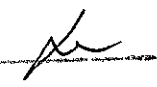


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE

S. No. 1662

RECEIVED BY: 

*Prepared by the Committees on Labor, Employment and Human Resources
Development and Social Justice, Welfare & Rural Development*

**“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”**

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

1 **SECTION 1.** Article 141 of Presidential Decree 442, as amended,
2 otherwise known as the Labor Code of the Philippines” is hereby amended to
3 read as follows:

4 “Article 141. Coverage- This Chapter shall apply to all persons rendering
5 services in household for compensation.

6 “Domestic [or household service] **“HELPER”, “HOUSEHOLD**
7 **HELPERS” OR “KASAMBAHAY”** [shall mean service in the employer’s
8 home which is usually necessary or desirable for the maintainance and
9 enjoyment thereof and includes ministering to the personal comfort and
10 convenience of the members of the employers households, including services
11 of family drivers.] **REFERS TO ANY PERSON, WHO RENDERS FOR**
12 **COMPENSATION, TO A HOMEOWNER/EMPLOYER UNDERTAKING**
13 **TASKS ASCRIBED AS NORMAL HOUSEHOLD CHORES WITHIN A**
14 **SPECIFIC HOUSEHOLDS. THE TERM INCLUDES MAIDS, COOKS,**
15 **HOUSEBOYS AND “YAYAS” WHO PROVIDE DAILY SERVICE, EITHER**
16 **ON A FULL-TIME, LIVE-IN OR LIVE-OUT BASIS.”**

1 **SEC. 2.** Article 142 of P. D. 442, as amended is hereby amended and
2 renumbered to read as follows:

3 “Art. 142 (1). *Contract of domestic service.* - [The original contract of
4 domestic service shall not last for more than two (2) years but it may be
5 renewed for such periods as may be agreed upon by the parties.] **ALL**
6 **HOUSEHOLD WORKING ARRANGEMENTS OR AGREEMENTS SHALL BE**
7 **COVERED BY A WRITTEN EMPLOYMENT CONTRACT, IN A**
8 **LANGUAGE OR DIALECT UNDERSTOOD BY BOTH THE EMPLOYER**
9 **AND THE HOUSEHOLD HELPER, DULY SIGNED BY BOTH**
10 **CONTRACTING PARTIES. EACH CONTRACTING PARTY SHALL BE**
11 **PROVIDED WITH A COMPLETE SET OF THE DULY SIGNED CONTRACT**
12 **OF SERVICE WHICH SHALL INCLUDE THE FOLLOWING:**

13 (1.1) **PERIOD OF EMPLOYMENT, WHICH SHALL NOT**
14 **EXCEED TWO (2) YEARS;**

15 (1.2) **MONTHLY COMPENSATION AND MODE OF**
16 **PAYMENT**

17 (1.3) **ANNUAL SALARY INCREASE;**

18 (1.4) **DUTIES AND RESPONSIBILITIES;**

19 (1.5) **WORKING HOURS AND DAY-OFF SCHEDULE; AND**

20 (1.6) **LIVING QUARTERS OR SLEEPING ARRANGEMENT.”**

21 “ART. 142 (2). *MEDICAL OR HEALTH CERTIFICATE, BARANGAY*
22 **CLEARANCE AND BIRTH CERTIFICATE AS PRE-REQUISITES FOR**
23 **EMPLOYMENT. – AS PREREQUISITES FOR EMPLOYMENT IN**
24 **DOMESTIC WORK, ALL PROSPECTIVE APPLICANTS SHOULD**
25 **SECURE THE FOLLOWING DOCUMENTS:**

