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DEPARTMENT OF LABOR AND EMPLOYMENT  
MANILA

DEPARTMENT OF LABOR AND EMPLOYMENT  
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**GUIDELINES ON THE SINGLE ENTRY APPROACH PRESCRIBING A 30-DAY MANDATORY CONCILIATION-MEDIATION SERVICES FOR ALL LABOR AND EMPLOYMENT CASES**

*By virtue of the mandate of Section 3, Article XIII of the 1987 Constitution on the preferential use of voluntary modes of dispute settlement, Article 211 of the Labor Code, as amended, the Alternative Dispute Resolution (ADR) Act of 2004 and Executive Order No. 523 instituting the use of ADR for the speedy resolution of all disputes before all administrative bodies of the Executive Department, and TIPC Resolution No. 3, Series of 2010, the Secretary of Labor and Employment pursuant to Article 5 of the Labor Code of the Philippines, as amended, hereby issued the following guidelines governing the Single Entry Approach for all DOLE cases:*

**Section 1. Guiding Principles.** – The **Single Entry Approach** 30-day mandatory conciliation-mediation in all regional offices shall complement the existing labor dispute settlement mechanism and processes in the DOLE offices and attached agencies to: (1) provide a speedy, impartial, inexpensive and accessible settlement services for unresolved issues/complaints arising from employer-employee relations; (2) encourage the use of conciliation-mediation in the settlement of all labor cases and only unresolved issues shall be referred either for voluntary arbitration, if both parties so agree, or compulsory arbitration to the National Labor Relations Commission (NLRC) or appropriate agency or office of the DOLE, as the case may be; and (3) strengthen cooperation and coordination between and among DOLE agencies involved in dispute settlement.

**Section 2. Scope and Coverage.** - The **Single Entry Approach** 30-day mandatory conciliation-mediation shall be applicable to cases falling under the administrative and quasi-judicial functions of all DOLE offices and attached agencies including the NLRC except:

1. Notices of strikes or lockouts, or preventive mediation cases which shall remain with the National Conciliation and Mediation Board (NCMB); and
2. Issues arising from the interpretation or implementation of the collective bargaining agreement and those arising from interpretation or enforcement of company personnel policies which should be processed through the Grievance Machinery.

The 30-day conciliation-mediation services shall be made operational through the **Single Entry Approach Desk (SEAD)** either in the Regional Branch of the National Conciliation and Mediation Board (NCMB) and in the Regional Arbitration Branch of the National Labor Relations Commission (NLRC), or with two or more regional offices/branches of the DOLE as may be determined appropriate by the DOLE Regional Coordinating Council (RCC) based on the number of Desk Officers and volume of cases in

the region. **Single Entry Approach Desk** shall also be established in all Provincial and District Offices of the DOLE.

**Section 3. Definition of Terms.** - The following terms as used in this Guidelines shall mean:

(a) **“Single Entry Approach or SEaA”** refers to an administrative approach to provide a speedy, impartial, inexpensive and accessible settlement procedure of all labor issues or conflicts to prevent them from ripening into full blown disputes. Conciliation-mediation process shall be utilized as immediate intervention to effect amicable settlement among the differing parties.

(b) **“Single Entry Assistance Desk Officer or Desk Officer”** refers to person designated to provide assessment, evaluation, and counseling services before the filing of any labor complaint or dispute.

(c) **“Single Entry Assistance Desk or SEAD”** refers to Single Entry Approach Desk established by the DOLE Regional Coordinating Council (RCC) in the Regional Branch of the National Conciliation and Mediation Board (NCMB) and in the Regional Arbitration Branch of the National Labor Relations Commission (NLRC), or with two or more regional offices/branches of the DOLE as appropriate. It also refers to the **Single Entry Approach Desk** established in all Provincial and District Offices of the DOLE.

(d) **“Referral”** refers to the document issued by the Desk Officer referring the unresolved issue/s to the appropriate DOLE Office or Agency that has jurisdiction over the dispute. It contains the names and addresses of the parties, the stipulated and admitted facts, summary of unresolved issues, causes of action and the relief sought without prejudice to amendments on the complaint by the parties before the Office or Agency having jurisdiction over the dispute.

(e) **“30-day mandatory conciliation-mediation period”** refers to 30 calendar days within which to conduct the mandatory conciliation-mediation period.

