Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City

Eighteenth Congress
Second Regular Session

COMMITTEE REPORT NO. 894

Submitted by the Committee on Labor and Employment on MAR 2 4 2021
Re: House Bill No. 9144
Recommend its approval in substitution of House Bill No. 1116
Sponsors: Representatives Enrico A. Pineda and Jose L. Atienza Jr.

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Mr. Speaker:

The Committee on Labor and Employment, to which was referred House Bill No. 1116, introduced by Representative Jose L. Atienza Jr., entitled:

AN ACT
AMENDING REPUBLIC ACT 10361

has considered the same and recommends that the attached House Bill No. 9144, entitled:

AN ACT
ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM PRIVATE EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE REPUBLIC ACT 10361, OTHERWISE KNOWN AS THE "BATAS KASAMBAHAY"
be approved in substitution of House Bill No. 1116 with Representatives Jose L. Atienza Jr., Deogracias Victor “DV” B. Savellano and Enrico A. Pineda as authors thereof.

HB No. 1116 – Amending the “Batas Kasambahay”

Respectfully submitted,

ENRICO A. PINEDA
Chairperson
Committee on Labor and Employment

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9144
(In substitution of House Bill No. 1116)

Introduced by Representatives Jose L. Atienza Jr., Deogracias Victor “DV” B. Savellano and Enrico A. Pineda

AN ACT
ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM PRIVATE EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE REPUBLIC ACT 10361, OTHERWISE KNOWN AS THE “BATAS KASAMBAHAY”

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

SECTION 1. Section 36 of Republic Act 10361, otherwise known as the “Batas Kasambahay”, is hereby amended to read as follows:

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

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

“The provision of Presidential Decree No. 442, as amended, otherwise known as the ‘Labor Code of the Philippines’, on qualifications of the PEAs with regard to nationality, net worth, owners and officers, office space and other requirements, as well as nontransferability of license and commission of prohibited practices, shall apply.

“In addition, PEAs shall have the following responsibilities:

(A) ENSURE THAT THE DOMESTIC HELPER HAS NO CRIMINAL RECORD, AND THERE IS SUFFICIENT INFORMATION ON THE BONAFIDE RESIDENCE AND FAMILY BACKGROUND THROUGH ACTUAL VERIFICATION, AND TO THE EXTENT POSSIBLE, SUPPORTED BY RELEVANT DOCUMENTS SUCH AS NATIONAL BUREAU OF INVESTIGATION (NBI), POLICE AND BARANGAY CLEARANCES OR CERTIFICATES, AND BIRTH CERTIFICATES;

[] [(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

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

SEC. 2. A sub-section is hereby inserted after Section 36 of the “Batas Kasambahay” to read as follows:

“SECTION 36-A.- RESPONSIBILITY OF PEA(S) TO EMPLOYERS - THE PEA SHALL BE SUBSIDIARILY LIABLE IN RELATION TO ANY CRIMINAL ACT COMMITTED BY THE DOMESTIC WORKER AGAINST THE EMPLOYER IN THE COURSE OF THE DOMESTIC WORKER’S EMPLOYMENT: PROVIDED, THAT SUCH ACCOUNTABILITY SHALL CEASE AFTER ONE (1) YEAR FROM THE FIRST DAY OF THE DOMESTIC WORKER’S EMPLOYMENT WITH THE EMPLOYER.”

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

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

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

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

Approved.
FACT SHEET

House Bill No. 9144
(in substitution of HB No. 1116)

AN ACT
ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM PRIVATE EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE REPUBLIC ACT 10361, OTHERWISE KNOWN AS THE "BATAS KASAMBAHAY"

Introduced by: REPS. JOSE L. ATIENZA JR., DEOGRACIAS VICTOR "DV" B. SAVELLANO AND ENRICO A. PINEDA

Committee Referral: COMMITTEE ON LABOR AND EMPLOYMENT
Committee Chairperson: HON. ENRICO A. PINEDA

OBJECTIVE:

• To ensure the protection of the employers of domestic helpers

KEY PROVISIONS:

• Mandates that as an additional responsibility, private employment agencies shall ensure that domestic helper they place has no criminal record, and that there is sufficient information on the bonafide residence and family background through actual verification, if possible, supported by relevant documents such as National Bureau of Investigation, police and barangay clearances or certificates, and birth certificates;

• Provides that the private employment agencies shall be subsidiarily liable in relation to any criminal act committed by the domestic worker against the employer in the course of the domestic worker's employment, provided that such accountability shall cease after one (1) year from the domestic worker's employment with the employer.

RELATED LAW:

• Republic Act No. 10361 or the "Batas Kasambahay"