

Republic of the Philippines  
Department of Labor and Employment  
National Wages and Productivity Commission  
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD  
Regional Office No. 8  
Tacloban City

WAGE ORDER NO RB VIII-03 AS AMENDED  
PROVIDING FOR AN INCREASE IN THE STATUTORY MINIMUM WAGE RATES

WHEREAS, despite the end of the Gulf War, our economy still suffers the lingering effect of soaring prices of basic goods and services;

WHEREAS, the lowly paid workers and their families are the ones most adversely affected by the continuing increase in the prices of these basic goods and services;

WHEREAS, Wage Order No. RB VIII-01 which granted the latest wage increases in the region was issued way back in 1990 and from that time on up to the present prices of goods and services have continuously been increasing;

WHEREAS, the emergency cost of living allowance granted under Wage Order No. RB VIII-02 which served as a palliative measure designed to cushion the adverse effects brought about by the unilateral increase in the prices of domestic petroleum products last December 1990 had already expired on February 28, 1991 thereby reducing the take home pay of workers while prices keep on soaring high;

WHEREAS, it is imperative to provide workers and their families with the means to cope up with the increasing cost of living, without hampering the growth and development of business and industry;

NOW, therefore, by virtue of the power and authority vested under Republic Act No. 6727, known as the Wage Rationalization Act, the Regional Tripartite Wages and Productivity Board of Region VIII hereby issues this Wage Order:

Section 1. Upon the effectivity of this Wage Order, the statutory minimum wage rates applicable to workers and employees in the private sector in Region VIII shall be increased by P4.00 per day.

Section 2. In the case of private educational institutions, the wage increase prescribed under this Wage Order shall take effect on June 1, 1992.

Section 3. Exempted from the provisions of this Wage Order are household or domestic helpers and persons in the personal service of another, including family drivers.

The following may, however, be exempted from this Wage Order for not more than one (1) year upon application with and as determined by the Regional Board in accordance with applicable rules and regulations:

- a. Retail/Service establishments regularly employing not more than ten workers;
- b. Countryside and barangay business enterprises (CBBEs) duly registered pursuant to R.A. 6810, otherwise known as the Kalakalan 20;

- c. Distressed employers whose capital has been impaired by at least twenty five percent (25%) during the preceding year. However, the Regional Board has the option to grant full or partial exemption to such distressed employers, during the effectivity of this Wage Order;
- d. Establishments directly or indirectly affected by the floods caused by the recent typhoon Uring as certified by the Mayor and the DTI and as determined by this Board.

Establishments whose employees' wage rates are over and above the minimum wage rates prescribed by this Wage Order are exempted from compliance of this Wage Order. This shall be without prejudice on the part of the workers in these establishments to explore possibilities of wage improvement through the processes of voluntary negotiation and collective bargaining.

Whenever an application for exemption has been filed with the Regional Board, action by the Regional Office of the Department of Labor and Employment on any complaints for alleged non-compliance with the Wage Order shall be deferred pending resolution of the application for exemption by the Regional Board.

In the event that an application for exemption is not granted, covered workers and employees shall receive the appropriate compensation due them as provided for in this Wage Order plus interest of one percent (1%) per month retroactive to the effectivity of this Wage Order.

Section 4. In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed minimum wage rates for covered workers shall be borne by the principals or clients of the construction and/or service contractors and the contract shall be deemed amended accordingly. In the event, however, that the principal or client fails to pay the prescribed increase, the construction and/or service contractor shall be jointly and severally liable with the principal or client.

Section 5. All workers paid by results, including those who are paid on piecework, takay, pakyaw basis, shall be entitled to receive the prescribed minimum wage increase for the normal working hours which shall not exceed eight (8) hours work a day, or a proportion thereof for working less than the normal working hours.