26 (2.1) **MEDICAL CERTIFICATE OR IN LIEU THEREOF,**
27 **HEALTH CERTIFICATE ISSUED BY A LOCAL GOVERNMENT HEALTH**

1 **OFFICERS ATTESTING TO THE PHYSICAL AND MENTAL FITNESS OF**
2 **THE DOMESTIC WORKER;**

3 (2.2) **BARANGAY CLEARANCE;AND**

4 (2.3) **DULY AUTHENTICATED BIRTH CERTIFICATE FROM**
5 **THE NATIONAL STATISTICS OFFICE (NSO).”**

6 **SEC. 3.** Subparagraphs (1), (2) and (3), Article 143 of Presidential
7 Decree No. 442, an amended, are hereby amended and renumbered to read
8 as follows:

9 “Art. 143-(1). *Minimum wage.* – (a) House helpers **OR**
10 **DOMESTIC HELPERS, AS DEFINED UNDER THIS ACT**, shall be paid the
11 following minimum wage rates:

12 (1) [Eight Hundred Pesos (P800.00)] **THREE THOUSAND**
13 **PESOS (P3,000.00)** a month for househelpers [in Manila, Quezon, Pasay
14 and Caloocan cities and the municipalities of Makati, San Juan,
15 Mandaluyong, Muntinlupa, Navotas, Malabon, Parañaque, Las Piñas,
16 Pasig, Marikina, Valenzuela, Taguig and Pateros in Metro Manila and in
17 highly urbanized cities] **EMPLOYED IN THE NATIONAL CAPITAL**
18 **REGION;**

19 (2) [Six Hundred Fifty pesos (P650.00)] **TWO THOUSAND**
20 **FIVE HUNDRED PESOS (P2,500.00)** a month for those **EMPLOYED** in
21 other chartered cities and first class municipalities; and

22 (3) [Five Hundred fifty pesos (P550.00)] **TWO THOUSAND**
23 **PESOS (P2,000.00)** a month for those in other municipalities.

24 [Provided, That the employers shall review the employment
25 contracts of their househelpers every three (3) years with the end in
26 view of improving the terms and conditiond thereof.]

27 [Provided, further, That those househelpers who are receiving
28 at least One thousand pesos (P1,000.00) shall be covered by the Social

1 Security System (SSS) and be entitled to all the benefits provided
2 thereunder.]

3 **“AFTER ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT**
4 **AND EVERY YEAR THEREAFTER THE REGIONAL TRIPARTITE WAGES**
5 **AND PRODUCTIVITY BOARDS (RTWPBS) SHALL REVIEW, AND IF**
6 **PROPER, DETERMINE AND ADJUST APPROPRIATE MINIMUM WAGE**
7 **RATES OF HOUSEHOLD OR DOMESTIC HELPERS.”**

8 **“ART. 143 (2). PAYMENT OF WAGES. – PAYMENT OF WAGES**
9 **SHALL BE MADE DIRECTLY TO THE DOMESTIC WORKER TO**
10 **WHOM THEY ARE DUE IN CASH, AT LEAST TWICE A MONTH. THE**
11 **EMPLOYER, UNLESS ALLOWED BY THE DOMESTIC WORKER**
12 **THROUGH A WRITTEN CONSENT, SHALL MAKE NO DEDUCTIONS**
13 **FROM HIS/HER WAGES OTHER THAN THAT WHICH IS MANDATED**
14 **BY LAW. NO EMPLOYER SHALL PAY THE WAGES OF A DOMESTIC**
15 **WORKER BY MEANS OF PROMISORY NOTES, VOUCHERS, COUPONS,**
16 **TOKENS, TICKETS, CHITS OR ANY OBJECT OTHER THAN THE CASH**
17 **WAGE AS PROVIDED FOR UNDER THIS ACT.”**

18 **“ART. 143 (3). PAY SLIP. – ALL EMPLOYERS ARE MANDATED AT**
19 **ALL TIMES TO PROVIDE THEIR DOMESTIC WORKER WITH A**
20 **COPY OF THEIR PAY SLIP WHICH SHALL CONTAIN THE AMOUNT**
21 **PAID IN CASH BY THE EMPLOYER TO THE DOMESTIC WORKER**
22 **EVERY PAY DAY, AS PRESCRIBED UNDER THIS ACT. THE COPIES OF**
23 **THE PAY SLIP MUST BE KEPT BY THE EMPLOYER FOR A PERIOD OF**
24 **THREE (3) YEARS.”**

