



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
National Wages and Productivity Commission
Regional Tripartite Wages and Productivity Board VIII
DOLE Compound, Trece Martires St., Tacloban City, Tel. No. 325-5229



WAGE ORDER NO. RB VIII-17

**PRESCRIBING A NEW WAGE STRUCTURE AND
AN ADDITIONAL COST OF LIVING ALLOWANCE
FOR EASTERN VISAYAS**

WHEREAS, due to the increases in the prices of oil and fuel products, transportation fares and other basic commodities, the Regional Tripartite Wages and Productivity Board of Eastern Visayas (RTWPB VIII) *motu proprio* conducted public consultations on wages with the labor and management sectors in Ormoc City on June 15, 2012; in Maasin City on June 22, 2012 and in Calbayog City on July 13, 2012;

WHEREAS, a public hearing, after due notice to all concerned sectors, was held in Tacloban City on September 4, 2012;

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

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

Section 1. NEW WAGE STRUCTURE FOR EASTERN VISAYAS. Upon the effectivity of this Wage Order, the **TEN PESOS (Php10.00)** Cost of Living Allowance prescribed under Wage Order No. RB VIII-15 shall be integrated into the Basic Pay.

Further, all workers in the private sector in Eastern Visayas receiving the basic wage rates prescribed herein shall receive an additional **SEVEN PESOS (Php7.00)** Cost of Living Allowance in addition to the **FIFTEEN PESOS (Php15.00)** Cost of Living Allowance in Wage Order No. RB VIII-16.

The new wage structure for Region VIII shall now be as follows:

Sector/Industry	Minimum Wage Rates upon Effectivity	Cost of Living Allowance		New Daily Minimum Wage Rates
		Under Wage Order No. RB VIII-16	Under Wage Order No. RB VIII-17	
NON-AGRICULTURE	238.00	15.00	7.00	260.00
COTTAGE/HANDICRAFT	216.00	15.00	7.00	238.00
RETAIL/SERVICE Employing 10 workers and below	207.00	15.00	7.00	229.00
AGRICULTURE (NON-SUGAR)	219.00	15.00	7.00	241.00
SUGAR INDUSTRY Mills	240.00	15.00	7.00	262.00
Plantation	213.00	15.00	7.00	235.00
Non-Plantation	198.50	15.00	7.00	220.50

Section 2. BASIS OF NEW WAGE STRUCTURE AND COLA. The Minimum Wage Rates prescribed under this Order shall be for the normal working hours, which shall not exceed eight (8) hours a day.

Section 3. COVERAGE OF THE NEW WAGE STRUCTURE AND COLA. The new minimum wage rates prescribed under this Order shall be applicable to all covered workers under Section 1 hereof regardless of their position, designation or status.

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

Section 4. WORKERS PAID BY RESULTS. All workers paid by results, including those who are paid on piecework, takay, pakyaw or task basis, shall be entitled to receive the prescribed new minimum wage rates per eight (8) hours work a day, or a proportion thereof for working less than eight (8) hours a day.

Section 5. WAGES AND COLA OF SPECIAL GROUPS OF WORKERS. The minimum wages of apprentices and learners shall in no case be less than seventy-five percent (75%) of the applicable minimum wage rates prescribed herein.

All recognized learnership and apprenticeship agreements entered into before the effectivity of this Order shall be considered automatically modified insofar as their wage clauses are concerned to reflect the prescribed minimum wage rates and COLA prescribed herein.

Section 6. APPLICATION TO PRIVATE EDUCATIONAL INSTITUTIONS. In the case of private educational institutions, the share of covered workers and employees in the increase in tuition fees for School Year 2012-2013 shall be considered as compliance with the wage increase prescribed herein. However, payment of any shortfall in the wage increase set forth herein shall be covered starting School Year 2013-2014.

Private educational institutions which have not increased their tuition fees for School Year 2012-2013 may defer compliance with the minimum wage prescribed herein until the beginning of School Year 2013-2014.