Section 6. Wage increases granted by an employer from November 1, 1991 to the effectivity of this Wage Order shall be credited as compliance with the minimum wage increase prescribed under this Wage Order, provided that, where such increases are less than the prescribed adjustment, the employer shall pay the difference. Such increases shall not include anniversary wage increases, merit wage increases and those resulting from regularization or promotion of employees.

However, wage increases granted pursuant to the provisions in the Collective Bargaining Agreement between employer and the workers shall be treated as compliance to the wage increase prescribed under this Wage Order. Where the increase granted under the CBA is less than the wage increase provided herein, the employer shall pay the difference.

Section 7. Where the application of the prescribed minimum wage increase under this Wage Order results in distortion of the wage structure in any establishment, such distortion shall be corrected using the procedure specified under Article 124 of the Labor Code of the Philippines, as amended.

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

Section 9. Any employer who refuses or fails to pay the minimum wage increase provided under this Wage Order shall be subject to the penalties specified under Section 12 of R.A. 6727.

Section 10. If any provision or part of this 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 rate, allowance or other benefits under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between workers and employers.

Section 11. 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 17th day of March, 1992.

(SGD) MR. MANUEL C. PORE  
Workers Representative

*On Sick Leave*  
MR. HERCULANO A. DUHAYLUNGSOD  
Employers Representative

(SGD) ATTY. PHILIP B. MONTANCES  
Workers Representative

(SGD) DR. VIRGINIO A. ASTILLA  
Employers Representative

(SGD) DIR. VICTOR A. DOMINGO  
Vice-Chairman

(SGD) DIR. JOSE ROMEO C. ESCANDOR  
Vice-Chairman

(SGD) DIR. MAXIMO B. LIM  
Chairman

Republic of the Philippines  
Department of Labor and Employment  
NATIONAL WAGES AND PRODUCTIVITY COMMISSION  
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD  
Region VIII, Tacloban City

RULES IMPLEMENTING WAGE ORDER NO. RB VIII-03 AS AMENDED

Pursuant to the authority granted to the Regional Tripartite Wages and Productivity Board under Section 5, Rule IV of the NWPC Rules of Procedure on Minimum Wage Fixing and Section 8 of Wage Order No. RB VIII-03, the following rules are hereby issued for guidance and compliance by all concerned:

Chapter I - Definition of Terms

SECTION 1. Definition of Terms. - As used in this Rules,

- a) "Order" means Wage Order No. RB VIII-03;
- b) "Board" means the Regional Tripartite Wages and Productivity Board of Region VIII;
- c) "Commission" means the National Wages and Productivity Commission;
- d) "Department" means the Department of Labor and Employment;
- e) "Region VIII" covers the provinces of Leyte, Southern Leyte, Northern Samar, Samar, Eastern Samar and the Sub-Province of Biliran and the cities of Tacloban, Ormoc and Calbayog;
- f) "Distressed Establishments" refer to establishments with capital impairment in the preceding year as may be determined by the Board;
- g) "Statutory Minimum Wage" is the lowest wage rate fixed by law that an employer can pay his workers;
- h) "Minimum Wage Rates" refer to the lowest basic wage rates that an employer can pay his workers, as fixed by the Board, and which shall not be lower than the applicable statutory minimum wage rates;
- i) "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 distinction embodied in such wage structure based on skills, length of service, or other logical basis of differentiation;
- j) "Agriculture" refers to farming in all its branches and among others, includes 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 conjunction with such farming operations, but does not include the manufacturing and/or processing of sugar, coconut, abaca, tobacco, pineapple, aquatic or other farm products;

- k) "Plantation Agricultural Enterprise" 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";
- l) "Retail Establishment" is one principally engaged in the sale of goods to end-users for personal or household use;
- m) "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;
- n) "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/or whose capitalization does not exceed P500,000.00, regardless of previous registration with the defunct NACIDA;
- o) "Countryside and Barangay Business Enterprises (CBBE)" refer to newly formed business enterprises pursuant to R.A. 6810 and registered with the LGU's;
- p) "LGU's" means the Local Government Units;
- q) "Collective Bargaining" is a procedure or process of negotiations between employer and the exclusive representative of employees for the purpose of fixing standards concerning wages, hours of work and other terms and conditions of employment, which the parties formalize in a collective bargaining agreement.

It is also a mechanism whereby the parties meet and thresh out their differences on matters of mutual concern, which may not be limited to terms and conditions of employment for a given period but may include issues which are not traditionally covered by collective agreement, such as productivity, plant expansion, retrenchments and similar other concerns;

- r) "Collective Bargaining Agreement" refers to the negotiated contract between a legitimate labor organization and the employer concerning wages, hours of work and all other terms and conditions of employment in a bargaining unit, including mandatory provisions for grievance and arbitration machineries.

## Chapter II - Wage Increase

Section 1. Coverage. The wage increase prescribed under the Order shall apply to all workers and employees in the private sector in Region VIII receiving the applicable statutory minimum wage rate or its monthly equivalent under Wage Order No. RB VIII-01, regardless of their position, designation or status, and irrespective of the method by which their wages are paid except:

- i) Household or domestic helpers, including family drivers and workers in the personal service of another;
- ii) Workers and employees in retail/service establishments regularly employing not more than ten (10) workers, when exempted from compliance with the Order, for a period fixed by the Board in accordance with Section 13, Chapter II of this Rules;
- iii) Workers and employees of distressed establishments, whose capital has been impaired by at least twenty five percent (25%) during the preceding year of application, when exempted

from compliance with the Order, for a period fixed by the Board in accordance with Section 13, Chapter II of this Rules;

- iv) Workers and employees of countryside and barangay business enterprises (CBBEs) duly registered pursuant to R.A. 6810, otherwise known as the Kalakalan 20, when exempted from compliance with the Order, for a period fixed by the Board in accordance with Section 13, Chapter II of this Rules;
- v) Workers and employees of establishments directly or indirectly affected by the floods caused by the recent Typhoon Uring as certified by the Mayor and the DTI and as determined by this Board, when exempted from compliance with the Order, for a period fixed by the Board in accordance with Section 13, Chapter II of this Rules; and
- vi) Workers and employees in establishment whose wage rates are over and above the minimum wage rates prescribed by this Wage Order.

Section 2. Effectivity. The minimum wage increase provided under the Order takes effect on May 3, 1992, fifteen (15) days following its complete publication in a newspaper of general circulation in the region on April 17, 1992 pursuant to Section 11 thereof.

Section 3. Amount of Minimum Wage Increase. Effective May 3, 1992 the daily statutory minimum rates of covered workers and employees in the private sector in Region VIII as prescribed under Wage Order No. RB VIII-01 shall be increased by four pesos (P4.00) per day.

Section 4. Daily Minimum Wage Rates. a) Upon the effectivity of the Order, the daily minimum wage rates of covered workers and employees in the private sector in Region VIII are herein attached as Annex A of this Rules.

b) Without prejudice to existing company practices, agreements or policies, the suggested formula herein attached as Annex B of this Rules maybe used as guides in determining the equivalent monthly minimum wage rates.

Section 5. Basis of Minimum Wage Rates. The minimum wage rates prescribed under the Order shall be for the normal working hours, which shall not exceed eight (8) hours of work a day.

Section 6. Creditable Wage Increase. a) Wage increase granted by an employer from November 1, 1991 up to the effectivity of the Order shall be credited as compliance with the wage increase prescribed thereof. Where the wage increase is less than the prescribed increase, the employer shall pay the difference.

b) Initial wage increase granted from November 1, 1991 up to the effectivity of the Order pursuant to the provisions in the Collective Bargaining Agreement between employer and workers shall be credited as compliance to the wage increase prescribed under the Order. Where the increase granted under the CBA is less than the wage increase provided under the Order, the employer shall pay the difference.

c) Anniversary wage increases provided in the CBA, merit wage increases and those resulting from regularization or promotion of employees shall not be credited as compliance thereto even if these are specifically incorporated in the Collective Bargaining Agreement.

d) With respect to private educational institutions, the share of the covered workers and employees in the increase in tuition fees for the second semester of school year 1991-92 shall be

credited as compliance with the wage increase prescribed in the Order. Where their share is less than the wage increase provided therein, the employer shall pay the difference.

Section 7. Application to Private Educational Institutions. Private educational institutions shall be required to comply with the wage increase prescribed under the Order effective June 1, 1992. In cases where the tuition fee increase was effected at a later date, the wage increase shall take effect on the date the school actually increased tuition fees and may not be retroactive to June 1, 1992. However, in cases where the tuition fee increase was effected before or on June 1, 1992, the wage increase shall take effect on said date.

Section 8. Application to Contractors. In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed wage increase 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 wage rates, the construction/service contractor shall be jointly and severally liable with his principal or client.

Section 9. Workers Paid by Results.

a) All workers paid by results including those who are paid on piece work, takay, pakyaw, or task basis, shall receive not less than the applicable minimum wage rates prescribed under the 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.

The adjusted minimum wage rates for workers paid by results shall be computed in accordance with the following steps:

$$\text{i) } \frac{\text{Amount of increase in AMW}^*}{\text{Previous AMW}} \times 100 = \% \text{ increase;}$$

$$\text{ii) Existing rate/pc.} \times \% \text{ increase} = \text{increase in rate/pc.};$$

$$\text{iii) Existing rate/pc.} \times \text{increase in rate/pc.} = \text{adjusted rate/pc.}$$

\* Where AMW is the applicable minimum wage rate.

b) The wage rates of workers who are paid by results shall continue to be established in accordance with Article 101 of the Labor Code, as amended and its implementing regulations.

Section 10. 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.

All recognized learnership and apprenticeship agreements entered into before May 3, 1992 shall be considered as automatically modified insofar as their wage clauses are concerned to reflect the increase prescribed under the Order.

Section 11. Mobile and Branch Workers. The minimum wage rates of workers, who by the nature of their work have to travel, shall be those applicable in the domicile or head Office of the employer.

The minimum wage rates of 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 12. Transfer of Personnel. The transfer of personnel from one province/region to another shall not be a valid ground for the reduction of the wage rate being enjoyed by the worker prior to such transfer.

Section 13. Exemptions. Applications for exemption from compliance with the wage increase prescribed under the Order shall be filed with the Board not later than thirty (30) days from the date of effectivity of the Order.

The application, in two (2) typewritten copies, may be filed by the owner/manager or duly authorized representative of an establishment, in person or by registered mail. It shall be under oath and accompanied by complete supporting documents as required under No. 2, Section 2 of the Guidelines on Exemption from Compliance with the Prescribe Wage/Cost of Living Allowance Increase Granted by the Regional Tripartite Wages and Productivity Board and by supplementary guidelines that may be issued by the Board.

The following establishments may be exempted from compliance with the wage increase prescribed under the Order upon application with and as determined by the Board in accordance with applicable rules and regulations issued by the Commission and supplementary guidelines that may be issued by the Board:

- i) Retail/Service establishments regularly employing not more than ten (10) workers;
- ii) Distressed establishments whose capital has been impaired by at least twenty-five percent (25%) during the year preceding the application;
- iii) Countryside and Barangay Business Enterprises (CBBEs) duly registered pursuant to RA 6810; and
- iv) Establishments directly or indirectly affected by the floods caused by the recent typhoon Uring.

Employers falling under No. iv of this Section and claiming exemption hereof shall, in addition to the above-mentioned requirements, submit to the Board two (2) certifications, one coming from the office of the Mayor and the other from the DTI, to this effect.

