

## List of First Class Municipalities in the Philippines

1	AGOO	66	CAPAS	131	KIAMBA	196	NAGUILJAN	261	SAN MIGUEL
2	ALABEL (Capital)	67	CARAGA	132	KITAOTAO	197	NAIC	262	SAN MIGUEL
3	ALAMADA	68	CARMEN	133	LA CASTELLANA	198	NARRA	263	SAN NICOLAS
4	ALFONSO	69	CARMEN	134	LA PAZ	199	NASUGBU	264	SAN PASCUAL
5	ALICIA	70	CARMONA	135	LA TRINIDAD (Capital)	200	NAUJAN	265	SAN PEDRO
6	ANGAT	71	CARRANGLAN	136	LAAK (SAN VICENTE)	201	NEW BATAAN	266	SAN RAFAEL
7	ANGONO	72	CATANAUAN	137	LABO	202	NORZAGARAY	267	SAN VICENTE
8	APALIT	73	CATARMAN (Capital)	138	LAKE SEBU	203	OAS	268	SANTA BARBARA
9	ARAYAT	74	CAUAYAN	139	LALA	204	ORANI	269	SANTA CATALINA
10	ARGAO	75	CLAVERIA	140	LAL-LO	205	OTON	270	SANTA CRUZ
11	AROROY	76	COLUMBIO	141	LAMBUNAO	206	PAGALLUNGAN	271	SANTA CRUZ
12	ASUNCION (SAUG)	77	COMPOSTELA	142	LANGUYAN	207	PAGBILAO	272	SANTA CRUZ
13	ATIMONAN	78	CONCEPCION	143	LANTAPAN	208	PALANAN	273	SANTA CRUZ
14	BACNOTAN	79	CONSOLACION	144	LEBAK	209	PANGANTUCAN	274	SANTA CRUZ
15	BAGANGA	80	CORON	145	LEMERY	210	PANIQUE	275	SANTA CRUZ (Capital)
16	BAGGAAO	81	CUYAPO	146	LIBMANAN	211	PANTABANGAN	276	SANTA MARIA
17	BAGUMBAYAN	82	DAANBANTAYAN	147	LIBON	212	PANTUKAN	277	SANTA ROSA
18	BALAGTAS (BIGAA)	83	DALAGUETE	148	LIBONA	213	PATEROS	278	SANTO TOMAS
19	BALAMBAN	84	DARAGA (LOCSIN)	149	LILOAN	214	PEÑABLANCA	279	SANTO TOMAS
20	BALAOAN	85	DATU BLAH T. SINSUAT	150	LIMAY	215	PIGWAYAN	280	SARIAYA
21	BALAYAN	86	DINALUPIHAN	151	LINGAYEN (Capital)	216	PIKIT	281	SIATON
22	BALUAG	87	DINAPIGUE	152	LOPEZ	217	PILAR	282	SIBAGAT
23	BAMBANG	88	DON CARLOS	153	LORETO	218	PILI (Capital)	283	SIBUCO
24	BANGA	89	DOÑA REMEDIOS TRINIDAD	154	LOS BAÑOS	219	PILLILA	284	SILANG
25	BANGUED (Capital)	90	DUMANGAS	155	LUBAO	220	PINAMALAYAN	285	SINDANGAN
26	BANSALAN	91	ECHAGUE	156	LUPON	221	PINUKPUK	286	SIOCON
27	BANTAYAN	92	EL NIDO (BACUIT)	157	MAASIM	222	PLARIDEL	287	SIPOCOT
28	BASEY	93	ESPERANZA	158	MABINAY	223	POLANGUI	288	SITANGKAI
29	BATARAZA	94	ESPERANZA	159	MABINI	224	POLOMOLOK	289	SOLANA
30	BAUAN	95	FLORIDABLANCA	160	MACABEBE	225	PORAC	290	SOLANO
31	BALUANG	96	GATTARAN	161	MACO	226	POTOTAN	291	SUAL
32	BAYAMBANG	97	GEN. MARIANO ALVAREZ	162	MADDELA	227	POZORRUBIO	292	SUBIC
33	BAYOMBONG (Capital)	98	GENERAL NAKAR	163	MAGALANG	228	PRESIDENT ROXAS	293	SULTAN KUDARAT (NULING)
34	BINALBAGAN	99	GENERAL TINIO (PAPAYA)	164	MAGPET	229	PROSPERIDAD (Capital)	294	SUMISIP
35	BINALONAN	100	GENERAL TRIAS	165	MAKILALA	230	PUERTO GALERA	295	SURALLAH
