



WAGE ORDER NO. RIX-DW-02

PRESCRIBING NEW MINIMUM WAGE RATES FOR DOMESTIC WORKER OR *KASAMBAHAY* IN ZAMBOANGA PENINSULA

WHEREAS, the Regional Tripartite Wages and Productivity Board - Zamboanga Peninsula (RTWPB - ZamPen) is mandated under Republic Act No. 6727 (**Wage Rationalization Act of 1989**), to periodically assess wage rates and conduct continuing studies in the determination of the minimum wage applicable in ZamPen;

WHEREAS, Section 24 of Republic Act No. 10361 (**An Act Instituting Policies for the Protection and Welfare of Domestic Workers or *Batas Kasambahay***), which took effect on 10 February 2013, sets the minimum wage of *kasambahays* and mandated the Board to review, and if proper, determine and adjust the minimum wage rates of *kasambahays* periodically;

WHEREAS, after due publication, posting and notice to concerned sectors, stakeholders and interested groups, the Board conducted public consultation on August 23, 2019 and public hearing on October 14, 2019, in Zamboanga City to determine the propriety of issuing a new wage order for *kasambahays*;

WHEREAS, after a thorough evaluation of the results of the public consultations/hearing *vis-a-vis* increases in the cost of living, and competitiveness of wages between and among contiguous regions to ZamPen, the Board finally determined that there is a need to adjust the existing minimum wage rates of *kasambahays* in ZamPen;

NOW THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727 and Republic Act 10361, the Board 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 or *Kasambahays* in ZamPen shall not be less than the following:

AREA CLASSIFICATION	MINIMUM WAGE RATES		
	Previous Wage Order (RIX-DW-01)	Wage Increase	New Wage Order (RIX-DW-02)
Cities and 1 st Class Municipalities	Php 2,500.00	Php 1, 000.00	Php 3, 500.00
Other Municipalities	Php 2,000.00	Php 1, 000.00	Php 3, 000.00

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

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- a) General Househelp;
- b) Baby-sitter (*Yaya*);
- c) Cook;
- d) Gardener;
- e) Laundry Person; or
- f) Any person who regularly performs domestic work in one household on an occupational basis.

The following are **NOT COVERED**:

- a) Service Providers;
- b) Family Drivers;
- 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. MODE OR FREQUENCY OF PAYMENT. The wages of *kasambahays* shall be paid in cash at least once a month. No deductions from wages shall be made other than those mandated by law.

Section 4. BOARD, LODGING AND MEDICAL ALLOWANCE. The employer shall provide for the basic necessities of the *kasambahays* to include at least three (3) adequate meals a day and humane sleeping arrangement that ensure safety.

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

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

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

Section 5. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In case of hiring / contracting of *kasambahays*' services through a licensed PEAs, the wage rates prescribed under this Wage Order shall be borne by the principal or client of the PEA, and the contract shall be deemed amended accordingly.

In the event, however, that the principals or clients fail to pay the prescribed wage rates, the PEAs shall be jointly and severally liable with his/her principal or client.

Section 6. NON-APPLICABILITY OF EXEMPTION. This Wage Order does not allow exemption.

Section 7. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal to the National Wages and Productivity Commission (NWPC), through RTWPB-ZamPen, in three (3) printed copies, not later than 10 days from the publication of this Wage Order, subject to compliance with Sections 11 and 12 of NWPC Guideline No. 01, Series of 2014.

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Philbert G. Yordan

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Section 8. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with the Wage Order shall be filed before the Department of Labor and Employment (DOLE) Field/Provincial/Regional Office-IX and shall go through the 30 day mandatory conciliation under the DOLE Single Entry Approach Program to exhaust all efforts for settlement.

The DOLE Regional Director shall issue a Compliance Order within 10 days from the submission of the case for resolution.

Section 9. UNLAWFUL ACTS AND PENALTIES. Withholding and interference in the disposal of wages of the *kasambahays* are declared unlawful and shall be punishable with a fine of not less than Ten Thousand Pesos (P10,000.00), 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 the Implementing Rules and Regulations of R.A. 10361.

Section 10. NON-DIMINUTION OF BENEFITS. Nothing in this 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 Board.

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

Section 13. COMPETENCY BASED PAY. Employers and *kasambahays* may voluntarily and mutually agree to adopt a competency-based pay scheme in setting and adjusting the pay of *kasambahays*, over and above the applicable minimum wage.

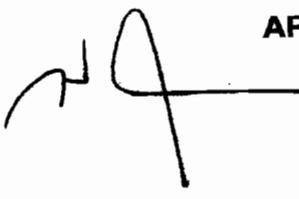
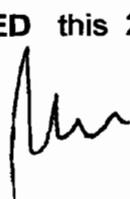
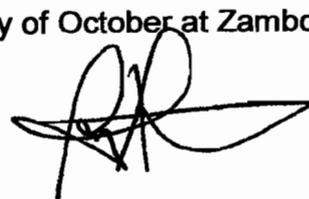
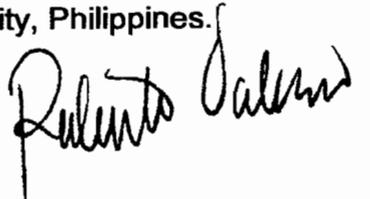
Section 14. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

Section 15. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing law, the other provisions or parts thereof shall remain valid.