**Section 4. Who may file.** - Any aggrieved worker, union, group of workers or the employer may file a request for assistance.

**Section 5. Where to file.** - The request for assistance may be filed at any SEAD in the region where the employer principally operates.

In case of a union or federation representing a local chapter, the request shall be made at the regional/provincial/district office where the union or local chapter is registered.

**Section 6. Issues Subject of the 30-day Mandatory Conciliation-Mediation.** - Except as expressly excluded herein, all issues arising from labor and employment shall be subject to the 30-day mandatory conciliation-mediation, which may include the following:

- a) Termination or suspension of employment issues;

- b) Claims for any sum of money, regardless of amount;
- c) Intra-union and inter-union issues, after exhaustion of administrative remedies;
- d) Unfair Labor Practice;
- e) Closures, retrenchments, redundancies, temporary lay-offs;
- f) OFW cases; and
- g) Any other claims arising from employer-employee relationship.

**Section 7. Receiving and Recording.** - All requests for assistance, wherever filed, shall be reduced into writing using **SEAD Entry Form No. 1**, which will be filled-up by the requesting party with the assistance of the Receiving Clerk.

The SEAD shall have a separate recording and monitoring data system and shall maintain a separate logbook for this purpose. SEAD matters per region per province or district shall be numbered chronologically. The Desk Officer shall cause the entry of a request for assistance in the logbook provided for this purpose. The entry should indicate the following:

- a) reference number;
- b) date of filing;
- c) name and address of requesting party/ies;
- d) pendency of similar or related cases;
- e) nature and subject of the grievance/request; and
- f) disposition.

Upon receipt of SEAD Form No. 1, the Desk Officer shall record the request as SEAD (Name Regional Office)-(Province Field Office/District)-(No. of Request under the Region)-(Month) – (Year).

Ex. **SEAD ROIVA-LAG-01-12-07, SEAD ROIVA-NLRC-RAB-01-10-10**

**Section 8. Assignment and Handling.** – a) Upon receipt of the complaint or request for conciliation-mediation services, the designated Desk Officer shall initiate a pre-conference assessment, evaluation, counseling and conciliation-mediation services.

b) In regions or offices where there are more than one designated Desk Officers, the request shall immediately be raffled by the Agency Head or Head of Office for assignment and conduct of pre-conference assessment, evaluation, counseling and conciliation-mediation services on the same day of receipt thereof.

**Section 9. Conduct of Conciliation-Mediation.** - The Desk Officer shall exert best efforts to assist the parties arrive at a settlement. In facilitating the conciliation meeting, he/she shall:

- a) Clarify the issues and narrow down the disagreements;
- b) Validate the positions and the relief sought;
- c) Encourage parties to generate options and enter into stipulations;

- d) Offer proposals and options toward mutually acceptable solutions and voluntary settlement.

**Section 10. Settlement Agreement.** - In case of voluntary settlement, the Desk Officer shall reduce the agreement into writing, have the parties understand the contents thereof, sign the same in his/her presence, and attest the document to be the true and voluntary act of the parties. Any settlement agreement reached by the parties before the Desk Officer shall be final and binding.

In case of partial settlement and/or partial execution of certain issues, all unresolved issues shall be referred pursuant to Section 15.

**Section 11. Monitoring and Enforcement of the Settlement Agreement.** - The Desk Officer shall monitor the voluntary and faithful compliance with the Agreement by causing the parties to make a report of compliance or non-compliance within two weeks from the date of agreement or agreed period of compliance. Failure of the parties to make a report within the prescribed period shall render the Agreement deemed duly complied with absent proof to the contrary.

In case of non-compliance by the other party, the Agreement shall be endorsed by the Desk Officer to the NLRC for enforcement.

**Section 12. Limitations in the Conduct of Conciliation Meetings and Appearance of Parties.** - Unless the parties agree otherwise, conciliation-mediation services shall be carried out and terminated within the prescribed 30-day period.

The parties are required to appear at all times. Lawyers may be allowed to join the conference only to render advice to parties.

Failure of the complaining party to appear in two (2) scheduled meetings shall result in the issuance of Referral to the appropriate DOLE Office or Agency that has jurisdiction over the dispute.

