

**[DOLE DEPARTMENT ORDER NO. 107-10,
November 03, 2010]**

**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 process 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 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 of SEnA"** – 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 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-RAD-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