

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Regional Office No. IX
Zamboanga City

**WAGE ORDER NO. RIX-07
PROVIDING FOR A MINIMUM WAGE INCREASE**

Whereas, the devaluation of the peso due to the currency crisis in the Asean Region has caused increases in the prices of goods and services necessitating a review of the existing regional minimum wage levels;

Whereas, on November 4, 1997, PIILU-TUCP filed a petition with the Board for a P65.00/day across the board wage increase;

Whereas, Section 3 of the Rule IV of the Rules on Minimum Wage Fixing provides, " Section 3. *Frequency of Wage Order.* Any Wage Order issued by the Board may not be disturbed for a period of twelve (12) months from its effectivity, and no petition for wage increase shall be entertained within the said period. In the event, however, that supervening conditions, such as extraordinary increase in prices of petroleum products and basic goods/services, demand a review of the minimum wage rates as determined by the Board and confirmed by the Commission, the Board shall proceed to exercise its wage fixing function even before the expiration of the said period."

Whereas, Wage Order No. RIX-06 became effective on May 16, 1997 and the Board is therefore guided by the provisions of Section 3, Rule IV of the Rules on Minimum Wage Fixing;

Whereas, the Board, in the exercise of its wage fixing function and in order to determine whether there are supervening conditions in the region such as extraordinary increases in the prices of petroleum products and basic goods/services, which may warrant the issuance of a new wage order, conducted public consultations in Zamboanga City on November 12, 1997, in Basilan Province on November 13, 1997, in Pagadian City on November 17, 1997 and in Dipolog City on November 19, 1997;

Whereas, results of the public consultations show that supervening conditions exist to justify the issuance of a wage order to alleviate the plight of minimum wage earners in the region;

Now Therefore, by virtue of the power and authority vested under Republic Act No. 6727, otherwise known as the Wage Rationalization Act of 1989, the Regional Tripartite Wages and Productivity Board IX hereby issues this Wage Order:

Section 1. DAILY MINIMUM WAGE RATES

Upon effectivity of this Order, the daily minimum wage rates applicable to workers and employees in the private sector in Region IX shall be as follows:

Industry / Sector	City of Zamboanga	Provinces of Zamboanga del Sur & Zamboanga del Norte ; Cities of Pagadian Dipolog and Dapitan	Province of Basilan
1. Non-Agricultural	P 142.00	139.00	136.00
2. Agricultural :			
Plantation	124.00	123.00	118.00
Non-Plantation	101.00	98.00	95.00
3. Retail/Service :			
Employing more than 10	134.00	131.00	128.00
Employing not more than 10	124.00	121.00	118.00
4. Private Hospitals	140.00	137.00	134.00
5. Cottage/Handicrafts	105.00	102.00	99.00

Section 2. APPEAL TO THE COMMISSION

- a) Appeal to the Commission - Any party aggrieved by the Wage Order issued by the Board may file an appeal with the Commission within ten (10) calendar days from publication of the Order.
- b) Effect of Appeal - the filing of the appeal shall not stay the effectivity of the Wage Order unless the party appealing the Order files with the Commission an undertaking with a surety or sureties in the amount as may be fixed by the Commission for payment to employees affected by the Order of the mandated minimum wage, in the event the Wage Order is affirmed.

Section 3. NON-COVERAGE. Not covered by the provisions of this Wage Order are household or domestic helpers and persons in the personal service of another, including family drivers.

Section 4. EXEMPTIONS

Exemptions upon proper applications/petitions. - The following business establishments may be exempted from the applicability of this Order upon application and as determined by the Board in accordance with the NWPC Guidelines on Exemption, to wit:

- a) Distressed establishments
- b) New business enterprises (NBEs)
- c) Retail/Service establishments employing not more than ten (10) workers
- d) Establishments adversely affected by natural calamities.

Section 4.a. EFFECT OF EXEMPTION

(4.a.1) Effect of Application for Exemption.- Whenever an application for exemption has been duly filed with the Regional Board, action on any complaint for alleged non-compliance with this Wage Order shall be deferred pending resolution of the application for exemption by the Board.

In the event that the application for exemption is not granted, employees shall receive the benefit due them as provided for in this Wage Order plus simple interest of one percent (1%) per month, retroactive from effectivity of this Wage Order.

