

[REPUBLIC ACT NO. 6129, June 17, 1970]

AN ACT AMENDING FURTHER THE MINIMUM WAGE LAW BY INCREASING THE MINIMUM WAGE, ESTABLISHING A WAGE COMMISSION, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section three, paragraphs (a), (b), (c) and (d) of Republic Act Numbered Six hundred two, as amended, is hereby further amended to read as follows:

"SEC. 3. *Minimum Wage.*-(a) Every employer shall pay to each of his employees who is employed by an enterprise other than in agriculture minimum wages of not less than eight pesos a day: *Provided*, That in retail or service enterprises that regularly employ not more than five employees the minimum wage shall not be less than six pesos a day from the date of approval of this amendatory Act: *Provided, further*, That the minimum wage rates prescribed in this and the next succeeding subsection shall be basic, cash wages, without deducting from the said minimum wages for industrial and agricultural workers prescribed in this Act, whatever benefits or allowances which the workers now enjoy aside from their pay, subject to the pertinent provisions of this Act; *And, Provided, finally*, That nothing herein shall justify an employer from violating any existing minimum order which grant benefits more liberal than those established under this Act.

"(b) Every employer who operates a farm enterprise shall pay to each of his employees, who is engaged in agriculture, minimum wages of not less than four pesos and seventy-five centavos a day.

"(c) Effective on the first of July, nineteen hundred seventy the minimum wage rate of employees in the government service shall be as follows: for national government and all government owned and/or controlled corporations laborers and workers the same rates as provided in paragraph (a) hereof; and for provinces, municipalities, and cities the minimum wage shall be fixed by the respective provinces, municipalities, and cities as their finances may permit, provided the same shall not be less than five pesos or the minimum wages being paid at the time of the approval of this amendatory Act, whichever be higher.

"(d) This Act shall not apply to farm tenancy, household service, and persons working in their respective houses in needlework or in any cottage industry registered under the provisions of Republic Act Numbered Three thousand four hundred seventy."

SEC. 2. The provisions of Sections 4, 5, 6, 7 and 8 of Republic Act Numbered Six hundred two are hereby repealed and in lieu thereof the following sections are hereby respectively substituted:

"SEC. 4. *Wage Studies; Industry Wage Agreements.*- (a) A Wage Commission, hereafter to be known as the commission, in the Department of Labor is hereby created, which shall conduct a continuing study of wage rates in the various agricultural and non-agricultural industries all over the country for the purpose of ascertaining whether a substantial number or about ten percent of employees in a given industry are receiving wages which, although complying with the minimum provided in this Act, are less than sufficient to maintain them in health, efficiency and general well-being taking into account the peculiar circumstances of the industry and geographical location, among others. If, after such study or studies, the commission is of the opinion that such number of employees are receiving such wages, it shall, upon notice and hearing, recommend to the industry concerned the fixing of a minimum wage for such industry through voluntary collective bargaining between representatives of the employers and the employees within such industry: *Provided, however,* That nothing herein shall preclude the representatives of employers and employees in any industry from initiating collective bargaining for such purpose even without the recommendation of the commission.

"(b) In the selection of such representatives and to facilitate collective bargaining, the mediation and conciliation services of the Bureau of Labor Relations may be sought and availed of by the parties directly or through the Commission.

"(c) In case of conflicts as to the number of and as to who should be the bargaining representatives of the employers or the employees in an industry, the commission may, upon proper petition filed by any party to the conflict, and, after due hearing, order the holding of representation elections among the employers or the employees of the industry involved, such that the employees and the employers shall both be adequately represented. The Commission may seek the assistance of the Bureau of Labor Relations to assure the clean and orderly conduct of the elections to be held. No employees or employers of any enterprise belonging to the industry shall be excluded from participation in such elections. Nothing in this section, however, shall prevent the parties concerned from utilizing any other voluntary means of determining who shall act as their representatives in the industry wage bargaining contemplated in this Act.

"The Commission shall promulgate the necessary rules of procedure that shall govern the conduct of such representation elections: *Provided,* That such rules shall be given such publicity by the Commission as to give notice the parties, including posting of translations in the local dialect in conspicuous places in the places of work and business of those who will vote.

"(d) The representatives of the employees and the employers so designated for purposes of industry wage bargaining shall meet and confer expeditiously and in good faith for the purpose of negotiating an agreement as to the minimum wage rate or rates that shall apply in the industry and its branches.

