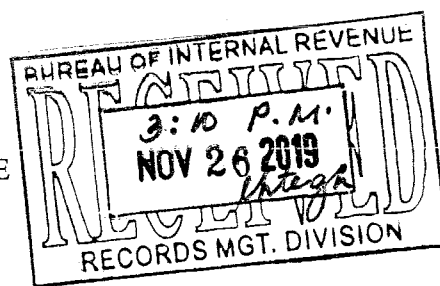




REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

Quezon City



November 20, 2019

REVENUE MEMORANDUM CIRCULAR NO. 125-2019

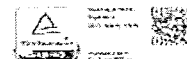
SUBJECT : Publishing the Daily Minimum Wage Rates in Region VI (Western Visayas) under Wage Order No. RBVI-25

TO : All Internal Revenue Officials, Employees and Others Concerned

For the information and guidelines of all internal revenue officers, employees and others concerned, we are publishing Wage Order No. RB-CAR-20 which was issued on October 22, 2019 and published at Panay News and Negros Daily Bulletin on November 11, 2019:



Republic of the Philippines
Department of Labor and Employment
National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD VI



WAGE ORDER NO. RBVI-25

PROVIDING FOR THE NEW MINIMUM WAGE RATES IN WESTERN VISAYAS

WHEREAS, the Regional Tripartite Wages and Productivity Board VI, Western Visayas (otherwise referred to as the Board) is mandated under Republic Act No. 6727 (The Wage Rationalization Act), to periodically assess the wage rates and to conduct continuing studies in the determination of the minimum wage rates applicable in the Region;

WHEREAS, the last minimum wage adjustment took effect July 12, 2018, covered by Wage Order No. RBVI-24;

WHEREAS, a Petition for Wage Increase was filed on July 01, 2019 by the New Independent Workers Organization (NIWO) seeking for a Php60.00 increase for Commercial / Industrial or Non-Agricultural establishments employing more than ten (10) workers, Php50.00 for Commercial / Industrial or Non-Agricultural establishments employing ten (10) workers and below; Php50.00 for workers in Agriculture sector and Php80.00 for Boracay Island Workers;

WHEREAS, the Board conducted a series of Public Hearings on August 23, 2019 in Iloilo City; September 06, 2019 in Bacolod City; and September 20, 2019 in Boracay Island;

WHEREAS, after taking into consideration the comments and reactions raised by the workers and management representatives during the public hearings; the position papers submitted by the following organizations/establishments: Joint Position Papers by the Business Chambers of Negros Occidental and Panay (Bacolod Filipino-Chinese Chamber of Commerce and Industry, Negros Occidental Filipino-Chinese Family Club, Inc., Metro Bacolod Chamber of Commerce and Industry, Northern Negros Filipino-Chinese Chamber of Commerce and Industry, Southern Negros Filipino-Chinese Chamber of Commerce and Industry, Philippine Chamber of Commerce and Industry (PCCI)-Western Visayas, PCCI-Aklan Chapter, Antique Chamber of Commerce and Industry, PCCI-Boracay, Capiz Chamber of Commerce and Industry and PCCI-Iloilo; Filipino-Chinese Business Sector of Negros Occidental (Southern Negros Filipino-Chinese Chamber of Commerce and Industry, Bacolod Filipino-Chinese Chamber of Commerce and Industry and Northern Negros Filipino-Chinese Chamber of Commerce and Industry); Confederation of Sugar Producers' Associations, Inc.; Aquafresh, Al Baying - Selling Prawns, Shrimp and Crabs; Boracay Tubi System, Inc. / Club Haven Resort Boracay, Inc. / Boracay Green Gas, Inc. and Iloilo Business Groups (Iloilo Business Club, Inc., Federation of Filipino-Chinese Chamber of Commerce of Panay, Inc., Philippine Retailers Association-Iloilo Chapter, Integrated Multi-Sectoral Business Organization, Inc., Filipino-Chinese Chamber of Commerce of Iloilo, Inc., Iloilo Hotels, Restaurants and Resorts Association) and the most recent poverty threshold, average wage, consumer price index and inflation rate, the Board has determined the need to adjust the minimum wage rates of private sector workers in the Region;

WHEREAS, the Board, in its review agreed to consolidate the rates for the Agriculture sector considering that the wages for the two sectors is the same, thus, further simplifying the classification;

WHEREAS, the Board has been encouraging industries / establishments to implement productivity improvement programs to enable them to grant productivity-based pay on top of and in addition to minimum wage;

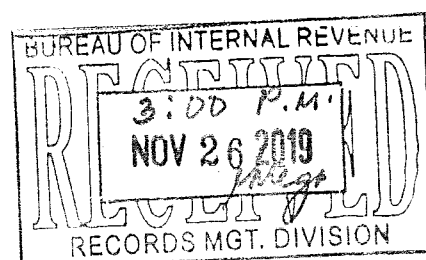
NOW THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727, the RTWPB VI hereby issues this Wage Order.

SECTION 1. NEW DAILY MINIMUM WAGE RATES Upon effectivity of this Wage Order, the new minimum wage rates in the Region are as follow:

Sector / Industry	Wage Order No. RBVI - 24			Wage Order No. RBVI - 25	
	Basic	COLA	Current Wage (COLA integrated into Basic)	Wage Increase	New Minimum Wage Rate
1. Non-Agriculture / Industrial / Commercial					
a. Employing more than ten (10) workers	Php350	Php15	Php365	Php30	Php395
b. Employing ten (10) workers and below	Php290	Php5	Php295	Php15	Php310
2. Agriculture	Php290	Php5	Php295	Php20	Php315

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

This Wage Order shall not cover household or domestic workers, persons in the personal service of another and workers of duly registered Barangay Micro Business Enterprises (BMBEs) with Certificates of Authority pursuant to Republic Act No. 9178



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. APPLICATION TO CONTRACTORS In case of contracts for construction projects, and for security, janitorial and similar services, the prescribed increases in the wage rates of the workers shall be borne by the principal or client 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 wage rates, the construction/service contractor will be jointly and severally liable with his principal or client

SECTION 5. APPLICATION TO PRIVATE EDUCATIONAL INSTITUTION. In the case of private educational institutions, the share of covered workers and their employees in the increase of tuition fees for the School Year 2019-2020 shall be considered as compliance with the increase prescribed herein. However, payment of any shortfall in the wage increase set forth herein shall be covered starting School Year 2020-2021

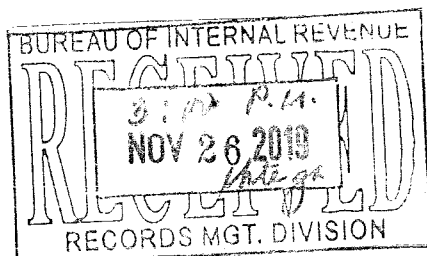
Private educational institutions which have not increased their tuition fees for School Year 2019-2020 may defer compliance with the wage rates prescribed herein until the beginning of School Year 2020-2021. In any case, all private educational institutions shall implement the wage rates prescribed herein starting School Year 2020-2021.

SECTION 6. 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 not less than the prescribed wage rates a day, or a proportion thereof for working less than eight (8) hours.

SECTION 7. WAGES OF SPECIAL GROUPS OF WORKERS. Wages of apprentices and learners shall in no case be less than seventy-five percent (75%) 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 minimum wage rates.

All qualified handicapped workers shall receive the full amount of the new wage rates prescribed herein pursuant to Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons



SECTION 8. EXEMPTIONS. Upon application with and as determined by the Board, based on documentation and other requirements in accordance with applicable rules and regulations issued by the Commission, the following may be exempted from the applicability of this Order.

- a) Distressed establishments,
- b) New business enterprises, and
- c) Establishments adversely affected by calamities such as natural and/or human induced disasters

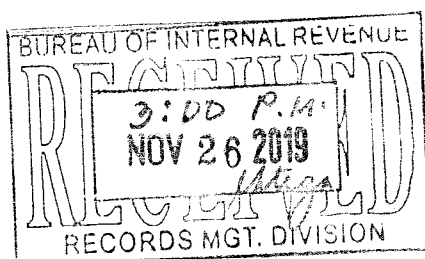
SECTION 9. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal to the NWPC, through the Board, in three (3) printed copies, not later than ten (10) days from publication of this Wage Order.

SECTION 10. EFFECTS ON EXISTING WAGE STRUCTURE. Where the application of the increase prescribed in this Order results in distortions in the wage structure within the establishment, it shall be corrected in accordance with the procedure provided for under Article 124 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines

SECTION 11. PRODUCTIVITY AND OTHER PERFORMANCE INCENTIVE PROGRAMS (PIP) in order to sustain rising levels of wages and enhance competitiveness, labor and management as partners are encouraged to adopt productivity improvement schemes to enable them to produce more and earn more and eventually improve their quality of life. These PIP may include time and motion studies, good housekeeping, quality circles, labor and management cooperation as well as implementation of gainsharing and other performance-incentive programs.

SECTION 12. 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 having jurisdiction over the workplace and shall be subjected to the mandatory thirty (30) days conciliation and mediation process under the single Entry Approach (SEnA). However, if settlement fails, the case becomes subject of enforcement proceedings under Articles 128 and 129 of the Labor Code, as amended.

SECTION 13. 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 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 proceedings before the Board.

SECTION 15. FREEDOM TO BARGAIN. This 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 16. REPORTING REQUIREMENT. Any person, company, corporation, partnership or any entity engaged in business shall submit a verified report on their wage structure to the Board not later than January 31, 2020 and every year thereafter in accordance with the form prescribed by the National Wages and Productivity Commission.

SECTION 17. PENAL PROVISION. Any employer who refuses or fails to comply with this Order shall be subject to the penalties specified under Republic Act No. 6727, as amended by Republic Act No. 8188.

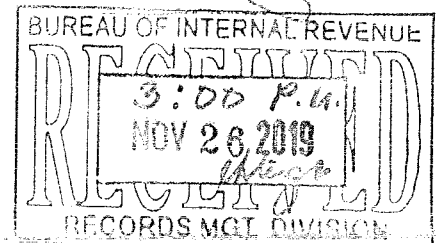
SECTION 18. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

SECTION 19. 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 20. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board VI shall submit to the Commission the necessary Rules and Regulations to implement this Order subject to approval of the Secretary of Labor and Employment not later than ten (10) days from publication of the Wage Order.

SECTION 21. ADVISORY ON PRODUCTIVITY-BASED PAY (PBP). Pursuant to the Two-Tiered Wage System, the Board shall issue corresponding advisories on the 2nd tier or the productivity-based pay which shall serve as guidelines for private establishments on the range of productivity bonuses and incentives that an enterprise may provide based on agreement between workers and management.

SECTION 22. EFFECTIVITY. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Region.



APPROVED Iloilo City, Philippines, October 22, 2019

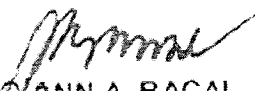

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REBECCA M. RASCON
Regional Director, DTI
Vice-Chairperson


RO-ANN A. BACAL
Regional Director, NEDA
Vice-Chairperson


CYRIL L. TICA
Regional Director, DOLE
Chairperson

All concerned are hereby enjoined to be guided accordingly and to give this Circular as wide a publicity as possible.


CAESAR R. DULAY
Commissioner of Internal Revenue

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