

Republic of the Philippines  
Department of Labor and Employment  
National Wages and Productivity Commission  
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD  
Regional Board No. VI  
Iloilo City

WAGE ORDER NO. RB6-04

PROVIDING AN EMERGENCY RELIEF ALLOWANCE

WHEREAS, the Congress of Active Labor Leaders in Negros Occidental filed a petition for the increase of the daily minimum wage in Region VI by P35.00;

WHEREAS, the Regional Board has held in abeyance its deliberation on the petition pending the outcome of the move to increase the price of oil and other petroleum products;

WHEREAS, there was an abrupt increase in the price of rice in August 1995 which has not returned to its level previous to the increase despite the coming of the harvest season;

WHEREAS, the economic conditions brought about by the increase in the price of rice has greatly affected the rank and file workers in the Region;

WHEREAS, the Regional Board, while waiting for the result of the pending move to increase the price of petroleum products, feels that there is a need to grant emergency relief allowance, if only to alleviate the impact resulting from the increase of the price of rice even for a period of only sixty (60) days.

NOW THEREFORE, under the above circumstances and by virtue of the power and authority vested under Republic Act No. 6727 otherwise known as the Wage Rationalization Act, the Regional Tripartite Wages and Productivity Board, Region VI, hereby issues this Wage Order;

Section 1. Upon the effectivity of the Order, an emergency relief allowance (ERA) shall be granted to all covered employees in the private sector receiving a basic salary of not more than P150.00 a day for a period of sixty (60) days from the effectivity of this Wage Order. The ERA shall be equal to 12 percentum (12%) of the basic salary for those receiving basic salary of P102.35 or less; for those receiving basic salary above the minimum but not more than P150.00 the amount shall be equal to 12 percentum (12%) of P102.35. In the case of sugar mills, the basic shall be P104.65, the minimum wage rate in said industry.

Section 2. The ERA granted 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 shift 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 in piece work "*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:

1. Workers who are receiving a daily basic wage of more than P150.00;

2. Household or Domestic Helpers and persons in the personal service of another including family drivers.

Section 5. Creditable Benefits - Rice subsidy in the form of cash or in kind over and above the minimum wage given to covered employees shall be credited as compliance with this Wage Order. Where the said subsidy is less than the emergency relief allowance provided herein 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 as amended.

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 (ERA) 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, issuances, executive orders and/or under any contract or agreement between workers and employers.

Section 10. This Wage Order shall take effect fifteen (15) days after its publication in at least one (1) newspaper of general circulation in the Region.

APPROVED this 28th day of September, 1995 in the City of Iloilo, Philippines.

(SGD) VIRGILIO A. SINDICO  
Employers' Representative

*(Refused to sign)*  
EDGARDO R. BALAJADIA  
Workers Representative

(SGD) JAMES C. LEDESMA, SR.  
Employers' Representative

*Agreed with provisions except:*  
*1. Final Wage Increase dependent on oil price increase*  
*2. Period Covered*  
(SGD) WENNIE G. SANCHO  
Workers Representative

(SGD) DOMINIC P. ABAD  
Vice-Chairman  
Regional Director, DTI

(SGD) TRUMAN T. CAINGLET  
Vice-Chairman  
Regional Director, NEDA

(SGD) CARLOS L. BOTEROS  
Chairman  
Regional Director, DOLE

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RULES IMPLEMENTING WAGE ORDER NO. RB6-04

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:

RULE 1

Section 1. DEFINITION OF TERMS. As used in these Rules:

- (a) "Order" means Wage Order No. RB6 - 04;
- (b) "Commission" means the National Wages and Productivity Commission;
- (c) "Board" means the Regional Tripartite Wages and Productivity Board of Region VI;
- (d) "Department " means Department of Labor and Employment;
- (e) "Region VI" covers the provinces of Iloilo, Guimaras, Antique, Capiz, Aklan and Negros Occidental;
- (f) "Agriculture" includes farming in all its branches and among others includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, aquaculture, the raising of livestock or poultry, the culture of fish and other aquatic products in farm or ponds and any activities performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, but does not include deep-sea fishing, the manufacturing or processing of sugar, coconut, abaca, tobacco, pineapple or other farm products, marine and aquaculture products;
- (g) "Plantation agricultural enterprise" is one engaged in agriculture with an area of more than 24 hectares in a locality which employs at least 20 workers. Any other agricultural enterprise shall be considered as "Non-Plantation";
- (h) "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 requires manual dexterity and craftsmanship and whose capitalization does not exceed P1,000,000.00 regardless of previous registration with the defunct NACIDA;
- (i) "Retail Establishment" is one principally engaged in the sale of goods to end-users for personal or household use;
- (j) "Service Establishment" is one principally engaged in the sale of service to individuals for their own or household use and is generally recognized as such;

