REVISED PROCEDURAL GUIDELINES IN THE CONDUCT OF VOLUNTARY ARBITRATION PROCEEDINGS

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Pursuant to the mandate of the National Conciliation and Mediation Board under Executive Order No. 126, as amended by Executive Order No. 251, and in order to implement Articles 260-262 (b) of the Labor Code, as amended by RA 6715 and Department Order No. 40-03, the following guidelines governing proceedings before a voluntary arbitrator are hereby adopted and promulgated:

Rule I
TITLE AND CONSTRUCTION

Section 1. Title. These guidelines shall be known as the NCMB Revised Procedural Guidelines in the Conduct of Voluntary Arbitration Proceedings.

Section 2. Construction. These guidelines shall be liberally construed to carry out the objectives of the Labor Code of the Philippines, as amended, to promote voluntary arbitration as a preferred mode of labor or industrial dispute settlement and as an integral component of the collective bargaining process.

Section 3. Directory and Suppletory Application of the Guidelines and Rules of the Court. The rules governing the proceedings before a voluntary arbitrator shall be the subject of agreement among the parties to a labor dispute and their chosen arbitrator. In the absence of agreement on any or various aspects of the voluntary arbitration proceedings, the pertinent provisions of these Guidelines and the Revised Rules of Court shall apply by analogy or in a directory or suppletory character and effect.

Rule II
DEFINITION OF TERMS

Section 1. Definition of Terms.-

a) "Board" - refers to the National Conciliation and Mediation Board AND ITS REGIONAL BRANCHES created under Executive Order No. 126, as amended.

b) "EXECUTIVE DIRECTOR - refers to the head of the Board.

c) "Regional Branch" - refers to any of the Regional Branches of the Board.

d) "Voluntary Arbitration" - refers to the mode of settling labor-management disputes by which the parties select a competent, trained and impartial third person who shall decide on the merits of the case and whose decision is final AND executory.

e) "Voluntary Arbitrator" - refers to any person who has been accredited by the Board as such, or any person named or designated in the collective bargaining agreement by the parties as their voluntary arbitrator, or one chosen BY THE PARTIES with OR WITHOUT the assistance of the BOARD, pursuant to a selection procedure agreed upon in the CBA OR ONE APPOINTED BY THE BOARD IN CASE EITHER OF THE PARTIES TO THE CBA REFUSES TO SUBMIT TO VOLUNTARY ARBITRATION. THE TERM INCLUDES PANEL OF

VOLUNTARY ARBITRATORS.

1) PERMANENT ARBITRATOR - THE VOLUNTARY ARBITRATOR SPECIFICALLY NAMED OR DESIGNATED IN THE COLLECTIVE BARGAINING AGREEMENT BY THE PARTIES AS THEIR VOLUNTARY ARBITRATOR.

2) AD-HOC ARBITRATOR - THE VOLUNTARY ARBITRATOR CHOSEN BY THE PARTIES IN ACCORDANCE WITH THE ESTABLISHED PROCEDURES IN THE CBA OR THE ONE APPOINTED BY THE BOARD IN CASE THERE IS FAILURE IN THE SELECTION OR IN CASE EITHER OF THE PARTIES TO THE CBA REFUSES TO SUBMIT TO VOLUNTARY ARBITRATION.

f) "Collective Bargaining Agreement" - CBA for short, refers to the contract between a duly recognized or certified exclusive bargaining agent of workers and the employer concerning wages, hours of work and all other terms and conditions of employment in the appropriate bargaining UNIT.

g) "Grievance" - is a complaint arising from the interpretation or implementation of the collective bargaining agreement (CBA) and those arising from interpretation or enforcement of COMPANY RULES AND REGULATIONS, personnel policies, AND ESTABLISHED PRACTICES, OR SUCH OTHER CONTROVERSY INVOLVING EMPLOYER-EMPLOYEE RELATIONSHIP.

