

Republic of the Philippines
Department of Labor and Employment
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Region 10, Northern Mindanao

WAGE ORDER NO. RX-04
GRANTING TEMPORARY EMERGENCY LIVING ALLOWANCE

WHEREAS, Republic Act 6727, otherwise known as the Wage Rationalization Act, empowers the Regional Tripartite Wages and Productivity Board to determine and fix minimum wage rates applicable in the region, its provinces and industries, and to issue the corresponding Wage Orders, subject to guidelines issued by the National Wages Productivity Commission;

WHEREAS, RTWPB-X, motu proprio, conducted public hearings to determine whether or not there is a need to increase the minimum wage rates and Cost of Living Allowance mandated under Wage Order No. RX-03 and RX-03-A;

WHEREAS, the result of the public hearings and studies conducted by the Board, indicated a marked fluctuation in the prices of some basic food commodities which led to a rise in inflation rate;

WHEREAS, the final effects of the other factors that might affect the economic condition are still uncertain;

NOW THEREFORE, by virtue of the powers and authority vested under Republic Act No. 6727, the Regional Tripartite Wages and Productivity Board, Region X, hereby issues this Wage Order.

Section 1. All workers in the private sector who are receiving ONE HUNDRED FORTY PESOS (P140.00) per day and below shall be paid a Temporary Emergency Living Allowance (TELA) of Twelve Pesos (P12.00) per day, in addition to the Cost of Living Allowance under Wage Order No. RX-03, effective 15 days after this Wage Order's publication in a newspaper of general circulation in the region.

Section 2. This Wage Order shall be applicable for a period of three (3) months.

Section 3. In the case of contracts for construction projects and for security, janitorial and other services, the herein prescribed allowance of covered workers and employees 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 clients fails to pay the prescribed allowance, the construction/service contractor shall be jointly and severally liable with the principal or client.

Section 4. All workers paid by results, including those who are paid on piecework, takay, pakyaw, or task basis, shall receive not less than the prescribed allowance under this Wage Order for the normal eight (8) working hours work a day, or a proportion thereof for work less than the normal working hours.

Section 5. All additional allowances granted to each worker per day effective October 1, 1995 shall be credited as compliance with this Wage Order, provided that where such allowances are less than the prescribed adjustment, the employer shall pay the difference.

Section 6. Industries whose revenues are regulated by law shall be required to comply with the Wage Order effective upon approval of an adjustment in their rates by the concerned government agency, but not later than six (6) months from the effectivity hereof.

Provided that establishments granted rate adjustments by the appropriate government agency during the three (3) month period immediately preceding the issuance of this Wage Order shall comply with this Wage Order on the date this Wage Order takes effect.

Provided further that in the case of educational institutions, compliance shall be mandatory effective school year 1996-1997.

Section 7. Exempted from the provisions of this Wage Order are household or domestic helpers and persons in the personal service of another, including family drivers.

Likewise exempted from the payment of the Temporary Emergency Living Allowance are charitable institutions like orphanages, schools for the blind, rehabilitation centers, institutions taking care of persons with disabilities, and other similar entities whose existence depend mainly on donations, upon application with the Board.

Section 8. The imposition of the additional allowance prescribed in this Wage Order shall not be a ground to renegotiate any existing collective bargaining agreement, except where there is an expressed provision in the CBA on Wage reopening as a result of the issuance of a Wage Order, as mutually agreed upon by the parties.

Section 9. Any employer who refuses or fails to pay the allowances provided under this Wage Order shall be subject to the penalties specified under existing labor laws and issuances.

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 rates, allowance or other benefits under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between workers and employers or employers' practices and policies.

Section 11. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the region.

APPROVED: 7 February 1996.

Dissenting opinion on Sec. 5., as coverage does not conform to agreement.
(SGD) REV. PRUDENCIO T. PLAZA, JR
Employers Representative

(SGD) MR. ARSENIO L. SEBASTIAN III
Employers Representative

(SGD) DIR. NINFA A. ALBANIA
Vice-Chairman

I dissent on the crediting of all additional allowances granted effective October 1, 1995 as compliance with the Wage Order.
(SGD) MRS. FLORENCIA P. CABATINGAN
Labor Representative

MR. DEMETRIO S. SUSON
Labor Representative

(SGD) DIR. ANNABELLE G. CAJITA
Vice-Chairman

(SGD) DIR. BARTOLOME C. AMOGUIS
Chairman

Republic of the Philippines
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Northern Mindanao, Region X
Cagayan de Oro City

