

**University of the Philippines Manila
College of Arts and Science
Department of Social Science**

**The Performance of the National Conciliation and Mediation Board
in Labor Dispute Settlement**

**A Thesis Presented to
the faculty of the Department of Social Science,
College of Arts and Science**

**In Partial Fulfillment
of the Requirements for the Degree
Bachelor of Arts in Political Science**

by

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March 2002

Approval Sheet

This thesis of Josiah H. Diega, “The Performance of the National Conciliation and Mediation Board in Labor Dispute Settlement” is submitted in partial fulfillment of the requirement for the degree of Bachelor of Arts in Political Science is hereby accepted.

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Acknowledgment

I am so grateful to the following people who have been very supportive of me all throughout the creation of this paper.

To the staff of the Information Division of the National Conciliation and Mediation Board, who have given me all the needed statistical data for the analysis of the research. Sir Jun and to Hon. Ubaldo of the National Conciliation and Mediation Board, who have been very accommodating in the interview I conducted. Thank you so much sir. Great part of my primary source was taken from that discussion. Lastly, are to the union representatives whom I have interviewed. Thanks very much for your time.

To the library attendant of the School of Labor and Industrial Relations in UP Diliman, who has been very nice and helpful. Thank you ma'am.

To the person I consider the best friend I had in the university. Tin! I do not know where to start thanking you. You have shared to me all the things that made me realized my true self. Thanks very much!

To the Gab-iyutifuls! (Jane, Misty, Joey, Flor, Anjie, Angie, and the rest of the boks) Salamat. You people are part of my strength. I do not know what to do if it were not for all of you beautifuls. Maraming maraming salamat. Mwah!!!

To Tin Antonio, whom I owed a lot especially in the explanation of frameworks and structures. Thank you ganda for being a very supportive friend. You are one person I shall never forget.

To Jen, who has always been there. Thanks insan for all the support and the thoughts you have shared with me. You are the best companion and adviser to everything. Lab yah!

To Ivy, Camille, Gay, Jasmin, Vanessa, Karen and Alu! Thanks guys for being good friends...for making me feel one of your barkada and for motivating me continue this paper. Goodluck to us all!

To Jacq and Albert...thank you! (Im running out of words to say...I just would like you to be part of this)

Of course, who will ever forget the group I have been with for the past 4 years. To the Block 4 of PolSci, thanks so much for being the best classmates. (I may not have mentioned each...but you know who you are and I am proud to be part of this group.

To Jing and Gerald, whom I consider my partners in life. Thanks for the support; for believing in me and for boosting my silenced ego. ☺ Natapos ko din!

And...before I forget, thanks so much to Karen, my best friend, Emeng, Annie, Luz and to my kuya for the motivation and the support. Lab yah all!

Most importantly, I am thankful to my dad and mom. This work is dedicated to the both of you. Thanks *de* and *me* for all the support. Thank you for being there right from the very beginnings of this research. I love you!

Lastly, is to my thesis adviser. Thank you so so much ma'am for everything that you have done. It is all worth it!

CHAPTER I

Introduction

The Department of Labor and Employment as an entity under the executive branch has been tasked of ensuring not only the quality of employment in the country but most importantly in fostering amicable relations between laborers and managers. As an arm of the government in rendering public service, it is essential for the department to create ways in order to specialize and give focus on the problems occurring in the labor sector. The Constitution has clearly stipulated the need for the state to ennoble peaceful relations between workers and employers. With this, it has been the primary duty of the DOLE to respond to this mandate, thus, enunciated in Section 22 of the Executive Order 126, reorganizing the DOLE, the responsibility of the department to ensure the maintenance of industrial peace. That is, through the promotion of harmonious, equitable and stable employment relations assuring equal protection of rights to all concerned parties.

At length, it is the department's function to create structures that would provide specifically immediate recommendations on actual disputes between workers and management. Hence, preventing acts by either of the concerned parties that would in effect place both in a disadvantaged position.

The establishment of the National Conciliation and Mediation Board signifies the government's immediate action in accordance with the said executive order to basically devolve authorities that would initially promote peace between these two contending parties. Consequently, it should play an added phase of the negotiation process that

might have been evident between the contending parties and eventually meet on some points that would be mutually acceptable.

Statement of the Problem

Has the National Conciliation and Mediation Board been efficient as machinery in helping settle actual disputes occurring between collective workers and their management?

The research furnished the following particular questions that would substantially equip the needed details for the main problem.

- a. Why was there a need to conciliate?
- b. What was the role of the National Conciliation and Mediation Board (NCMB) in the government's goal particularly the Department of Labor and Employment in promoting and ensuring industrial peace between collective workers and their management?
- c. What were the implications of the workers' act of striking or not in the NCMB's functions as a third party in helping to mollify disputes occurring between the workers and their management?
- d. What is the track record of the Board?

Hypothesis

The National Conciliation and Mediation Board has efficiently provided a significant contribution in helping to reconcile actual labor disputes inevitably occurring between collective workers and their management and has played an important character in preventing these workers to strike.

Objectives of the Study

The research has aimed to achieve the following goals:

- a. analyze the importance of conciliation and mediation in actual labor disputes and the role of which in fostering industrial peace between the two contending parties
- b. learn the implications of the collective workers' act in striking or not striking as a result that would come out in the event of conciliating actual disputes with the respective management
- c. determine the efficiency of the board as a machinery in being able to provide recommendations to the workers and their management in order that actual disputes be settled and thus prevent these workers to strike

Significance of the Study

The work contributed to the existing knowledge regarding the role of the NCMB in helping reconcile actual disputes inevitably occurring between collective workers and the management. The creation of the board under the supervision of the Department of Labor and Employment has become a very vital entity in the government's efficient strategies in rendering public services. To furnish more efficient ways of serving the people, it is but necessary to create these entities in the government that would focus on particular functions.

The research provided substantial information disclosing the importance of constructing commission, councils or boards in essentially devolving functions to ensure focus and specialization in rendering public service. Consequently, it is of a fundamental concern to divulge information on how efficient the National Conciliation and Mediation

Board in playing as a third party providing aid to mollify disputes that may arise between the collective workers and their management.

The Constitution basically states the necessity of promoting industrial peace between workers and the management. That is, the amicable settlement that should be given emphasis. Subsequently, the role of the Department of Labor and Employment is the primary entity that would furnish provisions for the said implementing rules. In line with this, part of the DOLE is its function in tasking or constructing basic entities that would execute the law effectively.

The knowledge of the role of NCMB provides fundamental information in the search of its contribution as an efficient component of the DOLE in rendering public services particularly on issues concerning labor workers and their management. Having a little knowledge of the existence and the role of the board the study signifies the importance of discovering the nature, characteristics and components of the board.

Scope and Limitations

The board entities concerned in conciliating and mediating disputes were very much evident in the government of the Philippines. Consequently, the research primarily centered its discussions on the National Conciliation and Mediation Board under the supervision of the Department of Labor and Employment. With this, the research placed its concentration on the role and efficiency of the said board in helping to settle actual labor disputes between collective workers and their management. Particularly, the research focused on the cases filed in the area of Metro Manila.

Related Literature

“Article 251 of the New Labor Code of the Philippines” provides procedure in collective bargaining. It stipulates how the disputing workers and management would primarily settle their disputes. Accordingly, as stated in letter c of the article “...if dispute is not settled, the Bureau shall intervene upon request of either or both parties or as its own initiative and it shall be the duty of the parties to participate fully and promptly in the conciliation meetings...”

“Conciliation in the Philippines” by Lucita S. Lazo (1973) furnishes an over view of labor relations in the country. That is, the historical and the contemporary scenes of the workers and management relations. The text discussed the country’s tripartite approach to labor issues, which basically encourage the cooperative participation of workers and employers in handling issues concerning them particularly in national deliberations and decision-making. It tackled the Philippines’ experience in conciliating, which had been very evident decades ago. The practice has indeed worked towards creating an effective medium of the government in control and the total independence of labor and management in settling their private affairs. Furthermore, the book made descriptions of the background of how conciliation in the country has evolved.

“Administrative Accessibility: Towards the Operationalization of a Concept” written by Ma. Concepcion P. Alfiler (1993) basically provided study and analysis of how important it is for the government to be accessible especially so in rendering services to the public. The operation of the bureaucracy has been the focal point of the literature.

The use of existing works on administrative access and bureaucrat-client interaction. Moreover, the article provided operationalization of this administrative accessibility, which project managers may use to provide the necessary administrative linkages with then organization or project clients.

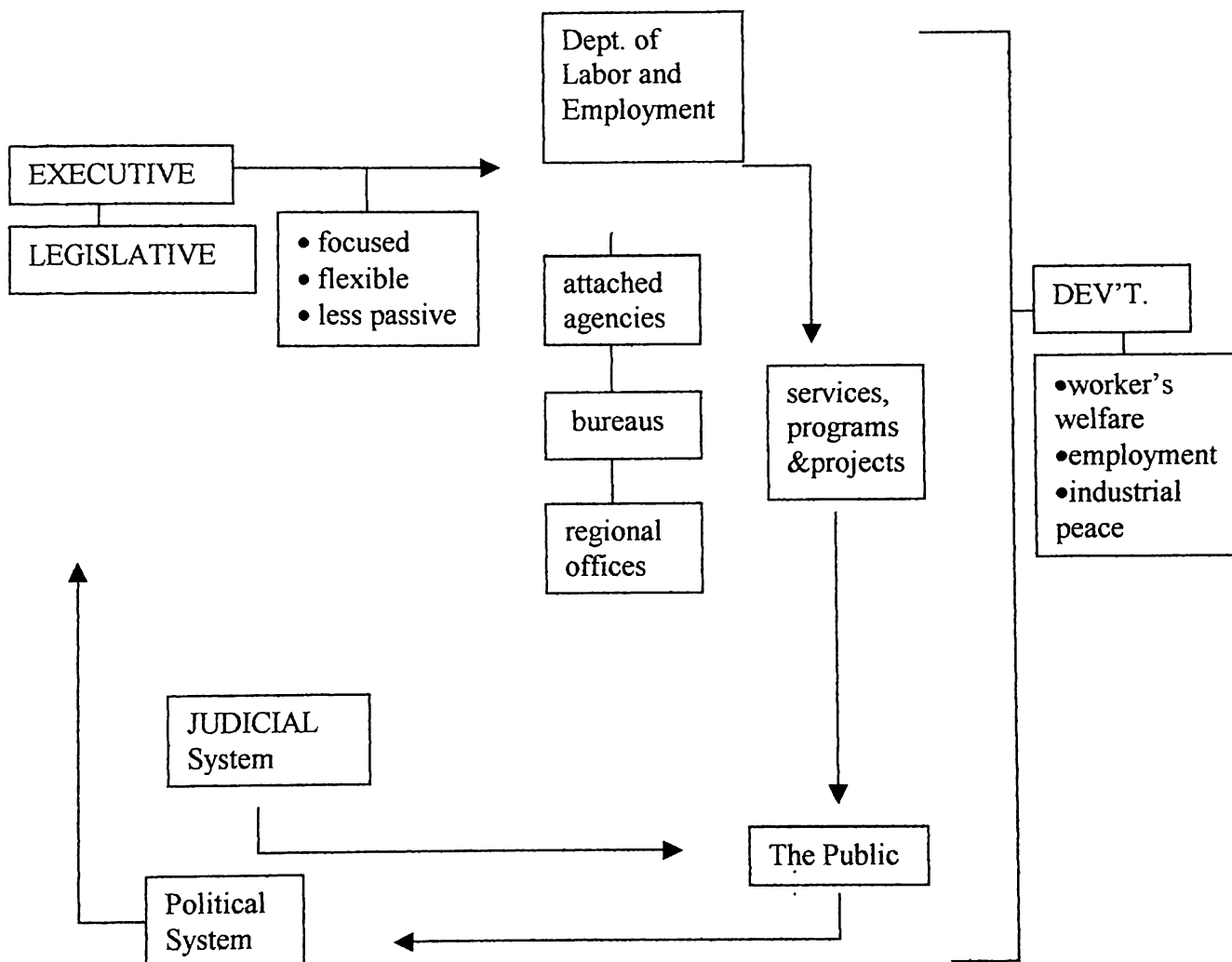
“The Art of Board Membership” by Roy Sorenson (1959) discussed the American setting of how important it is for the national government to actually provide for offices that would cater to the needs of the people. Evidently, in voluntary agencies, many of the American men and women serve as directors, committee members or volunteers. This, according to him is democratic, signifying social conscience and willingness to accept committees working cooperatively with professionals maintains the balance between focused attention and the popular control. They provide humanitarian impulses with normal expression and means toward the mastery of problems of social living of the communities of the land.

In the government, they are created to protect administrative integrity against hostile outside pressures where there are irreconcilable differences of opinion in the community. Primarily it is the duty of the boards or communities to perform legal responsibility such as adopting laws, regulations and operating procedures. They cater directly the immediate needs of the citizens. They are considered to be the direct access of the citizens specifically to their problems, which maybe financial, employment, health etc.

METHODOLOGY

Theoretical Framework

Figure No. 1



Using the basic foundation of Weber's bureaucracy, the idea of development public administration is branched out. From the traditional and conventional patterns and behaviors introduced by Weber, the new public administration presents the backbone that would concretely fit the present day ways and means of administration. (Dubsky 1993; 207) Consequently, rendering public service optimally. The focus of this new concept

rests on the commitment on social equity and the improvement of the quality of life. “New Public Administration proceeds from a basic assumption that the increase in the rate and magnitude of environmental change has rendered the precepts of the conventional Public Administration obsolete.” (Pilar 1993; 142) Hence, in today’s period where our society faces different problems is given the proper and appropriate alternative to resolve issues concerning especially the people themselves. This concept promotes goal-orientedness, which guides an organization toward the achievement of progressive political, social and economic objectives that are determined in authority. “The goals of public administration are inextricably interrelated with the values it pursues. These are relevance, social equity and client-orientedness.” (Pilar 1993; 143) Which basically focus on the concerns of the people in need of immediate public service. It introduces the notion that the new bureaucracy is less passive but rather a more active in manner. That it is not an entity that follows the traditional but has the capability of going hand in hand with the other types of development. Experimentation in public service posits a very strategic act especially so in contributing to the organization’s productivity.

This kind of administration assumes a variety of new tasks. Subsequently, attending to public planning, which spends much of the time to local matters that would eventually become the catalyst of social transformation. This basically situates the contemporary scenes particularly for the countries membering the so-called Third World. Indeed, showing modifications of a classical thought, which would best fit the present day condition of governance and public administration.

Countries like the Philippines has always been subject to many situations that would inevitably require construction and search for more effective and efficient ways in

order to actually accelerate the status particularly of the majority of the people belonging to the low class society. The aim to achieve development has always been the basic and primordial goal of the country. That is, the achievement of social equity and the quality of life. With this, everything would obviously start on how the government is able to administer its services to the people as its primary client. Aided by the new concepts and strategies put up and built by the scholars, the three branch of the government have now a type of administration, which is more than efficient and more than effective. As what was mentioned in the previous statements, the government gives a significant part on the psychological aspects of administration and not just the so-called 'routinary' ways of rendering service to the people. Reconstructing the idea of bureaucratization has indeed put this new type of administration into a more accessible entity for the people's welfare. Hence, a more feasible and client friendly type of officials and administrators are rendering service to the people.

The bureaucracy does not merely focus on the administrative issues that concern the constituents of a particular country. In fact, the government has been very much concern on how the economy would be sustainable. Ricardo Sicat, in his book Economics has defined economic growth as the long-term increase in the capacity of a nation to produce a diversity of goods and services for its population. This capacity is based upon the technological advancement in the modes of production. This in effect is translated to the government's responsibility in maintaining and sustaining the relationships of these forces. Through the bureaucracy's efforts in the promotion of the needs of the forces of production, the growth of the economy would yield positive results. As Sicat has essentially discussed, economic growth would basically be a reflection of

one of the biggest contributor in the increase and increase of national product. That is, labor. This means of production projects the greater part in the production of the country. Hence, through the government's aid in promoting the rights and needs of the players of the industry goal of achieving an economic sustainability would be successful.

Conceptual Framework

Concepts of conciliation, worker-management relations, strike and demands are introduced in the study to provide concrete scenarios of the NCMB's efficiency as an entity working for the public and providing services immediate to the needs of the citizens particularly the sector of the workers and the management. The framework would essentially furnish analysis of how the labor sector has evidently affected the economic status of the country manifested in the just acquisition of the benefits and demands of the workers and the responses of the management. (See Fig.1) The following are the primary concepts used in the discussion.

Bureaucracy – defined as the government organization that performs administrative functions in the rendition of services to the people.

Conciliation – process of actually being able to settle disputes occurring between two parties that could not agree on matters or issues primarily concerning both of their interests.

Conciliation cases – refer to actual or existing labor disputes subject of a notice of strike and cases of actual strike.

Industrial Peace – the condition where the management and the workers in a particular industry stays in a peaceful and amicable relationship, which is manifested in the smooth flow of the work force without any misunderstandings

Labor Demands – these are the immediate need of the workers suffering from the maltreatment or unfair labor practices, which include financial compensation and continuation of work and/or alteration of contracts previously agreed upon

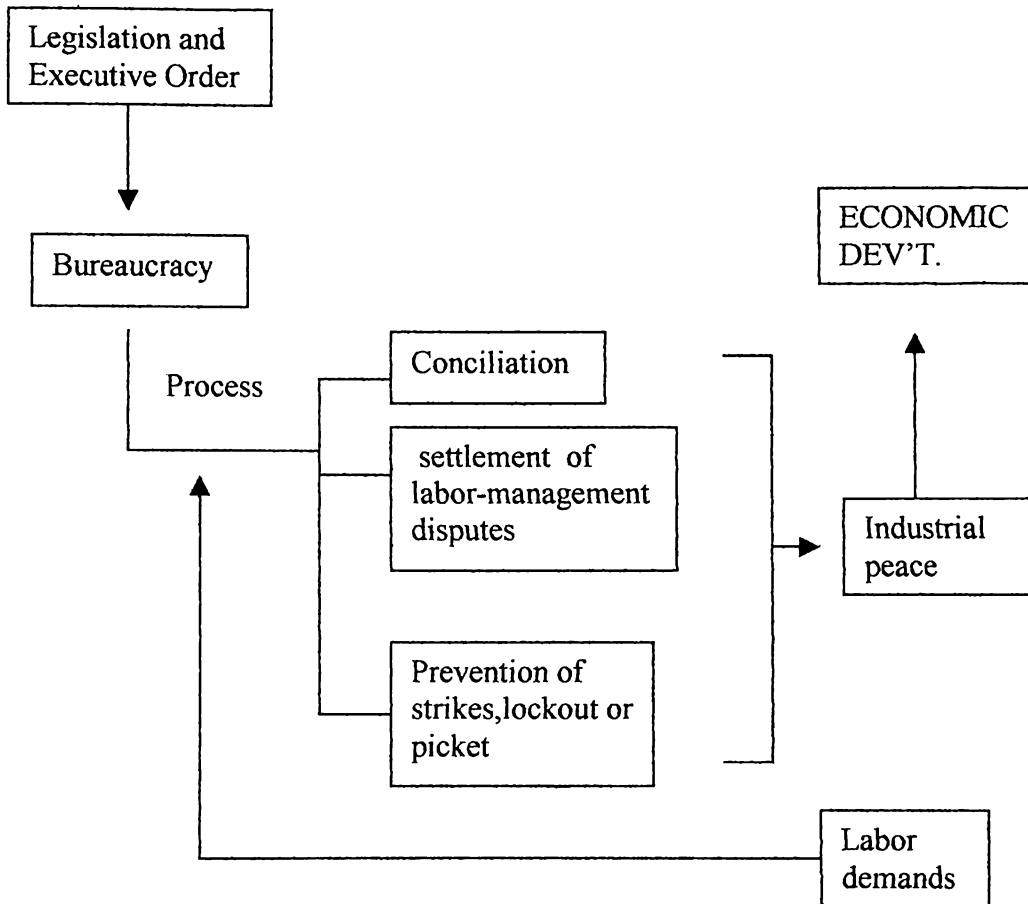
Notice of Strike – refers to the notification filed by a duly registered labor union with the appropriate NCMB regional branches informing the latter of its intention to go on strike because of alleged commission by the employer of unfair labor practice act or because of deadlock in collective bargaining negotiations.