- (k) "Basic Wage" means all the remuneration or earnings paid by an employer to a worker or services rendered on normal working days and hours but does not include Cost of Living Allowances, profit-sharing payments, premium payments, 13th - month pay or other monetary benefits which are not considered as part of or integrated into the regular salary of the workers on the date the Order became effective;
- (l) "ERA" means Emergency Relief Allowance;
- (m) "Minimum Wage Rate" is the lowest wage rate fixed by law that an employer can pay his workers;
- (n) "Wage Distortion" means a situation where an increase in prescribed wage rates results in the elimination or severe contraction of intentional quantitative differences in wage or salary rates between and among employee groups in an establishment as to effectively obliterate the distinctions embodied in such wage structure based on scales, length of service, or other logical bases or differentiations.

RULE II  
GRANT OF EMERGENCY RELIEF ALLOWANCE

Section 1. COVERAGE. The granting of Emergency Relief allowance (ERA) prescribed under the Wage Order shall cover all workers in the private sector, regardless of their position, designation, or status, and the method by which their wages are paid, including learners and apprentices, except:

- (a) Workers who are receiving a daily basic wage of more P150.00;
- (b) Household and domestic helpers or persons in the personal service of another, including family drivers;

Section 2. AMOUNT OF ERA. Upon the effectivity of the Wage Order, all covered employees and workers shall receive the following ERA:

- a. Those whose basic daily wage is P102.35 per day or below, 12% of their basic daily wage;
- b. Those whose basic daily wage is above P102.35 but not more than P150.00, 12% of P102.35;
- c. In the sugar mills, those whose basic daily wage is P104.65 and below shall receive 12% thereof; those receiving above the minimum but below P150.00 shall receive 12% of P104.65 as shown in the computation as follows:

CLASSIFICATION	BASIC	COLA	ERA
	(Under Wage Order RB6-03)		(Under WO-RB-04)
NON-AGRICULTURE (i.e., Industrial/Commercial)	102.35	12.00	12.28
AGRICULTURE			
Plantation (i.e., more than 24 hectares or employing at least 20 workers) with annual gross sales of P5M or more	86.90	10.00	10.43
Plantation with annual gross sales of less than 5M	81.40	9.50	9.77
Non-Plantation	64.35	7.50	7.72
COTTAGE/HANDICRAFT			
Employing more than 30 workers	73.70	8.50	8.84
Employing not more than 30 workers	71.50	8.50	8.58
PRIVATE HOSPITALS	93.50	11.00	11.22
RETAIL/SERVICE			
Cities with population of more than 150,000			
Employing more than 15 workers	97.90	11.50	11.75
Employing 11-15 workers	93.50	11.00	11.22
Employing not more than 10 workers	63.80	7.50	7.66
Municipalities and cities with population of not more than 150,000			
Employing more than 10 workers	93.50	11.00	11.22
Employing not more than 10 workers	63.80	7.50	7.66
SUGAR Mills	104.65	12.50	12.56
Agriculture			
Plantation with annual gross sales of P5M or more	80.85	9.50	9.70
Plantation with annual gross sales of less than P5M	75.35	9.00	9.04
Non-Plantation	64.35	7.50	7.72
BUSINESS ENTERPRISES WITH CAPITALIZATION OF NOT MORE THAN P1 MILLION AND EMPLOYING NOT MORE THAN 20 WORKERS			
Non-Agriculture	86.90	10.00	10.43
Agriculture Plantation			
Products other than sugar	75.90	9.00	9.11
Sugar	69.85	8.00	8.38
Private/Hospitals	82.50	9.50	9.90
Retail/Service			
Cities with population of more than 150,000			
Employing more than 15 workers	86.90	10.00	10.43
Employing 11-15 workers	82.50	9.50	9.90
Employing not more than 10 workers	63.80	7.50	7.66
Municipalities and Cities with population of not more than 150,000			
Employing more than 10 workers	82.50	9.50	9.90
Employing not more than 10 workers	63.80	7.50	7.66

### SECTION 3. CREDITABLE WAGE INCREASE/ADDITIONAL ALLOWANCE

1. Wage increases/additional allowance on top of those granted under Wage Order No. ROB6-03, given on or after July 1, 1995.
2. Those giving rice allowance in cash or in kind shall be credited as compliance with this Wage Order.
3. In the case of private educational institutions, where a tuition fee increase was effected during the school year 1995-1996, the share of the covered workers and employees in the increase of the tuition fees in excess of the requirements of WO-RB6-03 shall be credited as compliance. Where the applicable amount is less than the provided herein, the employer shall pay the difference.

These do not include increases due to promotion, merit, longevity or anniversary grants. Where said wage increase/additional cash/rice allowance is less than the ERA provided herein, the employer shall pay the difference.

