

**Tripartite Industrial Peace Council
and Tripartite Executive Committee Labor Sector**

JOINT RESOLUTION NO. 01

Series of 2013

***“Forwarding to the Office of the President the Labor Issues to be Addressed during
the Pre-Labor Day Dialogue with the President”***

WE, the representatives of the organized labor in the Tripartite Industrial Peace Council (TIPC) and Tripartite Executive Committee (TEC), duly reconstituted through Executive Order No. 49, series of 1998, as amended, and fully functioning pursuant to ILO Convention No. 144:

UNANIMOUSLY, uphold the 22-point Labor and Employment Agenda of President Benigno S. Aquino III which essentially consists, among others, the following directives:

- Promote not only the constitutionally protected rights of workers but also their right to participate in the policymaking process; and
- Work with the private and labor sector to strengthen tripartite cooperation and promote industrial peace.

UNANIMOUSLY, commit to engage in collaborative measures consistent with the principles of tripartism and social dialogue, to contribute in the attainment and sustainment of inclusive growth and decent work in the labor sector;

UNANIMOUSLY, agree on the issues to be raised and addressed during the Pre-Labor Day Dialogue with the President, which were a product of intensive discussions of the TIPC and TEC Labor Sector on 14 March 2013, 26 March 2013 and 03 April 2013;





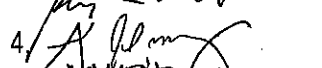
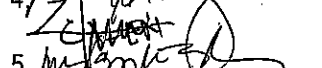




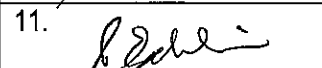


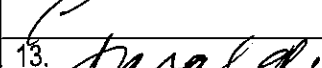
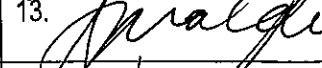
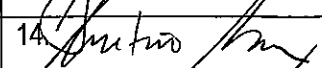

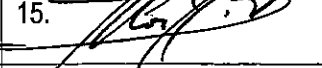


UNANIMOUSLY, decide to categorize the labor issues into those requiring Presidential action and administrative action, but pursue both with the same intensified efforts;

UNANIMOUSLY, agree to engage the President in a meaningful and interactive dialogue after his response to the issues submitted.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to forward the list of labor priority issues herewith attached as “Annex A” to the Office of the President to serve as a basis of the President’s response in the forthcoming Pre-Labor Day Dialogue in line with the 2013 Labor Day celebration.

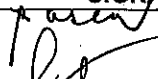
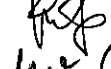



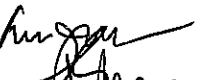



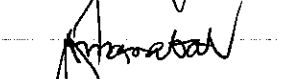
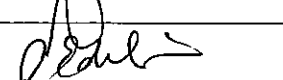
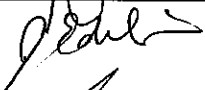
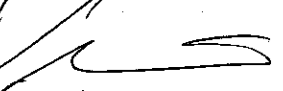
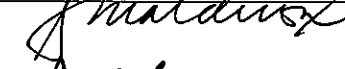
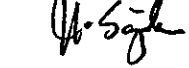
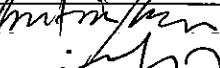

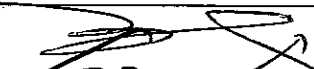


Approved this 3rd day of April 2013, at the Occupational Safety and Health Center, Diliman, Quezon City.

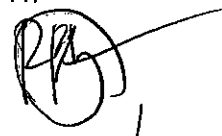


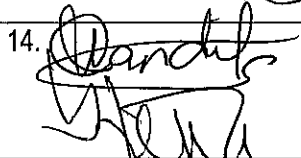

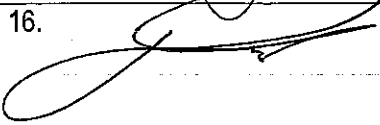
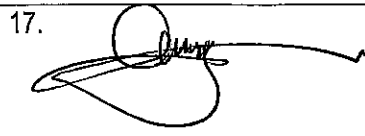
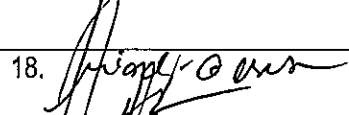
TRIPARTITE INDUSTRIAL PEACE COUNCIL