Establishments whose employees' wage rates are over and above the minimum wage rates prescribed by the Wage Order are exempted from compliance thereof. This shall be without prejudice, however, on the part of the workers in these establishments to explore possibilities of wage improvement through the processes of voluntary negotiation and collective bargaining.

Any dispute or disagreement which may arise out of such negotiation and/or collective bargaining shall not be a valid ground for strike or lockout. Such dispute or disagreement shall be referred to voluntary arbitrator for resolution. The decision of the voluntary arbitrator shall be binding, final, executory and inappealable.

The Board has the option to grant full or partial exemption for a period not exceeding one (1) year from the effectivity of the Order.

Whenever an application for exemption has been duly filed with the Board, action by the Regional Office of the Department of Labor and Employment in Region VIII on any complaint for alleged non-compliance with the Order shall be deferred pending resolution of said application.

In the event that the application for exemption is not granted, the workers and employees shall receive the appropriate compensation due them as provided for in the Wage Order plus interest of

one percent (1%) per month retroactive to the effectivity of the Order or the start of operations whichever is applicable.

Section 14. Wage Distortion. Any distortion in the wage structure within an establishment arising from the application of the wage increase provided under the Order shall be corrected according to the following procedure:

- a) In unionized establishment with an existing collective bargaining agreement, the employer and the union shall negotiate to correct the distortions. Any dispute arising from wage distortion shall be resolved through the grievance procedure under their collective bargaining agreement and, if it remains unresolved, through voluntary arbitration. Unless otherwise agreed by the parties in writing, such dispute shall be decided by the voluntary arbitrator or panel of voluntary arbitrators within ten (10) calendar days from the time said dispute was referred to voluntary arbitration.
- b) In cases where there are no collective bargaining agreements or recognized labor unions, the employers and workers shall endeavor to correct the wage distortion. Any dispute arising therefrom shall be settled through the National Conciliation and Mediation Board (NCMB) and, if it remains unresolved after ten (10) calendar days of conciliation, it shall be referred to the appropriate branch of the National Labor Relations Commission (NLRC). The NLRC shall conduct continuous hearings and decide the dispute within twenty (20) calendar days from the time said dispute is submitted for compulsory arbitration.

The pendency of a dispute arising from a wage distortion shall not in any way delay the applicability of any wage increase prescribed under the Order.

Any issue involving wage distortion shall not be a ground for a strike/lockout.

Section 15. Complaints for Non-compliance. Complaints for non-compliance with the wage increase provided in the Order shall be filed with the Regional Office of the Department in Region VIII and shall be the subject of enforcement proceedings under Articles 128 and 129 of the Labor Code, as amended.

Section 16. Non-Diminution of Benefits. Nothing in the Order and this Rules shall be construed as authorizing the reduction of 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 employer or employers practices or policies.

Section 17. Penal Provision. Any person, corporation, trust, firm, partnership, association or entity which refuses or fails to pay the prescribed increase under the Order shall be punished by a fine not exceeding P25,000.00 and/or imprisonment of not less than one (1) year nor more than two (2) years. Provided, that any person convicted under the Order shall not be entitled to the benefits provided for under the Probation Law.

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 18. 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 19. Effect on other Issuances. The provisions of existing laws and decrees on wages and their implementing rules and regulations and issuances not otherwise repealed, modified or inconsistent with the Order and this Rules shall continue to have full force and effect.

Section 20. Effectivity. This Rules shall take effect on May 3, 1992.

Done in Tacloban City, Republic of the Philippines, this 17th day of March, 1992.

(SGD) DIR. MAXIMO B. LIM  
Chairman

(SGD) DIR. VICTOR A. DOMINGO  
Vice-Chairman

(SGD). DIR. JOSE ROMEO C. ESCANDOR  
Vice-Chairman

(SGD). ATTY. PHILIP B. MOTANCES  
Workers Representative

(SGD) MR. MANUEL C. PORE  
Workers Representative

(SGD) MR. HERCULANO A. DUHAYLUNGSOD  
Employers Representative

(SGD). DR. VIRGINIO A. ASTILLA  
Employers Representative

Approved this 25th day September, 1992.