25 **“ART. 143 (4). PLACE OF PAYMENT. – PAYMENT OF WAGES**
26 **SHALL BE MADE AT OR NEAR THE PLACE OF UNDERTAKING, EXCEPT**
27 **AS OTHERWISE PROVIDED BY SUCH REGULATIONS AS THE**

1 **SECRETARY OF LABOR MAY PRESCRIBE UNDER CONDITIONS TO**
2 **ENSURE PROTECTION OF WAGES.”**

3 **“ART. 143 (5) *PROHIBITION OR INTERFERENCE IN DISPOSAL OF***
4 ***WAGES- NO EMPLOYER SHALL LIMIT OR OTHERWISE INTERFERE***
5 ***WITH THE FREEDOM OF ANY DOMESTIC WORKER TO DISPOSE OF***
6 ***HIS/HER WAGES. THE EMPLOYER SHALL NOT IN ANY MANNER***
7 ***FORCE, COMPEL, OR OBLIGE THE DOMESTIC WORKER TO***
8 ***PURCHASE MERCHANDISE, COMMODITIES OR OTHER PROPERTIES***
9 ***FROM THE EMPLOYERS OR FROM ANY OTHER PERSON, OR***
10 ***OTHERWISE MAKE USE OF ANY STORE OR SERVICES OF SUCH***
11 ***EMPLOYER OR ANY OTHER PERSON.”***

12 **“ART. 143 (6) *PROHIBITION AGAINST WITHHOLDING OF WAGES -***
13 ***IT SHALL BE UNLAWFUL FOR AN EMPLOYER, DIRECTLY OR***
14 ***INDIRECTLY, TO WITHHOLD ANY AMOUNT FROM THE WAGES OF***
15 ***THE DOMESTIC WORKER OR INDUCE HIM/HER TO GIVE UP ANY***
16 ***PART OF HIS/HER WAGES BY FORCE, STEALTH, INTIMIDATION,***
17 ***THREAT OR BY ANY OTHER MEANS WHATSOEVER.”***

18 **“ART. 143 (7). *PROHIBITION ON DEPOSITS FOR LOSS OR***
19 ***DAMAGE. - NO EMPLOYER SHALL REQUIRE HIS/HER DOMESTIC***
20 ***WORKER TO MAKE DEPOSITS FROM WHICH DEDUCTIONS SHALL BE***
21 ***MADE FOR THE REIMBURSEMENT OF LOSS OR DAMAGE TO TOOLS,***
22 ***MATERIALS, FURNITURE AND EQUIPMENT IN THE HOUSEHOLD.”***

23 **“ART. 143 (8). *PROHIBITION ON BONDED LABOR - IT SHALL BE***
24 ***UNLAWFUL FOR AN EMPLOYER TO USE THE FUTURE SERVICES OF***
25 ***THE HOUSEHELPERS AS COLLATERAL FOR A LOAN OR ADVANCE***
26 ***MADE BY THE LATTER, LIKEWISE, IT SHALL BE UNLAWFUL FOR THE***
27 ***EMPLOYER TO BIND THE HOUSEHOLD HELPER FOR HIS/HER***

1 **CONTINUOUS EMPLOYMENT AS A FORM OF PAYMENT FOR ANY**
2 **LOAN OR ADVANCE MADE BY THE LATTER.”**

3 **“ANY EMPLOYER WHO VIOLATES THIS PROVISIONS SHALL BE**
4 **PUNISHED UNDER EXISTING PENAL LAWS WITHOUT PREJUDICE TO**
5 **CIVIL AND ADMINISTRATIVE CASES WHICH MAY BE FILED AGAINST**
6 **HIM/HER.”**

