



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



**WAGE ORDER NO. RBXII-DW-01
PRESCRIBING THE NEW MINIMUM WAGE FOR KASAMBAHAYS OR
DOMESTIC WORKERS IN REGION 12**

WHEREAS, the Regional tripartite Wages and Productivity Board Region 12 (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 minimum wage applicable in the region;

WHEREAS, Section 4 of Republic Act 10361 (An Act instituting the policies for the protection and welfare of Domestic Workers or Batas Kasambahay), which took effect on February 3, 2013, sets the minimum wage for domestic workers and mandated the Board to review, and if proper, determine and adjust the minimum wage rates for domestic workers one(1) year from the effectivity of the law and periodically thereafter;

WHEREAS, after due notice to the concerned sectors, the Board conducted consultations with concerned sectors and stakeholders of Region 12 and a public hearing on September 26, 2017 in Viajera Dine and Café, Koronadal City and conducted a series of survey at Tupi and General Santos City on September 29, 2017;

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

- a.) Taking into account the 2017 Consumer Price Index(CPI) against the CI level at the time of issuance of Republic Act 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.) Prevailing poverty threshold level of P288 per day for a family with five (5) members in the region over and above the wage rates prescribe by the Republic Act 10361.

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

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



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



Section 1. NEW MINIMUM WAGE RATES. Upon effectivity, the new monthly minimum wage rates for domestic workers in the region shall be as follows:

Categories	Existing Minimum wage rate per month	Increase in the new minimum wage rate per month	New Monthly minimum wage rate per month
Cities and 1 st class municipalities	2, 000	500.00	2, 500.00
Other municipalities	1, 500	500.00	2, 000.00

Section 2. COVERAGE. This Wage Order shall apply to all domestic workers, whether 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;
- f.) Any person who regularly performs domestic works in one household or an occupational basis.

The following are **NOT COVERED**:

- a.) Service providers;
- b.) Family drivers;
- c.) Children under Foster Family arrangements; and
- d.) Any other person who performs work occasionally or sporadically and not on 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.



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



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 to the National Wages and Productivity Commission (NWPC), through Regional Tripartite Wages and Productivity Board XII (RTWPB-XII), in three (3) printed copies, not later than ten (10) days from the publication of this Wage Order, and in accordance with section 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 XII and shall go through the thirty (30) day mandatory conciliation under 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 (10, 000.00) but not more than FORTY THOUSAND (40, 000.00), without prejudice to the filing of the appropriate civil and/or criminal action by the aggrieved party, pursuant to Rule 12, sections 1 and 2 of Republic Act 1036.

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

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

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



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



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 the 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 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 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, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Wage Order are repealed, amended or modified accordingly.

Section 15. SEPARABILITY CLAUSE. If any provision or parts of this Wage Order is declared unconstitutional or in conflict with existing law, the other provision 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 this 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 24th day of October 2017 at Quezon City, Philippines



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



[Signature]
WARREN GREGORIO MANILAY
 Member
 Employers' Representative

[Signature]
JOE MARIE P. ANGELES
 Member
 Workers' Representative

[Signature]
ATTY EUGENE U. SOYAO
 Member
 Employers' Representative

[Signature]
SIMPLICIO H. VILLARTA, JR
 Member
 Workers' Representative

[Signature]
IBRAHIM K. GUIMADEL
 DTI Director
 Vice-Chairperson

[Signature]
ARTURO G. VALERO
 NEDA Director
 Vice-Chairperson

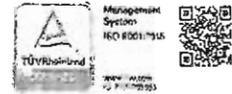
[Signature]
SISINIO B. CANO, CESO IV
 DOLE Regional Director
 Chairperson

Date of Effectivity: 10 December 2017

Publish in The Mindanao Cross on 25 November 2017



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



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

Pursuant to Section 16 of Wage Order No. RBXII-DW-01, Prescribing New Minimum Wage rates for Domestic Workers in Region 12 and NWPC Guideline No. 01, Series of 2014, the Rules are hereby issued for the guidance and compliance by all concerned in the Region 12.

