

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4277

Introduced by: Hon. Raymond Democrito C. Mendoza
TUCP Party-List

EXPLANATORY NOTE

According to data from the International Labour Organization, there are more than 600,000 to 2.5 million domestic workers in the Philippines. Despite their magnitude, importance, and vulnerability to abuse, laws protecting them are outdated.

The Philippines is at the forefront of efforts by the international community to adopt a new International Convention on Decent Work for Domestic Workers in 2011. The passage of this bill will signal the Philippine government's sincere commitment to protect the rights of domestic workers and will boost our campaign for the adoption of international standards.

Our domestic workers are facing many serious problems and we must respond to protect their interests and promote their welfare. Decent wages and social protection must be given to our hard working *kasambahays*.

When we uplift the sad plight of our domestic workers, we are recognizing their invaluable contributions to our society. Our struggle to safeguard the well-being of our domestic workers is part of our fight to achieve equitable, humane and inclusive development in our country.

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


HON. RAYMOND DEMOCRITO C. MENDOZA

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

AN ACT
INSTITUTING REGULATORY POLICIES FOR DOMESTIC
WORKERS, ESTABLISHING STANDARDS FOR THE
PROTECTION AND PROMOTION OF THEIR WELFARE AND OF
THEIR FAMILIES, AMENDING FOR THIS PURPOSE PERTINENT
PROVISIONS OF PRESIDENTIAL DECREE NO. 442, OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES AND FOR
OTHER PURPOSES

ARTICLE 1
TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. *Short Title.* — This Act shall be known as the “*Magna Carta for Domestic Workers 2011*”

SECTION 2. *Declaration of Policies.* — The following State policies shall be observed at all times:

- (a.) The State values the dignity of every person, and guarantees full respect, protection, and promotion for human rights.
- (b.) The State affirms labor as a primary social force and commits to protect the rights of workers and promote their welfare including the rights of women and child workers. Consistent with this policy the State has bound itself to international human rights instruments to eliminate forced labor, discrimination in employment and occupation, and abolish child labor exploitation and trafficking in persons.
- (c.) The State recognizes the dignity of honest labor, the nobility and self-respect inherent in the domestic workers industry and the vital and necessary work they performed for Filipino households and their important role in the society.
- (d.) The State is aware that the nature of their work makes domestic workers one of the most vulnerable sectors in society. The State seeks to uphold the rights and dignity of domestic workers to protect them from abuse and exploitation by

providing safe and humane working conditions consistent with the Decent Work Framework outlining good conditions of work for Filipino workers, which includes establishing labor standards, decent employment and income, enhanced coverage of social protection and strengthened social dialogue.

- (e.) The State recognizes that the household worker industry is predominantly composed of women. The State shall ensure safe and healthful working conditions for women including providing gender sensitive measures such as taking particular account to their maternal functions and needs in formulation, implementation and proper dissemination of policies and programs affecting women domestic workers.
- (f.) The State further recognizes that domestic workers of minority age have special inalienable rights and privileges that should be espoused and protected, particularly in the areas of education and self-improvement.
- (g.) The State is aware that its duty to protect domestic workers' rights carries with it the duty to equal protection of the employers rights.
- (h.) The State recognizes the vital role of non-government organizations, employers organizations, concerned individuals and civil society as partners in promoting and protecting of the rights and welfare of domestic workers and in enabling domestic workers to be empowered members of society.

SECTION 3. *Definition of Terms.* – As used in this Act, the term:

- a.) *Domestic work* means work or services performed in or for a household that directly relate with the care of persons within that household or the maintenance of the household and its premises.
- b.) *Domestic worker* means any person engaged in domestic work, as defined in this section, within an employment relationship. The term includes, but is not limited to, maids, cooks, houseboys, nursemaids, or yayas.

Persons who perform domestic work only on an occasional and/or sporadic basis and not as a means to earn a living will not be covered under this law.

