

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

 Office of the Secretary

22 AUG -8 P2 :30

SENATE
S. No. 1097

RECEIVED BY: 

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM
PRIVATE EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 10361, OTHERWISE KNOWN AS THE "BATAS
KASAMBAHAY"**

EXPLANATORY NOTE

Republic Act No. 10361, otherwise known as the "Domestic Workers Act" or "Batas Kasambahay" was signed into law on 18 January 2013 in our nation's pursuit to protect the rights and promote the welfare of our *kasambahays*. This landmark legislation embodies the rights and privileges of *kasambahays*, their pre-employment requirements, as well as the terms and conditions of their employment, among others. The law prompted a more proactive and coordinated actions from various government agencies which resulted to the improvement of the delivery of services for *kasambahays* including their registration and contribution to Social Security System (SSS), Philippine Health Insurance Corporation (PhilHealth) and Home Development Mutual Fund (HDMF) or Pag-Ibig Fund.

Batas Kasambahay is a demonstration of our appreciation of our household workers for their sincere dedication to work and loving care for our families. Because of this, they are often considered as members of the family and are entrusted with important chores such as taking care of the children. It is however, disheartening to hear that there are some of them who are careless and abusive –


there are those who steal from their employers and worst, there are cases where they abuse and even take the lives of the children they are supposed to take care of.

This measure proposes to designate greater responsibility to private employment agencies (PEAs) in order to provide protection to the employers. Under this measure, PEAs are required to ensure that the applicant *kasambahay* has no criminal record and to conduct actual verification of the residence and the family background of the applicant. In line with this, for a period of one (1) year from the first day of the employment of the *kasambahay* with the employer, the PEAs will also be subsidiarily liable in relation to any criminal act committed by the *kasambahay* in the course of his or her employment.

In light of the foregoing, the immediate passage of this bill is recommended.


RAMON BONG REVILLA, JR.

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

1 Section 1. Section 36 of Republic Act No. 10361, otherwise known as the "Batas
2 Kasambahay", is hereby amended to read as follows:

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

7 "X X X.

8 "X X X.

9 "In addition, PEAs shall have the following
10 responsibilities:

11 **"(A) ENSURE THAT THE DOMESTIC HELPER HAS**
12 **NO CRIMINAL RECORD, AND THERE IS SUFFICIENT**
13 **INFORMATION ON THE BONA FIDE RESIDENCE AND**
14 **FAMILY BACKGROUND THROUGH ACTUAL**
15 **VERIFICATION, AND TO THE EXTENT POSSIBLE,**

1 **SUPPORTED BY RELEVANT DOCUMENTS SUCH AS**
2 **NATIONAL BUREAU OF INVESTIGATION (NBI),**
3 **POLICE AND BARANGAY CLEARANCES OR**
4 **CERTIFICATES, AND BIRTH CERTIFICATES;**

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

7 “[(b)] **(C)** Ensure that the employment agreement
8 between the domestic worker and the employer stipulates the
9 terms and conditions of employment and all the benefits
10 prescribed by this Act;

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

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

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

20 “[(f)] **(G)** Cooperate with government agencies in
21 rescue operations involving **AN** abused or exploited domestic
22 worker[s].”

23 Sec. 2. A new sub-section is hereby inserted after Section 36 of the “Batas
24 Kasambahay” which shall read as follows:

25 **“SEC. 36-A. RESPONSIBILITY OF PEAs TO**
26 **EMPLOYERS. – THE PEA SHALL BE SUBSIDIARILY**
27 **LIABLE IN RELATION TO ANY CRIMINAL ACT**
28 **COMMITTED BY THE DOMESTIC WORKER AGAINST**
29 **THE EMPLOYER IN THE COURSE OF THE DOMESTIC**
30 **WORKER’S EMPLOYMENT: PROVIDED, THAT SUCH**
31 **ACCOUNTABILITY SHALL CEASE AFTER ONE (1) YEAR**

1 **FROM THE FIRST DAY OF THE DOMESTIC WORKER'S**
2 **EMPLOYMENT WITH THE EMPLOYER."**

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

10 Sec. 4. *Separability Clause.* – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law or the provision or part not otherwise
12 affected shall remain valid and subsisting.

13 Sec. 5. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
14 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

15 Sec. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
16 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,