



**LABOR ADVISORY NO. 17**  
Series of 2018

**CLARIFICATORY GUIDELINES ON HANDLING *KASAMBAHAY* COMPLAINTS /  
REQUEST FOR ASSISTANCE**

Pursuant to the mandate of the Department to provide speedy, impartial and inexpensive settlement of labor issues involving *kasambahay*, this Labor Advisory is hereby issued reiterating, for the guidance of all concerned, the guiding principles in handling labor-related complaints and request for assistance of *kasambahay*.

- I. **Guiding Principle.** - To provide speedy, impartial and inexpensive settlement of labor issues as provided under Department Order No. 151, series of 2016, otherwise known as "Implementing Rules and Regulations of Republic Act No. 10396, or "An Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for all Labor Cases, amending for this purpose Article 228 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines" and the Implementing Rules and Regulations of RA 10361, otherwise known as "An Act Instituting Policies for the Protection and Welfare of Domestic Workers".
- II. **Request for Assistance filed with the Field/Provincial/Regional Office.** - If the *kasambahay* files a Request for Assistance (RFA) with the DOLE Field/Provincial/Regional Office, conciliation-mediation proceedings shall be conducted as provided under DOLE Department Order No. 151-16.
- III. **Request for Assistance filed with DOLE Attached Agency.** - If the *kasambahay* files a Request for Assistance (RFA) with a DOLE Attached Agency, conciliation-mediation proceedings shall also be conducted in accordance with the provisions of Department Order No. 151-16.
- IV. **Amicable Settlement of Disputes.** - Settlement between the parties at any stage of the proceeding is highly encouraged. In case the parties agree to settle amicably, the desk officer shall immediately prepare a settlement agreement in accordance with Rule V of Department Order No. 151-16.
- V. **Referral.** - The concerned DOLE Field/Provincial office or DOLE Attached Agency shall issue the Referral and transmit the same, including the entire record of the conciliation-mediation proceedings previously conducted, to the DOLE Regional Office having jurisdiction over the workplace, within one day, should the parties fail to settle amicably under any of the following circumstances:
  - a. Expiration of the 30-day mandatory conciliation-mediation period, unless there is a request for extension;
  - b. Failure of the parties to reach an agreement within the 30-day mandatory conciliation-mediation period;
  - c. Non-appearance of the responding party in two (2) scheduled consecutive conferences despite due notices.
  - d. Non-settlement of one or some issues but not all in RFAs with multiple issues; or
  - e. Non-compliance with the Agreement.

The referring office shall ensure that the requesting party shall be furnished a copy of the referral transmitted to the DOLE Regional Office.

However, no Referral shall be issued where the Requesting Party has withdrawn the RFA.

- VI. Mandatory Conference.** - The DOLE Regional Office shall conduct a mandatory conference within a period of thirty (30) days from referral of the unsettled dispute by the DOLE Field/Provincial Office or DOLE Attached Agency. The DOLE Regional Director shall issue a Compliance Order within ten (10) days from the submission of the case for resolution.
- VII. Service of Compliance Order.** - The Compliance Order shall be served to the parties at their last known address either by personal service, registered mail or private courier service.
- VIII. Execution of Compliance Order.** - In case of failure or refusal of respondent to comply with the Compliance Order, the Regional Director shall issue the writ of execution in accordance with existing rules on execution of writs.
- IX. Appeal.** - The Compliance Order of the Regional Director may be appealed to the Secretary of Labor and Employment within ten (10) days from receipt thereof. Thereafter, the Order of the Secretary of Labor and Employment shall be final and executory.
- X. Other Cases.** - Ordinary crimes or offenses committed by either party under the Revised Penal Code and other special laws shall be filed with the appropriate courts.

Be guided accordingly.

  
**SILVESTRE H. BELLO III**  
Secretary

Dept. of Labor & Employment  
Office of the Secretary



029074

*30* October 2018