h) "Grievance Procedure" - refers to the system of grievance settlement as provided FOR in the collective bargaining agreement. It usually consists of successive steps starting at the level of complainant and his immediate supervisor and ending, when necessary, at VOLUNTARY ARBITRATION.

i) "SUBMISSION AGREEMENT" - REFERS TO A WRITTEN AGREEMENT BY THE PARTIES SUBMITTING THEIR CASE FOR ARBITRATION CONTAINING THE ISSUES, THE CHOSEN ARBITRATOR AND STIPULATION TO ABIDE BY AND COMPLY WITH THE RESOLUTION INCLUDING THE COST OF ARBITRATION.

j) "NOTICE TO ARBITRATE" - REFERS TO A FORMAL DEMAND MADE BY ONE PARTY TO THE OTHER FOR THE ARBITRATION OF A PARTICULAR DISPUTE IN CASE OF REFUSAL OF ONE PARTY IN A CBA TO SUBMIT TO ARBITRATION.

k) "ARBITRATION CLAUSE" - IS A PROVISION IN THE COLLECTIVE BARGAINING AGREEMENT (CBA) REQUIRING THAT GRIEVANCES, IF UNSETTLED, SHALL BE FINALLY RESOLVED BY A VOLUNTARY ARBITRATOR.

l) "WAGE DISTORTION" - MEANS A SITUATION WHERE AN INCREASE IN PRESCRIBED WAGE RATES RESULTS IN THE ELIMINATION OR SEVERE CONTRACTION OF INTENTIONAL QUANTITATIVE DIFFERENCES IN WAGE OR SALARY RATES BETWEEN AND AMONG EMPLOYEE GROUPS IN AN ESTABLISHMENT AS TO EFFECTIVELY OBLITERATE THE DISTINCTIONS EMBODIED IN SUCH WAGE STRUCTURE BASED ON SKILLS, LENGTH OF SERVICE, OR OTHER LOGICAL BASES OF DIFFERENTIATION.

m) "PRODUCTIVITY INCENTIVE PROGRAMS" - REFERS TO A FORMAL AGREEMENT VOLUNTARILY ESTABLISHED BY THE LABOR-MANAGEMENT COMMITTEE CONTAINING A PRODUCTIVITY IMPROVEMENT PROGRAM THAT WILL PROMOTE GAINFUL EMPLOYMENT, IMPROVE WORKING CONDITIONS, MAINTAIN INDUSTRIAL PEACE AND RESULT IN INCREASED PRODUCTIVITY, INCLUDING COST SAVINGS, AS WELL AS A PRODUCTIVITY GAINSHARING PROGRAM WHEREBY THE EMPLOYEES ARE GRANTED PRODUCTIVITY BONUSES.

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Rule III
PLEADINGS AND APPEARANCE

Section 1. Caption and Title. In all cases submitted to a voluntary arbitrator by the parties, the aggrieved party shall be called "Complainant," and the opposing party, the "Respondent."

The full names of the parties, as far as they are known, shall be stated in the original caption of the original pleading, award or decision and in all summons, notices and processes to be served upon them. The caption shall be as follows:

Republic of the Philippines
Office of the Voluntary Arbitrator
NAME OF VOLUNTARY ARBITRATOR & BUSINESS ADDRESS

CASE NO. xxxxxxxxxxxxxxxxxxxxxx

IN RE: Voluntary Arbitration Between

Complainant

-and-

Respondent

Issues Involved:
xxxxxxxxxxxxxxx

IN ORDER TO SYSTEMATIZE MONITORING OF VOLUNTARY ARBITRATION CASES, THE ADOPTION OF A STANDARDIZED NUMBERING SYSTEM OF CASES SHALL BE USED. THE DOCKET OF THE INDIVIDUAL ACCREDITED VOLUNTARY ARBITRATION CASES SHALL INCLUDE THE FOLLOWING:

1. ACCREDITATION NUMBER
2. REGION WHERE THE CASE ORIGINATES
3. NUMBER OF CASE SUBJECT OF ARBITRATION
4. MONTH WHEN THE CASE IS SUBMITTED TO THE ARBITRATOR
5. YEAR WHEN THE CASE IS SUBMITTED THE ARBITRATOR

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Section 2. Where to File Pleadings. All pleadings relative to the voluntary arbitration case shall be filed directly with the chosen voluntary arbitrator at his designated business or professional office COPY FURNISHED THE REGIONAL BRANCH OF THE BOARD HAVING JURISDICTION OVER THE WORKPLACE OF THE COMPLAINANT.

