REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

October 27, 2016

REVENUE MEMORANDUM CIRCULAR NO. 119-2016

SUBJECT : Publishing the Daily Minimum Wage Rates for Domestic Workers in CARAGA Region Pursuant to Wage Order No. RXIII - D.W. 01

TO : All Internal Revenue Officials, Employees and Others Concerned

---

For the information and guidelines of all internal revenue officers, employees and others concerned, we are publishing Wage Order No. RXIII - D.W. 01 which was issued on September 9, 2016 and published at Gold Star Daily on September 27, 2016:

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
Regional Tripartite Wages and Productivity Board-XIII
Caraga Region

WAGE ORDER NO. RXIII – D.W. 01

PRESCRIBING THE MINIMUM WAGE RATES FOR DOMESTIC WORKERS IN CARAGA REGION

WHEREAS, the Regional Tripartite Wages and Productivity Board (RTWPB) – XIII is mandated under Republic Act No. 6727 entitled (The Wage Rationalization Act), to periodically assess the 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 entitled (An Act Instituting Policies for the Protection and welfare of Domestic Workers or Batas Kasambahay) which took effect on February 10, 2013, sets the minimum wage of domestic workers and mandated the Regional Tripartite Wages and Productivity Boards 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, after due notice to concerned sectors, the Board conducted public consultations/hearings in the Region on February 11,2016 in Butuan City and February 26, 2016 in Surigao City to determine the propriety of issuing a new wage order for domestic workers;

WHEREAS, after a thorough evaluation of the existing socio-economic conditions in the region, 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 Republic Act 10361, the Board hereby issues this Wage Order.

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
Regional Tripartite Wages and Productivity Board-XIII
Caraga Region

SECTION 1. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the new monthly minimum wage rates of domestic workers in the Region shall be the following:

(a) Cities and first class municipalities – Php 3,000.00

(b) Other municipalities - Php 2,500.00

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:

1. General Household;
2. Yaya;
3. Cook;
4. Gardener;
5. Laundry person; or
6. Any person who regularly performs domestic work in one household on an occupational basis

The following are not covered:

1. Service providers
2. Family drivers
3. Children under foster family arrangement; and
4. Any other person who performs work occasionally or sporadically and not on an 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 those mandated by law i.e SSS, Philhealth, PAGIBIG.

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 principal or clients fail to pay the prescribed wage rates, the PEAs shall 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 to the National Wages and Productivity Commission (NWPC), through the RTWPB, 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 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 Department of Labor and Employment (DOLE) Field/Provincial/Regional Office No. 13 and shall go through the thirty (30) day mandatory conciliation under the 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 (Php 10,000.00) but not more than Forty Thousand Pesos (Php 40,000.00) without prejudice to the filing of the appropriate civil and/or criminal action by the aggrieved party pursuant to the Rule XII, Sections 1 and 2 of the 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 health and safety.

The employer shall provide appropriate rest and assistance to the domestic workers 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-DIMUNITION 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 workers and employers.

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
Regional Tripartite Wages and Productivity Board-XIII
Caraga Region

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. The order shall not be construed to prevent domestic workers from bargaining for higher wages and better benefits 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 minimum wage rate.

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 provisions or part thereof shall remain valid.

SECTION 16. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board –XIII 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.

APPROVED. This 09th day of September 2016 in Butuan City, Philippines.

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
Regional Tripartite Wages and Productivity Board-XIII
Caraga Region

Mr. JOSELITO V. SORIANO
Labor Sector Representative

Mr. JORGE G. UY
Management Sector Representative

Mr. FLORANTE O. PEREZ
Labor Sector Representative

Ms. JOCELYN F. YEE
Management Sector Representative

Dir. MYLAH FAYE AURORO B. CARIÑO
Vice Chairperson, NEDA

Dir. BRIELGO O. PAGARAN
Vice Chairperson – DTI

ATTY. EVELYN R. RAMOS
Chairperson - DOLE

"

All concerned are hereby enjoined to be guided accordingly and to give this Circular as wide a publicity as possible.

(Original Signed)
CAESAR R. DULAY
Commissioner of Internal Revenue

J-5/momd