which shall not exceed one (1) year for the initial contract and thereafter, be annually renewable;
- 2) monthly compensation and mode of payment;
- 3) Salary increase and other benefits based upon internal and mutual agreement between the employer and the *kasambahay*.
- 4) computation of Social Security Systems (SSS) and Philippine Health Insurance Corporation (Philhealth) contributions;
- 5) duties and responsibilities;
- 6) working hours, days-off and allowable leave benefits;
- 7) accommodation arrangements including living quarters, food and medical provision;

(b) In the case of employment of *Batang-kasambahay*, said contract of employment shall be signed on his or her behalf either by the parent or the legal guardian, with the express consent of the minor.

(c) All *kasambahay* sourced through employment agencies shall be governed by the provisions of applicable laws, rules and regulations.

SEC. 5. *Pre-requisites for employment.* - The following shall be the documentary requisites for the employment of *kasambahay*:

- (1) NBI clearance attesting to the favorable and good moral standing of the applicant, which shall be for the account of the employer;

- (2) Medical certificate attesting to the physical fitness of the *kasambahay*, to be secured from a licensed physician and shall be borne by the employer;
- (3) Letter of referral either from the previous employer or from any reputable person;
- (4) Authorization signed by either the parent or the legal guardian in case the applicant is a *batang-kasambahay*.

SEC. 6. *Minimum wage.* - (a) Subparagraphs (1), (2) and (3) of Article 143 of Presidential Decree No. 442, otherwise known as the "Labor Code of the Philippines," as amended, are hereby further amended to read as follows:

"Art. 143. Minimum wage. - A KASAMBAHAY [Househelpers] shall be paid the following minimum wage rates:

- (1) TWO THOUSAND FIVE HUNDRED PESOS (Php 2,500.00) [Eight hundred pesos (P800.00)] a month for KASAMBAHAY [Househelpers in Manila, Quezon, Pasay and Caloocan cities and the municipalities of Makati, San Juan, Mandaluyong, Muntinlupa, Navotas, Malabon, Parañaque, Las Piñas, Pasig and Marikina in Rizal Province] WORKING IN THE NATIONAL CAPITAL REGION (NCR);
- (2) ONE THOUSAND SEVEN HUNDRED PESOS (Php 1,700.00) [Six hundred fifty pesos (P650.00)] a month for those WORKING in other chartered cities and first class municipalities; and
- (3) ONE THOUSAND FIVE HUNDRED PESOS (Php 1,500.00) [Five hundred fifty pesos (P550.00)] a month for those WORKING in other municipalities."

(b) The Regional Tripartite Wages and Productivity Boards (RTWPBs) may determine and adjust from time to time, the appropriate minimum wage rates of *kasambahay*.



(c) *Provided*, that the employers shall review the employment contracts of their KASAMBAHAY [househelpers] every after second (2<sup>nd</sup>) renewal of the contract [three (3) years] with the end in view of improving the terms and conditions thereof.

(d) *Provided*, further, that those KASAMBAHAY [househelpers] who are receiving at least One thousand pesos (1,000.00) shall be covered by the Social Security System (SSS) and be entitled to all the benefits provided thereunder.

SEC. 7. *Payment of wages*. - (a) Payment of wages shall be made directly to the *kasambahay* in cash, at least once every two (2) weeks or twice a month at intervals not exceeding sixteen (16) days. No employer shall make payment with less frequency than once a month.

(b) The employer, unless authorized in writing by the *kasambahay*, shall make no deductions from his or her wages other than those authorized by law.

SEC. 8. *Payment of thirteenth (13<sup>th</sup>) month pay*. - (a) All *kasambahay* shall be entitled to a thirteenth (13<sup>th</sup>) month pay equivalent to one (1) month's basic salary which shall be paid not later than the 16<sup>th</sup> of December of every year.

(b) Those who have served less than (12) months in a year shall, likewise, be entitled to this monetary benefit in proportion to the number of days worked.

SEC. 9. *Termination pay* - payment by way of indemnity, afforded by the employer to the *kasambahay* upon termination of service of the latter, equivalent to at least one (1) month salary.

SEC. 10. *Membership in the Social Security System (SSS)*. - (a) All *kasambahay*, 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. 8282, as amended. The employers of said *kasambahay* shall pay for the employer's share of the SSS contributions without deducting the same from the monthly compensation of the *kasambahay*.

(b) For this purpose, the SSS is hereby mandated to implement an outreach program that will facilitate remittance of SSS contributions by either the employer or the *kasambahay*. Said outreach program should be conceptualized and initiated within a period of one (1) year from the date of effectivity of this Act.

