

Republic of the Philippines
NATIONAL WAGES AND PRODUCTIVITY COMMISSION
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Regional Board VI
Iloilo City

WAGE ORDER NO. RO6-02

PROVIDING AN EMERGENCY RELIEF ALLOWANCE

WHEREAS, the December 5 and 6, 1990 increases in the prices of petroleum products have contributed to significant increases in transportation fares and prices of basic goods and services;

WHEREAS, the present economic situation has greatly affected all sectors, particularly the wage-earners;

WHEREAS, Regional Board recognizing the diminishing purchasing power of the workers/employees, the need to cushion the harsh impact of the increasing costs of basic commodities, deems it morally appropriate to provide emergency relief allowance to workers and their families pending the scheduled deliberations on the petition for wage increase in January, 1991.

WHEREAS, in consideration of the reasons stated above, the Regional Board feels that the said emergency relief allowance will be temporary in nature until the Board can decide a new wage increase not later than the end of January, 1991.

NOW, therefore, pursuant to the power vested in it by Republic Act No. 6727, the Regional Tripartite Wages and Productivity Board (RTWPB) of Region VI hereby issues this Wage Order.

Section 1. Upon effectivity of this Order, all employees in the private sector shall be granted an emergency relief allowance (ERA) of P10 across-the-board.

Section 2. The ERA granted from the provisions under this Wage Order shall not be considered as part of the regular wage of the workers for purposes of computing wage related benefits, such as 13th month pay, overtime and premium pay, night differential pay as well as premium contributions to the State Insurance Fund, SSS, Pag-IBIG, and others.

Section 3. All qualified workers paid by result, including those who are paid on piecework, "takay", "pakyaw" or task basis, shall be entitled to receive the prescribed emergency relief allowance.

Section 4. Exempted from the provisions of the Wage Order are household or domestic helpers and persons in the personal service of another including family drivers.

Section 5. In lieu of ERA prescribed under this Wage Order, employers who have granted more than the applicable COLA in the previous Wage Order RO6-01 shall be considered as compliance hereof, provided that, where such increases are less than the prescribed adjustment, the employer shall pay the difference.

Section 6. Where the application of the emergency relief allowance prescribed herein result in distortions of the pay structure within an establishment, such distortions shall be resolved using the procedure specified under Article 124 of the Labor Code of the Philippines.

Section 7. The Regional Board shall provide the necessary rules and regulations to implement this Wage Order subject to the approval of the Secretary of Labor and Employment.

Section 8. Any employer who refuses to pay the emergency relief allowance provided under this wage order shall be subjected to the penalties as specified under RA 6727.

Section 9. If any provisions or part of the Wage 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 rates, allowance or any benefits under existing laws, decrees, issuance of executive order and/or under any contract or agreement between workers and employers.

Section 10. This Wage Order shall take effect two (2) days after its publication in at least one (1) newspaper of general circulation in the Region and the said Wage Order shall be terminated on January 31, 1991, on which date the Board shall have already issue a Wage Order after public hearing and deliberations on the petition for wage adjustment.

Approved this 19th day of December 1990, Iloilo City, Philippines.

(SGD) JOSE Y. SORIANO
Employers' Representative

JOSE MA. MONTINOLA
Employers' Representative

(SGD) DOMINIC P. ABAD
Vice-Chairman, RTWPB

(SGD) EDGAR R. BALAJADIA
Workers' Representative

(Deceased)
EDILBERTO C. FEDERICO
Workers' Representative

(SGD) ALEX G. UMADHAY
Vice-Chairman, RTWPB

(SGD) MAE S. LASERNA
Chairman, RTWPB VI

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NATIONAL WAGES AND PRODUCTIVITY COMMISSION
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Regional Board VI

RULES IMPLEMENTING WAGE ORDER RO6-02

Pursuant to the authority granted to the Regional Tripartite Wages and Productivity Board under Article 122(b) Section 3 of Republic Act No. 6727, otherwise known as the Wage Rationalization Act, the following rules are hereby issued for guidance and compliance by all concerned:

Definition of Terms. As used in this Rules.

