

THE NATIONAL CONCILIATION AND MEDIATION BOARD

The National Conciliation and Mediation Board (NCMB) was created under Executive Order No. 126 within the ambit of the DOLE on January 30, 1987 to give meaning to the 1986 Philippine Constitution, particularly paragraph 3, Section 3, Article XIII provides, among others:

“ . . . The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes of settling disputes, including conciliation and shall enforce their mutual compliance therewith to foster industrial peace . . .” (underscoring supplied)

The NCMB also serves as a machinery that shall ensure prompt response to all labor-management disputes that may arise and shall work towards their early and amicable settlement.

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MEMORANDUM FOR THE SECRETARY

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HONORABLE ROSALINDA D. BALDOZ

We are respectfully submitting the annual report of the National Conciliation and Mediation Board for 2011, which details its accomplishment in the three major programs on conciliation-mediation, partnership and labor-management empowerment, and voluntary arbitration.

NCMB's 2011 accomplishments are highlighted by its successful efforts in further reducing the incidence of work stoppages, faster disposition of conciliation-mediation cases, increase in voluntary arbitration cases and requests for assistance (RFA), and increased LMC and GM facilitation.

This humble performance, our modest contribution to the attainment of the labor and employment agenda of the present administration, was made possible through the hard work and sacrifices of our officials and staff who labored day and night, many of whom rendered their services even during Saturdays, Sundays and holidays, to respond to the needs of our clients.

We wish to express our sincere thanks to the leadership of the Department whose all-out support and encouragement have been instrumental in making these accomplishments possible. Our thanks also go to our social partners and clients whose cooperation and support made this milestone performance a reality.

As the labor relations environment continues to change, the Board remains ready to take up the challenge posed by such changes, stays true to its mission and commitment to preserve the gains achieved in the past years, and looks forward to a continuation of sustained industrial peace.

REYNALDO R. UBALDO
Executive Director IV

VISION

The NCMB shall be the center of excellence in enhancing harmonious relationship in every workplace.

NCMB MANDATE

The NCMB, created under Executive Order No. 126, reorganizing the DOLE, shall formulate policies, develop plans and programs and set standards and procedures relative to the promotion of conciliation and mediation of labor disputes through the preventive mediation, conciliation and voluntary arbitration; facilitation of labor-management cooperation through joint mechanisms for information sharing, effective communication and consultation and group-problem solving.

MISSION

To sustain harmonious labor and management relations through continuous education, mainstreaming of alternative dispute resolution (ADR) mechanisms, and implementation of innovation approaches towards worker's empowerment.

In 2011, the National Conciliation and Mediation Board continued to sustain the efforts toward maintaining a stable and peaceful industrial relations climate in the country. It managed to maintain the number of work stoppages within manageable level through the provision of timely, efficient and effective conciliation and mediation services. The two cases of actual strike/lockout from January to December 30, 2011 are the lowest since 1988 and comprise only 0.73% of the 274 total notices of strike/lockouts handled during the period.

I. PARTNERSHIP AND LABOR-MANAGEMENT EMPOWERMENT

A. WORKPLACE COOPERATION AND PARTNERSHIP (LMCs)

LMC is the outcome of a continuing process of enhancing mutual trust and respect through information sharing, discussion, consultation and negotiations as schemes of workers' participation in decision making process on matters not covered by collective bargaining agreements.

The program aims to strengthen tripartism and broaden representation of workers as a tool for attaining employment goals and toward productivity gain-sharing and competitiveness.

LMCs have reduced the rate of grievances, speeded up resolution of issues between the parties and evolved better communication processes such that the benefits and welfare of workers were improved. The LMC program has significantly contributed in sustaining industrial peace in the country, and has effectively reduced incidences of Unfair Labor Practice (ULP) and Bargaining Deadlock (BD) cases.

The NCMB promotes the program through its corps of conciliator-mediator and LMC facilitators in the regional branches working closely in attending to issues faced by employees.

REGION	LMC FACILITATED			LMC ENHANCED		
	Organized	Unorganized	TOTAL	Organized	Unorganized	TOTAL
NCR	33	27	60	141	54	195
CAR	1	17	18	16	33	49
RB - 1	9	30	39	32	39	71
RB - 2	1	13	14	12	5	17
RB - 3	10	15	25	62	20	82
RB - 4A	10	19	29	34	39	73
RB - 4B	0	12	12	2	28	30
RB - 5	3	2	5	34	4	38
RB - 6	3	2	5	42	40	82
RB - 7	10	12	22	85	20	105
RB - 8	1	8	9	48	27	75
RB - 9	7	15	22	23	45	68
RB - 10	5	10	15	60	20	80
RB - 11	10	7	17	52	7	59
RB - 12	1	4	5	43	20	63
RB - 13	2	8	10	21	2	23
TOTAL	106	201	307	707	403	1,110

In 2011, the Board thru its appropriate regional branches was able to facilitate LMCs in 307 companies (106 or 35% in organized establishments and 201 or 65% in unorganized companies). Also, the Board strengthened 1,109 others, 707 or 64% of which are organized establishments and 403 or 36% unorganized companies. The 307 new LMCs brought to 1,899 the total number of LMCs existing as of December 31, 2011.