36	BINANGONAN	101	GERONA	166	MALAPATAN	231	PULLILAN	296	TAGKAWAYAN
37	BINMALEY	102	GLAN	167	MALASIQUI	232	QUEZON	297	TAGOLOAN
38	BOAC (Capital)	103	GONZAGA	168	MALAY	233	QUEZON	298	TALAKAG
39	BOCAUE	104	GUAGUA	169	MALITA	234	RAGAY	299	TALAVERA
40	BOLINAO	105	GUIGUINTO	170	MALUNGON	235	REAL	300	TALIBON
41	BONGABONG	106	GUIMBA	171	MANAOAG	236	RIZAL (MARCOS)	301	TALIPAO
42	BOTOLAN	107	GUINobatan	172	MANGALDAN	237	RODRIGUEZ (MONTALBAN)	302	TANAY
43	BROOKE'S POINT	108	GUMACA	173	MANGATAREM	238	ROSALES	303	TANZA
44	BUHI	109	HAGONOY	174	MANKAYAN	239	ROSARIO	304	TAPAZ
45	BULACAN	110	HERMOSA	175	MANOLO FORTICH	240	ROSARIO	305	TAYTAY
46	BULAN	111	HINIGARAN	176	MARAGUSAN (SAN MARIANO)	241	ROSARIO	306	TAYTAY
47	BUNAWAN	112	HINOBA-AN (ASIA)	177	MARAMAG	242	ROXAS	307	T'BOLI
48	BURAUEN	113	IMPASUG-ONG	178	MARILAO	243	ROXAS	308	TIAONG
49	CABAGAN	114	INDANG	179	MARIVELES	244	SABLAYAN	309	TINAMBAC
50	CABIAO	115	INFANTA	180	MASINLOC	245	SAN ANTONIO	310	TIWI
51	CABUGAO	116	IPIL (Capital)	181	MATALAM	246	SAN FABIAN	311	TRENTO
52	CAINTA	117	ISABEL	182	MAUBAN	247	SAN FERNANDO	312	TUAO
53	CALABANGA	118	ISULAN (Capital)	183	MEXICO	248	SAN FRANCISCO	313	TUBA
54	CALACA	119	ITOGON	184	MIGAAO	249	SAN ILDEFONSO	314	TUBIGON
55	CALANASAN (BAYAG)	120	JANIUAY	185	MIDSAYAP	250	SAN JOSE	315	TUMAUINI
56	CALASIAO	121	JOLO (Capital)	186	MILAGROS	251	SAN JOSE	316	TUPI
57	CALATRAVA	122	JONES	187	MINGLANILLA	252	SAN JOSE (Capital)	317	UBAY
58	CALAUAG	123	JOSE ABAD SANTOS (TRINIDAD)	188	M'LANG	253	SAN JUAN	318	UMINGAN
59	CALINOG	124	KABACAN	189	MOLAVE	254	SAN LEONARDO	319	VALENCIA (LUZURRIAGA)
60	CALUMPIT	125	KABUGAO (Capital)	190	MONCADA	255	SAN LUIS	320	VILLASIS
61	CALIYA	126	KALAMANSIG	191	MONKAYO	256	SAN MANUEL	321	VINTAR
62	CAMALIG	127	KALIBO (Capital)	192	MULANAY	257	SAN MARCELINO	322	VIRAC (Capital)
63	CAMILING	128	KANANGA	193	MURCIA	258	SAN MARIANO		
64	CANDABA	129	KAPALONG	194	NABUA	259	SAN MATEO		
65	CANDELARIA	130	KAWIT	195	NAGTIPUNAN	260	SAN MATEO		

Source : National Statistical Coordination Board (<http://www.nscb.gov.ph>)



## DEPARTMENT OF LABOR AND EMPLOYMENT

# Q & A

on

# BATAS KASAMBAHAY

[Republic Act No. 10361]



## Q&A on Batas Kasambahay

### PART 1. BACKGROUND

#### 1. What is Republic Act 10361?

Republic Act 10361 is an Act Instituting Policies for the Protection and Welfare of Domestic Workers, otherwise known as 'Domestic Workers Act', or 'Batas Kasambahay.'

