

**Republic of the Philippines**  
**National Wages and Productivity Commission**  
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD NO. 03  
**San Fernando, Pampanga**

**WAGE ORDER NO. RBIII -06**  
**GRANTING AN EMERGENCY RELIEF ASSISTANCE**

WHEREAS, the currency crisis that has affected the Philippines and its neighboring Asian countries, has raised concern on the adverse implications of the same on both the workers and the employers.

WHEREAS, the decline in peso value and the high interest rate regime have caused the cost of doing business to significantly rise;

WHEREAS, prices of commodities in Central Luzon increased by an average of 6% for January to December, 1997 which represents a P 9.40 decline in purchasing power of workers in the Region;

WHEREAS, further decline in purchasing power is expected as the effect of increase in prices of oil is felt;

NOW, THEREFORE, pursuant to the power vested in it by Republic Act No. 6727, the Regional Tripartite Wages and Productivity Board (RTWPB) of Region 3 hereby issues this Order to cover for the loss of Purchasing Power in 1997 and to cushion the possible inflationary impact of the oil price increase in 1998.

Section 1. AMOUNT OF EMERGENCY RELIEF ASSISTANCE. Upon the effectivity of this Order, all employers in the private sector operating in Region 3 shall provide their employees and workers receiving a basic wage of not more than the wage ceiling provided hereunder per day or its monthly equivalent regardless of their position, designation or status an Emergency Relief Assistance (ERA) as follows:

Sector	Wage Order No. 5			Wage Order No. 6		Wage Ceiling
	Bulacan	Other Provinces	ERA	Bulacan	Other Provinces	
<b>NON-AGRICULTURAL</b>						
Establishment with 30 or more workers or with total assets of P30 million or more	163.50	159.50	12.00	175.50	171.50	190.00
Establishments with less than 30 workers or with total assets of less than P39 million	156.50	152.50	11.50	168.00	164.00	182.00
<b>AGRICULTURE</b>						
Plantation	131.50	131.50	10.00	141.50	141.50	153.00
Non-Plantation	116.50	116.50	9.00	125.50	125.50	136.00
<b>PRIVATE HOSPITALS</b>						
Establishment with 16 or more employees	151.50	151.50	11.00	162.50	162.50	176.00
Establishments with less than 16 employees	137.50	137.50	10.00	147.50	147.50	160.00
<b>RETAIL/SERVICE</b>						
Establishment with 16 or more employees	149.50	149.50	11.00	160.50	160.50	174.00
Establishments with less than 16 employees	136.50	136.50	10.00	146.50	146.50	159.00
<b>COTTAGE/HANDICRAFT</b>						
	116.50	116.50	9.00	125.50	125.50	136.00

Section 2. EXEMPTIONS. Not included from the provision of this Order are household or domestic helpers and persons in the personal service of another, including family drivers.

**Distressed firms may be exempted from this Order upon application with and as determined by the Board, in accordance with the applicable rules and regulations to be issued**

by the Board and pursuant to Section 3A of NWPC Guidelines No. 01, Series of 1996 (Rules on Exemption).

Whenever an application for exemption has been duly filed with the Regional Board, action on any complaint for alleged non-compliance with this Order shall be deferred pending its resolution.

In the event that applications for exemption are not granted, affected workers and employees shall receive the appropriate ERA due them as provided for in this Order plus interest of one percent (1%) per month retroactive to the effectivity of this Order.

**Section 3. WORKERS PAID BY RESULTS.** All workers paid by result, including those who are paid on piecework, “:takay”, “pakyaw”, or task basis shall be entitled to receive the prescribed ERA per eight (8) hours of work a day, or a proportion thereof for working less than eight (8) hours.

**Section 4. CREDITING.** Increases granted by an employer within 90 days prior to the effectivity of this Order shall be credited as compliance with the prescribed ERA under this Order, provided that, where such increases are less than the prescribed ERA, the employer shall pay the difference. Such increases shall not include anniversary wage increases, merit wage increases and those resulting from the regularization or promotion of employees.

