


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

6 NOV -7 2006

RECEIVED BY: 

SENATE

COMMITTEE REPORT NO. 154

Submitted by the Committee on Labor, Employment and Human Resources Development on 7 NOV 2006

RE : SB No. 2497 prepared by the Committee.

Recommending its approval in substitution of S. B. No. 202, 860, 1678, 1692, 1772, 2275 and 2461.

Sponsor : Senator J. Estrada

MR. PRESIDENT:

The Senate Committee on Labor, Employment and Human Resources Development to which was referred Senate Bill No. 202, introduced by Senator L. Estrada, *entitled:*

**“AN ACT
INSTITUTING POLICIES GOVERNING THE HOUSEHOLD
EMPLOYMENT INDUSTRY, ESTABLISHING A STANDARD OF
PROTECTION AND PROMOTING THE WELFARE OF HOUSEHOLD
HELPERS AND THEIR FAMILIES.”**

Senate Bill No. 860, introduced by Senator J. Estrada, *entitled:*

**“AN ACT
INSTITUTING REGULATORY POLICIES FOR THE HOUSEHOLD
EMPLOYMENT INDUSTRY, ESTABLISHING STANDARDS OF
PROTECTION AND PROMOTING OF THEIR WELFARE AND OF
THEIR FAMILIES, AMENDING FOR THIS PURPOSE PERTINENT
PROVISIONS OF PRESIDENTIAL DECREE NUMBER 442,
OTHERWISE KNOWN AS THE LABOR CODE OF THE
PHILIPPINES.”**

Senate Bill No. 1678, introduced by Senator Pimentel, *entitled:*

**“AN ACT
INSTITUTING POLICIES GOVERNING THE HOUSEHOLD
EMPLOYMENT INDUSTRY, ESTABLISHING A STANDARD OF
PROTECTION AND PROMOTING THE WELFARE OF HOUSEHOLD
HELPERS.”**

Senate Bill No. 1692, introduced by Senator Santiago, *entitled:*

"MAGNA CARTA OF HOUSEHOLD HELPERS"

Senate Bill No. 1772, introduced by Senator J. Estrada, *entitled:*

**"AN ACT
TO INSTITUTIONALIZE THE BATAS KASAMBAHAY."**

Senate Bill No. 2275, introduced by Senator Villar, *entitled:*

**"AN ACT
INCREASING THE MINIMUM WAGE OF HOUSEHELPERS
AMENDING FOR THE PURPOSE ARTICLE 143 OF PRESIDENTIAL
DECREE NUMBERED 442." and**

Senate Bill No. 2461, 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."**

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached SB No. 2497, 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 202, 860, 1678, 1692, 1772, 2275 and 2461 with Senators L. Estrada, J. Estrada, Pimentel, Santiago, Villar and Lapid as authors thereof.

Respectfully submitted:



JINGGOY EJERCITO ESTRADA
Chairperson
Committee on Labor, Employment and Human
Resources Development

MEMBERS:

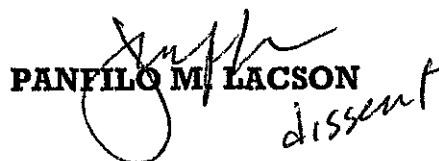
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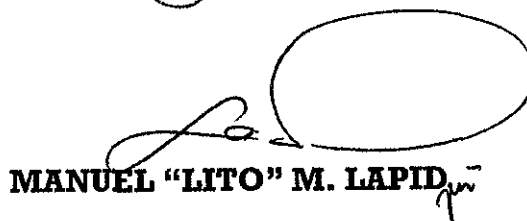


RAMON B. MAGSAYSAY, JR.

