



**NATIONAL CONCILIATION
AND MEDIATION BOARD**



**THE NCMB
DATA PRIVACY
MANUAL**

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THE NCMB DATA PRIVACY MANUAL

BACKGROUND

Republic Act No. 10173 entitled, “**An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes**”, or simply, Data Privacy Act of 2012 (DPA), is the law that gives form to the declared policy of the State to protect the fundamental human right of privacy and communication. While the State recognizes the vital role of information and communications technology in nation-building, it also acknowledges its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.

The Act serves the following purposes:

1. Protects the privacy of individuals while ensuring free flow of information to promote innovation and growth;
2. Regulates the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of personal data; and
3. Ensures that the Philippines complies with international standards set for data protection through the National Privacy Commission.

Approved into law last August 15, 2012, the DPA created the National Privacy Commission (NPC) which is tasked to monitor its implementation. It covers the processing of personal information and sensitive personal information and sets, as its basic premise, the grant of direct consent by a data subject before data processing of personal information be allowed.

INTRODUCTION

The National Conciliation and Mediation Board (NCMB), in its commitment to uphold, respect, and value data privacy rights, hereby adopts this Data Privacy Manual in compliance with the DPA, its Implementing Rules and Regulations, and other relevant policies, including issuances of the NPC. All personal data collected from all its officials, personnel, and clients shall be processed in adherence to the general principles of transparency, legitimate purpose, and proportionality.

The Manual outlines our data protection and security measures and may guide you in exercising your rights under the DPA.

DEFINITION OF TERMS

For purposes of this Manual the following terms are defined as follows:

1. Data Subject – refers to an individual whose personal, sensitive personal or privileged information is processed by NCMB. It may refer to its officials, employees, and clients.
2. Personal Data refers to all types of personal information.
3. Personal Data Breach refers to a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to personal data transmitted, stored, or otherwise processed.
4. Personal Information refers to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
5. Personal Information Controller refers to a natural or juridical person, or any other body who controls the processing, of personal data, or instructs another to process personal data on his behalf.
6. Personal Information Processor refers to any natural or juridical person or any other body to whom a personal information controller may outsource or instruct the processing of personal data pertaining to a data subject.
7. “Processing” refers to any operation or any set of operations performed upon personal information including, but not limited to the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.
8. Sensitive personal information refers to personal information:
 1. About an individual’s race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 2. About an individual’s health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such individual, the disposal of such proceedings, or the sentence of any court in such proceedings;
 3. Issued by government agencies peculiar to an individual which includes, but is not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 4. Specifically established by an executive order or an act of Congress to be kept classified.

SCOPE AND LIMITATIONS

This Privacy Manual applies to all NCMB Central and Regional Branches officials and employees including all project and agency-based employees. It likewise covers software developers and electronic service providers of the Board.

PROCESSING OF PERSONAL DATA

A. Collection

The collection of both personal information and sensitive personal information is done by lawful means and for a lawful purpose and is directly related and necessary in the achievement of the Board's vision and mission.

Personal information of clients is limited to full name, address and cellular/telephone numbers. These are obtained openly and straightforwardly without any hidden motive through the clients' filling up of official forms. These forms are essential in the provision of service to clients.

Similarly, personal data of the Board's officials and employees (including project and/or agency-based employees), applicants to vacant positions, and Accredited Voluntary Arbitrators (AVAs) are obtained through the requisite Personal Data Sheet (PDS) and by accomplishing forms essential in training and other developmental interventions.

B. Use

Personal data collected shall be used by the Board solely for reportage and documentation purposes. In all this, the individual is not deemed identified as the data shall be presented in statistics form. The Board shall ensure no manipulation of personal data and that the same shall not be used against any individual.

C. Storage, Retention and Destruction

NCMB shall ensure that personal data under its custody are protected against any accidental or unlawful destruction, alteration and disclosure as well as against any other unlawful processing. It shall implement appropriate security measures in storing collected personal information, depending on the nature of the information. The retention period of personal information gathered shall be as follows:

NCMB officials and employees	– 1 year after superseded
Former NCMB officials and employees	– Subject to CSC Memorandum Circular No. 8, s. 2007
Accredited Voluntary Arbitrators	– 15 years after separation
Applicants to vacancies	– 1 year
Clients	– 10 years

After said period, all hard and soft copies of personal information shall be disposed and destroyed, through secured means.