**Section 5. SERVICE CONTRACTORS AND OTHER CONTRACTORS.** In the case of contracts for construction projects and security, janitorial and similar services, the prescribed ERA for covered workers and employees shall be borne by the principals or clients of the construction/service contractor and the contract shall be deemed amended accordingly. In the event, however, the principal or client fails to pay the prescribed increase, the construction/service contractor shall be jointly and severally liable with the principal or client.

**Section 6. SPECIAL GROUP OF WORKERS.** Apprentices, Learners and Handicapped workers shall be entitled to the ERA in proportion to the salary rates they receive.

**Section 7. PRIVATE EDUCATIONAL INSTITUTIONS.** In the case of private educational institutions, the share of the workers and employees covered in the increase of tuition fees for School year 1998-1999 shall be credited as compliance with this Order. Where the share of the workers and employees is less than what is provided herein, the employer shall pay the difference starting School Year 1999 – 2000.

Private educational institutions which did not increase their tuition fees for the School Year 1998 – 1999 may defer compliance with the provisions of this Order until School Year 1999 – 2000.

**Section 8. IMPLEMENTING RULES.** The Regional Board shall prepare the necessary rules and regulations to implement this Order subject to the approval of the Secretary of Labor and Employment.

**Section 9. PENALTIES.** Any employer who refuses or fails to pay the ERA provided under this Order shall be subject to the penalties specified under R.A. 6727 and R.A. 8188.

**Section 10. APPLICABILITY.** If any provision or part of this Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid. Nothing in this Wage Order shall be construed to reduce any existing wage rate, allowance or other benefit under existing laws, decrees, issuances, executive order and/or under any contract or agreement between workers and employers.

**Section 11. EFFECTIVITY.** This Order shall take effect fifteen (15) days after its publication in at least one (1) newspaper of general circulation.

Approved. This 22nd day of January, 1998 at San Fernando, Pampanga, Philippines.

SABINO C. MENDIOLA  
Board Member

(SGD.) JOSE T. DE LEON  
Board Member

RAUL C. REMODO

(SGD.) JONES B. ALABANZA

**Board Member**

**(SGD.) REMIGIO A. MERCADO**  
**Vice-Chairman**

**Board Member**

**(SGD.) OLIVER B. BUTALID**  
**Vice-Chairman**

**(SGD.) ANA C. DIONE**  
**Chairperson**

**Republic of the Philippines**  
Department of Labor and Employment  
National Wages and Productivity Commission  
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD NO. 03  
San Fernando, Pampanga

**WAGE ORDER NO. RBIII-06A**  
Amending Wage Order RBIII-06

WHEREAS, Wage Order No. RBIII-06 was published last January 28, 1998 in one (1) newspaper of general circulation;

WHEREAS, the Board finds it necessary to correct and incorporate mandatory provisions on the Wage Order;

NOW THEREFORE, the Board resolves as it is hereby resolved, to amend the following:

Section 6 is restated as:

“Section 6. WAGES OF SPECIAL GROUPS OF WORKERS. Wages of apprentices, learners and handicapped workers shall in no case be less than 75 percent of the applicable minimum wage rates and the ERA prescribed in this Order.

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

Section 7 shall read as:

Section 7. PRIVATE EDUCATIONAL INSTITUTIONS. In the case of private educational institutions, the share of the workers and employees covered in the increase of tuition fee for School Year 1997-1998 shall be credited as compliance with this Order. Where the share of the workers and employees is less than what is provided herein, the employer shall pay the difference starting School year 1998-1999.

Private educational institutions which did not increase their tuition fees in the School Year 1997-1998 may defer compliance with the provisions of this Order until School year 1998-1999.

