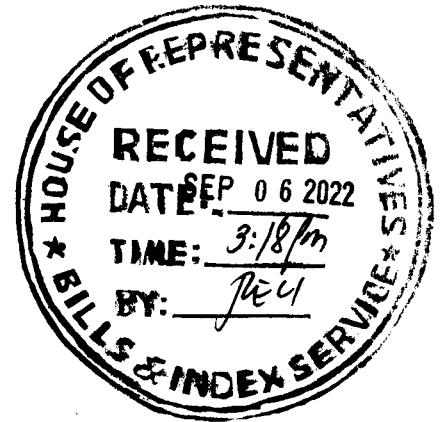




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Nineteenth Congress
First Regular Session

4477
HOUSE BILL NO. _____



Introduced by Representative Charisse Anne C. Hernandez

EXPLANATORY NOTE

Republic Act No. 10361, otherwise known as the "Domestic Workers Act " or the "Batas Kasambahay" is one of the landmark legislations protecting the marginalized house helpers or kasambahays.

Under the Implementing Rules and Regulations of the RA No. 10361, a kasambahay may be hired directly by the employer or through a Private Employment Agency (PEA), and in no case shall recruitment or finder's fees be charged against the domestic worker by the PEA as it shall be borne by the employer.

Under the Batas Kasambahay, PEAs should impose as standard requirements for applicants in facilitating employment of house helpers: (a) Medical certificate or a health certificate issued by a local government health officer; (b) Barangay and police clearance; (c) National Bureau of Investigation (NBI) clearance; and (d) Duly authenticated birth certificate or if not available, any other document showing the age of the domestic worker such as voter's identification card, baptismal record or passport.

However, what happens when the PEAs are used as entry points for those with criminal minds to penetrate the homes of the unsuspecting employer? Will the submission of those documents be enough to protect those who paid for the services of the PEAs?

This bill aims to safeguard the persons of the employers and their family in their abode against those who might use PEAs as vehicles in executing their criminal intentions by imposing greater responsibility and accountability from PEAs.

Therefore, the passage of this bill is earnestly sought.

CHARISSE ANNE C. HERNANDEZ
Representative
Lone District, Calamba City



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4477

Introduced by Representative Charisse Anne C. Hernandez

AN ACT
ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM PRIVATE
EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE REPUBLIC ACT 10361,
OTHERWISE KNOWN AS THE "BATAS KASAMBAHAY"

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

SECTION 1. Section 36 of Republic Act 10361, otherwise known as the "*Batas Kasambahay*", is hereby amended to read as follows:

"SEC. 36. *Regulation of Private Employment Agencies (PEAs)*. - The DOLE shall, through a system of licensing and regulation, ensure the protection of **BOTH THE** domestic workers hired through the PEAs **AND THEIR EMPLOYERS**.

"The PEA shall be jointly and severally liable with the employer for all the wages, wage-related benefits, and other benefits due a domestic worker.

"The provision of Presidential Decree No. 442, as amended, otherwise known as the 'Labor Code of the Philippines', on qualifications of the PEAs with regard to nationality, net worth, owners and officers, office space and other requirements, as well as nontransferability of license and commission of prohibited practices, shall apply.

"In addition, PEAs shall have the following responsibilities:

(A) CONDUCT A DILIGENT BACKGROUND CHECK ON THE IDENTITY, PERSONAL AND FAMILY BACKGROUND THROUGH ACTUAL VERIFICATION, AND TO THE EXTENT POSSIBLE, SUPPORTED BY RELEVANT DOCUMENTS SUCH AS NATIONAL BUREAU OF INVESTIGATION (NBI), POLICE AND BARANGAY CLEARANCES OR CERTIFICATES, AND BIRTH CERTIFICATES;

[(a)] (B) Ensure that THE domestic worker[s] are] IS not charged or levied any recruitment or placement fees;

[(b)] (C) Ensure that the employment agreement between the domestic worker and the employer stipulates the terms and conditions of employment and all the

benefits prescribed by this Act;

[(c)] **(D)** Provide a pre-employment orientation briefing to the domestic worker and the employer about their rights and responsibilities in accordance with this Act;

[(d)] **(E)** Keep copies of employment contracts and agreements pertaining to **THE** recruited domestic worker[s] which shall be made available during inspections or whenever required by the DOLE or local government officials;

[(e)] **(F)** Assist **THE** domestic worker[s] with respect to complaints or grievances against the[ir] employer[s]; and

[(f)] **(G)** Cooperate with government agencies in rescue operations involving **AN** abused or exploited domestic worker[s]."

SEC. 2. A sub-section is hereby inserted after Section 36 of the "*Batas Kasambahay*" to read as follows:

"SECTION 36-A.- RESPONSIBILITY OF PEAs TO EMPLOYERS - THE PEA SHALL BE SUBSIDIARILY LIABLE IN RELATION TO ANY CRIMINAL ACT COMMITTED BY THE DOMESTIC WORKER AGAINST THE EMPLOYER IN THE COURSE OF THE DOMESTIC WORKER'S EMPLOYMENT: PROVIDED, THAT SUCH ACCOUNTABILITY SHALL CEASE AFTER ONE (1) YEAR FROM THE FIRST DAY OF THE DOMESTIC WORKER'S EMPLOYMENT WITH THE EMPLOYER."

SEC. 3. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, the Secretary of Labor and Employment shall, in coordination with the Secretary of Social Welfare and Development, the Secretary of the Interior and Local Government, the Director General of the Philippine National Police, other concerned government agencies, and accredited non-government organizations assisting domestic workers, promulgate the necessary rules and regulations to implement this Act.

SEC. 4. *Separability Clause* - If any part, section or provision of this Act is declared invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect;

SEC. 5 *Repealing Clause* - All laws, decrees, orders, rules and regulations or issuances inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 6. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.