### Section 4. ERA FOR UNWORKED DAYS.

- (a) All covered workers shall be entitled to the Emergency Relief Allowance (ERA) 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/benefit; provided that such worker shall be paid the full daily allowance if paid the full basic wage.
- (c) The Emergency Relief Allowance (ERA) 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 rates prescribed under the Wage Order for the normal working hours which shall not exceed eight (8) hours a day or a proportion thereof for work of less than the normal working hours.

Industries/Establishments currently paying their workers/employees specific unit rates in the different phases of its operations based on time and motion studies previously developed and approved by competent authority, shall, in the absence of a more updated study, continue the practice but shall proportionately adjust the said rates with respect to the ERA under the Wage Order.

Section 6. ERA OF SPECIAL GROUP OF WORKERS. Apprentices, handicapped workers and learners shall in no case receive less than 75% of the applicable Emergency Relief Allowance (ERA).

Section 7. APPLICATION TO CONTRACTORS. In the case of contracts for construction projects and for 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 contractors and the contracts shall be deemed amended accordingly. In the event, however, the principal or

client fails to pay the prescribed allowance, the construction/service contractor shall be jointly and severally liable with the principal or client.

Section 8. SPECIAL FEATURES OF THE 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 wage related benefits such as overtime pay, premium pay, holiday pay and night differential pay.
- (b) In lieu of the ERA, employers may grant wage increases which shall be considered as compliance with the Wage Order provided the amount is not less than the ERA prescribed by the Wage Order; provided, further, that such wage increases shall be included in determining fringe benefits, contribution to the State Insurance Fund, SSS, Medicare, Pag-IBIG, maternity benefits, retirement plan and wage related benefits such as overtime pay, premium pay, holiday pay and night differential pay.

Section 9. PAYMENT OF ERA. The ERA prescribed by the Wage Order shall be paid in legal tender together with the regular wage on the customary pay day;

Section 10. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance of the requirements prescribed under the Wage Order shall be filed with the Regional Office of the Department, Region VI and shall be the subject of enforcement proceedings under Art. 128 and Art. 129 of the Labor Code, as amended.

RULE III  
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 entity which refuses to pay any of the prescribed Emergency Relief Allowance (ERA) 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 nor more than 2 years: Provided that any person convicted under the Act shall not be entitled to the benefits provided under the 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. SEPARABILITY PROVISION. If any provision or part of this Wage Order and these Rules, 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 the other person or circumstance shall not be affected thereby.

Section 4. EFFECTIVITY. These Rules shall take effect upon its approval by the Secretary of Labor and Employment.

Done in the City of Iloilo, Republic of the Philippines this 28th day of September 1995.

(SGD) VIRGILIO A. SINDICO  
Employers' Representative

*(Refused to sign)*  
EDGARDO R. BALAJADIA  
Workers' Representative

*increase;*

(SGD) JAMES C. LEDESMA, SR  
Employers' Representative

*Agreed with provisions except:*  
*1. Final Wage Increase dependent on oil price*  
*2. Period Covered*  
(SGD) WENNIE G. SANCHO  
Workers' Representative

(SGD) DOMINIC P. ABAD  
Vice-Chairman  
Regional Director, DTI

(SGD) TRUMAN T. CAINGLET  
Vice Chairman  
Regional Director, NEDA

(SGD) CARLOS L. BOTEROS  
Chairman  
Regional Director, DOLE

Approved this 26th day of October, 1995, subject to the following notations:

1. *The following definitions in Rule I, Section 1 shall be revised to conform to existing definitions and shall read as follows:*
  - 1.1 *"Agriculture" includes farming in all its branches and, among other includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, aquaculture, the raising of livestock or poultry, the culture of fish and other aquatic products in farm or ponds and any activities performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, but does not include deep-sea fishing, the manufacturing or processing of sugar, coconut, abaca, tobacco, pineapple or other farm products, marine and aquaculture products;*
  - 1.2 *"Plantation Agricultural Enterprises" is one engaged in agriculture with an area of more than 24 hectares in a locality or which employs at least 20 workers. Any other agricultural enterprise shall be considered as "Non-Plantation Agricultural Enterprise."*
  - 1.3 *"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 requires manual dexterity and craftsmanship with total assets above P150,000.00 - P1,500,000.00 pursuant to SMED Council Resolution No. 3, Series of 1995.*

2. *Under Section 2 of Rule II on the Amount of ERA, delete the word “below” and replace with the phrase “not more than” in tem b and the second sentence of item C, so as to cover workers receiving P150.00 in conformity with Section 1 of the Wage Order.*
3. *Items 1 and 3 of Section 3, Rule II are not included in the Wage Order. An amenment of the Wage Order is necessary if these are intended by the Board to be covered. Re item 2, add the statement “The equivalent cash value of rice given shall be determined by the Secretary of Labor and Employment or his duly authorized representative pursuant to Article 97 of the Labor Code, as amended.”*
4. *Section 7 of Rule II on Application to Contractors is not provided for in the Wage Order and its inclusion would require an amendment of the Wage Order if so intended by the Board.*
5. *On Section 3 of Rule III, change title to “Separability Provisions.”*