Section 10 formerly entitled “Applicability” shall be entitled and restated as:

Section 10. REPEALING CLAUSE. All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Order are hereby repealed, amended or modified accordingly. If any provisions or part of this Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

A provision entitled “Prohibition Against Injunction” shall be incorporated as Section 11 and read as:

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 11 formerly entitled “Effectivity” shall be renumbered as Section 12.

Approved this 16th of March, 1998 at San Fernando, Pampanga, Philippines.

**SABINO C. MENDIOLA**  
Board Member

**(SGD) JOSE T. DE LEON**  
Board Member

**RAUL C. REMODO**  
Board Member

**(SGD) JONES B. ALABANZA**  
Board Member

(SGD) REMIGIO A. MERCADO  
Vice-Chairman

(SGD) OLIVER B. BUTALID  
Vice-Chairman

(SGD) ANA C. DIONE  
Chairperson

Republic of the Philippines  
Department of Labor and Employment  
National Wages and Productivity Commission  
**REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD–REGION 3**  
**San Fernando, Pampanga**

*RULES IMPLEMENTING WAGE ORDER NO. RBIII-06*

Pursuant to the authority vested in the Regional Tripartite Wages and Productivity Board No. 3 under Section 5, Rule IV of the NWPC Rules of Procedure on Minimum Wage Fixing, and Section 8 of Wage Order No. RBIII-06, the following rules are hereby issued for strict compliance by all concerned.

*CHAPTER I – DEFINITION OF TERMS*

DEFINITION OF TERMS. As used in this Rules

- a) Order refers to Wage Order No. RBIII-06;
- b) Board refers to the Regional Tripartite Wages and Productivity Board in Region III;
- c) Commission refers to the National Wages and Productivity Commission;
- d) Department refers to the Department of Labor and Employment;
- e) Secretary refers to the Secretary of Labor and Employment;
- f) Region III covers the provinces of Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac and Zambales and the cities of Angeles, Cabanatuan, Olongapo, Palayan and San Jose;
- g) Emergency Relief Assistance (ERA) refers to the additional monetary benefit given by an employer to his employees to answer, at least partly, for increase in everyday expenses of the latter.
- h) Agriculture refers to farming in all its branches including the cultivation and tillage of the soil, production, cultivation, growing and harvesting of any agricultural or horticultural commodities, dairying, raising of livestock or poultry, the culture of fish and other aquatic products in farms or ponds, and any activities performed by a farmer or on a farm as an incident to or in connection with such farming operations. This does not include the manufacturing and or processing of sugar, coconut, abaca, tobacco, pineapple, aquatic or other farm products;
- i) Plantation Agricultural Enterprise is one engaged in agriculture with an area of more than 24 hectares in a locality or which employs at least twenty (20) workers. Any other agricultural enterprise shall be considered as “Non-Plantation Agricultural Enterprises”;
- j) Cottage/Handicraft Establishment is one engaged in an economic endeavor in which the products are primarily done in the home or such other places for profit which required manual dexterity and craftsmanship and whose capitalization does not exceed P 1.5 million (in conformity with SMED Resolution No. 3, Series of 1995) regardless of previous registration with the defunct NACIDA;
- k) Household or Domestic Helper refers to workers who administer strictly to the personal needs of their employer. This includes family drivers.
- l) Establishment refers to an economic unit which engages in one or predominantly one kind of economic activity at a single fixed location.

For purposes of determining eligibility for exemption, establishments under the same owner/s but separately registered with the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) or Cooperative Development Authority (CDA) as the case may be, irrespective of their location, shall be treated as individual and distinct establishments.

