


FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

10 JUL -1 18:51

SENATE

S.B. No. 7

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Introduced by Senator Loren Legarda

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This bill recognizes the dignity and the nobility of household helpers or our beloved "kasambahays" by promoting their rights and protecting their welfare.

The Labor Code of the Philippines defines domestic helpers as those who perform such services in the employer's home, which are usually necessary or desirable for the maintenance and enjoyment thereof, or minister to the personal comfort, convenience, or safety of the employer as well as the members of his household. Domestic helpers enable their employers to fully pursue their own economic and social activities. Their work is no longer confined to doing household chores but more importantly, they have become "companions at home" or "kasambahay."

Clearly, given the work they perform in our homes and the services they render, our "kasambahays" are not only overworked but poorly compensated. It is therefore imperative that we recognize their invaluable contribution to our society by acknowledging their distinct needs and providing for minimum working conditions that will ensure the protection of this traditionally informal labor sector.

This bill makes it mandatory for all household working arrangements to be in writing in a language or dialect understood by both employer and household helpers. The minimum wage for household helpers shall be increased to four thousand pesos.

Furthermore, house helpers shall be entitled to 13<sup>th</sup> month pay, membership in the Social Security System and Philippine Health Insurance Corporation, vacation leaves, maternity benefits, and deployment expenses. Finally, this proposed measure provides for the rights and privileges of household helpers in general, household helpers in minority age, and self-employed household helpers, which include a standard of treatment, prohibition on labor sub-contracting, prohibition on recruitment and finder's fees, provision for basic necessities, among others.

It is high time that we extend to our kasambahay's recognition for the value of their service and their loyalty to the household.

  
LOREN LEGARDA  
Senator

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AN ACT  
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION TO  
HOUSEHOLD HELPERS THEREBY AMENDING FOR THIS PURPOSE  
ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER III OF PRESIDENTIAL  
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS "THE LABOR  
CODE OF THE PHILIPPINES

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

1           **SECTION 1.** Article 141 of Presidential Decree No. 42, as amended, otherwise  
2 known as the Labor Code of the Philippines" is hereby amended to read as follows:

3  
4           "Article 141. *Coverage* - This Chapter shall apply to all persons  
5 rendering services in household for compensation.

6  
7           "Domestic [or household service] "**HELPER**", "**HOUSEHOLD**  
8 **HELPERS**" OR "**KASAMBAHAY**" [shall mean service in the  
9 employer's home which is usually necessary or desirable for the  
10 maintenance and enjoyment thereof and includes ministering to the  
11 personal comfort and convenience of the members of the employers  
12 households, including services of family drivers.] **REFERS TO ANY**  
13 **PERSON, WHO RENDERS FOR COMPENSATION, TO A**  
14 **HOMEOWNER/EMPLOYER UNDERTAKING TASKS ASCRIBED**  
15 **AS NORMAL HOUSEHOLD CHORES WITHIN A SPECIFIC**  
16 **HOUSEHOLD. THE TERM INCLUDES MAIDS, COOKS,**  
17 **HOUSEBOYS AND "YAYAS" WHO PROVIDE DAILY SERVICE,**  
18 **EITHER ON A FULL-TIME, LIVE-IN OR LIVE-OUT BASIS."**

19  
20           **SEC. 2.** Article 142 of Presidential Decree No. 442, as amended, is hereby

1           "Art. 142 (1). *Contract of domestic service.* - [The original contract  
2 of domestic service shall not last for more than two (2 ) years but it  
3 may be renewed for such periods as may be agreed upon by the  
4 parties.] **ALL HOUSEHOLD WORKING ARRANGEMENTS OR**  
5 **AGREEMENTS SHALL BE COVERED BY A WRITTEN**  
6 **EMPLOYMENT CONTRACT, IN A LANGUAGE OR DIALECT**  
7 **UNDERSTOOD BY BOTH THE EMPLOYER AND THE**  
8 **HOUSEHOLD HELPER, DULY SIGNED BY BOTH**  
9 **CONTRACTING PARTIES. EACH CONTRACTING PARTY**  
10 **SHALL BE PROVIDED WITH A COMPLETE SET OF THE DULY**  
11 **SIGNED CONTRACT OF SERVICE WHICH SHALL INCLUDE**  
12 **THE FOLLOWING:**