B. WORKPLACE DISPUTE PREVENTION AND SETTLEMENT (GRIEVANCE MACHINERY)

NCMB promotes GMs to pursue the policy of minimal government intervention in labor disputes through bipartite plant-level dispute resolution mechanisms that aim to leave the resolution of workplace conflicts in the shop floor. Unresolved conflicts are usually the subject of VA cases.

In the pursuit of this policy, NCMB conducts orientation services to operationalize GMs in organize establishments, and institutionalize GMs in unorganized establishments. The Board likewise conducts skills training on grievance handling, conflict management and joint problem solving processes to help labor and management settle workers grievances between themselves without government or third party assistance.

The program aims to strengthen tripartism and broaden representation of workers as a tool for attaining employment goals toward productivity gain-sharing and competitiveness. It also promotes the primacy of pre-judicial systems – collective bargaining and negotiation – in the settlement of disputes through the grievance machinery and voluntary arbitration. As a result, labor adjudication bodies no longer entertain unresolved grievances that have not been processed at the workplace dispute settlement mechanism or which have not exhausted settlement through voluntary arbitration.

REGION	GMs Institutionalized	GMs Operationalized	GMs STRENGTHENED/ ENHANCED		
	Unorganized	Organized	Organized	Unorganized	TOTAL
NCR	27	109	137	28	165
CAR	8	0	16	33	49
RB - 1	30	9	32	39	71
RB - 2	5	1	16	5	21
RB - 3	15	9	70	17	87
RB - 4A	19	12	44	42	86
RB - 4B	12	0	2	28	30
RB - 5	2	5	34	4	38
RB - 6	0	3	43	40	83
RB - 7	12	10	98	19	117
RB - 8	10	1	48	27	75
RB - 9	6	2	23	23	46
RB - 10	5	3	48	7	55
RB - 11	7	10	57	7	64
RB - 12	4	1	43	22	65
RB - 13	9	2	21	3	24
TOTAL	171	177	732	344	1,076

The Board was able to operationalize 177 and strengthen 732 grievance machineries (GMs) in organized establishments from January to December of 2011. The Board also institutionalized 171 GMs and strengthened 344 others in the unorganized establishments during the period. There are 2,100 existing grievance machineries (1,460 in organized establishments and 640 in unorganized establishments) nationwide as of December 31, 2011.

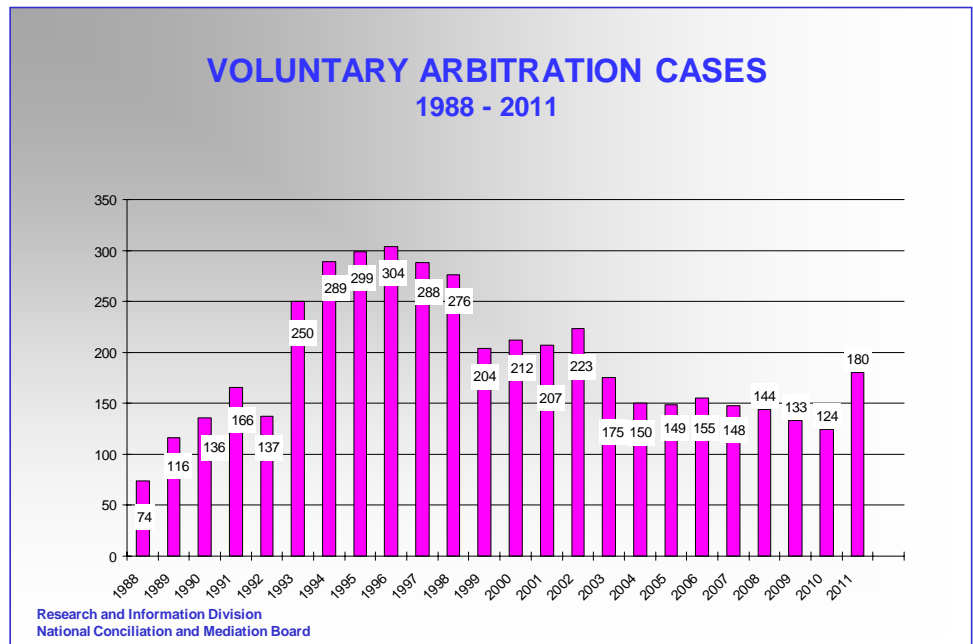
II. ARBITRATION AND ADJUDICATION PROGRAM

