

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4835**



Introduced by **HONORABLE SCOTT DAVIES S. LANETE, M.D.**

EXPLANATORY NOTE

In July of 2012, the long-awaited Domestic Workers Act was passed into law. Republic Act No. 10361 otherwise known as “Batas Kasambahay” introduced measures that would ensure that domestic workers or “Kasambahays” are accorded the rightful wages, benefits and a healthy working environment. Along with these measures came policies geared to protect the dignity of domestic workers. Specifically, R.A. No. 10361 declared among others that:

“SEC. 2. Declaration of Policies. – It is hereby declared that:

(a) The State strongly affirms labor as a primary social force and is committed to respect, promote, protect and realize the fundamental principles and rights at work including, but not limited to, abolition of child labor, elimination of all forms of forced labor, discrimination in employment and occupation, and trafficking in persons, especially women and children;

(b) The State adheres to internationally accepted working conditions for workers in general, and establishes labor standards for domestic workers in particular, towards decent employment and income, enhanced coverage of social protection, respect for human rights and strengthened social dialogue;

(c) The State recognizes the need to protect the rights of domestic workers against abuse, harassment, violence, economic exploitation and performance of work that is hazardous to their physical and mental health;”

R.A. No. 10361 also declared a “Standard of Treatment” that all employers are expected to observe. Sec. 5 states that “the employer or any member of the household shall not subject a domestic worker or “kasambahay” to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to degrade the dignity of a domestic worker.”

Despite these provisions, R.A. 10361 has not been successful in curtailing incidents of employers and/or owners of establishments committing acts that tend to degrade *Kasambahays*. Quite recently, a concerned citizen posted her horrifying experience on social media and her post went viral. In the post, the concerned citizen narrated that her family booked a room at a high-end condotel in Makati City. Their *kasambahays* were accompanying her children who were swimming at the pool when the establishment’s

security personnel approached the *kasambahays* and told them to leave the pool area as it was their establishment's policy to prohibit *kasambahays* from using the pool. The concerned citizen also posted a photo of the establishment's house rules and regulations which upon close scrutiny, revealed that *kasambahays* were indeed prohibited from using the pool area. Other concerned citizens who read the post posted their respective experiences and some narrated that most establishments also prohibit *kasambahays* from using the main elevators and instead, the *kasambahays* were directed to use 'service' elevators.

Although these kinds of act do not cause any physical harm towards *kasambahays*, they nevertheless discriminate against *kasambahays* and maligns their dignity as persons. To the mind of the author, there are no just, reasonable and compelling reasons for establishments to prohibit *kasambahays* from accompanying their wards at the pool area or using any elevator. The only reason the author can think of is that establishment owners probably see *kasambahays* as lower class citizens who should not be accorded privileges similar to their employers. And there lies the rub...

Despite the "Standard of Treatment" imposed by R.A. No. 10361, incidents similar to the above persist. Employers and establishments alike are not entirely forced to follow the "Standard of Treatment" as R.A. No. 10361 does not impose any penalty for non-compliance. R.A. No. 10361 only penalized acts which are declared "unlawful" and non-compliance with the "Standard of Treatment" is not one of those acts declared as such.

Therefore, R.A. No. 10361 has been a toothless tiger when it comes to the protection of every *kasambahay's* dignity as a human being.

Thus, it is high time for the Philippines to adopt strict measures in ensuring that employers and owners of establishments comply with the "Standard of Treatment" by penalizing non-compliance therewith. As long as there is no law penalizing non-compliance with the "Standard of Treatment", *kasambahays* will continue to be exposed to acts that tend to degrade their dignity.

Therefore, the passage of this bill is urgently needed.



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House Bill No. _____

Introduced by HONORABLE SCOTT DAVIES S. LANETE, M.D.

**AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 10361,
OTHERWISE KNOWN AS THE “DOMESTIC WORKERS ACT” OR
“BATAS KASAMBAHAY”, AND FOR OTHER PURPOSES**

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

Sec. 1. Section 5 of Republic Act No. 10361 is hereby amended as follows:

“SEC. 5. *Standard of Treatment.* – It shall be unlawful for any ~~The~~ employer or any member of the household ~~shall not~~ to subject a domestic worker or “kasambahay” to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to directly or indirectly degrade the dignity of a domestic worker.

Sec. 2. Section 40 of Republic Act No. 10361 is hereby amended as follows:

“SEC. 40. *Penalty.* – Any violation of the provisions of this Act declared unlawful shall be punishable with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Forty thousand pesos (P40,000.00) without prejudice to the filing of appropriate civil or criminal action by the aggrieved party.

In addition to the fine mentioned above, the penalty of imprisonment from one to two years shall be imposed against any employer, owner or responsible officers of establishments who shall violate Section 5.”

Sec. 3. If any part or provision of this Act shall be held unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

Sec. 4. All laws, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.