7 **SEC. 4. NON-DIMINUTION CLAUSE - NOTHING IN THIS ACT**
8 **SHALL BE CONSTRUED TO CAUSE THE DIMINUTION OR**
9 **SUBSTITUTION OF ANY BENEFITS AND PRIVILEGES CURRENTLY**
10 **ENJOYED BY THE KASAMBAHAY. ALL EXISTING ARRANGEMENTS**
11 **BETWEEN EMPLOYER AND KASAMBAHAY SHALL CONFORM TO THE**
12 **MINIMUM STANDARDS SET BY THIS ACT.”**

13 **SEC. 5.** Article 148 of Presidential Decree No. 442, as amended, is
14 hereby amended to read as follows:

15 *“Art. 148. Board, lodging and medical attendance-* The Employer shall
16 furnish the househelper free of charge suitable and sanitary living quarters as
17 well as adequate food and medical attendance.

18 **“EVERY EMPLOYER SHALL KEEP IN HIS/HER HOUSEHOLD SUCH**
19 **FIRST-AID MEDICINES AND EQUIPMENT AS THE NATURE AND**
20 **CONDITIONS OF DOMESTIC WORK MAY REQUIRE, IN ACCORDANCE**
21 **WITH THE RULES AND REGULATIONS THAT WILL BE PRESCRIBED BY**
22 **THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), IN**
23 **ACCORDANCE WITH THE PROVISION OF THIS ACT.”**

24 **SEC. 6.** A new provision, Article 148-(1) is hereby inserted to read as
25 follows:

26 **“ART. 148-(1) ALL HOUSEHOLD HELPERS SHALL BE COVERED BY**
27 **THE SOCIAL SECURITY SYSTEM (SSS) AND BE ENTITLED TO ALL THE**

1 **BENEFITS IN ACCORDANCE WITH THE PERTINENT PROVISIONS OF**
2 **REPUBLIC ACT NO. 1611, AS AMENDED.”**

3 **“THE SSS SHALL IMPLEMENT THE OUTREACH PROGRAM THAT WILL**
4 **FACILITATE THE REMITTANCE OF SSS CONTRIBUTIONS OF THE**
5 **HOUSEHELPER AND EMPLOYER THROUGH THE MOST FEASIBLE**
6 **MEANS. THIS OUTREACH PROGRAM SHALL BE CONCEPTUALIZED**
7 **AND INITIATED WITHIN ONE (1) YEAR FROM THE DATE OF THE**
8 **EFFECTIVITY OF THIS ACT.”**

9 **SEC. 7.** A new provision, Article 148-(2) is hereby inserted to read as
10 follows:

11 **”ART. 148-(2) MEMBERSHIP IN THE PHILIPPINE HEALTH**
12 **INSURANCE CORPORATION (PHILHEALTH)- ALL HOUSEHELPERS SHALL**
13 **BE COVERED BY THE PHILIPPINE HEALTH INSURANCE**
14 **CORPORATION (PHILHEALTH) IN ACCORDANCE WITH THE**
15 **GUIDELINE AND BE ENTITLED TO ALL THE BENEFITS PROVIDED BY**
16 **LAW. THE PREMIUM PAYMENTS FOR PHILHEALTH CONTRIBUTIONS**
17 **SHALL BE SHOULDERED BY THE EMPLOYER.”**

18 **SEC. 8.** Article 151 of Presidential Decree No. 442, as amended, is
19 hereby amended to read as follows:

20 **“Art. 151-(1). *Employment Certification*- Upon the severance of the**
21 **household service relation, the employers shall give the**
22 **househelper/**DOMESTIC WORKER** a written **EMPLOYMENT****
23 ****CERTIFICATION INDICATING** [statement of] the nature, [and] duration of**
24 **the service, **WORK PERFORMANCE**, [and his or her] efficiency and conduct**
25 **as househelper/**DOMESTIC WORKER**.”**