Voluntary Arbitration

Voluntary Arbitration is the terminal step in the parties' grievance machineries. It is a third party settlement of a labor dispute involving the mutual consent by the representative of the company and the labor union involved in a labor dispute to submit their case to a neutral third party who decides the case based on merits, and whose decision is final, executory and inappealable.

The program aims to improve labor adjudication in the country by ensuring transparency, efficiency and integrity in the labor dispute settlement system.

The Board promotes VA as an alternative to strikes/lockouts, compulsory arbitration, or any other mode of labor dispute to pursue the state policy of less government intervention in the labor dispute as provided in the 1987 Constitution.



In administering the VA program, the Board maintains a list of accredited VA who performs the function of a judge in VA cases.

From January to December 2011, case submission to voluntary arbitration reached 180, increasing 45% compared to the 124 cases submitted in 2010. The 180 new cases brought the total cases handled to 249, with the addition of 69 cases carried over from the previous period.

Of the 249 cases handled, 153 were disposed, resulting to a 61% disposition rate in 2011. In comparison, 140 cases were disposed out of the 209 cases handled in 2010, for a disposition rate of 67%.

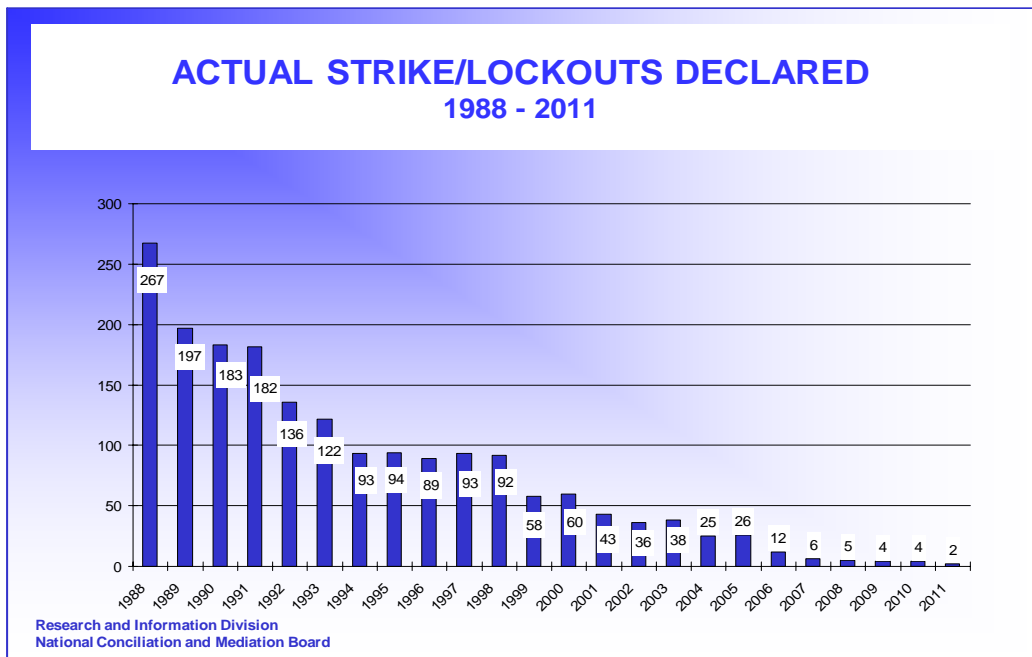
The disposition of 153 cases benefitted 740 workers with Php 171M in monetary awards.

III. CONCILIATION AND MEDIATION PROGRAM

The NCMB promotes conciliation-mediation as the preferred mode of resolution of unfair labor practice and bargaining deadlock issues raised in cases of actual strikes, notices of strikes/lockouts and preventive mediation cases. It offers conciliation-mediation services to parties involved in notices of strike/lockout and preventive mediation cases to prevent the same from maturing into actual work stoppages. If a work stoppage has already occurred, the NCMB, thru the conciliator-mediators, continues with conciliation and mediation in an effort to settle the dispute at the earliest possible time and minimize if not prevent its adverse effects to the workers, to the company and to the economy.