SEC. 11. *Membership in the Philippine Health Insurance Corporation (Philhealth)*. - All *kasambahay*, regardless of age or compensation levels, shall be covered under the Philippine Health Insurance Corporation (Philhealth), and be entitled to all the benefits provided under the law. The employer of the *kasambahay* shall pay for the employer's share of the aforementioned benefit, without deducting the same from the monthly compensation of the *kasambahay*.

SEC. 12. *Normal hours of work*. - Cognizant to the peculiarities of the relationship between the employer and the *kasambahay*, the normal hours of work shall be ten (10) hours a day, exclusive of one (1) hour breaks for each regular meal of the day.

SEC. 13. *Regular working days*. - No *kasambahay* shall render work in excess of six (6) days per week. It shall be the duty of every employer to provide his or her *kasambahay* a rest period of at least one (1) day a week. The rest day of the *kasambahay* shall be stipulated in the employment contract; however, the same may be changed for another day of the week upon mutual agreement of the employer and the *kasambahay*.

SEC. 14. *Vacation leave benefit.* - All *kasambahay* shall be entitled to a fourteen (14) day vacation leave with pay over and above their rest days. Said can only be availed of after the period six (6) months from the commencement of the employment contract and every year thereafter, and may be cumulative from year to year.

SEC. 15. - *Maternity leave benefits.* All female *kasambahay* who have rendered service for at least six (6) months shall be entitled to maternity leave benefits pursuant to the provision of Article 133 of the Labor Code and Section 14-A of R.A. 8282 or the Social Security Act of 1997.

SEC. 16. - *Paternity leave benefits.* - All married male *kasambahay* who have rendered service for at least three (3) months shall be entitled to paternity leave benefits of seven (7) days with pay when their legitimate spouses deliver a child or suffer miscarriage, pursuant to the provisions of R.A. 8187 or the Paternity Leave Act of 1996.

SEC. 17. *Deployment expenses.* - The employer shall be accountable for all the deployment expenses of the *kasambahay* including transportation cost, finder's fee and/or agency fees.

SEC. 18. *Salary increase and/or other benefits.* - Salary increase and/or other benefits may be granted by the employer based upon internal and mutual agreement by both parties pursuant to existing laws, rules and regulations.

SEC. 19. *Termination of employer-kasambahay relationship.* - (a) The employer may, prior to the expiration of the contract period, terminate the services

of the *kasambahay*; provided, that the he or she provides the *kasambahay* at least fifteen (15) days notice of dismissal and a termination pay and 13<sup>th</sup> month pay in addition to that of the fifteen (15) day compensation already earned.

(b) The employer may disregard the fifteen (15) day notice and immediately cause the termination of the service of the *kasambahay*; provided that the employer pays the salary due him or her and remunerates the *kasambahay* termination pay equivalent to one (1) month's salary.

(c) The *kasambahay* may, prior to the expiration of contract, put an end to the employer-*kasambahay* relationship, by putting the employer on notice at least one (1) month in advance.

(d) The *kasambahay*, may unilaterally terminate the relationship without serving any notice on the employer for any of the following just causes:

1. Serious insult by the employer or any of his or her immediate household on the honor and person of the *kasambahay*;
2. Inhuman and unbearable treatment accorded to the *kasambahay* by the employer or any of his or her immediate household;
3. Commission of a crime or offense by the employer or any of his or her immediate household against the *kasambahay*;
4. Other causes analogous to any of the foregoing.

(e) All *kasambahay* who have been terminated from work may, demand immediate payment of the terminal pay, 13<sup>th</sup> month pay, unused leave credits in addition to the remaining earned salary upon leaving the employer: Provided, however, that this provision shall not apply if the termination was based on just causes.

### ARTICLE 3

#### RIGHTS AND PRIVILEGES OF HOUSEHOLD HELPERS

SEC. 20. *Standard of treatment.* - The employer, as well as the immediate members of the household shall, at all times, treat the *kasambahay* in a just and humane manner. In no instance shall abusive language, physical violence or any other act which debases, degrades or demeans the intrinsic worth and *dignity of the kasambahay* as a human being be used upon the latter.

SEC. 21. *Extent of duty.* - The *kasambahay* shall not be required by his or her employer to perform any task or work outside of the usual work area for the service or benefit of another household without the *kasambahay's* express consent and payment of appropriate compensation.

SEC.22. *Prohibition on labor sub-contracting.* - The employer shall not sub-contract the services of the *kasambahay* to any other third party or household, unless such activity falls within the purview of the undertaking and operation of a legitimate employment agency.

SEC. 23. *Prohibition on charging recruitment and/or finder's fees to the kasambahay.* - Regardless of whether the *kasambahay* was sourced either through an employment agency or a third party, the *kasambahay* shall not be charged in full or in part, of the recruitment fees or finder's fees by an employment agency or third party.

