

*Republika ng Pilipinas*  
**Komisyon ng Karapatang Pantao**  
*(Commission on Human Rights)*

**CONSOLIDATED POSITION PAPER**  
**on HOUSE BILL NO. 608 and**  
**SENATE BILL NO. 751**  
**(Magna Carta for Household helpers)**


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From the records of the Philippine Congress, Senate Bill No. 751 and House Bill No. 608 were introduced by Senator Loren Legarda-Leviste and Congressman Jack Enrile respectively. Both Bills deal with the same subject matter - 'the batas kasambahay' - seeking to institutionalize and uplift the minimum working parameters and standards of the household help industry. At the same time, the bills recognize the domestic household help as an essential institution and an integral aspect of Philippine society which is deeply rooted in its history and the culture of its people. A cursory reading of the Bills shows that they contain identical provisions. Hence, this consolidated position paper.

The Commission on Human Rights (CHR) fully supports these bills representing a substantial contribution to a big leap in the development of human rights measures in the country. The CHR shares the objective of the two bills in providing the basic structure that would uphold the dignity and protect the rights and privileges of the domestic household helpers.

It is clear from Article 23 No. 3 of the Universal Declaration of Human Rights (UDHR) that "everyone who works has the right to just and favorable remuneration ensuring for himself an existence worthy of human dignity, and **supplemented if necessary by other means of social protection**". (Emphasis supplied).

The preamble of the International Covenant on Economic, Social and Cultural Rights further states that "in accordance with the UDHR, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights as well as civil and political rights".

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**Ang Karapatang Pantao ay para sa lahat. Panindigan natin ito.**

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The Bills put into context promotion and protection of the rights of household help by qualifying their provisions as priority legislative proposals further to the State policy embodied in Section 11, Article II of the Philippine Constitution which provides that "(T)he State values the dignity of every human person and guarantees full respect for human rights".

It is observed that the abovesited human rights principles, among others, are addressed in the proposed Batas Kasambahay. The inherent dignity and equality in the enjoyment of the inalienable rights of all members of the human family are the foundation of freedom for which reason, househelpers unequivocally deserve a law that protects their human rights and interest.

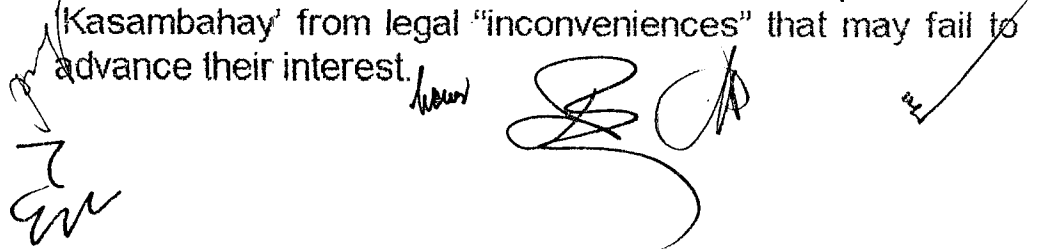
There are however some issues that need to be clarified, and the CHR submits the following observations and recommendations:

1. While the proposed provisions of the bills are contextually sound, their effective implementation or enforceability remains dubious. It must be considered that househelpers come from rural settings/areas putting them in a disadvantaged situation when dealing with the Department of Labor and Employment (DOLE) as the local interagency department on "Kasambahay" matters.

It is suggested that the Commission on Human Rights be the lead agency instead, as it has the sensitivity and focus to attend to matters concerning househelpers.

2. The proposed bills should allow househelpers to form organizations or unions. This must be encouraged, and assistance must be given by the barangay and the Commission on Human Rights.

3. Employment contracts between the employer and household helpers must be attested to by the Commission on Human Rights and copy furnished the barangay where the household residence is located. This will protect the 'Kasambahay' from legal "inconveniences" that may fail to advance their interest.

The bottom of the page features several handwritten signatures and initials. On the left, there is a signature that appears to be 'Z' or 'W'. In the center, there is a signature that looks like 'Luna'. To the right of 'Luna' is a large, stylized signature that could be 'S' or 'C'. Further right is another signature that looks like 'A'. On the far right, there is a checkmark.

In view of the foregoing, the Commission on Human Rights seeks for the early passage into law of House Bill No. 608 and Senate Bill No. 751.

Quezon City, August 22, 2002.

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Prepared and submitted by the **Legislative and Special Studies Division (LSSD)**

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