

- b. The new daily minimum wage rates for all covered workers in the private sector in Davao Region shall be as follows:

UPON EFFECTIVITY OF THIS WAGE ORDER:

| SECTOR/ INDUSTRY | MINIMUM WAGES | | | | |
|---|-------------------------------------|--|--|-----------------------------|--|
| | Under Wage Order No. RB XI-19 | Under Wage Order No. RB XI-20 in Two (2) Tranches: First Tranche - P30.00 Second Tranche - P26.00 Total Increase - P56.00 | | | |
| | | Effective August 16, 2018 | | Effective February 16, 2019 | |
| | | Amount of Increase | Upon Effectivity of Wage Order No. RB XI-20 | Amount of Increase | Upon Effectivity of Wage Order No. RB XI-20 |
| Non-Agriculture/ Industrial / Commercial and Retail / Service Employing More than 10 Workers | P 340.00 | P 30.00 | P 370.00 (340 + 30) | P 26.00 | P 396.00 (370 + 26) |
| AGRICULTURE | P 335.00 | P 30.00 | P 365.00 (335 + 30) | P 26.00 | P 391.00 (365 + 26) |
| RETAIL/SERVICE Employing not more than 10 Workers | P 325.00 | P 30.00 | P 355.00 (325 + 30) | P 26.00 | P 381.00 (355 + 26) |

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SECTION 2. COVERAGE. The prescribed wage rates under this Wage Order shall apply to all workers and employees in the private sector receiving the minimum wage in Davao Region, regardless of position, designation or status of employment and irrespective of the method by which their wages are paid. This Wage Order shall not include domestic workers or kasambahay covered by Batas Kasambahay (R. A. 10361), persons employed in the personal service of another, and workers of establishments registered under the Barangay Micro Business Enterprises (BMBE) Law (R. A. 9178) and also as provided under the *Go Negosyo Act of 2013* (R. A. 10644).

SECTION 3. BASIS OF MINIMUM WAGE RATES. 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 per day.

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 minimum wage rates per eight (8) hours work a day, or a proportion thereof, for working less than eight (8) hours.

SECTION 5. 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 Wage Order.

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

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All qualified handicapped workers shall receive the full amount of the minimum wage rate prescribed herein pursuant to Republic Act No. 7277, otherwise known as the Magna Carta for Differently-abled Persons.

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 2018-2019 shall be considered as compliance with the increase prescribed herein. However, payment of any shortfall in the new minimum wage rates set forth herein 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 increase prescribed herein until the beginning of School Year 2019-2020.

In any case, all private educational institutions shall implement the increase herein starting School Year 2019-2020.

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

SECTION 8. PRODUCTIVITY-BASED WAGES. In order to sustain rising levels of wages and enhance competitiveness, businesses are encouraged to adopt productivity improvement schemes such as time and motion studies, good housekeeping, quality circles, labor-management cooperation as well as implement gainsharing programs. 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 9. EXEMPTION. No exemption from compliance under this Wage Order shall be allowed. However, in case of a calamity, the Board may accept applications for exemption for establishments adversely affected by calamities such as natural and/or human-induced disasters subject to the NWPC Guidelines No. 02, series of 2007 as amended by NWPC Resolution No. 01, series of 2014.

SECTION 10. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file a verified appeal in three (3) printed legible copies with the National Wages and Productivity Commission (NWPC) through the Regional Board within ten (10) calendar days from the publication thereof.

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SECTION 11. EFFECT OF FILING OF APPEAL. The filing of the appeal does not operate to stay this Wage Order unless the party appealing this Wage Order shall file with the NWPC an undertaking with a surety or sureties satisfactory to the NWPC for payment of the prescribed increase to employees affected by this Wage Order in the event that the same is affirmed.

SECTION 12. EFFECTS ON EXISTING WAGE STRUCTURE. Where the application of the increases in the wage rates under this Wage Order results in distortion of the wage structure within an establishment, the same shall be corrected in accordance with the procedure provided for under Article 124 of the Labor Code of the Philippines, as amended.

SECTION 13. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with this Wage Order shall be filed with the office of the Department of Labor and Employment (DOLE) having jurisdiction over the workplace and shall be subject to the mandatory thirty (30) day conciliation and mediation process under the Single Entry Approach (SEnA). However, if settlement fails, the case becomes of enforcement proceedings under Article 128 and 129 of the Labor Code, as amended.

SECTION 14. NON-DIMINUTION OF BENEFITS. Nothing in this Wage Order shall be construed to reduce any existing wage rates, allowances and benefits in 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 rates in accordance with this Wage 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 this Wage Order or any proceedings before the Regional Board.

SECTION 17. FREEDOM TO BARGAIN. This Wage Order shall not be construed to prevent workers 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, 2019 and every year thereafter, in accordance with Section 3 of R.A. 6727 in relation to Art. 124 of the Labor Code, as amended and in the form as prescribed by the NWPC.

SECTION 19. 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 20. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Wage Order is declared unconstitutional or illegal, the other provisions or parts hereof shall remain valid.

SECTION 21. IMPLEMENTING RULES. The Regional Board shall submit for approval of the Secretary of Labor and Employment upon recommendation of the NWPC, the necessary Implementing Rules and Regulations not later than ten (10) days from the publication of this Wage Order.

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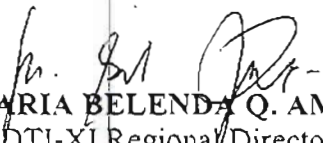
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SECTION 22. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Davao Region.


Approved, this 27th day of June 2018, in Davao City, Philippines.


RAYMUNDO G. AGRAVANTE
DOLE-XI Regional Director
Board Chairman


MARIA BELENDA Q. AMBI
DTI-XI Regional Director
Vice-Chairman


MARIA LOURDES D. LIM
NEDA-XI Regional Director
Vice-Chairman

Vacant
Labor Representative
Member


VIRGINIA T. CAMUS
Labor Representative
Member


RULFO V. ASÍS
Management Representative
Member


BIENVENIDO D. CARIAGA
Management Representative
Member