- 13
- 14 a. **PERIOD OF EMPLOYMENT, WHICH SHALL NOT EXCEED**
  - 15 **TWO (2) YEARS;**
  - 16 b. **MONTHLY COMPENSATION AND MODE OF PAYMENT;**
  - 17 c. **ANNUAL SALARY INCREASE;**
  - 18 d. **DUTIES AND RESPONSIBILITIES;**
  - 19 e. **WORKING HOURS AND DAY-OFF SCHEDULE; AND**
  - 20 f. **LIVING QUARTERS OR SLEEPING ARRANGEMENT."**

21

22           "ART. 142 (2). *MEDICAL OR HEALTH CERTIFICATE,*  
23 *BARANGAY CLEARANCE AND BIRTH CERTIFICATE AS PRE-*  
24 *REQUISITES FOR EMPLOYMENT. - AS PREREQUISITES FOR*  
25 *EMPLOYMENT IN DOMESTIC WORK, ALL PROSPECTIVE*  
26 *APPLICANTS SHOULD SECURE THE FOLLOWING*  
27 *DOCUMENTS:*

- 28
- 29 a) (2.1) **MEDICAL CERTIFICATE OR IN LIEU THEREOF,**
  - 30 **HEALTH CERTIFICATE ISSUED BY A LOCAL GOVERNMENT**
  - 31 **HEALTH OFFICERS ATTESTING TO THE PHYSICAL AND**
  - 32 **MENTAL FITNESS OF THE DOMESTIC WORKER;**
  - 33 b) **BARANGAY CLEARANCE; AND**
  - 34 c) **DULY AUTHENTICATED BIRTH CERTIFICATE FROM THE**
  - 35 **NATIONAL STATISTICS OFFICE (NSO)."**
- 36

1           **SEC. 3.** Subparagraphs (1), (2) and (3), Article 143 of Presidential Decree No.  
2 442, as amended, are hereby amended and renumbered to read as follows:

3  
4           “Art. 143 (1). *Minimum wage.* - (a) House helpers **OR**  
5 **DOMESTIC HELPERS, AS DEFINED UNDER THIS ACT**, shall be  
6 paid the following minimum wage rates:

7  
8           (1) [Eight Hundred Pesos (P800.00)] **FOUR THOUSAND**  
9 **PESOS (P4,000.00)** a month for househelpers [in Manila, Quezon,  
10 Pasay and Caloocan cities and the municipalities of Makati, San  
11 Juan, Mandaluyong, Muntinlupa, Navotas, Malabon, Parañaque,  
12 Las Piñas, Pasig, Marikina, Valenzuela, Taguig and Pateros in  
13 Metro Manila and in highly urbanized cities] **EMPLOYED IN THE**  
14 **NATIONAL CAPITAL REGION;**

15  
16           (2) [Six Hundred Fifty pesos (P650.00)] **TWO THOUSAND**  
17 **FIVE HUNDRED PESOS (P2,500.00)** a month for those  
18 **EMPLOYED** in other chartered cities and first class municipalities;  
19 and

20  
21           (3) [Five Hundred fifty pesos (P550.00)] **TWO THOUSAND**  
22 **PESOS (P2,000.00)** a month for those in other municipalities.

23  
24           [Provided, That the employers shall review the employment  
25 contracts of their househelpers every three (3) years with the end in  
26 view of improving the terms and conditions thereof.]

27  
28           [Provided, further, That those househelpers who are receiving  
29 at least One thousand pesos (P1,000.00) shall be covered by the  
30 Social Security System (SSS) and be entitled to all the benefits  
31 provided thereunder.]

32  
33           **“AFTER ONE (1) YEAR FROM THE EFFECTIVITY OF THIS**  
34 **ACT AND EVERY YEAR THEREAFTER THE REGIONAL**  
35 **TRIPARTITE WAGES AND PRODUCTIVITY BOARDS (RTWPBS)**  
36 **SHALL REVIEW, AND IF PROPER, DETERMINE AND ADJUST**

