

Implementing Guidelines for the Processing of Subsidy Entitlement

To operationalize Resolution No. 3, series of 2006, passed by the Tripartite Voluntary Arbitration Advisory Council (TVAAC), the following guidelines shall be adopted by the NCMB-Regional Branches:

1. WHO MAY AVAIL

- *Either or both* parties to voluntary arbitration cases, *provided that they can show proof of lack of capacity to pay.*

Item No. 2 of the *Request for Subsidy Entitlement Form* provide for reasons for availing the subsidy. The staff should check that either of the conditions are satisfied and such are verified by the staff to be true and correct.

2. CONDITIONS FOR AVAILMENT

- Parties belonging to unionized establishments may apply under the (a) REGULAR and (b) EXPEDITED VA PROCEDURES.
- Workers belonging to the non-unionized and unorganized establishments and management of distressed companies and small-and-medium enterprises may apply under the FLAVAS CASES.
- The conditions set forth in the Revised Request for Subsidy Entitlement Form (RSE Form) is duly satisfied.

3. CONDITIONS FOR EXPEDITED VA PROCEDURE

To be able to process the application under the Expedited Procedure, the following conditions must be satisfied:

- Parties agree to submit the case under the Expedited VA Procedures per Submission Agreement (Submission Agreement for Expedited VA Procedures Form);
- Duration to decide of the case, from submission of the case until date of decision, is twenty (20) days or lesser;
- The case is handled by a single voluntary arbitrator;
- The case is not a FLAVAS case.

4. SCHEDULE OF SUBSIDY TO BE PROVIDED

- 4.1. Regular VA Cases: P15,000.00 for all types of cases
- 4.1.1. except if the case involves:

- a. The case involves two or more issues independent of each other, the subsidy is P20,000.00 per case.
 - b. Bargaining deadlock cases regardless of the number of issues involved, subsidy is P20,000.00.
- 4.1.2. If the case is SETTLED with the assistance of the voluntary arbitrator and such settlement is not contrary to law, morals, good order and public policy and entered in good faith, full regular subsidy may be provided.

These settled cases should be supported by an Order or Award of the Voluntary Arbitrator adopting the Compromise Agreement of the parties. In the absence of such Order or Award, the subsidy should not be processed.

- 4.1.3. If both parties applied and the sharing scheme is other than 50-50, the amount to be provided shall be reversed where the bigger share for subsidy shall be applied to labor.
- 4.2. Expedited VA Cases: P20,000.00 per case.
- 4.3. FLAVAS VA Cases: P5,000.00 per case which shall be paid as follows: P1,000.00 to the legal aid office, P500.00 to the PAVA local chapter, P3,500.00 to the voluntary arbitrator.

5. REQUIREMENTS

All requests for subsidy should be supported with the following requirements:

- 5.1. Duly-accomplished request for Subsidy Entitlement Form;
- 5.2. Copy of Decision, Order, Resolution or Award;
- 5.3. For establishments with CBAs, copy of CBA or Certificate of CBA Registration, as verified and validated by the NCMB staff;
- 5.4. Copy of Submission Agreement;
- 5.5. In cases of reimbursement, proof of partial/full payment to the voluntary arbitrator;
- 5.6. Waiver from the other party not availing of the subsidy

6. PROCEDURE FOR PROCESSING

- 6.1. All requests accompanied by all the above-mentioned requirements shall be filed at the appropriate Regional Branches of the Board.
- 6.2. The subsidy is payable to the voluntary arbitrator or to the Chairman and its members in case of panel or VAs.
- 6.3. However, in cases of reimbursements, the amount should be paid to the union or management, as the case maybe.
- 6.4. Only applications with complete requirements shall be processed. However, the Branch should see to it that parties with incomplete requirements are advised accordingly.
- 6.5. The head of the VA Unit should check the following:
 - 6.5.1. Authenticity of the claim of the parties that they do not have the capacity to pay the VA Fees;
 - 6.5.2. Applicability of the "Expedited VA Procedure" schedule of subsidy;
 - 6.5.3. Correctness of the claim for full subsidy of settled VA cases.
- 6.6. Any problem relative to the processing of subsidy should be brought to the attention of the Voluntary Arbitration Division.

7. MONITORING

The staff assigned to process and monitor the requests for subsidy are required to submit a monthly report to the Central Office through the VA Monitoring Form 3E.

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