



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
Regional Tripartite Wages and Productivity Board-XIII
Caraga Region



WAGE ORDER NO. RXIII – D.W. 01

PRESCRIBING THE MINIMUM WAGE RATES FOR DOMESTIC WORKERS IN CARAGA REGION

WHEREAS, the Regional Tripartite Wages and Productivity Board (RTWPB) – XIII is mandated under Republic Act No. 6727 entitled (The Wage Rationalization Act), to periodically assess the wage rates and conduct continuing studies in the determination of the minimum wage applicable in the region or industry;

WHEREAS, Section 24 of Republic Act No. 10361 entitled (An Act Instituting Policies for the Protection and welfare of Domestic Workers or Batas Kasambahay), which took effect on February 10, 2013, sets the minimum wage of domestic workers and mandated the Regional Tripartite Wages and Productivity Boards 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 public consultations/hearings in the Region on February 11, 2016 in Butuan City and February 26, 2016 in Surigao City to determine the propriety of issuing a new wage order for domestic workers;

WHEREAS, after a thorough evaluation of the existing socio-economic conditions in the region, the Board has determined the need to provide domestic workers with immediate relief measures to enable them to cope with the rising cost of living;

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.

11.11.16



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SECTION 1. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the new monthly minimum wage rates of domestic workers in the Region shall be the following:

- (a) Cities and first class municipalities – Php 3,000.00
- (b) Other municipalities - Php 2,500.00

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:

1. General Househelp;
2. Yaya;
3. Cook;
4. Gardener;
5. Laundry person; or
6. Any person who regularly performs domestic work in one household on an occupational basis

The following are not covered:

1. Service providers
2. Family drivers
3. Children under foster family arrangement; and
4. Any other person who performs work occasionally or sporadically and not on an occupational basis.

SECTION 3. PAYMENT OF WAGES. The wages of the Domestic Workers shall be paid in cash at least once a month. No deductions from the wages of the domestic workers shall be made other than those mandated by law i.e SSS, Philhealth, PAGIBIG.

SECTION 4. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In the case of hiring/contracting of domestic workers services through a licensed 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, however, that the principal or clients fail to pay the prescribed wage rates, the PEAs shall 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 the RTWPB, in three (3) printed copies, not later than ten (10) days from the publication of this Wage Order, subject to the compliance with Sections 11 and 12 of NWPC Guidelines No. 01, Series of 2014.

SECTION 7. 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 No. 13 and shall go through the thirty (30) day mandatory conciliation under the 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 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 (Php 10,000.00) but not more than Forty Thousand Pesos (Php 40,000.00) without prejudice to the filing of the appropriate civil and/or criminal action by the aggrieved party pursuant to the Rule XII, Sections 1 and 2 of the Implementing Rules and Regulations of Republic Act no. 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 that ensure health and safety.

The employer shall provide appropriate rest and assistance to the domestic workers 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 punishment or disciplinary action to the domestic worker.

SECTION 10. NON-DIMUNITION 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 workers and employers.

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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. The order shall not be construed to prevent domestic workers from bargaining for higher wages and better benefits 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 rate.

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 part thereof shall remain valid.

SECTION 16. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board -XIII shall submit to the Commission the necessary Rules and Regulations to implement this 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.

APPROVED. This 09th day of September 2016 in Butuan City, Philippines.

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Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
Regional Tripartite Wages and Productivity Board-XIII
Caraga Region



Mr. JOSELITO V. SORIANO
Labor Sector Representative

Mr. JORGE G. UY
Management Sector Representative

Mr. FLORANTE O. PEREZ
Labor Sector Representative

Ms. JOCELYN F. YEE
Management Sector Representative

Dir. MYLAH FAYE AURORO B. CARIÑO
Vice Chairperson, NEDA

Dir. BRIELGO O. PAGARAN
Vice Chairperson – DTI

ATTY. EVELYN R. RAMOS
Chairperson - DOLE



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**RULES & REGULATIONS IMPLEMENTING
WAGE ORDER NO. RXIII-DW-01**

Pursuant to Section 16 of Wage Order No. RXIII-DW-01, Prescribing New Minimum Wage Rates for Domestic Worker in Caraga, and NWPC Guidelines No. 01, series of 2014, the Rules of Procedure on Minimum Wage Fixing for Domestic Workers, the following Rules are hereby issued for the guidance and compliance by all concerned in Caraga Region.