1 APPROPRIATE MINIMUM WAGE RATES OF HOUSEHOLD OR  
2 DOMESTIC HELPERS.”

3  
4 “ART. 143 (2). *PAYMENT OF WAGES.* - PAYMENT OF  
5 WAGES SHALL BE MADE DIRECTLY TO THE DOMESTIC  
6 WORKER TO WHOM THEY ARE DUE IN CASH, AT LEAST  
7 TWICE A MONTH. THE EMPLOYER, UNLESS ALLOWED BY THE  
8 DOMESTIC WORKER THROUGH A WRITTEN CONSENT,  
9 SHALL MAKE NO DEDUCTIONS FROM HIS/HER WAGES  
10 OTHER THAN THAT WHICH IS MANDATED BY LAW. NO  
11 EMPLOYER SHALL PAY THE WAGES OF A DOMESTIC  
12 WORKER BY MEANS OF PROMISSORY NOTES, VOUCHERS,  
13 COUPONS, TOKENS, TICKETS, CHITS OR ANY OBJECT OTHER  
14 THAN THE CASH WAGE AS PROVIDED FOR UNDER THIS  
15 ACT.”

16  
17 “ART. 143 (3). *PAY SLIP.* - ALL EMPLOYERS ARE  
18 MANDATED AT ALL TIMES TO PROVIDE THEIR DOMESTIC  
19 WORKER WITH A COPY OF THEIR PAY SLIP WHICH SHALL  
20 CONTAIN THE AMOUNT PAID IN CASH BY THE EMPLOYER  
21 TO THE DOMESTIC WORKER EVERY PAY DAY, AS  
22 PRESCRIBED UNDER THIS ACT. THE COPIES OF THE PAY SLIP  
23 MUST BE KEPT BY THE EMPLOYER FOR A PERIOD OF THREE  
24 (3) YEARS.”

25  
26 “ART. 143 (4). *PLACE OF PAYMENT,* - PAYMENT OF  
27 WAGES SHALL BE MADE AT OR NEAR THE PLACE OF  
28 UNDERTAKING, EXCEPT AS OTHERWISE PROVIDED BY SUCH  
29 REGULATIONS AS THE SECRETARY OF LABOR MAY  
30 PRESCRIBE UNDER CONDITIONS TO ENSURE PROTECTION  
31 OF WAGES.”

32  
33 “ART. 143 (5). *PROHIBITION OR INTERFERENCE IN*  
34 *DISPOSAL OF WAGES* - NO EMPLOYER SHALL LIMIT OR  
35 OTHERWISE INTERFERE WITH THE FREEDOM OF ANY  
36 DOMESTIC WORKER TO DISPOSE OF HIS/HER WAGES. THE

1 EMPLOYER SHALL NOT IN ANY MANNER FORCE, COMPEL,  
2 OR OBLIGE THE DOMESTIC WORKER TO PURCHASE  
3 MERCHANDISE, COMMODITIES OR OTHER PROPERTIES  
4 FROM THE EMPLOYERS OR FROM ANY OTHER PERSON, OR  
5 OTHERWISE MAKE USE OF ANY STORE OR SERVICES OF  
6 SUCH EMPLOYER OR ANY OTHER PERSON."

7  
8 "ART. 143 (6). *PROHIBITION AGAINST WITHHOLDING OF*  
9 *WAGES* - IT SHALL BE UNLAWFUL FOR AN EMPLOYER,  
10 DIRECTLY OR INDIRECTLY, TO WITHHOLD ANY AMOUNT  
11 FROM THE WAGES OF THE DOMESTIC WORKER OR INDUCE  
12 HIM/HER TO GIVE UP ANY PART OF HIS/HER WAGES BY  
13 FORCE, STEALTH, INTIMIDATION, THREAT OR BY ANY  
14 OTHER MEANS WHATSOEVER."

15  
16 "ART. 143 (7). *PROHIBITION ON DEPOSITS FOR LOSS OR*  
17 *DAMAGE*. - NO EMPLOYER SHALL REQUIRE HIS/HER  
18 DOMESTIC WORKER TO MAKE DEPOSITS FROM WHICH  
19 DEDUCTIONS SHALL BE MADE FOR THE REIMBURSEMENT  
20 OF LOSS OR DAMAGE TO TOOLS, MATERIALS, FURNITURE  
21 AND EQUIPMENT IN THE HOUSEHOLD."