Strike – refers to any temporary stoppage of work by the workers as a result of an industrial or labor dispute.

Labor dispute – includes issues on matter concerning terms or conditions of employment or the association or representation of persons in negotiating the fixing, maintaining, changing or arranging of terms and conditions of employment regardless of whether or not the disputants stand in the relationship of employers and employees.

Labor Union – is an organization of rank and file employees in a company, duly registered with Department of Labor and Employment.

Figure No. 2



Operational Framework

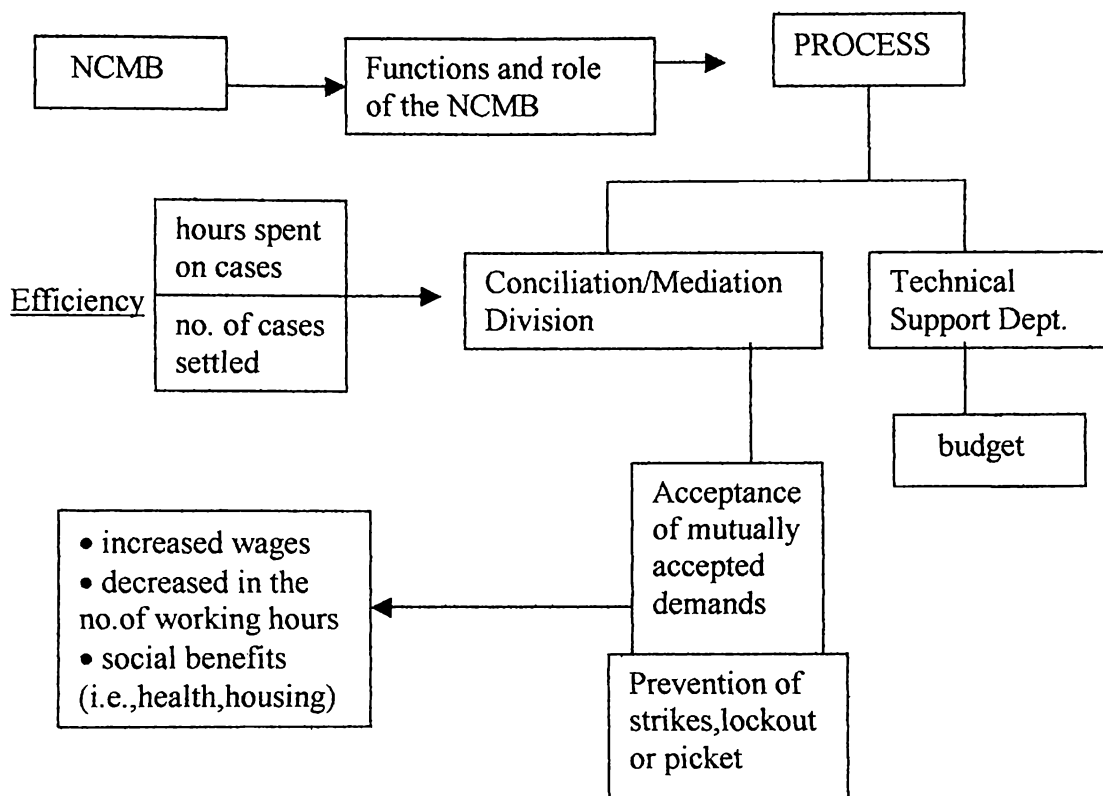
This study would primarily discuss councils as important entities through which the government renders its services to the citizens. A brief narration of what constitutes an efficient administration would basically support these entities playing significant part in public service. Subsequently, the research would focus on the creation of the NCMB. The role and functions of which would manifest its character as an entity under the supervision of DOLE providing aid to prevent immediately the collective workers to strike due to inevitable labor disputes. With this, the research would partly provide brief

discussion about strike as an act that could be done by the workers if disputes with the management are not settled.

Evidences of conciliation would be presented. This is a thorough discussion of the board's means of providing recommendations on settling actual disputes occurring between collective workers and their management. Fundamentally, the study would define and concretize the actual disputes occurring between the two contending parties, which in effect are subject to strike unless immediately settled. Consequently, the presentation of demands and their provisions are to be enumerated and elaborated in the course of the research.

As a whole, it is the core of the research to essentially furnish data showing the DOLE's function in fostering industrial peace in the worker-management relation. This is to actually help settle labor disputes that are inevitable in both the parties. Consequently, coming up with amicable agreements and mutually acceptable demands. This basically is aimed at achieving an industrial development in the Philippine economy. For it is important to note that a peaceful and amicable relations between the workers and the management would in effect bring about a smooth flow of employment eventually leading to a more prosperous businesses and abundant employment, which would be very significant in the country's goal of reaching a developed economy at par with the other vying countries in Asia. As the basic force of production, it is important that the government would primarily attend to this disputes inevitably occurring between the two. This is to actually place both parties to such agreements that would be beneficial for both. The responsibility of the government in this matter is significant because of the fact that the labor sector contributes a great significance in developing the society.

Figure No. 3



Research Design

The research used a descriptive type of design. It aimed to provide as accurately the characteristics of an individual, situation and the groups concerned in the study. In this case, it basically has provided concrete definition and depiction of the cases and the matters that have been projected in the research.

Data Gathering

Textbooks written by scholars were employed in the analysis of the study. This included those written in the contemporary period. Contents of the study essentially were based on the information given by the Information Division of the National Conciliation

and Mediation Board. Leaflets and other write-ups were used for the content analysis. First hand information were acquired through the conduct of interview to particular authorities in the board and representatives of union, which have filed their cases on January 2002. These included the board's Research and Information Division for the statistical data of the board's performance in 2000 and especially in 2001; Labor Arbitration Officer of the board in furnishing for the discussion of the actual process of conciliation and Deputy Executive Director Ubaldo for a commentary of the whole conciliation in the country. Add to that, is the interview conducted on the unions themselves. The research had 3 respondents who actually attended the interview. Those were unions whose cases were still under a series of conferences. These were the Roche Philippines Employees Union-NAFLU, La Funeraria Paz Labor Union and the Samahan ng Manggagawa sa Chain Glass Enterprises, Inc.-UFSW. The establishment of the analysis was based on the views of the union representatives and the numerical data disclosed by the Information Division.

Data Analysis

Effectiveness of the National Conciliation and Mediation Board was calculated through the responses of the unions involved on certain disputes with the respective management. These included the (1) thorough participation of the members of the union in the conferences set by the conciliators (2) their attendance to the meetings, which is the major implication of their trust on the board's capabilities in handling the particular cases filed (3) their decision in actually choosing the National Conciliation and Mediation Board to attend on issues that they have filed. Their great hope that the board would actually be able to help them is one of the biggest measures that have been shown in the

study. Furthermore, the study will analyze the over-all performance of the board for the year 2001, which evidently showed a broader picture of conciliation in Metro Manila. Basically, the board's efficiency are actually manifested on the number of cases filed and the period with which the cases have been settled. This only shows that the board has its integrity and still is being trusted by the workers in being able to help settle their disputes. The fact that they continue in the participation of discussion will clearly state that chances of reconciliation are possible.

CHAPTER II

The Overview of Conciliation in the Philippine Setting

Disputes brought about by social differences are inevitable in every society or community. Misunderstandings leading to grievances are the usual cases evidently seen in a world full of diversity. Hence, the call for settlements is the primary goal specifically of the government. This is in order to cease potential conflicts that would arise in the future. Evidently, the practice of conciliation has not become an unusual thing for the Filipino people. As early as the period of the Filipino datus, the practice of conveyance has been very evident. Codified laws like that of the Kalantiao furnished provisions recognizing the presence of a third party in actually helping solve clashes that are in occurrence. In the said period, it was the datus who facilitated the parties in helping settle disputes and eventually reach amicable agreements.

As the period progresses, the country has evidently shown great developments particularly in restructuring the government's assignments of services. With the inevitable emergence of the so-called genesis of modernization, the capitalist-worker relations have become the watershed of the industrial relations in the country. (ILO 1993; 3) Subsequently, as the industries accelerate and provide for great avenues of business and employment, labor problems became rampant. Difficulties in the said area grew in number and complexity as large-scale factories and those in the small-scale level were compressed in cities and in the country's fast urbanizing towns and provinces. As the capitalists continued to pursue goals of expansion and earning more profits, workers continuously seek for better working items particularly the increase in wage. However, despite those goals, which are beneficial for both parties, the relationship of the two does

not in reality go smoothly. Adversarial positions were being taken both by the capitalist (management) and the workers. The fast paced demands started to become more rampant and evident. These events triggered the evolution of labor relations in the Philippines. The labor sector has become the focal point of the government's goal in maintaining peace specifically in the areas where economic factors are affected. Settlement of disputes became primal in areas concerning industrial peace and relations. Hence, the government's rationalized system for industrial relations began as early as in 1908. That was when the Bureau of Labor was established. However, the mid-30 marked the start of the government's move in the construction of machineries that would specialize in labor dispute settlement. (ILO 1993; 5)

This became a major concern of the government. "The effectiveness of its labor relations systems, as it is aimed at promoting industrial peace is measured to a very large extent, in terms of the contribution of the machinery responsible for the resolution and settlement of disputes between labor and capital in the improvement of labor-management relations at the enterprise or industry level." (ILO office 1993; 8)

Commonwealth Act 103 was introduced to be the first system of compulsory arbitration in regulating labor-management relations. This was in reply to the throbbing agrarian and industrial ferment in the same era. The said law created the so-called court of Industrial Relations (CIR) holding a firm and absolute jurisdiction over all matters affecting the workers. "It was empowered "to fix minimum wages" for laborers and maximum rentals to be paid by tenants, and to enforce compulsory arbitration between employers and employees, landlords and tenants." (ILO Office 1993; 16) Essentially, the court exercised powers to consider investigate, decide and settle all questions, matters,

controversies or disputes arising between employers and employees or laborers, and to actually govern relations between them.

Consequently, in 1948 the Philippines took part in the different conferences, which had something to do with sustenance of the government's aid in maintaining industrial relations. The country became a charter member of the UN, which adopted the Universal Declaration of Human Rights recognizing the freedom of association and the rights of workers to organize. In the same period, the country participated in the International Labor Organization adopting the Convention of the Freedom of Association and Protection of the Right to Organize (No. 87). It was followed by the convention on the Right to Organize and to Collective Bargaining. After which, the government ratified the two conventions and subsequently, Republic Act No. 875 was promulgated giving essence to the said assembly. The said Act basically departed from the idea of compulsory arbitration established under Commonwealth 103. (ILO 1993; 18) It essentially introduced the system of collective bargaining in labor management relations. Implicitly, the provision suggests that real industrial peace cannot be achieved by compulsion of law but more effectively through voluntary basis. The basic tenets of the act were, the protection and encouragement of self-organization; settlement of issues through collective bargaining; adequate governmental facilities for conciliation and mediation and rules for negotiating and administering collective bargaining agreements. This was executed in order to prevent unreasonable restrictions for free enterprise and labor and to encourage democratic methods of regulating the relations between the employer and employee through agreement voluntarily into a collective bargaining. Hence, no court in the Philippines shall have the power to set wages, rates of pay, hours

of employment and other conditions of employment. (ILO 1993; 13) But the court is able to fix wages on issues or cases connected to the national interest, which is certified by the President for compulsory arbitration. Furthermore, the court was given the power to actually settle controversies regarding representatives of employees by labor organization; grant investigations in labor disputes; prevent unfair labor practices and violations of internal procedures of labor organizations. Though it did not actually abridge the Court of Industrial Relations it has essentially limit its powers on issues of fixing wages and other terms and conditions of employment. However, the Act failed to meet its objectives for several reasons. Evidently, there was the absence of strong and effective workers' organizations' capability of dealing with the management. Although there was a freer room for the organization and foundation of unions, internal conflicts became the core reasons of intra and inter-union conflicts. "This failure of the CIR to act speedily to cases earned dissatisfaction by the people concerned. Workers became discontent and protests were shifted from the employer to the government." (ILO 1993; 18) The declaration of Martial Law banned strikes and lockouts including all forms of mass actions. The government then, provided the workers Presidential Decree 21 stipulating the countervailing right of the workers and the management to labor justice. This was through arbitration and protection. Thus, the National Labor Relations Commission was established. Its powers included conciliation, mediation and compulsory arbitration on all types of labor disputes, which the parties failed to settle among themselves. It was structured and established under PD 21 as a body ensuring the systematic means of settling disputes evidently occurring in both parties. That is, the workers and the management. This was constructed in order to make the system of

compulsory arbitration compatible with collective bargaining and as an effective machinery or alternative to strikes and lockouts. The commission was intended to hear cases filed and was expected to come up with rulings or decisions with regards to the dispute cases filed before them.

In 1973, as the newly amended Constitution took effect, a provision stipulated the “protection to labor clause”, which stated that “the state shall afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The state shall assure the rights of workers to self-organization, collective bargaining, security of tenure and just and humane conditions of work. The state may provide for compulsory arbitration.”

It was the period of the establishment of the NLRC under PD 21 that conciliation took a new shape. Under the decree, compulsory arbitrators of the NLRC were required to first conciliate both ‘rights’ and ‘interest’ disputes before they were arbitrated. “Such disputes ended up in voluntary arbitration to cover both rights and interest disputes, thus starting the integration of conciliation with arbitration as special features of dispute settlement under the present labor code. (ILO office 1993; 19) With this, collective bargaining has become the basic labor relation policy exercised within the framework of voluntary and compulsory arbitration in lieu of strikes and lockouts.

Amidst the construction of commissions and the establishment of laws and presidential decrees in the maintenance of peace in the labor sector, still the problems of the economy were inevitable. Conflicts were still evident. These continuously pressure the government to search for more innovative methods or approaches that would

specifically attend to issues needing immediate concern. Primarily, the government's aim is to actually sustain the labor-management relations. That is, to prevent strikes and lockouts. This of course would be true through shared responsibility and mutual respect. Consequently, ensuring the improvement of productivity, working conditions and quality of working life.

Though the conciliation system in the Philippines has started since the period of the Datus, it is still undeniably true that there have been loopholes causing the disputes to greatly multiply and become difficult to handle. Though the government had exerted efforts in constructing and restructuring previous organizations, still the clear scenarios of discontent particularly of the labor sector has become more and more evident. This of course is pain specially so in a country, which is developing. Economic stability is the primary goal of the government and it sees that the root of this would greatly be from the industrial sectors of the nation. Hence, any signs of weakness especially in the labor sector would indicate a failing economy. This, according to the government is translated to higher rates of poverty. It would be difficult for the government to sustain and to provide for its constituents.

The Establishment of the National Conciliation and Mediation Board

From the Commonwealth Act 103 (CA 103) to that of the Presidential Decree 21, it seemed that the government was not contented of the performance of its machineries. Cases filed were evidently suggesting a clear picture of a threatening situation. Under the CA 103, the country did not have a separate government conciliation service apart from the Court of Industrial Relations, which was given the authority to conciliate and arbitrate all types of disputes. The court as it was stated previously had the power to hear the

disputes. However, it should essentially be able to reconcile first both parties and to convince them settle their issues first before proceeding to arbitration. This is by means of amicable agreement. Consequently, issues agreed upon by both parties voluntarily shall be recognized and which would be the one accepted by the court. The Court of Industrial Relations basically had the least role in the participation to really help the parties settle the case amicably. Conciliation became a 'pre-trial' system, which would not concern the role of the court. The process of conciliation is an act voluntarily agreed upon by both parties. They do the process on their own. Hence, more often the government's function in settling disputes is to only decide through compulsory arbitration.

Under RA 875, conciliation became an extension of the collective bargaining with third party assistance. A Conciliation Service was constructed as the venue for hearing cases that have to be reconciled before actually proceeding to court. It has become a process of settling disputes arising from the failure of collective bargaining or the so-called "interest disputes" or simply "bargaining deadlock". In the latter part, the functions of the committee were transferred to the then Bureau of Labor Relations. Through the bureau's Conciliation Division, the responsibility of formulating and initiating plans and programs, developing and defining operating standards were done. Add to that, the division was complemented by a Mediation and Conciliation Section, Research Statistics and Accounts Examination for technical support and services.

Subsequently, in 1986, the constitution furnished the provision stating the need for governmental agencies to look after the maintenance of industrial peace between the workers and the management. In response to the mandate, the Department of Labor and

Employment, which is responsible for labor issues has been tasked to promote harmony, equity and stability of employment relations. Executive Order 126 Section 22, amending the DOLE enunciated the protection of the rights of both parties. Towards the end, the National Conciliation and Mediation Board was created under the supervision of DOLE on January 30, 1987. The said board currently caters labor disputes of all sorts all over the country. Cases concerning wage increases, other benefits and unfair labor practices are the primary issues tackled and resolved by the board.

“The National Conciliation and Mediation Board is attached to the DOLE, under the administration supervision of the Secretary of Labor and Employment. It basically absorbs the conciliation, mediation, labor-management cooperation and voluntary arbitration functions of the Bureau of Labor Relations (BLR) in accordance to the EO No. 126. An executive director heads the office of the board and is assisted by two other deputy executive directors.” (NCMB Briefing Paper) The President, with the DOLE’s secretary’s recommendation appointed those directors. The central office, which is located inside the building of the Department of Labor Employment, in Intramuros Manila has maintained two sub-departments. These are the Technical Support Services Department and the Management and Support Service Department.