The Boards' conciliation-mediation program aims to strengthen tripartism and broaden representation of workers as a tool for attaining employment goals and toward productivity gain-sharing and competitiveness. It also intends to improve labor adjudication in the country by ensuring transparency, efficiency and integrity in the labor dispute settlement system.

A. ACTUAL STRIKES/LOCKOUTS



The NCMB effectively maintained a peaceful industrial relations climate towards job preservation by keeping the incidence of work stoppages to only two during the period January 1 to December 31, 2011.

The two strike cases declared involved deadlock in collective bargaining (BD).

The two actual work stoppages are so far the lowest in Philippine history, dropping 75% compared to the eight cases recorded in the immediately preceding year. Workers affected in these strikes however slightly increased to 3,828 from 3,024 workers a year ago.

The two strikes occurred in NCR and RB-III. The other regions were strike and lockout-free during the period, mainly due to functional workplace conflict prevention and settlement schemes (grievance machineries) and workplace cooperation and partnership schemes (LMCs).

As a result of its success in keeping the strike incidence to only two, the Board managed to reduce the loss of productive mandays by 89% from 34,171 last year to 3,828 this year.

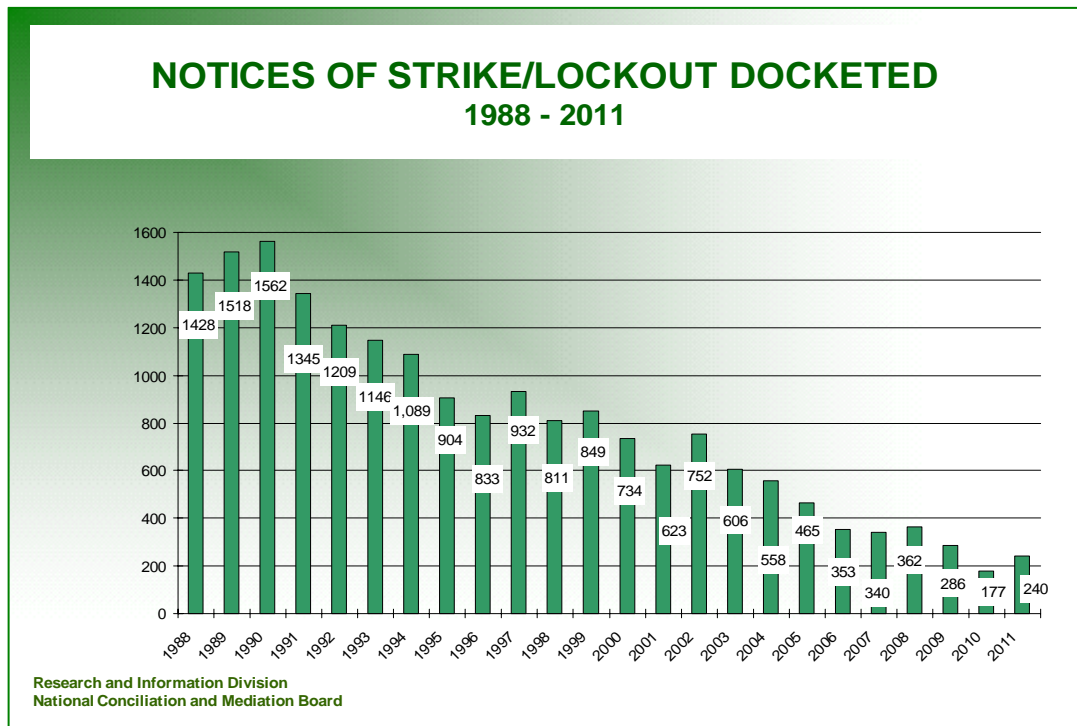
The Board disposed both actual strikes cases handled during the period. Supreme Steel Pipe Corporation declared last January 25, 2011 was certified for compulsory arbitration on January 26, 2011. As for the wildcat strike

against on PAL, the company resumed its operations on the same day the actual/lockout was declared after DOLE and NCMB officials succeeded in persuading the striking workers to return to work.

Overall dispute management rate (or the ratio of the total number of notices of strike/lockout and preventive mediation cases that did not materialize into actual work stoppage to the total notices of strike/lockout and preventive mediation cases handled) was computed at 99.77%.

The Board disposed the actual strikes in an average of only one day, which is 10 days faster than it took to dispose actual strike cases in 2010.