(SGD) NIEVES R. CONFESSOR  
Acting Secretary

*Date of effectivity of the Order under Section 2, 3 and 20 of Chapter II is hereby changed from May 3, 1992 to May 2, 1992, the latter being the 15th day after the complete publication of the Order in a newspaper of general circulation in the region on April 17, 1992 pursuant to Section 11.*

Annex A

Daily Statutory Minimum Wage Rates. The daily statutory wage rates of workers and employees in Region VIII shall be as follows:

SECTOR/INDUSTRY	Under Wage RB VIII-01 December 9, 1990)	Order No. (Effective 1990)	Under Wage RB VIII-03 May 3, 1992)	Order No. (Effective 1992)
	Leyte Prov Tacloban C and Ormoc C	So. Leyte N. Samar E. Samar Biliran and Calbayog C	Leyte Prov Tacloban C and Ormoc C (+4.00/d)	So. Leyte N. Samar E. Samar Biliran and Calbayog City (+4.00/d)
NON-AGRICULTURE	P 99.00	P 95.00	P103.00	P99.00
AGRICULTURE				
Plantation with annual gross sales of P5M or more	89.00	85.00	93.00	89.00
Plantation with annual gross sales of less than P5M	84.00	80.00	88.00	84.00
Non-Plantation	68.50	64.50	72.50	68.50
COTTAGE/HANDICRAFT				
Employing more than 30 workers	77.00	73.00	81.00	77.00
Employing not more than 30 workers	75.00	71.00	79.00	75.00
PRIVATE HOSPITALS	95.00	91.00	99.00	95.00
RETAIL SERVICE				
Cities with population of more than 150,000				
Employing more than 15 workers	99.00	95.00	103.00	99.00
Employing 11 to 15 workers	95.00	91.00	99.00	95.00
Employing not more than 10 workers	68.00	64.00	72.00	68.00
Cities and Municipalities with population of not more than 150,000				
Employing more than 10 workers	95.00	91.00	99.00	95.00
Employing not more than 10 workers	68.00	64.00	72.00	68.00
SUGAR				
Mills	101.00	97.00	105.00	101.00
Agriculture Plantation with annual gross sales of P5M or more	83.50	79.50	87.50	83.50
Plantation with annual gross sales of less than P5M	78.50	74.50	82.50	78.50
Non-Plantation	68.50	64.50	72.50	68.50
BUSINESS ENTERPRISES WITH CAPITALIZATION OF NOT MORE THAN P500,000 AND EMPLOYING NOT MORE THAN 20 WORKERS				
Non-Agriculture	P89.00	P85.00	P93.00	P89.00
Agriculture Plantation				
Products other than Sugar	79.00	75.00	83.00	79.00
Sugar	73.50	69.50	77.50	73.50
Private Hospitals	85.00	81.00	89.00	85.00
Retail/Service				
Cities with population of more than 150,000				

Employing more than 15 workers	89.00	75.00	93.00	79.00
Employing 11 to 15 workers	85.00	81.00	89.00	85.00
Cities and Municipalities with population of not more than 150,000				
Employing more than 10 workers	85.00	81.00	89.00	85.00
COUNTRYSIDE AND BARANGAY BUSINESS ENTERPRISES REGISTERED UNDER RA 6810 (Kalakalan 20)				
A. Covered by RA 6727				
Non-Agriculture	89.00	85.00	93.00	89.00
Cottage/Handicraft	75.00	71.00	79.00	75.00
Agriculture Plantation (Employing 20 workers)				
Sugar	73.50	69.50	77.50	73.50
Other Crops	79.00	75.00	83.00	79.00
Agriculture Non-Plantation (Employing less than 20 workers)				
	68.50	64.50	72.50	68.50
B. Exempted from RA 6727				
Non-Agriculture	74.00	70.00	78.00	74.00
Cottage/Handicraft	60.00	56.00	64.00	60.00
Agriculture Plantation (Employing 20 workers)				
Sugar	58.50	54.50	62.50	58.50
Other Crops	64.00	60.00	68.00	64.00
Agriculture Non-Plantation (Employing less than 20 workers)				
	53.50	49.50	57.50	53.50

