



HOUSE OF REPRESENTATIVES

H. No. 4477

BY REPRESENTATIVES HERNANDEZ, NOGRALES (J.F.F.), CAJAYON-UY, TAN (K.M.), TY, YAP (C.), ARBISON, BROSAS, CASTRO (F.), DE VENECIA, DUTERTE, LAGMAN, ACOP, BOSITA, CARI, GARDIOLA, GO (M.), LUISTRO, OLASO, ORDANES, ROBES, ROMAN, ROMULO, SANTOS, SORIANO, TARRIELA, TULFO (J.), VARGAS, VILLARICA, DALIPE AND ROMUALDEZ (F.M.)

AN ACT

ESTABLISHING GREATER RESPONSIBILITY AND ACCOUNTABILITY FROM PRIVATE EMPLOYMENT AGENCIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10361, OTHERWISE KNOWN AS THE “BATAS KASAMBAHAY”

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

1 **SECTION 1.** Section 36 of Republic Act No. 10361, otherwise known as the “*Batas*
2 *Kasambahay*”, is hereby amended to read as follows:
3

4 “SEC. 36. *Regulation of Private Employment Agencies (PEAs)*. – The DOLE shall,
5 through a system of licensing and regulation, ensure the protection of **BOTH THE** domestic
6 workers hired through the PEAs **AND THEIR EMPLOYERS**.
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8 “The PEA shall be jointly and severally liable with the employer for all the wages,
9 wage-related benefits, and other benefits due a domestic worker.
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11 “The provision of Presidential Decree No. 442, as amended, otherwise known as
12 the ‘Labor Code of the Philippines’, on qualifications of the PEAs with regard to nationality,
13 net worth, owners and officers, office space and other requirements, as well as
14 nontransferability of license and commission of prohibited practices, shall apply.
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16 “In addition, PEAs shall have the following responsibilities:
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18 “(A) **CONDUCT A DILIGENT BACKGROUND CHECK AND ACTUAL**
19 **VERIFICATION OF THE IDENTITY, PERSONAL CIRCUMSTANCES AND**
20 **FAMILY BACKGROUND OF THE DOMESTIC HELPER AND, TO**
21 **THE EXTENT POSSIBLE, USE RELEVANT DOCUMENTS FOR SUCH**
22 **VERIFICATION SUCH AS CLEARANCES FROM THE NATIONAL BUREAU**
23 **OF INVESTIGATION, POLICE, AND BARANGAY, AND THE BIRTH**
24 **CERTIFICATE OF THE DOMESTIC HELPER;**
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26 “[(a)] (B) Ensure that **THE** domestic worker[s are] **IS** not charged or levied any
27 recruitment or placement fees;
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29 “[(b)] (C) Ensure that the employment agreement between the domestic worker and
30 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 subsection is hereby inserted after Section 36 of the "*Batas Kasambahay*" to read as follows:

"SEC. 36-A. SUBSIDIARY LIABILITY OF PEAs TO CRIMINAL ACTS OF DOMESTIC HELPERS IN THEIR EMPLOY. – A PEA SHALL BE SUBSIDIARILY LIABLE IN ANY CRIMINAL ACT COMMITTED BY A DOMESTIC HELPER AGAINST THEIR EMPLOYER IN THE COURSE OF THEIR EMPLOYMENT: PROVIDED, THAT SUCH ACCOUNTABILITY SHALL CEASE AFTER ONE YEAR FROM THE FIRST DAY OF SUCH EMPLOYMENT."

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 nongovernment 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,