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GUIDELINES ON THE PAYMENT OF THIRTEENTH-MONTH PAY

This Guidelines is hereby issued pursuant to Article 5 of the Labor Code of the Philippines, as renumbered, and Presidential Decree No. 851 requiring employers in the private sector to pay their rank-and-file employees 13th-Month Pay:

I. COVERAGE

Thirteenth-month pay shall be paid to rank-and-file employees in the private sector regardless of their position, designation, or employment status, and irrespective of the method by which their wages are paid, provided that they have worked for at least one (1) month during the calendar year.

It shall also be given to rank-and-file employees who are paid on piece-rate basis, fixed or guaranteed wage plus commission, with multiple employers, resigned or were terminated, and were on maternity leave and receive salary differential are also entitled to 13th-month pay.

II. AMOUNT OF 13TH-MONTH PAY

The minimum 13th-month pay shall not be less than one-twelfth (1/12) of the total basic salary earned by an employee within a calendar year. To illustrate:

$$\frac{\text{Total basic salary earned during the year}}{12 \text{ months}} = \text{proportionate 13}^{\text{th}}\text{-month pay}$$

Illustration:

Using the minimum wage in the National Capital Region at ₱570.00 per day and a six-day workweek or an equivalent Monthly Basic Salary of ₱14,867.50 (₱570.00*313/12 months):

January	no absence	₱ 14,867.50
February	no absence	₱ 14,867.50
March	no absence	₱ 14,867.50
April	no absence	₱ 14,867.50
May	no absence	₱ 14,867.50
June	5 days leave with pay	₱ 14,867.50
July	no absence	₱ 14,867.50
August	no absence	₱ 14,867.50
September	10 days leave w/o pay	₱ 9,167.50
October	no absence	₱ 14,867.50
November	1 day leave w/o pay	₱ 14,297.50
December	no absence	₱ 14,867.50
Total basic salary earned for the year		₱ 172,140.00

$$\frac{\text{₱ } 172,140.00}{12 \text{ months}} = \text{₱ } 14,345.00 \text{ is the proportionate 13}^{\text{th}} \text{ month pay}$$

The minimum amount shall be given without prejudice to existing company practice or policy, employment contract or collective bargaining agreement (CBA), if any.

III. TIME OF PAYMENT

The 13th-month pay shall be paid on or before December 24, 2022.

IV. NO EXEMPTION OR DEFERMENT

No request or application for exemption from payment of 13th-month pay, or for deferment of the payment thereof shall be accepted and allowed.

V. REPORT OF COMPLIANCE

Effective CY 2021, every covered employer shall make a report of their compliance through the DOLE Establishment Report System at <https://reports.dole.gov.ph/> not later than January 15 following the reference year. The report shall conform substantially with the following:

1. Name of establishment;
2. Address;
3. Principal product or business;
4. Total employment;
5. Total number of workers benefitted;
6. Amount granted per employee;
7. Total amount of benefits granted; and
8. Name, position, and telephone number of person giving information.

VI. ENFORCEMENT

Compliance with the 13th-month pay shall be enforced by the appropriate DOLE Regional/Field/Provincial Office having jurisdiction over the workplace in accordance with the prescribed rules and regulations.

Be guided accordingly.

28 November 2022


BIENVENIDO E. LAGUESMA
Secretary

Dept. of Labor & Employment
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