In case of non-appearance of the employer or the party complained of despite due notice, the complaining party may request for the issuance of the Referral or for a re-setting of the conciliation-mediation conference at any day within the 30-day period.

**Section 13. Pre-termination of the 30-day Mandatory Conciliation-Mediation Proceedings; Option for Voluntary/Compulsory Arbitration.** - Any or both parties, within the 30-day period, may pre-terminate the proceedings and request Referral to the appropriate DOLE Office or Agency which has jurisdiction over the dispute, or if both parties so agree, refer the unresolved issues to voluntary arbitration.

**Section 14. Non-Settlement.** - In case of failure to reach an agreement within the 30-day mandatory conciliation-mediation period, the Desk Officer shall issue a Referral to the appropriate DOLE Agency or Office which has jurisdiction over the dispute, or if both parties so agree, refer the unresolved issues to voluntary arbitration.

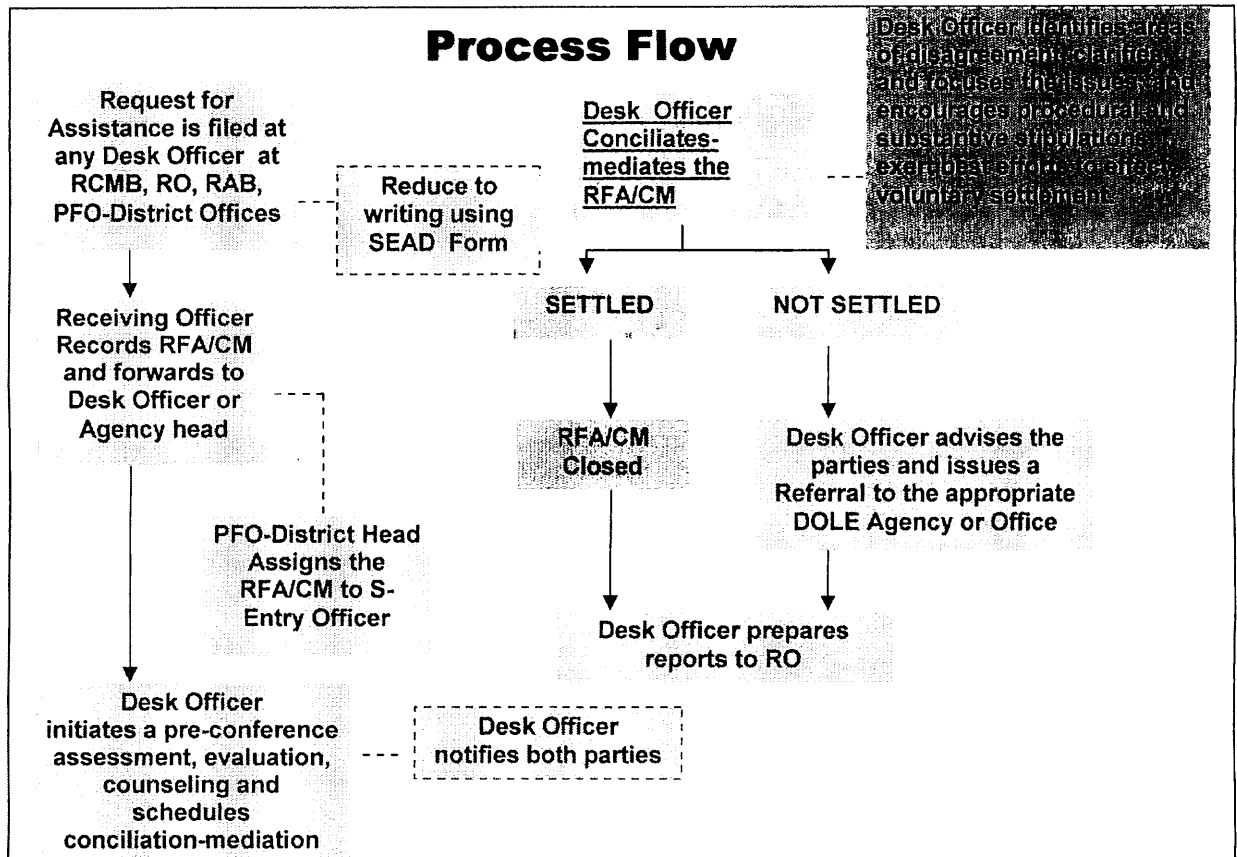
**Section 15. Contents of the Referral.** - The Referral must contain the names and addresses of the parties, summary of unresolved issues, causes of action and the relief sought without prejudice to amendments on the complaint by the parties before the Office or Agency having jurisdiction over the dispute. For voluntary arbitration, the Referral should specify the issues to be arbitrated.

