

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-05  
PROVIDING FOR A MINIMUM WAGE INCREASE**

WHEREAS, the increase provided for under Wage Order No. RIX- 03 has been overtaken by the recent increase in the prices of basic commodities due to the EVAT and the rice crisis in the Philippines in 1995 may not still be contained because of the natural calamities;

WHEREAS, it is deemed necessary that workers in the private sector together with their families be provided immediate relief measures to enable them to cope with the rising cost of living, without, however, impairing the viability of business and industry;

WHEREAS, the Board, motu proprio conducted public consultations in the different areas of Region-IX, as follows: Zamboanga City on November 4, 1995; Pagadian City and for the rest of the Province of Zamboanga del Sur on November 8, 1995; Dipolog City, including the City of Dapitan and the rest of the Province of Zamboanga del Norte on November 9, 1995; for the province of Basilan on November 13, 1995; and for the other sectors on November 17, 1995 and January 9, 1996, respectively;

WHEREAS, the Board, finding the economic situation still fluid, could not yet decide on the amount of the wage increase to be granted, decided to issue instead Wage Order No. RIX-04, providing for an emergency living allowance in the amount of P350.00 a month for a duration of two (2) months, expecting that after the lapse of the two months it could already decide on the increase to be integrated into the minimum wage;

WHEREAS, the Board, finding that it needed more time to discuss and deliberate on the amount of wage increase to be given and that the ELA under Wage Order No. RIX-04 would soon expire, with the Board still unable to reach a decision, it decided to extend the ELA for another month, under Wage Order No. RIX-04-A, up to May 4, 1996;

WHEREAS, the Board, has now been able to decide on the applicable daily minimum wage after careful assessment of the prevailing economic condition in the different areas of 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 of Western Mindanao Region (Region IX), hereby issues this Wage Order:

Section 1. DAILY MINIMUM WAGE RATES.

Upon the 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:

	<u>CITY OF ZAMBOANGA A</u>	<u>PROVINCES OF ZAMBOANGA DEL SUR, ZAMBOANGA DEL NORTE, CITIES OF PAGADIAN, DIPOLOG &amp; DAPITAN</u>	<u>PROVINC E OF BASILAN</u>
1. Non-Agricultural			
For those employed in establishment with 20 or more workers	P 124.00	121.00	118.00
For establishments w/ less than 20 workers	P 122.00	119.00	116.00
2. Agricultural			
For Plantation workers	P 114.00	111.00	108.00
For Non-Plantation Workers	91.50	88.50	85.50
3. Retail/ Service Workers			
Establishments w/ 20 or more workers	124.00	121.00	118.00
Establishments w/ less than 20 workers	122.00	119.00	116.00
4. Private Hospitals/Clinics			
Employing 20 or more workers	120.00	117.00	114.00
Employing less than 20 workers	118.00	115.00	112.00
5. Cottage/Handicrafts			
Employing 20 or more workers	100.00	97.00	94.00
Employing less than 20 workers	98.00	95.00	92.00

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. EXEMPTIONS.

(a) Statutory 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.

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

b.1 Retail/Service establishments regularly employing not more than ten (10) workers;

b.2 Distressed establishments which meets the criteria enumerated in Section 3 (3) of the NWPC Revised Guidelines on Exemption;

Section 3.a. EFFECT OF EXEMPTION.

(3.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 interest of one percent (1%) per month, retroactive from the effectivity of this Wage Order.

(3.a.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 4. APPLICATION TO PRIVATE EDUCATIONAL INSTITUTIONS. In the case of private educational institutions, compliance with this Wage Order shall be effective beginning school year 1996-97.

Section 5. APPLICATION TO CONTRACTORS. In the case of contract 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 6. 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 7. WORKERS PAID BY RESULT, PIECEWORK/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 8. 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.

Section 9. WAGE DISTORTION. The employers and workers shall correct the wage distortion arising from the 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 10. 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 11. 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.

Section 12. 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 13. 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 14. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in at least one (1) newspaper of general circulation in the region and shall be implemented fifteen (15) days after the publication of the approved Implementing Rules and Regulations.

APPROVED: April 16, 1996; Zamboanga City.

(SGD) JOSE J. SUAN  
Worker Representative

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

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

(VACANT)  
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

**AMENDING SECTION 14 OF WAGE ORDER NO. RIX-05**

WHEREAS, the Board issued Wage Order No. RIX-05 on April 16, 1996, mandating new minimum wage rates in Region IX upon its effectivity;

WHEREAS, the Board after a review of the wage order found an error in Section 14 which need to be corrected;

NOW, THEREFORE, by virtue of the power and authority vested under RA 6727, otherwise known as the Wage Rationalization Act of 1989, and pursuant to Section 8, Rule IV of the Revised Rules of Procedure on Minimum Wage Fixing, the RTWPB of Region IX hereby issue this amendment to Wage Order No. RIX-05:

Section 1. Section 14 of Wage Order No. RIX-05 is hereby amended to read as follows:

“Section 14. Effectivity

This Wage Order shall take effect fifteen (15) days after its publication in at least one (1) newspaper of general circulation in the region. Actual implementation of the prescribed wage rate by the employer becomes demandable by the covered workers upon publication of the approved implementing rules and guidelines.”

Section 2. Effectivity. This amendment shall take effect fifteen (15) days after its publication in at least one (1) newspaper of general circulation in the region.

Approved: May 27, 1996, Zamboanga City, Philippines.

(SGD) JOSE J. SUAN  
Worker Representative

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

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

*(Out of Town)*

ARSENIO L. GONZALEZ, JR.  
Employer Representative

(SGD) EDGAR B. LIM  
Employer Representative

(SGD) NAZRULLAH B. MANZUR  
Vice-Chairman

*(On Sick Leave)*  
LOURDES M. TRASMORTE  
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-05**

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-05;
- 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) "Retail Establishment" is one principally engaged in the sale of goods to end-users for personal or household use;
- j) "Service Establishment" is one principally engaged in the sale of service to individuals for their own or household use and generally recognized as such;
- k) "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;

- l) "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 one thousand five hundred pesos (P1,500,000.00), regardless of previous registration with the defunct NACIDA;
- m) "Distressed Establishment" refers to an establishment which meets the criteria enumerated in Section 3(3) of the NWPC Revised Guidelines on Exemption;
- n) "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;
- o) "Statutory Minimum Wage" is the lowest wage rate fixed by law that an employer can pay his workers;
- p) "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;
- q) "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;
- r) " 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, except:

- i) Household and domestic helpers, including family drivers and workers in the personal service of another;
- ii) Workers and employees in retail/service establishments regularly employing not more than ten (10) workers when exempted from compliance of the Order for a period fixed by the Board in accordance with Section 3 of the Order;

Section 2. Effectivity. The wage increase prescribed under this Order shall take effect on May 05, 1996.

### Section 3. 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:

<b>A. City of Zamboanga</b>	Under Wage Order No. RIX-03	Required Adjustment	Under Wage Order No. RIX-05
1. Non-Agricultural			
Employing 20 or more workers	P 114.00	10.00	124.00
Employing less than 20 workers	112.00	10.00	122.00
2. Agricultural			
For Plantation workers	104.00	10.00	114.00
For Non-Plantation Workers	81.50	10.00	91.50
3. Retail/ Service Workers			
Employing 20 or more workers	114.00	10.00	124.00
Employing less than 20 workers	112.00	10.00	122.00
4. Private Hospitals/Clinics			
Employing 20 or more workers	110.00	10.00	120.00
Employing less than 20 workers	108.00	10.00	118.00
5. Cottage/Handicrafts			
Employing 20 or more workers	90.00	10.00	100.00
Employing less than 20 workers	88.00	10.00	98.00
<b>B. Provinces Of Zamboanga del Sur, Zamboanga del Norte the Cities Of Pagadian, Dipolog And Dapitan</b>			
1. Non-Agricultural			
Employing 20 or more workers	110.00	10.00	121.00
Employing less than 20 workers	109.00	10.00	119.00
2. Agricultural			
For Plantation workers	101.00	10.00	111.00
For Non-Plantation Workers	78.50	10.00	88.50
3. Retail/ Service Workers			
Employing 20 or more workers	111.00	10.00	121.00
Employing less than 20 workers	109.00	10.00	119.00
4. Private Hospitals/Clinics			
Employing 20 or more workers	107.00	10.00	117.00
Employing less than 20 workers	105.00	10.00	115.00
5. Cottage/Handicrafts			
Employing 20 or more workers	87.00	10.00	97.00
Employing less than 20 workers	85.00	10.00	95.00
<b>C. THE PROVINCE OF BASILAN</b>			
1. Non-Agricultural			
Employing 20 or more workers	108.00	10.00	118.00
Employing less than 20 workers	106.00	10.00	116.00
2. Agricultural			
For Plantation workers	98.00	10.00	108.00
For Non-Plantation Workers	75.00	10.00	85.50
3. Retail/ Service Workers			
Employing 20 or more workers	108.00	10.00	118.00
Employing less than 20 workers	106.00	10.00	116.00
4. Private Hospitals/Clinics			



Employing 20 or more workers	104.00	10.00	114.00
Employing less than 20 workers	102.00	10.00	112.00
5. Cottage/Handicrafts			
Employing 20 or more workers	84.00	10.00	94.00
Employing less than 20 workers	82.00	10.00	92.00

Section 4. 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 5. 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 6. 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) Merit wage increase shall not be credited as compliance thereto.

Section 7. 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 X % 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. Exemptions. Employers falling under Section 1, Chapter II of this Rules may apply for exemption from compliance with the minimum wage prescribed under the Order within sixty (60) calendar days from the date of publication of this approved Rules.

Applications for exemptions must be filed with the Board in the region and must be supported with documents as prescribed under Section 2(1) b of the NWPC Revised Guidelines on Exemptions.

1. Retail/establishments regularly employing not more than 10 workers;.
2. Distressed establishments as defined herein.

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 14. Effects on Existing Wage Structure. 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 15. 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 promoting 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 arbitration in this case shall be final and executory.

Section 16. 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 17. 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 18. 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 exceeding P25,000.00 and/or imprisonment of not less than one (1) year nor more than two (2) years as provided under RA 6727. Provided, that any person convicted under the Order shall not be entitled to the benefits provided for under the Probation Law.

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 19. 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 beginning Calendar Year 1997, 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 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 proceeding before the Board.

Section 21. 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 22. 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 23. 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 24. Effectivity. The approved Rules shall take effect upon publication in at least one (1) newspaper of general circulation in the region.

Done in the City of Zamboanga, Philippines, this 27th day of May 1996.

(SGD) JOSE J. SUAN  
Worker Representative

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

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

*(Out of Town)*  
(SGD) ARSENIO L. GONZALES, JR.  
Employer Representative

(SGD) EDGAR B. LIM  
Employer Representative

(SGD) NAZRULLAH B.  
Vice-Chairman

(On Sick Leave)  
LOURDES M. TRASMONTA  
Chairman

APPROVED this 20<sup>th</sup> day of June 1996.

(SGD) CRESENCIANO B. TRAJANO  
Acting Secretary

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 %
<u>2.60 days</u>	- 2 special days <sup>2/</sup> 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
<u>2 days</u>	- Special days <sup>2/</sup>
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
<u>2 days</u>	- special days <sup>2/</sup> (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<sup>2/</sup> (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.