RULES IMPLEMENTING WAGE ORDER NO. RX-04

Pursuant to Section 5, Rule IV of the NWPC Rules of Procedure on Minimum Wage Fixing, and to 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 1 - DEFINITION OF TERMS

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

- a) "Act" means Republic Act No. 6727;
- b) "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 payments, premium payments, 13th month pay and other monetary benefits which are not considered as part of or integrated into the regular salary of the workers on the date this Wage Order becomes effective;
- c) "Board" refers to the Regional Tripartite Wages and Productivity Board of Region X;
- d) "Commission" refers to the National Wages and Productivity Commission;
- e) "Department" refers to the Department of Labor and Employment;
- f) "Establishment" refers to an economic unit which engages in one or predominantly one kind of economic activity at a single fixed location.
- g) "Minimum Wage Rates" refer to the lowest 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;
- h) "Order" means Wage Order No. RX-04;
- i) "Region X" covers the provinces of Bukidnon, Camiguin, Misamis Occidental, Misamis Oriental, and the cities of Cagayan de Oro, Gingoog, Oroquieta, Ozamis and Tangub;
- j) "Statutory Minimum Wage" is the lowest wage rate fixed by law that an employer can pay his workers;
- k) "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 skills, length of service, or other logical bases of differentiation;
- l) "Workers and Employees" - means those employed in the private sector.

CHAPTER II - TEMPORARY EMERGENCY LIVING ALLOWANCE (TELA)

Section 1. COVERAGE - The Temporary Emergency Living Allowance prescribed under this Wage Order shall apply to all workers and employees in Region X, receiving a daily wage of not more than ONE HUNDRED FORTY PESOS (P140.00), regardless of their position, designation or status, place of work or assignment in Region X and irrespective of the method by which their wages are paid.

Section 2. AMOUNT OF TEMPORARY EMERGENCY LIVING ALLOWANCE AND MANNER OF PAYMENT - Upon effectivity of this Wage Order, all covered workers and employees in Region X shall be paid TWELVE PESOS (P 12.00) per day Temporary Emergency Living Allowance (TELA). Such TELA shall be paid together with the regular payroll of employees and workers but not later than fifteen (15) days interval.

Section 3. ALLOWANCES OF FULL - TIME AND PART-TIME EMPLOYEES - Full-time employees shall be paid the prescribed Allowance for every day that they are paid the basic wage.

In the case of part-time employees, the allowance to be paid shall be proportionate to the time worked by the employee.

Section 4. LEAVE OF ABSENCE WITH PAY - All covered employees shall be entitled to the Allowance provided herein when they are on leave of absence with pay.

Section 5. RELATION TO SOCIAL SECURITY AND WORKMENS' COMPENSATION - An employee who is receiving workmen's compensation and/or social security benefits in lieu of wages is entitled to the allowance to the extent of such compensation or benefit.

CHAPTER III - COMMON AND OTHER PROVISIONS

Section 1. Creditable Allowance - Any allowance granted from October 1, 1995 up to the effectivity of this Wage Order shall be credited as compliance thereof, provided that where such increases are less than the prescribed allowance, the employer shall pay the difference. Such increases shall not include company anniversary and merit increases and those resulting from regularization or promotion of employees".

Section 2. Effects on Collective Bargaining Agreements - The increase in the Allowance prescribed in this Order shall not be a ground to renegotiate any existing collective bargaining agreement, except where there is an expressed provision in said CBA on wage reopening as a result of an issuance of a Wage Order, or as mutually agreed upon by the parties.

Section 3. Workers Paid by Results 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 Allowance prescribed under the Order for the normal working hours a day, or a proportion thereof for work less than the normal working hours.

Section 4. Application to Contractors. In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed allowance 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 allowance, the construction/service contractor shall be jointly and severally liable with the principal or client.

Section 5. Application to Private Educational Institutions Private educational institutions shall be required to comply with the allowance prescribed under this Order effective School Year 1996-1997.

Section 6. Compliance of Establishments whose Rates are Regulated by Law - Industries whose revenues are regulated by law shall be required to comply with this Wage Order effective upon approval of an adjustment in their rates by the concerned government agency, but not later than six (6) months from the effectivity hereof, provided that establishments granted rate adjustments by the appropriate government agency during the three (3) - month period immediately preceding the issuance of this Wage Order shall comply with this Wage Order on the date the Wage Order takes effect.

Section 7. Mobile and Branch Workers. The allowance of workers, who by the nature of their work have to travel, shall be those applicable in the domicile or the nearest branch office of the employer.