ANNEX B

SUGGESTED FORMULA IN DETERMINING THE EQUIVALENT MONTHLY  
MINIMUM WAGE RATES

Without prejudice to existing company practices, agreements or policies, the following formula may be used as guides in determining the equivalent monthly statutory minimum wage rates:

A) For those who are required to work everyday including Sundays or rest days, special days and regular holidays:

$$\begin{aligned} \text{Equivalent Monthly Rate (EMR)} &= \text{Applicable daily wage rate (ADR)} \times \frac{390.90 \text{ days}}{12} \\ \text{Where } 390.90 \text{ days} &= \\ &302 \text{ days} = \text{Ordinary working days} \\ &20 \text{ days} = 10 \text{ regular holidays} \times 200\% \\ &66.30 \text{ days} = 51 \text{ rest days} \times 130\% \\ &\quad \quad \quad 2/ \\ &\frac{2.60 \text{ days}}{390.90 \text{ days}} = 2 \text{ special days} \times 130\% \\ &= \text{Total equivalent number of days} \end{aligned}$$

B) For those who do not work but considered paid on rest days, special days and regular holidays:

$$\begin{aligned} \text{EMR} &= \text{ADR} \times \frac{365 \text{ days}}{12} \\ \text{Where } 365 \text{ days} &= \\ &302 \text{ days} = \text{Ordinary working days} \\ &51 \text{ days} = \text{Rest days} \\ &10 \text{ days} = \text{Regular holidays} \\ &\quad \quad \quad 2/ \\ &\frac{2 \text{ days}}{365 \text{ days}} = \text{Special days} \\ &= \text{Total equivalent number of days} \end{aligned}$$

C) For those who do not work and are not considered paid on Sundays or rest days:

$$\begin{aligned} \text{EMR} &= \text{ADR} \times \frac{314 \text{ days}}{12} \\ \text{Where } 314 \text{ days} &= \\ &302 \text{ days} = \text{Ordinary working days} \\ &10 \text{ days} = \text{Regular Holidays} \\ &\quad \quad \quad 2/ \\ &\frac{2 \text{ days}}{314 \text{ days}} = \text{Special days (If considered paid; if actually worked, this is equivalent to 2.6 days)} \\ &= \text{Total equivalent number of days} \end{aligned}$$

D) For those who do not work and are not considered paid on Saturdays or rest days:

$$\begin{aligned} \text{EMR} &= \text{ADR} \times \frac{262 \text{ days}}{12} \\ \text{Where } 262 \text{ days} &= \\ &250 \text{ days} = \text{Ordinary working days} \\ &10 \text{ days} = \text{Regular holidays} \\ &\quad \quad \quad 2/ \\ &\frac{2 \text{ days}}{262 \text{ days}} = \text{Special days (If considered paid; if actually worked, this is equivalent to 2.6 days)} \\ &= \text{Total equivalent number of days} \end{aligned}$$

1/ *Includes premium for holidays, special and rest days*

2/ *November 1 and December 31 under Executive Order No. 203 dated June 30, 1987.*

Note: *For workers whose rest days fall on Sundays, the number of rest days in a year is reduced from 52 to 51 days, the last Sunday of August being a regular holiday under Executive Order No. 203. For purposes of computation, said holiday, although still a rest day for them is included in the ten regular holidays. For workers whose rest days do not fall on Sundays, the number of rest days is 52 days, as there are 52 weeks in a year.*

*Nothing herein shall be construed as authorizing the reduction of benefits granted under existing agreements or employer practices/policies.*