22  
23 "ART. 143 (8). *PROHIBITION ON BONDED LABOR* - IT  
24 SHALL BE UNLAWFUL FOR AN EMPLOYER TO USE THE  
25 FUTURE SERVICES OF THE HOUSEHELPERS AS COLLATERAL  
26 FOR A LOAN OR ADVANCE MADE BY THE LATTER. LIKEWISE,  
27 IT SHALL BE UNLAWFUL FOR THE EMPLOYER TO BIND THE  
28 HOUSEHOLD HELPER FOR HIS/HER CONTINUOUS  
29 EMPLOYMENT AS A FORM OF PAYMENT FOR ANY LOAN OR  
30 ADVANCE MADE BY THE LATTER."

31  
32 "ANY EMPLOYER WHO VIOLATES THIS PROVISIONS  
33 SHALL BE PUNISHED UNDER EXISTING PENAL LAWS  
34 WITHOUT PREJUDICE TO CIVIL AND ADMINISTRATIVE  
35 CASES WHICH MAY BE FILED AGAINST HIM/HER. "  
36

1           **SEC. 4. NON-DIMINUTION CLAUSE - NOTHING IN THIS ACT SHALL**  
2 **BE CONSTRUED TO CAUSE THE DIMINUTION OR SUBSTITUTION OF ANY**  
3 **BENEFITS AND PRIVILEGES CURRENTLY ENJOYED BY THE**  
4 **KASAMBAHAY. ALL EXISTING ARRANGEMENTS BETWEEN EMPLOYER**  
5 **AND KASAMBAHAY SHALL CONFORM TO THE MINIMUM STANDARDS**  
6 **SET BY THIS ACT."**

7  
8           **SEC. 5.** Article 148 of Presidential Decree No. 442, as amended, is hereby  
9 amended to read as follows:

10  
11           *"Art. 148. Board, lodging and medical attendance -* The Employer  
12 shall furnish the househelper free of charge suitable and sanitary living  
13 quarters as well as adequate food and medical attendance.

14           **"EVERY EMPLOYER SHALL KEEP IN HIS/HER**  
15 **HOUSEHOLD SUCH FIRST-AID MEDICINES AND EQUIPMENT**  
16 **AS THE NATURE AND CONDITIONS OF DOMESTIC WORK**  
17 **MAY REQUIRE, IN ACCORDANCE WITH THE RULES AND**  
18 **REGULATIONS THAT WILL BE PRESCRIBED BY THE**  
19 **DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), IN**  
20 **ACCORDANCE WITH THE PROVISION OF THIS ACT."**

21  
22           **SEC. 6.** A new provision, Article 148-(1) is hereby inserted to read as follows:

23  
24           **"ART. 148-(1). ALL HOUSEHOLD HELPERS SHALL BE**  
25 **COVERED BY THE SOCIAL SECURITY SYSTEM (SSS) AND BE**  
26 **ENTITLED TO ALL THE BENEFITS IN ACCORDANCE WITH**  
27 **THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 1611, AS**  
28 **AMENDED."**

29           **"THE SSS SHALL IMPLEMENT THE OUTREACH**  
30 **PROGRAM THAT WILL FACILITATE THE REMITTANCE OF SSS**  
31 **CONTRIBUTIONS OF THE HOUSEHELPER AND EMPLOYER**  
32 **THROUGH THE MOST FEASIBLE MEANS. THIS OUTREACH**  
33 **PROGRAM SHALL BE CONCEPTUALIZED AND INITIATED**  
34 **WITHIN ONE (1) YEAR FROM THE DATE OF THE EFFECTIVITY**  
35 **OF THIS ACT."**

1 SEC. 7. A new provision, Article 148-(2) is hereby inserted to read as follows:

2  
3 "ART. 148-(2). *MEMBERSHIP IN THE PHILIPPINE HEALTH*  
4 *INSURANCE CORPORATION (PHILHEALTH) - ALL*  
5 *HOUSEHELPERS SHALL BE COVERED BY THE PHILIPPINE*  
6 *HEALTH INSURANCE CORPORATION (PHILHEALTH) IN*  
7 *ACCORDANCE WITH ITS GUIDELINES AND BE ENTITLED TO*  
8 *ALL THE BENEFITS PROVIDED BY LAW. THE PREMIUM*  
9 *PAYMENTS FOR PHILHEALTH CONTRIBUTIONS SHALL BE*  
10 *SHOULDERED BY THE EMPLOYER."*

11  
12 SEC. 8. Article 151 of Presidential Decree No. 442, as amended, is hereby  
13 amended to read as follows:

14  
15 "Art. 151-(1). *Employment Certification* – Upon the severance of  
16 the household service relation, the employer shall give the  
17 househelper/**DOMESTIC WORKER** a written **EMPLOYMENT**  
18 **CERTIFICATION INDICATING** [statement of] the nature, [and]  
19 duration of the service, **WORK PERFORMANCE**, [and his or her]  
20 efficiency and conduct as househelper/**DOMESTIC WORKER**."