LABOR ORGANIZATION	LABOR REPRESENTATIVE	SIGNATURE
Trade Union Congress of the Philippines (TUCP) - National Union of Bank Employees (NUBE) - ITUC - Alliance of Independent Hotels and Restaurant Workers Union (AIHRWU)	1. Mr. Victorino F. Balais	1. 
	2. Mr. Zoilo V. dela Cruz, Jr.	2. 
	3. Mr. Ernesto F. Herrera <i>MR. ROMEO CAOTE</i>	3. 
	4. Ms. Esperanza S. Ocampo <i>MR. NUSYIA CHRISTOPHER</i>	4. 
	5. Ms. Milagros C. Ogalinda	5. 
	6. Mr. Gerard R. Seno	6. 
	7. Mr. Jesus B. Villamor	7. 
	8. Mr. Alejandro C. Villaviza	8. 
	9. Mr. Jose P. Umali, Jr.	9. 
	10. <i>RODOLFO J. PASCUAL</i>	10. 
Alliance of Progressive Labor (APL)	11. Mr. Daniel L. Edralin *	11. 
	12. Mr. Josua T. Mata **	12. 
Alliance of Filipino Workers (AFW)	13. Mr. Angelito P. Calderon *	13. 
Federation of Free Workers (FFW)	14. Mr. Jose Sonny G. Matula	14. 
	15. Mr. Allan S. Montañó	15. 
National Confederation of Labor (NCL)	16. Mr. Benjamin C. Alar *	16. 
Pambansang Diwa ng Manggagawang Pilipino (PDMP)	17. Mr. Norberto M. Alensuela, Sr.	17. 
Trade Unions of the Philippines and Allied Services (TUPAS)	18. Mr. Vladimir R. Tupaz *	18. 
National Federation of Labor Unions (NAFLU)	19. Mr. Manuel P. Arias --- replaced by Ernesto Prias	19. 
Lakas Manggagawa Labor Center (LMLC)	20. Mr. David L. Diwa	20. 

NOTE: In asterisk (*) – TEC Regular Members also;
In double asterisk (**) – TEC alternate member also.

TRIPARTITE EXECUTIVE COMMITTEE

LABOR ORGANIZATION	LABOR REPRESENTATIVE	SIGNATURE
Trade Union Congress of the Philippines (TUCP)	1. Mr. Arturo A. Basea 2. Ms. Florencia P. Cabatingan 3. Mr. Rafael E. Mapalo 4. Mr. Gilbert Lorenzo 5. Mr. Cedric Bagtas Alternates: Mr. Arthur F. Juego Mr. Temistocles S. Dejon, Jr. Ms. Anna Lee M. Fos Ms. Angelita Señorin Mr. Francisco Valois Ms. Rosalinda A. Manabat	1.  2.  3.  4.  5.  Alternates: Mr. Arthur F. Juego  Mr. Temistocles S. Dejon, Jr.  Ms. Anna Lee M. Fos  Ms. Angelita Señorin  Mr. Francisco Valois  Ms. Rosalinda A. Manabat 
Alliance of Progressive Labor (APL)	6. Mr. Daniel L. Edralin Alternate: Mr. Josua T. Mata	6.  
Alliance of Filipino Workers (AFW)	7. Mr. Angelito P. Calderon --- Norberto Sajorda Alternate: Mr. Willy M. Pulia	7.  
Federation of Free Workers (FFW)	8. Mr. Antonio C. Asper Alternate: Mr. Julius H. Cainglet	8.  
National Confederation of Labor (NCL)	9. Mr. Benjamin C. Alar	9. 
Pambansang Diwa ng Manggagawang Pilipino (PDMP)	10. Mr. Pedro de Quiroz Alternate: Mr. Napoleon de Quiroz	10.  

Trade Unions of the Philippines and Allied Services (TUPAS)	11. Mr. Vladimir R. Tupaz Alternates: Mr. Romeo R. Arica Mr. Vicente B. Apor	11. 
National Federation of Labor Unions (NAFLU)	12. Mr. Amulfo 'Arnold' Q. Pardo Alternate: Mr. Pablo S. Catorce, Jr.	12. 
Lakas Manggagawa Labor Center (LMLC)	13. Mr. Eleuterio C. Tuazon Alternate: Mr. Ronaldo S. Tuazon	13. 
Association of Genuine Labor Organization (AGLO)	14. Mr. Jaime L. Miralles <i>Villa B. Candila</i> Alternate: Mr. Butch B. Peña	14. 
Bukluran ng Manggagawang Pilipino (BMP)	15. Mr. Teodorico Navea <i>Romeo Castillo</i>	15. 
Manggagawa Para sa Kalayaan ng Bayan (MAKABAYAN)	16. Mr. Pedro N. Pinlac Alternate: Arthur Castillo	16. 
Philippine Metalworkers' Alliance (PMA)	17. Mr. Francisco P. Mero Alternate: Mr. Angel Y. Dimalanta Mr. Gary Aguilar	17. 
Public Services Labor Independent Confederation (PSLINK)	18. Ms. Annie E. Geron <i>Jillian Roque</i>	18. 

**2013 LABOR DAY CELEBRATION
LABOR GROUPS' PRIORITY ISSUES**

Framework: Advance compliance with core labor standards to alleviate poverty

A. Requiring Presidential Action

ISSUES	PROPOSED RECOMMENDATIONS
<p>1. Weak observance of the Constitutional guarantees to security of tenure, self-organization, collective bargaining</p> <ul style="list-style-type: none"> • Security of Tenure <p>One of the main issues presented in the 2012 Labor Day Breakfast with the President, the labor sector is tapping on the commitment of the President to ensure observance of the Constitutional guarantees to security of tenure, self-organization, collective bargaining as well as the right of business to just returns on investments, expansion and growth.</p>	<p>1. Certify as urgent the passage of the Security of Tenure Bill, particularly House Bill No. 4853, which will be re-filed in the 16th Congress.</p> <p>2. Resolve the extrajudicial killing cases</p>
<p>2. Taxation concerns</p>	<p>1. Direct the BIR and DOF to review and amend the implementation of RA No. 9504 on Tax Exemption for Minimum Wage Earners and Revenue Memorandum Circular No. 39-2012 imposing taxes on backwages allowances and benefits pursuant to a labor dispute</p> <p>a. Review and amend the implementation of RA 9504, with the following proposals</p> <ul style="list-style-type: none"> • Only the excess amount from the minimum wage should be taxed and not the entire income of the worker; • Increase tax exempt "de minimis" benefits from Php 30,000.00 to Php 60,000.00; • Expand de minimis benefits to exclude from tax coverage productivity and CBA benefits; • Review tax exemption of separation/termination/severance pay and contributions to Pag-IBIG funds; • Determine the minimum wage for the public sector for the purpose of tax exemption; • Exempt productivity wage increase regardless of amount earned; and • Exempt fringe benefits, rice subsidy and signing bonus from CBA from the computation of income taxes. <p>b. Review with the end in view of amending Revenue Memorandum Circular No. 39-2012 "Withholding of Income tax of backwages, allowances & benefits received by employees through garnishments of debts or credits pursuant to a labor dispute award", and at the same time suspend the implementation of NLRC Administrative</p>

ISSUES	PROPOSED RECOMMENDATIONS
	Order No. 71-17, Series of 2012, "Guidelines and Procedures on the Withholding of Income Tax on Backwages, Allowances and Benefits by Virtue of Labor Dispute Awards pursuant to BIR RVC No. 39-2012
<p>3. Agro-Industrial Plan</p> <p>There is a need for effective and meaningful labor and employer participation in crafting the National Agro-Industrial Plan.</p>	<p>Create a Presidential Commission on Agro-Industrial and Trade Policy that will engage the labor movement and the employers in a meaningful dialogue and craft the country's active agro-industrial and trade policies as mandated by the Philippine Development Plan. The Commission should involve TIPC/TEC, BOI, DTI, NEDA, and with full involvement/ participation of the DOST, because gauging from the experiences of our ASEAN neighbors, their successes on their Industrial planning is anchored on a strong domestic science and technology base. It is proposed that the DOST should be the central research and development of the country.</p>
<p>4. High Cost of Power</p> <p>Taking into account that power cost in the country is one of the highest in the ASEAN region, there is a growing need to immediately lower down the cost of electricity rates in order to ensure everyone's access to electricity and to make our industries competitive.</p>	<ol style="list-style-type: none"> 1. Immediately create a Presidential Commission that includes representatives from the labor sector and consumers' groups that will seriously study and implement policies to bring down the cost of electricity rates within a year. Such policies could include: replacing the Performance-Based Ratemaking (PBR) formula used by the ERC with the 8%-12% ceiling on the Return-on-Rate Base (RORB) that was used previously; stopping indexation of geothermal and natural gas to the price of imported fuels; and, suspending the implementation of Retail Competition and Open Access until such time as a comprehensive impact assessment has been carried out; 2. Veto the NEA Reform Bill which provides the National Electrification Administration (NEA) with draconian "step-in" powers that would easily pave the way for the corporate takeover of 119 electric cooperatives in the country, leaving 8 million households vulnerable to the rapacious way that corporations like MERALCO are extracting super-profits from their franchise areas; and, 3. Appointment of a labor representative in the Energy Regulatory Commission (ERC). 4. As an immediate relief, remove EVAT from systems losses.
<p>5. Freedom of Information</p>	<p>Certify as urgent the passage of the Freedom of Information Bill, which will be re-filed in the 16th Congress without the contentious "right of reply" provision.</p>
<p>6. Social Protection</p> <p>a. Pending demolitions of urban poor communities in danger zones in Metro Manila.</p>	<p>Direct all concerned agencies to sign the proposed Joint Memorandum Circular on Policy Guidelines on the Operationalization and Utilization of the P50B Alternative Housing Program for the Informal Settler Families (ISFS) Living in Danger Areas in the National Capital Region, which was crafted by the NAPC and the DILG.</p>