#### 2. When was it signed into law?

It was signed by President Benigno S. Aquino III on 18 January 2013.

#### 3. When will the law become effective?

The law takes effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

For its effective implementation, R.A. 10361 provides for the formulation of an Implementing Rules and Regulations within 90 days after the law takes effect. The IRR shall take effect 15 days after its official issuance.

#### 4. What is the significance of the passage of the law?

The law is a landmark piece of labor and social legislation that recognizes for the first time domestic workers as similar to those in the formal sector. It strengthens respect, protection, and promotion of the rights and welfare of domestic workers or kasambahay.

#### 5. How long did it take the Congress to pass the law?

It took sixteen (16) years for Congress to pass the Kasambahay Law or Magna Carta for Domestic Workers.

The last legislation passed in Congress was in 1993 or nineteen (19) years ago. This was Republic Act No. 7655, or An Act Increasing the Minimum Wage of Househelpers.

## Q&A on Batas Kasambahay

#### 49. Does the law afford remedy for abused or exploited kasambahay?

The law mandates the conduct of immediate rescue of abused or exploited kasambahay by the municipal or city social welfare officer or a social welfare officer from DSWD, in coordination with the concerned barangay officials.

The law sets out that crimes or offenses committed under the Penal Code and other criminal laws shall be filed with the regular courts.

## Q&A on Batas Kasambahay

### 45. What are the declared responsibilities of the Private Employment Agency under the law?

- a. Ensure that the kasambahay is not charged or levied any recruitment or placement fees;
- b. Ensure that the employment agreement between the kasambahay and the employer stipulates the prescribed terms and conditions of employment;
- c. Provide pre-employment orientation briefing to the kasambahay and the employer about their rights and responsibilities under this law;
- d. Keep copies of the employment contracts;
- e. Assist the kasambahay with respect to complaints against their employers; and
- f. Cooperate with government agencies in rescue operations involving abused or exploited kasambahay.

### 46. What are the specific acts declared “unlawful” under the law?

- a. Requiring kasambahay to make deposits for loss or damage;
- b. To place a kasambahay under debt bondage;
- c. Employment of children below 15 years of age as kasambahay;
- d. Interference in the disposal of the kasambahay’s wages; and
- e. Withholding of the kasambahay’s wages.

### 47. What are the penalties for the commission of unlawful acts under the law?

Unlawful acts are punishable with an administrative fine ranging from P10,000 to P40,000 to be imposed by the DOLE Regional Offices.

### 48. What other remedies for unlawful acts are available under the law?

The aggrieved party may file the appropriate civil or criminal action before the regular courts.

## Q&A on Batas Kasambahay

### 6. Under the present administration, what initiatives have been taken to fast-track the passage of the law?

The President, in his first SONA in 2010, called for a legislation to benefit household workers. Bills were immediately filed in both houses of Congress which resulted in the approval of consolidated Senate Bill No. 78 in 2011 and House Bill No. 6144 in 2012. It took only two (2) years for both bills to pass Congress through the leadership of Senator Jinggoy Ejercito Estrada and Representative Emil L. Ong. The Batas Kasambahay can also be referred to as the “Estrada-Ong Law”.

### 7. What developments in the International Labour Organization contributed to the early passage of the law?

In June 2011, ILO Convention No. 189 or the Decent Work for Domestic Workers Convention was adopted during the International Labour Conference. This contributed to the early passage of the law.

The Philippines chaired the two-year double discussion on the Convention and Recommendation at the Conference Committee on Domestic Work.