Section 3. Service of Copies of Pleadings. The party filing the pleadings shall serve the opposing party or parties with a copy or copies thereof in the manner provided for in these Guidelines.

Section 4. Service of Pleadings, Notices and Awards. Copies of pleadings, notices or copies of award may be served through personal service or by registered mails on the parties to the dispute; provided, that where a party is represented by counsel or authorized representative, service will be made on the latter. Service by registered mail is complete upon receipt by the addressee or his agents.

Section 5. Representations. The parties may personally appear in their own behalf or by representatives. In the latter case, the representative must be duly authorized to appear in writing or he can be practicing attorney-at-law.

The complete name and office address or any change in the address of counsel/representative shall be made of record and the party should be properly informed.

Section 6. Limitation on Authority to Bind Party. Attorneys and other representatives of parties shall be presumed to have the full authority to bind their clients or principals in all matters of procedure; but they cannot, without a special power of attorney or expressed consent, enter into a compromise agreement with the opposing party in full or partial discharge of a client's or principal's claim.

Rule IV
JURISDICTION OF VOLUNTARY ARBITRATOR

Section 1. Exclusive and Original Jurisdiction. The voluntary arbitrator shall have exclusive and original jurisdiction over the following cases:

1) All unresolved grievances arising from the interpretation or implementation of the collective bargaining agreement.

2) All unresolved grievances arising from the implementation or enforcement of company personnel policies.

3) ALL WAGE DISTORTION ISSUES ARISING FROM THE APPLICATION OF ANY WAGE ORDERS IN ORGANIZED ESTABLISHMENTS

4) ALL UNRESOLVED GRIEVANCES ARISING FROM THE INTERPRETATION AND IMPLEMENTATION OF THE PRODUCTIVITY INCENTIVE PROGRAMS UNDER RA 6971.

For this purpose, all grievances which are not settled or resolved within seven (7) calendar days from the date of the submission for resolution to the last step of the grievance machinery shall automatically be referred to voluntary arbitration prescribed in the collective bargaining agreement.

Cases falling within the exclusive and original jurisdiction of voluntary arbitrators but filed either with the National Labor Relations Commission and its Regional Branches, or the Regional Directors of the Department of Labor and Employment or with the Board and its Branches, shall be decided by the voluntary arbitrator upon referral of said cases pursuant to paragraph 2, Article 261 of the Labor Code, as amended by RA 6715 AND DEPARTMENT ORDER NO. 40-03.

Section 2. Concurrent Jurisdiction. The voluntary arbitrator upon agreement of the parties, shall also hear and decide all other labor disputes including unfair labor practice and bargaining deadlocks. Before or at any stage of

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the compulsory arbitration process, parties to a labor dispute may agree to submit their case to voluntary arbitration.

SECTION 3. NUMBER OF ARBITRATORS. IF THE CBA DOES NOT SPECIFY THE NUMBER OF ARBITRATORS, THE CASE SHALL BE HEARD AND RESOLVED BY A SOLE ARBITRATOR, UNLESS THE PARTIES AGREE OTHERWISE.

Section 4. When Jurisdiction is Exercised. The voluntary arbitrator shall exercise jurisdiction over specific case/s:

1) Upon receipt of a Submission Agreement duly signed by both parties.