- m) Distressed Employer refers to employers/establishments which meet the criteria enumerated in Sec. 3 (A) of the NWPC Guidelines No. 01, Series of 1996 on the Rules on Exemption;
- n) Capitalization refers to paid-up capital, in the case of a corporation, and total invested capital, in the case of a partnership or single proprietorship;
- o) Full Accounting Period refers to a period of twelve (12) months or one year of business operations;
- p) Total Assets refers to all kinds of properties, real or personal, owned by the firm and used for the conduct of its business;
- q) Deficit refers to the negative balance of the retained earnings account of a corporation. Retained earnings represent the cumulative balance of periodic earnings, dividend distributions, prior period adjustments and other capital adjustments.
- r) Stock Corporation refers to one organized for profit and issues shares of stock to its members.
- s) Non-stock Non-profit Organization refers to one organized principally for public purposes such as charitable, educational, cultural or similar purposes and does not issue shares of stock to its members;
- t) Partnership refers to an association of two or more persons who bind themselves to contribute money, property or industry to a common fund with the intention of dividing the profits among themselves or for the exercise of a profession;
- u) Single Proprietorship refers to a business unit owned and controlled by only one person;
- v) Cooperative refers to a duly registered association of persons who voluntarily join together to form a business establishment which they themselves own, control and patronize and which may fall under any of the following types: credit, consumers, producers, marketing, service or multi-purpose;
- w) Quasi-bank refers to institutions such as investment houses and financing companies performing quasi-banking functions as defined by the Bangko Sentral ng Pilipinas.

## CHAPTER II - EMERGENCY RELIEF ASSISTANCE

Section 1. COVERAGE. The Emergency Relief Assistance (ERA) prescribed under this Wage Order shall apply to covered workers and employees in the private sector regardless of their position, designation or status, and irrespective of the method by which their wages are paid, except household or domestic helpers and persons in the personal service of another, including family drivers.

Section 2. AMOUNT OF EMERGENCY RELIEF ASSISTANCE. Upon the effectivity of the Order, all employers in the private sector operating in Region 3 shall provide their employees and workers receiving a basic wage of not more than the wage ceiling provided hereunder per day or its monthly equivalent regardless of their position, designation or status an Emergency Relief Assistance (ERA) as follows:

SECTOR	Wage Order No. RBIII-06			
	Bulacan	Other Provinces	Wage Ceiling	ERA
NON-AGRICULTURAL Establishment with 30 or more workers or with total assets of P30 Million or more	163.50	159.50	190.00	12.00
Establishment with less than 30 workers or with total assets of less than	156.50	152.50	182.00	11.50

P30 million				
AGRICULTURE				
Plantation	131.50	131.50	153.00	10.00
Non-Plantation	116.50	116.50	136.00	9.00
PRIVATE HOSPITALS				
Establishments with 16 or more employees	151.50	151.50	176.00	11.00
Establishments with less than 16 employees	137.50	137.50	160.00	10.00
RETAIL/SERVICE				
Establishments with 16 or more employees	149.50	149.50	174.00	11.00
Establishments with less than 16 employees	136.50	136.50	159.00	10.00
COTTAGE/HANDICRAFT	116.50	116.50	136.00	9.00

Section 3. SPECIAL FEATURE OF THE ERA. The ERA granted to workers in compliance with the Order shall not be considered as part of the regular wage of the covered workers for purposes of computing wage related benefits such as 13th month pay, overtime pay and premium pay, night shift differential pay as well as premium contributions to the State Insurance Fund, SSS, Medicare, and others.

In lieu of the ERA, employers may grant wage increases which shall be considered as compliance with the Order, provided the amount is not less than that provided by the Order.

Section 4. EMERGENCY RELIEF ALLOWANCE OF PART-TIME EMPLOYEES. In case of part-time employment, the ERA shall be paid in the amount proportionate to the time worked by the employee.

Section 5. LEAVE OF ABSENCE WITH PAY. All covered workers shall be entitled to the ERA provided herein when they are on leave of absence with pay.

Section 6. BASIS OF EMERGENCY RELIEF ALLOWANCE. The ERA prescribed under the Order shall be for the normal working hours, which shall not exceed eight (8) hours of work a day.

Section 7. CREDITING.