**Section 16. Issuance of the Referral.** - The Desk Officer shall issue the Referral on the date of termination of the conciliation-mediation services either *motu proprio*, in instances provided in Sections 12 and 14, or upon request of any or both parties to the proceedings. Failure of the Desk Officer to observe the period to issue the Referral shall be dealt with accordingly as an administrative offense.

**Section 17. Confidentiality of Proceedings.** - Information and statements given in confidence at the conciliation-mediation proceedings shall be treated as privileged communication and shall not be used as evidence in any arbitration proceedings, except the stipulation of facts voluntarily entered into by the parties pursuant to Section 9(c) hereof. The Desk Officer shall not be required to testify in any court or body regarding any confidential matter and information taken during the conciliation proceedings conducted by them.

**Section 18. Submission of Report.** - Each Single Entry Assistance Desk shall maintain a standard data-banking system and shall maintain records of settled requests that shall be posted in the agency/office website. A monthly report of SEAD incidence and assistance rendered shall be submitted by the DOLE Regional Offices to the Secretary of Labor and Employment.

**Section 19. Process Flow.** -



**Section 20. Public Assistance Conciliation Unit (PACU) and Free Legal Assistance and Voluntary Arbitration Services (FLAVAS).** – The services rendered through the Legal Service’s Public Assistance and Conciliation Unit (PACU) and the NCMB Free Legal Assistance and Voluntary Arbitration Services (FLAVAS) shall form part of the Single Entry Approach.

**Section 21. National Conciliation and Mediation Board (NCMB).** – Conciliation-mediation services on notices of strikes or lock-outs, or on preventive mediation cases shall remain with the National Conciliation and Mediation Board (NCMB) and are excluded from the scope and coverage of this issuance.

**Section 22. Grievance Machinery and Voluntary Arbitration.** – Issues arising from the interpretation or implementation of the collective bargaining agreement and those arising from interpretation or enforcement of company personnel policies shall not be subject to the 30-day mandatory conciliation-mediation. It shall be processed through the grievance machinery as established in the collective bargaining agreement or pursuant to Sections 1 and 2, Rule XIX of Department Order No. 40, Series of 2003, as amended, and all unresolved grievance or issues shall be submitted to voluntary arbitration.

**Section 23. Regional Coordinating Council (RCC).** - The RCC shall immediately establish the SEAD. At the regional level, the SEAD shall be established in the Regional Branch of the National Conciliation and Mediation Board and in the Regional Arbitration Branch of the National Labor Relations Commission, or with two or more regional offices/branches of the DOLE as it may deem appropriate based on the number of Desk Officers and volume of cases in the region. However, at the provincial and district levels, only one SEAD shall be established in every Provincial and District Offices of the DOLE.

The RCC shall ensure tripartite participation in the establishment of the SEAD and in the effective implementation of this Guidelines.

**Section 24. Transitory Provision.** – All cases/complaints/issues filed upon the effectivity of this Guidelines shall be endorsed to the appropriate SEAD for the conduct of the 30-day mandatory conciliation-mediation services.

Cases/complaints/issues pending at the time of the effectivity of this Guidelines may go through the 30-day mandatory conciliation-mediation for full or partial settlement of issues upon a formal request or submission by both parties. Such a request shall suspend the compulsory proceedings for 30 days and any settlement reached shall be submitted upon the resumption of the proceedings for resolution or order based on a compromise agreement or partial execution in case of partial settlement, whichever is appropriate.

**Section 25. Repealing Clause.** – All rules, regulations, issuances, circulars, and administrative orders inconsistent herewith are repealed or modified accordingly. If any part or provision of this Guidelines shall be held unconstitutional or invalid, other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 26. Effectivity.** - This Guidelines shall take effect after fifteen (15) days from publication in a newspaper of general circulation.

**Manila, Philippines. 05 October 2010.**

  
**ROSALINDA DIMAPILIS-BALDOZ**  
Secretary

