



## WAGE ORDER NO. RBV-13

### PROVIDING FOR NEW MINIMUM WAGE RATES IN REGION-V

**WHEREAS**, the Regional Tripartite Wages and Productivity Board is mandated by law to rationalize wage fixing in the region taking into account the prevailing socio-economic conditions;

**WHEREAS**, RTWPB V issued Wage Order No. RBV-12 granting a wage increase to all covered workers in the region effective 30 November 2007;

**WHEREAS**, Section 3, Rule IV of the NWPC Amended Rules of Procedures on Minimum Wage Fixing provides that any Wage Order issued by the Board may not be disturbed within 12 months from effectivity and no petition for wage increase shall be entertained within the said period, except when there is a supervening condition such as extraordinary increase in prices of petroleum and basic goods/services as determined by the Board and confirmed by the Commission;

**WHEREAS**, the Board, in its continuing review of the socio-economic indicators has determined as confirmed by the NWPC, the existence of a supervening condition in the region characterized by an extraordinary rise in the prices of food, oil and other basic commodities;

**WHEREAS**, the Board, muto proprio conducted sectoral consultations for both management and labor sectors and Area Public Consultations/Workshops for the Provinces of Albay, Catanduanes, Masbate, and Sorsogon and for the Provinces of Camarines Sur and Camarines Norte on May 22, 2008 and May 23, 2008, respectively;

**WHEREAS**, the Board, cognizant of the results of the consultations and its study and analyzing the socio-economic factors, decided to adjust the regional minimum wage rates to enable the workers in the region to cope with the rising cost of living along with the policy of providing workers with "safety net" protection against unduly low wages without however, impairing the viability of business and industry;

**WHEREAS**, consistent with the government's policy of achieving higher levels of productivity to promote economic growth and generate employment, and to augment the income of workers, there is a need to build the capacity of business enterprises to be competitive through productivity improvement and gainsharing programs;

**NOW, THEREFORE**, the Regional Tripartite Wages and Productivity Board of Region V, by virtue of the power and authority vested under Republic Act No. 6727, hereby issues this Wage Order.

**Section 1. NEW MINIMUM WAGE RATES.** A. Upon effectivity of this Wage Order, all covered workers in the private sector in the region shall receive a daily Cost of Living Allowance (COLA) in the amount of **Thirteen Pesos (P13.00)**.

B. The new minimum wage rates in the region shall be as follows:

Sectors/Industry	Cities of Legazpi, Naga, Iriga, Tabaco and Municipalities of Pili and Daraga			All Other Areas		
	Minimum Wage Rates under W.O. No. RBV-12	COLA under W.O. No. RBV-13	New Minimum Wage Rates	Minimum Wage Rates under W.O. No. RBV-12	COLA under W.O. No. RBV-13	New Minimum Wage Rates
<b>A. NON-AGRICULTURE</b>						
<b>A.1 Establishments</b>						
Employing more than 15 workers	P226.00	P13.00	P239.00	P214.00	P13.00	P227.00
Employing 11-15 workers	213.00	13.00	226.00	201.00	13.00	214.00
Employing not more than 10 workers	195.00	13.00	208.00	183.00	13.00	196.00
<b>A.2 Cottage/Handicraft</b>						
Employing 20 or more workers	201.00	13.00	214.00	189.00	13.00	202.00
Employing less than 20 workers	191.00	13.00	204.00	179.00	13.00	192.00
<b>B. AGRICULTURE</b>						
Plantation	204.00	13.00	217.00	194.00	13.00	207.00
Non-Plantation	184.00	13.00	197.00	174.00	13.00	187.00

C. Effective January 1, 2009, the Six Pesos (P6.00) of the P13.00 COLA shall be integrated into the basic wage, as follows:

Sectors/Industry	Cities of Legazpi, Naga, Iriga, Tabaco and Municipalities of Pili and Daraga			All Other Areas		
	Minimum Wage Rates under W.O. No. RBV-13	COLA as of 01 January 2009	New Minimum Wage Rates	Minimum Wage Rates under W.O. No. RBV-13	COLA as of 01 January 2009	New Minimum Wage Rates
<b>A. NON-AGRICULTURE</b>						
<b>A.1 Establishments</b>						
Employing more than 15 workers	P232.00	P7.00	P239.00	P220.00	P7.00	P227.00
Employing 11-15 workers	219.00	7.00	226.00	207.00	7.00	214.00
Employing not more than 10 workers	201.00	7.00	208.00	189.00	7.00	196.00
<b>A.2 Cottage/Handicraft</b>						
Employing 20 or more workers	207.00	7.00	214.00	195.00	7.00	202.00
Employing less than 20 workers	197.00	7.00	204.00	185.00	7.00	192.00
<b>B. AGRICULTURE</b>						
Plantation	210.00	7.00	217.00	200.00	7.00	207.00
Non-Plantation	190.00	7.00	197.00	180.00	7.00	187.00

**Section 2. COVERAGE.** The new minimum wage rates prescribed in this Order shall apply to all minimum wage earners in the private sector in the region, regardless of their positions, designations or status of employment and irrespective of the method by which their wages are paid.

Excluded from the coverage of this Order are household or domestic helpers, persons employed in the personal service of another including family drivers and workers in registered Barangay Micro Business Enterprises (BMBEs) with Certificates of Authority pursuant to R.A. 9178.

**Section 3. BASIS OF MINIMUM WAGE RATES.** The minimum wage rates prescribed under this Order shall be for the normal working hours, which shall not exceed eight (8) hours work a day.