- c.) "*Employer*" refers to any person who engages the services of the domestic workers for household work and/or is party to the employment contract. Employers will also include any person acting directly or indirectly in the interest of such employer in relation to the domestic worker.
- d.) "*Household*" refers to an aggregate of persons generally but not necessarily bound by ties of kinship, who sleep in the same dwelling unit and have common arrangements for the preparation and consumption of food.
- e.) "*Household work*" refers to tasks performed by the domestic worker as specified in the employment contract.
- f.) "*Hours of work*" refer to the period of time during which a domestic workers is required to be on duty or to be at a prescribed workplace and/or the period of time during which the domestic workers is permitted to work;

- g.) "*Deployment expenses*" refer to expenses that are directly used for the relocation or transfer of the domestic workers from the place of origin to the place of work including, but not limited to, the cost of transportation and finder's fees or agency fees if the domestic workers comes from an employment agency. Advances or loans made by the domestic workers are not included in the definition of deployment expenses;
- h.) "*Hazardous work*" refers to any activity or circumstance where the worker is exposed to risk which constitutes an imminent danger to his or her safety, health or morals as provided for by existing laws.
- i.) "*Wages*" paid to domestic workers shall mean the remuneration or earnings payable by an employer to a domestic worker, in legal tender, under a contract of employment, for purely household work done or to be done or for purely household services rendered or to be rendered, and excluding the value of board, lodging, food, medical assistance or other facilities that shall be furnished by the employer to the household worker under existing laws and practices
- j.) "*Board and lodging*" - shall refer to food and shelter which shall be afforded to the domestic worker free of charge and nondeductible to his or her wage.

ARTICLE 2

TERMS AND CONDITIONS OF WORK OF DOMESTIC WORKERS

Section 4: Contract of Employment. All domestic work arrangements must be covered by a written contract, executed prior to the commencement of the service, in a dialect or language understood by both the domestic workers and the employer.

The Contract of Employment must include provisions containing the following:

- (a) Name and address of employer
- (b) Name and address of domestic worker
- (c) Duties and responsibilities of the domestic worker
- (d) Period of employment which shall not exceed two (2) years for the initial contract; thereafter, said contract can be renewed annually
- (e) Remuneration, method of calculation, and periodicity of payments
- (f) Normal hours of work
- (g) Allowable leave, rest days, and holidays
- (h) Provision of food and accommodation, where applicable
- (i) Provision of medical or emergency care, when such is required
- (j) Contributions to the Social Security System, the Philippine Health Insurance Corporation, Pag-ibig Fund
- (k) The period of probation or trial, if applicable
- (l) The terms of repatriation, if applicable
- (m) The terms and conditions concerning termination of employment

The Department of Labor and Employment shall formulate and distribute a standard employment contract and guidelines for the execution and monitoring of contracts of employments for domestic workers.

At the time of execution of the contract, the barangay official from where the contract is to be executed shall provide appropriate assistance to ensure that the parties concerned understand the terms and conditions set out in the contract.

The terms of the contract should not be lower or should not diminish in any manner the minimum standards of work and benefits of domestic workers set out in Article 3.

Section 5: *Requisites to employment of domestic workers.* Prior to the execution of the contract, the domestic worker must obtain the following requirements:

- (a) A medical certificate, or if a medical certificate is not available, a health certificate issued by a local government health officer attesting to the physical and mental fitness of the domestic worker
- (b) Barangay clearance from the place of residence of the domestic worker at the time that the contract was executed
- (c) A duly authenticated birth certificate from the National Statistics Office, or if this is not available, other legally accepted proof of age such as baptismal certificate, school records, or affidavits from parents

Section 6. *Extent of Duty of Domestic Workers.* Employers may request the domestic worker to perform tasks outside of his/her household and not normally ascribed as regular household work, provided that the domestic worker has granted his/her express consent; provided, further, that the domestic worker shall receive additional compensation.

Section 7. *Termination of Contract.* Neither the domestic worker nor the employer may terminate the contract before the expiration of the term, except for just cause. If the domestic worker is unjustly dismissed, he or she shall be paid the compensation already earned plus the equivalent of fifteen (15) days by way of indemnity the payment of which will be made immediately upon dismissal. If the domestic worker leaves without justifiable reason, he or she shall forfeit any unpaid salary due him or her not exceeding fifteen (15) days of work.

Section 8. *Provision of Basic Necessities.* In a manner befitting the means of a responsible head of the family, the homeowner shall provide, free of charge, for the following basic needs of domestic workers:

- (a) At least three (3) adequate meals per day
- (b) Provision of humane sleeping arrangements that will ensure the safety and privacy of domestic workers
- (c) The advance of necessary funds to cover work-related illnesses or injuries sustained by the domestic worker, to be reimbursed by the latter from the proceeds of the benefits accruing from his or her memberships with the SSS and the PHIC.
- (d) Tools or equipment that will foster occupational safety and health for domestic workers
- (e) Means to communicate with the family of the domestic worker for at least once a week. Provided, that the cost of long-distance calls shall be shouldered by the worker. Provided further, that the employer shall respect the right of domestic workers to privacy.

ARTICLE 3

STANDARDS OF WORK FOR DOMESTIC WORKERS

Section 9. *Principle for determination of standards of work for domestic workers.* The terms, conditions, benefits, wages, and other labor standards for domestic workers shall not be less favorable than those enjoyed by other workers, taking into consideration the special nature and condition of work of domestic workers.

Section 10. *Minimum wage.* Domestic workers shall be paid the following minimum wage rates:

- (a) Two Thousand Five Hundred Pesos (P2,500.00) a month for domestic workers employed in the National Capital Region
- (b) Two Thousand Pesos (P2,000) a month for domestic workers employed in other chartered cities and first class municipalities
- (c) One Thousand Five Hundred Pesos (P1,500) a month for domestic workers employed in other municipalities

After one year from the effectivity of this Act and every year thereafter, the Regional Tripartite Wage and Productivity Boards shall review and, if proper, adjust the minimum wage rates of domestic workers.

After one month from the effectivity of this Act, the National Wages and Productivity Commission (NWPC) shall initiate a research to determine the appropriate mechanism for the setting of wages and other benefits for domestic workers.

Section 11. *Pay Slips.* All employers are mandated at all times to provide their domestic worker with a copy of their pay slip which shall contain the amount paid in cash by the employer to the domestic worker every pay day, as prescribed under this Act. Both parties to the employment contract are mandated to keep copies of the payslip for three year after the termination of the employment contract.

Section 12. *Reportorial Duties.* For their mutual protection, employers and domestic workers are mandated to register their employment contract in accordance with the registration system that shall be established by Local Government Units.

Both parties are also mandated to keep the following records for a period of not less than three years after the termination of employment:

- a. Register of domestic workers employed, including dates of birth
- b. Employment contract and/or certificates
- c. Barangay clearance of domestic workers
- d. Medical and health certificates

Section 13. *Protection of Wages of Domestic Workers*

- (a) Payment of wages shall be made directly to the domestic worker to whom they are due, in cash, to be paid at least twice a month.
- (b) The employer, unless allowed by the domestic worker through a written consent, shall make no deductions for his/her wages other than that which is mandated by law.
- (c) No employer shall pay the wages of domestic worker by means of promisory notes, vouchers, coupons, tokens, chits or any object other than the cash wage as provided for under this Act
- (d) Place of Payment. Payment of wages shall be made at or near the place of undertaking, except as otherwise provided by such regulations as the Secretary of Labor may prescribe under conditions to ensure protection of wages

- (e) Prohibition or interference in disposal of wages. No employer shall limit or otherwise interfere with the freedom of any domestic worker to dispose of his/her wages. The employer shall not in any manner force, compel, or oblige the domestic worker to purchase merchandise, commodities or other properties from the employers or from any other persons, or otherwise make use of any store or services of such employer or any other person
- (f) Prohibition against withholding of wages. It shall be unlawful for an employer, directly or indirectly, to withhold any amount from the wages of the domestic worker or induce him/her to give up any part of his/her wages by force, stealth, intimidation, threat or by any other means whatsoever.
- (g) Prohibition on deposits for loss or damage. No employer shall require his/her domestic worker to make deposits from which deductions shall be made for the reimbursements of loss or damage to tools, materials, furniture, and equipment in the household.

In no instance shall the employer be allowed to withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action meted out to domestic worker.

Section 14. Regular Working Days. All domestic workers shall render work for not more than six (6) consecutive days per week. While the specific day of the week set aside as rest day for the worker may be stipulated in the employment contract, the same may be changed for another day of the week upon the mutual agreement of the employer and the worker as the exigencies of the household may dictate. Provided, that the employer shall respect the preference of the worker for his or her weekly rest day when said preference is based on religious grounds.

Section 15. Hours of Rest and Work for Domestic Workers. The domestic worker shall be entitled to at least eight (8) hours of continuous, uninterrupted rest for every 24-hour period. The normal hours of work of domestic worker shall not exceed ten (10) hours for every 24-hour period, inclusive of breaks for breakfast, lunch, and dinner.

Any work done by the domestic worker beyond the normal hours of work shall be duly compensated by the employer at a rate that should not be less favorable than those received by other types of workers.

Periods during which domestic workers remain on standby and are not free to dispose of their time shall be considered as part of the regular working hours of domestic workers.

Section 16. Vacation Leave. All domestic workers who have rendered one (1) year of service shall be entitled to an annual five (5) days of vacation leave with pay. Any unused portion of said leave shall not be cumulative or shall not be carried over the succeeding years. It shall be understood that the period by which domestic workers accompany their employers during holidays shall not be considered as vacation leave.

Section 17. Maternity and paternity leave benefits. All domestic workers who have rendered an aggregate length of service of two (2) years or more shall be entitled to maternity leave in accordance with Sec. 14-A of Republic Act No. 8282, otherwise known as the Social Security Act of 1997, in addition to the leave granted to them by employers.

A paternity leave of seven (7) days with pay shall be granted to all male domestic workers when their legitimate spouses deliver birth or suffer a miscarriage.

Section 18. *Membership to the Social Security System (SSS) and the Philippine Health Insurance Corporation (PHIC).* All domestic workers shall be covered by the Social Security System (SSS) and the Philippine Health Insurance Corporation (PHIC) and shall be entitled to all the benefits in accordance with pertinent provisions of the laws.

The SSS and PHIC shall develop mechanisms to facilitate the enrolment, contribution, and availment of benefits of domestic workers. Such mechanism shall be conceptualized and initiated within one (1) year from the date of effectivity of this Act.

ARTICLE 4

SPECIAL MEASURES TO PROTECT THE FUNDAMENTAL RIGHTS AT WORK OF DOMESTIC WORKERS

Section 19. *Protection against Forced Labor, Debt Bondage, and Trafficking in Persons.*

- (a) It shall be unlawful to induce enforced and/or compulsory services from domestic workers through any means, scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse of physical restraint, or the abuse and threatened abuse of the legal process
- (b) It shall be unlawful to sub-contract the services of the domestic worker to any third party or household
- (c) It shall be unlawful for employers to use the future services of the domestic worker as collaterals for a loan or advance made by the latter. Likewise, it shall be unlawful for the employer to bind the worker for his/her continuous employment as form of payment for any loan or advances made by the latter.
- (d) Regardless of whether the domestic worker was recruited either through an employment agency or third party, said domestic worker shall neither be charged nor levied a share in the recruitment fees or finders' fees by the said employment agency or third party.

Section 20. *Right to Freedom of Association and Social Participation.* Domestic workers shall have the right to form associations or join any association of their own choosing. No impediments whatsoever shall be placed to prevent the effective enjoyment of the right of domestic workers to form and join association and to participate in dialogues and discussions.

In the same manner, employers are guaranteed the right to form associations that would ensure equal and meaningful participation during dialogues and discussions on issues directly affecting them.

The Department of Labor and Employment shall formulate programs to support and strengthen associations of domestic workers and employers.

Section 19. *Protection Against All Forms of Discrimination.* Domestic workers shall have the right to effective protection from discrimination of any kind in respect of their employment and occupation, on grounds such as race, colour, sex, sexual orientation, gender identity, language, religion, political or other opinion, national or social origin, property, birth, disability, pregnancy or HIV/ AIDS status.

In particular, it shall be unlawful for an employer to discriminate in any way in deciding who should be offered employment, in the terms and conditions on which employment is offered and in the dismissal of a domestic worker or by subjecting the domestic worker to any other detriment.

ARTICLE 5

SPECIAL PROTECTION FOR CHILD DOMESTIC WORKERS

SECTION 21. *Minimum Age of Employment.* Children fifteen (15) years of age up to seventeen (17) years of age may be employed as domestic workers. In no instance shall children below fifteen (15) years of age be employed as domestic workers.

SECTION 22. *Children of Domestic Workers.* Unless expressly employed as domestic workers under a duly executed contract of employment, children of domestic workers who live with their parents at the employer's residence or those whose sustenance or education is being provided for by the homeowner, shall not be considered as domestic workers themselves.

SECTION 23. *Hours of Work and Prohibition on Night Work.* Child domestic workers shall not be allowed to render work between ten o'clock in the evening and six o'clock in the morning of the following day.

SECTION 24. *Prohibition on Work to be Undertaken.* Child domestic workers shall not be allowed to render work beyond their mental and physical capabilities.

SECTION 25. *Prohibition on Hazardous Work, Activities, Conditions and/or Undertakings.* Child domestic workers shall not be employed in any hazardous work, activity or undertaking, and neither shall he or she be exposed to hazardous working conditions. Section 12(d) of RA 9231 shall likewise apply in determining the worst forms or hazardous child labour.

SECTION 26. *Minimum Wage.* Child domestic workers shall be paid the same minimum wage rates prescribed in this Act.

SECTION 27. *Right of the Child to Wages Earned.* Any and all wages, remuneration or compensation earned by a child domestic worker during the period of his or her employment shall be paid by the employer directly to the former.

No parent, guardian or relative shall be allowed to borrow against the compensation of the child domestic worker without the express written consent of the latter. Neither shall the minor be made to render work in payment of a loan or liability incurred by a parent, guardian or relative.

SECTION 28. *Rescue of Abused Child Domestic Worker.* Upon report or discovery of abuse and exploitation of a domestic workers of minority age, the Department of Social Welfare and Development (DSWD), in collaboration with the Department of Labor and Employment (DOLE), shall immediately rescue the said minor. The rescued minor shall be supervised and escorted by a social worker back to his or her parent, legal guardian or relatives. The cost of such operation shall be borne by the agency which recruited or deployed the domestic workers or, in its absence, the DSWD. The Secretary of Labor and Employment and the Secretary of Social Welfare and Development shall formulate the rules and regulations governing such rescue operation.

SECTION 29. *Protective Custody and Placement of Rescued Child Domestic Workers.* Should a rescued domestic workers of minority age refuse to be brought back to his or her parent, legal guardian or relatives, against the recommendation of the DOLE and the DSWD, said domestic workers may be placed under the protective custody and care of the DSWD or that of a duly- recognized and accredited non-government organization, or placed in a suitable household for employment.

SECTION 30. *Applicability of Other Law.* The provisions of RA 9231 shall apply in the protection and promotion of the rights and best interests of child domestic worker.