D. Access

Access to personal data of officials and employees of NCMB and applicants to vacancies shall be limited to the DPO or COP, Chief of the Administrative Division, its regional counterpart, the Administrative Officer V, and the Administrative Assistant II. At no time should anyone be given access to the personal files of other employees.

For personal data of clients, only the DPO, Director of the Technical Services Department and the heads and staff of the three Technical Divisions shall have access to the same.

E. Disclosure and Sharing

All employees and personnel of the Board shall maintain the confidentiality and secrecy of all personal data that come to their knowledge and possession, even after resignation, termination of contract, or other contractual relations. Personal data under the custody of the NCMB shall be disclosed only pursuant to a lawful purpose, and to authorized recipients of such data.

SECURITY MEASURES

The NCMB shall implement reasonable and appropriate physical, technical, and organizational measures for the protection of personal data. These security measures aim to maintain the availability, integrity, and confidentiality of personal data and protect them against natural dangers such as accidental loss or destruction, and human dangers such as unlawful access, fraudulent misuse, unlawful destruction, alteration and contamination.

A. Organization Security Measures

1. Data Protection Officer

The Director of the Internal Services Department of the Board shall be the designated Data Protection Officer (DOP).

The Directors of the Regional Branches shall appoint among the staff a Compliance Officer for Privacy (COP).

2. Functions of the DOP/COP

Listed hereunder are the functions and responsibilities of the DPO and COP:

1. Monitor the Personal Information Controller's (PIC) or Personal Information Processor's (PIP) compliance with the DPA, its IRR,

issuances by the NPC, and other applicable laws and policies. As such he/she may:

- a. Collect information to identify the processing operations, activities, measures, projects, programs, or systems of the PIC or PIP, and maintain a record thereof;
 - b. Analyze and check the compliance of processing activities, including the issuance of security clearances to and compliance by third-party service providers;
 - c. Inform, advise, and issue recommendations to the PIC or PIP;
 - d. Ascertain renewal of accreditations or certifications necessary to maintain the required standards in personal data processing; and
 - e. Advise the PIC or PIP as regards the necessity of executing a Data Sharing Agreement with third parties, and ensure its compliance with the law;
2. Ensure the conduct of Privacy Impact Assessments relative to activities, measures, projects, programs, or systems of the PIC or PIP;
 3. Advise the PIC or PIP regarding complaints and/or the exercise by data subjects of their rights (e.g., requests for information, clarifications, rectification or deletion of personal data);
 4. Ensure proper data breach and security incident management by the PIC or PIP, including the latter's preparation and submission to the NPC of reports and other documentation concerning security incidents or data breaches within the prescribed period;
 5. Inform and cultivate awareness on privacy and data protection within your organization, including all relevant laws, rules and regulations and issuances of the NPC;
 6. Advocate for the development, review and/or revision of policies, guidelines, projects and/or programs of the PIC or PIP relating to privacy and data protection, by adopting a privacy by design approach;
 7. Serve as the contact person of the PIC or PIP vis-à-vis data subjects, the NPC and other authorities in all matters concerning data privacy or security issues or concerns and the PIC or PIP;
 8. Cooperate, coordinate and seek advice of the NPC regarding matters concerning data privacy and security; and

9. Perform other duties and tasks that may be assigned by the PIC or PIP that will further the interest of data privacy and security and uphold the rights of the data subjects.

Except for items (1) to (3), a COP shall perform all other functions of a DPO. Where appropriate, he or she shall also assist the supervising DPO in the performance of the latter's functions.

3. Conduct of Trainings and Recording and Documentation of Activities Carried out by the DPO or by the Board

The NCMB shall sponsor a mandatory training on data privacy and security at least once a year. For personnel directly involved in the processing of personal data, their attendance and participation in relevant trainings and orientations shall be ensured as often as necessary.

4. Conduct of Privacy Impact Assessment (PIA)

The Board shall conduct a Privacy Impact Assessment (PIA) relative to all activities, projects and systems involving the processing of personal data.