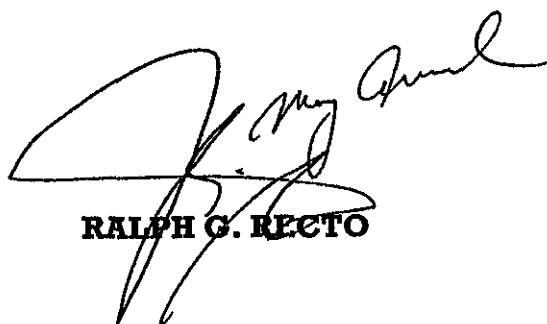


PANFILO M. LACSON

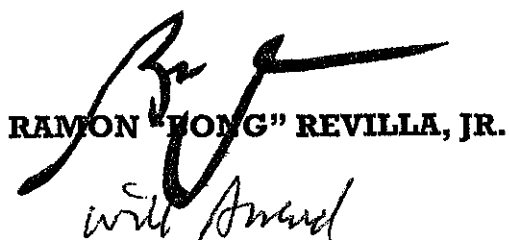
RICHARD J. GORDON



MANUEL "LITO" M. LAPID



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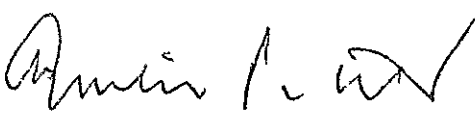

ALFREDO S. LIM


LUISA "LOI" R. EJERCITO ESTRADA

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Pasay City

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Third Regular Session

6 NOV -7 1913

RECEIVED BY: 

SENATE

S.B. No. 2497

*Prepared by the Committee on Labor, Employment and Human Resources
Development in substitution of S.B.Nos. 202, 860, 1678, 1692, 1772, 2275 and
2461*

"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 111 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 services 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 DOMESTIC**
12 **OR HOUSEHOLD SERVICES, UNDER A FULL-TIME BASIS FOR**
13 **COMPENSATION, TO A HOMEOWNER/EMPLOYER UNDERTAKING**
14 **TASKS ASCRIBED AS NORMAL HOUSEHOLD CHORES WITHIN A**
15 **SPECIFIC HOUSEHOLDS. THE TERM INCLUDES MAIDS, COOKS,**

1 **HOUSEBOYS, FAMILY DRIVERS AND "YAYAS" WHO PROVIDE DAILY**
2 **SERVICE TO A SPECIFIC HOUSEHOLD, EITHER ON A LIVE-IN OR LIVE-**
3 **OUT BASIS."**

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

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

17 (A) **PERIOD OF EMPLOYMENT, WHICH SHALL NOT**
18 **EXCEED TWO (2) YEARS;**

19 (B) **MONTHLY COMPENSATION AND MODE OF**
20 **PAYMENT**

21 (C) **ANNUAL SALARY INCREASE;**

22 (D) **DUTIES AND RESPONSIBILITIES;**

23 (E) **WORKING HOURS AND DAY-OFF SCHEDULE; AND**

24 (F) **LIVING QUARTERS OR SLEEPING ARRANGEMENT."**

25
26 "ART. 142 (B). **MEDICAL CERTIFICATE, POLICE**
27 **CLEARANCE, NBI CLEARANCE, BARANGAY CLEARANCE AND BIRTH**
28 **CERTIFICATE AS PRE-REQUISITES FOR EMPLOYMENT. - AS**

1 **PREREQUISITES FOR EMPLOYMENT IN DOMESTIC WORK, ALL**
2 **PROSPECTIVE APPLICANTS SHOULD SECURE THE FOLLOWING**
3 **DOCUMENTS:**

4 (A) **MEDICAL CERTIFICATE ATTESTING TO THE**
5 **PHYSICAL AND MENTAL FITNESS OF THE DOMESTIC WORKER**
6 **TO BE SECURED FROM A LICENSED PHYSICIAN;**

7 (B) **NATIONAL BUREAU OF INVESTIGATION (NBI)**
8 **CLEARANCE;**

9 (C) **BARANGAY CLEARANCE;AND**

10 (D) **DULY AUTHENTICATED BIRTH CERTIFICATE FROM**
11 **THE NATIONAL STATISTICS OFFICE (NSO)."**

12 **SEC. 3.** Subparagraphs (1), (2)and (3), Article 143 of Presidential
13 Decree No. 442, an amended, are herebyamended and renumbered to read
14 as follows:

15 "Art. 143 (A). Minimum wage. - (a) House helpers **OR**
16 **DOMESTIC HELPERS, AS DEFINED UNDER THIS ACT,** shall be
17 paid the following minimum wage rates:

18 (1) [Eight Hundred Pesos (P800.00)] **TWO THOUSAND**
19 **PESOS (P2,000.00)** a month for househelpers [in Manila, Quezon, Pasay
20 and Caloocan cities and the municipalities of Makati, San Juan,
21 Mandaluyong, Muntinlupa, Navotas, Malabon, Paranaque, Las Pinas,
22 Pasig, Marikina, Valenzuela, Taguig and Pateros in Metro Manila and in
23 highly urbanized cities] **EMPLOYED IN THE NATIONAL CAPITAL**
24 **REGION;**

25 (2) [Six Hundred Fifty pesos (P650.00)] **ONE THOUSAND**
26 **FIVE HUNDRED PESOS (P1,500.00)** a month for those **EMPLOYED** in
27 other chartered cities and first class municipalities; and

1 (3) [Five Hundred fifty pesos (P550.00)] **ONE THOUSAND**
2 **PESOS (P1,000.00)** a month for those in other municipalities.

