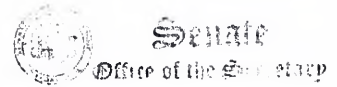


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



'22 JUL 25 P 1 :23

SENATE

S. No. 828

RECEIVED BY:

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Introduced by Senator Loren B. Legarda

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**AN ACT  
INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE  
OF CAREGIVERS IN THE PRACTICE OF THEIR PROFESSION**

**EXPLANATORY NOTE**

All over the world, Filipinos are praised for their exceptional caregiving service. A study by Taiko Immamura and Isamu Saito of Rissho University and Mariko Miyagi of Hosei University in Japan found that Filipino caregivers are highly sought after because they possess values deeply rooted in culture, such as respect for the elderly, close family ties, hard work, and *pakikisama*.<sup>1</sup> These unique traits and cultural values are further enhanced by the various programs of the Technical Education and Skills Development Authority (TESDA).

Even domestically, there is an emergence of caregivers tending to the elderly and sick. Based on the Census of Population and Housing conducted in 2020, there are 9.5 million Filipinos between the ages of 60 years and above. Together with the increase in the number of children born with medical issues and prevalent illnesses, the demand for caregivers continues to grow.

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<sup>1</sup> <https://businessmirror.com.ph/2017/03/01/filipino-caregivers-service-with-a-heart/>

In recognition of the vital work of our caregivers in nation-building, it is only fitting that the government recognizes their profession in order to protect their rights and promote their welfare by ensuring decent and safe working conditions.

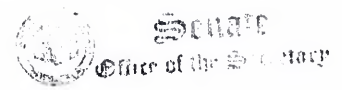
This bill, therefore, seeks to institute policies for the protection and welfare of caregivers in the Philippines and enumerate the specific benefits that are due to them.

For these reasons, the urgent passage of this bill is earnestly sought.

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, elongated shape.

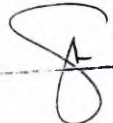
**LOREN LEGARDA**

NINETEENTH CONGRESS OF THE )  
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**AN ACT**  
**INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE**  
**OF CAREGIVERS IN THE PRACTICE OF THEIR PROFESSION**

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

1 Section. 1. *Short Title.* – This Act shall be known as the “*Caregivers Welfare Act*  
2 *of 2022*”.

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
4 recognize the role of caregivers in national development and to institute policies in  
5 the practice of the profession with the end in view of developing competent caregivers  
6 whose standards of professional service shall be excellent and globally competitive.

7 The State also recognizes the need to protect the rights of the caregivers  
8 towards decent employment and income and adheres to a policy of safeguarding  
9 caregivers against abuse, harassment, violence, and economic exploitation.

10 Sec. 3. *Definition of Terms.* – As used in this Act:

11 (a) *Caregiver* refers to a graduate of a caregiving course from an accredited  
12 training institution that is recognized by the government or is certified  
13 competent by that same institution and renders caregiving services as  
14 stipulated in Section 6 of this Act;

15 (b) *Client* refers to a dependent infant, child or adult;

16 (c) *Employer* refers to any person who engages and controls the services of a  
17 caregiver, and is a party to the employment contract; and,

1 (d) *Private employment agency (PEA)* refers to any individual, legitimate  
2 partnership, association or organization, corporation or entity accredited  
3 and licensed by the Department of Labor and Employment (DOLE) to  
4 engage in the recruitment and placement of caregivers for local  
5 employment.

6 Sec. 4. *Employment Contract.* – An employment contract shall be executed by  
7 and between the caregiver and the employer before the commencement of the service  
8 in a language or dialect understood by both parties. A copy of the duly signed  
9 employment contract shall be given to the caregiver which shall include the following:

- 10 (a) Duties and responsibilities of the caregiver;
- 11 (b) Period of employment;
- 12 (c) Compensation;
- 13 (d) Authorized deductions;
- 14 (e) Hours of work and proportionate additional payment or overtime pay;
- 15 (f) Rest days and allowable leaves;
- 16 (g) Board, lodging and medical attention;
- 17 (h) Termination of employment; and
- 18 (i) Any other lawful condition agreed upon by both parties.

19 The DOLE shall develop a model employment contract for caregivers which  
20 shall be made available at all times, free of charge to caregivers, employers and the  
21 general public.

22 In cases where the employment of the caregiver is facilitated through a PEA,  
23 the latter shall keep a copy of all employment contracts of its caregivers which shall  
24 be made available for verification and inspection by the DOLE.