ISSUES	PROPOSED RECOMMENDATIONS
<p>7. On Migrant workers' issues Request to institutionalize a mechanism where TUs, CSOs and government can sit together to raise their concerns</p>	<p>1. Issuance of an Executive Order that would institutionalize the Consultative Council on Overseas Filipino Workers (CCOFW) as a dialogue platform similar to the TIPC for trade unions, CSOs and government</p> <p>2. Review deployment of Overseas Filipino Workers (OFWs).</p>
<p>8. Regular dialogues with the President</p> <p>In line with His Excellency's first labor day directive in 2011, calling on the conduct of quarterly dialogues with the labor and employers, the sectors would like to access this venue to have regular engagement with the President to address the numerous issues being surfaced.</p>	<p>1. Schedule semestral dialogues</p> <p>2. For the President to provide updates to the labor sector on the issues that have been previously brought to his attention every Labor Day celebration</p>

B. Requiring Administrative Action

ISSUES	PROPOSED RECOMMENDATIONS
<p>9. Weak observance of the Constitutional guarantees to security of tenure, self-organization, collective bargaining</p>	<p>Issuance of an Executive Order to institutionalize social dialogue in the public sector</p>
<p>2. Social Protection a. Unemployment insurance / assistance</p>	<p>Direct the SSS to recommend/craft an unemployment insurance program</p> <p>TIPC to issue a resolution to institutionalize unemployment insurance</p> <p>Recommend the setting up of a presidential task force that will establish unemployment insurance, with seed money to come from government, possibly the SSS, ECC, etc.</p>
<p>b. SSS reforms: 1) increasing the SSS premiums to 11% which can be co-shared by the employer and worker; 2) increase the monthly salary credit of members from P15,000 to P20,000; 3) increase pension of member to 10%.</p>	<p>TIPC/TEC to hold discussion and draft a TIPC resolution directing/requesting the SSS to conduct feasibility studies toward instituting increases in SSS premiums and benefits of members and to review the rules and regulations on SSS remittance</p>
<p>c. Training related concerns: 1) use of training fund; 2) use of trainees to displace regular workers; and 3) abuse and exploitation of on-the-job trainees</p>	<p>1. Request DOLE, TESDA, DepED, and CHED to study the OJT rules and regulations</p> <p>2. Direct CSC to create a National Human Resource Action Plan that will look into the recruitment and retention of public sector workers</p>
<p>d. ECC reforms, particularly as there is widespread difficulty in accessing employees' compensation (EC) benefits</p>	<ul style="list-style-type: none"> • TIPC to act on recommendations. <p>1. Review/Amend the Charter creating Employees Compensation Commission to clearly reflect its primary role as an "agent of social justice" and not as guardian of Social Insurance Fund or equity investor;</p> <p>2. Replace overstaying Commissioners to realize Proposal 1;</p> <p>3. Review the role of ECC as policy-making body and acting as</p>

ISSUES	PROPOSED RECOMMENDATIONS
	<p>quasi-judicial body to reflect a labor-friendly one being that the law that create them is a social legislation; and</p> <p>4. Review ECC's over-all performance to realize Proposal 3.</p>
e. Occupational Safety and Health	Review rules and regulations pertaining to erection and dismantling of scaffolds and OSH
f. Mass Transportation	<p>1. Request the DOTC, LRTA and MRT-3 for direct connections of LRT and MRT lines and to add more LRT and MRT coaches</p> <p>2. Improve the Philippine National Railways (PNR)</p>
g. Socialized Housing	<p>1. Restore, through GSIS, the socialized housing for government employees</p> <p>2. Allot additional funds for socialized housing</p>
<p>3. Ratification of ILO C151, 187, 94, 183 and 181</p> <p>To align the country's labor policies with international treaties, it is necessary to push all government machineries to ratify pre-identified priority ILO Conventions under the Philippine Labor and Employment Plan 2011-2016.</p>	<p>Expeditious processing of requirements of concerned agencies for the ratification of the following ILO Conventions:</p> <p>a. Convention concerning protection of the Right to Organize and Procedures for Determining conditions of employment in the Public Service, Convention 151</p> <p>b. Promotional Framework for Occupational Safety and Health, Convention No. 187</p> <p>c. Convention concerning Labour Clauses in Public Contracts, Convention 94</p> <p>d. Convention concerning the revision of the Maternity Protection Convention (Revised), Convention 183</p> <p>e. Convention concerning Private Employment Agencies, Convention 181</p>
<p>4. On Informal Sector Workers Concerns</p> <p><i>Secure livelihood and job opportunities for informal sector workers affected by local ordinances e.g. kuliglig and padyak.</i></p>	Passage of Magna Carta for Informal Sector Workers