The brewing labor dispute at AJMR Port Services Corporation was settled through conciliation-mediation on April 20, 2015, National Conciliation and Mediation Board Executive Director Reynaldo R. Ubaldo said today, quoting reports from RCMB XI Officer-in-Charge Ma. Theresa Francisco.

AJMR Labor Union filed a preventive mediation case against the company on February 23, 2015 on the ground of unfair labor practices (ULP).

The union alleged wage distortion and violation of the CBA provisions on union security and uniform requirements.

It also accused management of reneging on its commitment to hire 14 employees on or before September 15, 2013 as provided in the July 22, 2013 agreement signed at the NCMB.

On April 20, 2015, after a series of conciliation conferences presided over by Francisco, the parties mutually agreed to settle the aforesaid issues except wage distortion.

Union manifested during the conciliation proceedings that uniform benefits have already been granted per audit of the records.

On the issue of union security, management and the union agreed to observe extensive discussion and collaboration on the replacement of positions vacated by union members due to promotion, retirement, or resignation.

The parties agreed to submit the issue on wage distortion to
Thru voluntary arbitration, heirs of maritime engine cadet get P3.7 M

PRESS RELEASE
NATIONAL CONCILIATION AND MEDIATION BOARD
21 JUNE 2015

Davao City – The heirs of a maritime engine cadet who died of Well’s disease (leptospirosis) shortly after disembarking were recently awarded P3.7 M worth of death and burial benefits through the voluntary arbitration program of the National Conciliation and Mediation Board – DOLE.

Roberto and Imelda Guerra, parents of Ian Kristoffer Guerra
received the amount on May 20, 2015 following the successful resolution of the voluntary arbitration case they filed against Agile Maritime Resources, Inc.

Ian Kristoffer Guerra, who served a 12-month contract with Agile Maritime Resources from April 11, 2007 to May 11, 2008, died on May 28, 2008 of leptospirosis, a disease he contracted while on board Mt. Kim Jacob.

His parents then sued for damages at the NLRC. But the jurisdictional authority of the NLRC over the dispute was questioned by the company in a petition it filed with the Court of Appeals.

In a decision dated February 27, 2014, the CA ruled that the case properly falls within the jurisdiction of the voluntary arbitrator.

The case was finally submitted to voluntary arbitration on October 3, 2014, when RCMB XI OIC Ma. Theresa M. Francisco succeeded in convincing the parties after processing the complaint through the Single Entry Approach (SENA) program.

In their submission agreement, the parties sought to determine 1) whether the death of Ian Kristoffer Guerra is compensable under POEA Standard Employment Contract and/or the Collective Bargaining Agreement, and 2) whether the complainant is entitled to damages and attorney’s fees.

The case was handled by a panel of arbitrators composed of Atty. Rolando Arañas, chairperson, and Atty. Art Tan and Atty. Danilo Cullo, members.

On May 20, 2015 the parties reached a compromise agreement.

"Before the case could be submitted for resolution, the panel of voluntary arbitrators convinced the parties to settle," Francisco said in her report to Executive Director Reynaldo R. Ubaldo.
“The parties signed a joint motion to dismiss. Specifically, the complainants issued a document releasing the company of all obligations,” Francisco added.

“The complainants received Citibank Check No. 1000011206 dated May 19, 2015 in the amount of P3,703,025.00 as full and complete settlement of their claims. The case is now closed and terminated with prejudice,” Francisco said further. – from a report by Nancy L. Lasquite and Dennis M. Galorio, RCMB XI

National Disaster Consciousness Month

DOLE Memo

Republic Act No. 10121
A resigned marketing communications manager and an office clerk/binder are two of the latest clients to benefit from the Single Entry Approach (SENA) Program of the NCMB, Executive
Director Reynaldo R. Ubaldo said today.

Ubaldo, in his report to Labor and Employment Secretary Rosalinda Dimapilis Baldoz, said the Board recently settled the complaints involving the two workers, granting them their due benefits from their respective former employers.

Ms. Shiela Leodones, a marketing communications manager, sought the intervention of the NCMB-Central Office on April 23, 2015 by filing a complaint against a hotel in Quezon City for unpaid salary, pro-rated 13th month pay, commission pay, and one-month financial assistance.

Ubaldo said Ms. Leodones resigned last April 15, 2015 due to conflict with her superior.

On May 27, 2015, after four conciliation conferences, Ms. Leodones received payment for her claims in the amount of P77,458.20. Management also agreed to provide the complainant her certificate of employment.

Ubaldo also reported the settlement of the complaint of Ms. Joy Y. Deuna, an office clerk/binder of a printing company in Sta Cuz, Manila who likewise availed help through the Single Entry Approach Program.

On May 27, 2015, Deuna filed a complaint against her employer for non-payment of 13th month pay, separation pay and non-remittance of SSS, Philhealth and Pag-ibig contributions. She resigned from the company for personal reasons.