### 8. Did the Philippines ratify the Convention and if so, when?

Yes. President Benigno S. Aquino III ratified the Convention on 18 May 2012 and the Senate concurred in the ratification on 06 August 2012.

### 9. What is the effect of the ratified Convention to the Philippines?

The ratification of the Convention created legal obligation for the Philippines to observe the principles embodied in the Convention, both in law and in practice.

### 10. When will the ratified Convention take effect?

The Convention will take force and effect on 05 September 2013, a year after the deposit of the Philippine instrument of ratification with the ILO on 05 September 2012.

## Q&A on Batas Kasambahay

### 11. What is the added significance of the Kasambahay Law in relation to our compliance requirement with ILO Convention 189?

The Batas Kasambahay forms part of our progressive compliance with ILO Convention No. 189.

### 12. How many domestic workers are estimated to benefit from the law?

Estimates place the number of local kasambahay at 1.9 million.

## PART II. THE LAW

### 1. Who are the kasambahay covered by the law?

All kasambahay engaged in domestic work within an employment relationship, such as, but not limited to, the following:

- a. general househelp;
- b. nursemaid or yaya;
- c. cook;
- d. gardener;
- e. laundry person;
- f. working children or domestic workers 15 years and above but below 18 years of age; or
- g. any person who regularly performs domestic work in one household on an occupational basis (live-out arrangement).

### 2. Who are not covered?

The following are not covered by the Batas Kasambahay:

- a. service providers;
- b. family drivers;
- c. children under foster family arrangement; and

## Q&A on Batas Kasambahay

### 40. If the duration of the domestic service is not determined in the contract, can a kasambahay or the employer terminate the contract anytime?

Yes. Either the employer or the kasambahay may give notice to end the working relationship five (5) days before the intended date of the termination of service.

### 41. What are the entitlements of a kasambahay unjustly dismissed by the employer?

- a. Outright payment of earned wage; and
- b. Indemnity benefit in the form of wage equivalent to fifteen (15) days work.

### 42. What are the liabilities of a kasambahay who leaves his/her employer without justifiable reason?

- a. Forfeiture of wage equivalent to fifteen (15) days work; and
- b. To reimburse the deployment expenses, if the employment contract is terminated within six (6) months from employment.

### 43. If there is non-payment or underpayment of wage and other labor-related concerns, where can the kasambahay seek assistance?

The kasambahay can seek assistance from the nearest DOLE field/provincial/regional office.

### 44. What is the liability of a private employment agency to the kasambahay in case of non-payment or underpayment of wage and other labor-related disputes?

If the kasambahay was hired through a Private Employment Agency, the PEA is jointly and solidarily liable with the principal employer for any unpaid wage, wage-related benefits, and other benefits due the kasambahay.

## Q&A on Batas Kasambahay

- b. Inhuman treatment including physical abuse of the kasambahay by the employer or any member of the household;
- c. Commission of a crime or offense against the kasambahay by the employer or any member of the household;
- d. Violation by the employer of the terms and conditions of the employment contract and other standards set forth under this law;
- e. Any disease prejudicial to the health of the kasambahay, the employer, or member/s of the household; and
- f. Other causes analogous to the foregoing.

### 38. Can the employer also terminate the contract at any time?

Yes, on the following grounds:

- a. Misconduct or willful disobedience by the kasambahay of the lawful order of the employer in connection with the former's work;
- b. Gross or habitual neglect or inefficiency by the kasambahay in the performance of duties;
- c. Fraud or willful breach of the trust reposed by the employer on the kasambahay;
- d. Commission of a crime or offense by the kasambahay against the person of the employer or any immediate member of the employer's family;
- e. Violation by the domestic worker of the terms and conditions of the employment contract and other standards set forth under this law;
- f. Any disease prejudicial to the health of the kasambahay, the employer, or member/s of the household; and
- g. Other causes analogous to the foregoing.

### 39. Can the employer and kasambahay terminate the contract anytime?

Yes, provided that the kasambahay and the employer mutually agree upon written notice.

## Q&A on Batas Kasambahay

- d. any other person who performs work occasionally or sporadically and not on an occupational basis.