The allowances of workers working in branches or agencies of establishments within the region or outside the region shall be those applicable in the place where they are stationed.

Section 8. Transfer of Personnel. The transfer of personnel from one province to another shall not be a valid ground for the reduction of the allowance being enjoyed by the worker prior to such transfer.

Section 9. Exemptions. Exempted from the provisions of this Wage Order are household or domestic helpers and persons in the personal service of another, including family drivers.

Likewise exempted from the payment of the Allowance prescribed herein are charitable institutions like orphanages, schools for the blind, rehabilitation centers, institutions taking care of persons with disabilities and other similar entities whose existence depend mainly on donations, upon application with the Board.

Applications for exemption, in two (2) typewritten copies, must be under oath. Such must be filed by the duly authorized representative of an establishment, in person or by registered mail, with the Board or through the nearest office of the Department of Labor and Employment in the region and must be accompanied by complete supporting documents; otherwise the application shall be dismissed upon failure of the establishment to submit complete documents within ten (10) days from receipt of notice of the deficiencies.

Whenever an application for exemption has been duly filed with the Board, action on any complaint for alleged non-compliance with this Order shall be deferred pending resolution by the Board of said application.

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 this Order plus interest of one percent (1%) per month retroactive to the date of effectivity of this Order.

The following supporting documents shall be submitted together with the application:

- (a) Proof of notice of filing of the application to the President of the union/contracting party if one is organized in the establishment, or if there is no union, a copy of a circular giving general notice of the filing of the application to all the workers in the establishment. The proof of notice, which may be translated in the vernacular, shall state that the workers' representative was furnished a copy of the application with all the supporting documents. The notice shall be posted in a conspicuous place in the establishment.
- (b) Certified True copy of Certificate of Registration or equivalent document
- (c) Application for exemption, under oath.

Section 10. Effects on Existing Wage Structure. Where the application of the prescribed allowance under this Order results in distortion in the wage structure within an establishment, such distortion shall be negotiated for correction by the recognized union and the management in the case of unionized labor, and the representatives of the workers and employees in the case of unorganized establishments, provided further that in any monetary adjustments arising therefrom, viability of the establishment 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 arbitrator or panel of voluntary arbitrators within ten (10) calendar 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 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 and Supplemental Orders if there be any.

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

Section 11. Complaints for Non-Compliance. Complaints for non-compliance with the allowance prescribed under this Order shall be filed with the nearest office of the Department in the region and shall be the subject of enforcement proceedings under Articles 128 and 129 of the Labor Code, as amended.

Section 12. 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 employers or employer practices or policies.

Section 13. Penal Provision. Any employer who fails to pay the prescribed allowance under the Order shall be subject to the penalties specified under existing labor laws and issuances.

If the violation is committed by a corporation, 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 14. 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 15. Registration/Reporting Requirement. Any person, company, corporation, partnership or any other entity covered by the Order shall submit to the Board and the National Statistics Office, not later than January 31 each year, beginning Calendar Year 1994, a verified itemized listing of their workers/employees below managerial level, including learners, apprentices and disabled/handicapped workers using the form prescribed by the Commission, hereto attached as Annex "A".

Section 16. 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, and shall have applicatory effect, as deemed necessary.

Section 17. Payment of Allowance. 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 (25) workers and located within one kilometer radius to a commercial, savings or rural bank, shall pay the allowance prescribed herein through any said banks, within the period and in the manner prescribed under the Labor Code as amended.

Section 18. Duty of 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 allowances and benefits a particular worker or workers for a particular payroll period.

Section 19. Separability Clause. If any provision herein is held invalid or unconstitutional, any other provision shall continue to be valid and effective.

Section 20. Effectivity. This Rules shall take effect on February 24, 1996.

Done in Cagayan de Oro City, Republic of the Philippines, this 20th day of February, 1996.

*I dissent on the provision for creditable allowance.
This should be granted across-the-board.*
(SGD) MRS. FLORENCIA P. CABATINGAN
Workers' Sector Representative

(SGD) MR. ARSENIO L. SEBASTIAN III
Employers' Sector Representative

(SGD) MR. DEMETRIO S. SUSON
Workers' Sector Representative

(SGD) REV. PRUDENCIO T. PLAZA, JR.
Employers' Sector Representative

(SGD) DIR. NINFA A. ALBANIA
Vice-Chairman

(SGD) DIR. ANNABELLE G. CAJITA
Vice-Chairman

(SGD) DIR. BARTOLOME C. AMOGUIS
Chairman

Approved this 2nd day of April 1996, subject to the notations contained on page 7 thereof.

(SGD) LEONARDO A. QUISUMBING
Secretary
Department of Labor and Employment

Notations to Rules Implementing Wage Order No. RX-04

1. *The effectivity period of the TELA is 3 months or from February 24 to May 26, 1996, as provided for in the Wage Order.*
2. *Exemption of charitable institutions (such as orphanages, schools for the blind rehabilitation centers, institutions taking care of persons with disabilities and other similar entities whose existence depend mainly on donations) shall be governed by the provisions under Section 3 (3)b of NWPC Guidelines No. 01, Series of 1992, which classify such institutions as non-stock non-profit organizations which do not charge fees for services rendered and whose revenues are derived primarily from donations.*
3. *Applications for exemption must be filed only with the Board in person or by registered mail pursuant to existing guidelines.*
4. *The required submission of application for exemption under oath under Section 9, Chapter III 4th paragraph letter (c) may be deleted, as the same is already reflected in the 3rd paragraph of the same section.*

ANNEX "A"

Republic of the Philippines
Department of Labor and Employment
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Northern Mindanao, Region X
Cagayan de Oro City

Pursuant to Wage Order No. RX-03 and Chapter IV, Section 23 of its Implementing Rules, any person, company, corporation, partnership or any entity shall submit to the appropriate Board and the National Statistics Office, not later than January 31 each year, beginning calendar year 1994, a verified itemized listing of their workers/employees below managerial level, including learners, apprentices and disabled/handicapped workers.

NAME OF ESTABLISHMENT : ECONOMIC ACTIVITY/Principal Product

ADDRESS : TOTAL EMPLOYMENT

NAME OF UNION, if any : NO. OF UNION : ARE WORKERS COVERED : NO. OF
: MEMBERS : BY CBA? : WORKERS
: : Yes No :

WORKERS/EMPLOYEES BELOW MANAGERIAL LEVEL

EMPLOYEE'S NAME : :BASIC WAGE/SALARY : Other Compensation
: STATUS OF : (Specify whether : Regularly Received
: EMPLOYMENT : per day/wk/mo/pc) : (Specify amt & type
: : : of compensation)

1. _____ : _____ : _____
: _____
2. _____ : _____ : _____
: _____
3. _____ : _____ : _____
: _____
4. _____ : _____ : _____
: _____

*Regular, Temporary, Probationary, Contractual, Apprentices Learners, Seasonal, etc.
Please use additional sheets, if necessary

CERTIFICATION:

I hereby certify that the above information are true and correct.

EMPLOYER OR AUTHORIZED REPRESENTATIVE

POSITION

Date

Telephone Number

SUBSRIBED AND SWORN TO BEFORE ME, this ___ day of _____, 199_, employer exhibiting
his/her Residence Certificate No. _____ issued at _____ on
_____.

Administering Officer

Republic of the Philippines
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
Northern Mindanao, Region X
Cagayan de Oro City

WAGE ORDER NO. RX-O4-A
GRANTING ADDITIONAL COST OF LIVING ALLOWANCE (COLA) IN THE CARAGA REGION

WHEREAS, the Regional Tripartite Wages & Productivity Board, under Republic Act 6727, is tasked to determine and fix minimum wage rates applicable in the region, its provinces and industries, and to issue the corresponding Wage Orders, subject to guidelines issued by the National Wages and Productivity Commission;

WHEREAS, the Board conducted public hearings in the region, including the provinces of Agusan del Norte, Agusan del Sur, Surigao del Norte and Surigao del Sur and the cities of Butuan and Surigao;

WHEREAS, management and workers in the provinces aforementioned filed Position Papers indicating their respective Positions with the Board;

WHEREAS, the aforementioned provinces and cities have subsequently been made part of Region XIII, otherwise known as the "CARAGA Region" but, no counterpart RTWPB office has so far been constituted therein;

WHEREAS, the welfare of the workers in the CARAGA Region would be prejudiced if no Regional Board rationalizes wages therein, in view of the erosion in the purchasing power of the peso of said workers increase in oil prices and other socio-economic considerations;

WHEREAS, it is in the best interest of the workers in the CARAGA Region for RTWPB-X in a hold-over capacity to continue determining the minimum wages therein;

WHEREAS, precedents in other regions showed that the Regional Tripartite Wages and Productivity Board which originally had jurisdiction over the area, continued to determine and fix minimum wage rates therein, until the new region's Regional Board Members have been appointed by the President and the Secretariat has been constituted;

WHEREAS, the issuance of this Wage Order is upon recommendation of the National Wages and Productivity Commission and the Regional Director of the Department of Labor and Employment, CARAGA;

