



WAGE ORDER NO. RBV-DW-01

PRESCRIBING NEW MINIMUM WAGE RATES FOR DOMESTIC WORKERS IN BICOL REGION

WHEREAS, the Regional Tripartite Wages and Productivity Boards are mandated under Republic Act No. 6727 otherwise known as *The Wage Rationalization Act* to periodically assess wage rates and conduct continuing studies in the determination of the minimum wage applicable in the regions;

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 10 February 2013, sets the minimum wage rates of domestic workers and mandates the Regional Tripartite Wages and Productivity Boards to review, and if proper, determine and adjust the minimum wages rates of domestic workers;

WHEREAS, pursuant to its mandate under the law to periodically assess the prevailing socio-economic conditions in the Region and to review *motu proprio* the existing minimum wage therein, the Regional Tripartite Wages and Productivity Board V (Board) after publication and due notice to all concerned sectors conducted public wage consultations/hearings in Camarines Norte on April 4, 2017, Camarines Sur on April 5, 2017, Albay on April 6, 2017, Catanduanes on April 7, 2017, Masbate on April 19, 2017 and Sorsogon on April 21, 2017;

WHEREAS, after a thorough evaluation of the existing socio-economic conditions of the Region and based on the consultations, studies and deliberations conducted, 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 RA 10361, the Regional Tripartite Wages and Productivity Board V 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 RA 10361	Increase	New Minimum Wage
1) Chartered Cities and First Class Municipalities	P2,000.00	P1,000.00	P3,000.00
2) Other Municipalities	P1,500.00	P1,000.00	P2,500.00

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:

- (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;

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 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 worker shall be made other than those mandated by law.

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 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.

Section 6. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal with the National Wages and Productivity Commission (NWPC), through the RTWPB, 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 7. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with this Wage Order shall be filed before the DOLE Field/Provincial/Regional Office V 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 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 party pursuant to Rule XII, Sections 1 and 2 of Implementing Rules and Regulations (IRR) 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 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 punishment or disciplinary action to the domestic worker.

- 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 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 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, for any reason, any section or provision of this 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 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: 25 April 2017, Legazpi City, Philippines.

MARCELO S. TAN
Employer's Representative

EDGARDO T. NAVARROZA
Employer's Representative

ENGR. JOCELYN LB. BLANCO, CESO II
Regional Director, DTI
Vice-Chairperson

RONALDO C. AFABLE
Worker's Representative

(vacant)
Worker's Representative

AGNES M. ESPINAS, CESE
Regional Director, NEDA
Vice-Chairperson

ATTY. MA. KARINA E. TRAYVILLA
Regional Director, DOLE
Chairperson



RULES IMPLEMENTING WAGE ORDER NO. RBV-DW-01

Pursuant to Section 7 of the National Wages and Productivity Commission (NWPC) 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. RBV-DW-01, the following Rules are hereby issued for the guidance and compliance by all concerned:

RULE I GENERAL PROVISIONS

Section 1. Title. This shall be known as "The Rules Implementing Wage Order No. RBV-DW-01".

Section 2. Definition of Terms. As used in these Rules:

- a. **Order** means Wage Order No. RBV-DW-01;
- b. **Department** means the Department of Labor and Employment;
- c. **Commission** means the National Wages and Productivity Commission;
- d. **Board** means the Regional Tripartite Wages and Productivity Board V;
- e. **Regional Office** refers to the regional office of the Department of Labor and Employment;
- f. **Region V** covers the Provinces of Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate, Sorsogon and the Cities of Iriga, Legazpi, Ligao, Masbate, Naga, Sorsogon and Tabaco;
- g. **NWPC Guidelines 01-14** refers to the rules of procedure on minimum wage fixing for domestic workers;
- h. **Domestic Work** refers to work performed in or for a household;
- i. **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;
- j. **Employer** refers to any person who engages and controls the services of a Kasambahay and is party to the employment contract;
- k. **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;
- l. **Children under foster family arrangement** refers to children who are living with a family or household of relative/s and are provided access to education and given an allowance incidental to education, i.e. "baon", transportation, school projects, and school

activities; provided that the foster family and foster care arrangements are in compliance with the procedures and requirements as prescribed by Republic Act No. 10165 or Foster Care Act of 2012;

- m. **Live-out Arrangement** refers to an arrangement whereby the Kasambahay works within the employer's household but does not reside therein;
 - n. **Private Employment Agency (PEA)** refers to any individual, partnership, corporation or entity licensed by the Department of Labor and Employment (DOLE) to engage in the recruitment and placement of Kasambahays for local employment;
 - o. **Working Children** refers to Kasambahays who are fifteen (15) years old and above but below eighteen (18) years old;
 - p. **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 and 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;
 - q. **Basic Necessities** is defined pursuant to Rule IV, Section 13, Rules Implementing RA 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;
- r. **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;
 - s. **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 written mutual agreement.

RULE II
NEW MINIMUM WAGE RATES

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:

<i>Area</i>	<i>Minimum Wage Under RA 10361</i>	<i>Increase</i>	<i>New Minimum Wage</i>
1) Chartered Cities and First Class Municipalities	P2,000.00	P1,000.00	P3,000.00
2) Other Municipalities	P1,500.00	P1,000.00	P2,500.00

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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:

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. Mode and Frequency of Payment. 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 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 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 under this Section.

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 to Private Employment Agencies (PEAs). In the case of hiring / contracting of domestic workers services through a licensed PEA, the wage rates prescribed in this Order shall be borne by the principals or clients of the PEA 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 PEA shall be jointly and severally liable with his principal or client.

Section 7. Exemption from Compliance. Filing of application for exemption from this Wage Order is not allowed.

Section 8. Provision for 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 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 10. Competency-based Schemes. 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 Technical Education and Skills Development Authority (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 NWPC, through the Board, 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 Order shall be filed with the Regional Office of the Department having jurisdiction over the workplace and shall be subject to the mandatory thirty (30) day conciliation and mediation process under Single Entry Approach (SEnA). However, if settlement fails, the case becomes subject of enforcement proceedings under Articles 128 and 129 of the Labor Code, as amended.

Section 3. 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 party pursuant to Rule XII, Sections 1 and 2 of Implementing Rules and Regulations of Republic Act No. 10361.

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. Freedom to Bargain. The Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 6. Repealing Clause. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of these Rules are hereby repealed, amended or modified accordingly.

Section 7. Separability Clause. If any provision or part of these Implementing Rules is declared unconstitutional, or in conflict with existing law, the other provisions or part thereof shall remain valid.

Section 8. Effectivity. These Rules shall take effect upon the effectivity of the Wage Order.

Done on 25 April 2017 at Legazpi City, Philippines.



MARCELO S. TAN
Employer's Representative



RONALDO C. AFABLE
Worker's Representative



EDGARDO T. NAVARROZA
Employer's Representative

(vacant)

Worker's Representative



ENGR. JOCELYN LB. BLANCO, CESO II
Regional Director, DTI V
Vice-Chairperson

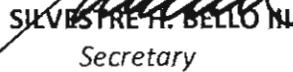


AGNES M. ESPINAS, CESE
Regional Director, NEDA
Vice-Chairperson



ATTY. MA. KARINA P. TRAYVILLA
Regional Director, DOLE
Chairperson

APPROVED this 7th day of JUNE, 2017, in the City of Manila, Philippines.



SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment