

Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
Intramuros, Manila

**MEMORANDUM OF AGREEMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

This instrument made and executed by and between:

The **Department of Labor and Employment (DOLE)** represented by the **Bureau of Working Conditions (BWC)** with office address at the 3<sup>rd</sup> Floor, DOLE Building, Intramuros, Manila, herein represented by Honorable Brenda L. Villafuerte, Director IV, and hereinafter referred to as the DOLE-BWC.

The **National Conciliation and Mediation Board (NCMB)** with office address at the Ground Floor, DOLE Building, Intramuros, Manila herein represented by Honorable Hans Leo J. Cadar, Executive Director IV and hereinafter referred to as the NCMB; and

The **National Labor Relations Commission (NLRC)** with office address at PPSTA Bldg. No. 4, Banawe St., Quezon City, herein represented by its Chairman, Honorable BENEDICTO ERNESTO R. BITONIO JR., and hereinafter referred to as the NLRC;

**WITNESSETH:**

**WHEREAS**, Section 16, Article III of the Constitution guarantees the right of all persons to a speedy disposition of their cases before all judicial, quasi-judicial and administrative bodies;

**WHEREAS**, Section 3, Article XIII of the Constitution provides that the State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes including conciliation, shall enforce their mutual compliance therewith to foster industrial peace;

**WHEREAS**, Article 211 of the Labor Code declares that it is the State's policy in labor relations to promote and emphasize the primacy of free collective bargaining and negotiations, including voluntary arbitration, mediation and conciliation as modes of settling labor or industrial disputes and to provide an adequate administrative machinery for the expeditious settlement of labor and industrial disputes;

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**WHEREAS**, Article 128 and 129 of the Labor Code confer to the DOLE the disposition of labor standards cases while Article 217 vests upon Labor Arbiters and the Commission of the NLRC disputes and claims arising from employer-employee relations. Through Executive Order No. 251, the NCMB implements conciliation, mediation and voluntary arbitration functions;

**WHEREAS**, pursuant to Executive Order No. 204, and in the interest of policy and program coordination, the NLRC, the DOLE-BWC and the NCMB agreed to enter into a Memorandum of Agreement (MOA) institutionalizing a coordinated team approach in resolving labor disputes.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING PREMISES, THE PARTIES HERETO HEREBY AGREE AS FOLLOWS:

1. The NLRC, NCMB and DOLE-BWC recognize that to promote and maintain industrial peace, preventive or mandatory conciliation and mediation is the fairest, quickest, least expensive and most effective means of resolving labor disputes.
2. The NLRC, NCMB and DOLE-BWC acknowledge their respective parallel efforts to strengthen conciliation and mediation, thus, achieve speedy and efficient means of resolving labor disputes within their area of jurisdiction. Thus, it is agreed that the NLRC, NCMB and DOLE-BWC shall mutually recognize settlements arrived at their area of jurisdiction.

Where compromise agreements are executed by the parties to a labor dispute, the stipulations in the compromise agreements should specify the cause of action settled; the period covered by settlement; and in case there are monetary awards facilitated, the computations thereof shall form an integral part of the compromise agreement. The NLRC shall also keep a registry of compromise agreements.

3. The NLRC, NCMB and DOLE-BWC agree that where no settlement is reached at their area of jurisdiction and the requesting party or complainant exercises its option to file a formal complaint with the appropriate agency, the handling conciliator-mediator shall issue a Certificate to Proceed which shall be presented at the Complaint Section of the agency concerned.

Where a settlement is reached but there is non-compliance or breach by any of the parties to the compromise agreement, the aggrieved party shall file a complaint for the enforcement of the compromise agreement before the concerned NLRC regional arbitration branch.

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4. The NLRC, NCMB and DOLE-BWC have also agreed on specific measures to effectively share and build institutional capacity in conciliation and mediation particularly:
  - a) Establishment of a Pool of Trainers;
  - b) Development of one accreditation system for conciliators-mediators;
  - c) For each agency to build its respective pool of conciliators-mediators;
  - d) Development of a five-day training program on conciliation-mediation and labor management relations and conduct said training to the officers and employees of these agencies.
  - e) Development and dissemination of information and educational materials on negotiation, conciliation and mediation.
  - f) The NLRC and/or NCMB will provide a one month internship or on-the-job-training to graduates of the training program, and
  
5. The parties agree to conduct a periodic review of the agencies' conciliation and mediation efforts in order to assess performance or determine status of the implementation of the foregoing specific measures and to identify areas for improvement with the end in view of promoting pro-active industrial relations and the maintenance of industrial peace.

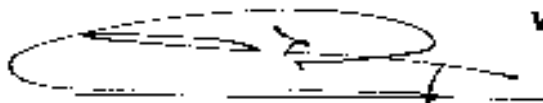
This Memorandum of Agreement is hereby signed this 29<sup>th</sup> day of November 2005 at Quezon City, Philippines.

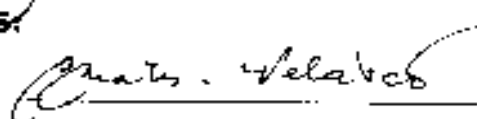
  
**Honorable BRENDA L. VILLAFUERTE**  
 Director IV  
 Bureau of Working Conditions

  
**Honorable HANS LEO J. CACDAC**  
 Executive Director  
 National Conciliation and Mediation Board

  
**Honorable BENEDICTO ERNESTO R. BITONIO JR.**  
 Chairman, NLRC

**WITNESSES:**





**ACKNOWLEDGMENT**

REPUBLIC OF THE PHILIPPINES )  
Quezon City ) S.S.

BEFORE ME, the undersigned Notary Public for and in Quezon City, this NOV 13 2005 personally came to me the following with their Community Tax Certificates as follows:

NAME	CTC No.	Place of Issuance	Date of Issuance
Brenda Villafuerte	20393014	Davao City	08/09/2005
Hans Leo J. Caddac	23515941	Manila	03/23/2005
Benedicto Ernesto R. Bitonio Jr.	10517677	Manila	01/02/2005

known to me and to me known as the same persons who executed the foregoing Memorandum of Agreement and acknowledged to me that the same is their own free and voluntary act and deed.

This document consists of four (4) pages, including this page upon which my notarial seal and signature appears, and the Terms and Conditions of the Agreement.

WITNESS MY HAND AND SEAL, on the date and the place first above written.

Doc. No. 16  
Page No. 4  
Book No. VII  
Series of 2005.

**Atty. Edward T. Ong**  
IBP # 618306; 1-05-05; QC  
PTR # 6028943; 1-05-05; QC  
My Commission expires 12-08