As a staff and line office, the following are the primary functions of the board. Primarily, it is created to formulate policies, programs, standards, procedures, manuals of operations and guidelines pertaining to effective mediation and conciliation of all labor disputes. Generally, this is how the typical staff of the board works in the department. This is so in order to actually have a good grasp of ideals and techniques that would actually perform preventive mediation and conciliation functions. With this, the board is

tasked to coordinate and maintain linkages with other sectors or institutions and other government authorities concerned with matters relative to the prevention and settlement of labor disputes. In line with this, it has the duty to devise policies, programs, standards, procedures, manuals of operations and guidelines regarding to the promotion of cooperative and non-adversarial schemes, grievance handling, voluntary arbitration and other voluntary modes of disputes settlement. (NCMB, Conciliators' Handbook)

The two sub-divisions of the board have also their independent functions. The technical services department constitutes the actual process of conciliation. It basically manages the whereabouts of the staffs and the cases filed to it. There are three main components of this division and these are: conciliation/mediation division, labor-management cooperation division and the voluntary arbitration division. Generally, the technical division performs policy and program development. It does the advisory functions for the Executive Director/Deputy Executive Director on the administration and implementation of laws pertaining to conciliation/mediation of labor disputes, voluntary arbitration and labor-management cooperation. The division is also obliged to furnish counseling and technical services in the promotion of voluntary approaches to labor dispute prevention and settlement. Conduct of seminars, workshops, conferences and similar activities necessary for the effective undertaking of its function is also organized and done by the department. The three sub-divisions of the department have their independent roles in executing policies and in rendering services for the clients. The conciliation and mediation division primarily is the area where settlement of disputes with a third party transpires. It is here where the process of peacemaking occurs. "The practice of conciliation in industrial disputes has developed mainly in connection with

disputes arising from the failure of collective bargaining or because of unfair labor practices. That is, the negotiations between the parties with a view to the conclusion of a collective agreement.” (ILO 1973; 4) It is basically the duty of the division to be able to construct parties in conflict to voluntarily settle. For it is the primordial role of the conciliator to act as a third party assisting the parties concerned in their goal to meet at some agreement, which would be beneficial to both. In the current situation of the country, it has become the focus of the government to formulate approaches that would provide for the immediate need especially of the workers, who are the usual victims of unjust labor activities. With this, the division has the duty to fully render services that would cater the needs to the clientele. That is, a sort of tripartite mode of settling disputes. Assistance of a third party is furnished by the division to actually give technical help in the preparation of proposed collective bargaining agreements in administering it and in drawing up joint agreements.

While it is the goal of conciliation division to provide for the necessary maintenance of reconciling/settling disputes in order to prevent strikes or lockouts and to cease them, it is the duty of the labor-management division to oversee the operations of the structure of mechanism for labor-management cooperation to ensure their effectiveness as well as assist employees and employers in all sectors in setting up a model structure or mechanism for labor-management cooperation at various levels. Lastly, is the voluntary arbitration division, which like the rest of the divisions has the responsibility to maintain the technicalities of the whole operation. This area of the department basically nourishes the board’s necessities on materials or data needing technical support on matters particularly concerning the tripartite voluntary arbitration

advisory council. Just like the previous divisions mentioned, this obviously conducts the voluntary arbitration program, which in effect keeps up, compile and analyze arbitration awards and decisions.

Whereas, the Management and Support Services department concerns itself more on the policy and provision of effective and economical services relating to planning, administrative, human resource development and financial management. It also includes information and publication. Personnel working in this area are responsible for the updating and integration of policies, guidelines, manuals of operations for the use of the board and its clientele. It also has its sub-areas. This includes the administrative division, which primarily administer personnel program such as, selection and placement, training classification and pay, career and employee development, performance evaluation, employee relations and welfare as well as act on all matters concerning appointments, promotions, transfers, attendance, leaves of absence and other personnel transactions. They are responsible for the maintenance of security services of the board. The development and implementation of procurement and property management program is also another function of the division. Fiscal issues of the board are managed by the Financial and Management Division. Lastly, is the Research and Information Division, which disseminates the necessary information and research studies to the public.

The National Conciliation and Mediation Board has been working for almost 10 years now. Since 1987, the Department of Labor and Employment reports evidently showed high rates of improvements in being able to lessen strikes and foster industrial peace between the workers and the management. In the midst of a struggling society,

such as ours, it has always been the primary goal of the board to maintain and sustain the strength of the labor sector and to minimize the inevitability of conflicts arising due to unfair labor practices or agreements that have not become beneficial to both the parties concerned. The board has evidently been a clear-cut exemplar of machinery that helps in promoting the strength and sustainable industrial relations. In fact, since the creation of the board, the idea of it indeed lessened the so-called prolonged cases of industrial disputes. This as what the executive order had essentially implied, is an arm of the government that would cater problems concerning both the workers' sector and the industry itself. It has basically suggested the idea of voluntary settlement with the aid of a government official. This is to guide both parties on interpretative matters triggering misunderstandings between the parties. Hence, it is the primary rationale on why a conciliation board was in the first place created. The government wanted for the parties concerned on labor-management disputes to be able to settle their issues through compromise. That is, for both parties to voluntarily search for amicable solutions and reach on agreements beneficial to both of the parties. The government then is there to assist the parties and help them reach these mutually accepted demands. In the long run, this system as what the government perceived would be a huge factor in promoting economic development for the whole country. Thus, it has always been the government's concern to sustain the stability of the industrial sectors. This in fact is translated according to the government as the relations between the workers and the management. Conflicts that may arise between the two of them are the threat to economic stability. Hence, the primordial issues that conciliation attends to are issues concerning national interests. As the government explained it the strength of the economy is equated to the

strength of the relations between the workers and the management. Thus, whatever conflicts may possibly arise in the course of this relationship would inevitably affect the status of the economy and the people. The connection of the two players in the industrial sector and the labor sector is the backbone of a strong or a weak economy. For this is where the industry relies its sustenance. Without which it weakens the goal of achieving a stable economy that would basically cater the necessities of the people. This is how the government sees the whole scenario. Hence, it has been its huge concern to create elements that could immediately attend to matters affecting the national interest. As in the case of conciliation, the NCMB has been the factor contributing to the minimal cases of labor-management disputes since 1987. Though, it is undeniably true that in the previous years before the board was created, strikes were great in number. Conciliation then was not that very effective yet. As the current deputy director of the NCMB reported strikes in the previous years were almost 600 in number, in the administration of the board, it has minimized to 43 cases of disputes ripened into actual strikes. This statistical data is evident in the year 2001. From a huge number of unsettled cases to an almost 95% of improvement, last year proved the NCMB's performance as something outstanding and could really be a proud product for the people. Though unsettled cases were still evident in industries the board continuously provides aid for the workers and the management to reach on amicable mutually accepted demands.

The formative years of the National Conciliation and Mediation Board, according to the Department of Labor and Employment have become the good machinery, which the people can reach in times of difficulty particularly on interpreting how the law actually works and what the contents of their collective bargaining are.

The prescribed process of conciliation

Conciliation procedure generally transpires through the initiative of any parties to the dispute in filing of a case and request for immediate conferences or meetings. The filing of the issues to the board is the usual cases of failed collective bargaining agreement or clear picture of unfair labor practices. (Peters 1952; 56) This is when particularly the union would start to request for an immediate third party who could most probably be able to allow both parties to meet and eventually confer on matters that would be mutually accepted by both parties. But, even if the parties have not yet filed their case to the board, it is empowered to take notice of the disputes that arise.

The timing of intervention basically occurs when a party to the dispute has submitted necessary documents for the filing of the issue. Law requires parties to submit the reports of disputes in advance notice of proposed strikes or lockouts to be given to the conciliation authority. This is to give time for the board to study the matters concerned. When the issue has been raised and has been properly submitted, it is then the period of assigning the case to the conciliator. The conciliator has now the jurisdiction to study the case and eventually think of the possible solutions that may help the parties meet at some points and eventually confer on matters agreeable to both of them. (Peters 1952; 63) Primarily, the board encourages the parties to establish agreed procedures for the prevention and settlement of disputes through collective bargaining. This translates to the conciliator's responsibility in being available to assist the parties when there has been a breakdown of the procedure, not by going into the merits of the dispute but by proposing ways and means on that the parties may agree to. It is the primary rationale on why conciliation has been created. That is, to allow both the union and the management

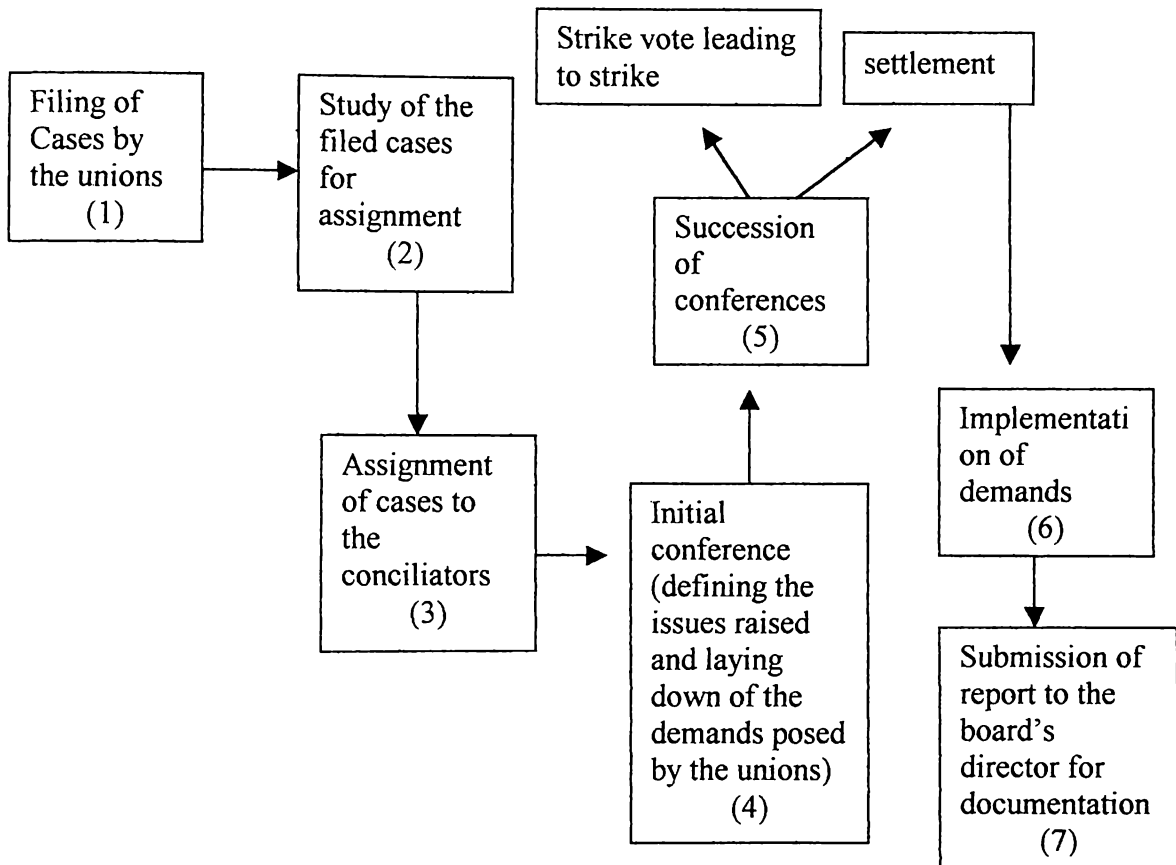
settle conflicts through themselves. What conciliation does is to actually create an atmosphere that would be very conducive for both parties in order to provide a peaceful and light scenario enabling the parties concerned to open up. It is basically the most difficult task of conciliation. Since these parties are already in conflict, the idea of bringing back their confidence and trust to both of them makes the situation even more complex. Hence, it is important that the conciliators are really able to reach out to both parties' concerns. It is the primary element that the government has always given attention at. The attainment of economic development starts from a stable industry and this would be reached through the peaceful and smooth relations between the management and the workers.

Conciliation essentially encourages the initiative from both parties. This is not a mandatory call that awaits sanction once failed to attend at. It would basically be an art that would actually be persuasive enough to make both parties confer to certain agreements that would be mutually beneficial to both of them.

After the parties have agreed on issues and decided to meet on demands that have been raised, the case is considered settled. The agreement would be written and be submitted to the conciliator as part of the board's documents. Consequently, the conciliator is required to write a report to the head officer of the board. Reports reached at this level basically see through the macro status of the industries, which is translated to the condition of the labor-management relations.

Figure No. 4

PROCESS OF ACTUAL CONCILIATION



CHAPTER III

The Conciliation Process in the National Conciliation and Mediation Board

Filing of a particular issue is the primary step before a union gets its schedule for hearing. This file will be submitted to the office of the NCMB particularly to an officer-in-charge. In this case, the Labor Arbitration Officer is in authority to accept the cases filed. He is responsible for filing the papers and their submission for the assignment of the cases to the conciliators. Cases filed are categorized as notice of strikes or lockouts, actual strikes and for preventive mediation. These are segregated and eventually given to the conciliators' for further scheduling of conferences. An initial meeting or conference is conducted, which in effect a result conferred upon by both parties concerned. The time for the initial meeting will be heard by the conciliator in charged with the case. The cases filed to the arbitration officer are then forwarded to the director of the board for the final assignment of the cases. He is tasked to give that particular case to the conciliator whom he sees to be qualified as an officer to sit on the issues raised by the complainant. In this case, it is a mostly the unions. After which the arbitration officer is then tasked to notify the other party (management) for the initial conference. Within 3 days upon receipt of the notification, in this case, a notice of strike, the conciliator shall set the initial conciliation within 5 days. This is the maximum period for the primary meeting of both parties to be able to discuss matters and issues demanded by both parties. The initial conference is set to define the issues raised. That is, to learn the boundaries of the merits of the issues to be discussed and resolved. This is to limit the boundaries of the merits of the issues laid down. After the initial conference, the conciliator will then schedule the succeeding hearings for the parties to attend. In cases, like unfair labor practices a

cooling off period of 15 days is given. This is the span of time that the case would be heard and eventually to be able to reach amicable settlement. However, in the event that both parties are not able to settle the issues within the period, staging of strikes would be inevitable. The process is for the union to conduct a strike vote, which is a requirement before the staging commences. When the results are valid then they can pursue the strike. However, upon the submission of the strike-vote results, the unions are given a 7-day strike ban. This again would essentially become a cooling off period where the conciliator may still continue to convince both parties to settle their issues. Thus, right after that, the strike planned can commence. But as far as the NCMB is concerned, conciliation continues even if the unions have already staged the strike. Whereas in the cases, like bargaining deadlock, the board sets a 30-day cooling off period and also a 7-day strike ban. If in the process or discourse of the case conferences and hearings, settlements are far to be attained, staging of strike is expected to occur. But, like the case of unfair labor practice, the board sets a 7-day strike, which should commence right after the 30th day of the cooling off period. This is to allow the conciliators exhaust every possible means in order that both parties be able to meet and discuss on the issues eventually ending up with mutually accepted demands.

In the course of the conciliation process, it is a requirement for the conciliator to submit a report to the directory of the board. Detailed accounts of the conferences are then forwarded to the office of the DOLE and then to Malacanang. This would be part of the annual report of the state's assessment on the economy and the sectors comprising it. Reports submitted by the conciliators contain the merits of the case and how it went.

After which the papers, including the apprentices provided by both parties in support of the demands being claimed are done, they are submitted to the director. These papers are considered the board's documents and are now filed in the office taken care of by the Labor Arbitration Officer.

The matters being agreed upon by parties are implemented during the period conferred upon by both of them. Depending on the time that both parties agreed to follow should the effectivity of the resolutions be acted. Insofar as the matters have been signed, the conciliator can then be in authority to declare the case settled.

The track record of the National Conciliation and Mediation Board

The case of the National Capital Region showed that a total of 381 cases of notices of strikes in the National Conciliation and Mediation Board have been filed. This according to the Information Division of the board translates to a lower number of cases filed last year than in the year 2000. Evidently, the latter has reported to acquire 432 number of cases also from the National Capital Region. This suggests a lower rate of cases attended to by the board in the year 2001. It has been reduced to about 51 cases from that of the year 2000. This evidently indicates an improvement on the part of the labor and industrial sectors of Metro Manila. Notices of strikes have been seemingly minimized. Compared to the year 2000, last year has become a clear presentation of development in the field of promoting industrial peace.

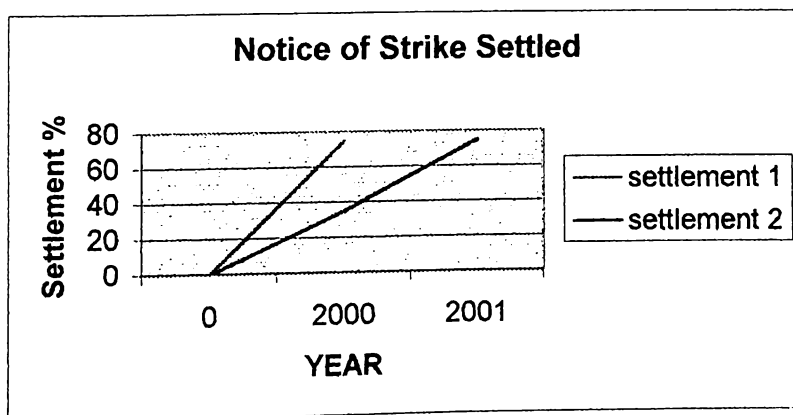
Industries concerned in this case constitute those from the field of education, mining, transport, garments, hotels/restaurant, insurance, banking, construction, hospitals, hotels and manufacturing. All of which were filed in the year 2001. These are industries

from the NCR. These 381 cases of notices of strikes were disposed accordingly. After almost the year 2001 ended, an approximate result of cases disposed in the manner of settlement was released. As of December 31, 2001 statistics showed that there have been 309 cases settled. Notices of strikes were ceased and the unions have been able to acquire their demands. Compared to the year 2000, wherein there have been 350 cases settled, considering the 438 filed cases of notices of strikes, showing a difference of 28 cases, which compliments the year 2001 to be in a better performance than in 2000. The remaining 60 cases in the year 2001, which have not been settled might have been constituted those cases that were still pending and newly attended to by the conciliation division or have been disposed in any other manner. (See Table 1)

Table 1. Notices of strikes handled by manner of disposition: Metro Manila

	YEAR	
	2000	2001
Disposed	438	369
Settled	350	309
Filed	432	381
Pending	37	31
Settlement %	74.63 %	75 %

(Source of data: National Conciliation and Mediation Board's Research Division)



Periods of conciliation took place in accordance with the issues raised by the complainants. As data have shown greater percent of the issues raised are those concerning unfair labor practices. Whereas, the smaller rate are those issues concerning bargaining deadlock. Metro Manila exemplifies clearly this situation. The time mostly spent on this issue (unfair labor practices) is one week. The conciliators exert their utmost efforts in making both parties meet at some end for 7 days. After which, the parties are then given enough time to think matters over. However, at the time the period has already ended, it would be an inevitable tendency for the complainants to stage strikes or not. In the case of the area of Metro Manila, there has been a clear picture of a 75% settlement on the cases of notices of strikes. Conciliation has successfully stopped notices of strikes filed by the unions. Information division disclosed that a period of almost 5 days enable the conciliators to actually attend to the conferences. Particular demands were assigned on the first 2 days of the initial meetings.

Out of the 309 cases of notices of strikes settled in 2001 in Metro Manila, the issues concerned were, illegal dismissal/suspension of union officers/members; discrimination against/harassment of union members/union busting; refusal to bargain/bargaining in bad faith; violation/non-implementation of the collective bargaining agreement; retrenchment/rotation/reduction in working time; and illegal lockout/shutdown. These are under the banner of unfair labor practices. All of which were settled last year. Furthermore, particular issues regarding bargaining deadlock included wage increases, allowances, overtime pay, 13th month pay, Christmas bonus, leave of credits and welfare benefits. These are under the economic provisions prayed for by the complainants. Another would be that concerning non-economic provisions.

