



# ***DEL ROSARIO PANDIPHIL Inc.***

## **Philippine Shipping Update – Manning Industry**

By: Ruben Del Rosario, President, Del Rosario Pandiphil Inc., October 6, 2010

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## **Update on the Amended Migrant Workers Act (AMWA – Republic Act No. 10022)**

Two developments are still being awaited:

1. POEA Governing Board Resolution and the corresponding Memorandum Circular covering the amended POEA Standard Employment Contract
2. POEA Governing Board Resolution and the corresponding Memorandum Circular on the guidelines for compliance on the compulsory insurance requirements of the Migrant Workers Act.

It is expected that these resolutions / circulars will be issued within a week or two. The Circulars will state the effectivity date of the said resolutions which is expected to be two weeks from its issuance.

***The author is closely monitoring developments and will give subsequent updates as needed.***

## **NLRC Memorandum on Referral to Voluntary Arbitration**

NLRC Chairman Gerardo Nograles issued a Memorandum dated 2 August 2010 addressed to All Executive / Labor Arbiters and the NLRC Commission which states:

*“As one of the measures being adopted by our agency in response to the Platform and Policy Pronouncements on Labor and Employment, you are hereby directed to immediately dismiss the complaint and/or terminates proceedings which were initially processed in the grievance machinery as provided for in the existing Collective Bargaining Agreements (CBAs) between the parties, through the issuance of an Order of Dismissal and referral of the disputes to the National Conciliation and Mediation Board (NCMB) for voluntary arbitration.*

*For strict compliance,”*

A careful reading of the above memorandum shows that what is covered are those NLRC proceedings which were initially processed in the grievance proceedings prior to filing of the complaint before the Labor Arbitrer. What about those that have not passed through the grievance proceedings? Are they required to be dismissed? It would appear that they need not be dismissed.

*“The Philippines’ top shipping firm, **Del Rosario & Del Rosario** has a wealth of talent at its disposal.”*

*from Asia-Pacific, The Legal 500, 2009-2010, p. 341*

This publication aims to provide commentary on issues affecting the manning industry, analysis of recent cases and updates on legislation. It is meant to be brief and is not intended to be legal advice. For further information, please email [ruben.delrosario@delrosario-pandiphil.com](mailto:ruben.delrosario@delrosario-pandiphil.com).

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