2) UPON RECEIPT OF THE NOTICE TO ARBITRATE WHEN THERE IS REFUSAL FROM ONE PARTY;

3) UPON RECEIPT OF AN APPOINTMENT/DESIGNATION AS VOLUNTARY ARBITRATOR BY THE BOARD IN EITHER OF THE FOLLOWING CIRCUMSTANCES:

3.1 IN THE EVENT THAT PARTIES FAIL TO SELECT AN ARBITRATOR; OR

3.2 IN THE ABSENCE OF A NAMED ARBITRATOR IN THE CBA AND THE PARTY UPON WHOM THE NOTICE TO ARBITRATE IS SERVED DOES NOT FAVORABLY REPLY WITHIN SEVEN DAYS FROM RECEIPT OF SUCH NOTICE.

Section 5. Contents of Submission Agreement. The SUBMISSION Agreement shall contain, among others, the following:

1. THE agreement to submit to arbitration;
2. THE specific issue/s to be ARBITRATED;
3. THE name of the arbitrator;
4. THE NAMES, ADDRESSES AND CONTACT NUMBERS OF THE PARTIES;
5. THE agreement to perform or abide by the decision.

SECTION 6. SUBMISSION TO ARBITRATION THROUGH NOTICE TO ARBITRATE. AFTER EXHAUSTION OF THE GRIEVANCE PROCEDURE BUT THE GRIEVANCE REMAINS UNRESOLVED AND THERE IS REFUSAL FROM ONE PARTY TO SUBMIT TO VOLUNTARY ARBITRATION, THE FOLLOWING SHALL BE OBSERVED:

1) A NOTICE TO ARBITRATE SHALL BE SERVED UPON THE UNWILLING PARTY, COPY FURNISHED THE PERMANENT ARBITRATOR AND THE NCMB REGIONAL BRANCH HAVING JURISDICTION OVER THE WORKPLACE;

2) UPON RECEIPT OF A NOTICE TO ARBITRATE AFTER THE LAPSE OF THE SEVENTH-DAY PERIOD WITHIN WHICH TO RESPOND, THE PERMANENT ARBITRATOR/S SHALL IMMEDIATELY COMMENCE ARBITRATION PROCEEDINGS;

3) IN THE ABSENCE OF A PERMANENT ARBITRATOR IN THE CBA, THE BOARD APPOINTS A VOLUNTARY ARBITRATOR WHO SHALL IMMEDIATELY COMMENCE ARBITRATION PROCEEDINGS UPON RECEIPT OF SUCH APPOINTMENT.

SECTION 7. CONTENTS OF A NOTICE TO ARBITRATE. THE NOTICE SHALL CONTAIN, AMONG OTHERS, THE FOLLOWING:

1. THE NAMES, ADDRESSES AND CONTACT NUMBERS OF THE PARTY UPON WHOM THE NOTICE IS MADE;

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2. THE ARBITRATION CLAUSE OF THE CBA;
3. THE SPECIFIC ISSUE/S OR DISPUTE/S TO BE ARBITRATED;
4. THE RELIEF SOUGHT;
5. THE NAME, ADDRESS AND CONTACT NUMBERS OF THE INITIATING PARTY REQUESTING ARBITRATION.

SECTION 8. CONTENTS OF AN APPOINTMENT FROM THE BOARD. THE APPOINTMENT FROM THE BOARD SHALL CONTAIN, AMONG OTHERS, THE FOLLOWING:

1. THE NAME OF THE ARBITRATOR;
2. THE NAMES, ADDRESSES AND CONTACT NUMBERS OF THE PARTIES;
3. THE ISSUES TO BE ARBITRATED;
4. THE BASIS OF APPOINTMENT;
5. THE ARBITRATOR'S FEE;
6. THE SIGNATURE OF APPOINTING NCMB DIRECTOR.

Rule V
POWERS AND DUTIES OF VOLUNTARY ARBITRATOR

Section 1. DUTY to Conciliate and Mediate. The voluntary arbitrator SHALL EXERT BEST EFFORTS to conciliate or mediate to aid the parties in reaching a voluntary settlement of the dispute, before proceeding with arbitration.

