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S. B. No. 299

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INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

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AN ACT  
PROVIDING FOR ADDITIONAL RIGHTS AND BENEFITS TO  
KASAMBAHAYS UNDER REPUBLIC ACT NO. 10361, ENTITLED "*AN  
ACT INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE  
OF DOMESTIC WORKERS*", OTHERWISE KNOWN AS THE "*DOMESTIC  
WORKERS ACT*" OR "*BATAS KASAMBAHAY*", AND FOR OTHER  
PURPOSES

EXPLANATORY NOTE

*Kasambahays* have an important role in every household; their care and dedication is what makes them part of a family, and we owe it to them how our homes are soundly secured and nurtured. However, they are often underpaid, and eventually resort to work as domestic workers abroad. Developing a more comprehensive measure for the welfare of our *kasambahays* will enable them to maintain good health conditions and help upskill their potential.

Some of the additional benefits they will receive include free maintenance drugs or medicines referring to medications taken regularly or on a recurring basis prescribed to treat chronic and/or long-term illnesses or diseases, and a continuing education of having at least one (1) hour per day, or six (6) hours per week, for continuing alternative or skills education which hours shall be considered as compensable working hours.

The 1987 Constitution of the Philippines provides that the Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, and reduce social, economic, and political inequalities. The State also affirms labor as a primary social force and is committed to respect, promote, protect and realize the fundamental principles and rights at work.

To this end, Republic Act No. 10361 entitled "An Act Instituting Policies for the Protection and Welfare of Domestic Workers" otherwise known as the "*Batas Kasambahay*" was enacted in 2013 to extend social protection to all *kasambahays* in every Filipino home. However, almost nine (9) years since its enactment, only forty-one percent (41%) of domestic workers are aware of their rights under the said law. Furthermore, eighty-three percent (83%) of the 1.4 million *kasambahays* as of December 2020 are not covered by any social security benefit and two percent (2%)

shouldered their entire premium contribution without employers sharing in the cost.<sup>1</sup>

Although their role in the basic unit of our society is very vital, their average monthly salary remains low at Four Thousand One Hundred Forty-One Pesos (Php 4,141).<sup>2</sup> As of November 2021, the minimum wage for *kasambahays* ranges from as high as Five Thousand Pesos (Php 5,000) in the National Capital Region to as low as Two Thousand Pesos (Php 2,000) in Region XI.<sup>3</sup> This makes it difficult for them to access education and other social benefits that will provide them with better opportunities and protection.

The lives of *kasambahays* were even made more difficult by the Coronavirus (COVID-19) pandemic. They are one of the most at-risk of contracting COVID<sup>4</sup> and the ongoing threat of the virus posed a challenge to the right of each *kasambahay* to a day off.

In recognition of the plight and growing needs of *kasambahays*, who have meager earnings on top of the difficulty that the current pandemic has brought upon our citizens—especially the underprivileged part of our society, this measure seeks to reduce social inequalities through better (1) access to alternative learning systems that are convenient for their current employment and (2) social benefits through the Philippine Health Insurance Corporation (PhilHealth) coverage of maintenance medicines.

In view of the foregoing, approval of this bill is earnestly sought.



**ALAN PETER "COMPAÑERO" S. CAYETANO**

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<sup>1</sup> <https://www.dole.gov.ph/news/dole-psa-1-4m-hswn-72-on-live-out/>

<sup>2</sup> *Ibid.* As of 2 December 2020.

<sup>3</sup> <https://nwpc.dole.gov.ph/stats/current-monthly-minimum-wage-for-domestic-workers/>

<sup>4</sup> <https://bwsc.dole.gov.ph/publications/2014-12-18-06-56-32/press-releases/739-kasambahays-protection-amid-pandemic-strengthened.html>



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**AN ACT**  
**PROVIDING FOR ADDITIONAL RIGHTS AND BENEFITS TO**  
**KASAMBAHAYS UNDER REPUBLIC ACT NO. 10361, ENTITLED "AN**  
**ACT INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE**  
**OF DOMESTIC WORKERS", OTHERWISE KNOWN AS THE "DOMESTIC**  
**WORKERS ACT" OR "BATAS KASAMBAHAY", AND FOR OTHER**  
**PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1       **SECTION 1. Short Title.** - This Act shall be known as the "*Enhanced Batas*  
2 *Kasambahay Act*".  
3

4       **SECTION 2. Declaration of Policy.** - It is the policy of the State to protect and  
5 promote the right to health of the people while affirming labor as a primary social  
6 economic force—protecting the rights of workers and promoting their welfare. It is  
7 therefore the responsibility of the State to provide social benefits for the labor force  
8 and the underprivileged. The Constitution also encourages non-formal, informal, and  
9 indigenous learning systems, as well as self-learning, independent, and out-of-school  
10 study programs particularly those that respond to community needs.  
11

