

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3547



Introduced by Representative Florida P. Robes

EXPLANATORY NOTE

For decades, the business of private security agencies has been a big part in maintaining peace and order within our society and the nation as whole, so to speak.

In fact, regulations have been in placed by virtue of the enactment of Republic Act 5487 or otherwise known as the "*An Act To Regulate The Organization And Operation Of Private Detective, Watchmen Or Security Guards Agencies as amended by Presidential Decree No. 11*" and the issuance by the Department of Labor and Employment (DOLE) through Secretary Patricia A. Sto. Tomas of Department Order No. 14 Series of 2001 or "*Guidelines Governing The Employment And Working Conditions Of Security Guards And Similar Personnel In The Private Security Industry*" wherein majority of the provisions under this House Bill were derived.

Lamentably, despite this laws and administrative orders, rampant violations of the same committed by private security agencies have been documented wherein the security guards/personnel are on the disadvantage. What is lacking right now is an act or law with more teeth, so to speak. One that imposes a penalty of imprisonment to demand stricter compliance from the private security agencies.

The passing of this house bill addresses this concern wherein a penalty of imprisonment shall be imposed on the persons who will commit violations of this Act if the same passes into law.

Thus, in view of the foregoing, the passage of this measure is being earnestly sought.


FLORIDA P. ROBES

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AN ACT
INSTITUTIONALIZING THE GUIDELINES GOVERNING THE
EMPLOYMENT AND WORKING CONDITIONS OF SECURITY GUARDS AND
SIMILAR PERSONNEL IN THE PRIVATE SECURITY INDUSTRY,
MANDATING THEIR BENEFITS AND PROVIDING PENALTIES FOR
FAILURE TO GIVE THE SAME AND FOR OTHER PURPOSES

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

SECTION 1. *Coverage* – This Act shall apply to all private security agencies or operators, private detective agency, watchmen, their principals or clients, all companies allowed to directly employ security guards, detectives, or watchmen and for them to strictly comply with existing labor standards laws and benefits.

SEC. 2. *Short Title* – This act shall be known as “The Security Guards Act”.

SEC. 3. *Definition of Terms* –

a. “Principal” refers to any employer, company or establishment to whom a security job, service or work is provided by a security service contractor, whether or not the arrangement is covered by a written contract.¹

b. “Security Service Contractor” is synonymous with a private security agency which means any person, association, partnership, firm or private corporation, who contracts, recruits, trains, furnishes or posts any security guard or similar personnel to individuals, corporations, offices and organizations, whether private or public, for

¹ Section 2 (a) of DOLE Department Order No. 14 Series of 2001

their security needs as the Philippine Police may approve.²

c. "Private Detective Agency". A private detective agency is any person, who, for hire or reward or on commission, conducts or carries on or holds himself or itself out as conducting or carrying on a detective agency, or detective service.

d. "Private Detective". A private detective is any person who is not a member of a regular police agency of the Armed Forces of the Philippines who does detective work for hire, reward, or commission.

e. "Watchman or Security Guard", "Watchman or Security Guard Agency". Any person who offers or renders personal service to watch or secure either residential or business establishment, or both, or any building, compound, or area including but not limited to logging concessions, agricultural, mining or pasture lands for hire or compensation, or as an employee thereof shall be known as watchman or security guard; and any person, association, partnership, or corporation, who recruits, trains, muster, furnishes, solicits individuals or business firms, private or government-owned or controlled corporations to engage his service or those of its watchmen, shall be known as Watchman of Security Guard Agency. (As amended by Pres. Decree No. 11, October 3, 1972.)

SEC. 4. *Unreasonable and/or unconscionable percentage accruing to the Agency* - It shall be unlawful for the private security agency and/or private detective agency to require or demand from the principal unreasonable and/or unconscionable percentages as its profit based on the service contract if the same will result in the diminution of the wages or salary or benefits of the security guards/personnel or detectives. The share or profits of the private security agency must conform to the standard amount being implemented or practiced in the security industry and other related laws.

SEC. 5. *Salary, Wages, and Mandatory Benefits for the Security Guards* - For the purpose of ensuring the private security personnel and their rights to the minimum benefits mandated by law, the following shall be mandatorily provided by the private security agencies to them, to wit:

a. The basic wage rate of a security guard/personnel shall not be less than the minimum wage rate at the non-agricultural sector in the Region where he/she is assigned, regardless of the nature of the business of the principal, or in the Region where the security guard has been engaged, whichever is higher.

Where a security guard/personnel is recruited through a branch office in another Region where the principal is likewise located, the non-agricultural minimum wage rate applicable in the workplace of the principal shall govern.

² Section 2 (b) of DOLE Department Order No. 14 Series of 2001

Security guards or other personnel employed and/or assigned by a private security agency in one Region but who transferred, moved, or assigned to another Region shall be paid based on the more beneficial wage rate.

In case of transfer or reassignment to another principal within a Region, the wage rates may be adjusted provided that the same shall not be less than the applicable regional minimum wage rate.

b. Security guards/personnel shall be entitled to the mandatory benefits under existing laws such as SSS, ECC, PhilHealth, and HDMF.

c. Overtime pay.

d. Night Shift Differential.

e. Five (5) day service incentive leave for every year of service which benefits can be availed of during days of absence and, if not used, are convertible into its cash equivalent.

f. Paternity leave.

h. Maternity Leave.

i. Thirteenth (13th) Month Pay.

j. Cash income benefits under the State Insurance Fund in case of work related sickness or other contingencies.

k. Retirement pay granted by R.A. 7641 to any security guard/personnel who retires under an applicable employer plan or policy.

l. Other benefits granted by law, individual or collective agreement or company policy or practice.

SEC. 5. Penalties for Violations of this Act. – Any violation of the provisions of this Act shall be meted with a fine and/or imprisonment of six (6) years and one (1) day up to twelve (12) years, at the discretion of the Court.

Owners of private security agencies which is a sole proprietorship, Directors, Officers of a corporation, partnerships, joint ventures found to be in bad faith in violations of the provisions of this Act shall be subjected to the same penalty in the first (1st) paragraph hereof.

SEC. 6. *Implementing Rules and Regulations.* - The Department of Labor and Employment (DOLE), in consultation and coordination with appropriate government agencies, CSOs, NGOs, representatives from the private sector, and ISFs, shall

promulgate a new set of implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SEC. 7. *Repealing Clause.* - All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 8. *Separability Clause.* - If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 9. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,