

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

THIRTEENTH CONGRESS  
First Regular Session

HB No. 379

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Introduced by Rep. Roseller L. Barinaga

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**EXPLANATORY NOTE**

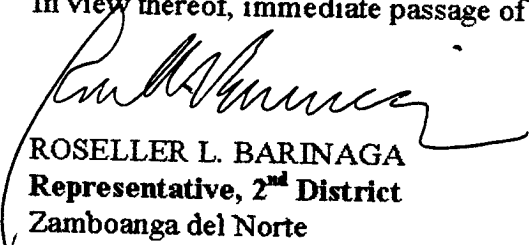
Section 18, Article III of the 1987 Philippine Constitution provides that "No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted."

The above constitutional provision has been substantiated by Articles 272 and 274 of the Revised Penal Code which provide corresponding penalties.

Despite the fact that involuntary servitude is prohibited by law, there apparently is a growing number of cases recorded which clearly transgress the dictum of existing legal provisions. Many rights defenders and women and children rights advocates attribute the growing problem to factors to include among others ignorance of the law and the lack of concrete mechanism wherein the complainant can lodge complaints and find redress to his/her grievances.

This bill, therefore, attempts to establish a mechanism to stop the prevailing involuntary servitude especially among our women and children.

In view thereof, immediate passage of this bill is earnestly sought.



ROSELLER L. BARINAGA  
Representative, 2<sup>nd</sup> District  
Zamboanga del Norte

THIRTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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AN ACT

**PENALIZING THE WILLFUL ACT OF CAUSING FORCE OR INTIMIDATION OR  
HARRASSMENT OR INSENSUATION OR ANY SORT OF PROPOSAL TO COMPEL  
AND CONVINCE ANY PERSON UNDER ONE'S CHARGE TO RENDER SERVICES  
IN PAYMENT OF DEBTS, PROVIDING STIFFER PENALTIES THEREFOR AND FOR  
OTHER PURPOSES**

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

**SECTION 1. Title.** This act shall be known as the "Household Services Protection Act of 2004."

**SEC. 2. Declaration of Policy.** It is hereby declared the policy of the State to guarantee the protection of the rights of people and the promotion of their welfare. Toward this end, no involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.

**SEC. 3. Coverage.** This Act shall cover all public and private employees in agricultural and non-agricultural sectors.

**SEC. 4. Prohibition.** Any person is hereby prohibited from willfully causing force or intimidation or harassment or insenuation or any sort of proposal to compel and convince any person under one's charge to render services in payment of debts personally incurred by said person or his/her kin or any person or agency who has taken custody over the employee.

**SEC. 5. Report.** The Department of Social Welfare and Development through its offices in the local government units is hereby mandated to assist any person whose rights have been found to be violated under the provision of this Act.

The complainant through the assistance of the local office of the DSWD in the area shall forward hi/her formal complaint in the nearest barangay office where he/she lodge his/her testimony.

After the *Katarungang Pambarangay* will have found *prima facie* evidence to warrant the filing of a case against the employer, the local DSWD in the area shall assist the employee in the process of attaining justice.

**SEC. 6. Confidentiality.** For the protection and welfare of the complainant, all agencies of government concerned in the case shall hold documents related to the case with all confidentiality. Divulging any information related to the case to anybody not the complainant shall be accorded accessory to the commission of the violation.

**SEC. 7. Penalties.** (a) Pursuant to the provision of Article 274 of the Revised Penal Code, as amended, the penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person who, in order to require or enforce the payment of debt, shall compel the debtor to work for him/her or his/her company, without any due compensation, against the debtor's will.

In additional, the violator shall be imposed upon conviction a payment not less than Ten thousand pesos (P10,000.00) but not more than Fifty thousand pesos (P50,000.00).

(b) Any person or group of persons, whether a relative or a kin who willfully force, intimidation, influence and engage a child under 16 years of age into involuntary servitude shall suffer the same penalty for those under paragraph (a) herein and shall be stripped of the right to custody of the child.

(c) If the person who is found guilty of violating the provision in this Act is a public employee or official, he/she shall suffer the same penalty as provided for in paragraph (a). In addition he/she shall be disqualified to hold any government office with special provision that disqualifies him/her to receive any of the benefits related to his/her employment in government.

(d) If the violator is an institution or company or entity, the penalty ranging from suspension of license to permanent banning and a fine of Fifty thousand pesos (P50,000.00) shall be imposed.

**SEC. 8. Implementing rules and regulations.** The DOLE shall promulgate the necessary rules and regulations for the effective implementation of this Act.

**SEC. 9. Separability Clause.** If any provision of this Act is held invalid, any other provision not so affected shall continue to be valid and effective.

**SEC. 10. Repealing Clause.** Republic Act No. 6727, otherwise known as the Wage Rationalization Act is hereby repealed.

Any other law, presidential decree, executive order, and letter of instruction, or any part thereof which is inconsistent with any of the provisions of this Act is hereby repealed or amended accordingly.

**SEC. 11. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the Official Gazette of in at least two (2) national newspaper of general circulation.

Approved.