12       The Congress shall give highest priority to the enactment of measures that  
13 protect and enhance the right of all the people to human dignity, and reduce social,  
14 economic, and political inequalities. The provision of additional benefits and access  
15 to education, especially to the disadvantaged citizens of our society, works to this end.  
16

17       By providing their services, *kasambahays* play a vital role in the basic unit of  
18 our society. Therefore, it is necessary that the State promote and protect their rights  
19 by providing them access to social services and benefits, consistent with the principle  
20 of raising the quality of life for all, especially the underprivileged.  
21

22       **SECTION 2. Definition of Terms.** - For purposes of this Act, the following  
23 terms are hereby defined as follows:  
24

- 25       a. "*Kasambahay*" refers to any person engaged in domestic work as defined under  
26       Section 4(d) of Republic Act No. 10361 or the *Batas Kasambahay*.

- 1 b. "Alternative learning systems" refers to a learning system that provides for a  
2 substitute or option to formal education through practical means.  
3 c. "Maintenance drugs or medicines" refer to medications taken regularly or on a  
4 recurring basis prescribed to treat chronic and/or long-term illnesses or  
5 diseases.  
6 d. "Outpatient drugs or medicines" refer to medications that are obtained outside  
7 of a hospital.  
8

9 **SECTION 3. Continuing Education.** – Without prejudice to Section 20 of  
10 Republic Act No. 10361, otherwise known as the *Batas Kasambahay*, each  
11 *kasambahay* shall have at least one (1) hour per day, or six (6) hours per week, for  
12 continuing alternative or skills education which hours shall be considered as  
13 compensable working hours.  
14

15 To make online learning accessible to *kasambahay*, the Department of Labor  
16 and Employment (DOLE) shall institute a program to make internet-enabled devices  
17 accessible to *kasambahay*.  
18

19 **SECTION 4. Access to Alternative Learning Systems.** – The Technical  
20 Education and Skills Development Authority (TESDA), Department of Education  
21 (DepEd), and Commission on Higher Education (CHED) shall provide equal  
22 opportunities and access to all *kasambahays* through alternative learning systems, as  
23 well as applications and online content designed to enable and encourage  
24 participation, interaction, and development, for upskilling and/or further study,  
25

26 **SECTION 5. *Kasambahay* Education Inter-Agency Committee.** – There is  
27 hereby created a *Kasambahay* Education Inter-Agency Committee, hereinafter  
28 referred to as the Committee, for the formulation of effective alternative learning  
29 framework for all *kasambahays*. The Committee shall be composed of the Secretary  
30 of Labor Employment as Chairman, or any official as may be appointed by him, and  
31 the respective heads of TESDA, DepEd, and CHED, or any official as may be appointed  
32 by them, as members.  
33

34 The Committee shall have the following mandate:  
35

- 36 a. Formulate a practical module for the alternative learning of  
37 *kasambahays*;  
38 b. Study efficient terms and conditions for the access of *kasambahays* to  
39 alternative learning taking into consideration the right of both  
40 employers and *kasambahays*;  
41 c. Provide efficient access to alternative learning considering that  
42 *kasambahays* may not have the necessary tools or gadgets to access  
43 online education; and  
44 d. Such other functions as may be deemed necessary for the  
45 implementation of the alternative learning of *kasambahays*.  
46

47 **SECTION 6. Free Maintenance Medicine for *Kasambahays*.** – Maintenance  
48 medicine of *kasambahays* for illnesses such as diabetes, hypertension, asthma,  
49 tuberculosis, and such other chronic illnesses to be determined by the DOH shall be  
50 purchased by the Local Government Units of their workplace. Such maintenance  
51 medicine purchased shall be legally chargeable and covered by the National Health

1 Insurance Program implemented by PhilHealth. A delivery system must be put in  
2 place for monthly or quarterly regular deliveries of such maintenance medicines to  
3 *kasambahays*.

4  
5 Such coverage shall be distinct from in-patient drugs provided during and right  
6 after confinement due to the aforementioned illnesses and diseases.

7  
8 **SECTION 7. Implementing Rules and Regulations.** – Within thirty (30) days  
9 upon approval of this Act, the *Kasambahay* Education Inter-Agency Committee and  
10 PhilHealth shall promulgate rules and regulations for the effective implementation of  
11 the provisions of this Act.

12  
13 **SECTION 8. Separability Clause.** – If, for any reason, any portion or provision  
14 of this Act shall be held unconstitutional or invalid, the remaining provisions not  
15 affected thereby shall continue to be in full force and effect.

16  
17 **SECTION 9. Repealing Clause.** – All laws, executive orders, proclamations,  
18 rules, regulations and other issuances or parts thereof which are inconsistent with  
19 the provisions of this Act are hereby repealed or amended accordingly.

20  
21 **SECTION 10. Effectivity.** – This Act shall take effect fifteen (15) days after its  
22 publication in the Official Gazette or in any newspaper of general circulation.

*Approved,*