Section 16. IMPLEMENTING RULES. The Board shall submit to the Commission the necessary rules and regulations to implement 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 Wage Order.

Section 17. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the region.

APPROVED this 22nd day of October at Zamboanga City, Philippines.



Philbert G. Pineda

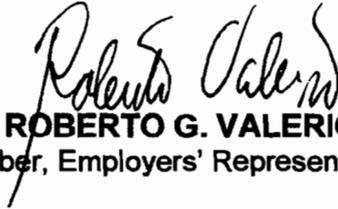




EDGAR B. LIM
Member, Employers' Representative



JOSE J. SUAN
Member, Labor Representative



ROBERTO G. VALERIO
Member, Employers' Representative



REY ANTHONY D. TRIO
Member, Labor Representative



PHLORITA A. RIDAO
Vice-Chairperson, NEDA



SITLAMINA M. JAIN
Vice-Chairperson, DTI



OFELIA B. DOMINGO, CESO III
Chairperson



RULES AND REGULATIONS IMPLEMENTING WAGE ORDER NO. RIX-DW-02

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

RULE 1

GENERAL PROVISIONS

Section 1. TITLE. These Rules shall be known as the Rules and Regulations Implementing Wage Order No. RIX-DW-02.

Section 2. DEFINITION OF TERMS.

- a. **"BASIC NECESSITIES"** is defined pursuant to Rule IV, Section 13, Rules Implementing R.A. No. 10361 to include: a) At least three (3) adequate meals a day, taking into consideration the *Kasambahay's* religious beliefs and cultural practices; b) Humane sleeping conditions that respect the person's privacy for live-in arrangement; 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 the *Kasambahay* under live-out arrangement, he/she shall be provided space for rest, and access to sanitary facilities.

- b. **"BOARD-ZAMPEN"** refers to the Regional Tripartite Wages and Productivity Board of Zamboanga Peninsula.
- c. **"COMMISSION or NWPC"** refers to the National Wages and Productivity Commission.
- d. **"COMPETENCY-BASED PAY SCHEME"** refers to a compensation system that rewards *kasambahay* with additional pay in exchange for formal TESDA certification of the *kasambahay's* mastery of skills, knowledge and/or competencies.
- e. **"DOLE"** refers to the Field/Provincial/Regional office of the Department of Labor and Employment, in Zamboanga Peninsula.

Philando G. ...

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- 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 service providers, 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. **“NWPC GUIDELINES NO. 01, SERIES OF 2014”** refers to the Rules of Procedure on Minimum Wage Fixing for Domestic Workers or *Kasambahays*.
- h. **“WAGE ORDER”** refers to Wage Order No. RIX-DW-02.
- i. **“PRIVATE EMPLOYMENT AGENCY (PEA)”** refers to any individual, legitimate partnership, corporation or entity licensed to engage in the recruitment and placement of *kasambahays* for local employment.
- j. **“REPUBLIC ACT NO. 10361” (DOMESTIC WORKERS ACT or BATAS KASAMBAHAY)** – the law enacted by Congress known as an “Act Instituting Policies for the Protection and Welfare of Domestic Workers or *Kasambahays*”.
- k. **“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 full blown disputes.
- l. **“TESDA”** refers to the Technical Education and Skills Development Authority.

RULE II

WAGE ADJUSTMENTS

Section 1. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the new monthly minimum wage rates for Domestic Workers or *Kasambahays* in Zamboanga Peninsula shall not be less than the following:

AREA CLASSIFICATION	MINIMUM WAGE RATES		
	Previous Wage Order (RIX-DW-01)	Wage Increase	New Wage Order (RIX-DW-02)
Cities and 1 st Class Municipalities	Php 2,500.00	1, 000.00	3, 500.00
Other Municipalities	2,000.00	1, 000.00	3, 000.00

Section 1(a). The following are classified as first class municipalities as per DOF Order No. 23-08, dated 29 July 2008, and shall include other municipalities as may be subsequently classified as such:

- Sibuco, Sindangan, and Siocon, Zamboanga Del Norte
- Molave, Zamboanga Del Sur
- Ipil, Zamboanga Sibigay

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

Not covered are the following:

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

Section 3. MODE AND FREQUENCY OF PAYMENT OF WAGES. The wages of the *kasambahay* shall be paid in cash at least once a month. No payment by means of promissory notes, vouchers, coupon, tokens, ticket, chits, or any object other than cash shall be allowed.