SEC. 24. *Basic necessities.* - (a) In a manner befitting the means of a responsible head of the family, the employer shall provide for the basic necessities of the *kasambahay*, which shall include:

- 1) food for at least three (3) meals per day;

- 2) shelter and provision for humane sleeping arrangement that ensure privacy and safety of the *kasambahay*;
- 3) Medical assistance and expenses incurred for work-related illnesses or injuries sustained by the *kasambahay* shall be shouldered by the employer; otherwise, the employer shall bear fifty percent (50%) of the expenses for non-work-related illnesses, while the *kasambahay* shall bear the other half. The employer, however, shall advance the *kasambahay's* share, at the time the medical expenses are incurred, and shall be reimbursed out of deductions from the *kasambahay's* monthly compensation which shall, at no time, be greater than fifty percent (50%) of the latter's monthly compensation.

(b) In no instance shall the employer be allowed to withdraw or hold in abeyance the provision of these basic necessities as a form of punishment or disciplinary action to the *kasambahay*.

SEC. 25. *Guarantee to kasambahay privacy.* - The employer shall respect the privacy of the *kasambahay* during the course of the latter's rest periods. The *kasambahay's* right to privacy shall extend to any and all forms of personal communications, including letters or correspondence issued or received by the *kasambahay* or coursed through the private telephone of the household.

SEC. 26. *Access to outside communication.* - The employer shall allow the *kasambahay* access to outside communication, either through letters or private telephone of the household, especially in cases of personal or family emergencies. The employer shall, likewise, guarantee *kasambahay's* access to the private telephone of the household for the purpose of communicating with the latter's family at least

once a week; provided, that the cost incurred in making long distance or overseas telephone calls shall be for the account of the *kasambahay*.

SEC. 27. *Prohibition on bonded labor.* - No *kasambahay* shall be allowed to use his or her services as collateral for any loan or advances he or she made or will promise to the employer. Likewise, no employer shall be allowed to bind the *kasambahay* to his or her continued employment as a form of payment for any loan or advances that the *kasambahay* may have made with him or her. Should a *kasambahay* with an outstanding loan or advance decides to unilaterally terminate the contract of employment, payment for the said loan or advance shall immediately be made, unless otherwise agreed upon, under terms and conditions specified in a duly-executed promissory note between the parties.

SEC. 28. *Access to lawful third-party mediation.* - (a) Upon employment, the employer shall provide the *kasambahay* with the names, addresses and telephone numbers of the designated liaison officials of the following:

- 1) the Department of Labor and Employment (DOLE) and the Regional Office having jurisdiction over the area of employment of the *kasambahay*;
- 2) the Barangay Office of the *kasambahay's* place of work;
- 3) Duly-registered non-government organizations (NGOs) accredited to mediate in employee-employer disputes involving *kasambahay* and their employers.

(b) The employer shall further guarantee the *kasambahay's* access to all means of communication to be able to contact any of the above institutions.

SEC. 29. *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 *kasambahay*.

#### ARTICLE 4

##### SPECIAL RIGHTS AND PRIVILEGES OF THE *BATANG KASAMBAHAY*

SEC. 30. *Allowable employment of batang-kasambahay.* - Children fifteen (15) years old up to below eighteen (18) years of age may be employed as *kasambahay* under a valid employment contract, with the express written consent of either the parent or the legal guardian, in any non-hazardous work and shall be afforded the same protection and benefits accorded to adult *kasambahay*. In no instance shall household helpers below fifteen (15) years of age be employed as *kasambahay*.

SEC.31. *Children of kasambahay* - Unless expressly employed as *kasambahay* under a duly executed contract, children of *kasambahay* living with their parent/s at the employer's residence or those whose sustenance for education is provided for by his or her parent/s' employer, shall not be considered as *kasambahay* themselves.

SEC. 32. *Normal hours of work for batang-kasambahay* - No *batang-kasambahay* shall be allowed to render work for more than eight (8) hours a day, five (5) days per week, exclusive of one (1) hour breaks for each regular meal of the day.



SEC. 33. *Prohibition on night work* – No *batang-kasambahay* shall be allowed to render work between ten o'clock in the evening and six o'clock in the morning of the following day.

SEC. 34. *Prohibition on work to be undertaken* – No *batang-kasambahay* shall be allowed to render work beyond their physical and mental capabilities.

SEC. 35. *Prohibition on hazardous work, activities, conditions and/or undertakings*. – No *batang-kasambahay* shall be employed in any hazardous work, activity, condition or undertaking, and neither shall he or she be exposed to hazardous working conditions.

SEC. 36. *Minimum wage*. – All *batang-kasambahay* shall be paid the same minimum wage rate mandated in this *Batas Kasambahay*.

SEC. 37. *Right of the batang-kasambahay to wages earned*. – (a) Any and all wages, remuneration and compensation earned by the *batang-kasambahay* during the period of employment shall be paid by the employer directly to him or her.