SECTION 2. DUTY TO ENCOURAGE THE PARTIES TO ENTER INTO STIPULATION OF FACTS. TO FACILITATE SPEEDY DISPOSITION OF CASES, IN CASE THE PARTIES FAILED TO REACH A VOLUNTARY SETTLEMENT OF THE DISPUTE, THE VOLUNTARY ARBITRATOR SHALL ENCOURAGE THE PARTIES TO ENTER INTO STIPULATION OF FACTS, WHICH SHALL BE REDUCED IN WRITING, SIGNED BY THE PARTIES, AND SHALL FORM PART OF THE RECORDS OF THE CASE.

Section 3. Powers. The voluntary arbitrator shall have the FOLLOWING powers to:

1) Require any person to attend hearing/s;

2) Subpoena witnesses and RECEIVE documents when the relevancy of the testimony and the materiality thereof has been demonstrated to the arbitrators;

3) TAKE WHATEVER ACTION IS NECESSARY TO RESOLVE THE ISSUE/S SUBJECT OF THE DISPUTE;

4) ISSUE A WRIT OF EXECUTION TO ENFORCE FINAL DECISIONS AND, IN CONNECTION THEREWITH, IT SHALL BE HIS DUTY TO:

4.1 SEE TO IT THAT HIS/HER DECISION IS FULLY SATISFIED;
4.2 INQUIRE INTO THE CORRECTNESS OF THE EXECUTION OF HIS/HER FINAL DECISION;
4.3 CONSIDER WHATEVER SUPERVENING EVENT THAT MAY TRANSPIRE DURING SUCH EXECUTION;
4.4 DETERMINE EVERY QUESTION OF FACT AND LAW WHICH MAY BE INVOLVED IN THE EXECUTION.

Rule VI
PROCEEDINGS BEFORE VOLUNTARY ARBITRATOR

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Section 1. Nature of Proceedings. The proceedings before a voluntary arbitrator are non-litigious in nature. They are not governed by technical rules applicable to court or judicial proceedings, but they must, at all times, comply with the requirements of due process.

Section 2. Setting of Initial Conference; Notice to Parties. Within two (2) days from receipt of the Submission Agreement, NOTICE TO ARBITRATE OR APPOINTMENT, the voluntary arbitrator, shall set the date, time and place of the initial conference with due notice to the parties.

SECTION 3. INITIAL CONFERENCE. During the INITIAL conference, the parties shall be encouraged to explore all possible means of effecting a settlement of the dispute. Should the parties arrive at any agreement as to the whole or any part of the dispute, the same shall be reduced in writing and signed by the parties before the voluntary arbitrator AND IT SHALL FORM PART OF THE DECISION.

SECTION 4. STIPULATION OF FACTS. In the absence of any settlement, the voluntary arbitrator shall REQUIRE THE PARTIES TO STIPULATE FACTS WHICH ARE NO LONGER DISPUTABLE, LEAVING THE PRESENTATION AND EXAMINATION OF EVIDENCE, AND ONLY TO SUCH FACTS THAT ARE STILL IN DISPUTE.

Section 5. Simplification of Arbitrable Issue/s. The arbitrator must see to it that he understands clearly the issue/s submitted to arbitration. If, after conferring with the parties, he finds the necessity to clarify/simplify the issue/s, he shall assist the parties in the reformulation of the same.