- a) Wage increases granted by employers 90 days prior to the effectivity of this Wage Order shall be credited as compliance to the ERA granted herein, provided that, where such increases are less than the prescribed ERA, the employer shall pay the difference.
- b) Such increases shall not include merit wage increases, anniversary wage increases and those resulting from the regularization or promotion of employees.

Section 8. WORKERS PAID BY RESULT. All workers paid by result, including those who are paid on piece work, takay, pakyaw, or task basis, shall be entitled to receive the prescribed ERA per eight (8) hours work a day, or a proportion thereof for working less than eight (8) hours.

Section 9. WAGES OF SPECIAL GROUPS OF WORKERS. Wages of apprentices, learners and handicapped workers shall in no case be less than seventy-five percent (75%) of the applicable minimum wage rates and the ERA prescribed in the Order.

All valid learnership and apprenticeship agreements entered into before the effectivity of the Order shall be considered as automatically modified insofar as their wage clauses are concerned.

Section 10. APPLICATIONS TO SERVICE CONTRACTORS AND OTHER CONTRACTORS. In the case of contractual workers for construction projects and for security, janitorial and similar services, the prescribed ERA for workers and employees under this category shall be paid by the principals or clients of the construction/service contractors and the contract shall be deemed amended accordingly. In the event, however, that the principals or clients fails to pay the

prescribed ERA, the construction/service contractor and the principal or client shall be jointly and severally liable.

Section 11. APPLICATIONS TO PRIVATE EDUCATIONAL INSTITUTIONS. In the case of private educational institutions, the share of workers and employees covered in the increase of tuition fees for School Year 1997-1998 shall be credited as compliance with what is prescribed herein. Where the share of the workers and employees is less than what is provided herein, the employer shall pay the difference starting School Year 1998-1999.

Private educational institutions which did not increase their tuition fees for the School Year 1997-1998 may defer compliance with the provisions of this Order until School Year 1998-1999.

Section 12. MOBILE AND BRANCH WORKERS. The prescribed rates of the workers working in branches or agencies of establishments in or outside the Region shall be those applicable in the place where they are stationed.

Section 13. TRANSFER OF PERSONNEL. The transfer of workers to areas outside the Region with lower rate shall not be a valid ground for the reduction of the amount being enjoyed by the worker prior to such transfer. The worker transferred to a Region with higher rates will be entitled to the wage rates applicable therein.

Section 14. EXEMPTIONS. Distressed firms may be exempted from the payment of the ERA upon application with and as determined by the Board pursuant to Section 3A of NWPC Guidelines No. 01, Series of 1996 (Rules on Exemption).

Whenever an application for exemption has been duly filed with the Regional Board, action on any complaint for alleged non-compliance with the Order shall be deferred pending its resolution.

Section 15. APPLICATIONS FOR PROJECTS/BRANCHES/DIVISIONS. Where the exemption being sought is for a particular project/branch/division not separately registered and licensed, the consolidated audited financial statements of the establishment shall be used as basis for determining its distressed condition.

Section 16. DISTRESSED PRINCIPAL. Exemption granted to a distressed principal shall not extend to its contractor in case of contract(s) for construction, security, janitorial and/or similar services with respect to the employees of the latter assigned to the former.

Section 17. PROCEDURES ON EXEMPTION.

- A. Procedures. Within sixty (60) days from date of publication of this Rules, an application for exemption shall be filed with the Board in two (2) typewritten copies by the owner/manager or duly authorized representative of an establishment, either through personal delivery or by registered mail. The date of mailing shall be deemed as the date of filing.

All applications for exemption shall be under oath and must be supported by a proof of notice to the Union President/Contracting Party (in case the establishment is organized) or a copy of the circular giving general notice to all workers (if there is no union) that an application for exemption from compliance with the Order has been filed with the Board. The proof of notice which may be translated in the vernacular, shall state that the workers' representative was furnished a copy of the application with all supporting documents. The notice shall be posted in a conspicuous place in the establishment.

- B. Supporting Documents. The following supporting documents shall be submitted by distressed establishments together with the application and the proof of notice.

