



NWPC Resolution No. 03
Series of 2020

Legal Coverage of Family Drivers
(Amending NWPC Resolution No. 1, Series of 2017)

WHEREAS, Article 141, Chapter III, Book III of the Labor Code defined domestic or household service to mean “service in the employer's home which is usually necessary or desirable for the maintenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the members of the employer's household, including services of family drivers.”

WHEREAS, Section 4(d) of Republic Act No. 10361 defined domestic worker or *kasambahay* as “any person engaged in domestic work within an employment relationship such as, but not limited to, the following: general house help, nursemaid or *yaya*, cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis. The term shall not include children who are under foster family arrangement, and are provided access to education and given an allowance incidental to education, *i.e. baon*, transportation, school projects and school activities.”

WHEREAS, Section 2 of the Implementing Rules and Regulations of Republic Act No. 10361 enumerated service providers, family drivers, children under foster family arrangement, and any other person who performs work occasionally or sporadically and not on an occupational basis as sectors not covered by the said law.

WHEREAS, on 21 February 2017, citing the Minutes of the Tripartite Industrial Peace Council and deliberation of the Bicameral Conference Committee on *Batas Kasambahay*, the Commission issued NWPC Resolution No. 1, Series of 2017 stating that “the minimum wage of family drivers shall now be the minimum wage prescribed for private establishments.”

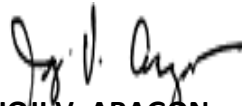
WHEREAS, on 17 June 2019, the Supreme Court, in the case of *Atienza vs. Saluta* (G.R. No. 233413), decided that the Civil Code shall govern the rights of family drivers.

WHEREAS, the Supreme Court specifically cited that “due to the express repeal of the Labor Code provisions pertaining to house helpers, which includes family drivers, by the *Kasambahay* law, and the non-applicability of the *kasambahay* law to family drivers, there is need to revert back to the pertinent provisions of the Civil Code.”

RESOLVED THEREFORE, as it is hereby resolved that the wages of family drivers shall be governed by their contractual arrangements with the households they are rendering service for pursuant to the Civil Code of the Philippines.

This Resolution takes effect immediately upon publication in a newspaper of general circulation.

14 May 2020. Manila, Philippines.



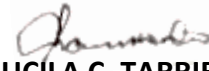
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