



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission



REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD-IX
Compartment No. 2-F, HC Marketing Inc., Camins Avenue, Zamboanga City
Email: dole_rtwpb9@yahoo.com | Tel. No. (062) 991-2672

WAGE ORDER NO. RIX-DW-01

PRESCRIBING THE NEW MINIMUM WAGE FOR KASAMBAHAYS OR DOMESTIC WORKERS IN THE ZAMPEN REGION

WHEREAS, the Regional Tripartite Wages and Productivity Board-ZAMPEN Region (Board) 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 the region;

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 domestic workers and mandated the Board to review, and if proper, determine and adjust the minimum wage rates of domestic workers one (1) year from the effectivity of the law and periodically thereafter;

WHEREAS, after due notice to concerned sectors, the Board conducted consultations with concerned sectors and stakeholders at the provinces of Isabela City (22 April 2016), Ipil, Zamboanga Sibugay (23 May 2016), Pagadian City, Zamboanga del Sur (24 May 2016), Dipolog City, Zamboanga del Norte (25 May 2016), and Zamboanga City (31 May 2016), and a public hearing in Zamboanga City (August 15, 2016);

WHEREAS, an evaluation of the changes in the socio-economic conditions in the ZAMPEN Region reveals that:

- a) taking into account the 2015 Consumer Price Index (CPI) as against the CPI level at the time of issuance of RA 10361 in 2013, coupled by the erosion of the Purchasing Power of the Peso (PPP), an upward adjustment of existing wage rates is warranted to enable the workers to cope up with the rising cost of living; and
- b) the prevailing average Poverty Threshold level of P283.00 per day for a family with five (5) members in the region is over and above the wage rates prescribed by R.A. 10361;

WHEREAS, after a thorough evaluation of the existing socio-economic indicators in the region, the Board has determined the need to adjust the minimum wage of domestic workers to enable them to cope with the rising cost of living;

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NOW, THEREFORE, premises considered, this Board hereby issues **WAGE ORDER NO. RIX-DW-01**, prescribing as follows:

Section 1. NEW MINIMUM WAGE RATES. Upon effectivity, the New Monthly Minimum Wage Rates of Domestic Workers in the Region shall be as follows:

Categories	Existing Minimum Wage per Month (₱)	Increase in Minimum Wage per Month (₱)	New Monthly Minimum Wage Rate (₱)
Cities and First (1 st) Class Municipalities	2,000.00	500.00	2,500.00
Other Municipalities	1,500.00	500.00	2,000.00

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

- 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 domestic workers 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. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In case of hiring or contracting of domestic worker's services through a licensed PEA, the wage rate 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 principal or client.

Section 5. NON-APPLICABILITY OF EXEMPTION. This Wage Order does not allow exemption.

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Section 6. 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-IX, in three (3) printed copies, not later than ten (10) days from the publication of this Wage Order, and in accordance with Sections 11 and 12 of NWPC Guideline No. 01, Series of 2014.

Section 7. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with the Wage Order shall be filed before the DOLE Field/Provincial/Regional Office IX and shall go through the thirty (30) day mandatory conciliation 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 the submission of the case for resolution.

Section 8. UNLAWFUL ACTS AND PENALTIES. Withholding or interference in the disposal of wages of the domestic workers are 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 the Implementing Rules and Regulations of R.A. 10361.

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

In 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 10. NON-DIMINUTION OF BENEFITS. Nothing in the Wage Order shall be construed as to reduce any existing wage rates, allowances and benefits of any form under existing law, 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 Wage Order shall not be construed as to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 13. COMPETENCY BASED PAY. Employers and domestic workers may voluntary 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.

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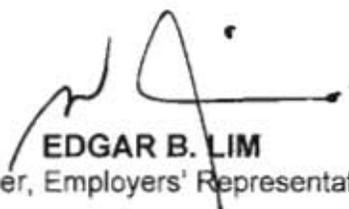
Section 14. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

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 NWPC 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 15th day of August 2016, at 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



TERESITA SOCORRO C. RAMOS
Vice-Chairperson, NEDA



SITTAMINA M. JAIN
Vice-Chairperson, DTI



SISINIO B. CANO, CESO IV
Chairperson, DOLE

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**RULES AND REGULATIONS IMPLEMENTING
 WAGE ORDER NO. RIX-DW-01**

Pursuant to Section 16 of Wage Order No. RIX-DW-01, Prescribing New Minimum Wage Rates for Domestic Workers in the Zamboanga Peninsula Region, and NWPC Guidelines No. 01, series of 2014, the Rules are hereby issued for the guidance and compliance by all concerned in the Zamboanga Peninsula Region.

RULE 1

GENERAL PROVISIONS

Section 1. TITLE. These Rules shall be known as the Rules and Regulations Implementing Wage Order RIX-DW-01.

Section 2. DEFINITION OF TERMS.

