



WAGE ORDER NO. BARMM-02

PROVIDING FOR A NEW MINIMUM WAGE INCREASE FOR NON-AGRICULTURE AND AGRICULTURE SECTORS IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM)

WHEREAS, under Bangsamoro Autonomous Act (BAA) No.13, otherwise known as the Bangsamoro Administrative Code, the Bangsamoro Tripartite Wages and Productivity Board (BTWPB) of Ministry of Labor and Employment (MOLE) is mandated to determine and fix the minimum wage rates applicable in the Bangsamoro Region.

WHEREAS, the BTWPB-MOLE, BARMM issued its first Wage Order No. BARMM-01 providing a basic increase at P 14.00/day for Non-Agriculture and 10.00/day for Agriculture Sectors making the Minimum Wage Rates at P 325.00/day and 300.00/day respectively in Cotabato City and the Special Geographic Area (SGA) which took effect last January 01, 2020, while in provinces of Basilan, Sulu, Tawi-Tawi and Maguindanao and cities of Lamitan and Marawi an increase of P20.00/day for both Non-Agriculture and Agriculture Sectors making the Minimum Wage Rates at P300.00/day and P290.00/day respectively which took effect in the same date.


WHEREAS, The Bangsamoro Tripartite Wages and Productivity Board (BTWPB) *motu proprio* conducted Public Consultations with the Tripartite Sectors BARMM wide on October 15, 2021 for Cluster I (Maguindanao, Cotabato City and Special Geographic Area (SGA)) at Pagana, Kutawato Restaurant, Cotabato City; on October 28, 2021 for Cluster II (Marawi City and Lanao del Sur) at Kristal Commercial Function Hall, Marawi City; and on February 14, 2022 for Cluster III (Basilan, Sulu and Tawi-Tawi) at Grand Astoria Hotel, Zamboanga City.

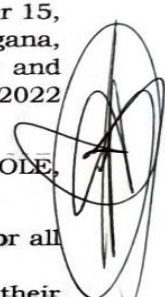
WHEREAS, after the conduct of the said public consultations, the BTWPB- MOLE, BARMM made the following assessments to wit:

- a) That both the EMPLOYERS and WORKERS support a minimum wage increase for all sectors;
- b) That the EMPLOYERS and WORKERS shall continue to develop and improve their policies on non-wage benefits, bonuses and other related incentives;
- c) That all sectors supported the productivity-based scheme on the company level, in a form of income augmentation; and
- d) That the BARMM, under the leadership of Interim Chief Minister AHOD BALAWAG EBRAHIM, intends to primarily increase employment rate in the Bangsamoro Region, thus encouraging more investors to come through creation of more job opportunities and productivity improvement through skills trainings and strategize proper utilization of mineral resources for economic and industrial development.;

WHEREAS, Pursuant to item jj, Section 2, Article V of Republic Act No. 11054 the Bangsamoro Government shall exercise its authority, among others, over "labor employment and occupation," without prejudice to the general supervision of the President of the Republic of the Philippines. Relatedly, Section 10, Article IX of the same law guarantees the rights of workers to, among others, security of tenure, humane conditions of work, and a living wage. Further, with the effectivity of Republic Act No. 11054, Cotabato City and 63 Barangays in North Cotabato form part of the BARMM in which any Minimum Wage issuance, and other related concerns on wage and productivity shall eventually be integrated in the New Wage Order issued by BTWPB-MOLE, BARMM and henceforth;

NOW, THEREFORE, by virtue of the power and authority vested under the Bangsamoro Autonomy Act No. 13 otherwise known as the "Bangsamoro Administrative Code", the Bangsamoro Tripartite Wages and Productivity Board of the Ministry of Labor and Employment BARMM hereby issues this Wage Order:

Decree
 A. I. S. Decree




Section 1. New Minimum Rate. Upon effectivity of this Wage Order, all minimum wage earners of the private sector in BARMM shall receive a basic wage increase of SIXTEEN PESOS (P 16.00) for all areas of BARMM (the Special Geographic Area, provinces of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi and cities of Lamitan, Marawi and Cotabato).