(4.b.2) Motion for Reconsideration.- the aggrieved party may file a motion for reconsideration of the decision of the Board denying the application for exemption within ten (10) calendar days from receipt of the decision/order.

Section 5. APPLICATION TO PRIVATE EDUCATIONAL INSTITUTIONS. In the case of private educational institutions, the wage increase shall take effect not later than the date the school actually increases tuition fees. However, beginning School Year 1999-2000, all schools shall implement the wage increase whether or not they have actually increased tuition fees.

Section 6. APPLICATION TO CONTRACTORS. In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed minimum wage rates of covered workers 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, the construction service contractor shall be jointly and severally liable with the principal or client.

Section 7. APPLICATION TO INDUSTRIES WHOSE REVENUES ARE REGULATED BY LAW. Industries whose revenues are regulated by law (such as arrastre, transportation, utilities, etc.) shall be required to comply with the Wage Order immediately upon approval of an adjustment in their rates by the concerned government agency but not later than twelve (12) months from effectivity of this Order.

Section 8. WORKERS PAID BY RESULT, PIECE WORK/TASK BASIS AND SPECIAL GROUP OF WORKERS

- a) All workers paid by results, including those who are paid on piecework, takay, pakyaw or task basis, shall be entitled to receive the prescribed daily minimum wage for eight (8) hours work a day, or a proportion thereof for working less than eight (8) hours.
- b) All recognized learnership and apprenticeship agreements shall be construed automatically modified in so far as the new minimum wage rate is concerned.

Section 9. CREDITING. Wage increases granted by an employer within six (6) months prior to the effectivity of this Order shall be credited as compliance with the minimum wage prescribed herein.

Where the increases are less than the prescribed minimum wage, the employer shall pay the difference. The increase shall not include merit wage increases, anniversary wage increases, and those resulting from the regularization or promotion of employee.

Section 10. WAGE DISTORTION. The employers and workers shall correct the wage distortion arising from severe contraction of quantitative differences in salary rates between and among employees and workers. This shall be settled through employers' initiative, grievance procedure, voluntary arbitration thru the NCMB, or thru the NLRC, whichever is applicable.

Section 11. 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 12. PENAL PROVISION. Any employer who refuses or fails to pay the applicable minimum wage rates under this Wage Order shall be subject to penalties specified under Section 12 of Republic Act No. 6727, as amended by R.A. 8188.

Section 13. IMPLEMENTING RULES AND REGULATIONS. 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 14. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

Section 15. EFFECTIVITY. This Wage Order shall take effect APRIL 01, 1998.

Approved: March 12, 1998, Zamboanga City

(SGD) JOSE J. SUAN
Worker Representative

(SGD) ARSENIO L. GONZALEZ, JR.
Employer Representative

(SGD) WILFREDO A. MAGALLANES, SR.
Worker Representative

(SGD) EDGAR B. LIM
Employer Representative

(SGD) RAFAEL G. EVANGELISTA, JR.
Vice-Chairman
(NEDA Representative)

(SGD) NAZRULLAH B. MANZUR
Vice-Chairman
(DTI Representative)

(SGD) LOURDES M. TRASMONTA
Chairman

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Regional Office No. IX
Zamboanga City

**AMENDING AND SUPPLEMENTING CERTAIN PROVISIONS OF
WAGE ORDER NO. RIX-07**

WHEREAS, the Board issued Wage Order No. RIX-07 on March 12, 1998, prescribing new minimum wage rates in Region 09 upon its effectivity;

WHEREAS, the Board after a careful review of the Wage Order found some omissions and errors which need to be supplemented and corrected;

NOW, THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727, otherwise known as the "Wage Rationalization Act of 1989", and pursuant to Sections 7 and 8, Rule IV of the Revised Rules of Procedure on Minimum Wage Fixing, the RTWPB-09 hereby issue this amendments and supplements to Wage Order No. RIX-07.

SECTION 1. Section 4.b.2 of Wage Order No. RIX-07 is hereby amended to read, as follows:

"Section 4. EXEMPTIONS.

"(4.a.1) x x x x x x x x x.

"(4.b.2) Motion for Reconsideration - the aggrieved party may file a motion for reconsideration of the decision of the Board denying the application for exemption within ten (10) days from receipt of the decision and shall state the particular grounds upon which the motion is based, copy furnished the other party and the DOLE Regional Office No. 09."

