

Republic of the Philippines
Department of Labor and Employment
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD III

WAGE ORDER NO. RBIII-DW-02

PRESCRIBING NEW MINIMUM WAGE RATES FOR DOMESTIC WORKERS IN REGION III

WHEREAS, Republic Act No. 6727, otherwise known as the Wage Rationalization Act, mandates the Regional Tripartite Wages and Productivity Boards to determine and fix minimum wage rates and issue wage orders applicable in the region, province or industry;

WHEREAS, Section 24 of Republic Act No. 10361, otherwise known as an Act Instituting Policies for the Protection and Welfare of Domestic Workers, mandates the Regional Tripartite Wages and Productivity Boards to review, and if proper, determine and adjust the minimum wage rates of domestic workers in the region within one (1) year from the effectivity of the law and periodically thereafter;

WHEREAS, to determine the propriety of issuing a new wage order, the Regional Tripartite Wages and Productivity Board III, after due notice to concerned sectors, conducted a public hearing on wage adjustment for domestic workers in San Fernando, Pampanga on 05 December 2019;

WHEREAS, after a thorough review and evaluation of the existing regional socio-economic conditions and based on the public hearing, studies and deliberations conducted, the Regional Tripartite Wages and Productivity Board III agreed to adjust the minimum wage of domestic workers to provide them with relief measures to manage the rising cost of living;

NOW THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727 and Republic Act No. 10361, the Regional Tripartite Wages and Productivity Board III hereby issues this Wage Order.

Section 1. NEW MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the new monthly minimum wage rates of domestic workers in the Region shall not be less than the following:

AREA	MINIMUM WAGE UNDER W.O. NO. RBIII-DW-01	AMOUNT OF INCREASE	NEW MINIMUM WAGE
Chartered Cities and First Class Municipalities	P4,000.00	P500.00	P4,500.00

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Wage 1 *For 2. 12. 19* *AB*

Other Municipalities	P3,500.00	P500.00	P4,000.00
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Section 2. COVERAGE. This Wage Order shall apply to all domestic workers, whether on a live-in or live-out arrangement, such as but not limited to:

- (a) General househelp;
- (b) Yaya;
- (c) Cook;
- (d) Gardener;
- (e) Laundry person; and
- (f) Any person who regularly performs domestic work in one household on an occupational basis.

This Wage Order shall not cover the following:

- (a) Service provider;
- (b) Family driver;
- (c) Children under foster family arrangement; and
- (d) Any other person who performs work occasionally or sporadically and not on an occupational basis.

Section 3. PAYMENT OF WAGES. The wages of domestic workers shall be paid in cash at least once a month. No deductions from the wages of the domestic worker shall be made other than those mandated by law.

Section 4. APPLICATION TO PRIVATE EMPLOYMENT AGENCY. In case of hiring or contracting out of the services of domestic workers through a licensed private employment agency (PEA), the wage rates prescribed in this Wage Order shall be borne by the principals or clients of the PEA and the contract shall be deemed amended accordingly.

In the event that the principals or clients fail to pay the prescribed wage rates, the PEA shall be jointly and severally liable with its principal or client.

Section 5. NON-APPLICABILITY TO EXEMPTION. This Wage Order shall not allow exemption of payment of the prescribed minimum wage rates.

Section 6. APPEAL TO COMMISSION. Any party aggrieved by this Wage Order may file an appeal with the National Wages and Productivity Commission (NWPC), through the Regional Tripartite Wages and Productivity Board III, in three (3) legible copies, not later than ten (10) days from publication of this Wage Order, subject to compliance with Sections 11 and 12 of the NWPC Guidelines No. 01, Series of 2014.

Section 7. COMPLAINTS FOR NON-COMPLIANCE. Complaints from non-compliance with this Wage Order Shall be filed before the DOLE Regional Office No. 3 or its Field Offices and shall go through the 30-day mandatory conciliation

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under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for settlement.

The DOLE Regional Director shall issue a compliance order within ten (10) days from submission of the case for resolution.

Section 8. UNLAWFUL ACTS AND PENALTIES. Withholding and interference in the disposal of wages of the domestic workers shall be unlawful and punishable with a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Forty Thousand Pesos (P40,000.00), without prejudice to the filing of appropriate civil and/or criminal action by the aggrieved party pursuant to Rule XII, Sections 1 and 2 of the Implementing Rules and Regulations (IRR) of Republic Act No. 10361.

Section 9. BOARD, LODGING AND MEDICAL ALLOWANCE. The employer shall provide for basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety.

The employer shall provide appropriate rest and assistance to the domestic worker in case of illness and injuries sustained during service without loss of benefits.

At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishments or disciplinary action to the domestic worker.

