

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4207**



Introduced by **HON. ROBERT ACE S. BARBERS**

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

EXPLANATORY NOTE

This bill seeks to grant a one-time amnesty that will allow employers to settle the unpaid Social Security System (SSS) contribution of their house helpers or kasambahays.


Republic Act No. 10361, or the Batas Kasambahay, breathed life to the Constitutional mandate of the state to protect the rights of domestic helpers and promote their welfare. Specifically, it entitles domestic helpers to standard employee benefits, including paid leave, a set minimum wage and coverage in insurance programs.

Republic Act No. 7655 or "An Act Increasing the Minimum Wage of Househelpers, Amending for the Purpose Article 143 of Presidential Decree No. 442, as Amended" made compulsory the SSS coverage for househelpers earning at least One Thousand Pesos (P1,000.00) a month. But due to the penalty provision in the Social Security Law, a significant number of kasambahay employers who wanted to comply with the registration requirements under the Batas Kasambahay, were imposed huge unpaid SSS contribution and penalties dating back to 1993, thus deterring them from continuing with the SSS registration of their kasambahays. As a result, the implementation of the Batas Kasambahay, particularly the SSS coverage of the househelpers was stunted significantly.

The proposed measure seeks to provide employers with a one-time amnesty to settle their SSS contributions as mandated by law without any penalty imposed thereon.

The amount of P5,000.00 is a reasonable amount that will not be too burdensome for the employers to pay through one single payment. The financial relief will hopefully jumpstart the long delayed compliance of the kasambahay employers to cover their househelpers with the SSS benefits. More importantly, the amnesty program will help the Social Security Service raise additional revenues.

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



HON. ROBERT ACE S. BARBERS
Representative
2nd District, Surigao del Norte

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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 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. 422, 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 (P5,000.00) per *kasambahay*; *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 accrued penalties waived.

SECTION 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.

SECTION 3. *Implementing Rules and Regulations.* – Within thirty (30) days after the effectivity of this Act, the Social Security Commission, in coordination with the

Department of Labor and Employment, shall issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 4. *Separability Clause.* – If any clause, sentence, paragraph or part of this Act shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved.

SECTION 5. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed and modified accordingly.

SECTION 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.