(a)"Order" means Wage Order No. RO6-02;

(b)"Commission" means the National Wages and Productivity Commission;

(c)"Board" means the Regional Tripartite Wages and Productivity Board;

(d)"Region VI" covers the provinces of Iloilo, Sub-province of Guimaras, Antique, Capiz, Aklan and Negros Occidental;

(e)"Department" means Department of Labor and Employment.

CHAPTER I
EMERGENCY RELIEF ALLOWANCE

Section 1. Coverage. This Chapter shall cover all workers and employees in the private sector in Region VI, regardless of their position, designation or status, and irrespective of the method by which their wages are paid, including learners and apprentices, except:

(a) Household or Domestic helpers or persons in personal services of another including family drivers.

Section 2. Amount of ERA. Effective December 29, 1990, all workers and employees in the private sector shall be granted an Emergency Relief Allowance (ERA) of P10 per day across-the-board.

Section 3. Special Features of ERA.

(a) ERA granted to the workers and employees in compliance with the Wage Order cannot be considered as part of the regular wage of the workers and employees for purposes of determining overtime and premium pay, fringe benefits and contributions to the State Insurance Fund, SSS, Medicare, Pag-IBIG, Maternity Benefits and retirement plan.

(b) In lieu of the ERA prescribed under this Wage Order, employers who have granted more than the applicable COLA in the previous Wage Order RO6-01 shall be considered as having complied with Wage Order RO6-02, provided that, where such COLA is less than the prescribed Emergency Relief Allowance (ERA), the employer shall pay the difference.

Section 4. ERA for unworked days.

(a) All covered workers shall be entitled to their emergency living allowance during the days that they are paid their basic wage even if unworked.

(b) A worker who is on leave of absence but is receiving employee compensation, social security, or maternity leave benefits, in lieu of wages, shall be entitled to the allowance provided in the Order in proportion to such compensation or benefits; provided that such workers shall be paid the full emergency allowance if paid the full basic wage.

(c) The allowance of part-time workers shall not be less than the amount in proportion to the time they actually worked.

Section 5. Workers paid by result. All workers paid by result including those who are paid on piece work "takay", "pakyaw" or task basis, shall receive not less than the applicable ERA prescribed under the Wage Order for the normal working hours, which shall not exceed eight (8) hours work a day or a proportion thereof for work of less than the normal working hours.

Section 6. ERA of special group of workers. Apprentices, and learners shall in no case receive less than 75% of the applicable ERA rates.

Section 7. Payment of ERA. ERA prescribed by the Wage Order shall be paid in no case other than the legal tender together with the regular wage on the customary pay day.

Section 8. Complaints for non-compliance with ERA. Complaints for non-compliance with ERA prescribed under the Wage Order shall be filed with the Regional Office No. 6 of the Department and shall be the subject of the enforcement proceedings under Art. 128 and Art. 129 of the Labor Code, as amended.

CHAPTER II GENERAL PROVISIONS

Section 1. Non-diminution of benefits. Nothing in the Wage 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 the employers.

Section 2. Penal Provisions. Any person, corporation, trust, firm, partnership, association or any other entity which refuses to pay any of the prescribed increases or adjustment in the wage rates made in accordance with the Wage Order shall be punished by a fine not exceeding P25,000 and/or imprisonment of not less than 1 year but not more than 2 years: Provided that any person convicted under the Act shall not be entitled to the benefits provided under Probation Law.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty or 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 3. Final Provision. If any provision or part of this Wage Order and this rule, or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of the Wage Order and this rules or the application of such provision or part thereof to other person or circumstance shall not be affected thereby.

Section 4. Effectivity. This rules shall take effect on December 29, 1990 until January 31, 1991.

Done in the City of Iloilo, Republic of the Philippines this 29th day of December 1990.

(SGD) JOSE Y. SORIANO
Employers' Representative

(SGD) EDGAR BALAJADIA
Workers' Representative

JOSE MA. MONTINOLA
Employers' Representative

(Deceased)
EDILBERTO C. FEDERICO
Workers' Representative

(SGD) DOMINIC P. ABAD
Vice-Chairman, RTWPB

(SGD) ALEX G. UMADHAY
Vice-Chairman, RTWPB

(SGD) MAE G. LASERNA
Chairman, RTWPB

Approved this 23rd day of January 1991.

(SGD) RUBEN D. TORRES
Secretary