(SGD) JOSE S. BRILLANTES  
Acting Secretary, DOLE

Republic of the Philippines  
Department of Labor and Employment  
National Wages and Productivity Commission  
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD  
Regional Board No. VI  
Iloilo City

WAGE ORDER NO. RB6-04-A

PROVIDING AN EXTENSION OF WAGE ORDER NO. RB6-04  
WITH CERTAIN AMENDMENTS

WHEREAS, the Congress of Active Labor Leaders in Negros Occidental (CALL) filed a petition for the increase of the daily minimum wage in Region VI by P35.00;

WHEREAS, the Regional Board has held in abeyance its deliberations on the petition pending the outcome of the move to increase the price of oil and other petroleum products;

WHEREAS, there was an abrupt increase in the price of rice in August 1995 which has not returned to its level previous to the increase despite the coming of the harvest season;

WHEREAS, the economic conditions brought about by the increase in the price of rice has greatly affected the rank and file workers in the Region;

WHEREAS, the Regional Board, while waiting for the result of the pending move to increase the price of petroleum products, granted emergency relief allowance, if only to alleviate the impact resulting from the increase of the price of rice even for a period of only sixty (60) days.

WHEREAS, Wage Order No. RB6-04 which took effect on October 19, 1995 will expire on December 18, 1995;

WHEREAS, the final deliberation on the petition for wage increase of the Congress of Active Labor Leaders (CALL) cannot be resolved on or before December 18, 1995, pending further studies and also because of the calamities which recently occurred in the Region;

WHEREAS, the Regional Board, to avoid a hiatus in the Emergency Relief Allowance and the probable wage increase, has resolved to extend for forty-five (45) days Wage Order No. RB6-04 without prejudice to the early and final resolution of the petition for wage increase;

WHEREAS, certain provisions of the Rules Implementing Wage Order No. RB6-04 specifically item Number 1 and 3 of Section 3 and Section 7 of Rule II are not included in the Wage Order and its amendment is necessary and are hereby inserted as Second and Third Paragraphs of Section 5 and Section 6 of Rule II, respectively, and appropriately underscored;

NOW THEREFORE, under the above circumstance and by virtue of the power and authority vested under Republic Act No. 6727 otherwise known as the Wage Rationalization Act, the Regional Tripartite Wages and Productivity Board, Region VI, hereby issues this Wage Order extending the period of coverage and amending Sections 5 and 6 of Wage Order No. RB6-04 dated September 28, 1995;

Section 1. The emergency relief allowance (ERA) granted under Wage Order No. RB6-04 shall be extended for forty-five (45) days from December 19, 1995.

Section 2. Sections 5 and 6 of Wage Order No. RB6-04 is hereby amended to read as follows:

“Section 5. Creditable Benefits - Rice subsidy in the form of cash or in kind over and above the minimum wage given to covered employees shall be credited as compliance with this Wage Order. Where the said subsidy is less than the emergency relief allowance provided herein the employer shall pay the difference.

Wage increases/additional allowance on top of those granted under Wage Order No. RB6-03, given on or after July 1, 1995.

In the case of private educational institutions, where a tuition fee increase was effected during the school year 1995-1996, the share of the covered workers and employees in the increase of the tuition fees in excess of the requirements of WO-RB6-03 shall be credited as compliance. Where the applicable amount is less than the ERA provided herein, the employer shall pay the difference.

Section 6. APPLICATION TO CONTRACTORS. In the case of contracts for construction projects and for 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 contractors and the contacts shall be deemed amended accordingly. In the event, however, the principal or clients fails to pay the prescribed allowance, the construction/service contractor shall be jointly and severally liable with the principal or client.”

Section 3. This Wage Order shall be published in at least one (1) newspaper of general circulation in the Region.

APPROVED this 1st day of December, 1995 in the City of Iloilo, Philippines.

(SGD) VIRGILIO A. SINDICO  
Employers' Representative

*(Refused to sign)*  
EDGARDO R. BALAJADIA  
Workers Representative

(SGD) JAMES C. LEDESMA, SR.  
Employers' Representative

(SGD) WENNIE G. SANCHO  
Workers Representative

*(Absent)*  
DOMINIC P. ABAD  
Vice-Chairman  
Regional Director, DTI

(SGD) TRUMAN T. CAINGLET  
Vice-Chairman  
Regional Director, NEDA

(SGD) CARLOS L. BOTEROS  
Chairman  
Regional Director, DOLE