RULE 1

Section 1. TITLE. These Rules shall be known as the Rules and Regulations Implementing Wage Order RBXII-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 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 Region 12
- 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-XII** – refers to the Department of Labor and Employment, Region XII.



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



- f. **DOMESTIC WORKER** – refers to any person engaged in domestic work within an employment relationship, whether live-in or live-out arrangement, such as but not limited to, general househelp, nursemaid or “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 occupational basis.
- g. **NWPC GUIDELINE 01-14** refers to the Rules of Procedure on Minimum Wage Fixing for Domestic Workers.
- h. **ORDER** refers to the Wage Order RBXII-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 WORKER’S ACT OR BATAS KASAMBAHAY)** – the law enacted by Congress known as “ An Act instituting the Policies for the Protection 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 live-in or live-out arrangements, such as but not limited to:

- a. General Househelp;
b. Nursemaid or Yaya;
c. Cook;
d. Gardener;
e. Laundry person, or



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



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 arrangement ;and
- d. 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 minimum wage rates for domestic workers in Region XII shall not be less than the following:

- a. P 2, 500.00 in chartered cities and 1st class municipalities
- b. P 2, 000.00 in other municipalities

Section 3. MODE AND FREQUENCY OF PAYMENTS 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, 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 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 shall be 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;
- d. The deductions of the wages of domestic worker shall 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 from the wages of domestic worker, which amount shall not exceed 20% of his/her wages every month.



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



Section 6. APPLICATION TO THE 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 PEAs and the contract shall be deemed amended accordingly.

In the event, however, 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 FOR BASIC NECESSITIES. The employer shall provide for the basic necessities of the domestic workers as defined in Rule 1, Section 1 of this Order.

At no instance shall the employer withdraw or hold in abeyance the provision of the 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 the workers and employers.

Section 10. COMPETENCY-BASED PAY SCHEME. Household employers and their domestic workers may voluntary 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 Pay Scheme 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 RTWPB-XII, 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 NWPC Guideline No. 1, Series of 2014.



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



Section 2. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance of Wage Order shall be filed before the DOLE Field/Provincial/Regional Office XII and shall go through the thirty (30) day mandatory conciliation under the DOLE Single Entry Approach (SEnA) 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 (10, 000.00) but not more than forty thousand pesos (40, 000.00) without prejudice to the filing of appropriate civil and/or criminal action by the aggrieved party pursuant to Rule 12, section 1 and 2 of Implementing Rules and Regulations of R.A. 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.

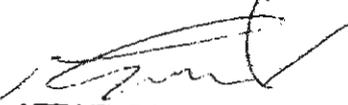
Section 7. SEPARABILITY CLAUSE. If any provision or part of the Wage Order is declared unconstitutional, or in conflict with existing law, the other provisions or parts thereof shall remain valid.

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

Done this 24th day of October 2017 at Quezon City, Philippines


WARREN GREGORIO MANILAY
Member
Employers' Representative

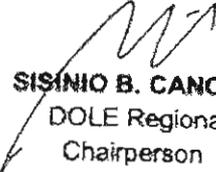

JOE MARIE P. ANGELES
Member
Workers' Representative


ATTY EUGENE U. SOYAO
Member
Employers' Representative

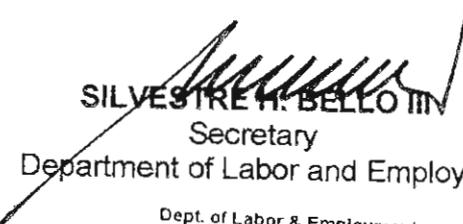

SIMPLICIO H. VILLARTA, JR.
Member
Workers' Representative


IBRAHIM K. GUIMADEL
DTI Director
Vice-Chairperson


ARTURO G. VALERO
NEDA Director
Vice-Chairperson


SISINIO B. CANO, CESO IV
DOLE Regional Director
Chairperson

APPROVED this 12 DECEMBER 2017, in the City of Manila, Philippines.


SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary



026096

102 ACEPAL Building, Mabini Extension, Koronadal City
Telephone No. and 8784723 Telefax. No. (083) 520-0129
Email address: rtwpxii@yahoo.com and <http://www.nwpc.dole.gov.ph>