B. NOTICES OF STRIKE/LOCKOUT



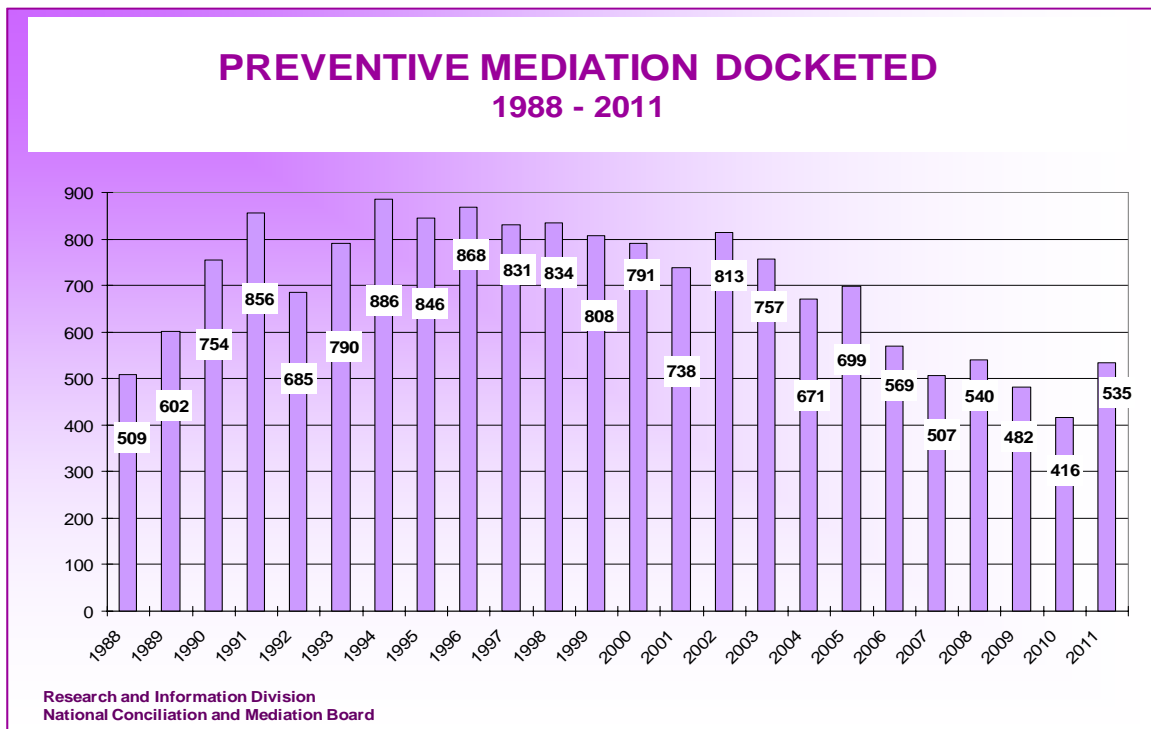
The Board docketed 240 new notices of strike/lockout during the year, 13% lower than the 276 NS/L cases received in 2010. The new cases involved 15% fewer workers from 59,750 last year to 51,001 in 2011.

Of the 240 new cases received, 168 raised the issue of unfair labor practice, 64 involved deadlock in bargaining negotiations and 8 had a combination of both issues.

The Board recorded a 86% disposition rate during the period, four percent lower than the 90% achieved in 2010. Settlement rate was registered at 78% from 80% last year.

The Board settled notices of strike/lockout cases in an average of 39 days, 16 days faster than the 55 days it took to resolve NS/L cases in 2010.

C. PREVENTIVE MEDIATION



Monetary benefits resulting from case settlement include some P3.4 B in CBA package benefiting 8,785 workers and P738.6 M in separation pay and other monetary benefits for 2,363 workers.

The Board received 535 new preventive mediation cases during the period January 1 to December 31, 2011, 29% higher than the 416 cases docketed a year ago. Workers involved in the new PM cases increased by 14%, to 149,652 from 131,275 last year. The Board handled a total of 585 PM cases during the period.

Of the 535 total cases received, 473 involved unfair labor practice. Deadlock in collective bargaining, mostly on economic issues, was raised in 57 cases. Five (5) raised both ULP and BD.

The Board disposed 542 cases of the 585 preventive mediation cases handled during the period for a disposition rate of 93%, 4% higher than the 89% registered in 2010. Settlement rate was recorded at 87%, 3% percentage higher than the 84% attained last year.

It took the Board 32 days to settle a preventive mediation case this year, four days faster than the 36 days it took to resolve PM cases last year.

Monetary benefits resulting from case settlement include some P160 M in CBA package benefiting 3,075 workers and P109.8 M in separation pay and other monetary benefits for 1,513 workers.

