

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 351

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

This bill seeks to mandate Barangay Micro Business Enterprises (BMBEs) to implement the Minimum Wage Law. This proposed bill, if passed into law, amends Republic Act No. 9178 which is otherwise known as the "Barangay Micro Business Enterprises (BMBEs) Act of 2002."

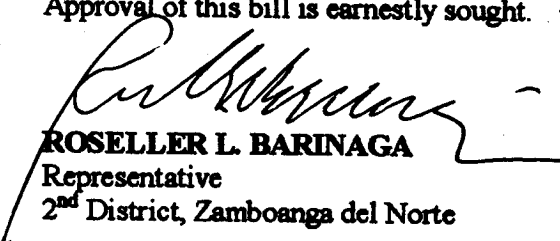
Section 8 of the BMBE Law provides for the exemption of all BMBEs from the coverage of the Minimum Wage Law. The aforesaid section is contrary to the constitutional provision that ensures the right of labor to decent living.

While there is a need to assist small-medium scale business enterprises to sprout and survive, government should not compromise the interest and right of labor to earn the mandated minimum wage as prescribed in the Minimum Wage Law.

Workers in the small-medium scale business enterprises are yet one of the most vulnerable sector of the labor force in as much as they are open to being exploited by their employers. Their conditions of work cannot be fully guaranteed. In fact, more too often, because of the nature of their jobs and the nature of the relationships that exist between them and their employers, not only that BMBEs more often do not observe the minimum age employment requirement, it also often transgress the legal provision on working hours to the detriment of their workers.

This proposed measure simply reiterates the workers' guarantee to minimum wage to ensure that BMBE workers can economically survive just like the rest of the workers who are receiving the mandated minimum wage.

Approval of this bill is earnestly sought.



ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

HOUSE OF REPRESENTATIVES

HB NO. 351

Introduced by Rep. Roseller L. Barinaga

**AN ACT
TO MANDATE BARANGAY MICRO BUSINESS ENTERPRISES (BMBEs) TO
IMPLEMENT THE MINIMUM WAGE LAW, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9178, OTHERWISE KNOWN AS "AN AC TO PROMOTE
THE ESTABLISHMENT OF BARANGAY MICRO BUSINESS ENTERPRISES
(BMBEs), PROVIDING INCENTIVES AND BENEFITS THEREFOR, AND FOR
OTHER PURPOSES"**

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

SECTION 1. Section 8 of Republic Act No. 9178 is hereby amended as follows:

**"SEC. 8. [Exemption from the] Coverage of the Minimum Wage
Law. –** The BMBEs shall be [exempt from the coverage of] **COVERED**
BY the Minimum Wage Law[: *Provided, That*]. [a]All employees covered
under this Act, **THEREFORE**, shall be entitled to the same benefits given
to any regular employee such as social security and healthcare benefits."

SEC. 2. All laws, decrees, rules and regulations or parts thereof, which are contrary to
or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 3. If any part or provision of this Act is declared unconstitutional, the remaining
parts or provisions not affected shall remain in full force and effect.

SEC. 4. This Act shall take effect fifteen days from its publication in two national
newspapers of general circulation after its approval by the President.

Approved.