SECTION 6. FORMULATION OF GROUND RULES. THE PARTIES AND THE ARBITRATOR SHALL JOINTLY FORMULATE AND ADOPT THE GROUND RULES ON THE FOLLOWING:

1) SCHEDULE AND FREQUENCY OF CONFERENCES
2) RULES ON POSTPONEMENTS
3) PERIOD AND MANNER OF SUBMISSION OF POSITION PAPERS AND OTHER PLEADINGS
4) DETERMINATION FOR THE NECESSITY OF CONDUCTING CLARIFICATORY CONFERENCE
5) PERIOD TO DECIDE THE CASE
6) COST OF ARBITRATION

SECTION 7. EFFECT OF NON-APPEARANCE. IN CASE OF NON-APPEARANCE OF EITHER PARTIES FOR TWO CONSECUTIVE CONFERENCES, DESPITE DUE NOTICE, THE VOLUNTARY ARBITRATOR SHALL TERMINATE THE CONFERENCE AND ISSUE AN ORDER REQUIRING THE PARTIES TO SUBMIT THEIR RESPECTIVE POSITION PAPERS WITHIN 10 CALENDAR DAYS FROM RECEIPT OF THE SAID ORDER; OTHERWISE, THE CASE WILL BE DEEMED SUBMITTED FOR DECISION BASED ON AVAILABLE RECORDS ON FILE.

SECTION 8. SUBMISSION OF POSITION PAPERS AND OTHER PLEADINGS. THE VOLUNTARY ARBITRATOR SHALL DIRECT PARTIES TO SUBMIT VERIFIED POSITION PAPERS AND OTHER PLEADINGS ON THE DATES AGREED UPON DURING THE INITIAL CONFERENCE. THESE POSITION PAPERS SHALL COVER ONLY ISSUES AND CAUSES OF ACTION RAISED IN THE SUBMISSION AGREEMENT, NOTICE TO ARBITRATE OR APPOINTMENTS OF VOLUNTARY ARBITRATOR/S, AND STIPULATION OF FACTS, AS SIMPLIFIED AND CLARIFIED DURING THE INITIAL CONFERENCE. THESE SHALL BE ACCOMPANIED BY SUPPORTING EVIDENCE, IF ANY, INCLUDING AFFIDAVITS OF WITNESSES WHICH SHALL TAKE THE FORM OF DIRECT TESTIMONIES.

SECTION 9. DETERMINATION FOR THE NECESSITY OF A CLARIFICATORY CONFERENCE INCLUDING CONDUCT OF OCULAR INSPECTIONS. IMMEDIATELY AFTER THE SUBMISSION OF

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THE POSITION PAPERS AND OTHER PLEADINGS, THE VOLUNTARY ARBITRATOR SHALL DETERMINE THE NEED FOR HOLDING A CLARIFICATORY CONFERENCE OR OCULAR INSPECTION. IN WHICH CASE, THE PARTIES SHALL BE DULY NOTIFIED.

Section 10. Recording. THE PROCEEDINGS BEFORE A VOLUNTARY ARBITRATOR NEED NOT BE RECORDED, PROVIDED HOWEVER, THAT THE ARBITRATOR/S, IN CONSULTATION WITH THE PARTIES, SHOULD MAKE A WRITTEN SUMMARY OF THE PROCEEDINGS, INCLUDING THE SUBSTANCE OF THE EVIDENCE PRESENTED, SHOULD THE PARTIES REQUEST for the taking of record of proceedings and the testimony of witnesses, SUCH REQUEST SHALL BE ARRANGED BY THE ARBITRATOR and payment of the cost thereof is assumed by such requesting party or parties.

Section 11. Attendance of Persons. Persons having a direct interest in the subject of arbitration shall have the right to attend any CONFERENCE; but the attendance of any other person shall be at the discretion of the arbitrator.

Section 12. Arbitration CONFERENCE. In the conduct of CONFERENCE, the arbitrator shall provide the parties adequate opportunities to be heard. He shall control the proceedings and see to it that proper decorum is observed. He must render a ruling of the issue/s raised in the course of the proceedings. He must treat all significant aspects of the proceedings as confidential in nature unless confidentiality is waived by the parties.

Rule VII
DECISIONS

Section 1. Decision. The final arbitral disposition of issue/s submitted to voluntary arbitration is the Decision, WHICH may take the form of a dismissal of a claim or grant of specific remedy, either by way of prohibition of particular acts or specific performance of particular acts.

Section 2. Period to Render Decision. The decision of voluntary arbitrator must be rendered within the PERIOD AGREED UPON by the parties AND THE ARBITRATOR DURING THE INITIAL CONFERENCE but in no case to exceed twenty (20) calendar days from submission of the case FOR DECISION.

SECTION 3. SANCTION FOR FAILURE TO COMPLY WITH THE PERIOD TO DECIDE. FAILURE ON THE PART OF THE VOLUNTARY ARBITRATOR TO RENDER A DECISION, WITHIN THE AGREED OR PRESCRIBED PERIOD, WITHOUT JUSTIFIABLE CAUSE OR REASON, SHALL UPON A VERIFIED COMPLAINT OF A PARTY TO THE CASE, BE SUFFICIENT GROUND FOR THE BOARD TO DISCIPLINE SAID VOLUNTARY ARBITRATOR/S, PURSUANT TO THE GUIDELINES ISSUED BY THE SECRETARY.

IN CASE OF DE-LISTING, THE VOLUNTARY ARBITRATOR SHALL, WITHIN TEN (10) CALENDAR DAYS FROM DEMAND, TURN OVER THE RECORDS OF THE CASE TO THE BOARD FOR FURTHER DISPOSITION.

Section 4. FULL AND COMPLETE Settlement During Arbitration. In the event that the parties FINALLY settle their dispute DURING THE PENDENCY OF THE ARBITRATION PROCEEDINGS, THE TERMS OF SETTLEMENT SHALL BE REDUCED INTO WRITING AND SHALL BE ADOPTED AS THE DECISION OF the arbitrator.

Section 5. Basis of the Decision. The DECISION must state in clear, concise and definite terms the facts and the LAW upon which it was BASED.

In case the DECISION of the voluntary arbitrator INVOLVES MONETARY AWARD, the amount granted and the formula used in the computation if any, SHALL BE SPECIFIED.

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Section 6. Finality of Decision. THE decision of THE voluntary arbitrator SHALL BE final and executory after ten (10) calendar days from receipt of the copy of the decision by the parties.

SECTION 7. MOTIONS FOR RECONSIDERATION. THE DECISION OF THE VOLUNTARY ARBITRATOR IS NOT SUBJECT OF A MOTION FOR RECONSIDERATION.

Section 8. COMPLIANCE WITH DECISION. Both parties shall comply voluntarily and faithfully with the DECISION.

Rule VIII
EXECUTION PROCEEDINGS

SECTION 1. ENFORCEMENT OF DECISION. In instances of non-compliance by either or both parties, a motion to enforce/execute the award may be filed with the voluntary arbitrator who may issue a writ of execution requiring either the sheriff of the National Labor Relations Commission or the regular courts or any public official whom the parties may designate in the submission agreement, to execute the final decision.

In the absence of the voluntary arbitrator or in case of his incapacity, the motion shall be filed with the Labor Arbiter in the region having jurisdiction over the workplace. The filing of motion for the issuance of Writ of Execution is without prejudice to any other action the aggrieved party may take against the non-complying party such as a petition for contempt or imposition of fines and penalties.

SECTION 2. PRE-EXECUTION CONFERENCE. WITHIN TWO (2) WORKING DAYS FROM THE RECEIPT OF THE MOTION FOR THE ISSUANCE OF A WRIT OF EXECUTION, THE VOLUNTARY ARBITRATOR OR IN CASE OF HIS INCAPACITY, THE LABOR ARBITER BEFORE WHOM THE MOTION IS FILED, SHALL SCHEDULE A PRE-EXECUTION CONFERENCE TO THRESH OUT MATTERS RELEVANT TO EXECUTION.

SECTION 3. ISSUANCE OF A WRIT. EXECUTION SHALL ISSUE UPON A DECISION THAT FINALLY DISPOSES OF THE ACTIONS OR PROCEEDINGS.