1. Audited Financial Statements together with the Auditor's opinion and notes thereto for 1996 and 1997 filed with and stamped "received" by the BIR and SEC;
2. Certification from the Central Bank, in case of banks under receivership/liquidation.
3. Audited interim quarterly financial statements together with the Auditor's opinion and notes thereto for the period immediately preceding the effectivity of the Order.

In case of an application for exemption is filed with incomplete supporting documents, the applicant shall be notified and shall be given ten (10) days from receipt of the notice to complete the documents required, otherwise, the application shall be dismissed.

The Board may require the submission of other pertinent commercial documents to support the application for exemption.

Section 18. CRITERIA FOR EXEMPTION. In order to determine whether a distressed establishment is qualified for exemption, the following criteria shall be used:

1. For stock corporations/cooperatives:
  - a. When deficit as of the last full accounting period or interim period, if any, immediately preceding the effectivity of the Order amounts to 20% or more impairment of the paid-up capital for the same period; or
  - b. When an establishment registers capital deficiency i.e. negative stockholders' equity as of the last full accounting period or interim period, if any, immediately preceding the effectivity of the Order.
2. For single proprietorship/partnerships:
  - a. Single proprietorships/partnerships operating for at least two (2) years may be granted exemption:
    - a.1. When the net accumulated losses for the last two (2) full accounting periods and interim period, if any, preceding the effectivity of the Order amounts to 20% or more of the total invested capital at the beginning of the period under review, or
    - a.2. When an establishment registers capital deficiency, i.e. negative net worth as of the last full accounting period or interim period, if any immediately preceding the effectivity of the Order.
  - b. Single proprietorships/partnerships operating for less than two (2) years may be granted exemption when the net accumulated losses for the period immediately preceding the effectivity of the order amounts to 20% or more of the total invested capital at the beginning of the period under review.
3. For Non-stock Non-profit Organizations:
  - a. Non-stock non-profit organizations operating for at least two (2) years may be granted exemption:
    - a.1. When the net accumulated losses for the last two (2) full accounting periods and interim period, if any, immediately preceding the effectivity of the Order amounts to 20% or more of the fund balance/members' contribution at the beginning of the period under review, or
    - a.2. When an establishment registers capital deficiency i.e. negative fund balance/members' contributions as of the last full accounting period or

interim period, if any, immediately preceding the effectivity of the Order.

- b. Non-stock non-profit organizations operating for less than two (2) years may be granted exemption when the net accumulated losses for the period immediately preceding the effectivity of the Order amounts to 20% or more of the fund balance/members' contribution at the beginning of the period under review.
4. For Banks and Quasi-banks
- a. Under Receivership/liquidation

Exemption may be granted to a bank or quasi-bank under receivership or liquidation when there is a certification from the Bangko Sentral ng Pilipinas that it is under receivership or liquidation as provided in Section 30 of RA 7653, otherwise known as the New Central Bank Act.

- b. Under Controllership/conservatorship

A bank or quasi-bank under controllership/conservatorship may apply for exemption as a distressed establishment under Section 3A of NWPC Guidelines No. 01, Series of 1996.

Section 19. MOTION FOR RECONSIDERATION. An aggrieved party may file with the Board a motion for reconsideration of the decision on the application for exemption within ten (10) days from receipt of the decision, stating the particular grounds upon which the motion is based, copy furnished the other party and the Regional Office of the Department.

No second motion for reconsideration shall be entertained in any case. The decision of the Board shall be final and executory unless appealed to the Commission.

Section 20. APPEAL. Any party aggrieved by the decision of the Board may file an appeal to the Commission, through the Board, in two (2) legible copies, not later than ten (10) days from the date of receipt of the decision. The appeal must be filed in the manner described by the Commission and must be based on any of the following grounds:

- a. Non-conformity with the prescribed guidelines/procedures on exemption;
- b. Prima facie evidence of grave abuse of discretion on the part of the Board; or
- c. Questions of law

Section 21. EXTENT AND DURATION OF EXEMPTION. The Board has the discretion to grant full or partial exemption to such employer which shall not exceed one (1) year from the effectivity of this Order.

