

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

~~6600~~ 454
H. B. No. _____

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

This proposed measure seeks to amend the provisions of P.D. 442, otherwise known as the "Labor Code of the Philippines," by providing for additional benefits and privileges to our domestic househelpers.

The Labor Code of the Philippines define domestic helpers as those who perform such services in the employer's home which are usually necessary or desirable for the maintenance and enjoyment thereof, or minister to the personal comfort, convenience, or safety of the employer as well as the members of his employer's household. Domestic helpers enable their employers to fully pursue their own economic and social activities. Domestic helpers' work is no longer confined in doing household chores but more importantly, they have become "companions at home" or "kasambahay."

While private sector employees worked 43.8 hours during a typical workweek, domestic helpers rendered 65.6 hours or a normal work day of 10.2 hours. Their minimum wages are excluded from the coverage of wage orders and are governed by Republic Act No. 7655 which mandates that house helpers must be paid P800 a month in Metro Manila and in highly urbanized cities, P650 in other chartered cities and first class municipalities and P500 for other municipalities.

Clearly, given the work they perform in our homes and the services they render, our "kasambahays" are not only overworked but poorly compensated. It is therefore imperative that we recognize their invaluable contribution to our society by acknowledging their distinct needs and providing for minimum working conditions that will ensure the protection of this traditionally informal labor sector.

This bill makes it mandatory for all household working arrangements to be in writing in a language or dialect understood by both employer and household helpers. Moreover, a medical certificate, barangay clearance and birth certificate shall be pre-requisites for employment, the cost of which shall be for the account of the employer. Likewise, the minimum wage for househelpers shall be increased to two thousand pesos (P2,000.00).

Furthermore, house helpers shall be entitled to an annual salary increase, membership in the Social Security System and Philippine Health Insurance Corporation. Finally, this proposed measure provides for the rights and privileges of household helpers in general.

It is high time that we extend to our kasambahay recognition for the value of their service and their loyalty to the household.

In view the foregoing, the immediate passage of this bill is earnestly requested.



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

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 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, otherwise
2 known as the Labor Code of the Philippines" is hereby amended to read as follows:

3
4 "Article 141. *Coverage* - This Chapter shall apply to all persons rendering
5 services in household for compensation.

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