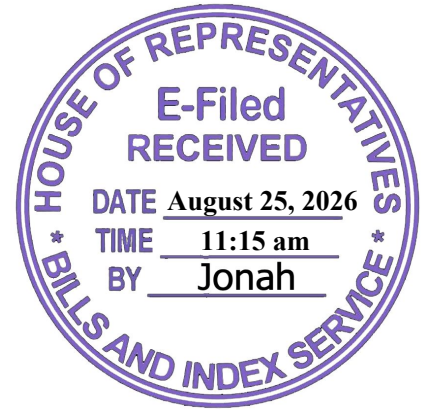


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 10929



Introduced by:

HON. CHRISTOPHERSON "COCO" M. YAP

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

EXPLANATORY NOTE

Republic Act No. 10361, otherwise known as the **Domestic Workers Act** or ***Batas Kasambahay***, is a landmark law that upholds the rights and welfare of domestic workers while recognizing their valuable contribution to Filipino families. The law also allows employers to hire *kasambahays* through licensed Private Employment Agencies (PEAs), which are expected to carefully screen applicants and ensure that the required clearances and supporting documents are submitted before deployment.

While these safeguards are important, they may not always be enough to protect employers and their families from individuals who may use fraudulent identities or falsified documents to gain access to private homes and commit crimes. For many Filipino families, the home is a place of safety and trust. Entrusting a domestic worker with the care of children, senior citizens, persons with disabilities, and valuable property requires confidence that the recruitment process has been conducted with the highest level of diligence and accountability.

This bill seeks to strengthen the responsibility and accountability of Private Employment Agencies by requiring them to exercise greater care in screening, verifying, and endorsing applicants for domestic work. By reinforcing existing safeguards, the measure aims to protect both employers and legitimate domestic workers, preserve public trust in the recruitment system, and promote a safer and

more reliable environment for household employment. In doing so, the bill strikes a fair balance between protecting the rights of *kasambahays* and ensuring the security and peace of mind of the families they serve.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte

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

SECTION 1. *Amendment of Section 36 of Republic Act No. 10361, otherwise known as the “Batas Kasambahay”.* — 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 non-transferability 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].”

SECTION 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.”

SECTION 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 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.

SECTION 4. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SECTION 5. Repealing Clause. — All laws, decrees, executive orders, rules, regulations, and other issuances, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 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,