The NEW MINIMUM WAGE RATES of the covered workers in the private sector shall be as follows:

FOR PROVINCES OF MAGUINDANAO, LANA DEL SUR, BASILAN, SULU, TAWI-TAWI AND THE CITIES OF MARAWI AND LAMITAN

Sector/Industry	Minimum Wage Under W.O. No. BARMM-01	Basic Wage Increase	New Minimum Wage Under W.O. NO. BARMM- 02
A. Non-Agriculture (Industrial/Manufacturing/ Construction/Commercial/ Mining/Academe)	P300.00/day	P16.00/day	P316.00/day
B. Agriculture <ul style="list-style-type: none"> • Plantation • Non-Plantation • Retail 	P290.00/day	P16.00/day	P306.00/day

FOR COTABATO CITY AND THE SPECIAL GEOGRAPHIC AREA

Sector/Industry	Minimum Wage Under W.O. No. BARMM-01	Basic Wage Increase	New Minimum Wage Under W.O. NO. BARMM-02
A. Non-Agriculture (Industrial/Manufacturing/ Construction/Commercial/ Mining/Academe)	P325.00/day	P16.00/day	P341.00/day
B. Agriculture <ul style="list-style-type: none"> • Plantation • Non-Plantation • Retail 	P300.00/day	P16.00/day	P316.00/day

Section 2. Coverage. This Wage Order applies to all minimum wage earners in the region, except family drivers, those employed in the personal service of another and workers in registered Barangay Micro Business Enterprises with Certificates of Authority pursuant to R.A 9178.

Section 3. Productivity Base Wages. In order to sustain rising levels of wages and enhance competitiveness, business establishments are encouraged strongly to adopt productivity improvement tools, Labor Management Cooperation, as well as implementing gain-sharing programs that will provide more incentives to the workers through increased productivity. Accordingly, the Board shall provide the necessary studies and technical assistance pursuant to Republic Act No.6971 or the "Productivity Incentives Act of 1990."

Section 4. Basis of Minimum Wages. The minimum basic wage rates prescribed under this Order shall be for the normal working hours, which shall not exceed eight (8) hours work a day.

Section 5. Workers Paid by Result. All workers paid by results, including those who are paid on piecework, "takay", "pakyaw" or task basis, shall be entitled to receive the prescribed minimum basic wage rate per eight (8) hours work a day, or a proportion thereof for working less than eight (8) hours work a day.

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Section 6. Wages of Special Groups of Workers. Wages of apprentices and learners shall in no case be less than seventy-five percent (75%) of applicable minimum wage rates prescribe in the Bangsamoro Region.

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

All qualified handicapped workers shall receive the full amount of increase in this order pursuant to R.A 7277.

Section 7. Application to Private Educational Institution. In the case of private educational institutions, the share of covered workers and employees in the increase of tuition fees for school year 2021-2022 shall be considered as compliance with the minimum basic wage increase set forth herein; provided, that if such minimum basic wage increase is less than the prescribed adjustment, the employer shall pay the difference in the school year 2022-2023.

Private educational institutions which have not increased their tuition fees for the school year 2021-2022, may defer compliance with the provisions of this Order until the beginning of School Year 2022-2023.

In any case, all private educational institutions shall implement the Minimum Basic Wage increase prescribed herein starting School Year 2022-2023.

Section 8. Appeal to the Commission. Any party aggrieved by this Wage Order may file a verified appeal with the National Wages and Productivity Commission (NWPC) through the Board within Ten (10) calendar days from the publication of this Order.

Section 9. Effect of Filing of Appeal. The filing of the appeal does not operate to stay the Order unless the party appealing such Order shall file with the Commission an undertaking with surety or sureties satisfactory to the Commission for payment of the corresponding basic wage increase to employees affected by the Order, in the event such Order is affirmed.