SECTION 2. Section 8 (b) of Wage Order No, RIX-07 is hereby supplemented to read , as follows:

"Section 8. WORKERS PAID BY RESULTS, PIECE WORK AND SPECIAL GROUP OF WORKERS.

"(a) x x x x x x x x x.

"(b) All recognized learnership and apprenticeship agreements shall be construed automatically modified in so far as the new minimum wage rate is concerned.

"Wages of apprentices, learners and handicapped workers shall in no case be less than 75 percent of the applicable minimum wage rates."

SECTION 3. Section 9 of Wage Order No. RIX-07 is hereby supplemented to read, as follows:

"Section 9 . CREDITING.

"x x x x x x x x x .

"x x x x x x x x x .

“With respect to private educational institutions, the share of the covered workers and employees in the increase in tuition fees for school year 1997-98 shall be credited as compliance with the minimum wage increase prescribed in the Order. Where their share is less than that of the wage increase provided therein, compliance of the difference shall be effective beginning school year 1998-99, if tuition fees are actually increased for said school year.”

SECTION 4. Section 10 of Wage Order No. RIX-07 is hereby amended and supplemented to read, as follows:

“Section 10. WAGE DISTORTION AND NON-DIMINUTION OF BENEFITS.

“(a) Wage Distortion.

“The employers and workers shall correct the wage distortion arising from severe contraction of quantitative difference in salary rates between and among employers and workers. x x x x x x x x x.

“(b) Non-Diminution of Benefits.

“Nothing in this Wage Order 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 of any contract or employer practices or policies.”

SECTION 5. Effectivity. These amendments and supplements shall take effect fifteen (15) days after its publication in at least one (1) newspaper of general circulation in the region.

Approved: May 4, 1998, Zamboanga City, Philippines.

(SGD) JOSE J. SUAN
Workers Representative

(SGD) ARSENIO L. GONZALEZ, JR.
Employer Representative

(Vacant)
Workers Representative

(SGD) EDGAR B. LIM
Employer Representative

(SGD) RAFAEL G. EVANGELISTA, JR.
Vice-Chairman

(SGD) NAZRULLAH B. MANZUR
Vice-Chairman

(SGD) LOURDES M. TRASMONTA
Chairman

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Regional Office No. IX
Zamboanga City

RULES IMPLEMENTING WAGE ORDER NO. RIX-07

Pursuant to Section 5, Rule IV of the NWPC, Rules of Procedure on Minimum Wage Fixing and the authority granted to the Regional Tripartite Wages and Productivity Board under Republic Act No. 6727, the following rules are hereby issued for the guidance and compliance by all concerned:

Chapter I - Definition of Terms

Section 1. Definition of Terms - As used in this Rules.

- a) "Act" means Republic Act No. 6727;
- b) "Order" means Wage Order No. RIX-07;
- c) "Commission" refers to the National Wages and Productivity Commission;
- d) "Board" refers to the Regional Tripartite Wages and Productivity Board of Region IX;
- e) "Department" refers to the Department of Labor and Employment;
- f) "Region IX" covers the Provinces of Zamboanga del Sur, Zamboanga del Norte and Basilan and includes the cities of Pagadian, Dipolog, Dapitan and Zamboanga;
- g) "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 activity 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, tobacco, pineapple, aquatic or other farm products;
- h) "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 enterprises shall be considered as non-plantation agricultural enterprise.
- i) "Establishment" - refers to an economic unit which engages in one or predominantly one kind of economic activity at a single fixed location.

For purposes of determining eligibility for exemption, establishments under the same owner/s but separately registered with the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) or Cooperative Development Authority (CDA) as the case may be, irrespective of their location, shall be treated as individual and distinct establishments.

- j) "Retail Establishment" is one principally engaged in the sale of goods to end-users for personal or household use;

A retail establishment that regularly engages in wholesale activities loses its retail character.

