



WAGE ORDER NO. RB-MIMAROPA-09

**PRESCRIBING NEW MINIMUM WAGE RATES
 IN MIMAROPA REGION**

WHEREAS, Republic Act 6727 mandates the Regional Tripartite Wages and Productivity Boards (RTWPBs) to determine and fix the minimum wage rates applicable in their regions, provinces and industries and to issue the corresponding Wage Orders, subject to guidelines issued by the National Wages and Productivity Commission;

WHEREAS, pursuant to Sec. 3 (a) of NWPC Guidelines No. 01, Series of 2007, (Amended Rules of Procedure on Minimum Wage Fixing”) and NWPC Guidelines No. 01, Series of 2015 (“Guidelines in the Conduct of Public Consultations”), and with due consideration to the call of the President for all RTWPBs to convene and review the prevailing wages, the Regional Tripartite Wages and Productivity Board, MIMAROPA, hereinafter referred to as the Board, initiated, *motu proprio*, a review of the existing Wage Order and an inquiry to determine whether a new wage order should be issued;

WHEREAS, the Board conducted public consultations in Puerto Princesa City, Palawan on July 3, 2018; Gasan, Marinduque on August 9, 2018; Odiongan, Romblon on August 23, 2018; San Jose, Occidental Mindoro on September 4, 2018; and a public hearing held in Calapan City, Oriental Mindoro on September 18, 2018;

WHEREAS, after thorough review of the prevailing socio-economic conditions in the Region and provinces, together with the results of its public consultation and public hearing, a consensus was reached among the Board Members that there is a need to help workers cope with rising cost of living by providing them with immediate relief without impairing the viability of business and industries therein and taking into account the predominance of micro small businesses in the Region and the need to generate more investments and jobs;

WHEREAS, the Board deemed it best to increase the minimum wage at a reasonable and equitable level considering the regional poverty threshold level vis-à-vis average wage, the P11.00 4th tranche minimum wage adjustment under Wage Order No. RB-MIMAROPA-08 applicable to establishments with less than 10 workers effective 01 February 2019, and the need to promote productivity improvement and performance-based incentive schemes;

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NOW THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727, otherwise known as the Wage Rationalization Act, the Board hereby issues this Wage Order.

Section 1. NEW MINIMUM WAGE RATES. Upon effectivity of this Order, the covered workers in the establishment employing ten (10) workers and above shall receive a basic wage increase of P20.00 daily and the workers in the establishment employing less than ten (10) workers shall receive a basic wage increase of P12.00 daily.

The new daily minimum wage rates of covered workers in the private sector in MIMAROPA Region shall be adjusted as follows:

Sector/Industry	Minimum Wage Under WO No. RB-MIMAROPA-08	Basic Wage Increase	New Minimum Wage Rate upon the Effectivity of this Order
All Sectors			
Establishment with 10 workers and above	P300.00	P20.00	P320.00
Establishment with less than 10 workers	P271.00	P12.00	P283.00

On February 1, 2019, the last tranche of P11.00 under Wage Order No. RB-MIMAROPA-08 shall be added to the daily minimum of those employing less than ten (10) workers; Thus, the minimum wage rate shall be P294.00 per day, to wit:

Sector/Industry	Minimum Wage Rate Upon the Effectivity of this Order	4 th and last Tranche Under WO No. RB-MIMAROPA-08	New Minimum Wage Rate Effective February 1, 2019
All Sectors			
Establishment with less than 10 workers	P283.00	P11.00	P294.00

Section 2. COVERAGE. The wage increase prescribed in this Wage Order shall apply to all private sector minimum wage workers in the Region, regardless of their position, designation or status of employment and irrespective of the method by which their wages are paid.

This Wage Order shall not cover household or domestic workers or kasambahay under Batas Kasambahay (Republic Act No. 10631), persons in the personal service of another and workers of duly registered Barangay Micro-Business with Certificate of

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Authority, pursuant to R.A. 9178, as amended by Republic Act No. 10644 "Go Negosyo Act".

