

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines



SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5988

INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

EXPLANATORY NOTE

Recent data reflects that there are around two million Filipinos domestic helpers in the country, but despite the passage of the Republic Act 10361 otherwise known as "An Act Instituting Policies for the Protection and Welfare of Domestic Workers" or the Batas Kasambahay, only a few of these househelpers are members of the Social Security System (SSS), the Philippine Health Insurance Corporation (PhilHealth), and the Pag-Ibig fund.

This means that the record of househelp employers who complied with the Batas Kasambahay is quite low, as shown by the Department of Labor and Employment (DOLE). This can be attributed partially to the penalty provision in the Social Security Law. Due to this provision, a large number of employers who wanted to comply with the registration requirements were unable to comply with the law, as they were imposed huge, unpaid SSS contributions and penalties dating back to 1993.

This bill will provide employers with an opportunity to settle their SSS contributions without any penalties, through a one-time amnesty, thus enabling them to push for compliance without any financial burden, while arming their househelpers with valuable SSS benefits.

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


ALFRED VARGAS

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AN ACT

DECLARING A ONE-TIME AMNESTY FOR UNPAID SOCIAL SECURITY SYSTEM CONTRIBUTIONS, INCLUSIVE OF FEES, FINES, PENALTIES, INTEREST, AND OTHER ADDITIONS THERETO, BY EMPLOYERS OF HOUSEHELPERS UNDER REPUBLIC ACT NO. 7655, OTHERWISE KNOWN AS "AN ACT INCREASING THE MINIMUM WAGE OF HOUSEHELPERS, AMENDING FOR THE PURPOSE ARTICLE 143 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED," AND REPUBLIC ACT NO. 10361, OTHERWISE KNOWN AS "AN ACT INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE OF DOMESTIC WORKERS," AND FOR OTHER PURPOSES

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

SECTION 1. *Amnesty of Employer's Share in the SSS Contributions of the Kasambahay.* - Any employer as defined in Section 4(d) of Republic Act No. 10361 or the "Batas Kasambahay" who is delinquent or has not remitted all contributions due and payable to the Social Security System (SSS) under the Batas Kasambahay or Republic Act No. 7655, otherwise known as "An Act Increasing the Minimum Wage of Househelpers, Amending for the Purpose Article 143 of Presidential Decree No. 442, as Amended," may, within three (3) months from the effectivity of the Implementing Rules and Regulations of this Act, settle all premium payments or contributions without incurring the prescribed penalty provided for in Section 22 of Republic Act No. 8282 or the "Social Security Law" by remitting a one-time full payment of Five Thousand Pesos (Php5,000.00); *Provided*, That in case the employer fails to remit the said one-time payment within the availment period provided for in this Act, the penalties are deemed re-imposed from the time the contributions first became due, to accrue until the delinquent account(s) is/are paid in full; *Provided, further*, that employers who have settled arrears in premiums or contributions before the effectivity of this Act shall likewise have their accrued penalties waived.

SEC. 2. *Immunities and Privileges.* - Those who have availed themselves of the amnesty and have fully complied with all its conditions shall be relieved of any

civil, criminal. And/or administrative liabilities arising from or incident to the non-payment of the SSS contributions and penalties.

SEC. 3. *Implementing Rules and Regulations.* – Within thirty days (30) days after the effectivity of this Act, the Chairman of the Social Security Commission, in coordination with the Secretary of Labor and Employment, shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 4. *Separability Clause.* – Should any provision of this Act or part hereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SEC. 5. *Repealing Clause.* – All laws, decrees, order, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SEC. 6. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days from its publication in two (2) newspapers of general circulation.

Approved,