In any case, all private educational institutions shall implement the minimum wage prescribed herein starting School Year 2013-2014.

Section 7. APPLICATION TO CONTRACTORS. In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed wage increase under this Order shall be borne by the principals or clients of the construction/service contractors and the contract shall be deemed amended accordingly. In the event, however, that the principal or client fails to pay the prescribed increase, the construction/service contractor shall be jointly and severally liable with his principal or client.

Section 8. PRODUCTIVITY BASED WAGES. To attain higher levels of productivity for competitiveness, to preserve and generate gainful employment and to augment the incomes of workers, business enterprises are encouraged to adopt productivity improvement and gain-sharing programs.

Section 9. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file a verified appeal with the Commission through the Board within ten (10) calendar days from the publication of this Order.

Section 10. EFFECT OF FILING OF APPEAL. The filing of the appeal does not stay the Order unless the party appealing such Order shall file with the Commission an undertaking with a surety or sureties satisfactory to the Commission for payment of the corresponding increase to employees affected by the Order in the event such Order is affirmed.

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

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

Section 12. EFFECTS ON EXISTING WAGE STRUCTURE. Where the application of the new minimum wage rates results in the distortion of the wage structure within an establishment, the same shall be corrected in accordance with the procedure provided for under Art. 124 of the Labor Code as amended.

Section 13. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with this Order shall be filed with the Regional Office of the Department of Labor and Employment (DOLE) and shall be the subject of enforcement proceedings under Article 128 of the Labor Code, as amended, without prejudice to criminal prosecution which may be undertaken against those who fail to comply.

Section 14. NON-DIMINUTION OF BENEFITS. Nothing in this Order shall be construed to reduce any existing wage rates, allowances and benefits of any form under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between the workers and employers.

Section 15. PENAL PROVISION. Any person, corporation, trust or firm, partnership, association or entity which refuses or fails to pay the prescribed wage increase in accordance with this Order shall be subject to the penal provisions under RA 6727, as amended by RA 8188.

Section 16. 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 17. FREEDOM TO BARGAIN This Order shall not be construed to prevent workers in particular firms, enterprises or industries from bargaining for higher wages with their respective employers.

Section 18. REPORTING REQUIREMENT. Any person, company, corporation, partnership or any entity engaged in business shall submit a verified itemized listing of their labor component to the Board not later than January 31, 2013 and every year thereafter in accordance with the form prescribed by the National Wages and Productivity Commission.

Section 19. REPEALING CLAUSE. All orders, issuances, rules and regulations, or parts thereof inconsistent with the provision of this Wage Order are hereby repealed, amended or modified accordingly.

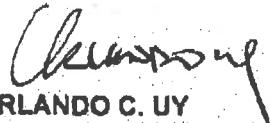
Section 20. SEPARABILITY CLAUSE. If, for any reason, any section or provision of this Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

Section 21. IMPLEMENTING RULES. The Board shall prepare the necessary rules to implement this Order subject to the approval of the Secretary of Labor and Employment.

Section 22. ADVISORY ON PERFORMANCE BASED PAY. In line with the two tiered wage system where the 1st tier is the mandatory wage adjustment prescribed in this Wage Order, within sixty (60) days from the issuance of NWPC Guidelines on the Implementation of the two tiered wage system, the Board shall issue an advisory on the 2nd tier or the performance based pay which shall serve as guidelines for private establishments on the range of productivity bonuses and incentives that an enterprise or industry may provide based on agreement between workers and management.

Section 23. EFFECTIVITY. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Region.

Approved this 4th day of September 2012 at Tacloban City.


ORLANDO C. UY
Employers' Representative

(On leave)
MIGUEL T. TEZON
Workers' Representative


EFREN M. GABRIOLA
Workers' Representative


BONIFACIO G. UY
Vice-Chair, NEDA


CYNTHIA R. NIERRAS
Vice-Chair, DTI


EXEQUIEL R. SARCAUGA
Chairman