SECTION 4. ENFORCEMENT OF WRIT. THE SHERIFF OR OTHER AUTHORIZED OFFICER SHALL BE GUIDED BY THE NLRC MANUAL ON EXECUTION OF JUDGMENT, THE PROCEDURAL GUIDELINES IN THE EXECUTION OF VOLUNTARY ARBITRATORS DECISION, THE MEMORANDUM OF AGREEMENT EXECUTED BETWEEN NLRC AND NCMB AND IN THE ABSENCE OF APPLICABLE RULES, THE REVISED RULES OF COURT, AS AMENDED.

SECTION 5. DESIGNATION OF SPECIAL SHERIFFS. ONLY THE SECRETARY OF LABOR AND EMPLOYMENT MAY DESIGNATE SPECIAL SHERIFFS TO ENSURE COMPLIANCE WITH THE DECISION OF VOLUNTARY ARBITRATORS

SECTION 6. EFFECT OF FILING OF PETITION FOR CERTIORARI ON EXECUTION. THE FILING OF A PETITION FOR CERTIORARI WITH THE COURT OF APPEALS OR THE SUPREME COURT SHALL NOT STAY THE EXECUTION OF THE ASSAILED DECISION UNLESS A TEMPORARY RESTRAINING ORDER OR INJUNCTION IS ISSUED BY THE COURT OF APPEALS OR THE SUPREME COURT PENDING RESOLUTION OF SUCH PETITION.

Rule IX
REPORTORIAL REQUIREMENTS

Section 1. Monitoring and Reporting Requirements. IN CASE OF DIRECT SUBMISSION TO VOLUNTARY ARBITRATION, PARTIES SHALL SUBMIT COPY OF THE SUBMISSION AGREEMENT TO THE

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CONCERNED NCMB REGIONAL BRANCH. IN ANY CASE, THE PARTIES SHALL FURNISH THE CONCERNED REGIONAL BRANCH A COPY OF ALL PLEADINGS SUBMITTED. The voluntary arbitrator shall furnish the Regional Branch two (2) copies of the decision OR ORDERS immediately after the issuance thereof. The Regional Branch shall keep one copy for their file and shall transmit the other copy to the Central Office.

THE VOLUNTARY ARBITRATOR SHALL ALSO SUBMIT A QUARTERLY Status Report of cases HANDLED to concerned Regional Branches UTILIZING NCMB VA FORM NO. 5 ON OR BEFORE THE 7TH DAY OF THE MONTH FOLLOWING THE END OF THE QUARTER. THE PERIOD OF REPORTING SHALL BE FROM THE date of acceptance OF THE CASE to the date of FULL AND COMPLETE SATISFACTION of THE decision.

SECTION 2. MAINTENANCE OF CASE RECORDS. THE REGIONAL BRANCH OF THE BOARD SHALL MAINTAIN RECORDS OF VOLUNTARY ARBITRATION CASES FALLING WITHIN THEIR AREA OF JURISDICTION.

THE ENTIRE RECORDS OF A CASE SHALL BE TURNED OVER BY THE VOLUNTARY ARBITRATOR/S TO THE CONCERNED REGIONAL BRANCH WITHIN TEN (10) DAYS UPON FULL AND COMPLETE SATISFACTION OF THE FINAL ARBITRATION DECISION.

Rule X
DATE OF EFFECTIVITY

Section 1. EFFECTIVITY. These Guidelines shall take effect 15 DAYS AFTER THEIR PUBLICATION IN ONE (1) NEWSPAPER OF GENERAL CIRCULATION.

Adopted: 15 Oct. 2004

(Sgd.) ROMEO A. YOUNG
Acting Chairman

(Sgd.) PERLITA B. VELASCO
Member, Government Sector

(Sgd.) ALLAN S. MONTAÑO
Member, Labor Sector

(Sgd.) GASTON V. TAQUIO
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(Sgd.) BENJAMIN T. CO
Member, Employer Sector

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Member, Employer Sector

Approved: March 07, 2005

(Sgd.) PATRICIA A. STO. TOMAS
Secretary

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