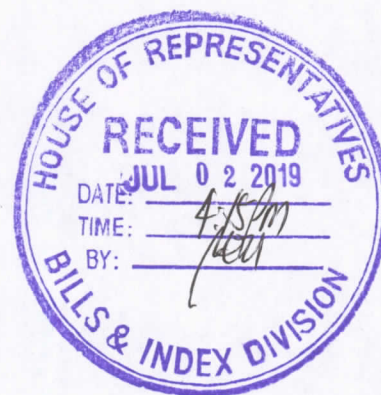


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS
First Regular Session



HOUSE BILL NO. 1116

Introduced by: **Representative Jose L. Atienza, Jr.**

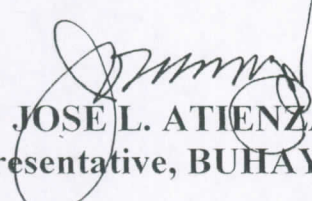
EXPLANATORY NOTE

There have been many incidents of late involving domestic workers or “kasambahays” who have stolen or carted off with money, jewelry and other valuables of their employers.

This Bill seeks to amend Republic Act 10361, otherwise known as the “Domestic Workers Act” or “Batas Kasambahay” by adding Section 36-A on the *Liability of Private Employment Agencies (PEAs) to private employers*.

This section would ensure that these PEAs will be held civilly liable to the private employers for any criminal acts committed by the domestic workers in their employ. With this bill, these recruitment agencies will be held accountable for any theft of valuables or property perpetrated by the persons they recommend for employment as household help.

It is the duty of these PEAs to conduct the proper background check and screening of domestic workers before they are recommended for hiring to ensure the safety of their prospective employers and their property. It is but right the PEAs bear equal responsibility for any wrongdoing done by these workers.


JOSE L. ATIENZA, JR.
Representative, BAHAY Party-list

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HOUSE BILL NO. 1116

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AN ACT AMENDING REPUBLIC ACT 10361

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 “Domestic Workers Act” “Batas Kasambahay” and shall 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 domestic workers hired through the PEAs.

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, networth, 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 workers that the PEAs intend to deploy have no criminal or any derogatory records by requiring the latter to secure NBI, police and barangay clearances;**
- (b) **Ensure that the place of origin and residence of the domestic worker are adequately known by requiring the latter to submit an up-to-date certification from the barangay where the domestic worker is indeed a *bonafide* resident of the place and of good moral character;**

(c) Ensure that the family background of the domestic worker is known by requiring the latter to submit her birth certificate and the marriage certificate of her parents, as well as by requiring her to provide the addresses and contact numbers of the domestic workers' immediate family members for verification purposes;

(d) If reasonable under the circumstances, conduct actual or personal Verification of the place of residence and family background of the domestic worker, otherwise, the PEA must at least satisfy itself that the domestic worker is genuinely seeking employment as such and not merely using the PEA to serve any ill-motive or orchestrate any criminal intent;

(e) Ensure that domestic workers are not charged or levied any recruitment or placement fees;

(f) 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;

(g) Provide a pre-employment orientation briefing to the domestic worker and the employer about their rights and responsibilities in accordance with this Act;

(h) Keep copies of employment contracts and agreements pertaining to recruited domestic workers which shall be made available during inspections or whenever required by the DOLE or local government officials;

(i) Assist domestic workers with respect to complaints or grievances against their employers; and

(j) Cooperate with government agencies in rescue operations involving abused or exploited domestic workers.

Section 2. A sub-section shall be added and inserted after Sec. 36 of Republic Act 10361, otherwise known as the "Domestic Workers Act" "Batas Kasambahay" and shall read as follows:

"Section 36-A. Liability of PEAs to private employers – The PEAs shall be civilly liable to the private employers in relation to the criminal acts committed by the domestic worker against the latter in the course of the latter's employment or as an incident to such employment, which liability shall be joint and solidary: Provided, that such liability shall cease to exist after one (1) year from the date the domestic worker actually commenced her employment with the private employer."

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

Section 4. *Separability Clause* – If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect;

Section 5. *Repealing Clause* – All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 6. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.