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

6 Provided, [further,] That those househelpers who are receiving
7 at least One thousand pesos (P1,000.00) shall be covered by the Social
8 Security System (SSS) and be entitled to all the benefits provided
9 thereunder.

10 **THE REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY**
11 **BOARDS (RTWPBS) MAY DETERMINE AND ADJUST, FROM TIME**
12 **TO TIME, APPROPRIATE MINIMUM WAGE RATES OF**
13 **HOUSEHOLD OR DOMESTIC HELPERS.”**

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

25
26 **“ART. 143 (C). PAY SLIP. – ALL EMPLOYERS ARE**
27 **MANDATED AT ALL TIMES TO PROVIDE THEIR DOMESTIC**
28 **WORKER WITH A COPY OF THEIR PAY SLIP WHICH SHALL**

1 **CONTAIN THE AMOUNT PAID IN CASH BY THE EMPLOYER TO**
2 **THE DOMESTIC WORKER EVERY PAY DAY, AS PRESCRIBED**
3 **UNDER THIS ACT. THE COPIES OF THE PAY SLIP MUST BE KEPT**
4 **BY THE EMPLOYER FOR A PERIOD OF THREE (3) YEARS."**

5 **"ART. 143 (D). PLACE OF PAYMENT. - PAYMENT OF**
6 **WAGES SHALL BE MADE AT OR NEAR THE PLACE OF**
7 **UNDERTAKING, EXCEPT AS OTHERWISE PROVIDED BY SUCH**
8 **REGULATIONS AS THE SECRETARY OF LABOR MAY PRESCRIBE**
9 **UNDER CONDITIONS TO ENSURE PROTECTION OF WAGES."**

10 **"ART. 143 (E) PROHIBITION OR INTERFERENCE IN**
11 **DISPOSAL OF WAGES- NO EMPLOYER SHALL LIMIT OR**
12 **OTHERWISE INTERFERE WITH THE FREEDOM OF ANY**
13 **DOMESTIC WORKER TO DISPOSE OF HIS/HER WAGES. THE**
14 **EMPLOYER SHALL NOT IN ANY MANNER FORCE, COMPEL, OR**
15 **OBLIGE THE DOMESTIC WORKER TO PURCHASE**
16 **MERCHANDISE, COMMODITIES OR OTHER PROPERTIES FROM**
17 **THE EMPLOYERS OR FROM ANY OTHER PERSON, OR**
18 **OTHERWISE MAKE USE OF ANY STORE OR SERVICES OF SUCH**
19 **EMPLOYER OR ANY OTHER PERSON."**

20 **"ART. 143 (F) PROHIBITION AGAINST WITHHOLDING OF**
21 **WAGES-IT SHALL BE UNLAWFUL FOR AN EMPLOYER, DIRECTLY**
22 **OR INDIRECTLY, TO WITHHOLD ANY AMOUNT FROM THE**
23 **WAGES OF THE DOMESTIC WORKER OR INDUCE HIM/HER TO**
24 **GIVE UP ANY PART OF HIS/HER WAGES BY FORCE, STEALTH,**
25 **INTIMIDATION, THREAT OR BY ANY OTHER MEANS**
26 **WHATSOEVER."**

27 **"ART. 143(G). PROHIBITION ON DEPOSITS FOR LOSS OR**
28 **DAMAGE. - NO EMPLOYER SHALL REQUIRE HIS/HER**

1 **DOMESTIC WORKER TO MAKE DEPOSITS FROM WHICH**
2 **DEDUCTIONS SHALL BE MADE FOR THE REIMBURSEMENT OF**
3 **LOSS OR DAMAGE TO TOOLS, MATERIALS, FURNITURE AND**
4 **EQUIPMENT IN THE HOUSEHOLD.”**