### 3. Who are children under foster family arrangement?

Children under foster family arrangement are those who are living with a family or household and are provided access to education and given an allowance incidental to education, i.e. "baon," transportation, school projects, and school activities.

### 4. What are the examples of persons performing work occasionally or sporadically and not on an occupational basis?

- a. A janitress doing irregular laundry work for a household during rest day;
- b. A construction worker doing casual gardening job for a household; or
- c. A hospital nurse, or a student, doing baby-sitting job.

### 5. What is the employable age for a kasambahay?

Fifteen (15) years old and above.

### 6. Under what conditions may the employment of children fifteen (15) but below eighteen (18) years of age be made?

- a. They shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week;
- b. They shall not be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day;
- c. They shall not be allowed to do hazardous work; and
- d. They shall be given access to education and training.

### 7. Who is the employer of a kasambahay?

An employer is any person who engages and controls the services of a kasambahay and is party to the employment contract.

## Q&A on Batas Kasambahay

### **8. Under the law, who are included in the employer's household to be provided direct service by the kasambahay?**

Immediate family members or other occupants of the house.

### **9. How can an employer hire a kasambahay?**

An employer can hire directly or through private employment agencies (PEA) registered with DOLE regional offices.

### **10. Who pays the cost of hiring a kasambahay?**

The employer, whether the kasambahay is hired directly or through private employment agencies, shall shoulder the expenses for hiring.

The kasambahay shall not be charged of any cost of the recruitment, placement, or finder's fee.

### **11. Who shall pay the deployment expenses, or cost of transportation, of the kasambahay?**

The employer, whether the kasambahay is directly hired or through private employment agencies, shall pay the expenses that are directly used for the transfer of the kasambahay from place of origin to the place of work.

### **12. When can an employer be reimbursed of the deployment expenses?**

When the kasambahay unreasonably leaves the employer within six (6) months from the time he/she was hired.

### **13. Are there pre-employment requirements?**

Yes. Before entering into an employment contract, the employer MAY require the following from a kasambahay:

- a. Medical certificate or health certificate issued by a local government health officer;

## Q&A on Batas Kasambahay

### **33. How is the 13th month pay computed and when is it paid?**

In computing the 13th month pay, the total basic wage received in a given calendar year shall be divided by 12. The amount derived shall be paid not later than December 24.

### **34. Who determines the weekly rest period of the kasambahay?**

The employer and the kasambahay may agree on the schedule of the weekly rest period.

### **35. On what ground will the employer respect the preferred weekly rest day of the kasambahay?**

The employer shall respect the preferred weekly rest day of the kasambahay only on religious ground.

### **36. Does the law have provisions protecting employers of kasambahay?**

Yes. They include:

- a. Prohibition against privileged information;
- b. Employer may require certain pre-employment documents prior to engagement;
- c. Employers are assured of quality services through DOLE-TESDA training, assessment, and certification of kasambahay;
- d. Forfeiture of 15-day unpaid salary should domestic worker leave residence of employer without any justifiable reason; and
- e. Right to terminate the employment on justifiable grounds.

### **37. Can the kasambahay terminate the contract at any time?**

Yes, on the following grounds:

- a. Verbal or emotional abuse of the kasambahay by the employer or any member of the household;



## Q&A on Batas Kasambahay

### **26. Who will pay the SSS premium, and PhilHealth and Pag-IBIG contributions of the kasambahay?**

The employer, if the wage of the kasambahay is less than P5,000.00.

If the wage of the kasambahay is P5,000.00 or more, the kasambahay will pay his/her share in the premiums/contributions.

### **27. In what form and when will the wage of a kasambahay be paid?**

In cash, at least once a month.

### **28. Can the employer pay the kasambahay in any form other than cash?**

No. Payment of wages by means of promissory note, voucher, coupon, token, ticket, chit, or anything other than the cash wage is prohibited.

### **29. Is the employer obliged to issue pay slip upon payment of salary of the kasambahay?**

Yes. The employer shall at all times provide the kasambahay with a copy of the pay slip every pay day containing the amount paid and all deductions made, if any.