**Section 4. PRODUCTIVITY BASED WAGES.** In order to sustain the rising levels of wages and enhance competitiveness, businesses are strongly encouraged to adopt productivity improvement schemes such as time and motion studies, good housekeeping, quality circles, labor management cooperation as well as implement gain-sharing programs. Accordingly, the Board shall provide the necessary studies and technical assistance pursuant to Republic Act No. 6971 or the Productivity Incentives Act of 1990.

**Section 5. CREDITABLE WAGE INCREASE.** Wage increases or allowances granted by an employer within three (3) months before the effectivity of this Order shall be credited as compliance herewith. Where the wage increases or allowances granted are less than that prescribed under this Order, the employer shall pay the difference.

Anniversary wage increases provided in collective bargaining agreements, merit wage increases and those resulting from the regularization or promotion of employees shall not be credited as compliance herewith.

Benefits derived from productivity gain-sharing schemes shall not be credited as compliance.

**Section 6. 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 2008-2009 shall be considered as compliance with the increase set forth herein; provided that if such increase is less than the prescribed adjustment, the employer shall pay the difference in the School Year 2009-2010.

Private education institutions, which have not increased their tuition fees for the School Year 2008-2009, may defer compliance with the provisions of this Order until the beginning of School Year 2009-2010.

In any case, all private educational institutions shall implement the wage rates prescribed herein starting School Year 2009-2010.

**Section 7. WORKERS PAID BY RESULTS.** All workers paid by results, including those who are paid on piecework, "takay", "pakyaw" or task basis, shall receive not less than the prescribed minimum wage rates per eight (8) hours work a day, or a proportion thereof for working less than eight (8) hours.

**Section 8. APPLICATION TO CONTRACTORS.** In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed minimum wage rates of the workers shall be borne by the principals or clients of the construction/service contractors and the contracts shall be deemed amended accordingly. In the event, however, that the principal or client fails to pay the prescribed minimum wage rates, the construction/service contractor shall be jointly and severally liable with his principal or client.



**Section 9. WAGES OF SPECIAL GROUPS OF WORKERS.** Apprentices and learners shall receive not less than seventy-five (75%) of the applicable minimum wage rate prescribed herein.

All 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 prescribed wage rates.

All qualified handicapped workers shall receive the full amount of the minimum wage rate in this Order pursuant to R.A. 7277.

**Section 10. EXEMPTIONS.** The following establishments may be exempted from the applicability of this Wage Order upon application with and as determined by the Board in accordance with NWPC Guidelines No. 02, Series of 2007;

- a. Retail/service establishments regularly employing not more than ten (10) workers;
- b. Distressed establishments;
- c. New business enterprises; and
- d. Establishments adversely affected by calamities.

**Section 11. APPEAL TO THE COMMISSION.** Any party aggrieved by this Wage Order may file a verified appeal with the Commission through the Board within ten (10) calendar days from the publication of this Order.

**Section 12. EFFECT OF APPEAL.** The filing of the appeal does not operate to stay the Order unless the party appealing such Order shall file with the Commission an undertaking with a surety or sureties satisfactory to the Commission for payment of the corresponding increase to employees affected by the Order in the event such Order is affirmed.

**Section 13. EFFECTS ON EXISTING WAGE STRUCTURE.** Where the application of the COLA prescribed in the Order results in distortion in the wage structure within the establishment it shall be corrected in accordance with the procedure under Art. 124 of the Labor Code, as amended.

**Section 14. 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 (DOLE) and shall be subject of enforcement proceedings under Article 128 of the Labor Code, as amended, without prejudice to criminal prosecution which may be undertaken against those who fail to comply.

**Section 15. 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 or employer practices or policies.

**Section 16. PENAL PROVISION.** Any person, corporation, trust or firm, partnership, association or entity which refuses or fails to pay the prescribed wage

increase/allowance/rates in accordance with this Order shall be subject to the penal provisions under RA 6727, as amended by RA 8188.

**Section 17. 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 18. FREEDOM TO BARGAIN.** This Order shall not be construed to prevent workers in particular firms or enterprises of industries from bargaining for higher wages with their respective employers.

**Section 19. REPORTING REQUIREMENT.** Any person, company, corporation, partnership or any entity engaged in business shall submit a verified itemized listing of their labor component to the Board not later than January 31, 2009 and every year thereafter in accordance with the form prescribed by the Commission.

**Section 20. 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 21. SEPARABILITY CLAUSE.** If, for any reason, any section or provision of this Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

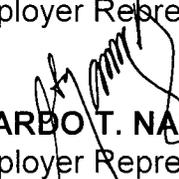
**Section 22. IMPLEMENTING RULES.** The Board shall prepare the necessary rules to implement this Order subject to the approval of the Secretary of Labor and Employment.

**Section 23. EFFECTIVITY.** This Order shall take on July 1, 2008 after its publication in at least one (1) newspaper of general circulation in the region.

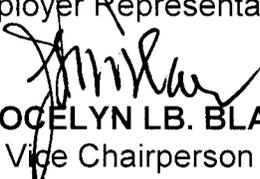
**APPROVED: May 29, 2008.**

  
**MARCELO S. TAN**  
Employer Representative

  
**JOSE P. DIZON**  
Labor Representative

  
**EDGARDO T. NAVARROZA**  
Employer Representative

**VACANT**  
Labor Representative

  
**Dir. JOCELYN LB. BLANCO**  
Vice Chairperson

  
**Dir. ROMEO C. ESCANDOR**  
Vice Chairperson

  
**Dir. ERNESTO C. BIHIS**  
Chairperson