Section 10. NON-DIMINUTION OF BENEFITS. Nothing in this Wage Order shall be construed to reduce any existing wage rates, allowances, and benefits of any form under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between the workers and employers.

Section 11. PROHIBITION AGAINST INJUNCTION. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal, or other entity against any proceedings before the Wage Board.

Section 12. FREEDOM TO BARGAIN. This Wage Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 13. COMPETENCY-BASED PAY. Household employers and their domestic workers may voluntarily and mutually agree to adopt a competency-based pay scheme in setting and adjusting the pay of domestic workers over and above the applicable minimum wage.

Section 14. REPEALING CLAUSE. All orders, rules and regulations, or parts thereof inconsistent with the provision of this Wage Order are hereby repealed, amended or modified accordingly.

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Section 15. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

Section 16. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board III shall submit to the National Wages and Productivity Commission the rules and regulations implementing this Wage Order subject to the approval of the Secretary of Labor and Employment, not later than ten (10) days from the publication of the same.

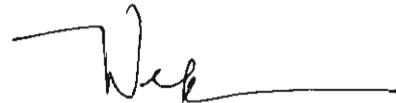
Section 17. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in at least one (1) newspaper of general circulation in the Region III.

APPROVED this 5th day of December 2019 at the City of San Fernando, Pampanga.



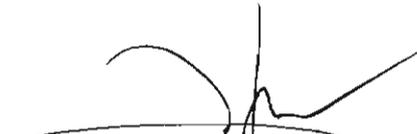
FLORDELIZA MARIA REYES-RAYEL

Member
Employers' Representative



MARCO D. NEPOMUCENO

Member
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RAUL C. REMODO

Member
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EDGAR B. VENTURA

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LEON M. DACANAY JR.

NEDA Regional Director
Vice Chairperson



JUDITH P. ANGELES

DTI Regional Director
Vice Chairperson



MA. ZENAIDA A. ANGARA-CAMPITA

DOLE Regional Director
Chairperson

Date of Publication: **December 17, 2019**

Date of Effectivity: **January 1, 2020**

Republic of the Philippines
Department of Labor and Employment
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD III

**RULES AND REGULATIONS IMPLEMENTING
WAGE ORDER NO. RBIII-D.W. 02**

Pursuant to Section 7 of the National Wages and Productivity Commission Guidelines No. 01-2014 otherwise known as the Rules of Procedure on Minimum Wage Fixing for Domestic Workers and Section 16 of Wage Order No. RBIII-DW-02, the following rules and regulations are hereby issued for the guidance and compliance of all concerned:

**RULE I
GENERAL PROVISIONS**

Section. 1. TITLE. This Rules shall be known as the "Rules and Regulations Implementing Wage Order No. RBIII-DW-02".

Section 2. DEFINITION OF TERMS. As used in this Rules, the following terms shall mean:

- a) **"Children Under Foster Family Arrangement"** refers to children who are living with a family or household or the relative/s and are provided access to education and given an allowance incidental to education, i.e. "baon", transportation, school projects, and school activities. It may include children under foster care arrangement governed by Republic Act No.10165 or the Foster Care Act of 2012.
- b) **"Commission"** refers to the National Wages and Productivity Commission (NWPC);
- c) **"Competency-Based Pay Scheme"** refers to a compensation system that rewards domestic workers with additional pay (a) by reason of the National Certification II program of the TESDA or (b) by mutual agreement.
- d) **"Department"** refers to the Department of Labor and Employment (DOLE);
- e) **"Domestic Work"** refers to work performed in or for a household.
- f) **"Domestic Worker or Kasambahay"** refers to any person engaged in domestic work within an employment relationship, whether on a live-in or



live-out arrangement, such as, but not limited to, general househelp, "yaya", cook, gardener, or laundry person, but shall exclude family drivers, children who are under foster family arrangement, or any person who performs domestic work only occasionally or sporadically and not on an occupational basis;

- g) **"Employer"** refers to any person who engages and controls the services of a *kasambahay* and is party to the employment contract;
- h) **"Household"** refers to the immediate members of the family or the occupants of the house who are directly and regularly provided services by the *kasambahay*;
- i) **"Live-out Arrangement"** refers to an arrangement whereby the *kasambahay* works within the employer's household but does not reside therein;
- j) **"Private Employment Agency (PEA)"** refers to any individual, legitimate partnership, corporation or entity licensed by the Department of Labor and Employment (DOLE) to engage in the recruitment and placement of *kasambahay* for local employment;
- k) **"NWPC Guidelines 01-14"** refers to the Rules of Procedure on Minimum Wage Fixing for Domestic Workers.
- l) **"Region III"** covers the Provinces of Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, Zambales and the Cities of Angeles, Balanga, Cabanatuan, Gapan, Malolos, Munoz, Olongapo, Palayan, San Fernando, San Jose, San Jose Del Monte, Tarlac and Mabalacat;
- m) **"Republic Act 10361"** refers to the law enacted by Congress known as An Act Instituting Policies for the Protection and Welfare of Domestic Workers or simply referred to as Batas Kasambahay;
- n) **"Service Provider"** refers to any person or entity that carries an independent business and undertakes to perform job, work or service on his/her own for a household, according to his/her own manner or method, and free from the control and direction of the employer in all matters in connection with the performance of the work except as to the results thereof;
- o) **"Single Entry Approach (SEnA)"** refers to an administrative approach to provide a speedy, impartial, inexpensive and accessible settlement procedure of all labor issues or conflicts to prevent them from ripening into a full blown disputes.