These include, the general labor standards except on health and safety, which comprise the wages, hours and working conditions. Particular matters are 13th month pay, vacation/sick leave, separation/retirement pay and social security benefits.

Table 2. Number of strike notices filed by issues involved: as of December 31, 2001: Philippines

ISSUES INVOLVED	2000 Number	Percent	2001 Number	Percent
Total cases filed	734	100%	623	100%
Illegal dismissal/suspension of union officer/members	250	34.06%	213	34.19 %
Discrimination against/harassment of union members	298	40.60%	274	43.98%
Contracting-out of services normally performed	11	1.50%	19	3.05%
Refusal to bargain/bargaining in bad faith	84	11.4%	72	11.56%
Violation/non-implementation of Collective Bargaining Agreement	134	18.26%	120	19.2%
Bargaining deadlock	113	15.40%	105	16.85%
Retrenchment issues	46	6.27%	54	8.67%
Minimum wage	2	.27%	1	.16%
Other labor standard issues	10	1.36%	12	1.93%
Bargaining deadlock (non-economic)	1	.14%	0	0%
Other issues of unfair labor practices	387	52.72%	314	50.4%

(Source of data: National Conciliation and Mediation Board's Research Information

There were packages constituting the exact demands of the workers from the management. On issues on unfair labor practices, the matters were arranged through the cooperation of the management concerned. Issues on suspension of union officers, union busting and the non-implementation of collective bargaining were resolved. Workers involved have again acquired their positions and continued working in the company. Most of the cases heard by the conciliators were resolved through proposals suggested by conciliators. There would be instances when the management would not agree on absorbing the retrenched workers. In times of this, the conciliators would explicitly cite possible consequences for the company. For instance, a bad image in that particular industry would cause the company's decline in its reputation. Another matter would be a great loss in manpower. Considering that these workers have been serving the company quite a long period, it would cause a huge decline in production. Moreover, is the thought that it would be a different situation for the management once the workers would stage a strike. Not only would it encourage the rest of the members in the production to join but that strike would boost the morals not only of those working in the company but the people outside the company. Most of the instances, the conciliators would persuade the management to agree on absorbing again the workers. But of course, this is not an easy practice by the conciliators. Merits of the issues are thoroughly discussed. Hence, most of the issues concerning ULP took more than a week to actually settle. (See Appendix) Since issues tackled here are not really economic and do not concern money matters, persuasion on both parties to confer at the soonest time is the most effective manner that could be done to the parties. Whereas, in the cases of collective bargaining, economic provisions were laid down. These included the exact amounts of increases

(i.e., wages) that the union would want to acquire. In these cases, the conciliators suggested proposals on ends that were not agreed upon by both parties. Persuasive attitude of conciliators in laying down the proposal is the most effective tool in enabling the parties to agree. This happens to those packages laid down by the unions, which were not accepted by the management.

To date, the NCMB hears 21 new cases for the month of January in Metro Manila alone. 90 % of which are issues of unfair labor practices that led to notices and actual strikes. As the Information Division has said, the board is up until now trying to live up to the expectations of being able to at least maintain the level of its performance even better than the previous years.

Table 3. Notices of strikes disposed through settlement: as of December 31, 2001 (Philippines)

MONTH	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	TOTAL
Number of Cases	32	35	55	38	48	33	46	41	35	39	37	32	471

(Source of Data: National Conciliation and Mediation Board's Information Division)

Table 4. Notices of strikes as of December 31, 2001: Philippines

	2000	2001	% change
Disposed Cases	748	620	- 17.1%
Settled	594	471	- 20.7%

(Source of Data: National Conciliation and Mediation Board's Information Division)

Evidently, the workers can attest to the board's level of performance. Though not perfectly appreciated, the point of being able to see the efforts of promoting peace and helping settle conflicts that arise between the parties. A union president remarked that the National Conciliation and Mediation Board essentially provides for the parties to confer to some venue where both can mutually raise their issues. It basically is able to harmoniously put both parties in a pedestal that encourages both of them to discuss

without pressure and external intervention. The board has successfully encouraged both parties to meet at some end and is able to help them settle their issues. Hence, there are cases easily resolved. But of course it is true that not all cases are given resolutions. Still, there cases even pending in the board, which are not yet settled.

The board, as what another union has shared, indeed is efficient when it comes to actually attending to the conferences. In fact, as soon as the case is filed in the office, meeting would transpire on the following day. They are, according to the President of this union very efficient when actually hearing the case. Issues are immediately addressed to the management. Thus, the union or any complainant is not left unattended. The board is undeniably a client-friendly entity. They have undeniably attended almost every type of cases and have no hesitations in entertaining even those without their jurisdiction but have something to do with labor matters, which it deems to be in need of an immediate conciliation.

The board serves to be the bridge of both parties in conflict. They actually take part in interpreting the matters that have not been agreed upon in the collective bargaining or those that are not mutually understood by both the parties. They are making connections for both parties and indeed successfully meet this goal. Parties and management do comply. However, as what the unions have said, it is not all the time that the board has successfully able to let the parties meet. There are cases that one of the parties would not attend the prescribed period of conference, which eventually would lead to misunderstandings and all the more would cause the case unresolved. This is evident in some of the cases filed in the NCMB. The union admitted that it indeed is happening no matter how we try to statistically claim that the board has become an

effective and efficient entity of the government. But the fact and the most important is that that, the unions still trust the board in actually being able to meet the parties at some points. The confidence that the board would be able help both of them in laying down each of their concerns is there. This, according to one of the union president is the most remarkable effort that could be credited to the board. The difficulty of being able to persuade both parties knowing the fact that still, the decisions would be voluntarily done, its persistence in actually convincing both parties is the most significant contribution the board has actually done for them.

The board as what the union deemed, is the only entity of the government they could actually run to for immediate solutions and attendance to their cases. Thus, they see the importance of the board's existence as something, which especially the unions would need. For it is an entity that enables both parties to meet face-to-face and to talk and eventually agree on matters that would not only further the interests of one party but the both of them. In the event that the conciliation board begins to hear the cases, the relationship of both the parties that has been damaged would again be healed. This time it is for a more decent and peaceful discussions. The board indeed is an entity that caters all and evidently exerts all its efforts in helping both parties resolve their cases. It is not an easy task, as what another union representative has said. Because its pure duty is to create an atmosphere conducive for the parties to discuss, it has no power to decide on matters laid down. Hence, it is a great responsibility for them to attend to this kind of hearings. Their skills in persuading both parties in attending the meetings are the factors that brought resolutions to the cases.

The efforts of the board cannot be denied and indeed it has exerted so much of it. Though not all cases in the whole of the Philippines is settled by the board, as what the union representative has said, it has somehow proven that conciliation indeed efficiently and effectively caters the immediate need of the parties in conflict. Moreover, is the fact that more cases are settled especially in Metro Manila, which a greater number of the industries are based. Indeed, the National Conciliation and Mediation Board undeniably exert its efforts and relatively meet the needs of both parties. Their effort are not at all discarded for as what a union member has remarked, "They are the immediate hope of the parties especially the workers in being able to give light to the darkness of their situations."

Case #: 08-236-01 NCMB-NCR-NS

Merits of the case

The case concerning the FEU-Nicanor Reyes Medical Foundation was settled on September 10, 2001. The company is located at Regalado cor. Dahlia St., West Fairview Q.C. It basically does hospitalization, health services and medical education. The case was filed by the FEU-Nicanor Reyes Medical Foundation Employee's Association-Alliance of Filipino Workers on August 17, 2000 after the parties' failed collective bargaining agreement. About 224 workers have been involved in the said complaint out of the 432 workers. Primarily, the issue raised by the union is the alteration of their wages including an implementation of the signing bonus. After 5 days of the filing, an initial conference was conducted under the conciliation of Conciliator Romulo. The parties were requested to attend the hearing on August 28, 2001. Definition of the issues

specified. Both parties have met every conference for improvements in the discussion. Though there were periods where the parties were not able to meet on ends, the conciliator has seen to it that the attendance of them on the hearing should be perfected. Fortunately, the parties have attended to all the conferences set. Presentation of issues and other developments were expounded and the management has been very cooperative in hearing the side of the workers involved.

Actions taken by the NCMB

Initial conferences that have transpired discussed primarily the merits of the complaints. Since the issue was unresolved in the collective bargaining, the union has decided to again present their demands. After almost a month of thorough conferences, which entertained both parties' concerns, the case was settled on September 10, 2001. Initially, the union has laid down the net income earned by the company to support their claim that the management is really capable of providing for the demands presented by the union. The following statements were handed over to the conciliator and were presented to the representatives of the management present in the conference. In 1998, the company has earned a total of PhP 56M, which became higher by PhP 4M in the following year. Which translates to PhP 60M total earnings. The succeeding years were have been evidently showing great increases in the returns. Except in the year 2001, where the company has only gained PhP 12M compared to that of the year 2000 where it actually earned a total of PhP 21M. But, according to the union, this is not really a huge loss for the company. In fact, it has earned PhP 168M as an Extra Ordinary Income from the sales of the property in Morayta. This in effect would still define a great compensation for that low earnings gained in 2001. Making the foundation still so much

capable of actually releasing an increase for the workers, particularly those who have been working for a big number of years in the company. An over-all summation of the 4 years earnings would translate to approximately PhP 150M, constituting a PhP 37M average income for the four years presented.

Having seen this capability as what the union has been disclosing, they have laid down their demands. They have requested for a PhP 9.00 monthly salary increase, which included the signing bonus, meal allowances and hazard pay. With this, they have presented an informal offer, which consisted of a three year starting plan for the workers. This comprised of a PhP 750.00 initial increase for the first year and a PhP 700.00 for the 2 consecutive years.

However, the management was not able to agree on this package. Though, according to them, it is a fact that the company has earned quite a huge income on those four years that were mentioned, it is still undeniably true that the foundation has also lost considering the fact that the year 2001 was indeed a low picture of a company earning in an increasing manner. The total amount earned in the past 3 years has only compensated for the loss gained by the company in the year 2001. This, the foundation has claimed would not be able to furnish the demand posed by the union. It would be hurt the expenditures in the cost of production, which in effect would relatively paralyze parts of the company's operation.

Agreement

Having heard the side of the management, the conciliator again has set for succeeding conferences that would encourage developments in both parties particularly in setting packages that would eventually be agreeable to both of them. Evidently, in the

10th of September, the parties have agreed on the packages arranged and proposed by the conciliator.

The following are the agreement conferred upon by both parties:

1. Wage increases, which would start on the first three years and were translated to PhP 550.00 + 100.00 = PhP 650.00/ month on the first year and PhP 500.00 + 100.00 = PhP 600.00/ month on the second and the third month. The additional PhP 100.00 monthly salary increase “should be creditable to whatever salary adjustment under Wage Order that the Congress may promulgate, using the wage distortion formula.” (Memorandum of Agreement)
2. Signing Bonus for a month’s salary, which was based on the old rate. This as they have agreed upon is payable every 30th of the month for 2 months. In this case, it would be on September 28, 2001 and October 31, 2001.

The agreement took effect on May 1, 2001. The case has been considered settled.

Case #: 12-35261 NCMB-NCR-NS

Merits of the case

The case concerning the Radio Philippines Network Inc. (RPN 9), located in at Capitol Drive, Old Balara, Quezon City. This was filed on December 4, 2001 and was under the conciliation of Ms. Quimpo. The strong 325 involved workers of the RPN 9 Employee’s Union have submitted the documents for notices of strike. The filing of the case was due to a deadlock in the collective bargaining, which was planned to transpire

for the next four years. That is, 2001-2004. Primarily, the issues raised were wage increases and other financial benefits.

Actions taken by the board

The union has presented the list of the particulars in this matter. It included 15 specific proposals, which included yearly salary increase, signing bonus, meal allowance, rice and sugar ration, educational savings fund, anniversary award, risk premium, loyalty service pay, separation pay incase of retrenchment/redundancy, permanent/total disability period, medical benefits (hospitalization and medical care of all employee's dependents per year, fifty percent of the expenses incurred for the ff. items shall also be reimbursed by the company. For married employee, dependents include spouse and children; for single employee, parents only. This would cover, hospital and room board, medicines, blood transfusions, professional fees and laboratory examinations) and vacation leave.

Agreement

These demands that were posed by the union during the collective bargaining period have failed to gain counter proposals from the management. In effect making the status of the case in a deadlock. The parties have met several weeks, which reached almost a month before finally deciding on accepting the proposals set by the management. The conciliator also suggested most of the packages proposed by the management. Finally in January 18, 2001 both parties have agreed to accept the proposed grants concerning most specifically the salary increases the union have been requesting since the collective bargaining period.

The management agreed to grant the following terms to the workers involved in the case:

1. Salary increase of PhP 400.00/month effective on July 1, 2001 plus a PhP 56.25 every month on the succeeding years, which would be implemented on November 1, 2001 for the second year and February 1, 2002 of the third year.
2. "Parties have agreed to use the 251 days factor for computing retirement/separation benefits only to take effect upon signing of the agreement." (Memorandum of Agreement) Moreover, they have agreed that those employees whose services are extended or the separation pay or the retirement pay is not yet fully paid should be covered by the abovementioned term.
3. The management granted rice subsidy of nine sacks per year to all covered employees
4. They have agreed to negotiate on the second and third years of the collective bargaining agreement in June 2002. This would constitute the issue on the starting point of salary increase, which would amount to PhP 400.00/month.
5. Parties have also agreed that the plant-level negotiations or the collective bargaining agreement should be part of the memorandum of agreement conferred upon.
6. The management has agreed to grant signing bonus of PhP 1,800.00 each covered employees.

After which, the case was considered settled and the parties especially the union awaits for the implementation of the agreements. The case was immediately dropped off the schedules of the board.

Merits of the case

The case concerning the restaurant of the Hap Chan owned by a certain Chinese national was filed on August 28, 2001. The said restaurant is located at Edsa South triangle, Quezon City. The Hap Chan Employee's Union-GLOWHRAIN has submitted the document claiming a case of unfair labor practice, which consisted of illegal lockout, illegal termination, illegal suspension and discrimination, harassment and union busting. A notice of strike was then forwarded to the management. However, due to irreconcilable differences the notice has ripen to strike and the union has picketed.

Actions taken by the board

Prior to the staging of the strike, an initial conference was conducted in response to the filing of the said union. On September 3, 2001 the issues raised have already been clearly defined and the conciliator has set another period for the parties to meet. That was on September 7, 2001. After which, a partial agreement was conferred upon by both parties. As the memorandum of agreement has stated, the parties, which comprise the union assisted by the labor federation and the management represented by counsels have agreed on the following:

1. The cessation of the management's acts of unfair labor practices involving harassment and coercion.
2. Withdrawal of the union's claim on issue concerning union recognition. They shall wait for the decision regarding the pending petition for certification election.

3. The management manifested that there would be a continuous operation for the 16 union members. 3 of these members have already been absorbed. 6 have already signed the employment contract and should be accepted again in the company. As for the remaining 7, who have refused to sign the contract should still be reporting to the National Conciliation and Mediation Board for briefing and other matters to be discussed by the management.

These were the partial matters agreed upon by both parties. However, on September 19, 2001 new matters have transpired. According to the union, the original 6 workers from one of the branches of the company, who signed the employment contract on the partial agreement was not accommodated. In this event, the union requested for another conference to be conducted after 3 days appealing for the presence of any of the top management officials.

The following conference was held on the 22nd of September and the conciliator has proposed for the management to release the payment of separation pay for those below 6 months in service. However, the said proposal could not take any effect for the management's counsel was unable to contact the management itself, thus, he could not decide on matters suggested by the conciliator. Again, the parties were asked to attend for another conference 5 days after. However, the next conference did not settle the issue. It took several weeks for both the parties to again discuss the matters and hopefully be able to settle. On October 3, 2001 the conciliator has proposed another set of terms, which the parties could think over. It included, financial assistance of PHP 3,000.00 each for the union members who are considered to be below 6 months in the service. Moreover, it has been suggested for an actual reinstatement of the 13 union

members. Lastly, is the payroll reinstatement of the union's president and vice-president up to the Labor Arbiter Level.

Having presented the following suggestions to the parties, another conference was set on the 11th of the same month. This was to give the parties the chance to study the conciliator's proposal.

In the midst of the period given for both parties to think things over, a memorandum of agreement was released concerning the alleged illegal dismissal of certain workers. The local union officials have decided to forward the said issue to the National Labor Relations Commission (NLRC). However, on the following day the incident was discussed and the union has been asked to give the management reconsideration of the matter. Inclusive of the matter is the deliberation on the contents of the memorandum of agreement presented by the union.

Agreement

After the said deliberation the management has presented its proposal for the benefits asked by the union. The management agreed to the act of filing to the NLRC by the union, which concerned the alleged illegal dismissal of local union officers and members. Furthermore, the management has agreed to grant separation benefits computed at one month per year of service. This included earned and unpaid salaries equivalent to 13th month pay, unused leave of absence if there are any to the employees who are considered to have rendered more than six months service with the company. Moreover, is the agreement of both parties in lifting the picket within 72 hours and to clear the picketline of banners, streamers and all other unsightly materials relative to the actual strike. The management also should accept all other striking workers who

participated in the strike except for the members who have filed the case of illegal dismissal to the NLRC. Lastly, is the agreement that no retaliatory action should be taken against both the parties in connection with the actual strike. It was recognized that all other cases filed by both in connection with the actual strike are deemed withdrawn.

Right on the very same day, the management has expressed its resistance in accepting certain terms proposed by the union in the draft of the memorandum of agreement. According to them, the management could not possibly accept all striking workers to go back to work and the proposal about the retaliatory action clause including the financial assistance of the workers who are less than 6 months in service to the restaurant. Amidst the continuous conferences held between the parties, still they are not able to resolve their dispute. Until November 6, 2001 the union has finally presented their position on the matters. They have in fact listed the items. This included, a separation pay of 20 days/year of service; a payment equivalent to a 13th month pay; 5 to 12 days cash deposits, if there is any and unpaid earned salaries. Consequently, the counsel has promised the union, witnessed by the conciliator of the management's deliberation on the issue. These would include, the 20 days separation pay, financial aid amounting PhP 2,500.00 each for those more than a year in the service, an inclusion of affected workers numbering to 12 assigned to the other branches to receive the same benefits like the head office. The union has studied these proposals.

Finally, on November 8, 2001 both parties have agreed on the following packages. These include:

1. The grant of monetary benefits computed as:
 - 1.1 eighteen days/year of service as separation pay

- 1.2 equivalent 13th month pay
- 1.3 earned but still unpaid salaries
- 1.4 financial assistance equivalent to PhP 2,500.00 to those below one year of service
- 1.5 financial assistance equivalent to PhP 5,000.00 to those with more than one year of service.
2. Extension of financial assistance to particular employees computed as PhP 5,000.00 each, who had rendered below six months actual service
3. Normalization of operations effective November 9, 2001
4. Payment of the management the monetary benefits legally due, such as the 13th month pay and earned but unpaid salaries.
5. Lifting of the picket within 10 hours effective November 8, 2001 and the clearing of the picketline of its banners, streamers and all other unsightly materials relative to the strike
6. Withdrawal of the union in all cases pending before any and all government agencies in connection with this labor dispute
7. The “no retaliatory action” should be taken by both parties in connection with the current dispute both are in
8. Payment of the management in cash the benefits that have been agreed upon in the latter.

Having listed the agreement and accepted the approval of both parties concerned, the dispute concerning this particular restaurant has been settled after almost a month of struggle in being able to hear both parties discuss their own issues.

CHAPTER IV

Analysis

The Importance of Conciliation

Conflicts in the relationships of workers and the management are inevitable. There would always be misunderstandings in between them because of the fact that there are acts, which are deemed to be not beneficial especially for the workers. Having this kind of situation, it would be unavoidable to expect disorder and imbalance particularly in the industrial sector. Consequently, with this condition the national economic status would inevitably be affected. Undeniably, it would hurt the economic sustainability that every government would want to achieve for the country. If in any case disputes of this kind would not be settled or resolved problems of unemployment would be ineluctable.

This is why the government has adhered in the promotion of industrial peace between the workers and the management. The state believes that unless a third party would take part in helping solve conflicts between parties, issues would prolong and would inevitably find it difficult to be reconciled. If this would be the case, then it would cause greater problems especially when viewing the scenario in a national level. It is basically the government's responsibility to see to it that every sector in the society would have an environment that would be able to hear whatever matters concerning their needs. The Constitution has evidently provided for this.

In the cases of labor-management disputes, the government has created agencies that would help the parties meet and be able to at least reach some sort of agreement and settle on terms that would be beneficial to both of the concerned. The Department of Labor and Employment, being the sole agency of the government that caters for the

immediate need of the workers, has created an entity, which would be particularly attending to this kind of situation. The construction of the National Conciliation and Mediation Board indeed has become a very significant part of the department's goal in actually maintaining peace in the industries. It has become very significant in actually playing the third party in helping both parties to meet and be able to discuss the issues raised especially the workers. They have become an important formula in creating an atmosphere conducive to both parties. This is the reason why the government has adhered in promoting the idea of voluntary settlement. Conciliation per se is seen to be a very important tool in actually reaching for an amicable settlement between two disputing parties. What is essential in this is the fact that both parties voluntarily agree to meet on some place in order to discuss the issues and eventually confer on terms that would be mutually acceptable to them.

The Department of Labor and Employment believed that the only way for which the parties in dispute be able to meet is through a third party that would be very persuasive enough to convince both particularly the management to appear in meetings. This is important because the participation of both parties in the conferences would be the greatest factor that would lead to the settlement of disputes. What the National Conciliation and Mediation Board does is that, it creates the atmosphere that would in effect harmonize the relations of both concerned. Since the so-called trust has been already broken it would be impossible for both parties to immediately meet and revive that friendship that has been established at the very start. This is when the board comes in. It basically is the one responsible in setting the mood for a cool period of settlement. This is important because the very nature of the board's function is to actually create an

environment that would peacefully allow both parties to meet. Indeed, the board has been successful in rendering that kind of service.

As what the data showed, the board has not only meet the standards of improving the situation of the workers but it has also given hope to those cases that are still pending in the board. The idea of conciliating cases in order to be settled is one of the breakthroughs that the government has constructed for public service. Though it has only been alive for almost a decade now, the board has showed remarkable status as an entity that has relatively maintained peace and amicable relations in the industrial sector.

Workers who have had their cases filed before the board can attest to the board's efficiency and effectiveness in rendering the service to them. Though it is undeniably true that not all cases are solved, clear picture of improvement has been very evident. The board has incessantly pursued the goal of actually sustaining and fostering industrial peace. As what the Labor Code has stipulated, the board has nevertheless done its part in fulfilling the basic goal of the government. That is, to create a smooth and diplomatic relations between the workers and the management. The labor force is biggest factor that sustains the industries. Thus, it is important that the needs of the workers should be provided insofar as it is in accordance to what the law has stipulated. On the other hand, the management also plays a significant role in the provision of the basic needs of the workers. Hence, their relationship is the most important factor triggering the continuance or the stoppage of operation. The government obviously would not opt for the cease of the company's operation, hence it is important to think of ways in order to make both understand each side and eventually reach on some terms.

Basically, the National Conciliation and Mediation Board have been successful comparatively. It is a fact that the country still has not eradicated the problems of that the labor sector encounter, the board has been trying so hard to minimize this difficulty. The Department of Labor and Employment have been loaded with hundreds of cases everyday. There are different varieties of problems faced not only by the workers but the companies as well. These would not only constitute problems regarding labor-management disputes. The department attends to all kinds of problems even those concerning personal ones, which would also concern especially the workers. Whether they would deny it or not reality speaks for itself. Problems in the industrial and labor sectors are rampant especially in Metro Manila, where the greater number of cases comes from. The government has been filed up with these problems undergoing the so-called administrative process. Undeniably, some of these cases take years before decisions of the court could actually transpire. Hence, it became a very helpful entity for the government in being able to give justice to those complainants. It is deemed that it would be better if the cases filed would be settled through the efforts of the parties concerned. This obviously would not sound easy. Thus, the work of the art of conciliation comes in. The skill that the government would enhance is the wit of the conciliators themselves in being able to actually persuade the parties to talk and discuss. But it would leave the decision-making to the parties themselves. The idea is to actually come up with a decision duly accepted by both parties. This avoids the thought that there was one decision mandated by a third party. That is, the arbiter or judge that hears the case. Whatever the results, it would be because of the mutual agreement conferred by both of them.

The role of the NCMB in the promotion of industrial peace

The beauty of the conciliation board is that it actually caters all possible problems concerning labor disputes. It does not choose the type of case it would attend to. In fact, as what the board has claimed, even the issues of politically motivated cases are also attended to by the board. This is an amazing condition since the board has no background on this condition. But it has not turned down this kind of calling. Workshops and seminars are the answers to this. The board has continuously pursued its goal in actually studying more techniques on how to deal with cases like this.

Undeniably, the country faces tremendous problems particularly those concerning the economy's condition. Hence, the board has been very supportive of the administration's aim at reaching development. It believes that insofar as entities such as them would initiate on approaches that would cater everybody in the most convenient way, development would be unattainable.

The board does not picture the cure of the whole labor sector in the Philippines. Everyday, hundreds of workers become complainants and hundreds of the rest of the labor force are deemed victims of the alleged injustice. The board has not really eradicated everything, but it has somehow proven their efforts. Statistics and testimonies of the workers themselves can attest to the board's success in fostering peace between the workers and the management. It has exerted too much effort and would still exert more for the next batches of cases to be filed to them.

The National Conciliation and Mediation Board is a small entity that has undeniably proven its functions and duties. It may not have been a perfect medium in settling disputes of labor-management relations it has somehow motivate the parties that

in the market, mutual relationship should be practiced. For both of them are the players in this market. Hence, a failure of one entity would shut down the whole.

Indeed the board has been a success in promoting the essence of voluntary settlement. They do not only help in putting back a cracked relationship of the workers and the management, but it has taught these parties the idea that disputes can possibly be resolved through peaceful negotiations. The only way that conflicts would reach amicable agreements is for both of the parties to discuss and meet on some terms that would benefit both. It would not be easy, but the board is there to initiate everything. After all, it is the primary rationale of its creation.

The board, suffice the immediate need for parties concerned to have the proper guide in handling of their disputes, without the board being mandatory. It is like an authority where the decisive authority lies on both the parties involved. In the end, the results would still be up to them. The board essentially helps the parties meet on some points and from those allowing them to work on their own. The board has been a responsible entity in providing these services. In fact, according to NCMB director, it has even attended cases, which are not essentially a matter they should be entering. But because the significance of conciliation is not detached from a general view, the board has undeniably proved to be an all-around element of the government. Its rendition of services has not been limited to simply attending on matters assigned to it. It has even broadened its quota on cases. The National Conciliation and Mediation Board concerns all labor disputes.

With a minimal manpower, the board has sustained its status as one of the strongest government entity that is able to reach first hand to the workers and the

management's concerns. Although as it was mentioned in the latter paragraphs, not all the cases filed in the whole of the archipelago particularly the National Capital Region are settled through conciliation. There are still period of strikes, where both parties do not agree on matters and the only way to show protest is through strikes. This of course concerns the demands of the workers represented by the union. The role of the NCMB now becomes much more difficult. Aside from the fact that the board has no authority to decide on the cases filed, the responsibility of promoting industrial peace is itself a heavy task assigned to the board. The only weapon they are armed with is the art and beauty of an effective conciliation. The process in itself is not an easy job that the board holds. They essentially play the frontline of the Department of Labor and Employment in absorbing matters on labor-management disputes. The board is the primary agent that the workers run to especially when conflicts arise and an immediate conference is needed to discuss unfinished matters. It has undeniably been an evident scenario of a "fast response", which is undeniably not so much evident to other agencies of the government. Aside from the concern on the issue of sustaining a stable industry, it has also been the core of conciliation to protect the workers from being unemployed. The continuity of employment is also a primordial concern of the board, hence, the immediate attention to the cases filed by the unions are not protracted. Conciliation has always been a supportive of the parties. Their demands are the basic consideration noticed and consequently aided. However, as it has always been mentioned in the previous statements since the board does not hold any power to decide on issues, the settlement would be dependent on both parties' decisions. Hence, it is the great duty of the board to contain very efficient elements that would make both parties agree and eventually cease

the union to strike or the management to execute lockouts. Suggestions are the basic tools of the board. Mainly because the only way to be able to get the heart of both parties and eventually agree on matters issued is the board to persuade the parties on mutually accepted demands. The skills of the conciliators in laying down better ideas that the parties may confer to are the only bullet they are able to use in hitting the target.

That is where, according to the NCMB different types of conciliation, which would be very much accessible to the workers and the management. There are the process-centered conciliation, which in essence concerns matters of facilitation and empowerment to parties that are in conflict. Sometimes, the issue raised here are political. Paradoxically, the board has admitted that because of a huge number of cases heard by the government, jurisdiction of the NCMB has become sort of limitless. Insofar as the board could basically suggest on matters issued and it concerns the labor sector and the industry then it is obliged to render service. After all, according to the board, it is their primary duty so they really need to attend to that. Any labor relations conflict are matters under the jurisdiction of the NCMB and as far as national interests are concerned, then it is important that the board should take part in attending the people's concerns. Another is the information-centered type of conciliation where it concerns issues of financial demands of the union. This basically has something to do with the skills in banking and finance where the proper and appropriate resolutions would be laid down. Conciliators, who are very much into this field would find it easy to suggest resolutions for matters concerning finances. Usually, the issues on the demands raised in the collective bargaining agreement, which have failed are the matters dealt with under this type of this conciliation. According to the NCMB, the specialization of conciliation

would create focus and would strengthen the board's body in rendering service to the people. Moreover, it would minimize the board's crowded functions. In other words, it would organize its elements and could then be able to fully render appropriate and effective conciliation. Currently, the board still has been very concerned on promoting this structural pattern created by the NCMB. Workshops and other means of improving these are done to promote and create more valuable techniques in being able to conciliate much more effectively.

The implications of the workers' responses to the process of conciliation

For almost a decade now, the National Conciliation and Mediation Board has substantially given quite a share in minimizing the conflicts between the workers and the management. Though it is a fact that problems concerning the needs of the workers are not at all given just solutions, the NCMB undeniably admits that it still has a lot to accomplish. But as what they have discussed, conciliation essentially is becoming more mature as the period progresses. Despite the fact that a great number of cases are evidently seen in the different industries, the National Conciliation and Mediation Board holds optimism in that it is able to somehow create conducive atmosphere for parties that are in conflict. A Deputy Director said that the board's thrust in promoting industrial peace is to commence initiatives that would be very persuasive to the parties particularly the workers. This is to help conciliation deem a very approachable machinery in being able to set parties in conflict meet at some points. Since it is informally rendered, a liberating atmosphere is felt. Parties find it easier to converse because they are not actually restricted. They are able to discuss matters freely without being mandated but at the same time guided with principles legally accepted by law. This, according to them is

the basic thrust of the government. That is, to create an atmosphere that would become the most appropriate scenario for both parties to settle whatever issues raised and eventually come up with resolutions amicably accepted by both of them. Reports presented by the Research Department show that most of the unions find it easier to access to services of the board. For the issues filed are immediately attended to by the office. Thus, the issues discussed and laid down were given quite enough time to be studied. Parties may have enough space to lay down demands. The NCMB has indeed become the Department of Labor and Employment's shock absorber of the problems encountered by the sector and the industries. It has undeniably admitted that the course of their functions and duties sometimes go beyond their jurisdiction. Some of the cases entertained by the board are not in fact under the supervision of their sole functions. But because of the parties' immediate need to resolutions, the board is left with the decision to accept them and follow the procedure to study the case and conciliate. This, the board asserts only shows the efforts of the NCMB in handling labor-management disputes. That their responsibility is not restricted simply on the jurisdiction provided by the order, but the responsibility of promoting a peaceful industrial relations on all matters concerning the labor sectors. They do not actually comply to the 8-5 government standards of working hours. Thus, inevitably obliging them to be in access 24 hours a day and should be willing to hear matters even without their jurisdiction but still concern the issues of the workers' need and the voice of the management. This, as what the deputy director had disclosed is one of the difficulties that the board is carrying to date. A small composition of manpower adds up to greater responsibility in the board's rendition of services. Evidently, the small building shows the real situation of the board.

That amidst limited resources the board has been trying to live up to its functions and roles as the machinery responsible for helping settle labor disputes.

Conclusion

The National Conciliation and Mediation Board as an entity created by virtue of Executive Order 126 has remarkably contributed in the promotion of industrial peace. Data showed that despite the continuous growth of disputes occurring between the management and the workers, the board has exerted its efforts in creating and encouraging both parties to settle their disputes and in effect contribute to the economic stability of the country. Amidst the fact that some if not most of the workers have given up in trusting the government's capacity in protecting the right of the workers, the board has proven its capabilities in bringing about a smooth and peaceful climate for both parties. Clearly, as the study has consistently asserted, the National Conciliation and Mediation Board stood as an efficient and effective medium in being able to put the parties in dispute together to discuss the matters and eventually settle on issues voluntarily.

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management's concerns. Although as it was mentioned in the latter paragraphs, not all the cases filed in the whole of the archipelago particularly the National Capital Region are settled through conciliation. There are still period of strikes, where both parties do not agree on matters and the only way to show protest is through strikes. This of course concerns the demands of the workers represented by the union. The role of the NCMB now becomes much more difficult. Aside from the fact that the board has no authority to decide on the cases filed, the responsibility of promoting industrial peace is itself a heavy task assigned to the board. The only weapon they are armed with is the art and beauty of an effective conciliation. The process in itself is not an easy job that the board holds. They essentially play the frontline of the Department of Labor and Employment in absorbing matters on labor-management disputes. The board is the primary agent that the workers run to especially when conflicts arise and an immediate conference is needed to discuss unfinished matters. It has undeniably been an evident scenario of a "fast response", which is undeniably not so much evident to other agencies of the government. Aside from the concern on the issue of sustaining a stable industry, it has also been the core of conciliation to protect the workers from being unemployed. The continuity of employment is also a primordial concern of the board, hence, the immediate attention to the cases filed by the unions are not protracted. Conciliation has always been a supportive of the parties. Their demands are the basic consideration noticed and consequently aided. However, as it has always been mentioned in the previous statements since the board does not hold any power to decide on issues, the settlement would be dependent on both parties' decisions. Hence, it is the great duty of the board to contain very efficient elements that would make both parties agree and eventually cease

APPENDIX I

TITLE HRD COORDINATING OFFICE

CASE NO. _____

APPEARANCE

Time: SEPT 11, 2001

Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

MINUTES page 2
absorbed, to have already signed the employment
contract shall be ~~allowed to~~ ^{allowed to} ~~work~~ ^{work} of KTA. ~~But~~ ^{But} ~~he~~ ^{he} ~~refused~~ ^{refused} to sign the employment contract
of a total of 13 union members shall report on Friday
September 14, 2001, 7:00 pm. before the NCRB office
to briefing and other matters to be discussed
urgently.

4. All other issues involving dismissal of
Ayaz & Arbin to include presentation
of the local union president Mercedes
Ayaz, as local union vice president Caynes, shall
be the subject of conciliation proceedings
September 14, 2001, at 7:00 pm at the
NCRB-NCR office.

V. Both union and management agreed to
submit status quo whereby management shall present
FOR THE UNION
FOR THE MANAGEMENT

September 14, 2001

[Signature]
Conciliator-Mediator

HAD CHAN HEAD OFFICE

CASE NO. NCRR-1992-MS-08249-01

APPEARANCE

SEPTEMBER 11, 2001

Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

Atty. A. Santos 715-7705

Atty. MA. PATRICIA C. FRIA
Mr. Eugene M. B. Galmaytan
ATTY. MA. REGINA M. B. GATMAYTAN

ALVARO ALVAREZ

637-7378/710

Alfredo Tubate

0917-538-8780

ALVARO ALBARIN JR.

ALVARO ALVAREZ

MINUTES

D. MENTURIO

PARTIAL AGREEMENT

The parties, union assisted by the labor federation, management represented by counsel both appeared during today's scheduled conciliation proceedings wherein the issues previously defined were clearly discussed, and agreed on the following:

1. Management without admitting that they have committed certain acts of ULP involving harassment and coercion as alleged by the union, shall be stopped immediately;
2. Union agreed to withdraw the issue involving union recognition and shall wait for the decision regarding the pending petition for Certification election.
3. On the issue of alleged illegal contract at Plaza Ferguson, managers manifested that it is a continuous operation but for those union members, 3 of whom are already

FOR THE UNION

FOR THE MANAGEMENT

APPEARANCE

SEPT. 03, 2001

Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE 412-3082

MERILDO C. AYALA - 0919-844-8393

WILLIAM A. SANTOS

WILLIAM B. CAMAYAN

MINUTES

- Specific issues raised: unfair labor practice (ULP)
- 1 - illegal lockout
 - 2 - illegal dismissal
 - 3 - illegal suspension of union president & vice president
 - 4 - harassment
 - 5 - coercion
 - 6 - union recognition

Management failed to appear despite due notice for the second time. Mr. LYN LEONIDAS, company attorney was called thru phone number 412-3082 according to her, the manager Mr. PHILIP LUY is at the head office at of the moment.

The issues as raised were already clearly stated as stated above.

Reset to September 07, 2001 at 9:00 am. Management to be notified. Mr. RAYMON CHAN, HAP MAN was and Mr. JOSEPHINE TAN to be notified also.

FOR THE UNION

FOR THE MANAGEMENT

Conciliator-Mediator

IN RE:

LABOR DISPUTE AT
HAP CHAN HEAD OFFICE

NCMB-NCR-NS-08-249-01

NOTICE OF CONFERENCE

MR. PHILIP LUY
Manager
HAP CHAN HEAD OFFICE
937 EDSA South Triangle
Quezon City

MR. MARCELINO C. AYAS
Union President
HCEU-GLOWHRAIN
#20 E Scout Ybardolaza Street
Kamuning, Quezon City

MEETINGS:

You are hereby requested to appear for conciliation conference before
Facilitator-Mediator **FLORANTE M. DIMAANDAL**, on 30 August
2001 at 9:00 a.m. this office, 2nd Flr. DOLE Bldg., Intramuros, Manila, in
connection with the above-entitled case.

Your presence and cooperation are very important for the early
resolution of the said labor dispute.

Manila, Philippines, August 28, 2001.

(SCD.) **LEOPOLDO B. DE JESUS**
Director II

IN RE: LABOR DISPUTE AT
HAP CHAN HEAD OFFICE

NCMB-NCR-NS-08-249-01

NOTICE OF CONFERENCE

MR. PHILIP LUY
HAP CHAN HEAD OFFICE
#937 EDSA South Triangle
Quezon City

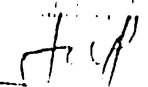
MR. MARCELINO C. AVAS
Union President
HCEU-GLOWHRAIN
#20 E Scout Ybardolaza Street
Kamuning Quezon City

GREETINGS!

You are hereby requested to appear for conciliation conference before Conciliator-Mediator **FLORANTE M. DIMAANDAL**, on 03 September 2001 at 2:00 P.M. this office, 2nd Flr. DOLE Bldg., Intramuros, Manila, in connection with the above-entitled case.

Manila, Philippines, August 30, 2001.

(SGD.) **LEOPOLDO B. DE JESUS**
Director II


Conciliator-Mediator

UNION / EMPLOYER NOTICE / REPORT ON STRIKE / LOCKOUT / PM

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
NATIONAL CONCILIATION AND MEDIATION BOARD

CASE NO. **NCMB-NCR-NS**
-08-279-01

Kind of Case: Notice of Lockout Actual Strike Actual Lockout Preventive Mediation

DATA ON ESTABLISHMENT AND UNION INVOLVED

Union head office: **937 EDSA South Triangle D.C.** TEL. NO. **411-61-8956** FAX NO.

PRESIDENT: **[Signature]** NATIONALITY OF MAJORITY OWNERSHIP: **Chinese** NATURE OF BUSINESS ACTIVITY/PRODUCT: **Restaurant**

EMPLOYMENT: NORMAL WORK WEEK: DAYS PER WEEK: **7** SHIFTS PER DAY: **2** HOURS PER SHIFT: **9H.**

UNION: **EU - GLOWHRAIN** ADDRESS: TEL. NO.

OR AUTHORIZED REPRESENTATIVE: **GLOWHRAIN** REGISTRATION NO. / CERTIFICATE NO: **FED 11279. (L.C.)** TEL. NO.

ADDRESS: **D E Scott y barotokaza st. Kamuning D.C.**

AGENCY: No NO. OF WORKERS IN THE BARGAINING UNIT: NO. OF UNION MEMBERS: **200** EFFECTIVITY OF OLD / EXISTING CBA PERIOD: NO. OF EMPLOYEES / WORKERS WITH COMPANY:

DATA ON STRIKE / LOCKOUT

REASON FOR PARTICIPATING (in independent or actual strike / lockout):

(Indicate specific claims / particular per issue)

RECEIVED
BY: **[Signature]**
TIME: **10:47**
DATE: **AUG 28 2001**
NCMB-NCR

II. UNFAIR LABOR PRACTICE

1) lock out (CH:KTV) involve 13 person
2) illegal terminate
3) illegal suspension
4) discrimination
illegally lock-out

PLAINT LEVEL TO RESOLVE THE DISPUTE: **Piketang, Dialogue isang beses pero di tumanggap management, nagtanyag sila ng mga tao**

STATUS: **RESOLVED EITHER OR BOTH PARTIES (Indicate all labor disputes pending with the DOLE and the Dispute Court and also those submitted voluntary arbitration)**

TITLE NO. **ISSUES INVOLVED** OFFICER/OFFICER HANDLING THE CASE

PROPOSAL OF: Proposal of Employer to the Dispute Proposal of a request for Conference to settle Other Documents (Spec: U)

Information on Filer: **[Signature]** Information on NCMB Assigning Officer: **[Signature]**

REGISTRY RECEIPT
REGISTERED NO. **54643**
Letter/Packet No. **10**
Ported on **10**
Preserve this receipt for reference in case of inquiry

NOTE: SHALL NOT BE ACCEPTED BY NCMB WITHOUT

APPEARANCE

SEPTEMBER 14, 2001

Place

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

[Signature]
RUPITO RUMU
Miguel P. Pignero
MARGARITA

[Signature]
Mr. Regina M. B. Guimaytan

Marie Puela MINUTES

Both parties, union led by its officers, management represented by its legal counsels, appeared during day's scheduled conciliation proceedings.

According to the union, the original 6 workers from the KTV Branch now numbering to only 5 who signed the employment contract are not accommodated, the remaining 8 who attended the briefing last Monday at the EDSA office, was promised to wait for the opening of a new branch and/or franchisee without specific period of waiting time.

The result of the investigation involving the union vice president shall be presented to him on or before 20 September 2001, and for the union president, a copy of such investigation shall be furnished to him on or before 20 September 2001.

FOR THE UNION

FOR THE MANAGEMENT

The case of Tagulo who is alleged to be less 6 months in service, and Bulanan who got sick for days but declared AWOL by the company, as

Conciliator-Mediator

HAP CHAN HEAD OFFICE

CASE NO. NCM-NGR-OP-249-01

APPEARANCE

DATE: SEPT. 19, 2001

Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

MINUTES page 2

posed by the labor federation for their reinstatement
rejected by management.

The other 3 Argof, Arbin or styog's reinstatement
likewise rejected by management.

The offer for payment of separation benefits for those
affected employees, number about 20 was rejected
the union.

on the previous agreement regarding maintenance
being paid on a no picket - no strike for the union,
no lockout to include termination of those who
rendered more than 6 months service is ^{being} offered.

Union is requesting for the appearance of top
quest leaders core next coordination without any
condition.

Reset to September 22, 2001 at 9:00 a.m.

The fate of the 20 affected workers shall be
fully decided by next coordination.

FOR THE UNION

FOR THE MANAGEMENT

[Signature]
Lito Santos

[Signature]
Guan - Aris
MRG or maytan

[Signature]
Conciliator-Mediator

APPEARANCE

Time: Sept. 22, 2000 Place: _____

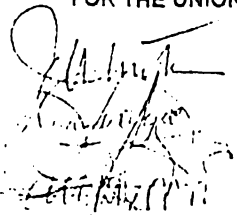
UNION REPRESENTATIVE	MANAGEMENT REPRESENTATIVE
_____	_____
_____	_____
_____	_____

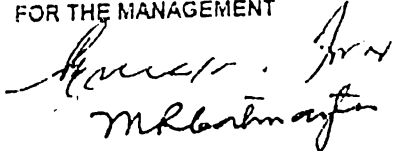
MINUTES

The Conciliator proposed for the payment of SP for those below 6 months seniority, for RTV affected employees wait for the opening of any branch, and all other who belong to the 20 affected employees, payment minimum until such time that a decision has been rendered by the Labor Arbiter.

For reasons that management counsel was unable to contest their dispute nothing can be committed as of the moment with conciliator's proposal.

Met on September 27, 2000 at 10:00 a.m. Both sides of management considered notified.

FOR THE UNION


FOR THE MANAGEMENT



 Conciliator-Mediator

LABOR DIVISION OF
OFFICE OF CHIEF HUMAN RESOURCE OFFICER

CASE NO. NCMR-NCAR-09-249-01

APPEARANCE

Date: 17 October 03, 2001

Place: _____

UNION REPRESENTATIVE

Marino P. Pizarro

Tomato Lopez

Mrs. LA. Santos

MICELINO RIVERA

RODOLFO BAYAL

WILFRIDO AYALA

MANAGEMENT REPRESENTATIVE

Atty. Ma. Patricia P. Escalacion - Fris

MINUTES

Both parties appeared. Union is still demanding for payroll reinstatement if actual reinstatement is not possible as of the moment.

The Conciliator proposed the following to be studied by the respective parties

1. Financial assistance of $\$3,000.00$ each for the 5 union members who are considered to be below 6 months service.
2. Actual reinstatement of 13 union members.
3. Payroll reinstatement of the union president and vice president up to the Labor Arbitration level.

Respect to October 11, 2001 at 10:00 a.m.

FOR THE UNION
[Signature]

FOR THE MANAGEMENT
[Signature]
MR. [Name]

[Signature]
Conciliator-Mediator

APPEARANCE

DATE: OCTOBER 08, 2001

Place: EDIA, QUEZON CITY

UNION REPRESENTATIVE

WILFRED ACEVEDO

JOE CRUZ

JOSE SANCHEZ

Alfredo Sciarda

ERLIE MERCURIO

AL BALTARAR

MANAGEMENT REPRESENTATIVE

Atty. The Patricia E. Tria

Mr. Ma. Lourdes M. B. Geronimo

Q

MINUTES

Alfredo B. Figueroa

Philip Luy

P/Supt Jose R. Garcia

CPD - Absent

The Union, assisted by federation, management now represented by its key officials and assisted by counsel were both present during tonight's plenary level conciliation.

The offer of management for payment of gratification benefit equivalent of 12 month pay upon severance still stands.

Per manifestation of the Union, the Conciliator issued a proposal for that below 6 months service file a case with the NLRC, and for the remaining employees to include Buato as no transfer offered, a total of 16 affected, & to be resolved thru a

FOR THE UNION

FOR THE MANAGEMENT

Conciliation system. His proposal to be studied with parts.

Resolved on October 11, 2001 at 10:00 am. - peacefully resolved.

[Signature]
Conciliator-Mediator

[Signature]

[Signature]
MR. Baltarar

LABOR DIVISION AT
HAP CHAN HEAD OFFICE

CASE NO. NCMB-NGA-15-08-249-01

APPEARANCE

15:00 AM / 15 2001

Place _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

MINUTES

MEMORANDUM OF AGREEMENT

Know All Men By These Presents:

The parties:

HAP CHAN HEAD OFFICE with business address at 057 EDSA, South Triangle, Quezon City, M.M. represented by counsels headed by Atty. Ma. Patricia S. Encarnacion-Toria (management for short);

-and-

HAP CHAN EMPLOYEES UNION - GLOWHRAIN with offices located at 20-E Scout Ybendolaza St., Kamuning, Quezon City, M.M. represented by its local union president, Marcelino Ayog, assisted by the federation (union for brevity);

do hereby agree:

1. The local union officials namely, Marcelino Ayog, Florian Cayones, and Rodrigo Abocejo agreed to file case with the National Labor Relations Commission in connection with their alleged illegal dismissal;

FOR THE UNION

FOR THE MANAGEMENT

Conciliator-Mediator

APPEARANCE

OCTOBER 19, 2001

Place: _____

UNION REPRESENTATIVE
E. La. Santos
Melito Salazar
Rafael P. Paguara
Almo Jara
Jose Socorro
Rita Galgo
Francis D. Butuhan
RITO MANA

MANAGEMENT REPRESENTATIVE
Muriel
McBain

MINUTES

Both parties appeared at union management requested for them to be given another chance to allow their Board of Directors to deliberate on the contents of the MSA as drafted. ^{ful}
Met. to October 20, 2001 at 7:00 p.m.

FOR THE UNION
[Signature]

FOR THE MANAGEMENT
[Signature]
[Signature]

[Signature]
Conciliator-Mediator

X

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

The Parties:

HAP CHAN HEAD OFFICE with business address at 937 EDSSA, South Triangle, Quezon City, M.M. represented by counsels headed by Atty. Ma. ~~Patricia~~ S. Encarnacion-
Patricia (Management for short);

-and-

HAP CHAN EMPLOYEES UNION-GLOWHRAIN with offices located at 20-E Santa Ybarrolaza St., Kamuning, Quezon City, M.M represented by its local union president, Marcelino Ayag, assisted by the federation (Union for brevity);

do hereby agree:

1. That the local union officers and members namely, Marcelino Ayag, Florian Cayanes, Rodrigo Abocejo, Romeo Silit, ~~Rodrigo Albarin and Raymond Boholst~~ agreed to file a case with the National Labor Relations Commission in connection with their alleged illegal dismissal;
2. Management shall grant separation benefits computed at one month per year of service to include earned and unpaid salaries, equivalent 13th month pay, unused leave of absence, if there are any to the ~~ten (10)~~ ^{eleven (11)} employees who are considered to have rendered more than six months service with the company.
3. Management shall extend financial assistance computed at _____ each or a total of _____ to the other five (5) union members who are considered to be less than 6 months service, namely:

Arben Tagulo
Frederick Tenerefe
Dennis Correa
Esmeralda Ayag
Reynante Emate

4. Management shall pay the separation benefits of the ~~ten (10)~~ ^{eleven (11)} affected workers, and financial assistance of the other five (5) union members as mentioned under par. 2 and par. 8 of this MOA come October _____, 2001, 10:00a.m. at the DOLE-NCMH-NCR office.

- 5. Union shall lift their picket within ⁷² hours effective October ____, 2001 and to clear the picketline of banners, streamers, and all other unsightly materials relative to the actual strike; *placards*
- 6. Management shall normalize its operations effective October ____, 2001;
- 7. Management shall accept all other striking workers who participated in the actual strike except the ~~six~~ ^{five (5)} as mentioned under par. 1 of this MOA, under the same terms and conditions of employment prior to the actual strike;
- 8. On the Petition for Certification Election issue, parties agreed to observe its normal process;
- 9. No retaliatory action shall be taken against each other that is between the Union and Management in connection with the actual strike; *All other cases filed by each other in connection with the actual strike are deemed withdrawn*
- 10. The Notice of Strike filed by the union on August 28, 2001 and docketed as case No. NCMH-NCR-NS-08-249-01 is hereby considered SETTLED, CLOSED, DROPPED and WITHDRAWN effective upon signing of this agreement.

Quezon City, Philippines. October 23, 2001.

FOR THE UNION:

FOR MANAGEMENT:

Blond 1 @ com

Attested by:

FLORANTE M. DIMAANDAL
Conciliator-Mediator

FILE: HAD CHAN HEAD OFFICE

CASE NO. NCMR-NCR-NS-08-249-01

APPEARANCE

Date: OCTOBER 23, 2001

Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

LA Santes
C-Ang
Cayanan
Alvarez

Querales Jr
Marbatmaytan

MINUTES

Both union and management appeared during today's conciliation. According to the management's counsel there are certain provisions embodied in the draft of MOA which is still unacceptable to them particularly on acceptance of all striking workers and retaliatory action clause, also financial assistance of 5 who are less than 6 months since must be deleted, but they are willing to settle this on the amount of P7,000.00 each.

Union is willing to sign the prepared MOA provided that nothing will be deleted and that case filed in connection with the actual strike declared "wildcat" shall be inserted.

Resol'd to October 23, 2001 at 10:00 a.m.

[Signature]
FOR THE UNION

FOR THE MANAGEMENT

[Signature]
Marbatmaytan

[Signature]
Conciliator-Mediator

TITLE HAP CHAN HEAD OFFICE

CASE NO NCRMB-NCR-10-08-249-21

APPEARANCE

Time OCTOBER 25, 2001

Place _____

UNION REPRESENTATIVE

[Handwritten signatures]

MANAGEMENT REPRESENTATIVE

[Handwritten signatures]
MR. [Name]

MINUTES

The parties, union and management, were both present during the proceedings but still failed to resolve the dispute, hence, another conference is set on October 29, 2001 at 9:00 pm.

FOR THE UNION

[Handwritten signature]

FOR THE MANAGEMENT

[Handwritten signature]
MR. [Name]

[Handwritten signature]

Conciliator-Mediator

CASE TITLE: HAD CHAN HEAD OFFICE CASE NO: ALPES-142-15-08-249-01

APPEARANCE

Date & Time: OCTOBER 29 2001 Place: _____

UNION REPRESENTATIVE
[Signature]
[Signature]
[Signature]
[Signature]
Jose L.A. Santos

MANAGEMENT REPRESENTATIVE
[Signature]
[Signature]
[Signature]

MINUTES

Both parties maintain their old respective positions while studying other alternatives that could help bring a solution to end this dispute.
Met on November 06, 2001 at 10:00 a.m.

[Signature]
FOR THE UNION
[Signature]
[Signature]

FOR THE MANAGEMENT
[Signature]
[Signature]

[Signature]
Conciliator-Mediator

~~HAP CHAM HERO OFFICE~~

CASE NO. NCMB-NCR-17-C8-249-01

APPEARANCE

NOVEMBER 06, 2001

Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

[Signature]

[Signature]
MR. Batmang

MINUTES

Union presented their position as follows:

1. SP at 86 days per year of service
2. equivalent 2 hours OT pay per day
3. equivalent 12th month pay
4. 5 to 7 days cash deposit, if there is any
5. unpaid earned salaries

A list of affected workers also have not yet
update their pay was presented by the management
identification.

The 2 hours OT pay is still considered to be
in study by management.

Met on November 07, 2001 at 8:00 a.m.

FOR THE UNION
[Signature]

FOR THE MANAGEMENT
[Signature]
MR. Batmang

[Signature]
Conciliator-Mediator

TITLE 14P CHAN HEAD OFFICE

CASE NO. NCRB-NCR-NS-08-249-2

APPEARANCE

Time NOVEMBER 07, 2001

Place _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

Charlie Rivera

Guerrero, Jr

Felix Manaloto

J. TAN

Procedo Lopez

M. Gutierrez

JOSE LO SANTOS

MINUTES

Management shall consult the company's top officials on the following items:

1. 20 days SP
2. financial aid amounting to P 2,500.00 each for those below 1 year service
3. financial aid amounting to P 5,000.00 each for those above 1 year service
4. inclusion of affected workers members to be assigned to the branches if they received same benefits with those from the Head Office.

The above items for study by the union, sent to November 08, 2001 at 3:00 p.m.

Procedo Lopez
FOR THE UNION

M. Gutierrez
FOR THE MANAGEMENT

[Signature]
Conciliator/Mediator

X===== X

MEMORANDUM OF AGREEMENT

Talbot

KNOW ALL MEN BY THESE PRESENTS:

The Parties:

HAP CHAN HEAD OFFICE with business address at 937 EDSA, South Triangle, Quezon City, M.M. represented by counsels headed by Atty. Ma. Patricia S. Encarnacion Fonia (Management for short);

-and-

HAP CHAN EMPLOYEES UNION-GLOWHIRAIN with offices located at 20-E Scout Ybardolaza St., Kamuning, Quezon City, M.M represented by its local union president, Marcelino Ayag, assisted by the federation (Union for brevity);

do hereby agree: That

as follows (20)

1. Management shall grant separation benefits computed at twenty six (26) days per year of service, equivalent 13th month pay two (2) hours overtime pay equivalent to Sixty-Two Pesos and Fifty Centavos (P62.50) times twenty (20) days per month multiplied by actual number of months of length of service and unpaid earned salaries;

c.g.