### **30. How long should the employer keep copies of the pay slips?**

Three (3) years from issuance.

### **31. When can the kasambahay avail of the 5-day annual Service Incentive Leave?**

After one (1) year of service.

### **32. What will happen to the unused annual Service Incentive Leave?**

The unused annual Service Incentive Leave will be forfeited and will not be convertible to cash.

## Q&A on Batas Kasambahay

- b. Barangay and police clearance;
- c. NBI clearance; and
- d. Duly authenticated birth certificate or, if not available, voter's identification card, baptismal record, or passport showing the kasambahay's age.

### **14. Is there an instance when the pre-employment requirements are mandatory?**

Yes, when the employment of the kasambahay is facilitated through a PEA.

### **15. Who pays for the cost of the pre-employment documents?**

The prospective employer or recruitment agency pays for the cost.

### **16. Is it a requirement for a kasambahay to be trained and certified by TESDA prior to employment?**

No. However, the kasambahay is encouraged to undergo competency assessment and be certified by TESDA. Training is not a requirement for competency assessment.

### **17. Is a contract necessary before entering into an employment for domestic work?**

Yes. The employer and the kasambahay shall enter into a contract of employment written in a language or dialect understood by them.

### **18. What should be the contents of the employment contract?**

The employment contract must specify the following:

- a. Duties and responsibilities of the kasambahay;
- b. Period of employment;
- c. Compensation;
- d. Authorized deductions;
- e. Hours of work and proportionate additional payment;

## Q&A on Batas Kasambahay

- f. Rest days and allowable leaves;
- g. Board, lodging and medical attention;
- h. Agreements on deployment expenses, if any;
- i. Loan agreement;
- j. Termination of employment; and
- k. Any other lawful condition agreed upon by both parties.

### 19. Is the employer required to register the kasambahay? If yes, where?

Yes. The employer is required to register the kasambahay in the Registry of Domestic Workers in the barangay where the employer resides. For this purpose, the DILG in coordination with the DOLE, shall formulate a registration system.

### 20. What are the mandatory benefits of the kasambahay?

- a. Monthly minimum wage;
- b. 5 days annual service incentive leave with pay;
- c. 13th month pay;
- d. SSS benefit;
- e. PhilHealth benefit;
- f. Pag-IBIG benefit;
- g. Daily rest period of 8 (total) hours; and
- h. Weekly rest period of 24 (uninterrupted) hours.

### 21. What are the other rights and privileges of the kasambahay?

- a. Standard of Treatment;
- b. Board, lodging, and medical attendance;
- c. Right to Privacy;
- d. Access to communication facilities
- e. Access to education and training;
- f. Right to be provided a copy of the employment contract;
- g. Right to Certificate of Employment; and
- h. Freedom from employer's interference on wage disposal.

## Q&A on Batas Kasambahay

### 22. How much is the monthly minimum wage of a kasambahay?

For those employed in:

- a. National Capital Region - P2,500.00;
- b. Cities and 1st class municipalities - P2,000.00;  
(See attached copy of the 1st class municipalities)
- c. Other municipalities - P1,500.00.

### 23. When and how will the monthly minimum wage of the kasambahay be increased?

One year after the effectivity of the law, the Regional Tripartite Wages and Productivity Boards shall review, and if proper, determine and adjust the minimum wage.

The Boards shall coordinate with TESDA on the wage review and adjustment based on the kasambahay's competency level, in line with the thrust to professionalize the domestic service sector.

### 24. If the kasambahay is already receiving over and above the monthly minimum wage rate, can the employer reduce the wage?

No. Benefits already being enjoyed by the kasambahay cannot be reduced under the principle of non-diminution of benefit.

For example, if the kasambahay is already receiving P4,000 prior to the implementation of the law, the employer shall continue to pay the same rate to the kasambahay.

Under the same example, the employer and the kasambahay cannot validly enter into an agreement to use the excess amount over the minimum wage to pay the SSS premiums, and PhilHealth and Pag-IBIG contributions.

### 25. When will a kasambahay be covered by SSS, PhilHealth, and Pag-IBIG?

After one (1) month from employment.