

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



23 JAN 31 P1:38

SENATE

S. No. 1811

RECEIVED BY: _____

Introduced by Senator MANUEL "LITO" M. LAPID

**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. 10381, otherwise known as the "Batas Kasambahay", is the law governing the rights and liabilities of both the domestic workers and their respective employers.

Under the same law, private employment agencies (PEAs) shall impose the following as standard requirements for applicants in facilitating employment of domestic helpers: (a) medical certificate or health certificate issued by a local government health officer, (b) barangay and police clearance, (c) National Bureau of Investigation clearance, and (d) duly authenticated birth certificate, or any other document showing the age of the *kasambahay*.

However, mere submission of these standard requirements is not sufficient to protect those who paid for the services of the PEAs. Thus, this bill aims to safeguard the employers and their families in their abode against those who might use the PEAs in the execution of their criminal intentions through the imposition of greater responsibility and accountability from PEAs. Specifically, the PEAs are held to be

subsidiarily liable in any criminal act committed by a domestic helper against their employer in the course of their employment.


In view of the foregoing, early passage of this bill is earnestly sought.



MANUEL "LITO" M. LAPID
Senator

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

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

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

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

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

15 The provision of Presidential Decree No. 442, as amended,
16 otherwise known as the 'Labor Code of the Philippines', on
17 qualifications of the PEAs with regard to nationality, net worth,
18 owners and officers, office space and other requirements, as well

1 as non-transferability of license and commission of prohibited
2 practices, shall apply.

3 In addition, PEAs shall have the following responsibilities:

4 **(A) CONDUCT A DILIGENT BACKGROUND CHECK AND**
5 **ACTUAL VERIFICATION OF THE IDENTITY, PERSONAL**
6 **CIRCUMSTANCES AND FAMILY BACKGROUND OF THE**
7 **DOMESTIC HELPER AND, TO THE EXTEND POSSIBLE, USE**
8 **RELEVANT DOCUMENTS FOR SUCH VERIFICATION SUCH**
9 **AS CLEARANCES FROM THE NATIONAL BUREAU OF**
10 **INVESTIGATION, POLICE, AND BARANGAY, AND THE**
11 **BIRTH CERTIFICATE OF THE DOMESTIC HELPER;**

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

14 [(b)] (C) Ensure that the employment agreement between the
15 domestic worker and the employer stipulates the terms and
16 conditions of employment and all the benefits prescribed by this
17 Act;

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

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

25 [(e)] (F) Assist THE domestic workers[s] with respect to complaints
26 of grievances against the[ir] employer[s]; and

27 [(f)] (G) Cooperate with government agencies in rescue operation
28 involving AN abused or exploited domestic worker[s].”

1 Section 2. A subsection is hereby inserted after Section 36 of the "Batas
2 Kasambahay" to read as follows:

3 **SEC. 36-A. SUBSIDIARY LIABILITY OF PEAs TO CRIMINAL**
4 **ACTS OF DOMESTIC HELPERS IN THEIR EMPLOY. – A PEA**
5 **SHALL BE SUBSIDIARILY LIABLE IN ANY CRIMINAL ACT**
6 **COMMITTED BY A DOMESTIC HELPER AGAINST THEIR**
7 **EMPLOYER IN THE COURSE OF THEIR EMPLOYMENT:**
8 **PROVIDED, THAT SUCH ACCOUNTABILITY SHALL CEASE**
9 **AFTER ONE YEAR FROM THE FIRST DAY OF SUCH**
10 **EMPLOYMENT.**

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

18 Section 4. *Separability Clause.* – If any provision of this Act is subsequently
19 declared invalid or unconstitutional, the other provisions hereof which are not affected
20 thereby shall remain in full force and effect.

21 Section 5. *Repealing Clause.* – All laws, executive orders, presidential decrees,
22 rules and regulations and other issuances contrary to or inconsistent with this Act shall
23 be deemed repealed or modified accordingly.

24 Section 6. *Effectivity.* – This Act shall take effect fifteen (15) days from the date
25 of publication in the Official Gazette or in a newspaper of general circulation.

26 *Approved,*