P250.00/day	/ 2 hours	= P 31.25
P31.25	x 2 hrs	= 62.50
P62.50	x 20 days per month	= P1,250.00
P1,250.00	x no. of months in service	= P18,750.00
P18,750.00		grand total

before the strike

2. Management shall extend financial assistance computed at Five Thousand (P5,000.00) Pesos each to the following who are considered below six (6) months' in actual service, namely:

Frederick Tenerefe
Dennis Correa
Esmeralda Ayag
Reynante Embate

3. Management shall normalize its operations effective November ____ 2001;

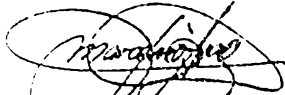
8. Management shall pay all benefits in the form of cash as provided for under paragraph 1 of this agreement not later than November 16, 2001 at the NCMB-NCR office;

9. The above-named Union members shall sign their respective Release and Quitclaim upon receipt of payment of monetary benefits mentioned in paragraph hereof;

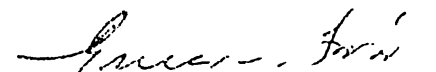
10. The Notice of Strike filed by the Union dated 20 August 2001 and docketed as Case No. NCMB-NCR-NS-08-249-01 is hereby considered SETTLED, CLOSED, DROPPED and WITHDRAWN effective upon signing of this agreement.

Signed this 8th day of November 2001 at Manila, Philippines.

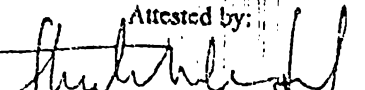
FOR THE UNION:


MARCELINO AYAG
Union President

FOR MANAGEMENT:


ATTY. MA. PATRICIA S. E. FORIA
Management Counsel

Attested by:


FLORANTE M. DIMAANTIAL
Conciliator-Mediator

X

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

The Parties:

HAP CHAN HEAD OFFICE, with business address at 937 EDSA, South Triangle, Quezon City, M.M., represented by its counsel, Atty. Ma. Patricia S. Encarnacion-Foria (Management for brevity);

-and-

HAP CHAN EMPLOYEES UNION-GLOWHIRAIN, with office located at 20-E Scout Ybarolaza St., Kamuning, Quezon City, M.M., represented by its local Union President, Marcelino Ayag, assisted by the Federation (Union for brevity);

do hereby agree: That

1. Management shall grant monetary benefits computed, as follows:

- 1.1 eighteen (18) days per year of service as reparation pay;
- 1.2 equivalent 13th month pay;
- 1.3 earned but still unpaid salaries;
- 1.4 financial assistance equivalent to Two Thousand Five Hundred Pesos (P2,500.00) to those below one year of service; and
- 1.5 financial assistance equivalent to Five Thousand Pesos (P5,000.00) to those with more than one year of service.

to the following employees:

<u>Name of employee</u>	<u>Date of Employment</u>
Marcelino Ayag	02-02-2000
Florian Cayanes	1 year

Production - Head Office

Jhonny Castor	05-01-2000
Ronelo Bang-ay	10-01-2000
Warlic Mercuri	09-28-2000
Nolito Ayag	03-19-2000
Melchor Ayag	12-01-2000
Ariel Magcuro	04-01-2000
Marvin Ocampo	05-01-2001



Michael Baluyot	08-24-2000
Albino Garganta	01-11-2001
Jose Bumalay	09-01-2000
<i>Pia Castro</i>	

Tea House

Wilfred Victorio	08-01-2000
Frederick Madrigal	11-05-2000
Eric Jamero	03-17-2001
Edwin Magno	03-01-2000
Virgilio Bang-ay	12-11-2000
Reynold Galvan	02-05-2000
Cerilo Ayag	12-01-1999
<i>Ryannita Bang-ay</i>	<i>12-16-2000</i>

RESTAURANT

Calixto Aspillaga	03-01-1999
Deogracias Orellano	11-16-2000
Danilo Alegria	08-23-1999
Melchor Jamero	01-01-2000
Rolando Udtolian	10-01-1999
Tecody Magno	08-01-1999
Daisy Hilario	08-01-1999
Rodrigo Cerna	08-01-1999
Carlito Bains	05-03-2000

Dakota

Alvin Duterte	05-02-2000
Felix San Pedro	09-21-1998
Leticia de Vera	03-01-1999

Makati

Gary Briones	10-03-2000
Lorna dela Rosa	10-05-2000
Bernard Flor	12-15-2000
Merlito Mayor	02-01-1999
Acila Pajo	10-04-2000
Marlon Rapada	10-01-2000
Aldrin Rito	11-09-1998
Bienvenido Sardoma	08-18-2000
Franco Bulahan	10-03-2000
Rey Talagan	10-13-2000

KTV

Theresa Montecillo	05-10-2000
Rodrigo Abocejo	01-20-2000
Romeo Sulit	01-15-2001
Agapito Ayag	09-16-2000

Rodrigo Albarin	12-16-2000
Reynaldo Duterte	12-17-2000
Arturo Repele	01-01-2001
Salvador Añonuevo	01-21-2001
Bernard Zomil	9 months
Albert Monterio	1 year

2. Management shall extend financial assistance to the following employees, computed at Five Thousand Pesos (P5,000.00) each, who had rendered below six (6) months actual service, namely:

Frederick Tenerife
Dennis Correa
Esmeralda Ayag
Roynante Embate

3. Management shall normalize its operations effective November 9, 2001.
4. Management shall initially pay, subject to reimbursement by the franchisees concerned, the monetary benefits legally due, i.e., equivalent 13th month pay and earned but unpaid salaries, the following employees of the hereinafter named franchisees, to wit:

<u>Name of Employee</u>	<u>Date of Employment</u>
-------------------------	---------------------------

West

Dindo Tenerife	05-01-2000
Ramil Quinale	10-01-2000
Michael Romero	10-01-2000
Charlie Rivera	10-01-2000
Rolando Olayan	08-01-1999
Jeny Liberato	10-01-2000

Fortune

Jason Erma	2 years
------------	---------

Linao

Roderick Ruado	04-15-2000
Ernesto Galgao	04-01-2000
Eduardo Gementiza	12-12-2000
Alejandro Piquero	04-13-2000
Roy Felomino	08-09-2000

5. Union shall lift its picket within ten (10) hours effective November 8, 2001 and shall clear the picketline of its banners, streamers and all other unsightly materials relative to the strike;
6. Union and Management shall withdraw all cases pending before any and all government agencies in connection with this labor dispute;
7. No retaliatory action shall be taken by Management and Union against each other relative to this labor dispute;

TITLE SAO CHAN HEAD OFFICE CASE NO. MEMO-NCR-NS-08-249-01

APPEARANCE

Time: NOVEMBER 12, 2001 Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

_____	_____
_____	_____
_____	_____


MINUTES

Considering that the case was already resolved thru a MOA dated 08 November 2001, still this office insisted by parties during the payment of benefits but remains unaccomplished for reasons that about 12 of the recipients were absent and also 2 of the prospective recipients were deleted from any of the beneficiaries for reasons that they were already furnished since 20 June 2001 for having been dead.

Benefits scheduled payment is due Case 12 November 2001 at 3:00 pm.

FOR THE UNION

FOR THE MANAGEMENT



 Conciliator-Mediator

UNION / EMPLOYER NOTICE OF STRIKE / LOCKOUT/PPM

Republic of the Philippines
Department of Labor and Employment
NATIONAL CONCILIATION AND MEDIATION BOARD

Date Filed

PREVENTIVE ACTION OFFICER & EMPLOYEE

RECEIVED
BY: [Signature]
TIME: [Signature]
DATE: DEC 07 2001

NOTICE OF LOCKOUT

NOTICE OF STRIKE

Card Number

Case Number

NCMB-NCR-NS A-3123

Case Number

DATA ON ESTABLISHMENT

ESTABLISHMENT RADIO PHILIPPINES NETWORK INCORPORATED
CAPITOL DRIVE, CDO BALARA, & C.

MANAGER/PRESIDENT LINCOLN TAN

NATIONALITY OF MAJORITY OWNERSHIP FILIPINO

NATURE OF BUSINESS ACTIVITY RADIO/TV BROADCASTING

TELEPHONE NUMBER 0926

TELEFAX NUMBER

CELLPHONE NUMBER

E-MAIL ADDRESS

EMPLOYMENT

NORMAL WORK WEEK 5 days/wk

DAYS PER WEEK 5

SHIFTS PER DAY 3

HOURS PER SHIFT 8

DATA ON THE UNION

UNION RPN EMPLOYEES UNION
CAPITOL DRIVE, CDO BALARA, & C.

UNION REPRESENTATIVE

STANCIO SANTIAGO

President

Vice President

FEDERATED? YES NO

NAME OF FEDERATION AND ADDRESS

TELEPHONE NUMBER 09790

TELEFAX NUMBER

CELLPHONE NUMBER

E-MAIL ADDRESS

AGENCY

NUMBER OF WORKERS IN THE BARGAINING UNIT 325

NO. OF UNION MEMBERS 325

EFFECTIVITY OF OLDT EXISTING CBA July 1, 1998 - June 30, 2001

NO. OF CBAs CONCLUDED WITH THE COMPANY

OTHER BARGAINING UNITS IN THE ESTABLISHMENT AND THEIR BARGAINING AGENTS

DIRECTORS & SUPERVISORY EMPLOYEES : DIRECTORS & SUPERVISORS UNION

STANCIO SANTIAGO
Signature of Filer Over Printed Name

VICE PRESIDENT
Position

IN RE:

LABOR DISPUTE AT
RADIO PHILS. NETWORK, INC. NCMB-NCR-NS-12-352-01

NOTICE OF CONFERENCE

ATTY. LINCOLN TAN
RADIO PHILS. NETWORK, INC.
Capitol Drive, Old Balara
Quezon City

MR. ORLANDO LIZADA
Union President
RPN EMPLOYEES UNION
Capitol Drive, Old Balara
Quezon City

GREETINGS!

You are hereby requested to appear for conciliation conference before Conciliator-Mediator **SUSANA A. QUIMPO**, on **10 December 2001 at 2:00 p.m.** this office, 2nd Flr. DOLE Bldg., Intramuros, Manila, in connection with the above-entitled case.

Your presence and cooperation are very important for the early resolution of the said labor dispute.

Manila, Philippines, December 05, 2001.

(SGD.) LEOPOLDO B. DE JESUS

Director II



beduqz



Signature of Filer Over Printed Name

VICE PRESIDENT

Position

RPNEU PROPOSALS

GUARANTEED YEARLY SALARY INCREASE

Effective on July 1, 2001 - P4,000.00/mo.
Effective on July 1, 2002 - P3,000.00/mo.
Effective on July 1, 2003 - P3,000.00/mo.

13 MONTH BONUS - P14,000.00

ALLOWANCE

MANILA	PROVINCIAL
P20.00/day	P30.00/day
P30.00/day	P40.00/day
P40.00/day	P50.00/day

MONTHLY SUGAR RATION

- 1) sacks of rice per year
- 2) kgs. white sugar per month

MONTHLY SAVINGS FUND

1,000.00 per year

MEMORIAL AWARD

- 15 yrs. of service - 14K gold ring w/ RPN logo
- 20 yrs. of service - 18K gold ring w/ RPN logo
- 25 yrs. of service - P25,000.00 cash

CRITERIA IN DETERMINING THE DAILY AND HOURLY RATE

Monthly Salary

_____ = Basic Daily Rate

1/251

Daily Rate

_____ = Basic Hourly Rate

MONTHLY PREMIUM - P600.00 per day

MEMORIAL/OPTIONAL RETIREMENT

- Less than 10 yrs. - 40 days per yr. of service
- Less than 15 yrs. - 7 days per yr. of service
- Less than 20 yrs. - 7 days per yr. of service
- Less than 25 yrs. - 7 days per yr. of service
- Less than 30 yrs. - 10 days per yr. of service
- Above 30 yrs. - 100 days per yr. of service

MEMORIAL SERVICE PAY

- Less than 10 yrs. - 18 days per yr. of service
- Less than 15 yrs. - 9 days per yr. of service
- Less than 20 yrs. - 7 days per yr. of service
- Less than 30 yrs. - 7 days per yr. of service
- Above 30 yrs. - 70 days per yr. of service

MGT. COUNTER PROPOSAL

~~FREEZE FOR ONE (1) YEAR~~

PER MINUTES OF PM no 8
1 DECEMBER 2001

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

NO COUNTER PROPOSAL

RPNEU PROPOSALS

MGT. COUNTER PROPOSAL

SEPARATION PAY INCASE OF RETRENCHMENT/
REDUNDANCY

NO COUNTER PROPOSAL

Separation pay under Article XIV - Voluntary Retrenchment
Program plus benefits under Article XII sec. 1 & 2.

PERMANENT/TOTAL DISABILITY

NO COUNTER PROPOSAL

Twenty (20) days per year of service.

MEDICAL BENEFITS

NO COUNTER PROPOSAL

Hospitalization and medical care of all employee's
dependents per year, fifty percent(50%) of the expenses
incurred for the ff. Items shall also be reimbursed by the
COMPANY. For married employee, dependents includes
spouse and children; for single employee, parents only.

- a) Hospital and room board
- b) Medicines
- c) Blood transfusions
- d) Professional fees
- e) Laboratory Examinations

Hospital room and board - maximum of P500.00 /day.

LONGEVITY PAY

NO COUNTER PROPOSAL

Less than 9 years of service - P10.00 per month
per year of service

Less than 14 years of service - P5.00 per month
per year of service

Less than 20 years of service - P6.00 per month
per year of service

Less than 25 years of service - P5.00 per month
per year of service

25 years of service and above - P120.00 per month
per year of service

VACATION LEAVE

NO COUNTER PROPOSAL

Less than 5 yrs. of service - 2 working days

Less than 10 yrs. - 3 working days

Less than 15 yrs. - 4 working days

Less than 20 yrs. - 5 working days

Less than 25 yrs. - 5 working days

25 years and above - 5 working days

LABOR DISPUTE AT
RADIO PHILIPPINES NETWORK, INC. (RPN 9)
NCMB-NCR-NS-12-352-01

MEMORANDUM OF AGREEMENT

NOW ALL MEN BY THESE PRESENTS:

This Agreement is entered into by and between RADIO PHILS. NETWORK, INC. and RPN-9 EMPLOYEES UNION and the parties have agreed the following:

1. The Management agrees to grant a salary increase as follows:

First Year	-	P400.00/month effective July 1, 2001
PLUS	-	P456.25/month effective November 1, 2001 to form part of the basic salary. (Compliance of W.O. #11)
PLUS	-	P456.25 / month effective February 1, 2002 to form part of the basic salary. (Compliance of W.O.#9)
2. Parties agree to use 251 days factor for computing retirement/separation benefits only to take effect upon signing of this agreement. Parties agree that employees whose services are extended and/or separation pay/retirement pay are not yet fully paid shall be covered by this factor;
3. Management agrees to grant rice subsidy of nine (9) sacks/per year to all covered employees ;
4. Parties agree to negotiate on the second and third years of the CBA in June 2002. Starting point of negotiation on salary increase is P400.00/month;
5. Parties agree that agreements during the plant-level negotiations shall form part and parcel of this MOA;
6. Management agrees to grant signing bonus of P1,800.00 each covered employees ;
7. All provisions in the CBA not modified in this agreement are maintained.



Based on the foregoing terms and conditions, the Notice of Strike is hereby considered **SETTLED** and **DROPPED** from the business calendar of this office.

18 January 2002, Intramuros, Manila

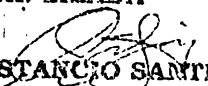
FOR THE MANAGEMENT


JESSE MORA


MA B. BARRAMEDA

FOR THE UNION


ORLAN LIZADA


CONSTANCIO SANTIAGO


DANNY BANYOLA


RUBY CASTAÑEDA


JOBEN CAUBIN


TROY MAMIGO


IRENEE PROWEL


HERMIE HORNILLOSA



JERIC SALINAS

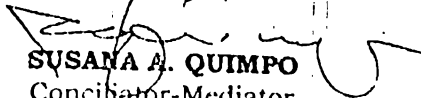

REYNATO SIOZON


FERDINAND BENJAMIN


WARREN CALUPITAN

Attested by:


LEOPOLDO B. DE JESUS
Director II


SUSANA A. QUIMPO
Conciliator-Mediator

NOTICE/REPORT ON STRIKE/LOCKOUT

Republic of the Philippines
Department of Labor and Employment
National Conciliation and Mediation Board

NCMB-NCR-NS-08-236-01

Notice of Lockout: () Actual Strike () Actual Lockout () Preventive Mediation
Date Filed: August 17, 2001
Date Actual Strike / Lockout Declared:

DATA ON ESTABLISHMENT AND UNION INVOLVED

ESTABLISHMENT EYES MEDICAL MANHATTAN	ADDRESS Regalado cor. Dahlia Street West Fairview, Quezon City	TEL. NO. 427-02-13
MANAGER/PRESIDENT C. REYES, Ed. D.	NATIONALITY Filipino	NATURE OF BUSINESS/ECONOMIC ACTIVITY/PRODUCT HOSPITAL, HEALTH SERVICES - MEDICAL EDUCATION
EMPLOYMENT 103	NORMAL WORK WEEK FIVE (5) DAY WORK WEEK	DAYS/WEEK 5 DAYS
	SHIFT/DAY 3 SHIFTS/DAY	HOURS/SHIFT 8 HRS./10 HR WORK WEEK
UNION EYES MEDICAL EMPLOYEES ASSOCIATION EYE CARE WORKERS	ADDRESS Regalado cor. Dahlia Street West Fairview, Quezon City	TEL. NO. 427-02-13
UNION REPRESENTATIVE AND ADDRESS C. REYES, Ed. D. Dahlia Street West Fairview, Quezon City	REGISTRATION NO. AFW Reg. No. 9477(FED)-LC	TEL. NO. 427-02-13
BARGAINING AGENT CNO	NO. OF WORKERS IN THE BARGAINING UNIT 432	NO. OF UNION MEMBERS 224

DATA ON STRIKE / LOCKOUT

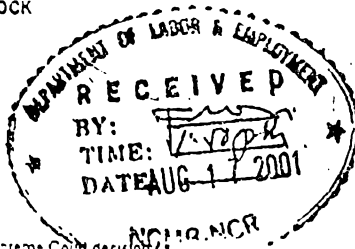
WORKERS INVOLVED / PARTICIPATING (In impending or actual strike / lockout)

(Indicate specific claims / particular per issue on lines provided below. Put an "X" in as many boxes as appropriate)

BARGAINING DEADLOCK
ECONOMIC ISSUES

IL UNFAIR LABOR PRACTICE

- Wage Increase
- Benefits / Allowances
- Overtime Pay
- Vacation / Sick Leave



- Refusal to Bargain
- Violation of CBA
- Dismissal of Union Officers / members
- Discrimination
- Coercion on Employees
- Others Acts of ULP (specify)

Issues arising from Supreme Court decision/s
Issues (specify) SIGNING BONUS

NON-ECONOMIC ISSUES (SPECIFY)

STAGED AT PLANT LEVEL TO RESOLVE THE DISPUTE

LABOR DISPUTE INVOLVING EITHER OR BOTH PARTIES (Indicate all labor disputes pending with the DOLE and the Supreme Court and also those submitted to Voluntary arbitrators)

CASE TITLE NO. ISSUES INVOLVED OFFICE/OFFICER HANDLING THE CASE

DOCUMENTS ATTACHED

- Proposal of Employer
- Proof of a Request for conference to settle the dispute
- Proof of Strike Lockout Vote
- Other Documents Specify

Signature of filer: [Signature]
Name: BUCCANG

Information of filer

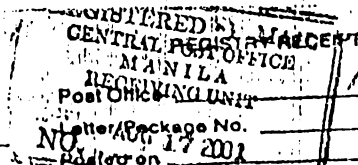
Information on NCMB assisting officer

August 17, 2001

Date Accomplished

RESIDENT

COPIES OF STRIKE / LOCKOUT SHALL NOT BE ACCEPTED BY NCMB WITHOUT PROOF OF SERVICE TO THE OTHER PARTY



75265

NAME AND SIGNATURE

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

IN RE:
1

LABOR DISPUTE AT
FEU-NICANOR REYES MEDICAL FOUNDATION
NCMB-NCR-NS-08-236-01

NOTICE OF CONFERENCE

MRS. JOSEPHINE C. REYES, Ed. D.
Chairman, Board of Trustees
FEU-NICANOR REYES MEDICAL FOUNDATION
Regalado cor. Dahlia Street, West Fairview
Quezon City

MR. DANTE F. SUGANG
Union President
FEU-NICANOR REYES MEDICAL FOUNDATION
EMPLOYEES ASSOCIATION-ALLIANCE OF
FILIPINO WORKERS
Regalado cor. Dahlia Street, West Fairview
Quezon City

GREETINGS!

