



HOUSE OF REPRESENTATIVES

H. No. 9144

BY REPRESENTATIVES ATIENZA, SAVELLANO, PINEDA AND NIETO, PER COMMITTEE REPORT NO. 894

**AN ACT
ESTABLISHING GREATER RESPONSIBILITY AND
ACCOUNTABILITY FROM PRIVATE EMPLOYMENT AGENCIES,
AMENDING FOR THE PURPOSE REPUBLIC ACT 10361,
OTHERWISE KNOWN AS THE "BATAS KASAMBAHAY"**

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

1 **SECTION 1.** Section 36 of Republic Act 10361, otherwise known as the "*Batas Kasambahay*",
2 is hereby amended to read as follows:

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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 the
12 'Labor Code of the Philippines', on qualifications of the PEAs with regard to nationality, net
13 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) ENSURE THAT THE DOMESTIC HELPER HAS NO CRIMINAL RECORD, AND**
19 **THERE IS SUFFICIENT INFORMATION ON THE *BONAFIDE* RESIDENCE AND**
20 **FAMILY BACKGROUND THROUGH ACTUAL VERIFICATION, AND TO THE EXTENT**
21 **POSSIBLE, SUPPORTED BY RELEVANT DOCUMENTS SUCH AS NATIONAL**
22 **BUREAU OF INVESTIGATION (NBI), POLICE AND BARANGAY CLEARANCES OR**
23 **CERTIFICATES, AND BIRTH CERTIFICATES;**

24
25 **[(a)] (B) Ensure that THE domestic worker[s are] IS not charged or levied any**
26 **recruitment or placement fees;**

27
28 **[(b)] (C) Ensure that the employment agreement between the domestic worker and**
29 **the employer stipulates the terms and conditions of employment and all the**
30

1 benefits prescribed by this Act;

2
3 [(c)] (D) Provide a pre-employment orientation briefing to the domestic worker and
4 the employer about their rights and responsibilities in accordance with this Act;

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6 [(d)] (E) Keep copies of employment contracts and agreements pertaining to
7 THE recruited domestic worker[s] which shall be made available during
8 inspections or whenever required by the DOLE or local government officials;

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10 [(e)] (F) Assist THE domestic worker[s] with respect to complaints or grievances
11 against the[ir] employer[s]; and

12
13 [(f)] (G) Cooperate with government agencies in rescue operations involving
14 AN abused or exploited domestic worker[s].”

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16 SEC. 2. A sub-section is hereby inserted after Section 36 of the “*Batas Kasambahay*” to read
17 as follows:

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19 “SECTION 36-A.- RESPONSIBILITY OF PEAs TO EMPLOYERS - THE PEA SHALL BE
20 SUBSIDIARILY LIABLE IN RELATION TO ANY CRIMINAL ACT COMMITTED BY THE DOMESTIC
21 WORKER AGAINST THE EMPLOYER IN THE COURSE OF THE DOMESTIC WORKER’S
22 EMPLOYMENT: *PROVIDED*, THAT SUCH ACCOUNTABILITY SHALL CEASE AFTER ONE (1)
23 YEAR FROM THE FIRST DAY OF THE DOMESTIC WORKER’S EMPLOYMENT WITH THE
24 EMPLOYER.”

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26 SEC. 3. *Implementing Rules and Regulations.* — Within ninety (90) days from the effectivity
27 of this Act, the Secretary of Labor and Employment shall, in coordination with the Secretary of Social
28 Welfare and Development, the Secretary of the Interior and Local Government, the Director
29 General of the Philippine National Police, other concerned government agencies, and accredited
30 non-government organizations assisting domestic workers, promulgate the necessary rules and
31 regulations to implement this Act.

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33 SEC. 4. *Separability Clause* - If any part, section or provision of this Act is declared invalid
34 or unconstitutional, the other provisions not affected by such declaration shall remain in full force
35 and effect;

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37 SEC. 5 *Repealing Clause* - All laws, decrees, orders, rules and regulations or issuances
38 inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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40 SEC. 6. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in the
41 *Official Gazette* or in a newspaper of general circulation.

Approved.