A. INNOVATIONS IN THE HANDLING OF CASES ASSUMED JURISDICTION BY THE SECRETARY

In September 2009, the Board introduced an innovation in the handling of cases that have been subjected to intervention by the secretary of labor and employment. The innovation consists of the conduct of continuous marathon conciliation-mediation conferences in an effort to explore all options for settlement even when a case has been assumed jurisdiction by the secretary, or when a petition for assumption/certification has been filed.

While these cases are still pending before the Office of the Secretary, NCMB continues mediating and conciliating the disputes in an effort to find a mutually acceptable solution.

The agreement signed by the parties to these disputes are adopted as the basis in the disposition of the assumption orders covering the aforementioned cases and assured the parties of continued industrial peace and stability.

From January to December 2011, the Board monitored 15 cases covered by petitions for assumption of jurisdiction, 11 of which were settled through conciliation-mediation. These are:

- *The labor dispute involving Imus Institute Incorporated. The petition was filed on December 21, 2010 and was amicably settled on January 3, 2011;*
- *The labor dispute involving San Miguel Foods Incorporated. The petition was filed on January 4, 2011 and was amicably settled on January 17, 2011. Some 150 employees benefited from the conclusion of their CBA negotiations with total CBA package amounting to P24,882,000;*
- *The labor dispute involving Honda Philippines Inc. on account of bargaining deadlock*

and unfair labor practice. The petition was filed on February 15, 2011 and was amicably settled on February 22, 2011. The parties agreed to submit their cases to voluntary arbitration by the Hon. Secretary of Labor and Employment.

- *The labor dispute involving Toyo Ink Compounds Inc. Union alleged issues of unfair labor practice on the grounds that the management allowed agency-based workers to perform functions of regular employees. The petition was filed on February 2, 2011. The case was amicably settled on March 16, 2011. The parties agreed that the management would regularize affected workers among others;*

- *The labor dispute involving CDC-SPRO (Mimosa). The petition was filed on January 28, 2011 and was amicably settled on March 25, 2011. Some 542 employees benefited from the settlement negotiations with total monetary benefits amounting to P10 M;*

- *The labor dispute involving Baguio Country Club. The petition was filed on April 23, 2011 and was amicably settled on April 27, 2011. Some 222 employees benefited from the conclusion of their CBA negotiations with total CBA package amounting to P9,679,200.00;*

- *The labor dispute involving Pepsi Cola Product Phils. Inc.. The petition for assumption of jurisdiction was filed on May 20, 2011 and was amicably settled thru conciliation-mediation on June 2, 2011. The settlement of the case benefited some 109 workers with P7,529,720 in economic package;*

- *The labor dispute involving Bank of America. The petition to assume was filed on June 27, 2011. The case was settled amicably on July 5, 2011, benefiting some 8 workers with P4,400,000.00 in economic package;*

- The labor dispute involving Columbia Wire and Cable Corporation. The petition to assume was filed on July 29, 2011. The case was settled through conciliation-mediation on August 12, 2011, benefiting some 140 workers with P6,693,680.00 in economic benefits for the first three years of the CBA;

- The case involving CBK Power Company, Ltd., whose petition for assumption of jurisdiction was filed on July 27, 2011. The case was settled through conciliation-mediation on September 5, 2011, benefiting some 66 workers with P8,000,000.00 in economic benefits for the first three years of the CBA; and

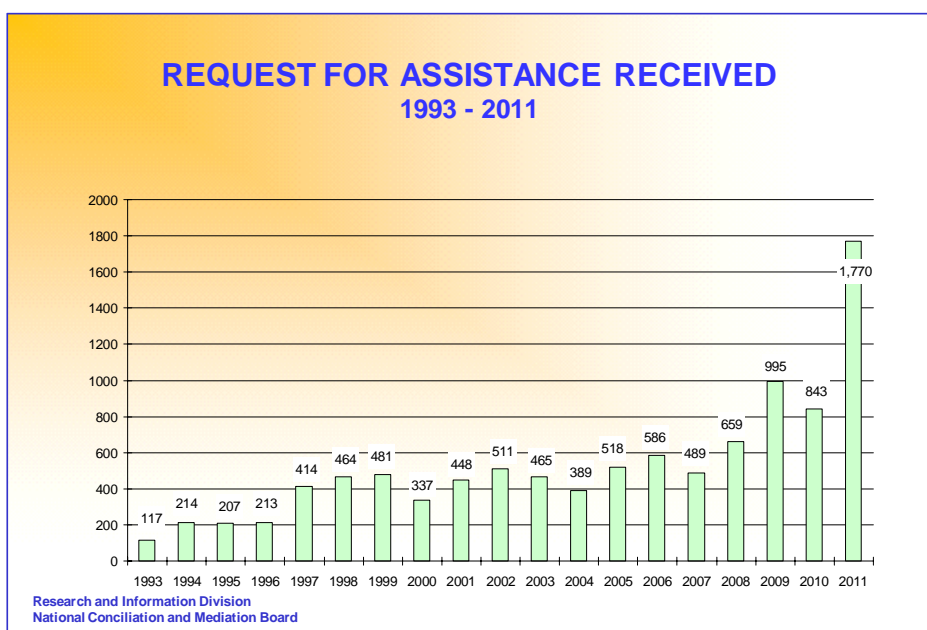
- The case involving Bacolod Our Lady of Mercy Specialty Hospital, whose petition for assumption of jurisdiction was filed on July 25, 2011. The case was settled through conciliation-mediation on September 13, 2011.

The settlement of these cases through conciliation-mediation rendered the petition moot and academic and assured the companies involved continuous industrial peace.

B. SINGLE ENTRY APPROACH (SENA), formerly Free Legal Assistance and Voluntary Arbitration Services (FLAVAS)

SENA is a reform measure institutionalized through Department Order No. 107-10 to effect a faster, fairer and less expensive settlement of labor issues and to prevent such issues from maturing into actual labor cases. Single Entry Approach is an option provided by the Department for workers in the filing of cases with conciliation as the entry point. If settlement is not reached within 30 days, the parties can elevate the issue to the appropriate offices of the Department.

The implementation of SENa is in pursuit of item 6 of the 22-point labor and employment agenda of President Benigno C. Aquino III and is one of the



strategies to pursue the objectives of Pillar 4 (Social Dialogue) of the Labor and Employment Plan 2011-2016, particularly on the need to ensure speedy dispensation of labor justice. The program institutionalizes the 30-day mandatory conciliation-mediation of all labor cases under a single entry approach that is being implemented at the regional and provincial offices of the DOLE, as well as in other offices and agencies, particularly the NLRC, NCMB, ECC, POEA and NWPC.

In 2011, the Board received a total of 1,770 requests for assistance (RFAs) under the SENA, a sharp increase of 110% from 843 cases received last year. Likewise, workers involved increased 128% or 4,484 this year from 1,969 last year. The Board handled a total of 1,806 SENA cases during the year.

The Board disposed a total of 1,634 cases of the 1,806 SENA cases handled during the period for a disposition rate of 90% and settled 1,600 cases for 89% settlement rate, benefiting some 811 workers with Php 71.9M in restitution benefits.

C. SPEEDY AND EFFICIENT DELIVERY OF LABOR JUSTICE (SPEED IV)

Project SpeEd IV was implemented pursuant to Administrative Order No. 312, series of 2011, to expedite the disposition of labor cases in the different offices of the Department. Project SpeEd IV covered all cases that were pending as of June 30, 2011. All concerned bureaus and attached agencies were to dispose 98% of the cases covered by SpeEd IV by December 31, 2011, without prejudice to case received between July 1, 2011 and December 31, 2011 that should be disposed observing the time prescribed by existing laws and regulations on case disposition and achieve zero backlog.

Implementation of Project SpeEd is in pursuit of the policy reforms enunciated pursuant to the 22-point labor and employment agenda of the Aquino Administration particularly item 6 thereof which seek to pursue the continuing objective of ensuring a speedy labor justice.

The Board was able to dispose a total of 193 or 92% of its commitment of 210 as of December 31, 2011, broken down as follows:

- NSL – 86% disposed out of 28 cases
- PM – 95% disposed out of 58 cases
- SENA/FLAVAS – 100% disposition of the 60 cases enrolled
- VA – 84% disposed out of 64 cases

Some 17 cases (4 NS/L, 3 PM and 10 VA) are still pending as of December 31, 2011.

Monetary awards amounting to Php 98,572,034.13 benefiting 728 were facilitated by the Board in the settlement of cases enrolled in Project SpeEd 4, broken down as follows:

- NSL: Php 40,764,840.88 for 463 workers
- PM: Php 3,153,001.00 for 76 workers
- SENA/FLAVAS: Php 1,205,741.26 for 82 workers
- VA:
 - Landbased - Php 307,000.00 for worker
 - Maritime - Php 53,141,441.99 for 106 workers

I. OTHER ACTIVITIES

The Board launched the 2011 Search for the Most Outstanding LMC for Industrial Peace at the Bayview Park Hotel, Roxas Boulevard, Manila on March 23, 2011. The Search is a biennial activity being pursued by the Board since 1998 to accord due recognition to companies with well established LMC and partnership mechanisms which have resulted in increased productivity, improved workers' job



satisfaction, and enhanced business performance.

