

Republic of the Philippines
 Department of Labor and Employment
 National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD - VIII
 Tacloban City

WAGE ORDER NO. RB VIII-11
PRESCRIBING A NEW WAGE STRUCTURE AND
PROVIDING AN ADDITIONAL COST OF LIVING ALLOWANCE
FOR WORKERS EASTERN VISAYAS

WHEREAS, due to increases in the prices of oil and fuel products, transportation fares and other basic commodities, the Regional Tripartite Wages and Productivity Board of Eastern Visayas (RTWPB VIII) motu proprio conducted public consultations on wages with the labor and management sectors in Naval, Biliran on June 18, 2004, Catarman, Northern Samar on June 22, 2004, Catbalogan, Samar on June 23, 2004, Borongan, Eastern Samar on June 24, 2004, Maasin City, Southern Leyte on July 6, 2004, Ormoc City on July 7, 2004, in Tacloban City on July 9, 2004 and a public hearing in Tacloban City on July 30, 2004;

WHEREAS, the results of the consultations and public hearing as well as review of economic indicators reveal the need to grant relief to the lowly paid workers in Eastern Visayas without impairing the viability of business in the region;

WHEREAS, the Regional Tripartite Wages and Productivity Board of Eastern Visayas (Region VIII) also recognizes the need to simplify the wage structure in the region;

NOW THEREFORE, by virtue of the power and authority vested under Republic Act 6727, known as the Wage Rationalization Act, the Regional Tripartite Wages and Productivity Board, Eastern Visayas (RTWPB VIII) hereby issues this Wage Order.

Section 1. RE-STRUCTURED DAILY BASIC RATES. Upon effectivity of this Wage Order, the daily minimum basic wage rates in Region VIII shall be revised and simplified in accordance with the attached Annex A 1.

As a result of this re-structuring and simplification, certain workers in the Region shall receive basic wage adjustment of P4.00 per day.

Section 2. AMOUNT OF NEW COLA. Upon effectivity of this Wage Order, all workers and employees in the private sector in Region VIII receiving the minimum basic wage rates under Section 1 hereof, shall receive an additional Cost of Living Allowance in the amount of SEVEN PESOS (P7.00) per day in addition to the P11.00 per day ECOLA prescribed under Wage Order No. RB VIII-10.

Section 3. NEW MINIMUM WAGE RATES. As a result of the re-structuring and the new COLA, the applicable minimum wage rates in the Region shall be as follows:

Sector/Industry	Wage Rates upon Effectivity of the Order	ECOLA under Wage Order No. RBVIII-10	Additional COLA Upon Effectivity of the Order	TOTAL
NON AGRICULTURE	177.00	11.00	7.00	195.00
COTTAGE/HANDICRAFT				
Employing more than 30 workers	155.00	11.00	7.00	173.00
Employing not more than 30 workers	153.00	11.00	7.00	171.00
PRIVATE HOSPITALS	173.00	11.00	7.00	191.00

RETAIL SERVICES				
Employing more than 15 workers	177.00	11.00	7.00	195.00
Employing 11 to 15 workers	173.00	11.00	7.00	191.00
Employing not more than 10 workers	146.00	11.00	7.00	164.00
AGRICULTURE				
PLANTATIONS				
With annual gross sales of PhP5M or more	158.00	11.00	7.00	176.00
With annual gross sale of less than PhP5M	153.00	11.00	7.00	171.00
SUGAR INDUSTRY				
Mills	179.00	11.00	7.00	197.00
Plantations				
With annual gross of PhP5M or more	152.50	11.00	7.00	170.50
With annual gross sale of less than PhP5M	147.50	11.00	7.00	165.50
Non-Plantation	137.50	11.00	7.00	155.50
Business Enterprises with capitalization of not more than P500,000 and Employing not more than 20 workers				
Non- Agriculture	167.00	11.00	7.00	185.00
Agriculture				
Plantation				
Products other than Sugar	148.00	11.00	7.00	166.00
Sugar	142.50	11.00	7.00	160.50
Private Hospitals	163.00	11.00	7.00	181.00
Retail/Service				
Employing more than 15 workers	167.00	11.00	7.00	185.00
Employing 11 to 15 workers	163.00	11.00	7.00	181.00
Employing not more than 10 workers	136.00	11.00	7.00	154.00

Section 4 BASIS OF NEW WAGE STRUCTURE AND COLA. The Daily Minimum Basic Wage Rates and the PhP7.00 Cost of Living Allowance prescribed under this Order shall be for the normal working hours, which shall not exceed eight (8) hours a day.

Section 5. COVERAGE OF THE NEW WAGE STRUCTURE AND ADDITIONAL COLA. The re-structured minimum basic wage rates and the PhP7.00 COLA prescribed under this Order shall be applicable to all covered workers under Section 1 hereof regardless of their position, designation or status.

Excluded from the coverage of this Wage Order are household or domestic helpers, persons in the personal service of another, including family drivers, and workers in duly registered Barangay Micro Business Enterprises with Certificates of Authority pursuant to Republic Act 9178.