"(e) Any wage agreement arrived at as a result of industry-wide collective bargaining referred to above shall be submitted to the Commission, which shall issue a wage order incorporating the industry wage agreement within fifteen days from the date of submission. A wage order duly issued in accordance with this Act shall have the force of law.

"(f) In the event representatives of employers and employees in an industry fail to arrive at or to submit a wage agreement within forty-five days after the date of recommendation by the Commission, it shall proceed to exercise its powers under section five hereof. Upon application of the parties, the commission may, however, grant an extension of the forty-five-day period if there is a showing that the parties will likely arrive at an agreement should bargaining be allowed to continue beyond this period."

"Sec. 5. *Wage Fixing By Commission.*-(a) If for any reason an industry wage agreement is not arrived at by the parties concerned within the period provided in the next preceding section or because a substantial majority of the parties express their preference for the Commission to fix the appropriate minimum wages for such industry, it shall proceed to fix the same after notice and hearing.

"(b) Within sixty days from the date the commission assumes the exercise of its authority hereunder by notifying the parties thereof, the Commission shall promulgate a wage order establishing the minimum wage to be paid by employers in the industry or for the various branches thereof.

"(c) A minimum wage to be established by the commission shall be as nearly adequate as is economically feasible to maintain the minimum standard of living necessary for the health, efficiency, and general well-being of employees. In the determination of a minimum wage, the wage commission shall among other relevant factors, consider the following:

"(1) The cost of living;

"(2) The wages established for work of like or comparable character by collective agreements or wage orders;

"(3) The wages paid for work of like or comparable character by employers who voluntarily maintain reasonable standards;

"(4) Fair return of the capital invested; and

"(5) The size, location and fertility of the agricultural farms.

"(d) The Commission shall not establish for any agricultural or non-agricultural industry a minimum wage of less than the prevailing minimum wage obtaining in the industry on the effective date of this amendatory Act, and in no case less than the minimum wage rates set in Section three of this Act. These wages may include minimum wages varying with localities, if in the judgment of the commission conditions make such local differentiation proper and necessary to effectuate the purposes of this Act.

"(e) A wage order shall take effect fifteen days after due notice is given of the issuance thereof by publication in two newspapers of general circulation and by such other means as the commission deems reasonably calculated to give to interested parties general notice of such-issuance. A certified copy of each of such orders shall be filed in the Office of the Secretary of Labor.

"(f) No employer shall, after the effective date of a wage order, pay an employee who is within the scope of the wage order, employed by him, wages at less than the amount prescribed in such order.

"(g) The Commission may not, on its own initiative, disturb the minimum wages already established in an existing wage order, within two years from the date of its effectivity. Within such period, however, the Commission may decide to incorporate in a wage order new wage rates arrived at in a subsequent industry wage agreement resulting from voluntary negotiations or collective bargaining.

"(h) A minimum rate established by the wage commission shall in no way prevent individual workers' unions in particular firms or enterprises in the industry from bargaining for higher wages with their respective employers."

"SEC. 6. *Appeal From Wage Order.*--"(a) Any party aggrieved by a wage order issued under this Act may appeal from such order to the Court of Appeals within fifteen days after the last publication of the order in the manner provided in Republic Act Numbered Fifty-four hundred and thirty-four. If the petitioner or appellant is an employee, wage earner, farmer, or laborer, he shall be exempted from filing an appeal bond and docketing fee and he can file typewritten pleadings in all cases.

"The appeal shall not, unless specifically ordered by the appellate court, operate as a stay of the order unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the order, in the event such order is affirmed, of the difference between the amount which such employees are entitled to receive under the order and the compensation they actually received while such stay is in effect.

"(b) No injunction may be issued by any court to restrain any proceeding of or before the wage commission or to render ineffective a wage order duly promulgated, except in the case provided in the preceding paragraph."

"SEC. 7. *Wage Commission; Composition; Tenure of Office.*-"(a) The wage commission to be established under this Act shall be composed of five members, three representing the public (one of whom shall be appointed as Chairman), one representing labor, and one representing employers: *Provided*, That representatives of the public shall neither be employees nor employers, nor in any manner be connected with or have pecuniary interest in any private business or industrial enterprise, whether individual or corporate, and none of the members of the Commission may hold any other public office. The Chairman and members shall have a term of office of six years: *Provided*, That of the first three members representing the public, the Chairman shall hold