



**NCMB ADVISORY NO. 1**  
17 August 2020

In view of the COVID-19 pandemic and Department Order No. 214 (DO 214) issued on 14 August 2020, the following guidelines shall be observed in conciliation-mediation proceedings for Preventive Mediation (PM) cases, Notices of Strike/Lockout (NS/L), Actual Strikes/Lockouts (AS/L), Notices to Arbitrate, (NTA) and SEnA Requests for Assistance (RFA).

- 1. Filing.** Requests for Assistance (RFA) shall be filed, as far as practicable, through the use of courier services, postal services, regional website, electronic digital platforms, whatever may be applicable. However, in the event that RFAs are personally filed, the Regional Branch concerned shall accept the documents for appropriate action subject to observance of the minimum health standards and protocols.

PM, NS/L, AS/L, and NTA shall be filed through personal submission at the Regional Branches concerned.

- 2. Conduct of Conference.** As far as practicable, conciliation-mediation conferences shall be conducted online using different platforms such as Zoom, Google Meet, Facebook Messenger, Skype, Microsoft Teams, etc. and via teleconferencing.

Should the availability of facility for video/online conference be a problem to either party, the Regional Branch concerned may invite said party to use the facility of the office, subject to the prescribed minimum health standards and protocols.

- 3. Face to Face Conference.** Face to face conferences shall be resorted to when either or both parties refuse video/online or teleconferencing, subject to health, safety, and social distancing measures and protocols.

To minimize overcrowding in conferences and to maintain social distancing measures, the number of representatives shall be limited to the following for each type of case.

- a. For RFAs, number of representatives shall be one (1) for each party. In case of a party involving a large number of individuals or group, the individuals shall elect their representative, if practicable, who shall attend the face to face conferences or be at the office to use the facility in online conferences.
- b. For NTAs, each party shall be represented by two (2) representatives, including the counsel.
- c. For PM, NS/L and AS/L, the number of representatives for each party shall be three (3), including the counsel.

**4. Cooling-off Period and Strike/Lockout Ban Period.** The running of the cooling-off and strike/lockout ban periods shall resume/start on 14 August 2020, the effectivity date of DO 214, s. 2020.

- a. For NS/L filed before the declaration of the Enhanced Community Quarantine (ECQ). The counting of the cooling-off period shall resume on 14 August, 2020 or on the lifting of the ECQ or Modified Enhanced Community Quarantine (MECQ) in places/areas under the stated levels of quarantine. The running of the strike ban period shall start after the expiration of the cooling-off period.

Examples:

Region: NCR (still under MECQ until 18 August 2020)  
NS/L filed on 10 March 2020  
Issue: ULP  
Submission of strike vote result: 1 June 2020  
Expiration of cooling off period: 28 August 2020  
(10-15 March 2020; 19-28 August 2020)  
Expiration of strike ban period: 4 September 2020

Region: III (no longer under ECQ/MECQ)  
NS/L filed on 10 March 2020  
Issue: ULP  
Submission of strike vote result: 1 June 2020  
Expiration of cooling off period: 28 August 2020  
(10-15 March 2020; 14-23 August 2020)  
Expiration of strike ban period: 30 August 2020

- b. For NS/L cases filed during the community quarantine but before the effectivity of DO 214.

The running of the cooling-off period shall start on 14 August 2020 or on the lifting of ECQ or MECQ in places/areas under the mentioned levels of quarantine. The strike/lockout ban period shall start after the expiration of the cooling-off period.

Examples:

Region: NCR (still under MECQ until 18 August 2020)  
NS/L filed on 1 June 2020  
Issue: CBA deadlock  
Submission of strike vote result: 1 August 2020

Expiration of cooling-off period: 22 September 2020  
(19 August 2020 – 22 September 2020)  
Expiration of strike ban period: 29 September 2020

Region: 11 (no longer under ECQ/MECQ)  
NS/L filed on 1 June 2020  
Issue: CBA deadlock  
Submission of strike vote result: 1 August 2020  
Expiration of cooling-off period: 12 September 2020  
(14 August 2020 – 12 September 2020)  
Expiration of strike ban period: 19 September 2020

c. For cases filed after issuance of DO 214.

The cooling-off and strike ban periods shall be counted as prescribed by existing laws and regulations, provided the areas or localities of the union, the company, and the Regional Branch concerned are not under ECQ or MECQ, in which case the running of the said periods shall start after the lifting of the ECQ and MECQ.

Example:

Region: VI (no longer under ECQ/MECQ)

NS/L filed on 17 August 2020

Issue: ULP

Expiration of cooling-off period: 1 September 2020

No example could be given for areas under ECQ/MECQ as conciliation proceedings are suspended in these areas.

Conciliation-mediation proceedings shall remain suspended in areas that are still under ECQ, MECQ or hard/total lockdown. The suspension shall be revoked after the lifting of the ECQ, MECQ, or total/hard lockdown. Conciliation-mediation conferences scheduled during the ECQ or MECQ shall be rescheduled once the same is lifted.

The herein guidelines take effect retroactively on 14 August 2020.

Quezon City, 17 August 2020.



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