- k) "Service Establishment" is one principally engaged in the sale of services to individuals for their own or household use and generally recognized as such.
- l) "Establishment regularly employing not more than 10 workers" refers to an establishment employing not more than 10 workers regardless of status, except the owner/s, for at least six (6) months in any calendar year;
- m) "Cottage/Handicraft Establishment" is one engaged in an economic endeavor in which the products are primarily done in the home or similar places for profit which requires manual dexterity and craftsmanship and whose capitalization does not exceed P1,500,000.00 regardless of previous registration with the defunct NACIDA;
- n) "Distressed Establishment" refers to an establishment which meets the criteria enumerated in Section 3(a) of the NWPC Revised Guidelines on Exemption;
- o) "New Business Enterprises" (NBE) refers to establishments, including non-profit institutions, established within two (2) years from effectivity of the Wage Order based on the latest registration with the appropriate government agency such as SEC, DTI, CDA and Mayor's Office;
- p) "Basic Wage" means all remuneration or earnings paid by an employer to a worker for services rendered on normal working days and hours, but does not include cost of living allowances, profit sharing investments, premium payments, 13th month pay and other monetary benefits, which are not considered as parts or integrated into the regular salary of the workers on the date the Wage Order became effective;
- q) "Statutory Minimum Wage" is the lowest wage rate fixed by law that an employer can pay his workers;
- r) "Minimum Wage Rates" refer to the lowest wage rate that an employer can pay his workers, as fixed by the Board, which shall not be lower than the applicable statutory minimum wage rates;
- s) "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 bases of differentiation;
- t) "Wage Order Year Rule" means that within one year period from effectivity of the said Wage Order, no petition for wage increase may be entertained by the Board, provided that in the event supervening conditions exist as provided for under Section 3, Rule IV in the Rules of Procedure on Minimum Wage Fixing, the Board shall proceed to exercise its wage functions even before the expiration of the said period.

Chapter II - Wage Increase

Section 1. Coverage The minimum wage prescribed under this Order shall apply to all workers and employees in Region IX regardless of their position, designation or status and irrespective of the method by which their wages are paid.

Section 2. Non-Coverage Not covered by the provisions of this wage order are household or domestic helpers, and persons in the service of another, including family drivers.

Section 3. Effectivity The new minimum wage rates prescribed under this Order shall take effect on April 1, 1998.

Section 4. Daily Minimum Wage Rates Upon the effectivity of the Order, the daily minimum wage rates of workers and employees in Region IX shall be as follows:

INDUSTRY / SECTOR	City of Zamboanga	Provinces of	
		Zamboanga del Sur Zamboanga del Norte Cities of Pagadian, Dipolog and Dapitan	Province of Basilan
1. Non-Agricultural	142.00	139.00	136.00
2. Agricultural			
Plantation	124.00	123.00	118.00
Non-Plantation	101.00	98.00	95.00
3. Retail/Service			
Employing more than 10	134.00	131.00	128.00
Employing not more than 10	124.00	121.00	118.00
4. Private Hospitals	140.00	137.00	134.00
5. Cottage/Handicrafts	105.00	102.00	99.00

Section 5. Equivalent Monthly Wage Rates Without prejudice to existing company practices, agreements or policies, the suggested formula herein attached as Annex "A" maybe used as guide in determining the equivalent monthly wage rates.

Section 6. Basis of Minimum Wage Rates. The minimum wage rates prescribed under the Order shall be for the normal working conditions and hours which shall not exceed eight (8) hours a day.

Section 7. Creditable Wage Increase.

- a) Any wage increase or allowance (provided the employer agrees to convert it to basic salary) granted six (6) months prior to the effectivity of the Order shall be considered as compliance with the Order, provided that if the amount is less than that prescribed, the employer shall pay the difference.
- b) Anniversary and merit wage increase and those resulting from regularization or promotion of employees shall not be credited as compliance thereto.
- c) With respect to private educational institutions, the share of the covered workers and employees in the increase in tuition fees for school year 1997-1998 shall be credited as compliance with the minimum wage increase prescribed in the Order. Where their share

is less than that of the wage increase provided therein, compliance of the difference shall be effective beginning school year 1998-99, if tuition fees are increased for said school year.

Section 8. 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 a day or a proportion thereof, for work less than the normal working hours.

The new applicable minimum wage rate for workers paid by results shall be computed in accordance with the following steps :

1. $\frac{\text{Amount of increase in applicable minimum wage}}{\text{Previous A M W}} \times 100 = \% \text{ increase}$
2. Existing Rate/ Piece \times % increase = increase in rate/piece
3. Existing rate/piece + increase in rate/piece = adjusted rate/piece

b) The wage rate 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 9. Wages of Special Groups of Workers. Wages of apprentices, learners and handicapped workers shall in no case be less than 75 percent of the applicable minimum wage rates provided in the Order.