The Search likewise aims to expand, reach and nurture the existing strong ties between and among social partners, industry stakeholders, and organized advocates/practitioners of workplace cooperation and partnership. Winners in the Search were honored during the 2011 LMC National Convention held in Naga City on 8-9 November 2011 (related story on pages 21-22)



The Board conducted the Moral Renewal Seminar – Levels I and II in line with the policy pronouncement of President Benigno S. Aquino III to eliminate graft and corruption in government, and as part of the NCMB staff development initiatives. The seminar was held at the San Lorenzo Ruiz Lay Formation Center, Guadalupe City. Levels I and II, for the rank and file employees, were held last March 17-18, 2011 and May 5-6, 2011, respectively. Likewise,



Moral Renewal Seminar Level II for the Board's corps of conciliator-mediators, regional directors and other officials, was also held on May 30, 2011.

Level III of the Moral Renewal Seminar (for R & F staff) was also conducted at the San Lorenzo Ruiz Lay Formation Center, San Carlos Pastoral Formation Complex, EDSA, Guadalupe, Makati Center on August 4, 2011 (Batch 1) and August 5, 2011, (Batch 2).





The Board conducted an Accreditation Seminar for 27 new Voluntary Arbitrators at the AMOSUP Convention Hall, Seaman's Center, Intramuros, Manila on April 28-29, 2011.

As part of the Board's continuing efforts to foster harmonious relations, unity, cooperation and productivity for the Central Office employees, a Team Enhancement Exercise (TEE) was conducted at the Matabungkay Beach Resort and Hotel, Lian, Batangas on May 6-7, 2011.



The Board conducted the 15th Labor Dispute Management Course at the Bosoboso Resort, Antipolo City on May 31 – June 3, 2011. The annual training course for its corps of conciliator-mediators, regional branch directors, and other officials was intended to enhance the capabilities and potentials of the participants to ensure their prompt and efficient response to all labor-management disputes.



The Board organized a Regular Retooling Seminar for 88 Voluntary Arbitrators at the Traders Hotel Manila, Roxas Boulevard, Pasay City on May 26-27, 2011.



The Board organized a Skills Upgrading Seminar-Workshop for NCMB Labor Information Officers held at the Skylight Hotel, Puerto Princesa, Palawan City on September 28 - 30, 2011 to further enhance the skills and knowledge of NCMB LIOs particularly on communications planning and advocacy writing.



The Board served as secretariat in the recently concluded SENA Congress held at Ichikawa Hall, OSHC, Diliman, Quezon City last October 24, 2011.



The 8th National LMC Convention was conducted at Avenue Plaza Hotel, Naga City on November 8-9, 2011. The event culminated in the awarding of the 2011 Search for Most Outstanding LMC winners. The winners, three from organized establishment and two from unorganized establishment, were awarded plaques of recognition and cash prize of Php 25,000 each.



Secretary of Labor Rosalinda Dimapilis-Baldoz (r) and USEC Hans Leo J. Cacdac (l) led the entry of colors. (Below, clockwise from left) Prof. Jorge V. Sibal, RCMB V director Susan A. Quimpo, DOLE ROV OIC director Alvin M. Villamor, Naga City Mayor John G. Bongat, PHILAMCOP outgoing president Rene V. del os Reyes, and DILG Secretary Jesse M. Robredo



ATMEL TSPIC, NCR, 2011 Outstanding LMC, unionized category



The Manor Hotel, CAR, 2011 Outstanding LMC, unorganized category



BENECO, CAR, 2011 Outstanding LMC, unionized category



Sanyo Semiconductor Mfg., Phils. Corp, RCMB-3, 2011 Outstanding LMC, unorganized category



HEDCOR, CAR, 2011 Outstanding LMC, unionized category



The Board organized a Retooling Seminar for Accredited Maritime Voluntary Arbitrators cum Skills Training for Conciliator-Mediators which was conducted at the Bayview Hotel, Manila last November 24-25, 2011.



F. THRUSTS FOR 2012

Intensify proactive intervention on labor disputes prevention and settlement

Expand accessibility of conciliation-mediation processes to cover all types of labor disputes

Increase awareness and application of ADR mechanisms to resolve workplace conflicts

Strengthen social cooperation schemes for industrial stability

Pursue effective advocacy and networking with social partners

Continuous staff capability-building

2011 ANNUAL REPORT

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We acknowledge with deep appreciation the valuable contributions of all the staff and the central office and regional branches whose untiring dedication to their jobs made this report possible.