



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

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(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.

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Employer's Representative

EDGARDO T. NAVARROZA
Employer's Representative

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Worker's Representative

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