RULE I

GENERAL PROVISIONS

Section 1. Title. These Rules shall be known as the Rules and Regulations Implementing Wage Order No. RXIII-DW-01.

Section 2. Definition of Terms as used in these Rules.

- a. **Order** – refers to Wage Order No. RXIII-DW-01;
- b. **Commission or NWPC** – refers to the National Wages and Productivity Commission;
- c. **Board** – refers to the Regional Tripartite Wages and Productivity Board – XIII;
- d. **DOLE** – refers to the Department of Labor and Employment Regional Office No. XIII
- e. **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”;
- f. **NWPC Guidelines No.1, Series 2014** – refers to the rules of procedure on minimum wage fixing for domestic workers;
- g. **Domestic Workers** – 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 arrangements, or any person who performs domestic work only occasionally or sporadically;

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h. **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.

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. **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;

k. **Competency-Based Pay Scheme** – refers to a compensation system that rewards domestic workers with additional pay in exchange for formal certification of the domestic worker's mastery of skills, knowledge and/or competencies.

RULE II

WAGE ADJUSTMENTS

Section 1. New Monthly Minimum Wage Rates

Upon the effectivity of the Wage Order, the new monthly minimum wage rates for domestic workers in Caraga Region shall be, as follows:

AREA CLASSIFICATION	MINIMUM WAGE UNDER R.A. 10361	INCREASE	NEW MONTHLY MINIMUM WAGE RATE
Cities and First Class Municipalities	P2,000.00	P1,000.00	P3,500.00
Other Municipalities	P1,500.00	P1,000.00	P2,500.00

not yet



Section 2. Coverage of the Wage Order

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 the foster family arrangements; and
- (d) Any person who performs work occasionally or sporadically.

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, coupons, tokens, tickets, chits, or any object other than cash shall be allowed.

Section 4. Deduction for Loss or Damage

Other than those mandated by law, the employer shall not deduct any amount from the wages of the domestic worker 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 and compliance under this Section.

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Section 5. Deductions 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 for Private Employment Agencies (PEAs)

In case of hiring/contracting of domestic workers services through a licensed PEAs, the wage rate 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 their principals or clients.

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 domestic workers as defined in Rule I, Section 2(h) 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 form under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between 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 certification on 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.

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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 XIII, in three (3) legible copies, not later than ten (10) days from the publication of this Wage Order, subject to compliance with Section 11 and 12 of 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 XIII 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 decide and issue an 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 and other benefits 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 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.

Section 5. Prohibition against Injunction

No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or entity against any proceedings before the Board.

Section 6. Repealing Clause

All orders, issuances, rules and regulations or part thereof inconsistent with the provisions of the Wage Order are hereby repealed, amended or modified accordingly.

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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 Rules shall take effect upon effectivity of the Order.

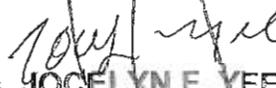
Done this 19th day of September 2016, Butuan City, Philippines.


Mr. JOSELITO V. SORIANO
Labor Sector Representative

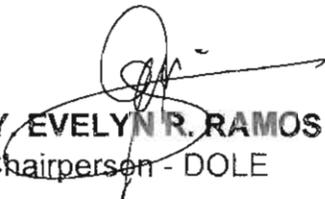

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Vice-Chairperson, DTI


ATTY. EVELYN R. RAMOS
Chairperson - DOLE

Approved this 3rd day of October 2016.


SILVESTRE H. BELLO III
Secretary
Department of Labor & Employment