You are hereby requested to appear for conciliation conference before Conciliator-Mediator LEONIDA V. ROMULO, on 28 August 2001 at 10:00a.m., this office, 2nd Flr. DOLE Bldg., Intramuros, Manila, in connection with the above-entitled case.

Your presence and cooperation are very important for the early resolution of the said labor dispute.

Manila, Philippines, August 22, 2001.

(SGD.) LEOPOLDO B. DE JESUS
Director II



Post Office Manila
Attor/Package No. 17 2001
Registered
For reference in case of inquiry

CASE TITLE FED - NICANOR REYES
MEDACAB - FEUNBAKREAN X

CASE NO. NS-08-236-01

APPEARANCE

Date & Time: Sept. 10, 2001

Place: _____

UNION REPRESENTATIVE

LORNA M. MELECU
Meredith P. Montano
NORMAN A. GRECIA
ROSENDO LOZPERIANO

MANAGEMENT REPRESENTATIVE

Professor S. Sagfalan - F.O.
~~_____~~
~~_____~~

ANTE F. SUCGANG MINUTES

REGAL R. EVANTIR

NET INCOME

1998	_____	₱56 M	_____	Extra ordinary Income from the Sale of Property of Hardyza Interest Expense
1999	_____	₱60 M	_____	
2000	_____	21 M	₱168 - ₱147 (EI)	
2001	_____	12 M	₱84 - 63 M (IE)	

₱149.9

Average Income

4 | 150 = ₱37.5 M for 4 yrs.

however, that will
38 M - ~~activity~~
of how
this year

Sheet two Investment
Cash in bank

Expense

Demand of Union is equivalent - 9.8 M
₱9.0 - monthly salary increase
Signing bonus
meal allowance
bonus pay

10

u/v

FOR THE UNION

Informal offer from the
of the Union

FOR THE MANAGEMENT

7.4 M - FED - NRAM

₱9.1 M balance

700.00
710.00
720.00

equivalent to 8.4 M
- 7.4 M

100.00
100.00
100.00
100.00
100.00

1.0 M difference

Conciliator-Mediator

2.7 - Sheet Investment
etc. - interest

FILE III - NICANOR REYES
COINAC FOUNDATION X

CASE NO. NS-08-236-01

APPEARANCE

Date September 10, 2001 2:00 - 8:00 p.m.
Place: _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

~~MANUEL REGANES~~
~~NORMAN A. GRECIA~~
~~HERCULITA P. MENDOZA~~
~~TERESA M. MELECIO~~

~~ANNA MARIA D. ABAD~~
~~ROBERTO S. BARRERA~~
~~ANT. M. TORRES~~

~~ALDEN G. LOBERZANO~~
~~MR. EDGAR R. MARTIN~~
MINUTES
MEMORANDUM OF AGREEMENT

In the interest of industrial peace and harmony, the two hereby agreed to the following:

1. WAGE INCREASE

1st Year - P 550 + P 100 = P 650.00/mo -
creditable
2nd Year - P 500 + P 100 = P 600.00/mo -
creditable
3rd Year - P 500 + P 100 = P 600.00/mo -
non-creditable creditable

The additional P 100.00 monthly salary increase shall be creditable to whatever salary adjustment under Wage Order that the RTWPP or Congress may promulgate, using the wage distribution formula

2. SIGNING BONUS - ONE MONTH SALARY based on OLD RATE payable every 30th of the month for 2 months (September 28, 2001 and October 31, 2001).

FOR THE UNION

FOR THE MANAGEMENT

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
Councillor-Mediator

[Signature]
[Signature]

TITLE FEL - NICANOR REYES
MEDICAL FOUNDATION.....X

CASE NO. NS - 08 - 236 - 01

APPEARANCE

Time September 10, 2001 2:10 - 8:00 p.m.
Place _____

UNION REPRESENTATIVE

MANAGEMENT REPRESENTATIVE

~~ANTONIO R. GARCIA~~

~~ANNA MARIA D. ABAD~~

~~NORMAN A. GRECIA~~

~~ASISTENTE S. PABERALAN~~

~~MERCEDITA P. MENDOZA~~

~~ATT. M. JONAS~~

~~ROSEMARY C. LOBERTIANO~~

~~ATTY. EDGAR R. MARTIN~~
PAGE TWO (2)

MINUTES

3. EFFECTIVITY - May 1, 2001

Payment of monthly salary increase, meal allowance, hazard pay and other money benefits shall be retroactive to May 1, 2001 and shall be settled in two (2) equal payments on September 28, 2001 and October 31, 2001 respectively.

WHEREFORE, this Notice of strike case is considered SETTLED and DROPPED from the business calendar of this Office.

FOR THE UNION

FOR THE MANAGEMENT

[Handwritten signatures for the Union]

[Handwritten signatures for the Management]

[Signature]
Conciliator-Mediator

APPENDIX II

**Table 14. Number of Strike/Lockout Notices Filed by Issues Involved, Philippines:
As of December 31, 2001**

ISSUES INVOLVED	2000		2001/a	
	Number	Percent	Number	Percent
Total Cases Filed	734	100%	623	100%
Illegal dismissal/suspension of union officer/members	250	34.06%	213	34.19%
Discrimination against/harassment of union members	298	40.60%	274	43.98%
Formation of company-dominated unions	0	0.00%	1	0.16%
Contracting-out of services normally performed	11	1.50%	19	3.05%
Refusal to bargain/bargaining in bad faith	84	11.44%	72	11.56%
Violation/non-implementation of CBA	134	18.26%	120	19.26%
Other ULP Issues	387	52.72%	314	50.40%
Bargaining deadlock, economic	113	15.40%	105	16.85%
Bargaining deadlock, non-economic	1	0.14%	0	0.00%
Bargaining deadlock, on provision not specified	154	20.98%	133	21.35%
Retrenchment issues	46	6.27%	54	8.67%
Minimum wage/ECOLA	2	0.27%	1	0.16%
Other labor standard issues	10	1.36%	12	1.93%
Not Stated	0	0.00%	0	0.00%

p - Preliminary
Sources of data: National Conciliation and Mediation Board
NCMB Regional Branches

Table 9. Comparative Statistics on Notices of Strikes/ Lockouts Cases by Month, 2001 and 2002
As of December 31, 2001

Month	Notices of Strikes/ Lockouts		Cases Disposed		Pending At The End of the Period		Workers Affected	
	2000	2001	2000	2001	2000	2001	2000	2001
TOTAL	<u>734</u>	<u>623</u>	<u>748</u>	<u>620</u>			<u>149,186</u>	<u>142,373</u>
January	67	60	65	37	76	83	13,359	17,545
February	59	60	56	41	79	102	14,137	14,702
March	72	55	61	68	90	89	14,783	8,329
April	53	41	56	52	87	78	10,449	9,469
May	89	45	80	60	96	63	20,065	6,108
June	71	50	59	46	108	67	14,852	12,073
July	61	61	70	57	99	71	13,149	10,685
August	73	67	69	58	103	80	13,891	20,984
September	51	45	65	44	89	81	10,700	8,602
October	61	64	67	56	83	89	10,417	19,502
November	35	44	33	55	85	78	6,356	8,441
December	42	31	67	46	60	63	7,028	5,933
TOTAL	734	748	748	620			149,186	142,373
Pending Beginning (2000)		74						
Pending Beginning(2001)					60			

Source of Data:

National Conciliation and Mediation Board
NCMB Regional Branches

STRIKE SITUATIONER

As of December 31, 2001

INDICATOR	A. Actual Strikes/Lockouts			B. Notices of Strikes/Lockouts			C. Preventive Mediation Cases		
	2000	2001	%change	2000	2001	%change	2000	2001	%change
Pending, beginning of period	5	5	0.0%	74	60	-18.9%	36	64	77.8%
New Cases Filed /Declared	60	43	-28.3%	734	623	-15.1%	755	722	-4.4%
Cases Treated as PM	65	48	-26.2%	808	683	-15.5%	36	16	-3.0%
Total Cases Handled	21,442	7,919	-63.1%	149,186	142,706	-4.3%	827	802	-3.0%
Workers involved in new cases	319,233	206,493	-35.3%				146,007	154,764	6.0%
Man-days Lost:									
Cases Disposed	60	45	-25.0%	748	620	-17.1%	763	743	-2.6%
Settled	38	28	-26.3%	594	471	-20.7%	659	570	-13.5%
Assumed Jurisdiction	14	3	-78.6%	23	30	30.4%	2	3	50.0%
Certified for Compulsory Arbitration	6	7	16.7%	29	15	-48.3%	1	0	-100.0%
Referred to Compulsory Arbitration	0	1	100.0%	2	6	200.0%	16	21	31.3%
Referred to Voluntary Arbitration	0	0	0.0%	8	6	-25.0%	47	47	0.0%
Referred to Regional Offices	0	0	0.0%	1	1	0.0%	1	1	0.0%
Referred to Grievance Machinery	0	0	0.0%	1	0	-100.0%	6	3	-50.0%
Referred to Labor Mangement Cooperation	0	0	0.0%	0	0	0.0%	0	0	0.0%
Treated as Preventive Mediation	0	0	0.0%	36	16	-55.6%	0	0	0.0%
Others	2	6	200.0%	4	41	925.0%	6	43	616.7%
Maintained into Strike/Lockout	0	0	0.0%	50	40	-20.0%	2	0	-100.0%
Maintained into Notice of S/L	0	0	0.0%				23	55	139.1%
Total	58.5%	58.3%	-0.2%	73.5%	69.0%	-6.2%	79.7%	71.1%	-10.8%
Settled	92.3%	93.8%	1.6%	92.6%	90.8%	-1.9%	92.3%	92.6%	0.4%
Total, end of period	5	3	-40.0%	60	63	5.0%	64	59	-7.8%

Source: National Conciliation and Mediation Board

Table 10a. Strike/Lockout Notices and Disposed by Manner of Disposition and Month: Philippines
As of December 31, 2001

INDICATOR	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Pending, beginning of period	60	60	83	102	89	78	63	71	71	80	81	89	78
New notices filed	623	60	60	55	41	45	50	61	67	45	64	44	31
Total, to date	683	120	143	157	130	123	113	132	138	125	145	133	109
Workers involved	142,373	17,545	14,702	8,329	9,469	6,108	12,073	10,635	20,984	8,602	19,502	8,441	5,933
Disposition	620	37	41	68	52	60	46	57	58	44	56	55	46
Settled	471	32	35	55	38	48	33	46	41	35	39	37	32
Assumed Jurisdiction	30	0	2	0	2	0	6	2	3	3	3	5	4
Certified for Compulsory Arbitration	15	0	0	3	4	1	1	0	0	1	3	0	2
Referred to Compulsory Arbitration	6	0	0	1	0	2	1	2	0	0	0	0	0
Referred to Voluntary Arbitration	1	0	0	0	0	0	0	1	0	0	0	0	0
Referred to Regional Office	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred to Grievance Machinery	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred to LMC	0	0	0	0	0	0	0	0	0	0	0	0	0
Others	41	0	1	3	1	2	2	2	7	3	5	7	8
Materialized into actual Strike/Lockout	16	2	2	1	1	4	1	1	1	0	1	2	0
of Actual Strike/Lockouts	40	3	1	5	6	3	2	3	6	2	5	4	0
Settlement Rate	69.0%	26.7%	24.5%	35.0%	29.2%	39.0%	29.2%	34.8%	29.7%	28.0%	26.9%	27.8%	29.4%
Disposition Rate	90.8%	30.8%	28.7%	43.3%	40.0%	48.8%	40.7%	43.2%	42.0%	35.2%	38.6%	41.4%	42.2%
Tendency, End of time Period	63	83	102	89	78	63	67	75	80	81	89	78	63

Table 10b. Strike/Lockout Notices and Disposed by Manner of Disposition and Month: Philippines
As of December 31, 2000

INDICATOR	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Ending: beginning of period	74	74	79	79	90	87	96	108	99	103	89	83	85
New notices filed	734	67	59	72	53	89	71	61	73	51	61	35	42
Total to date	808	141	138	151	143	176	167	169	172	154	150	118	127
Workers involved	149,186	13,359	14,137	14,783	10,449	20,065	14,852	13,149	13,891	10,700	10,417	6,356	7,028
Disposition	*748	65	56	61	56	80	59	70	69	65	67	33	67
Settled	594	46	40	47	48	65	52	55	61	44	53	27	56
Assumed Jurisdiction	23	1	4	7	1	3	0	2	0	2	1	1	1
Certified for Compulsory Arbitration	29	1	2	1	1	1	1	3	3	14	1	1	0
Referred to Compulsory Arbitration	2	0	0	0	0	0	0	0	0	0	0	0	2
Referred to Voluntary Arbitration	8	0	0	0	1	0	0	1	1	0	3	0	1
Referred to Regional Office	1	1	0	0	0	0	0	0	0	0	0	0	0
Referred to Grievance Machinery	1	0	1	0	0	0	0	0	0	0	0	0	0
Referred to LMC	0	0	0	0	0	0	0	0	0	0	0	0	0
Others	4	3	0	0	0	0	0	0	1	0	0	0	0
Referred into actual Strike Lockout	36	3	7	4	2	3	4	2	1	3	2	1	4
Referred into actual Strike Lockouts	30	9	2	2	3	8	2	7	2	2	7	3	3
Referred into actual Strike Lockouts	73.5%	32.6%	29.0%	31.1%	33.6%	36.9%	31.1%	32.5%	35.5%	28.6%	35.3%	22.9%	44.1%
Referred into actual Strike Lockouts	92.6%	46.1%	40.6%	40.4%	39.2%	45.5%	35.3%	41.4%	40.1%	42.2%	44.7%	28.0%	52.8%
Total Actual Period	60	76	82	90	87	96	108	99	103	89	83	85	69

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Table 12: Strike/Lockout Notices Handled and Disposed by Manner of Disposition and Region: Philippines
As of December 31, 2001

INDICATOR	Total	NCR	CAR	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	X
Pending beginning of period	(a)	31	1	0	0	4	18	0	0	3	2	0	0	0	0	
New strike/lockout notices filed	623	381	5	3	0	45	112	1	12	32	11	3	2	3	2	
Total to file	653	412	6	3	0	49	130	1	12	35	13	3	2	8	2	
Workers involved in strike/lockout	142,373	90,625	3,921	208	0	11,515	22,346	229	1,790	3,694	488	700	190	4,992	125	
Disposition:																
Settled	629	369	6	3	0	48	118	1	12	32	11	3	1	8	2	
Assessed distribution:	471	309	5	2	0	30	61	1	12	27	11	2	1	7	0	
Deferred for (Comptroller, Arbitration	30	13	0	0	0	3	11	0	0	0	0	0	0	1	2	
certified for (Comptroller, Arbitration	154	101	0	0	0	1	1	0	0	2	0	0	0	0	0	
deferred for (Comptroller, Arbitration	5	0	0	0	0	2	4	0	0	0	0	0	0	0	0	
Referred to Voluntary Arbitration:	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	
Referred to Regional Office	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Referred to Concurrence Management	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Referred to Concurrence Management	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Referred as Private Mediation	16	4	0	0	0	4	5	0	0	0	0	0	0	0	0	
Referred as Private Mediation	41	15	0	0	0	1	23	0	0	0	0	0	0	0	0	
Master/contractual/contractual strike/lockout	49	18	1	1	0	7	12	0	0	1	0	0	0	0	0	
Master/contractual/contractual strike/lockout	59	25	1	1	0	7	12	0	0	1	0	0	0	0	0	
Master/contractual/contractual strike/lockout	96	39	1	1	0	61	46	0	0	77	84	66	50	87	0	
Master/contractual/contractual strike/lockout	129	78	3	3	0	98	90	0	0	91	84	100	50	100	100	
Master/contractual/contractual strike/lockout	115	78,799	3,854	38	0	10,526	22,557	229	1,790	3,508	545	790	130	4,968	125	
Master/contractual/contractual strike/lockout	03	63	0	0	0	1	12	0	0	3	2	0	1	0	0	

Source: Bureau of Labor Relations and Conciliation, Department of Labor and Employment, Manila

Table 11: Notices of Strikes/Lockouts Handled by Manner of Disposition and Area: Philippines
As of December 31, 2001

INDICATOR	2000 (Jan 1 - Dec 31)			2001 (Jan 1 - Dec 31)			Month Update w/					TOTAL
	Total	Manila	Outside Manila	Total	Manila	Outside Manila	1-7	8-15	16-22	23-31		
Pending, beginning of period	74	37	37	60	31	29	78	72	73	63	75	
New strike/lockout notices filed	734	432	302	623	381	242	7	13	11	0	31	
Total, to date	808	469	339	683	412	271	85	85	84	63	109	
Workers involved in strike/lockout notices filed during the period	149,186	98,561	50,625	142,573	90,625	51,748	1,135	2,044	2,754	0	5,933	
Disposition	748	438	310	620	369	251	13	12	16	5	46	
Settled	594	350	244	471	309	162	10	10	9	3	32	
Assumed Jurisdiction	23	16	7	30	13	17	1	1	1	2	5	
Certified for Compulsory Arbitration	29	26	3	15	10	5	0	0	1	0	1	
Referred to Conciliatory Arbitration	2	0	2	6	0	6	0	0	0	0	0	
Referred to Voluntary Arbitration	8	0	8	1	0	1	0	0	0	0	0	
Referred to Regional Office	1	1	0	0	0	0	0	0	0	0	0	
Referred to Grievance Machinery	1	0	1	0	0	0	0	0	0	0	0	
Referred to IAC	0	0	0	0	0	0	0	0	0	0	0	
Referred to Conciliatory Mediation	36	12	24	15	4	12	0	0	0	0	0	
Others	4	1	3	41	15	26	2	1	5	0	5	
Handled by the Regional Office	50	32	18	40	18	22	0	0	0	0	0	
Handled by the Regional Office	73.51%	74.63%	71.98%	68.96%	73.00%	59.78%	11.76%	11.76%	10.71%	4.41%	29.36%	
Handled by the Regional Office	92.57%	93.39%	91.45%	90.78%	89.56%	92.62%	15.29%	14.12%	19.05%	7.35%	42.20%	
Pending end of period	60	31	29	63	43	20	72	73	68	63	63	

Source of data: National Conciliation and Mediation Board
MOA/MS Regional Branches