Section 4. DEDUCTIONS FOR LOSS OR DAMAGE. Other than those mandated by law, the employer shall not deduct any amount from the wages of the *Kasambahay* without his/her written consent or authorization; provided that, deduction for loss or damage shall only be made under the following conditions:

- a) The *kasambahay* is clearly shown to be responsible for the loss or damage;
- b) The *kasambahay* is given reasonable opportunity to show cause why deductions 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 *kasambahay* 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. LOAN ASSISTANCE. An employer may agree to extend loan assistance to the *kasambahay* in an amount not exceeding his/her 6 months' salary.

This Section shall not apply to working children.

Section 6. DEDUCTION FOR LOANS. By written agreement, the employer may deduct the loans from the wages of the *kasambahay*, which amount shall not exceed 20% of his/her wages every month.

Section 7. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In the case of hiring/contracting of *kasambahay*'s services through licensed PEA, the wage rates prescribed in the Order shall be borne by the principal or client of the PEA and the contract shall be deemed amended accordingly.

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

Section 8. EXEMPTION FROM COMPLIANCE. Filing of applications for exemption from compliance with the Wage Order is not allowed.

Philbert G. Victor

Rolando Calero

RULE III

OTHER BENEFITS AND PENALTIES

Section 1. PROVISION OF BASIC NECESSITIES. The employer shall provide for the basic necessities of the *kasambahay* as defined in Rule 1, Section 2 of this Rules.

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

Section 2. COMPETENCY-BASED PAY SCHEME. Household employers and their *kasambahays* may voluntarily and mutually agree to adopt a compensation system that rewards *kasambahay* with additional pay in exchange for formal TESDA certification of the *kasambahays* mastery of skills, knowledge and/or competencies.

Those who will adopt the Competency-Based Pay Scheme may refer to the NWPC Advisory on Competency-Based Wage for Domestic Workers or *Kasambahays* issued on 24 February 2015.

Section 3. FREEDOM TO BARGAIN. This Wage Order shall not be construed to prevent *kasambahay* from bargaining for higher wages with his/her respective employer.

Section 4. UNLAWFUL ACTS AND PENALTIES. Withholding and interference in the disposal of wages of the *kasambahay* are declared unlawful and shall be 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 the appropriate civil and/or criminal action by the aggrieved party pursuant to Rule XII, Sections 1 and 2 of Implementing Rules and Regulations of Republic Act No. 10361.

RULE IV

SPECIAL PROVISIONS

Section 1. APPEAL TO THE COMMISSION. Any party aggrieved by the Wage Order may file an appeal with the Commission, through the Board, in three (3) legible copies, not later than 10 days from the 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 for non-compliance with the Wage Order shall be filed before the DOLE and shall go through the 30 day mandatory conciliation under the SENa Program to exhaust all efforts for settlement.

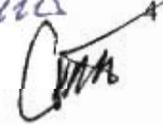
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Section 3. NON-DIMINUTION OF BENEFITS. Nothing in the Wage Order shall be construed to reduce any existing wage rates, allowances and benefits of any form under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between the workers and employers.

Section 4. 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 Board.

Section 5. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of the Wage Order are hereby repealed, amended or modified accordingly.


 *Philando Nido*

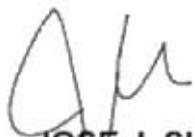
  *Rolando Salinas*


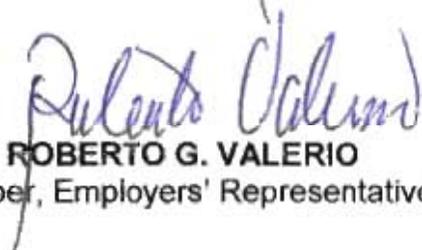
Section 6. SEP. .ABILITY CLAUSE. If any provision of part of the Wage Order is declared unconstitutional, or in conflict with existing law, the other provisions or parts thereof shall remain valid.

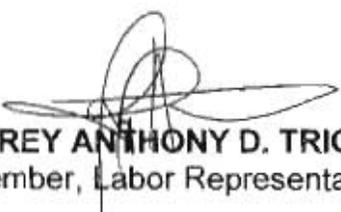
Section 7. EFFECTIVITY. These Implementing Rules and Regulations shall have the same date of effectivity as that of the Wage Order No. RIX-DW-02, which is _____, 2019.

Done this 8th day of November 2019, Zamboanga City, Philippines.


EDGAR B. LIM
Member, Employers' Representative


JOSE J. SUAN
Member, Labor Representative


ROBERTO G. VALERIO
Member, Employers' Representative

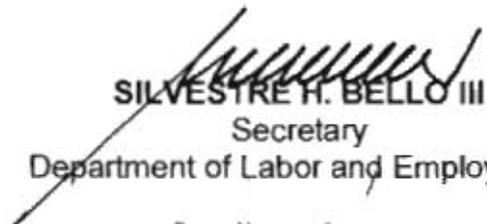

REY ANTHONY D. TRIO
Member, Labor Representative


PHLORITA A. RIDAO
Vice-Chairperson, NEDA


SIFFAMINA M. JAIN
Vice-Chairperson, DTI


OFELIA B. DOMINGO, CESO III
Chairperson

APPROVED this 16th day of January, 2020, in the City of Manila, Philippines.


SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary



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