

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4753

Introduced by **HON. CATALINA CABRERA – BAGASINA**
Association of Laborers and Employees (ALE) Party-list

EXPLANATORY NOTE

This bill seeks to give qualified household helpers a statutory right to a Thirteenth Month Pay.

This bill gives additional compensation to all qualified household helpers nationwide. It emphasizes the government's responsibility as *parens patriae* to provide Thirteenth month pay to all qualified house helpers, whose meager salary is at the bottom part of the labor force.

The household help sector has no labor law protection because there is no law protecting them. The house helpers do not enjoy the minimum wage law, overtime pay, medical benefits and service incentive leave. They only enjoy Social Security benefits but this benefit is still denied to them by most of their employers.

This measure will give the 'kasambahay' the extra money to send to their families during the holidays. It is designed to give them additional purchasing power and help pump prime the economy during the festive season.

The granting of Thirteenth Month Pay is one way of sharing to all qualified household helpers on how they can truly enjoy and experience the true meaning of Christmas.

In view of the foregoing, the approval of this bill is earnestly sought.


CATALINA CABRERA-BAGASINA

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AN ACT
GRANTING THIRTEENTH MONTH – PAY TO ALL QUALIFIED HOUSEHOLD
HELPERS NATIONWIDE.

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

Section 1. Title. This act shall be known as the "Kasambahay Christmas Bonus Act of 2010".

Section 2. Declaration of Policy. It is the policy of the State as Parens Patriae to uplift the social conditions of all the household helpers nationwide. For this purpose, there is a need to institutionalize the regular grant of Thirteenth month pay to all qualified household helpers nationwide.

Section 3. Objectives. The objectives of this Act are as follows:

- a. To provide additional compensation income to all household helpers during the festive season.
- b. To uplift the social conditions of the kasambahay nationwide.
- c. To institutionalize the grant of one month equivalent of monthly salary pay of household helpers during the Christmas season.

Section 4. Entitlement. All employers shall pay all their qualified household helpers the corresponding Thirteenth month pay not later than December 24 of every year.

Employers are those covered under Presidential Decree No. 851 and those who employed household helpers.

Section 5. Definition of Terms. As used in Presidential Decree No. 851 and in this Act:

- a. "Thirteenth-Month Pay" shall mean one twelfth (1/120 of the basic salary of an employee within a calendar day.
- b. "Basic Salary" shall include all remunerations or earnings paid by an employer to an employee for services rendered but may not include cost-of-living allowances granted pursuant to Presidential Decree 525 or Letter of Instructions no. 174, profit-sharing payments, and all allowances and monetary benefits which are not considered or integrated as part of the regular or basic salary of the employee at the time of the promulgation of the Decree on December 16, 1975.

Section 6. Jurisdiction, Violation and Fines. The regional director shall have the exclusive jurisdiction in case non-payment and other violations of the Thirteenth-Month pay pursuant to Article 129 as amended by RA 6795 of the Labor Code. In case of non-payment, a fine equivalent to double the amount of the Thirteenth-Month Pay concerned.

Section 7. Repealing Clause. Any provision of law, decree, order, rule, or regulation in conflict or in contrariety with the provisions of this Act shall be repealed, amended or modified accordingly.

Section 8. Separability Clause. Any part of this Act that will be declared unconstitutional shall not affect the other provisions.

Section 9. Effectivity. This Act shall take effect fifteen days after the publication in at least two national newspapers of general circulation.

Approved,