Section 22. EFFECT OF DISAPPROVED APPLICATION FOR EXEMPTION. In the event that applications for exemption are not granted, affected workers and employees shall receive the appropriate ERA due to them as provided for in the Order plus interest of one percent (1%) per month retroactive to the effectivity of this Order.

Section 23. NON-DIMINUTION OF BENEFITS. Nothing in this Order and in this Rules 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 24. CONDUCT OF INSPECTION BY THE DEPARTMENT. The Department shall conduct inspections of establishments as often as necessary to determine whether the workers are paid the prescribed ERA and other benefits granted by law or any Wage Order. In the conduct of inspection in unionized companies, Department Inspectors shall always be accompanied by the President or other responsible officer of the recognized bargaining unit or of any interested union. In the case of non-unionized establishments, the worker representing the workers in the said company shall accompany the Inspector.

The workers' representative shall have the right to submit his own findings to the Department and to testify on the same if he does not concur with the findings of the Labor Inspector.

Section 25. PAYMENT OF ERA. Upon written petition of the majority of workers and employees concerned, all private establishments, companies, businesses and other entities with at least twenty five (25) workers and located within one (1) kilometer radius to a commercial, savings or rural bank, shall pay the regular wages and ERA of their workers through any of said banks within the period and in the manner and form prescribed under the Labor Code, as amended.

Section 26. REPORTORIAL REQUIREMENTS. All employers whether covered or exempted, shall submit a duly prescribed report on their compliance with the Order on or before January 31, 1999, and every year thereafter.

Section 27. PROHIBITION AGAINST INJUNCTION. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceeding before the Board.

Section 28. PENALTIES. Pursuant to the provision of Section 12 of the Republic At No. 6727, as amended by Republic Act 8188, any person, corporation, trust, firm, partnership, associations or entity which refuses or fails to pay the prescribed increase in the Order shall be punished by a fine not exceeding twenty-five thousand pesos (P 25,000.00) nor more than one hundred thousand pesos (P 100,000.00) or imprisonment of not less than two (2) years nor more than four (4) years, or both such fine and imprisonment at the discretion of the courts: Provided, that any person convicted under the Order shall not be entitled to the benefits provided for under the Probation Law.

The employer concerned shall be ordered to pay an amount equivalent to double the unpaid benefits owing to the employees; Provided, that payment of indemnity shall not absolve the employer from the criminal liability under the Act.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed upon the entity's responsible officers, including but not limited to the president, vice-president, chief executive officer, general manager, managing director or partner.

Section 29. REPEALING CLAUSE. All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Order are hereby repealed, amended or modified accordingly. If any provision or part of this Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

Section 30. EFFECTIVITY. This Rules shall take effect on February 12, 1998.

Done in the Municipality of San Fernando, Province of Pampanga, Republic of the Philippines this 16th day of March 1998.

SABINO C. MENDIOLA  
Board Member

(SGD) JOSE T. DE LEON  
Board Member

RAUL C. REMODO  
Board Member

(SGD) JONES B. ALABANZA  
Board Member

(SGD) REMIGIO A. MERCADO  
Vice-Chairman

(SGD) OLIVER B. BUTALID  
Vice-Chairman

(SGD) ANA C. DIONE  
Chairperson

Approved this 22nd day of April 1998, subject to the notation below;

(SGD) CRESENCIANO B. TRAJANO  
Secretary

NOTATION TO THE RULES IMPLEMENTING WAGE ORDER NO. RBIII-06

Section 26, Chapter II shall read as follows:

“All employers shall submit a verified itemized listing of their labor component to the Regional Board and the National Statistics Office not later than January 31, 1999 and every year thereafter using the form prescribed by the Commission.”