

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Regional Board No. VIII
Tacloban City

WAGE ORDER NO. RBVIII-DW-02

**PRESCRIBING THE MINIMUM WAGE RATES
FOR DOMESTIC WORKERS IN EASTERN VISAYAS**

WHEREAS, the Regional Tripartite Wages and Productivity Board VIII (RTWPB VIII) is 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 region or industry;

WHEREAS, Section 24 of Republic Act No. 10361 otherwise known as the Domestic Workers Act or Batas Kasambahay mandates the Regional Tripartite Wages and Productivity 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, the prevailing Kasambahay Wage Order No. RB VIII-01 has not been reviewed and revisited since its issuance on March 3, 2016;

WHEREAS, after due notice through publication in a newspaper of general circulation, RTWPB VIII conducted a public hearing cum consultation on 25 November 2019 in Tacloban City to consult concerned sectors on whether or not there is a need to adjust the minimum wage of domestic workers;

WHEREAS, after taking into consideration the results of the consultation and public hearing, as well as the current socio-economic indicators, the needs of the domestic workers and their families and the employer's capacity to pay, the Board deemed it necessary to increase the prevailing minimum wage rates of Eastern Visayas;

NOW THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727 and Republic Act No. 10361, the RTWPB VIII hereby issues this Wage Order.

Section 1. NEW KASAMBAHAY MINIMUM WAGE RATES IN EASTERN VISAYAS. Upon effectivity of this Wage Order, the new monthly minimum wage rate of domestic workers in Eastern Visayas shall be as follows:

Area/Location	Minimum Wage Rate under W.O. No. RBVIII-DW-01	Amount of Increase	New Minimum Wage Rate
Chartered Cities and First Class Municipalities	P2,500.00	P2,000.00	P4,500.00
Other Municipalities	P2,000.00	P2,000.00	P4,000.00

Section 2. COVERAGE This Wage Order shall apply to all domestic workers in Eastern Visayas 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 by this Wage Order:

- 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. 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 through a licensed PEA, 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 its 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 the Board, 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 the 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 DOLE Field/Provincial/Regional Office No. VIII and shall go through the thirty (30) day mandatory conciliation under Department Order No. 107 series of 2010 otherwise known as Rules of Procedure of the Single Entry Approach (SEnA) to exhaust all efforts for settlement. The DOLE Regional Office shall decide and issue an 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 Section 1 and 2, Rule XII of the Implementing Rules and Regulations of Republic Act 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 human sleeping arrangement that 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. 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, and 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.

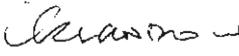
Section 14. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

Section 15. SEPARABILITY CLAUSE. If any provision or part 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 Commission the necessary Rules and Regulations to implement this Order subject to 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 publication in a newspaper of general circulation in the region.

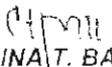
APPROVED this 25th day of November 2019 at Tacloban City.

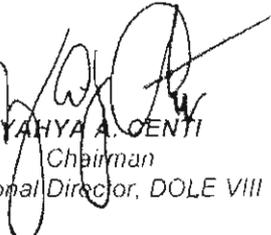

ORLANDO C. UY
Employers' Representative


MIGUEL T. TEZON
Workers' Representative


EFREN M. GABRIOLA
Workers' Representative


MEYLENE C. ROSALES
Vice-Chairperson
OIC-Regional Director, NEDA VIII


CELERINA T. BATO
Vice-Chairperson
OIC-Regional Director, DII VIII


YAHYA A. OENTI
Chairman
Regional Director, DOLE VIII

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Regional Board No. VIII
Tacloban City

**RULES AND REGULATIONS IMPLEMENTING
WAGE ORDER NO. RB VIII-DW-02**

Pursuant to Section 16 of Wage Order No. RB VIII-DW-02 Prescribing New Minimum Wage Rates for Domestic Workers in Eastern Visayas 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 Eastern Visayas.

**RULE 1
GENERAL PROVISIONS**

Section 1. Title. These Rules shall be known as the Rules and Regulations Implementing Wage Order RB VIII-DW-02.

Section 2. Definition of Terms

- a. **Order** –refers to Wage Order No. RB VIII-DW-02;
- b. **Commission or NWPC** – refers to the National Wage and Productivity Commission;
- c. **Board** – refers to the Regional Tripartite Wages and Productivity Board (RTWPB) VIII;
- d. **DOLE** – refers to the Department of Labor and Employment Regional Office No. VIII;
- 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. 01, Series of 2014** – refers to the rules of procedure on minimum wage fixing for domestic workers;
- g. **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 household, nursemaid or “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 and not on occupational basis;
- 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 domestic workers’ religious beliefs and cultural practices; b) 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; and c) humane sleeping conditions that respect the person’s privacy for the live-in arrangement and space for rest and access to sanitary facilities for the live-out arrangement.
- 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 pursuant to Department Order No. 107 series of 2010 otherwise known as Rules of Procedure of the Single Entry Approach (SEnA);

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Private Agency

- 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. Coverage of the Wage Order

The 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) Nursemaid or "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 arrangements; 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 monthly minimum wage rates for domestic workers in Eastern Visayas shall be:

Area/Location	Minimum Wage Rate under W.O. No. RBVIII-DW-01	Amount of Increase	New Minimum Wage Rate
Chartered Cities and First Class Municipalities	P2,500.00	P2,000.00	P4,500.00
Other Municipalities	P2,000.00	P2,000.00	P4,000.00

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;

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- 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.

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 for Private Employment Agencies (PEAs)

In the case of hiring/contracting of domestic workers services through a licensed 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 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 the domestic workers as defined in Rule 1, Section 2, paragraph 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 this Order shall be construed to reduce any existing wage rates, allowances and benefits of any form under existing laws, decrees, issuances, and executive orders and/or under any contract or agreement between the workers and employers.

Section 10. Competency-Based Wage for Domestic Workers

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.

**RULE III
SPECIAL PROVISIONS**

Section 1. 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 Board, 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 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 No. VIII and shall go through the thirty (30) day mandatory conciliation under Department Order No. 107 series of 2010 otherwise known as Rules of

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Procedure of the Single Entry Approach (SENA) to exhaust all efforts for settlement. The DOLE Regional Office 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 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 party pursuant to Section 1 and 2, Rule XII of the Implementing Rules and Regulations of Republic Act 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

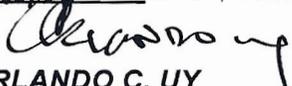
All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

Section 7. Separability Clause

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

Section 8. Effectivity

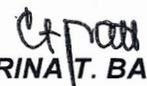
These Rules shall take effect upon effectivity of the Order. Done this 13th day of January 2020, Tacloban City, Philippines.


ORLANDO C. UY
Employers' Representative


MIGUEL T. TEZON
Workers' Representative

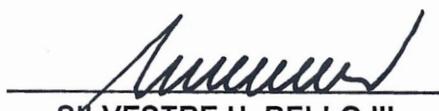

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Workers' Representative


CELERINA T. BATO
Vice-Chairperson
OIC-Regional Director, DTI VIII


YANAYA A. CENTINA
Chairman
Regional Director, DOLE VIII

APPROVED: This 10th day of MARCH 2020.


SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment
