



WAGE ORDER NO. NCR – DW – 02

PROVIDING FOR A NEW MONTHLY MINIMUM WAGE FOR DOMESTIC WORKERS/KASAMBAHAY IN THE NATIONAL CAPITAL REGION

WHEREAS, Republic Act No. 10361, otherwise known as an Act Instituting Policies for the Protection and Welfare of Domestic Workers otherwise known as Domestic Workers Act or Batas Kasambahay, mandates the Regional Tripartite Wages and Productivity Boards to review, determine and if proper, to issue a wage order adjusting the minimum wage rates of domestic workers in their respective regions within one (1) year from its effectivity and every year thereafter;

WHEREAS, the Regional Tripartite Wages and Productivity Board – National Capital Region (RTWPB – NCR) agreed to resolve Motu Propio the initiation and conduct of wage review, studies on the socio – economic conditions in the region including those data affecting the interests of both employers and domestic workers and the conduct of public consultations/hearings for possible adjustments on the current minimum wage of domestic workers in NCR;

WHEREAS, after due publication, posting and notice to concerned organizations, stakeholders and interest groups, the RTWPB – NCR conducted a series of Public Consultations in the region on: August 7 and 15, 2019 which were held in CAMANAVA; September 5, 2019 in PAPAMAMARISAN; September 30, 2019 in MUNTAPARLAS; October 1, 2019 in Makati/Pasay; and October 17, 2019 in Manila. The Board conducted its Public Hearing on November 8, 2019 at the Philippine Trade Training Center, Pasay City;

WHEREAS, after review and evaluation of the existing socio – economic conditions and based on Public Consultations/Hearing, studies and deliberation conducted, the Board agreed to provide for wage adjustments for domestic workers with immediate relief measures to manage the rising cost of living.

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

Section 1. NEW MINIMUM WAGE RATE. Upon effectivity of this Wage Order, the new monthly minimum wage rate for domestic workers in the National Capital Region shall be as follows:

Region	Minimum Wage	Amount of Increase	New Minimum Wage
National Capital Region	₱ 3,500.00	₱ 1,500.00	₱ 5,000.00

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;

This Wage Order shall not cover the following:

- (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 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 rate 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, that the principals or clients fail to pay the prescribed wage rate, 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 any 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 RTWPB – NCR, 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 Regional Office of the Department of Labor and Employment having jurisdiction over the workplace and shall be subject to the mandatory thirty (30) day conciliation and mediation process under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for possible 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 of Republic Act No. 10361.*

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

The employer shall also provide for appropriate rest and medical assistance in case of illness and injuries sustained by the domestic worker during service without loss of benefits.

Further, the employer is prohibited to 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 rate, 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. FREEDOM TO BARGAIN. This Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 12. 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 wage of domestic workers over and above the applicable wage.

Section 13. 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.

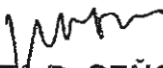
Section 14. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing laws, the other provisions or parts thereof shall remain valid.

Section 15. IMPLEMENTING RULES. The RTWPB – NCR 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 16. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

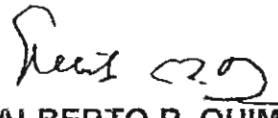
APPROVED.


Makati, Metro Manila, Philippines, 28 November, 2019.



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*DISSENTING FOR
LACK OF CLEAR BASIS
FOR THE INCREASE*


MARCELINA S. ALCANTARA
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