- a. **“BASIC NECESSITIES”** is defined pursuant to Rule IV, Section 13, Rules Implementing R.A. 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 respects 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”** refers to the Regional Tripartite Wages and Productivity Board of the Zamboanga Peninsula Region.
- c. **“COMMISSION”** refers to the National Wages and Productivity Commission (NWPC).
- d. **“COMPETENCY-BASED PAY SCHEME”** refers to a compensation system that rewards domestic workers with additional pay in exchange for formal TESDA certification of the domestic worker’s mastery of skills, knowledge and/or competencies.
- e. **“DOLE RO-IX”** refers to the regional office of the Department of Labor and Employment, Zamboanga Peninsula Region.

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- f. **"DOMESTIC WORKER"** 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, family drivers, children who are under foster family arrangement, or any person who performs domestic work only occasionally or sporadically and not on an occupation basis.
- g. **"NWPC Guidelines 01-14"** refers to the Rules of Procedure on Minimum Wage Fixing for Domestic Workers.
- h. **"ORDER"** refers to Wage Order No. RIX-DW-01.
- i. **"PRIVATE EMPLOYMENT AGENCY (PEA)"** refers to any individual, legitimate partnership, corporation or entity licensed to engage in the recruitment and placement of domestic workers for local employment.
- j. **"REPUBLIC ACT 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".
- 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. COVERAGE. The Wage Order shall apply to all domestic workers, whether on a live-in or live-out arrangements, such as but not limited to:

- a) General househelp;
- 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

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- c) Any other person who performs work occasionally or sporadically and not on occupational basis.

Section 2. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of the Wage Order, the new monthly minimum wage rates for domestic workers in the Zamboanga Peninsula Region shall not be less than the following:

- a) P 2,500.00 – in chartered cities and first class municipalities
- b) P 2,000.00 – in other municipalities

Section 3. MODE AND FREQUENCY OF PAYMENTS OF WAGES. The Wages of the domestic workers 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 Domestic Workers without his/her written consent or authorization; provided that, deduction for loss or damage 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 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 domestic worker does not exceed 20% of his/her wages in a month.

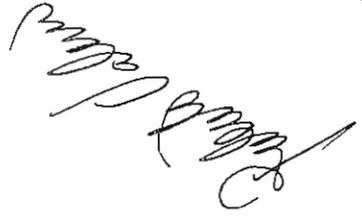
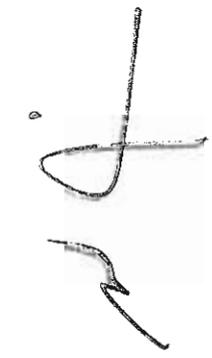
The DOLE shall extend free assistance in the determination of fair and reasonable wage deductions under this Section.

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

Section 6. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAS). In the case of hiring/contracting of domestic workers services through licensed PEAs, the wage rates prescribed in the Order shall be borne by the principals or clients of the PEAs 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 principal or client.

Section 7. EXEMPTION FROM COMPLIANCE. Filing of applications for exemption from compliance with the Wage Order is not allowed.




Section 8. PROVISION OF BASIC NECESSITIES. The employer shall provide for the basic necessities of the domestic workers 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 domestic worker.

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

Section 10. COMPETENCY-BASED PAY SCHEME. Household employers and their domestic workers may voluntarily and mutually agree to adopt a compensation system that rewards domestic workers with additional pay in exchange for formal TESDA certification of the domestic workers 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 issued on 24 February 2015.

RULE III

SPECIAL PROVISIONS

Section 1. APPEAL TO THE COMMISSION. Any party aggrieved by the Wage Order may file an appeal with the National Wages and Productivity Commission (NWPC), through the RTWPB-IX, in three (3) legible copies, not later than ten (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 Field/Provincial/Regional Office-IX and shall go through the thirty (30) day mandatory conciliation 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 the submission of the case for resolution.

Section 3. FREEDOM TO BARGAIN. The 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 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

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party pursuant to Rule XII, Sections 1 and 2 of Implementing Rules and Regulations 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 Board.

Section 6. 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.

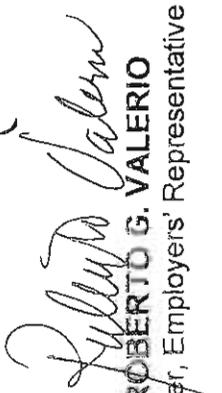
Section 7. SEPARABILITY CLAUSE. If any provision or part of the Wage Order is declared unconstitutional, or in conflict with existing law, the other provisions or parts thereof shall remain valid.

Section 8. EFFECTIVITY. These Implementing Rules and Regulations shall have the same date of effectivity as that of the Wage Order RIX-DW-01, which is _____, 2016.

Done this 17th day of August 2016, 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


TERESITA SOCORRO C. RAMOS
Vice-Chairperson, NEDA


SITTADAMINA M. JAIN
Vice-Chairperson, DTI


SISINIO B. CANO, CESO IV
Chairperson, DOLE

APPROVED this 3rd day of October, 2016, in the City of Manila, Philippines.


SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment