

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

23 MAY -3 A11:35

SENATE S. No. <u>2109</u> RECEIVED BY:

Introduced by Senator Christopher Lawrence "Bong" T. Go

AN ACT

ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM PRIVATE EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10361, OTHERWISE KNOWN AS THE "BATAS KASAMBAHAY"

EXPLANATORY NOTE

Republic Act No. 10361, otherwise known as the "Batas Kasambahay" is one of the legislations that protects and ensures the rights of domestic workers or kasambahays who may be hired directly by the employer or through a Private Employment Agency (PEA). The law provides that prior to the execution of the employment contract, pre-employment requirements shall be submitted to the PEA for domestic workers hired through PEAs. The submission of standard requirements and documents for applicants will serve as the basis for background checking of every applicant before hiring them.

PEAs therefore have a responsibility to ensure the not only the rights, but also the accountability of domestic workers. There were reported instances wherein PEAs will be used by those with criminal minds to enter the homes of unsuspecting employers. To deter such instances, this bill aims to provide protection for employers who paid for the services of the PEAs by establishing and imposing greater responsibility and accountability from PEAs. This legislation will further safeguard the employers against those who might use PEAs as an entry point to do their criminal intentions.

In view of the foregoing, approval of this bill is earnestly sought.

SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO



NINETEENTH CONGRESS OF THE	
REPUBLIC OF THE PHILIPPINES	
First Regular Session	

4

5

6

7

8

9

10

11

12

13

14

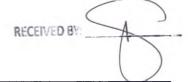
15

16

23 MAY -3 A11:35

SENATE S. No. <u>2109</u>

)



Introduced by Senator Christopher Lawrence "Bong" T. Go

AN ACT

ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM PRIVATE EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10361, OTHERWISE KNOWN AS THE "BATAS KASAMBAHAY"

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

SECTION 1. Background Check for Domestic Workers. – Section 36 of Republic Act No. 10361, otherwise known as the "Batas Kasambahay", is hereby amended to read as follows:

"SEC. 36. Regulation of Private Employment Agencies (PEAs). – The DOLE shall, through a system of licensing and regulation, ensure the protection of **BOTH THE** domestic workers hired through the PEAs **AND THEIR EMPLOYERS**.

"The PEA shall be jointly and severally liable with the employer for all the wages, wage-related benefits, and other benefits due a domestic worker.

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

1	of prohibited practices, shall apply.
2 3	"In addition, PEAs shall have the following responsibilities:
4	
5	"(A) CONDUCT A DILIGENT BACKGROUND CHECK AND ACTUAL
6	VERIFICATION OF THE IDENTITY, PERSONAL
7	CIRCUMSTANCES AND FAMILY BACKGROUND OF THE
8	DOMESTIC HELPER AND, TO THE EXTENT POSSIBLE, USE
9	RELEVANT DOCUMENTS FOR SUCH VERIFICATION SUCH AS
10	CLEARANCES FROM THE NATIONAL BUREAU OF
11	INVESTIGATION, POLICE, AND BARANGAY, AND THE BIRTH
12	CERTIFICATE OF THE DOMESTIC HELPER;
13	
14	"[(a)] (B) Ensure that THE domestic worker[s are] IS not charged or
15	levied any recruitment or placement fees;
16	
17	"[(b)] (C) Ensure that the employment agreement between the domestic
18	worker and the employer stipulates the terms and conditions of
19	employment and all the benefits prescribed by this Act;
20	
21	"[(c)] (D) Provide a pre-employment orientation briefing to the domestic
22	worker and the employer about their rights and responsibilities in
23	accordance with this Act;
24	
25	"[(d)] (E) Keep copies of employment contracts and agreements pertaining
26	to THE recruited domestic worker[s] which shall be made available
27	during inspections or whenever required by the DOLE or local
28	government officials;
29	
30	"[(e)] (F) Assist THE domestic worker[s] with respect to complaints or
31	grievances against the[ir] employer[s]; and

1	"[(f)] (G) Cooperate with government agencies in rescue operations
2	involving AN abused or exploited domestic worker[s]."
3	
4	SEC. 2. Liability of PEAs. – A subsection is hereby inserted after Section 36 of
5	the "Batas Kasambahay" to read as follows:
6	
7	"SEC. 36-A. SUBSIDIARY LIABILITY OF PEAS TO CRIMINAL ACTS
8	OF DOMESTIC HELPERS IN THEIR EMPLOY. — A PEA SHALL BE
9	SUBSIDIARILY LIABLE IN ANY CRIMINAL ACT COMMITTED BY A
10	DOMESTIC HELPER AGAINST THEIR EMPLOYER IN THE COURSE OF
11	THEIR EMPLOYMENT: <i>PROVIDED</i> , THAT SUCH ACCOUNTABILITY
12	SHALL CEASE AFTER ONE YEAR FROM THE FIRST DAY OF SUCH
13	EMPLOYMENT."
14	
15	SEC. 3. Implementing Rules and Regulations. – Within thirty (30) days from
16	the effectivity of this Act, the Department of Labor and Employment shall, in
17	coordination with the Department of Justice, other concerned government
18	agencies and accredited non-government organizations assisting domestic
19	workers, promulgate the necessary rules and regulations to implement this
20	Act.
21	CEC A Compactific Classes of this Act is
22	SEC. 4. Separability Clause. – If any part, section, or provision of this Act is
23 24	declared invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.
25	decidiation shall remain in full force and effect.
26	SEC. 5. Repealing Clause. – All laws, decrees, orders, rules and regulations
27	or issuances inconsistent with the provisions of this Act are hereby repealed,
28	amended, or modified accordingly.
29	amended, or modified decordingly.
30	SEC. 6. Effectivity. – This Act shall take effect fifteen (15) days after its
31	publication in the Official Gazette or in a newspaper of general circulation.
J1	Approved,
	I I

. . . .