Section 6. WORKERS PAID BY RESULTS. All workers paid by results, including those who are paid on piecework, takay, pakyaw or task basis, shall be entitled to receive the prescribed re-structured wage rates and COLA per eight (8) hours work a day, or a proportion thereof for working less than eight (8) hours a day.

Section 7. WAGES AND COLA OF SPECIAL GROUPS OF WORKERS. The daily minimum wages and Cost of Living Allowance of apprentices and learners shall in no case be less than seventy-five percent (75%) of the applicable minimum wage rates prescribed herein.

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 prescribed minimum wage rates and COLA prescribed herein.

Section 8. APPLICATION TO PRIVATE EDUCATIONAL INSTITUTIONS. In the case of private educational institutions, the re-structured wage rates and Cost of Living Allowance prescribed under this Order shall take effect at the time they have actually increased tuition fees. However, covered workers and employees shall be granted the wage rates and COLA prescribed herein at the opening of

School Year 2005-2006 regardless of whether or not an increase in tuition fees has been effected by private educational institutions.

Section 9. APPLICATION TO CONTRACTORS. In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed minimum wage rates and the Cost of Living Allowance of workers prescribed under this Order shall be borne by the principals or clients of the construction/service contractors and the contract shall be deemed amended accordingly. In the event, however, that the principal or client fails to pay the prescribed minimum wage rates and the COLA, the construction/service contractor shall be jointly and severally liable with his principal or client.

Section 10. 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 11. EFFECT OF FILING OF APPEAL. The filing of the appeal does not 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 12. CREDITABLE WAGE INCREASES. Wage Increases granted by an employer in an organized establishment within three (3) months prior to the effectivity of the Order shall be credited as compliance with the prescribed allowance set forth therein, provided that an agreement to this effect has been forged between the parties or a provision in the Collective Bargaining Agreement allowing creditability exists. In the absence of such an agreement or provision in the CBA, any increase granted by the employer shall not be credited as compliance with the increase prescribed in this Order

In case the increases given are less than the prescribed allowance, the employer shall pay the difference. Such increases shall not include anniversary increases, merit wage increases and those resulting from the regularization of employees.

Section 13. EFFECTS ON EXISTING WAGE STRUCTURE. Where the application of the new minimum wage rates and COLA under this Order results in the distortion of the wage structure within an establishment, the same shall be corrected in accordance with the procedure provided for 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 the 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.

Section 16. PENAL PROVISION. Any person, corporation, trust or firm, partnership, association or entity which refuses or fails to pay the prescribed wage increase 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, enterprises or 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, 2005 and every year thereafter in accordance with the form prescribed by the National Wages and Productivity Commission.

Section 20. REPEALING CLAUSE. All orders, issuances, rules and regulations, or parts thereof inconsistent with the provision 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 effect fifteen (15) days after its publication in a newspaper of general circulation in the Region.

Approved this 30th day of July, 2004 at Tacloban City.

(Signed)
HERCULANO A. DUHAYLUNGSOD
Employers' Representative

(Signed)
MANUEL C. PORE
Workers' Representative

(Signed)
JORGE D. YU
Employers' Representative

VACANT

(Signed)
BUENAVENTURA C. GO-SOCO, JR.
Vice-Chairman, NEDA

(Signed)
CYNTHIA R. NIERRAS
Vice-Chairman DTI

(Signed)
FORTER G. PUGUON
Chairman

**Daily Basic Wage Rates
Region VIII, Eastern Visayas**

INDUSTRY/SECTOR	Under W.O. RB VIII-10		Under W.O. RB-11 for Entire Region
	Cities of Tacloban and Ormoc and Leyte Province	Cities of Calbayog and Maasin and Province of Southern Leyte, Northern Samar, Eastern Samar, Samar and Biliran	
Non-Agriculture	177.00	173.00	177.00
Agriculture			
Plantation			
With annual gross sales of P 5M or more	158.00	154.00	158.00
With annual gross sales of less than P 5M	153.00	149.00	153.00
Cottage/Handicraft			
Employing more than 30 workers	155.00	151.00	155.00
Employing not more than 30 workers	153.00	149.00	153.00
Private Hospitals	173.00	169.00	173.00
Retail/Services			
Employing more than 15 workers	177.00	173.00	177.00
Employing 11 to 15 workers	173.00	169.00	173.00
Employing not more than 10 workers	146.00	142.00	146.00
Sugar			
Mills	179.00	175.00	179.00
Plantation			
With annual gross sales of P 5M or more	152.50	148.50	152.50
With annual gross sales of less than P 5M	147.50	143.50	147.50
Non-Plantation	137.50	133.50	137.50
Business Enterprises with Capitalization of not more than P 500,000 and Employing not more than 20 workers			
Non-Agriculture	167.00	163.00	167.00
Agriculture			
Plantation			
Products other than Sugar	148.00	144.00	148.00
Sugar	142.50	138.50	142.50
Private Hospitals	163.00	159.00	163.00
Retail/Service			
Employing more than 15 workers	167.00	163.00	167.00
Employing 11 to 15 workers	163.00	159.00	163.00
Employing not more than 10 workers	136.00	134.00	136.00