All recognized learnership and apprenticeship agreements entered into before the effectivity of this Wage Order shall be considered as automatically modified in so far as their wage clauses are concerned to reflect the increase prescribed under the Order.

Section 10. Application To Private Educational Institutions. In the case of private educational institutions, the wage increase shall take effect not later than the date the school actually increases tuition fees. However, beginning School Year 1999-2000, all schools shall implement the wage increase whether or not they have actually increased tuition fees.

Section 11. 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 contractors/service contractors and the contract shall be deemed amended accordingly. In the event however, that the principal or clients fails to pay the prescribed wage rates, the construction/service contractor shall be jointly and severally liable with the principal or client.

Section 12. Application on Industries Whose Revenue Rates are Regulated by Laws. Other industries whose revenues are regulated by law (such as arrastre, transportation, utilities, etc.) shall be required to comply with the Order immediately upon approval of an adjustment in their rates by the concerned government agency but not later than twelve (12) months from effectivity of this Order.

Section 13. 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 for workers working in branches or agencies of establishments within the Region or outside the Region shall be those rates applicable in the place where they are stationed.

Section 14. Transfer of Personnel. The transfer of personnel from one province 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 15. Exemptions. Who May Be Exempted. Upon application with and as determined by the Board, in accordance with the applicable rules and regulations issued by the Commission, the following may be exempted from the applicability of this Order:

1. Retail/establishments regularly employing not more than 10 workers;
2. Distressed establishments as defined herein.
3. New business enterprises (NBEs)
4. Establishments adversely affected by natural calamities

Applications for exemptions must be filed with the Board in the region and must be supported with documents as prescribed under Section 4 of the NWPC Revised Guidelines on Exemptions.

Whenever an application for exemption has been duly filed with the Board, action on any complaint for alleged non-compliance with the Order shall be deferred pending resolution by the Board of said application. The Board shall have the option whether to grant full or partial exemption to distressed establishment with respect to the amount and/or period covered which shall not exceed one (1) year from effectivity of this Order.

In the event that the application for exemption is not granted, the workers and employees shall receive the appropriate adjustment due them as provided for under the Order plus simple interest of one (1) percent per month retroactive to the date of effectivity of the Order.

Section 16. Wage Distortion. Where the application of the prescribed minimum wage increase under the Order results in distortion in the wage structure in any establishment, such distortion shall be negotiated for correction by the recognized labor union and the management in the case of organized establishment, the representatives of the workers and employers in the case of unorganized establishments, provided further that in any wage adjustments arising therefrom, viability of the establishments shall be considered.

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 arbiter or panel of voluntary arbitrators within ten (10) days from the time said dispute was referred to voluntary arbitration.

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 the wage increase prescribed under the Order.

Any dispute involving wage distortion shall not be a ground for a strike or a lockout.

Section 17. Other Employers Not Covered. Employers of employees whose wage rates are equal to or over and above the minimum wage rate per day as prescribed herein on the date of effectivity of the Order are exempted from compliance of said Order. This shall be without prejudice, however, on the part of unionized establishments from taking cognizance of the reasons prompting the issuance of the Order as basis for representatives of labor and management to sit down and explore possibilities of wage improvement through the processes of free and voluntary negotiation and collective bargaining.

Any dispute or disagreement arising out of such negotiations shall not be a ground for strike or lockout. Such dispute shall be referred to voluntary arbitration for resolution. The decision of the voluntary arbitrator shall be final and executory.

Section 18. Conduct of Inspection by the Department The Department of Labor and Employment shall conduct inspections of establishments, as often as necessary, to determine whether the workers are paid the prescribed wage rates and other benefits granted by law or any Order.

In the conduct of inspection of unionized establishments, Department Inspectors shall always be accompanied by the President or any other responsible officer of the recognized union. In the case of non-unionized establishments, a worker representing the workers therein shall accompany the inspector.

The workers' representative shall have the right to submit his own findings to the Department and to testify on the same if he does not concur with the findings of the labor inspector.

Section 19. Non-Diminution of Benefits. Nothing in the Order and in this Rules shall be construed as authorizing the reduction of any existing rates, allowances and benefits of any form under existing laws, decrees, issuances, executive orders and of any contract or employer practices or policies.