ARTICLE 6

THE ROLE OF GOVERNMENT ENTITIES IN THE DELIVERY OF PROGRAM AND SERVICES

SECTION 31. *Role of Local Government Units:* Local Government Units (LGUs) shall facilitate access of *Domestic workers* to all existing programs and services. The LGUs, through their local development plans, shall prioritize concerns regarding *Domestic workers* and develop and implement plans and programs in support of this law.

The LGUs shall establish a registration system for the mutual protection of the *Domestic workers* and his or her employer. The registration system shall include the collection of information on and monitoring of the employment of domestic workers, including providing for a system of visits to households where domestic workers are employed. The registration system shall be included as a priority activity of the LGUs in the Internal Rules and Regulations of this Act.

SECTION 32. *Support Institutions:*

§ (a) *Role of Department of Interior and Local Government.* The DILG shall oversee and provide technical assistance to ensure the implementation of LGU on the domestic workers programs and services. The DILG shall be responsible for the continuous upgrading and enhancement of the knowledge and skills of barangays to assume their assigned responsibilities under this Act.

(b) *Role of the Department of Labor and Employment.* The DOLE shall be responsible for the continuous enhancement of standards for the employment and welfare of domestic workers. Towards this end, the DOLE shall also provide a venue for the continuous of dialogue between and among stakeholders and domestic workers. It shall also conduct trainings and seminars on improving working conditions in the households, occupational safety and health, labor education and livelihood development. It shall also provide employment facilitation services for the domestic workers. The DOLE, through the Occupational Safety and Health Center, shall initiate a program to promote safety work practices for domestic workers.

(c) *Role of Department of Social Welfare and Development.* The DSWD shall institute a program designed specifically to provide emergency services to the domestic workers in need of custody, shelter, healing or legal, medical, psychological and rehabilitative services.

(d) *Role of Department of Education.* The DepEd shall develop and administer equivalency test and alternative educational programs for the accreditation of educational qualification of the domestic workers. The DepEd shall work with LGUs in

establishing and strengthening special education programs including capacity-building for instructional managers.

(e) *Role of Technical Education and Skills Development Authority.* The TESDA shall be responsible for the continuous enhancement of training regulations which will serve as the basis for the development of curricula, registration and delivery of training programs for domestic workers. It shall also be responsible for the development and administration of assessment packages and certification of domestic workers.

(f) *Role of Philippine National Police.* The PNP shall coordinate with LGUs, DSWD and other relevant agencies in conducting rescue operations for abused domestic workers. (consult PNP for other existing mechanisms)

(f) *Role of NGOs and other groups.* Non-government organizations and other groups shall equally contribute to the delivery of programs and services to be provided by government offices as prescribed in this law.

ARTICLE 7 SETTLEMENT OF DISPUTES

SECTION 33. *Mechanism for Settlement of Disputes:* A mechanism for settlement of disputes arising from the employment contract is hereby prescribed as follows:

a.) *Katarungang Pambarangay* - The *katarungang pambarangay* shall serve as the primary resort in settling disputes and shall render conciliation and mediation services in disputes.

b.) *Department of Labor and Employment* - The Department of Labor and Employment (DOLE) shall take cognizance of disputes arising from the employment of *domestic workers* for any violation of the labor standards provisions hereof, only upon the exhaustion of conciliation and mediation at the *katarungang pambarangay* level.

c.) *National Labor Relations Commission* - The *National Labor Relations Commission* (NLRC) shall assume jurisdiction on disputes arising from employment of *domestic workers* over cases which it has original and exclusive jurisdiction, only upon the exhaustion of conciliation and mediation at the level of the *barangay*.

d.) *Courts* - Regular courts which have exclusive and original jurisdiction of cases other than disputes arising from the employment of domestic workers shall take cognizance only after prior recourse in the *barangay* level has been exhausted.