- p) "TESDA" refers to the Technical Education and Skills Development Authority;
- q) "Wage Board" refers to Regional Tripartite Wages and Productivity Board III.
- r) "Wage Order" refers to Wage Order No. RBIII-D.W. 02;
- s) "Working Children" refers to kasambahay who are fifteen (15) years old and above but below eighteen (18) years old.

RULE II NEW MINIMUM WAGE RATES

Section 1. NEW MONTHLY MINIMUM WAGE RATES. Upon the effectivity of this Wage Order, the monthly minimum wage rates of domestic workers in Region III shall be increased as follows:

Area	Minimum Wage Under W.O. RBIII-DW-01	Amount of Increase	New Minimum Wage
Chartered Cities and First Class Municipalities	P4,000.00	P500.00	P4,500.00
Other Municipalities	P3,500.00	P500.00	P4,000.00

Section 2. COVERAGE. This Wage Order shall apply to all domestic workers, whether on a live-in or live-out arrangement, such as but not limited to:

- a) General househelp;
- b) Yaya;
- c) Cook;
- d) Gardener;
- e) Laundry person; and
- f) Any person who regularly performs domestic work in one household on an occupational basis.

This Wage Order shall not cover the following:

- a) Service providers;
- b) Family drivers;

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- c) Children under foster family arrangement; and
- d) Any other person who performs work occasionally or sporadically and not on occupational basis.

Section 3. PAYMENT OF WAGES. The wages of domestic workers shall be paid in cash at least once a month. No payment by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than the cash wage shall be allowed.

Section 4. DEDUCTIONS FOR LOSS OR DAMAGE. Except in cases authorized by law, the employer shall not deduct any amount from the wages of the domestic worker without his/her written consent or authorization. Deductions from the wages of the domestic worker to answer for reimbursement of loss or damage on tools, materials or equipment supplied by the employer shall only be made under the following conditions:

- a) The domestic worker is clearly shown to be responsible for the loss or damage;
- b) The domestic worker is given reasonable opportunity to show cause why deduction should not be made;
- c) The total amount of such deductions is fair and reasonable and shall not exceed the actual loss or damage; and
- d) The deduction from the wages of the domestic worker does not exceed 20% of his/her wages in a month.

The DOLE shall extend free assistance in the determination of fair and reasonable wage deductions under this Section.

Section 5. DEDUCTION FOR LOANS. The employer, by written agreement, may deduct the loans from the wages of the domestic worker, which amount shall not exceed 20% of his/her monthly wage.

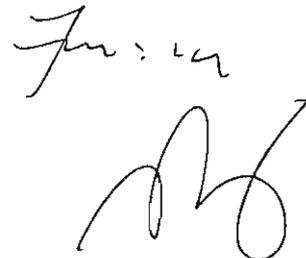
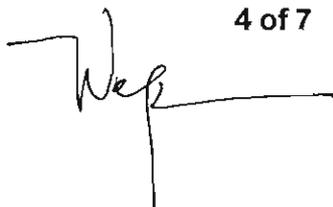
Section 6. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES. In case of hiring or contracting out of domestic worker's services through licensed private employment agencies (PEAs), the wage rates prescribed in this Order shall be borne by the principals or clients of the PEAs and the contract shall be deemed amended accordingly.

In the event that the principal or client fails to pay the prescribed wage rates, the PEA shall be jointly and severally liable with its principal or client.

Section 7. EXEMPTION FROM COMPLIANCE. No petition for exemption from payment of minimum wages shall be entertained by the Wage Board.



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Section 8. PROVISION OF BASIC NECESSITIES. The employer shall provide, free of charge, the basic necessities of the domestic workers as follows:

- a) At least three (3) adequate meals a day, taking into consideration the *kasambahay's* religious beliefs and cultural practices;
- b) Humane sleeping condition that respects the person's privacy for live-in arrangements; and
- c) Appropriate rest and medical assistance in the form of first-aid medicines, in case of illness and injuries sustained during service without loss of benefits.

For *kasambahay* under live-out arrangement, he/she shall be provided space for rest and access to sanitary facilities.

At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.

Section 9. NON-DIMINUTION OF BENEFITS. Nothing in this Wage Order shall be construed to reduce any existing wage rates, allowances, and benefits of any form under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between the workers and employers.

Section 10. COMPETENCY-BASED PAY. Household employers and their domestic workers may voluntarily and mutually agree to adopt a compensation system that rewards domestic worker with additional pay in exchange for formal TESDA Certification of the domestic worker's mastery of skills, knowledge and/or competencies. Parties may refer to Advisory on Competency Based-Wage for Domestic Worker issued by the Commission.

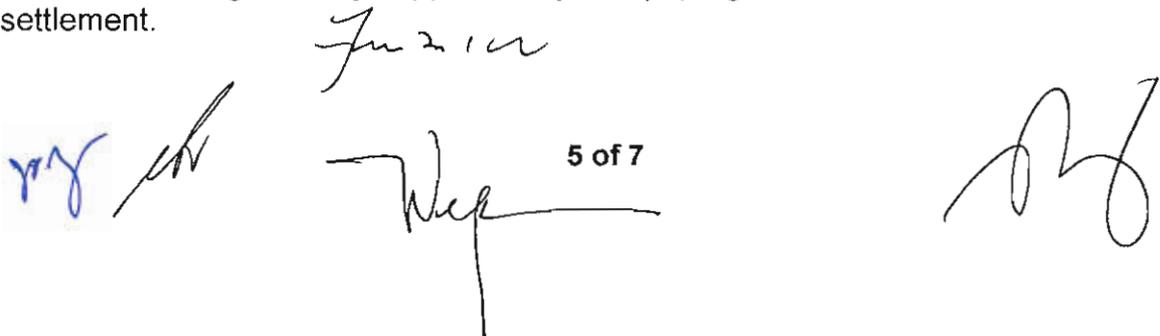
RULE III SPECIAL PROVISIONS

Section 1. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal with the Commission, through the Regional Tripartite Wage Board III, in three (3) legible copies, not later than ten (10) days from publication of this Wage Order, subject to compliance with Sections 11 and 12 of the NWPC Guidelines No. 01, Series of 2014.

Section 2. COMPLAINTS FOR NON-COMPLIANCE. Complaints from non-compliance with this Wage Order shall be filed before the DOLE Regional Office No. 03 or its Field Office and shall go through the 30-day mandatory conciliation under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for settlement.

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The DOLE Regional Director shall issue a compliance order within ten (10) days from the submission of the case for resolution.

Section 3. FREEDOM TO BARGAIN. This Wage Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 4. UNLAWFUL ACTS AND PENALTIES. Withholding and interference in the disposal of wages of the domestic workers shall be declared unlawful and punishable with a fine of not less than Ten Thousand Pesos (PhP10,000.00) but not more than Forty Thousand Pesos (P40,000.00), without prejudice to the filing of the appropriate civil and/or criminal action by the aggrieved party pursuant to Rule XII, Sections 1 and 2 of Implementing Rules and Regulations (IRR) of Republic Act No. 10361.

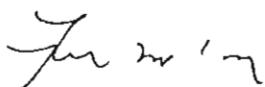
Section 5. PROHIBITION AGAINST INJUNCTION. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal, or other entity against any proceedings before the Wage Board.

Section 6. REPEALING CLAUSE. All orders, rules, and regulations on wages, or parts thereof inconsistent with the provisions of the Wage Order and this Rules, are hereby repealed, amended or modified accordingly.

Section 7. SEPARABILITY CLAUSE. If any provision or part of this Rules is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

Section 8. EFFECTIVITY. This Rules shall take effect upon the effectivity of the Wage Order.

APPROVED this ____ day of December 2019, City of San Fernando, Pampanga.



FLORDELIZA MARIA REYES-RAYEL

Member

Employers' Representative



MARCO D. NEPOMUCENO

Member

Employers' Representative



RAUL C. REMODO

Member

Workers' Representative



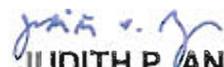
EDGAR B. VENTURA

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LEON M. DACANAY JR.
NEDA Regional Director
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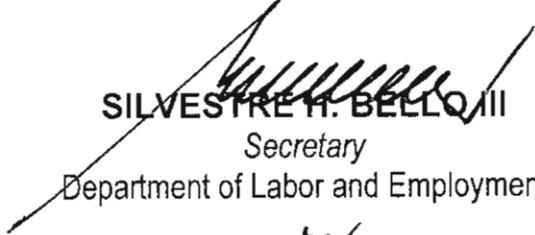


JUDITH P. ANGELES
DTI Regional Director
Vice Chairperson



MA. ZENAIDA A. ANGARA-CAMPITA
DOLE Regional Director
Chairperson

APPROVED this 3rd day of February, 2020.



SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment