



NWPC Resolution No. 05
Series of 2024

Amending Rule IV of NWPC Guidelines No. 03, Series of 2020 or the Omnibus Rules on Minimum Wage Determination

WHEREAS, Republic Act No. 6727 (RA No. 6727) otherwise known as the Wage Rationalization Act, mandates the National Wages and Productivity Commission (NWPC) to prescribe rules and guidelines for the determination of appropriate minimum wage and productivity measures at the regional, provincial or industry levels;

WHEREAS, on 17 December 2020, the NWPC issued the Omnibus Rules on Minimum Wage Determination (Omnibus Rules), Rule IV of which provides the details on the issuance, content, effectivity, among others, of wage orders;

WHEREAS, during the 01 May 2024 Labor Day celebration, President Ferdinand R. Marcos, Jr. directed the Regional Tripartite Wages and Productivity Boards (RTWPBs) to initiate a timely review of the minimum wage rates in their respective regions, with due consideration to the impact of inflation, among others, within 60 days prior to the anniversary of their latest wage order;

WHEREAS, the President also directed the NWPC to review its rules to ensure that the RTWPBs can maintain a regular and predictable schedule of wage review to reduce uncertainty and to enhance fairness for all stakeholders;

WHEREAS, the NWPC has the inherent function to review the Omnibus Rules and, consistent with the President's directive, has identified the frequency and timeliness of issuance of wage orders under Rule IV, Section 3 of the Omnibus Rules as one of the provisions that can be further clarified and improved. Section 3 provides that "[N]o new Wage Order may be issued within a period of twelve (12) months from effectivity of the current Wage Order."

WHEREAS, considering that a new wage order can only be issued after 12 months from effectivity of the current wage order and that this new wage order can take effect only after fifteen (15) days from its publication, the NWPC has noted that Rule IV, Section 3 of the Omnibus Rules does not allow a wage order to take effect immediately after the anniversary date of the current wage order that it is intended to replace.

WHEREAS, on 09 May 2024, RTWPB – National Capital Region (NCR) issued RTWPB-NCR Resolution No. 01, Series of 2024 recommending to the NWPC the amendment of Rule IV, Section 3 of the Omnibus Rules such that "the Boards should be allowed to issue a new wage order prior to the anniversary date of the current wage order so that the new wage order can be effective on or after the anniversary date."

RESOLVED THEREFORE, that the entirety of Rule IV of the Omnibus Rules is hereby amended to read as follows:

**“RULE IV
WAGE ORDER**

Section 1. Issuance of Resolution or Wage Order. Whether the wage determination process was initiated *motu proprio* or by a petition for wage increase filed by concerned parties, the Board shall issue a resolution stating the results of the minimum wage determination process within thirty (30) days from the date of the last public hearing. Where the Board resolves in favor of a wage increase, the resolution shall be in the form of a new wage order prescribing the new minimum wage rate/s in the region which shall in no case be lower than the prevailing minimum wage rate/s.

The new wage order shall be signed by all members of the Board who participated in the last wage deliberation. Members may manifest their concurrence or dissent beside their signature and may submit their explanation on a separate sheet of paper.

Within the next working day from the date of issuance of the new wage order, the Board shall submit to the Commission a copy of the same for review. The submission shall be accompanied by a copy of the newspaper where the notice of public hearing and petition/s for wage increase, if any, were published, and a certification by the Board Secretary, attested to by the Chairperson, that such notice was posted in at least three (3) public places in the region (*Annex “F”*).

Section 2. Policy and Contents of a Wage Order. Each wage order shall endeavor to establish a wage structure that shall be as simplified and as responsive as possible to the socio-economic conditions in the region. A wage order shall contain the following:

- a) The circumstances under which the wage determination process was initiated, including the date when the previous wage order took effect and the party or parties who initiated the process, if any;
- b) The proceedings undertaken by the Board, which must comply with the requirements prescribed in Rule III, Sections 1 to 3 of this Rules, including the number of consultations and hearings conducted and the sectors or organizations consulted;
- c) The relevant criteria applied in arriving at a decision; and
- d) The amount/s, coverage and effectivity of the wage increase.

In no case shall a wage order prescribe new minimum wage rate/s in the region lower than the prevailing minimum wage rate/s, or result in any diminution of existing wage rates, allowances, and benefits of any form under existing laws, decrees, issuances, executive orders, or under any contract or agreement between the workers and their respective employers, or under established company policies and practices.

A model wage order for guidance of the Boards is *Annex “G”*.

Section 3. Review of Wage Order. The Commission shall complete the review of the wage order within five (5) working days from receipt thereof. The Commission shall affirm the wage order if it finds that the issuance and basis thereof is compliant with law, this Rules and the relevant national or regional development plans. Otherwise, the Commission shall return the wage order to the concerned Board, stating the reasons for the return. The Board shall act on the return not more than five (5) working days from receipt thereof, and thereafter shall resubmit the wage order to the Commission.

In either case, the Commission shall issue a decision sheet (*Annex "H"*) on the result of its review.

Section 4. Publication and Effectivity. Once affirmed by the Commission, the Board shall cause the publication of the new wage order, copy furnished the Commission Secretariat.

A wage order shall take effect after fifteen (15) days from its publication in at least one (1) newspaper of general circulation in the region; provided that no new wage order shall take effect within twelve (12) months from the effectivity of the immediately preceding wage order.

Section 5. Issuance and Effectivity within the 12-month period. Should the Board find urgent and reasonable grounds to commence the minimum wage determination process earlier than 60 days prior to the anniversary date of the current wage order, it shall submit a written recommendation and justification for this purpose to the Commission, for the latter's consideration and approval within five (5) working days.

Once approved by the Commission, the Board may initiate the minimum wage determination process, following the same procedure under Rule II of this Rules. If a new wage order is issued and affirmed by the Commission, the same may be published and may take effect within twelve (12) months following the immediately preceding wage order.

Section 6. Motion for Reconsideration. A wage order is not subject to a motion for reconsideration. However, it may be appealed to the Commission within ten (10) days from the date of its publication pursuant to Rule V of this Rules.

Any motion for reconsideration filed may be treated as an appeal if it complies with the formal and substantial requirements for the filing of an appeal. Otherwise, it shall only be noted without action by the Commission."

In accordance with the foregoing, it is **FURTHER RESOLVED** that:

- a) Other provisions of the Omnibus Rules on Minimum Wage Determination shall remain effective insofar as these are not inconsistent with the above amendments; and
- b) This amended Rule shall be effective after fifteen (15) days from the date of its publication in a newspaper of general circulation. The Office of the National Administrative Register (ONAR) of the UP-Law Center shall be provided with three (3) certified copies of this Resolution.

Manila, Philippines. 23 May 2024.

(SGD.) BENEDICTO ERNESTO R. BITONIO, JR.
Chairperson Designate
Department of Labor and Employment

(SGD.) ROSEMARIE G. EDILLON
Vice-Chairperson Designate
Undersecretary, NEDA-Policy and Planning Group

(SGD.) MILAGROS C. OGALINDA
Member, Workers' Sector

(SGD.) LUCILA C. TARRIELA
Member, Employers' Sector

(SGD.) ARTURO A. BASEA
Member, Workers' Sector

(absent)
ATTY. RANULFO P. PAYOS
Member, Employers' Sector

(SGD.) MARIA CRISELDA R. SY
Member, NWPC Executive Director IV

Republic of the Philippines
Department of Labor and Employment
NATIONAL WAGES AND PRODUCTIVITY COMMISSION
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD - ___
(Address)

CERTIFICATION OF POSTING

This is to certify that the Board has posted the Notice of Public Hearing in at least three (3) public places or locations in the region, as follows:

Place/Location of Posting	Date

This certification is issued in compliance with Section 1, Rule IV of the Omnibus Rules on Minimum Wage Determination, as amended.

Attached is proof of posting of said notice.

Board Secretary

Attested by:

Chairperson

(For workers in private establishment)

Republic of the Philippines
Department of Labor and Employment
NATIONAL WAGES AND PRODUCTIVITY COMMISSION
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD - ___
(Address)

WAGE ORDER NO. _____

PROVIDING FOR A MINIMUM WAGE INCREASE IN REGION - ___

WHEREAS, the Regional Tripartite Wages and Productivity Board - ___ is mandated under **Republic Act No. 6727**, otherwise known as the **Wage Rationalization Act**, to periodically assess wage rates and conduct continuing studies in the determination of the minimum wage applicable in the region or industry;

WHEREAS, the current Wage Order No. ___ took effect on (date);

WHEREAS, the Board received on (date) (a) petition/s filed by (Petitioner/s) seeking a (amount in Peso) per day minimum wage increase for all workers in the private sector in the region;

OR

WHEREAS, pursuant to *Section 3(A), Rule II of the Omnibus Rules on Minimum Wage Determination*, as amended, in the absence of any petition for a minimum wage adjustment filed, the Board may *motu proprio*, initiate wage review;

WHEREAS, the Board, upon deliberation during its meeting on _____, *motu proprio*, decided to commence the minimum wage determination process and review the current minimum wage rates;

WHEREAS, after due notice to all stakeholders, the Board conducted consultation/s on (date) in (venue), to assess and determine the propriety of issuing a new wage order, which were attended by the following sectors and organizations (*may insert matrix below*);

WHEREAS, after due publication of the notice of public hearing, the Board conducted public hearing/s on (date) in (venue) and attended by the following sectors and organizations (*may insert matrix below*);

WHEREAS, in setting the minimum wage, the Board must consider the various criteria provided under *Republic Act No. 6727*, as well as the procedures laid down in the *Omnibus Rules on Minimum Wage Determination*, as amended;

WHEREAS, after a thorough review and evaluation of the existing socio-economic conditions in the region, the following were established:

- a. Based on the current Consumer Price Index (CPI) in the region, the average inflation rate from the effectivity of the last wage increase on (date) up to (date) is _____ %;
- b. The poverty threshold based on the latest available data provided by the Philippine Statistics Authority (PSA) in (year) is in the amount of _____; and
- c. (Other relevant findings of the Board).

NOW THEREFORE, by virtue of the power and authority vested under RA No. 6727, RTWPB - ___ hereby issues this Wage Order.

Section 1. Amount of Increase. Upon effectivity of this Wage Order, minimum wage earners in the private sector in the Region shall receive a P_____ increase per day.

Section 2. New Minimum Wage Rates. The new daily minimum wage rate/s in Region - ___ shall be as follows: *(matrix may vary depending on type of increase/s given and sectoral/industry classification)*

Sectors/Industry	Current Minimum Wage Rate/s	Wage Increase	New Minimum Wage Rate/s
<i>Non-Agriculture</i>			
<i>Agriculture</i>			

Section 3. Basis of Minimum Wage Rates. The minimum wage rates prescribed under this Order shall be for the normal working hours which shall not exceed eight (8) hours of work a day.

Section 4. Covered. The wage increase prescribed herein shall apply to all minimum wage earners in the private sector within the region, regardless of their position, designation or status and irrespective of the method by which their wages are paid.

Section 5. Penal Provision. Any person, corporation, trust, firm, partnership, association or entity which refuses or fails to pay the prescribed increase shall be dealt with pursuant to the provisions of *Section 12 of RA No. 6727*, as amended by *RA No. 8188*.

Section 6. Effectivity. This Wage Order shall take effect after fifteen (15) days from its publication in a newspaper of general circulation.

APPROVED. This ___ day of _____, 20__.

Done in (City), Philippines.

Member
Workers' Sector

Member
Employers' Sector

Member
Workers' Sector

Member
Employers' Sector

Vice-Chairperson
National Economic and Development Authority

Vice-Chairperson
Department of Trade and Industry

Chairperson
Department of Labor and Employment

(For domestic workers)

Republic of the Philippines
Department of Labor and Employment
NATIONAL WAGES AND PRODUCTIVITY COMMISSION
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD - ___
(Address)

WAGE ORDER NO. _____

**PROVIDING FOR MINIMUM WAGE RATE
INCREASE FOR DOMESTIC WORKERS IN REGION - ___**

WHEREAS, the Regional Tripartite Wages and Productivity Boards are mandated under Section 24 of **Republic Act No. 10361 (RA No. 10361)**, otherwise known as **the Domestic Workers Act or Batas Kasambahay** to review, and if proper, determine and adjust the minimum wage rates of domestic workers in their respective regions;

WHEREAS, the current Wage Order No. ___ took effect on (date);

WHEREAS, pursuant to *Section 3(A), Rule II of the Omnibus Rules on Minimum Wage Determination*, in the absence of any petition for a minimum wage adjustment, the Board may *motu proprio* initiate wage review;

WHEREAS, the Board, upon deliberation during its meeting on _____, *motu proprio*, decided to commence the minimum wage determination process and review the current minimum wage rate for domestic workers;

WHEREAS, after due notice to all stakeholders, the Board conducted consultation/s on (date) in (venue), to assess and determine the propriety of issuing a new wage order, which were attended by the following sectors and organizations (*may insert matrix below*);

WHEREAS, after due publication of notice/s of public hearing, the Board conducted public hearing/s on (date) in (venue) and attended by the following sectors and organizations (*may insert matrix below*);

WHEREAS, after a thorough review and evaluation of the results of the consultation/s and public hearing/s, existing socio-economic conditions in the region, the needs of the domestic workers and their families, as well as the employer's capacity to pay, the Board deemed it necessary to increase the prevailing minimum wage rates for domestic workers;

NOW THEREFORE, by virtue of the power and authority vested under *RA No. 10361*, RTWPB - _____ hereby issues this Wage Order.

Section 1. New Minimum Wage Rates. Upon effectivity of this Wage Order, the new monthly minimum wage of domestic workers in the Region shall be as follows:

Area/Location	Current Minimum Wage Rates	New Wage Increase	New Minimum wage Rates
Chartered Cities and First Class Municipalities			
Other Municipalities			

Section 2. Coverage. This Wage Order shall apply to all domestic workers, whether on a live-in or live-out arrangement, such as but not limited to:

- (1) General househelp;
- (2) Yaya;
- (3) Cook;
- (4) Gardener;
- (5) Laundry person; and
- (6) Any person who regularly performs domestic work in one household on an occupational basis.

The following are not covered:

- (1) Service providers;
- (2) Family drivers;
- (3) Children under foster family arrangement, and are provided access to education and given an allowance incidental to education; and
- (4) Any other person who performs work occasionally or sporadically and not on an occupational basis.

Section 3. Payment of Wages. The wages of the domestic worker shall be paid in cash at least once a month. No deductions shall be made other than those mandated by law.

Section 4. Application to Private Employment Agencies (PEAs). In the case of hiring/contracting of domestic workers services through licensed PEAs, the wage rate prescribed in this Order shall be borne by the principals or clients of the PEAs and the contract shall be deemed amended accordingly. In the event that the principals or clients fail to pay the prescribed wage rate, the PEAs shall be jointly and severally liable with his principal or client.

Section 5. Non-Applicability of Exemption. This Wage Order does not allow any exemption.

Section 6. Competency- Based Pay. Household employers and their domestic workers may voluntary and mutually agree to adopt a competency-based pay scheme in setting and adjusting the pay of domestic workers over and above the applicable minimum wage.

Section 7. Penal Provision. Any person who withholds the payment of the prescribed minimum wage or otherwise commits any of the unlawful acts enumerated under RA No. 10361 and its Implementing Rules and Regulations, shall be dealt with in accordance with the said law, and such other laws as may be deemed applicable.

Section 8. Effectivity. This Wage Order shall take effect after fifteen (15) days from its publication in a newspaper of general circulation.

APPROVED. This ____ day of _____, 20__

Done in _____ City, Philippines

Member
Workers' Sector

Member
Employers' Sector

Member
Workers' Sector

Member
Employers' Sector

Vice-Chairperson
National Economic and Development Authority

Vice-Chairperson
Department of Trade and Industry

Chairperson
Department of Labor and Employment

DECISION SHEET

(Title of document affirmed/signed by the Commission)

AREA/COVERAGE: _____

ACTION TAKEN: _____

Chairperson
Department of Labor and Employment

Vice-Chairperson
National Economic and Development Authority

Member
Workers' Sector

Member
Employers' Sector

Member
Workers' Sector

Member
Employers' Sector

Member
National Wages and Productivity Commission

Date: _____