25 Sec. 5. *Pre-employment Requirements.* – Prior to the execution of the employment  
26 contract, the employer may require the following:

- 27 (a) Caregivers training certificate issued by the school or institution accredited  
28 by the Technical Education and Skills Development Authority (TESDA);
- 29 (b) Medical certificate or health certificate issued by a local government health  
30 officer; and,
- 31 (c) National Bureau of Investigation (NBI) or police clearance.

1           Sec. 6. *Duties of the Caregivers.* – The caregiver may provide any of the following  
2 services:

- 3           (a) Provide personal care support and assistance to clients with physical  
4           impairment or disabilities in private homes, nursing or geriatric care  
5           facilities, and other residential settings;
- 6           (b) Help clients with their daily activities and mobility restrictions;
- 7           (c) Provide some basic health-related services, such as checking the client’s  
8           pulse rate, temperature and respiration rate;
- 9           (d) Help clients with simple prescribed exercises, and assist them with home  
10           medications as prescribed by the physician, provided that assistance in the  
11           administration of intravenous medications shall be upon written consent  
12           of the physician;
- 13           (e) Advise clients and their families on cleanliness and household tasks;
- 14           (f) Accompany clients to medical appointments or on other errands;
- 15           (g) Assist in housekeeping tasks within the clients’ room;
- 16           (h) Prepare food for clients; and,
- 17           (i) Other tasks directly related to the needs of the clients.

18           Sec. 7. *Hours of Work.* – The caregiver’s working hours shall be based on the  
19 employment contract signed by the parties and in accordance with the labor laws,  
20 rules, and regulations. A caregiver shall have an eight (8) hour work shift, beyond  
21 which the mandatory overtime pay shall be applied.

22           Sec. 8. *Minimum Wage.* – The minimum wage of a caregiver shall not be less  
23 than the applicable minimum wage in the region.

24           Sec. 9. *Payment of Wages.* – Wages shall be paid on time directly to the caregiver  
25 to whom they are due once every two (2) weeks or twice a month at the intervals not  
26 exceeding sixteen (16) days. The employer, unless allowed by the caregiver through  
27 written consent, shall make no deductions from the wages other than what is  
28 mandated by law. No employer shall pay the wages of the caregiver by means of  
29 promissory notes, vouchers, coupons, tokens, tickets, chits or any object other than  
30 the cash wage as provided for under the law.

31           Caregivers are also entitled to a thirteenth month pay as provided for by law.

1           Sec. 10. *Pay Slip.* – The employer shall, at all times, provide the caregiver with  
2 a copy of the pay slip containing the amount paid in cash every pay day, and  
3 indicating all deductions made, if any. A copy of the pay slip shall be kept by the  
4 employer for a period of three (3) years.

5           Sec. 11. *Leave Benefits.* – A caregiver who has rendered at least one (1) year of  
6 service shall be entitled to an annual service incentive leave of at least five (5) days  
7 with pay. Any unused portion of the annual leave shall be cumulative or carried over  
8 to the succeeding years. Unused leaves shall be convertible to cash.

9           Sec. 12. *Other Benefits.* – A caregiver shall be covered by the Social Security  
10 System, Philippine Health Insurance Corporation or PhilHealth, and Home  
11 Development Mutual Fund or Pag-IBIG, and shall be entitled to all the benefits in  
12 accordance with the pertinent provisions provided by law. The effective date of  
13 coverage shall be on the first day of employment.

14           Sec. 13. *Non-Diminution of Benefits.* – All existing arrangements between the  
15 caregiver and the employer shall be adjusted to conform to the minimum standards  
16 set by this Act. Nothing in this Act shall be construed to cause the diminution or  
17 substitution of any benefit or privilege currently enjoyed by the caregiver hired  
18 directly or through a PEA.

19           Sec. 14. *Basic Necessities.* – The employer of a household-based caregiver shall  
20 provide for the basic necessities which shall include at least three (3) adequate meals  
21 a day, and humane sleeping arrangement. The employer shall also provide  
22 appropriate rest periods, and assistance in case of illnesses and injuries sustained  
23 during the exercise of the caregiver’s duties and responsibilities without loss of  
24 benefits.

25           Sec. 15. *Privileged Information.* – All information and communication pertaining  
26 to the patient, employer, or members of the household shall be treated as privileged  
27 and confidential, and shall not be publicly disclosed by the caregiver at any time  
28 during and after employment.

29           Sec. 16. *Termination of Service.* – Neither the caregiver nor the employer may  
30 terminate the contract before the expiration of the term except for grounds provided  
31 for in Sections 17 and 18 of this Act. If the caregiver is unjustly dismissed, the caregiver  
32 shall be paid the compensation already earned plus the equivalent of fifteen (15) days

1 work by way of indemnity. The caregiver and the employer may mutually agree upon  
2 written notice to pre-terminate the contract of employment to end the employment  
3 relationship.

4       *Sec. 17. Termination of Contract by the Caregiver.* – A caregiver may terminate the  
5 employment relationship at any time before the expiration of the contract for any of  
6 the following reasons:

7       (a) Verbal or emotional abuse by the employer, client or any member of the  
8 household;

9       (b) Inhumane treatment including physical abuse by the employer, client or  
10 any member of the household;

11       (c) Commission of a crime or offense against the caregiver by the employer,  
12 client or any member of the household;

13       (d) Violation of the terms and conditions of the employment contract by the  
14 employer; and,

15       (e) Other causes analogous to the foregoing.

16       *Sec. 18. Termination of Contract by the Employer.* – The employer may terminate  
17 the services of the caregiver at any time before the expiration of the contract for any  
18 of the following causes:

19       (a) Misconduct or willful disobedience by the caregiver of the lawful order of  
20 the employer;

21       (b) Gross or habitual neglect or insufficiency in the performance of duties;

22       (c) Fraud or willful breach of the trust reposed by the employer;

23       (d) Commission of crime or offense by the caregiver against the person of the  
24 employer, client or any immediate member of the employer's family;

25       (e) Violation of the terms and conditions of the employment contract by the  
26 caregiver; and,

27       (f) Other causes analogous to the foregoing.

28       *Sec. 19. Settlement of Disputes.* – All labor-related disputes shall be elevated to  
29 the DOLE Regional Office or the National Labor Relations Commission having  
30 jurisdiction over the workplace without prejudice to the filing of civil or criminal  
31 action in appropriate cases. The DOLE Regional Office shall exhaust all conciliation  
32 and mediation efforts before a decision shall be rendered.

1 Ordinary crimes or offenses committed under the Revised Penal Code and  
2 other special penal laws by either party shall be filed with the regular courts.

3 Sec. 20. *Protection of Caregiver Hired through PEAs.* – The Secretary of Labor and  
4 Employment shall, through a system of licensing and regulation, ensure the  
5 protection of the caregivers hired through PEAs.

6 The PEAs shall be jointly and severally liable with the employer for all wages,  
7 wage-related benefits, and other benefits due to the caregiver.

8 The provisions of the Labor Code of the Philippines on the qualifications of the  
9 PEAs with regards to nationality, net worth, owners and officers, office space, and  
10 other requirements, as well as non-transferability of license, and commission of  
11 prohibited practices shall apply.

12 Sec. 21. *Responsibilities of the PEAs.* – In addition, the PEAs shall have the  
13 following responsibilities:

- 14 (a) Ensure that the caregivers are not charged or levied any recruitment or  
15 placement fees whatsoever;
- 16 (b) Ensure that the employment contract between the caregiver and the  
17 employer stipulates the terms and conditions of employment and all the  
18 benefits prescribed by this Act;
- 19 (c) Provide a pre-employment orientation briefing to the caregiver and the  
20 employer about their rights and responsibilities in accordance with this  
21 Act;
- 22 (d) Keep copies of employment contracts pertaining to recruited caregivers  
23 which shall be made available during inspections or whenever required by  
24 the DOLE;
- 25 (e) Assist caregivers with respect to complaints or grievances against their  
26 employers; and,
- 27 (f) Cooperate with government agencies on rescue operations involving  
28 abused or exploited caregivers.

29 Sec. 22. *Implementing Rules and Regulations.* – Within sixty (60) days from the  
30 effectivity of this Act, the Secretary of Labor and Employment shall, in coordination  
31 with the Director General of the TESDA, promulgate the necessary rules and  
32 regulations for the effective implementation of this Act.



1           Sec. 23. *Separability Clause.* – If, for any reason, any part, section, or provision of  
2 this Act is declared as unconstitutional or invalid, the other sections or provisions  
3 hereof shall not be affected thereby.

4           Sec. 24. *Repealing Clause.* – All laws, decrees, executive orders, rules and  
5 regulations, issuances, or parts thereof which are inconsistent with the provisions of  
6 this Act are hereby repealed, amended or modified accordingly.

7           Sec. 25. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
8 complete publication either in the Official Gazette or in at least two (2) newspapers of  
9 general circulation.

Approved,