26 **“ART. 151-(2). *EMPLOYER’S REPORTORIAL DUTIES*. – EVERY**
27 **EMPLOYER OF DOMESTIC WORKER IS MANDATED TO REGISTER**
28 **THEIR KASAMBAHAY IN ACCORDANCE WITH THE REGISTRATION**

1 **SYSTEM THAT SHALL BE ESTABLISHED BY LGUS FOR THE MUTUAL**
2 **PROTECTION OF THE KASAMBAHAYS AND THE EMPLOYER.”**

3 **“EVERY EMPLOYER OF DOMESTIC WORKER IS ALSO MANDATED TO**
4 **KEEP THE FOLLOWING RECORDS TO REFLECT THE ACTUAL TERMS**
5 **AND CONDITIONS OF EMPLOYMENT OF HIS/HER DOMESTIC**
6 **WORKER FOR A PERIOD OF THREE (3) YEARS AFTER THE DOMESTIC**
7 **WORKER HAS LEFT THE SERVICES OF THE EMPLOYER FOR PURPOSES**
8 **OF DOCUMENTATION:**

9 **(2.1) REGISTER OF ALL DOMESTIC WORKERS EMPLOYED BY**
10 **HIM/HER, INDICATING THE DATES OF THEIR BIRTH;**

11 **(2.2) SEPARATE FILE FOR THEIR EMPLOYMENT CONTRACTS**
12 **AND EMPLOYMENT CERTIFICATES;**

13 **(2.3) SEPARATE FILE FOR THEIR BARANGAY CLEARANCE; AND**

14 **(2.4) SEPARATE FILE FOR THEIR MEDICAL OR HEALTH**
15 **CERTIFICATES.”**

16 **“IT SHALL BE UNLAWFUL FOR ANY EMPLOYER TO MAKE ANY**
17 **REPORT OR RECORD, PURSUANT TO THE PROVISIONS OF THIS ACT,**
18 **KNOWING SUCH REPORT OR RECORD TO BE FALSE.”**

19 **SEC. 9. *ROLE OF LOCAL GOVERNMENT UNITS.* - LOCAL**
20 **GOVERNMENT UNITS (LGUS) SHALL FACILITATE ACCESS OF**
21 **KASAMBAHAYS TO ALL EXISTING PROGRAMS AND SERVICES. THE**
22 **LGUS, THROUGH THEIR LOCAL DEVELOPMENT PLANS, SHALL**
23 **PRIORITIZE CONCERNS REGARDING KASAMBAHAYS AND DEVELOP**
24 **AND IMPLEMENT PLANS AND PROGRAMS IN SUPPORT OF THIS**
25 **LAW.”**

26 **SEC. 10. *ARAW NG MGA KASAMBAHAYS* - THE DATE UPON**
27 **WHICH THE PRESIDENT SHALL APPROVE THIS BATAS KASAMBAHAY**
28 **WILL BE DESIGNATED AS THE “ARAW NG MGA KASAMBAHAY”.**

1 **SEC. 11. *Implementing Rules and Regulations.*** - The Department of
2 Interior and Local Government and the Department of Labor and
3 Employment, in collaboration with other government agencies charged with
4 the implementation of the provisions of this Act shall, within a period of
5 **NINETY (90) DAYS** from the date of its effectivity, promulgate the necessary
6 implementing rules and regulations.

7 **SEC. 12. *Repealing Clause.*** – All laws, decrees, presidential issuances,
8 executive orders, rules and regulations or parts thereof not consistent with the
9 provisions of this Act are hereby amended, repealed or modified
10 accordingly.

11 **SEC. 13. *Separability Clause.*** - If any provision or part of this Act, or
12 the application thereof to any person or circumstance be held unconstitutional
13 or be declared invalid, the remainder of this Act shall not be affected thereby.

14 **SEC. 14. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
15 following the completion of its publication in the *Official Gazette* or in two (2)
16 newspapers of general circulation.

17 ***Approved.***