ARTICLE 8 MANDATORY EMERGENCY SERVICES FOR CASES OF ABUSE

SECTION 34. *Rescue and Protection:* The Philippine National Police, in partnership with the DSWD, local government units, and Non-Government Organizations, shall make available and popularize emergency hotline services for abused and exploited Domestic workers. The Philippine National Police shall also form composite multi-disciplinary task forces at the municipal or city level to ensure timely and appropriate interventions for such cases of abuse and exploitation.

The Department of Interior and Local Government and the Philippine National Police, in partnership with other stakeholders, shall develop a continuing program for the training and capacity-building of law enforcers and barangay officials to ensure child-friendly and gender-sensitive handling of cases of abuse of *domestic workers*.

SECTION 35. *Healing and Reintegration.* The Department of Social Welfare and Development, in partnership with local government units and NGOs, shall formulate and implement a continuing program for the provision of psycho-social and center-based services for abused and exploited *domestic workers*. The DSWD, in partnership with relevant institutions, shall also cause the provision of livelihood and skills training for such cases of abuse.

SECTION 36. *Education Services.* The Department of Education, in partnership with stakeholders, shall develop and implement curriculums and programs to ensure continuing access to education for domestic workers, taking into consideration the special needs and circumstances of the sector.

SECTION 37. *Access to Legal Services.* The Department of Justice shall work with stakeholders/relevant institutions to ensure free access to legal services for abused domestic workers. Abused *domestic workers* shall also be exempted from filing of legal fees.

ARTICLE 9 PENAL PROVISIONS

SECTION 38. *Penal Provisions.* Any violation of the provisions of this Act shall be punished with a fine of not less than Ten thousand pesos (P10,000), nor more than Forty thousand pesos (P40,000), or imprisonment of not less than six months but not more than six years, or both at the discretion of the court. Provided, that the maximum penalty shall be applied if the offender is a relative of the *Domestic workers*. Provided further that existing applicable laws with higher penalties shall apply in their maximum in case of violations of any provisions of this Act.

SECTION 39. *Abuse of Domestic Workers.* The maximum penalty under the other relevant laws shall apply in cases of abuse of *domestic workers*. Provided that the penalty of one degree higher than that prescribed under the relevant laws shall apply if the offender is a relative of the *domestic workers*.

ARTICLE 10 MISCELLANEOUS PROVISIONS

SECTION. 40. *Data Gathering and Research.* The government, through the National Statistics Coordination Board, shall ensure that data and information concerning domestic workers are incorporated in their research agenda, activities, and instruments of social science research agencies such as the NSO, the Institute for Labor Studies, and the Statistical Research and Training Center. Such data shall be utilized to ensure that domestic workers issues are incorporated and mainstreamed in the national development plans and other similar policy and programming instruments of the government.

SECTION 41. *Implementing Rules and Regulations.* The Department of Interior and Local Government and the Department of Labor and Employment, in collaboration with other government agencies charged with the implementation of the provisions of this Act shall, within a period of one (1) year from the date of its effectivity, promulgate the necessary implementing rules and regulations.

SECTION 42. *Araw ng mga Domestic workers.* The date upon which the President shall approve this *Magna Carta* will be designated as the "National Domestic Workers Day".

SECTION 43. *Non-diminution clause.* Nothing in this Act shall be construed to cause the diminution or substitution of any benefits and privileges currently enjoyed by the *domestic workers*. All existing arrangements between employer and *domestic workers* shall conform to the minimum standards set by this *Magna Carta* within a period of sixty (60) days upon effectivity of this Act.

Further, nothing in this Act shall be construed to cause the diminution or substitution of any more favourable provisions applicable to domestic workers under other laws applying to workers generally.

SECTION 44. *Repealing Clause.* All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

Article 143 paragraph (c) and (d) of PD 442 as amended is hereby expressly repealed. All laws, decrees, presidential issuances, executive orders, rules and regulations or parts thereof not consistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SECTION 45. *Separability Clause.* If any part or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SECTION 46. *Effectivity Clause.* This Act shall take effect fifteen (15) days upon completion of its publication in at least two (2) national newspapers of general circulation.

Approved,