21  
22 "ART. 151-(2). *EMPLOYER'S REPORTORIAL DUTIES. -*  
23 *EVERY EMPLOYER OF A DOMESTIC WORKER IS MANDATED*  
24 *TO REGISTER HIS/HER KASAMBAHAY IN ACCORDANCE*  
25 *WITH THE REGISTRATION SYSTEM THAT SHALL BE*  
26 *ESTABLISHED BY LGUS FOR THE MUTUAL PROTECTION OF*  
27 *THE KASAMBAHAYS AND THE EMPLOYER."*

28  
29 "EVERY EMPLOYER OF A DOMESTIC WORKER IS ALSO  
30 MANDATED TO KEEP THE FOLLOWING RECORDS TO  
31 REFLECT THE ACTUAL TERMS ANDC CONDITIONS OF  
32 EMPLOYMENT O F HIS/HER DOMESTIC WORKER FOR A  
33 PERIOD OF THREE (3) YEARS AFTER THE DOMESTIC WORKER  
34 HAS LEFT THE SERVICES OF THE EMPLOYER FOR PURPOSES  
35 OF DOCUMENTATION:



- 1 a. REGISTER OF ALL DOMESTIC WORKERS EMPLOYED BY  
2 HIM/HER, INDICATING THE DATES OF THEIR BIRTH;  
3 b. SEPARATE FILE FOR THEIR EMPLOYMENT CONTRACTS  
4 AND EMPLOYMENT CERTIFICATES;  
5 c. SEPARATE FILE FOR THEIR BARANGAY CLEARANCE; AND  
6 d. SEPARATE FILE FOR THEIR MEDICAL OR HEALTH  
7 CERTIFICATES.”  
8

9 “IT SHALL BE UNLAWFUL FOR ANY EMPLOYER TO  
10 MAKE ANY REPORT OR RECORD, PURSUANT TO THE  
11 PROVISIONS OF THIS ACT, KNOWING SUCH REPORT OR  
12 RECORD TO BE FALSE.”  
13

14 **SEC. 9. ROLE OF LOCAL GOVERNMENT UNITS.** - LOCAL  
15 GOVERNMENT UNITS (LGUS) SHALL FACILITATE ACCESS OF  
16 KASAMBAHAYS TO ALL EXISTING PROGRAMS AND SERVICES. THE  
17 LGUS, THROUGH THEIR LOCAL DEVELOPMENT PLANS, SHALL  
18 PRIORITIZE CONCERNS REGARDING KASAMBAHAYS AND DEVELOP  
19 AND IMPLEMENT PLANS AND PROGRAMS IN SUPPORT OF THIS LAW.”  
20

21 **SEC. 10. ARAW NG MGA KASAMBAHAYS.** - THE DATE UPON WHICH  
22 THE PRESIDENT SHALL APPROVE THIS BATAS KASAMBAHAY WILL BE  
23 DESIGNATED AS THE “ARAW NG MGA KASAMBAHAY”.  
24

25 **SEC. 11. *Implementing Rules and Regulations.*** - The Department of Interior  
26 and Local Government and the Department of Labor and Employment, in  
27 collaboration with other government agencies charged with the implementation of  
28 the provisions of this Act shall, within a period of **NINETY (90) DAYS** from the date  
29 of the effectivity of this Act, promulgate the necessary implementing rules and  
30 regulations.  
31

32 **SEC. 12. *Repealing Clause.*** - All laws, decrees, presidential issuances,  
33 executive orders, rules and regulations or parts thereof not consistent with the  
34 provisions of this Act are hereby amended, repealed or modified accordingly.  
35

36 **SEC. 13. *Separability Clause.*** - If any provision or part of this Act, or the

1 application thereof to any person or circumstance be held unconstitutional or be  
2 declared invalid, the remainder of this Act shall not be affected thereby.

3

4       **SEC. 14. *Effectivity Clause.*** This Act shall take effect fifteen (15) days  
5 following its publication in the in two (2) newspapers of general circulation.

6

7       Approved,