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

WHEREAS, precedents in other regions showed that the Regional Tripartite Wages and Productivity Board which originally had jurisdiction over the area, continued to determine and fix minimum wage rates therein, until the new region's Regional Board Members have been appointed by the President and the Secretariat has been constituted;

WHEREAS, the issuance of this Wage Order is upon recommendation of the National Wages and Productivity Commission and the Regional Director of the Department of Labor and Employment, CARAGA;

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

Section 1. All workers in the private sector who are receiving ONE HUNDRED FIFTY PESOS (P150.00) and below per day shall be paid an Additional Cost of Living Allowance (COLA) as follows:

- a. 14.00/day/worker for Butuan City and Surigao City
- b. 12.00 - all other areas in the CARAGA Region:

Section 2. In the case of contracts for construction projects and for security, janitorial and other services, the herein prescribed allowance of covered workers and employees 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 clients fails to pay the prescribed allowance, the construction/service contractor shall be jointly and severally liable with the principal or client.

Section 3. All workers paid by results, including those who are paid on piecework, takay, pakyaw, or task basis, shall receive not less than the prescribed allowance under this Wage Order for the normal eight (8) working hours work a day, or a proportion thereof for work less than the normal working hours.

Section 4. All additional allowances granted to each worker per day effective October 1, 1995 shall be credited as compliance with this Wage Order, provided that where such allowances are less than the prescribed adjustment, the employer shall pay the difference.

Section 5. Industries whose revenues are regulated by law shall be required to comply with the Wage Order effective upon approval of an adjustment in their rates by the concerned government agency, but not later than six (6) months from the effectivity hereof.

Provided that establishments granted rate adjustments by the appropriate government agency during the three (3) month period immediately preceding the issuance of this Wage Order shall comply with this Wage Order on the date this Wage Order takes effect.

Provided further that in the case of educational institutions, compliance shall be mandatory effective school year 1996-1997.

Section 6. Exempted from the provisions of this Wage Order are household or domestic helpers and persons in the personal service of another, including family drivers.

Likewise exempted from the payment of the prescribed allowance are workers and employees of new business enterprises and/or CBBE - registered businesses in the CARAGA Region (Region XIII). Whose assets after financing does not exceed FIVE MILLION PESOS (P5,000,000.00) upon application with, and as determined by the Board in accordance with applicable rules and regulations issued by the National Wages and Productivity Commission.

Distressed establishments, as defined by the Board upon due and proper application with the Board, may also be exempted either partly or fully for a period of one year provided issued by the Board.

Establishments whose employees wage rates are P150.00 below per day are exempted from compliance of this order. This shall be without prejudice on the part of employers from taking cognizance of the reasons for the issuance of this Wage Order as a basis for representatives of Labor and management to explore possibilities of wage improvement through the process of voluntary negotiation or collective bargaining. Provided that all such undertaking must be resolved within a period of six (6) months otherwise, the same shall be resolved through Voluntary Arbitration.

In the event that application for exemptions are not granted, employees shall receive the TELA due them as provided for in the Wage Order.

Also exempted upon Board approval are the following:

- a. Retail and/or service establishments employing less than 10;
- b. hospitals whose bed capacities are 50 beds or classified as primary or secondary;
- c. Non stock non profit institutions whose only source of income are donations;

- d. Labor intensive establishments; and
- e. Agricultural non-plantation.

Section 7. The imposition of the additional allowance prescribed in this Wage Order shall not be a ground to renegotiate any existing collective bargaining agreement, except where there is an expressed provision in the CBA on Wage reopening as a result of the issuance of a Wage Order, as mutually agreed upon by the parties.

Section 8. Any employer who refuses or fails to pay the allowances provided under this Wage Order shall be subject to the penalties specified under existing labor laws and issuances.

Section 9. 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 rates, allowance or other benefits under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between workers and employers or employers' practices and policies.

Section 10. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the region.

APPROVED: _____.

(SGD) REV. PRUDENCIO T. PLAZA, JR.
Employers Representative

(SGD) MRS. FLORENCIA P. CABATINGAN
Labor Representative

(SGD) MR. ARSENIO L. SEBASTIAN III
Employers Representative

(SGD) MR. DEMETRIO S. SUSON
Labor Representative

(SGD) DIR. NINFA A. ALBANIA
Vice-Chairman

(SGD) DIR. ANNABELLE G. CAJITA
Vice-Chairman

(SGD) DIR. BARTOLOME C. AMOGUIS
Chairman