(b) No parent, guardian or relative shall be allowed to borrow against the compensation of the *batang-kasambahay* without the express written consent of the latter. Neither shall the *batang-kasambahay* be made to render work in payment of a loan or liability incurred by a parent, guardian or relative.

SEC.38. *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 *batang-kasambahay* in need of custody, shelter, healing or legal, medical, psychological and rehabilitative services.

SEC. 39. *Rescue of abused batang-kasambahay* - (a) The Department of Social Welfare and Development (DSWD) shall, upon the recommendation of the Department of Labor and Employment (DOLE), effect the repatriation of *batang-kasambahay* who either voluntarily seek government protection against abuse and exploitation or upon report or discovery of the same. The rescued *batang-kasambahay* shall be supervised and escorted by a social worker back to his or her parent, guardian or relative. The cost of returning the *kasambahay* home shall be borne by the party who recruited or deployed the *batang-kasambahay*, or in its absence, the DSWD. The DOLE shall formulate the rules and regulations governing the emergency repatriation of the *batang-kasambahay*

SEC. 40. *Custody and re-placement of the batang-kasambahay.* - Should a *batang-kasambahay* refuse to be returned to the custody of his or her parents or legal guardian against the recommendation of the Department of Social Welfare and Development (DSWD), the *batang-kasambahay* may be placed under the custody and care of the DSWD or that of the duly recognized and accredited non-government organization, or be placed in a suitable household for employment.

## ARTICLE 6

### SPECIAL PROVISIONS FOR KASAMBAHAY EDUCATION

SEC. 41. *Opportunity for self-improvement.* - The employer shall not deny the *kasambahay* access to pursue his or her education should the latter decide to avail of it. All expenses relative thereto, shall be for the account of the *kasambahay*.

As appropriate, the employer shall adjust the *kasambahay's* working schedule in accordance with his or her class arrangement. In no case shall the *kasambahay's* compensation be altered on account of his or her educational pursuit.

SEC. 42. *Access to education and training.* - (a) No *batang-kasambahay* shall be deprived of formal or non-formal education, therefore, the employer shall allow him or her access to primary, secondary or vocational education. Said employer may advance all or part of the expenses incidental to the *kasambahay's* educational pursuit and the employer shall be reimbursed out of deduction from the *kasambahay's* monthly compensation, which shall in no time, be greater than thirty percent (30%) of the latter's monthly compensation.

(b) As appropriate, the employer shall adjust the work schedule in accordance with the *batang-kasambahay's* class schedule. In no case shall the *batang-kasambahay's* compensation be altered on account of his or her educational pursuit.

SEC. 43. *Employer initiatives for skills development.* - Should the employer decide to improve the inherent skills of the *kasambahay* through external training, the employer shall bear the cost and expenses of said training. The time spent by the *kasambahay* during the conduct of the said training, including the time in going to and coming from the training shall be counted as part of the *kasambahay's* hour of work.

## ARTICLE 8

### MISCELLANEOUS PROVISIONS

SEC. 44. *Implementing Rules and Regulations.* - The Department of Labor and Employment (DOLE) in coordination with the Department of Social Welfare

and Development (DSWD) and such other government agencies charged with the implementation of the provisions of this Act shall, within a period of one (1) year from the date of its effectivity, promulgate the necessary implementing rules and regulations.

SEC. 45. *Araw ng mga Kasambahay.* - The date upon which the President shall approve this *Batas Kasambahay* will be designated as the "*Araw ng mga Kasambahay*," a special non-working holiday, with pay, for all the *kasambahay* and shall, thereafter be commemorated annually.

SEC. 46. *Nondiminution clause.* - (a) Nothing in this Act shall be construed to cause the diminution or substitution of any benefits and privileges currently enjoyed by the *kasambahay*.

(b) All existing arrangements between employer and *kasambahay* shall conform to the minimum standards set by this *Batas Kasambahay* within a period of sixty (60) days upon effectivity of this Act.

SEC. 47. *Penal Provisions.* - Violation of any of the provision of this Act shall be punishable with a fine of not less than ten thousand pesos (Php 10,000.00) but not more than forty thousand pesos (Php 40,000.00), or imprisonment of not less than six (6) months but not more than three (6) years, or both, upon the discretion of the court.

SEC. 48. *Repealing Clause.* - All laws, decrees, presidential issuances, executive orders, rules and regulations or parts thereof not consistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 49. *Separability Clause.* - If any provision or part of this Act, or the application thereof to any person or circumstance be held unconstitutional or be declared invalid, the remainder of this Act shall not be affected thereby.

SEC. 50. *Effectivity Clause.* - This *Batas Kasambahay* shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least three (3) newspapers of general circulation.

Approved,