5 **SEC. 4.** Article 148 of Presidential Decree No. 442, as amended, is
6 hereby amended to read as follows:

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

10 **EVERY EMPLOYER SHALL KEEP IN HIS/HER HOUSEHOLD SUCH**
11 **FIRST-AID MEDICINES AND EQUIPMENT AS THE NATURE AND**
12 **CONDITIONS OF DOMESTIC WORK MAY REQUIRE, IN ACCORDANCE**
13 **WITH THE RULES AND REGULATIONS THAT WILL BE PRESCRIBED BY**
14 **THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), IN**
15 **ACCORDANCE WITH THE PROVISION OF THIS ACT.”**

16 **SEC. 5.** A new provision, Article 148-A is hereby inserted to read as
17 follows:

18 **“ART. 148-A MEMBERSHIP IN THE PHILIPPINE HEALTH**
19 **INSURANCE CORPORATION (PHILHEALTH)- ALL HOUSEHELPERS**
20 **SHALL BE COVERED BY THE PHILIPPINE HEALTH INSURANCE**
21 **CORPORATION (PHILHEALTH) IN ACCORDANCE WITH THE**
22 **GUIDELINE AND BE ENTITLED TO ALL THE BENEFITS PROVIDED BY**
23 **LAW.”**

24 **SEC. 6.** Article 151 of Presidential Decree No. 442, as amended, is
25 hereby amended to read as follows:

26 “Art. 151 (A). Employment Certification- Upon the severance of the
27 household service relation, the employer shall give the
28 househelper/**DOMESTIC WORKER** a written **EMPLOYMENT**

1 **CERTIFICATION INDICATING** [statement of] the nature, [and] duration of
2 the service, **WORK PERFORMANCE**, [and his or her] efficiency and conduct
3 as househelper/**DOMESTIC WORKER**.”

4 **“ART. 151 (A). EMPLOYER’S REPORTORIAL DUTIES. – EVERY**
5 **EMPLOYER OF DOMESTIC WORKER IS MANDATED TO KEEP THE**
6 **FOLLOWING RECORD TO REFLECT THE ACTUAL TERMS AND**
7 **CONDITIONS OF EMPLOYMENT HIS/HER DOMESTIC WORKER FOR A**
8 **PERIOD OF THREE (3) YEARS AFTER THE DOMESTIC WORKER HAS**
9 **LEFT THE SERVICES OF THE EMPLOYER FOR PURPOSES OF**
10 **DOCUMENTATION:**

11 **(A) A REGISTER OF ALL DOMESTIC WORKER EMPLOYED BY**
12 **HIM/HER, INDICATING THE DATES OF THEIR BIRTH;**

13 **(B) A SEPARATE FILE FOR THEIR EMPLOYMENT CONTRACT**
14 **AND EMPLOYMENT CERTIFICATE;**

15 **(C) A SEPARATE FILE FOR THEIR POLICE CLEARANCE, NBI**
16 **CLEARANCE AND BARANGAY CLEARANCE; AND**

17 **(D) A SEPARATE FILE FOR THEIR MEDICAL CERTIFICATES.**

18 **IT SHALL BE UNLAWFUL FOR ANY EMPLOYER TO MAKE ANY**
19 **REPORT, OR RECORD FILED OR KEPT PURSUANT TO THE**
20 **PROVISIONS OF THIS ACT KNOWING SUCH STATEMENT, REPORT OR**
21 **RECORD TO BE FALSE IN ANY MATERIAL RESPECT.”**

22 **SEC. 7. *Implementing Rules and Regulations.*** - The Department of
23 Interior and Local Government and the Department of Labor and
24 Employment, in collaboration with other government agencies charged with
25 the implementation of the provisions of this Act shall, within a period of one
26 (1) year from the date of its effectivity, promulgate the necessary
27 implementing rules and regulations.

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

5 **SEC. 9. Separability Clause.** - If any provision or part of this Act, or the
6 application thereof to any person or circumstance be held unconstitutional or
7 be declared invalid, the remainder of this Act shall not be affected thereby.

8 **SEC. 10. Effectivity Clause.** – This Act shall take effect fifteen (15) days
9 following the completion of its publication in the *Official Gazette* or in two (2)
10 newspapers of general circulation.

11 ***Approved.***