Section 20. Penal Provisions. Any person, corporation, trust, firm, partnership, association or entity which refuses or fails to pay the prescribed increases under the Order shall be punished by a fine not less than P25,000.00 nor more than P100,000.00 or imprisonment of not less than two (2) years nor more than four (4) years, or both such fine and imprisonment. Persons convicted shall not be entitled to the benefits provided for under the Probation Law. Violator shall also pay an amount equivalent to double the unpaid benefits due to the employees (Republic Act 8188 amending Section 12 of RA 6727).

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 21. Registration / Reporting Requirements Any person, company, corporation, partnership or any entity covered by the Order shall submit to the Board and the National Statistics Office not later than January 31 each year, a verified itemized listing of their

workers/employees below managerial level, including learners, apprentices, disabled/handicapped workers using the form prescribed by the Commission.

Section 22. 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 23. Effects 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 24. Payment of Wages. Upon written petition of the majority of the workers and employees concerned, all private establishments, companies, business and other entities with at least twenty five workers located within one kilometer radius to a commercial, saving or rural bank, shall pay the wages and other benefits of their workers through any said banks, within the period and in the manner prescribed under the Labor Code as amended.

Section 25. Duty of the Bank. Whenever applicable and upon request of a concerned worker or union, the bank, through which wages and other benefits are paid shall issue a certification of the record of payment of said wages and benefits to a particular worker or workers for a particular payroll period.

Section 26. Effectivity. This Rules shall take effect on April 1, 1998..

Done in the City of Zamboanga, Philippines, this 12th day of March 1998.

(SGD) JOSE J. SUAN
Worker Representative

(SGD) ARSENIO L. GONZALEZ, JR.
Employer Representative

(Resigned-Effective March 23, 1998)
WILFREDO A. MAGALLANES, SR.
Worker Representative

(SGD) EDGAR B. LIM
Employer Representative

(SGD) RAFAEL G. EVANGELISTA, JR.
Vice-Chairman

(SGD) NAZRULLAH B. MANZUR
Vice-Chairman

(SGD) LOURDES M. TRASMONTE
Chairman

APPROVED this 22nd day of April 1998.

(SGD) CRESENCIANO B. TRAJANO
Secretary

NOTE: Applications for exemption for all categories shall be filed not later than sixty (60) days from publication of the approved implementing rules of the Order. This was published in the Daily Zamboanga Times on May 6, 1999, hence the deadline for submission of applications for exemption is July 5, 1998.

ANNEX "A"

SUGGESTED FORMULA IN DETERMINING THE EQUIVALENT MONTHLY MINIMUM WAGE RATES:

- a) For those who are required to work everyday including Sundays or rest days, special days and regular days:
Equivalent

$$\text{Monthly Rate (EMR)} = \frac{\text{ADR}^* \times 391.50}{12} \quad /1$$

Where 391.50 days =
 302 days - ordinary working days
 20.60 days - 9 regular holidays plus 1 regular holiday/Sunday X 260 %
 66.30 days - 51 rest days X 130 %
2.60 days - 2 special days^{2/} X 130 %
 391.50 days - Total Equivalent number of days.

* ADR Applicable daily wage rate

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

$$\text{EMR} = \frac{\text{ADR} \times 365 \text{ Days}}{12}$$

Where 365 days =
 302 days - ordinary working days
 51 days - rest days
 10 days - regular holidays
2 days - Special days^{2/}
 365 days - Total equivalent number of days

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

$$\text{EMR} = \frac{\text{ADR} \times 314 \text{ days}}{12}$$

Where 314 days =
 302 days - ordinary working days
 10 days - regular holidays
2 days - special days^{2/} (if considered paid; if actually worked, this is equivalent to 2.6 days)
 314 days - total equivalent number of days

- d) For those who do not work and are not considered paid on Saturdays and Sundays or rest days

$$\text{EMR} = \frac{\text{ADR} \times 262 \text{ days}}{12}$$

Where 262 days =
 250 days - ordinary working days
 10 days - regular holidays
2 days - special days^{2/} (if considered paid; if actually worked, this is equivalent to 2.6 days)
 262 days - total equivalent number of days

Note: In Region IX there are additional Five (5) Muslim Holidays as provided under Title I, Book V of P.D. 1083 and supplemented by P.D. 1198.

1/ Includes premiums for holidays, special days and rest days;

2/ November 1 and December 31 under Executive Order No. 203.