Section 3. BASIS OF THE MINIMUM WAGE. The minimum wage rates prescribed under this Wage Order shall be for the normal working hours, which shall not exceed eight (8) hours of work a day.

Section 4. APPLICATION TO WORKERS PAID BY RESULT. All workers paid by result, including those who are paid on piecework, "takay", "pakyaw" or task basis shall be entitled to receive the prescribed minimum wage rate for eight (8) normal working hours a day, or a proportion thereof for working less than eight (8) hours.

Section 5. APPLICATION TO SPECIAL GROUPS OF WORKERS. Apprentices and learners shall receive not less than seventy-five (75%) percent of the applicable minimum wage rates prescribed in this Order.

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 new prescribed wage rates.

All qualified handicapped workers shall receive the full amount of the minimum wage rate prescribed herein pursuant to R. A. 7277, otherwise known as Magna Carta for Disabled Persons.

Section 6. APPLICATION TO CONTRACTORS/SUB-CONTRACTORS. In the case of contracts for construction, security, janitorial and similar services, the prescribed minimum wage rates for covered workers shall be borne by the principal or clients thereof, and the contracts shall be deemed amended accordingly. If the principal or client fails to pay the prescribed minimum wage rates, the construction/service contractors shall be jointly and severally liable with the principal or client.

Section 7. 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 2018-2019 shall be considered as compliance with the minimum wage rates prescribed in this Wage Order. However, payment of any shortfall in the minimum wage rates set forth in the Wage Order shall be covered starting School Year 2019-2020.

Private educational institutions, which have not increased their tuition fees for the School Year 2018-2019, may defer compliance with the provisions of this Wage Order.

In any case, all private educational institutions shall implement the minimum wage rate prescribed herein starting School Year 2019-2020.

Section 8. APPLICATION TO MOBILE, BRANCH AND TRANSFERRED EMPLOYEES. 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. For those working in branches or agencies of establishments in or outside the Region, the minimum wage rates shall be those applicable in the place where they are stationed or based.





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The transfer of personnel from a high rate city/municipality to a lower rate city/municipality shall not be a valid ground for the reduction of the wage rates being enjoyed by the workers prior to such transfer. Workers transferred from a lower rate municipality to a higher rate municipality shall be entitled to the minimum wage rates applicable therein.

Section 9. CREDITABLE WAGE INCREASE. Wage increases granted by an employer in an organized establishment within three (3) months prior to the effectivity of this Wage Order shall be credited as compliance with the prescribed increase set forth herein, if expressly provided for and agreed upon in a collective bargaining agreement.

If such increases are less than the prescribed minimum wage increase herein, the employer shall pay the difference. Such increases shall not include anniversary wage increases, merit wage increases and those resulting from the regularization or promotion of employees.

Section 10. EFFECT ON EXISTING WAGE STRUCTURE. Where the application of the wage increases prescribed in this Wage Order results in distortion in the wage structure within the establishment, it shall be corrected in accordance with the procedure under Article 124 of the Labor Code, as amended.

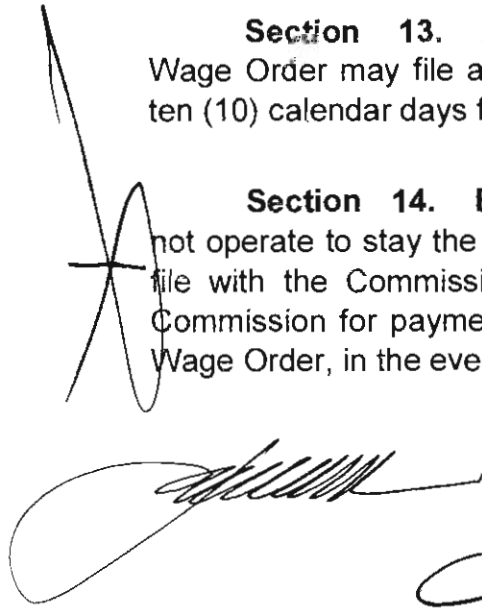
Section 11. PRODUCTIVITY IMPROVEMENT AND/OR PRODUCTIVITY INCENTIVES PROGRAMS. In order to sustain the rising levels of wages and enhance competitiveness, private businesses, through their workers and management are encouraged to appreciate, learn, adopt and install productivity improvement and/or productivity incentives schemes, such as those sharing schemes from the increases in sales, increases in the number of customers, increases in market share, increases in savings, reduction of wastes, reduction of losses, reduction of rejects, reduction of reworks, among others. The Board may issue an advisory guideline on those schemes for reference. Accordingly, the Board shall provide the necessary studies and technical assistance, pursuant to Republic Act No. 6971 or the Productivity Incentives Act of 1990.

