FOURTEENTH CONGRESS OF THE) REPUBLIC OF THE PHILIPPINES)

First Regular Session

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HECE IVED BY .

Sponsor	:	Senator	Ejercito Estrada
Recomm 1631.	endin	g its approv	val in substitution of S. B. Nos. 77, 157, 201, 1141 and
RE	:	S. No	1662 prepared by the Committees.
		<i>and</i> Socia 1 2 2007	al Justice, Welfare and Rural Development or
Submitte	d _A by	the Commi	ittees on Labor, Employment and Human Resource:
	C leanste	OMMITT	EE REPORT NO. 10

MR. PRESIDENT,

The Committees on Labor, Employment and Human Resources Development and Social Justice, Welfare and Rural Development to which were referred S. B. No. 77, introduced by Sen. Legarda, *entitled*:

"AN ACT

INSTITUTING REGULATORY POLICIES FOR THE HOUSEHOLD EMPLOYMENT INDUSTRY, ESTABLISHING STANDARDS OF PROTECTION AND PROMOTION OF THEIR WELFARE AND OF THEIR FAMILIES, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES"

S. B. No. 157, introduced by Sen. Ejercito Estrada, entitled:

"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. D. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES"

S. B. No. 201, introduced by Senator Lapid, entitled:

"AN ACT

AMENDING FOR THIS PURPOSE BOOK III, ARTICLES 141, 142, 143, 148 AND 151 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES BY PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION TO THE DOMESTIC HOUSEHELPERS AND FOR OTHER PURPOSES"

S. B. No. 1141, introduced by Sen. Pimentel, Jr., entitled:

"AN ACT

INSTITUTING POLICIES GOVERNING THE HOUSEHOLD EMPLOYMENT INDUSTRY, ESTABLISHING A STANDARD OF PROTECTION AND PROMOTING THE WELFARE OF HOUSEHOLD HELPERS', and

S. B. No. 1631, introduced by Senator Santiago, entitled:

"AN ACT PROVIDING FOR THE MAGNA CARTA OF HOUSEHOLD HELPERS"

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached S. B. No. ________, prepared by the Committee, entitled:

"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 approved in substitution of S. B. No 77, 157, 201, 1141 and 1631 with Senators Legarda, Ejercito Estrada, Lapid, Pimentel, Jr. and Santiago as authors thereof.

Respectfully submitted:

INGGOY EJERCITO ESTRADA
President Pro-Tempore

Chairperson

Committee on Labor, Employment and Human Resources Development

MEMBERS:

'COMPAÑERA" I A S. CAYETANO

FRANCIS *"CHIZ"* G. ESCUDERO

All .

ALAN PETER "COMPAÑERO" S. CAYETANO

GREGORIO "GRINGO" B. HONASAN

RAMON "BONG" B. REVILLA, JR.

MANUEL "LITO" M. LAPID

JUAN MICUEL F. ZUBIRI

BINIGNO "NOYNOY" C. AQUINO, III

RODOLFO G. BIAZON

PANFILO "PING" M. LACSON

LOREN B. LEGARDA

Chairperson

Committee on Social Justice, Welfare and Rural Development M. A. "JAMBY" A. S. MADRIGAL

EX- OFFICIO MEMBERS:

FRANCIS "KIKO" N. PANGILINAN

Majority Floor Deader

AQUILINO Q. PIMENTEL, jr.

Minority Floor Leader

MANNY VILLAR
Senate President

Senate Presiden Pasay City

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FOURTEENTH CONGRESS OF THE REPUBLIC) OF THE PHILIPPINES

First Regular Session

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SENATE

s. No. 1662

NECEIVED 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

read as follows: 3

"Article 141. Coverage- This Chapter shall apply to all persons rendering 4

services in household for compensation.

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

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

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 follws:
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

OFFICERS ATTESTING TO THE PHYSICAL AND MENTAL FITNESS OF

- 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 WITHOLDING 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
- 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:
- "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 employershall 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
- 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

following the completion of its publication in the Official Gazette or in two (2)

newspapers of general circulation.

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