Section 10. Exemptions. upon application with and as determined by the Board in accordance with the NWPC Guidelines No. 02, Series of 2007 (the amended Rules on Exemption), the following may be exempted from the applicability of this Wage Order:

- a. Retail and Service Establishment regularly employing not more than 10 workers
- b. Distressed Establishment;
- c. New Business Enterprises; and
- d. Establishment adversely affected by calamities such as Natural and Human-Induces Disasters.

Section 11. Complaints for Non-Compliance. Complaints for non-compliance with this Order shall be filed with the Ministry of Labor and Employment (MOLE) having jurisdiction over the workplace and shall be subjected to the Mandatory thirty (30) day conciliation and mediation process under Single Entry Approach (SEnA). However, if settlement fails, the case becomes subject of enforcement proceedings under Article 128 and 129 of the Labor Code as amended.

Section 12. Non-Diminution of Benefits. Nothing in this Order shall be construed to reduce any existing wage rates, allowance and benefits of any form under existing laws, decrees, issuance, executive orders and/or under any contract or agreements between the workers and employers.

Section 13. Penal Provision. Any persons, corporation, trust or firm, partnership, association or entity which refuses or fails to comply to this Order shall be subjected to penal provisions under R.A. 6727, as amended by R.A 8188.

Section 14. Prohibition Against Injunction. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceeding before the Board.

Section 15. Freedom to Bargain. This Order shall not be construed to prevent workers in particular firms or enterprise or industries from bargaining for higher wage with their respective employers.

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Section 16. Reporting Requirement. Any person, company, corporation, partnership or any entity engaged in business shall submit a verified itemized listing of their labor component to the Board not later than July 31, 2022 and every year thereafter in accordance with the form prescribed by the Ministry.

Section 17, Repealing Clause. All orders, issuances, rules and regulations, or parts thereof inconsistent with the provision of this Wage Order are hereby repealed, amended or modified accordingly.

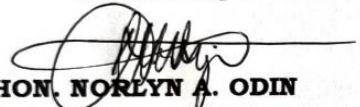
Section 18. Separability Clause. If, for any reason, any section or provision of this Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.


Section 19. Implementing Rules. The Board shall prepare the necessary Rules to implement this Order subject to approval of the Interim Chief Minister of BARMM.

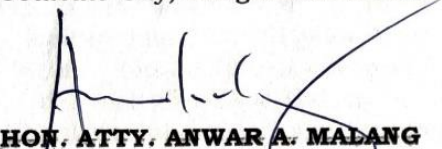
Section 20. Effectivity. This Order shall take effect fifteen (15) days after publication in at least one (1) newspapers of general circulation in the Bangsamoro Region.

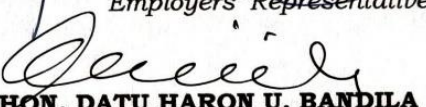
Approved this 31st day of **May 2022** held at Cotabato City, Bangsamoro Autonomous Region in Muslim Mindanao.

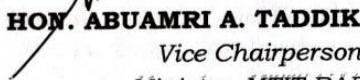

HON. JONATHAN P. ACOSTA
Workers' Representative

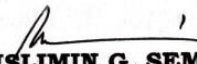

HON. NORLYN A. ODIN
Workers' Representative


HON. MOHAJIRIN T. ALI
Vice Chairperson
Director General, BPDA-BARMM

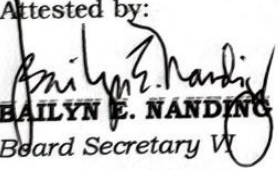

HON. ATTY. ANWAR A. MALANG
Employers' Representative


HON. DATU HARON U. BANDILA
Employers' Representative


HON. ABUAMRI A. TADDIK
Vice Chairperson
Minister, MTTT-BARMM


HON. MUSLIMIN G. SEMA
Chairperson
Minister, MOLE-BARMM

Attested by:


BAILYN E. NANDING
Board Secretary