Section 12. EXEMPTION. This Wage Order shall not allow exemption from compliance with the provisions of this Wage Order. However, in case of a calamity, the Board may accept applications for exemptions for establishments adversely affected by calamities such as natural and/or human induced disasters.

Section 13. APPEAL TO THE COMMISSION. Any party aggrieved by the Wage Order may file a verified appeal with the Commission through the Board within ten (10) calendar days from the publication of this Wage Order.

Section 14. EFFECT OF FILING AN APPEAL. The filing of the appeal does not operate to stay the Wage Order unless the party appealing such Wage Order shall file with the Commission an undertaking with surety or sureties satisfactory to the Commission for payment of the corresponding increase to employees affected by the Wage Order, in the event such Order is affirmed.

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Section 15. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with this Wage Order shall be filed with the Regional Office of the Department of Labor and Employment (DOLE) having jurisdiction over the workplace and shall be subject to either mandatory thirty (30) days conciliation and mediation process under Single Entry Approach (SEnA) or Complaint Inspection especially for anonymous complaint. However, if settlement under SEnA fails, the case becomes subject of enforcement proceedings under Articles 128 and 129 of the Labor Code, as amended.

Section 16. NON-DIMINUTION OF BENEFITS. Nothing in this Wage Order shall be construed to reduce any existing wage rates, allowances or other benefits under existing laws, decrees, issuances and executive orders and/or under any contract or agreement between workers and employers.

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

Section 18. REPORTING REQUIREMENTS. Any person, company, corporation, partnership or any entity engaged in business shall submit an itemized listing under oath of their labor component to the Board not later than January 31, 2019 and every year thereafter in accordance with the form prescribed by the National Wages and Productivity Commission.

Section 19. PENAL PROVISION. Any employer who refuses or fails to pay the minimum wage rate prescribed in this Wage Order shall be subject to the penalties imposed under R.A. 6727, as amended by R.A. 8188.

Section 20. 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 21. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

Section 22. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing law, the other provisions or parts thereof shall remain valid.

Section 23. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board - MIMAROPA shall submit to the NWPC the necessary Rules and Regulations to implement this Wage Order subject to the approval of the Secretary of Labor and Employment not later than ten (10) days from the publication of this Wage Order.

Section 24. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

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APPROVED this 09th day of October 2018 at Calapan City, Oriental Mindoro, Philippines.



ROMEO R. ARICA
Board Member



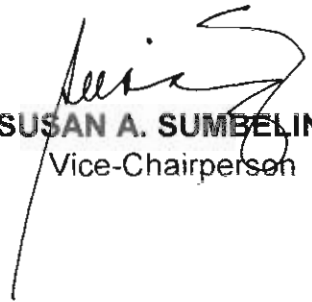
JOEL C. DE VEYRA
Board Member



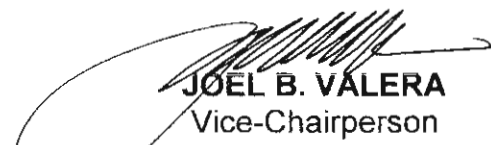
DARIUS M. GUERRERO
Board Member



TERESITA A. TOLENTINO
Board Member



SUSAN A. SUMBELING
Vice-Chairperson



JOEL B. VALERA
Vice-Chairperson



JOEL M. GONZALES
Chairperson