

Republic of the Philippines
Department of Labor and Employment
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Cordillera Administrative Region
Baguio City

WAGE ORDER NO. CAR-DW-03

**PRESCRIBING NEW MINIMUM WAGE RATES
FOR DOMESTIC WORKERS IN THE
CORDILLERA ADMINISTRATIVE REGION**

WHEREAS, Republic Act No. 6727 (otherwise known as Wage Rationalization Act of 1989) mandates the Regional Tripartite Wages and Productivity Boards to periodically assess the wage rates and conduct continuing studies in the determination of the minimum wage applicable in the regions;

WHEREAS, Republic Act No. 10361 (otherwise known as an Act Instituting Policies for the Protection and Welfare of Domestic Workers or Batas Kasambahay) set the minimum wage of domestic workers and further mandates the Regional Tripartite Wages and Productivity Boards to review, and if proper, to determine and adjust the minimum wage rates of domestic workers periodically;

WHEREAS, the latest wage order for domestic workers in the Cordillera Administrative Region (CAR), Wage Order No. CAR-DW-02, has reached its anniversary, and in the absence of a petition for wage increase filed thereafter, the RTWPB-CAR resolved *motu proprio* to initiate and conduct wage review, studies on socio- economic condition of the region, including data affecting the interests of both employers and domestic workers, and public consultations for possible adjustments on the current regional minimum wage levels for domestic workers;

WHEREAS, after due publication, posting and notice to concerned sectors, stakeholders and interest groups, the RTWPB-CAR conducted public hearing/consultations in the region on February 17, 21 and 28, 2019 in Baguio City and Benguet to determine the propriety of issuing a new wage order for domestic workers;

WHEREAS, the aforementioned public hearing/consultations have resulted to a verified conclusion that not only the domestic workers but also their employers are amenable to increase the minimum wage rates of domestic workers in the region;

WHEREAS, some notable reasons for their favorable reaction to minimum wage increases include the increasing cost of living and increasing market demand for domestic workers;

WHEREAS, after thorough evaluation of the results of the public hearing/consultations vis a vis increases in the cost of living, and competitiveness of wages between and among contiguous regions to CAR, the

Board finally determined that there is a need to adjust the existing minimum wage rates of domestic workers in CAR;

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

Section 1. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the new monthly minimum wage rates for domestic workers in CAR shall not be less than the following:

AREA	MINIMUM WAGE RATES		
	Previous Wage Order (CAR-DW-02)	Wage Increase	New Wage Order (CAR-DW-03)
Cities and 1 st Class Municipalities	Php3,000.00	Php1,000.00	Php4,000.00
Other Municipalities	Php2,500.00	Php500.00	Php3,000.00

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.

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 workers shall be made other than that which is 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.

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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-CAR, 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 CAR 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 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 AND PERFORMANCE BASED PAY. Household employers and their domestic workers may voluntarily and mutually agree to adopt a competency and performance 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.

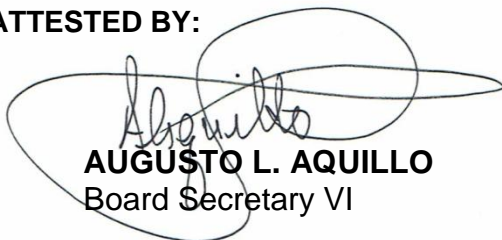
Section 15. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing laws, the other provisions or parts thereof shall remain valid.

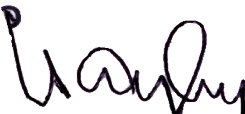
Section 16. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board-CAR shall submit to the Commission the necessary Rules and Regulations to implement this Order subject to approval of the Secretary of Labor and Employment not later than ten (10) days from the publication of the Wage Order.

Section 17. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED: This 12th day of March 2019, Baguio City, Philippines.

ATTESTED BY:


AUGUSTO L. AQUILLO
Board Secretary VI


MILTON L. BALAGTEY
Workers' Representative


ALFONSO T. LAO
Employers' Representative


RENERIO C. LARDIZABAL, JR.
Workers' Representative


JUAN JOHNNY R. DE LA CRUZ
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