

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

23 MAY -3 A11 :35

SENATE
S. No. 2109

RECEIVED BY: 

Introduced by Senator Christopher Lawrence "Bong" T. Go

**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 "Batas Kasambahay" is one of the legislations that protects and ensures the rights of domestic workers or kasambahays who may be hired directly by the employer or through a Private Employment Agency (PEA). The law provides that prior to the execution of the employment contract, pre-employment requirements shall be submitted to the PEA for domestic workers hired through PEAs. The submission of standard requirements and documents for applicants will serve as the basis for background checking of every applicant before hiring them.

PEAs therefore have a responsibility to ensure the not only the rights, but also the accountability of domestic workers. There were reported instances wherein PEAs will be used by those with criminal minds to enter the homes of unsuspecting employers. To deter such instances, this bill aims to provide protection for employers who paid for the services of the PEAs by establishing and imposing greater responsibility and accountability from PEAs. This legislation will further safeguard the employers against those who might use PEAs as an entry point to do their criminal intentions.

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

A handwritten signature in black ink, appearing to be 'Bong T. Go', written over the printed name.

SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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

1 **SECTION 1.** *Background Check for Domestic Workers.* – Section 36 of
2 Republic Act No. 10361, otherwise known as the "*Batas Kasambahay*", is
3 hereby amended to read as follows:

4

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

9

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

12

13 "The provision of Presidential Decree No. 442, as amended, otherwise
14 known as the 'Labor Code of the Philippines', on qualifications of the PEAs with
15 regard to nationality, net worth, owners and officers, office space and
16 other requirements, as well as non-transferability of license and commission

1 of prohibited practices, shall apply.

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"In addition, PEAs shall have the following responsibilities:

"(A) CONDUCT A DILIGENT BACKGROUND CHECK AND ACTUAL VERIFICATION OF THE IDENTITY, PERSONAL CIRCUMSTANCES AND FAMILY BACKGROUND OF THE DOMESTIC HELPER AND, TO THE EXTENT POSSIBLE, USE RELEVANT DOCUMENTS FOR SUCH VERIFICATION SUCH AS CLEARANCES FROM THE NATIONAL BUREAU OF INVESTIGATION, POLICE, AND BARANGAY, AND THE BIRTH CERTIFICATE OF THE DOMESTIC HELPER;

"[(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

1 "[(f)] (G) Cooperate with government agencies in rescue operations
2 involving AN abused or exploited domestic worker[s]."

3
4 **SEC. 2. *Liability of PEAs.*** – A subsection is hereby inserted after Section 36 of
5 the "Batas Kasambahay" to read as follows:

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

14
15 **SEC. 3. *Implementing Rules and Regulations.*** – Within thirty (30) days from
16 the effectivity of this Act, the Department of Labor and Employment shall, in
17 coordination with the Department of Justice, other concerned government
18 agencies and accredited non-government organizations assisting domestic
19 workers, promulgate the necessary rules and regulations to implement this
20 Act.

21
22 **SEC. 4. *Separability Clause.*** – If any part, section, or provision of this Act is
23 declared invalid or unconstitutional, the other provisions not affected by such
24 declaration shall remain in full force and effect.

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26 **SEC. 5. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations
27 or issuances inconsistent with the provisions of this Act are hereby repealed,
28 amended, or modified accordingly.

29
30 **SEC. 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
31 publication in the Official Gazette or in a newspaper of general circulation.

Approved,