After only two conciliation conferences or on June 11, 2015, the NCMB Central Office succeeded in convincing both parties to settle. The company representative agreed to pay the amount of P200,000.00 representing Deuna’s claims.

“The fast resolution of both disputes is proof that SENA works,” Ubaldo said.

He commended Conciliator-mediator Othello B. Tongio, Jr. for
his efforts in facilitating the settlement of both complaints.

SENA is a reform measure introduced by Labor Secretary Rosalinda Dimapilis Baldoz when she assumed office in 2010. The program seeks to simplify the processing of labor cases in the department. Under the program, complaints are processed with conciliation as initial step. If the case is not settled within 30 days, it is elevated to the appropriate office of the department.

“The 30-day conciliation-mediation scheme under the SENA is an inexpensive, accessible, and speedy mechanism to resolve labor issues and conflicts,”
Ubaldo further added. - Diadema A. Aguirre

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MCU, union forge P7 million CBA deal, strike averted

Date posted: June 16, 2015

The National Conciliation and Mediation Board averted a strike at the Manila Central University (MCU) – Filemon D. Tanchoco Medical Foundation following successful conciliation-mediation proceedings that resulted to the conclusion of their collective bargaining agreement, NCMB Executive Director Reynaldo R. Ubaldo said today.
The MCU-Filemon D. Tanchoco Medical Foundation Employees Association filed a Notice of Strike with the RCMB-NCR against the hospital on March 19, 2015.
The union alleged bargaining deadlock on the economic
provisions of the CBA specifically salary increase, retirement pay, longevity pay, and signing bonus.

“Majority of the union members voted to call a strike in the balloting on April 15, 2015,” Ubaldo said citing reports from Conciliator-Mediator Amorsolo V. Aglibut.

Aglibut conducted a series of conciliation conferences to put the parties at ease and conclude negotiations amicably. His effort was not in vain.

“One May 11, 2014, the parties concluded their CBA negotiations with the help of Con-Med Aglibut,” Ubaldo said.

“Covered employees shall receive salary increases of P436.73/month for 5-day shift workers and P501.73/month for 6-day shift workers during the first year,” Ubaldo further said.

He said an additional P300/month will be given to covered employees on the second year.

The hospital also granted an additional two percent to the rate of retirement pay provided in the existing CBA.

“Covered employees shall also receive a signing bonus amounting to P3,000,” Ubaldo said.

“The total economic package is estimated at P7,053,047.60,” he added.

Ubaldo commended the parties for choosing peaceful means to settle their bargaining deadlock.

“We are glad that both sides were able to compromise. While the negotiations were often challenging, I thank the negotiating panels of both sides for having a collective goal and forging a win-win agreement,” he said. “There appears to be a genuine give-and-take attitude by the parties, and this paved the way for the conclusion of the negotiations,” he added.
He also commended Con-Med Aglibut for his efforts in preventing the notice of strike from maturing into a work stoppage which could have paralyzed hospital operations.

The Manila Central University (MCU) – Filemon D. Tanchoco Medical Foundation is a non-stock and non-profit educational institution with an adjunct training hospital established in 1971. It employs 456 workers.

MCU-Filemon D. Tanchoco Medical Foundation Employees Association, an affiliate of the Alliance of Filipino Workers (AFW), represents 349 union members for collective bargaining purposes.

END/ Gillian Pearl L. Guerrero and Grace F. Estorque

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Retrenched workers avail of early retirement package

Date posted: June 16, 2015

TACLOBAN CITY – Instead of the customary separation pay afforded to retrenched employees, three former workers of Gaisano Capital, a department store located in Tacloban City, received their early retirement package amounting to ₱447,758 recently.

“These workers were among those temporarily laid off when Gaisano Capital ceased operations after Typhoon Yolanda,” said Papiniano Macayan III, the Single Entry Desk Officer assigned to the case. “When the establishment re-opened in April 2015, some of the departments like the food court and the ground level department store were abolished. The workers assigned to
these departments were asked not to return to work,” he added.

On May 8, 2015, Norberta De Asis, Benjamin Canoy and Susana Cahingcoy sought the assistance of the branch’s SENA desk citing complaints of illegal dismissal and asked for the applicable separation pay.

During the initial conference on May 18, 2015, management countered that its move did not constitute illegal dismissal but retrenchment, which entitles the affected workers to only a half-month pay per year of service. However, they encouraged the workers to avail of the early retirement benefit as provided for in their CBA.

The retirement benefit is computed at 22 days per year of service multiplied by their basic daily wage.

“The CBA provides that those workers who have rendered more than 5 years in service may avail of the early retirement package. However, only two employees can avail of the package per year,” said management representative Eleanor Mantalaba. “For humanitarian reasons, we are willing to extend the availment to the three workers,” she added.

The workers agreed and management immediately released checks prepared beforehand based on the computation for early retirement pay in the CBA.

The check for de Asis however, was released on June 9, 2015, after both parties agreed to correct the erroneous computation on the number of years she has rendered. – Pamela R. Babalcon, RCMB VIII
RCMB III settles dispute in bag company

Date posted: June 16, 2015

The preventive mediation case filed by the Dong In Employees Association against Dong In Entech K-1, Inc. has been amicably settled, NCMB Executive Director Reynaldo R. Ubaldo said today.

The union filed the PM case with the Regional Conciliation and Mediation Branch No. III, San Fernando, Pampanga on May 8, 2015 following refusal by the management to face them at the bargaining table.

“The union has submitted its proposals for the CBA, but management seemed uninterested to negotiate,” Ubaldo, citing RCMB III Director Maria Teresita L. Cancio, said.

“It was supposed to be the parties’ third CBA,” he added.

Tired of waiting, the union sought help from RCMB III. They were assisted by Conciliator-Mediator Onofre H. Bautista.

Bautista needed only two weeks to convince the parties to settle. In the conciliation meeting on May 22, 2015, the parties agreed to start plant-level negotiations on May 29, 2015.

Dong In Employees Association, headed by Union President Marlon G. Manuel, is the certified sole and exclusive bargaining agent in the company. It is affiliated with Obrero Pilipino.

The company is engaged in the manufacture of back packs, luggage, strollers, child carriers, and day packs for export in the United States of America, Canada, Japan, and Europe. It employs more or less 1,500 and is situated at the Freeport
Meanwhile, the RCMB III helped four workers from the Central Luzon Region through the settlement of their complaints under the Single Entry Approach Program (SENA).

Elmer Carolino, a rice classifier who has worked for nine years at Tambo Rice Mill in Bocaue, Bulacan, filed a complaint on May 4, 2015 alleging illegal dismissal. He was assisted by Bautista who managed to convince the company to reinstate the complainant without loss of seniority rights. Carolino resumed working with the company on May 13, 2015, a day after his complaint was amicably settled.

The complaint of Jack dela Cruz, a checker of Topline Hardware in Cabanatuan, Nueva Ecija for seven years, was also settled on May 26, 2015, only five days after it was filed.

Dela Cruz alleged illegal dismissal and non-payment of SSS, Philhealth, and Pag-ibig premiums in his request for assistance filed on May 21, 2015. He accepted management’s offer of financial assistance amounting to P18,000 as complete settlement of his claims. He was assisted by Con-Med Bautista.

Further, Mesdames Lea Tadeo and Analea Maninang, line leaders at Charter Link Clark, were paid P13,500 each on May 25, 2015 as settlement of their claims against the company.

Tadeo and Maninang filed a complaint with the RCMB III on May 4, 2015 for alleged illegal dismissal.

They also sought to recover their separation pay, 13th month pay and tax refund. They were assisted by Conciliator-Mediator Rowena M. Gutierrez. – from a report by Ma. Girlie D. Layug, RCMB III
HSBC, union ink P45 million CBA

Date Posted: June 16, 2015

The Hong Kong and Shanghai Banking Corporation (HSBC) Savings Bank (Philippines), Inc. and its union have signed a new collective bargaining agreement (CBA), National Conciliation and Mediation Board Executive Director Reynaldo R. Ubaldo said today.

Ubaldo said HSBC and its union completed negotiations for their CBA through the guidance of Conciliator-Mediator Amorsolo V. Aglibut who acted on the parties’ request for technical assistance.

The management of HSBC sought technical assistance from the RCMB-NCR on March 9, 2015 after both parties failed to reach an agreement at plant level.

“The management deemed third party intervention necessary to conclude negotiations peacefully,” Ubaldo said, citing reports from Aglibut.

The parties concluded their CBA on May 8, 2015, after a series of conciliation conferences presided over by Aglibut.

The P45 million estimated economic package includes salary increase for 2015 and 2016.

“For 2015, all covered employees shall receive a 3% across the board wage increase plus 4% salary adjustment based on their performance appraisal rating,” Ubaldo said.

“For 2016, a 2% across the board wage increase plus 4% salary adjustment shall be implemented,” Ubaldo added.

The agreement also includes medical allowance, dental benefit,
and bereavement assistance.

The company also granted all covered employees a goodwill bonus equivalent to one month base salary to be given at the time of signing of the CBA.

Ubaldo lauded the management and union of HSBC for peacefully concluding their CBA negotiations.

“We are honored to have assisted the HSBC and its union in forging their agreement,” Ubaldo said.

Ubaldo noted the efforts of the management in safeguarding the trust of the employees by seeking assistance from the NCMB.

He also commended Aglibut for expertly guiding the parties craft their CBA.

Hong Kong and Shanghai Banking Corporation (HSBC) Savings Bank (Philippines), Inc. is a banking corporation duly incorporated in accordance with Philippine laws.

Hong Kong Bank Independent Labor Union represents the rank-and-file employees of the company for collective bargaining purposes.

END/ Gillian Pearl L. Guerrero

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Timbang iwasto sa tamang nutrisyon at ekersisyo!

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