



WAGE ORDER NO. RBVI-21

PROVIDING FOR THE NEW MINIMUM WAGE RATES IN WESTERN VISAYAS

WHEREAS, the Regional Tripartite Wages and Productivity Board - Regional Board VI, Western Visayas (otherwise referred to as the Board) is mandated under R.A. 6727 (The Wage Rationalization Act), to periodically assess the wage rates and conduct continuing studies in the determination of the minimum wage rates applicable in the Region;

WHEREAS, the last minimum wage adjustment took effect May 31, 2012, covered by Wage Order No. RBVI-20;

WHEREAS, on May 3, 2013, a petition for wage increase was filed by the Philippine Agricultural, Commercial and Industrial Workers Union (PACIWU) - TUCP, seeking for a P113.57; P100.45; and P96.35 daily wage increase in the private sector in Region VI for: Non-Agriculture-Commercial/Industrial workers; Agriculture-Plantation workers employed in establishments with ten (10) workers and below; and, Agriculture-Non Plantation workers; respectively;

WHEREAS, after publication of the above petition and due notice to all concerned sectors, the RTWPB VI conducted wage consultations on May 22, Bacolod City; June 27, Roxas City; June 28, Boracay, Malay, Aklan; July 16, San Jose, Antique and July 17, 2013 in Iloilo City. A public hearing was conducted last September 30, 2013 in Bacolod City;

WHEREAS, in response to the petition and after consultations, public hearing and deliberations, the Board agreed to set the new minimum wage rate in the Region and will be effective fifteen (15) days after its publication in a newspaper of general circulation in the Region;

WHEREAS, after a thorough evaluation of the existing socio-economic conditions of the Region, the Board has been encouraging industries/establishments to implement their productivity improvement programs to enable them to grant productivity-based pay on top and in addition to the minimum wage;

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

Section 1. NEW DAILY MINIMUM WAGE RATES.

Upon effectivity of this Wage Order, the new minimum wage rates in the private sector in the Region are as follows:

Sector/Industry	New Daily Minimum Wage Rates
1. Non-Agriculture/Industrial/Commercial	
Employing more than 10 workers	P287.00
Employing 10 workers and below	P245.00
2. Agriculture	
Plantation	P255.00
Non-Plantation	P245.00

Section 2. COVERAGE. The wage increase prescribed in this Wage Order shall apply to all minimum wage earners in the private sector in the Region, regardless of their position, designation or status of employment and irrespective of the method by which they are paid.

This Wage Order shall not cover household or domestic workers, persons in the personal service of another and workers of duly registered Barangay Micro Business Enterprises (BMBEs) with Certificates of Authority pursuant to Republic Act 9178.

Section 3. APPLICATION TO CONTRACTORS. In case of contracts for construction projects, and for security, janitorial and similar services, the prescribed increases in the wage rates of the workers shall be borne by the principal or clients of the construction/service contractors and the contract shall be deemed amended accordingly.

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In the event, however, that the principal or client fails to pay the prescribed wage rates, the construction/service contractor will be jointly and severally liable with his principal or client.

Section 4. APPLICATION TO PRIVATE EDUCATIONAL INSTITUTIONS. In the case of private educational institutions, the share of covered workers and employees in the increase in tuition fees for School Year 2013-2014 shall be considered as compliance with the increase prescribed herein. However, payment of any shortfall in the wage increase set forth herein shall be covered starting School Year 2014-2015.

Private educational institutions which have not increased their tuition fees for School Year 2013-2014 may defer compliance with the wage rates prescribed herein until the beginning of School Year 2014-2015.

In any case, all private educational institutions shall implement the wage rates prescribed herein starting School Year 2014-2015.

Section 5. WORKERS PAID BY RESULT. All workers paid by result, including those who are paid on piecework, "takay", "pakyaw" or task basis, shall be entitled to receive not less than the prescribed wage rates a day, or a proportion thereof for working less than eight (8) hours.

Section 6. WAGES OF SPECIAL GROUPS OF WORKERS. Wages of apprentices and learners shall in no case be less than seventy-five percent (75%) of the applicable minimum wage rates prescribed in this Order.

All recognized learnership and apprenticeship agreements entered into before the effectivity of this Order shall be considered automatically modified insofar as their wage clauses are concerned to reflect the new minimum wage rates.

All qualified handicapped workers shall receive the full amount of the new wage rates prescribed herein pursuant to Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons.

Section 7. EXEMPTIONS. No exemptions shall be allowed.

Section 8. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal to the NWPC, through the Board, in three (3) printed copies, not later than ten (10) days from the publication of this Wage Order.

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Section 9. EFFECTS ON EXISTING WAGE STRUCTURE. Where the application of the increase prescribed in this Order results in distortions in the wage structure within the establishment, it shall be corrected in accordance with the procedure provided for under Article 124 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines.

Section 10. PRODUCTIVITY AND OTHER PERFORMANCE INCENTIVE PROGRAMS (PIP). In order to sustain rising levels of wages and enhance competitiveness, labor and management as partners are encouraged to adopt productivity improvement schemes to enable them to produce more and earn more and eventually improve their quality of life. These PIP may include time and motion studies, good housekeeping, quality circles, labor and management cooperation as well as implementation of gain-sharing and other performance-incentive programs.

Section 11. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with this Order shall be filed with the Regional Office of the Department of Labor and Employment and shall be the subject of enforcement proceedings under Articles 128 and 129 of the Labor Code, as amended.

Section 12. 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 13. 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 14. FREEDOM TO BARGAIN. This Order shall not be construed to prevent workers in particular firms or enterprises or industries from bargaining for higher wages with their respective employers.

Section 15. REPORT ON WAGE STRUCTURE. Any person, company, corporation, partnership or any entity engaged in business shall submit a verified report on their wage structure to the Board not later than January 31, 2014 and every year thereafter in accordance with the form prescribed by the National Wages and Productivity Commission.

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Section 16. PENAL PROVISION. Any employer who refuses or fails to comply with this Order shall be subject to the penalties specified under RA 6727, as amended under R.A. No. 8188.

Section 17. 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 18. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing law, the other provisions or parts thereof shall remain valid.

Section 19. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board VI 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 20. ADVISORY ON PRODUCTIVITY-BASED PAY (PBP). Pursuant to the Two-Tiered Wage System, the Board shall issue corresponding advisories on the 2nd tier or the productivity-based pay which shall serve as guidelines for private establishments on the range of productivity bonuses and incentives that an enterprise may provide based on agreement between workers and management.

The Department of Labor and Employment (DOLE) Regional Office 6 shall monitor the implementation of the agreed Productivity-Based Pay.

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Section 21. EFFECTIVITY. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Region.

APPROVED. Iloilo City, Philippines, October 30, 2013.



JOHN PETER Z. MILLAN
EMPLOYERS' REPRESENTATIVE



WENNIE G. SANCHO
WORKERS' REPRESENTATIVE



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