5. Duty of Confidentiality

All employees shall be asked to sign a Non-Disclosure Agreement. All employees with access to personal data shall operate and hold personal data under strict confidentiality if the same is not intended for public disclosure.

6. Review of Privacy Manual

This Manual shall be reviewed and evaluated annually. Privacy and security policies and practices within the Board shall be updated to remain consistent with current data privacy best practices.

B. Physical Security Measures

1. Format of Data

Personal data in the custody of the Board may be in digital/electronic format and paper-based/physical format.

2. Storage Type and Location

All personal data of the Board's officials and staff including those of its project and agency-based employees in paper based documents shall be stored in a locked filing cabinet located at the Personnel Records Room on the 6th floor of the office.

Papers or documents bearing personal information of clients shall be kept in locked filing cabinets at the Stock Room at the 5th floor of the office.

Digital/electronic files shall be stored in computers protected by passwords and can be accessed only by authorized personnel.

3. Access Procedure of Agency Personnel

Only the DPO, the Chief Administrative Officer, the Administrative Officer V, and the Administrative Assistant II of the Administrative Division (the COP and Administrative Officer IV, in the case of Regional Branches) shall have access to the stored personal information of current and former NCMB officials and staff and applicants to vacant positions. For this purpose, they shall each be given a duplicate of the keys to the filing cabinet and the Personnel Records Room.

An official/employee who wishes to see documents on his/her personal file (201File) shall fill up a request form to be approved by the DPO or by the COP. The Administrative Assistant II in the Central Office and the Administrative Officer IV (for Regional Branches) shall secure the requested document/s, have the same photocopied, and hand this/these over to the official/employee concerned.

To protect against inappropriate disclosure of confidential information, certain records including those containing confidential information about more than one individual and medical records shall not be allowed to be accessed.

An employee cannot invoke his/her right to access his/her 201 File under the law when the personal information is being processed for the purpose of investigation in relation to any criminal, administrative, or tax liabilities against him/her.

Directors and Division Chiefs, other than those expressly mentioned in the preceding paragraphs, may have access to personal file information on a need-to-know basis.

Unclaimed 201 Files of former NCMB employees as well as their Service Records, duplicate copies of Clearance from Property and Money Accountabilities and forwarding addresses and telephone numbers retained at the office in accordance with CSC Memorandum Circular No. 8, s. 2007 shall be treated in the same way as the 201 Files of current employees.

As for the stored personal data of clients, only the Director of the Technical Services Department and the Heads of the three Technical Divisions shall have access to the same.

At no time should authorized official/personnel bring gadgets or storage device of any form when accessing personal files of NCMB personnel, applicants, and clients.

4. Monitoring and Limitation of Access

All authorized personnel who accessed the stored personal data must fill out and register access details in a logbook. They shall indicate the date, time, duration and purpose of each access.

5. Design of Office Space/Work Station

Computers are located at the work stations of employees such that no computers are placed side by side with other computers. This is to ensure the protection of processing of personal data.

6. Maintenance of Confidentiality

Persons involved in processing shall always maintain confidentiality and integrity of personal data.

7. Modes of Transfer of Personal Data within the NCMB or to Other Parties

Transfer of personal data via electronic mail shall use a secure email facility with encryption of the data, including any or all attachments. Facsimile technology shall not be used for transmitting documents containing personal data.

8. Retention and Disposal Procedure

The NCMB shall retain personal data in its custody following the schedule identified in the item Storage, Retention, and Destruction under the Processing of Data in this Manual. Upon expiration of such period, all physical and electronic copies of the personal data shall be destroyed and disposed of using secure technology.

C. Technical Security Measures

1. Monitoring for Security Breaches

The Board shall procure and install anti-virus software, on an annual basis, to devices that regularly access the internet (desktop, laptop, apple and android devices).

The IT Administrator shall regularly read the firewall logs to monitor security breaches and alert the Board of any unauthorized attempt to access the NCMB network.

2. Security Features of the Software/s and Application/s Used

The Research and Information Division (RID) shall first review and evaluate software applications before the deployment thereof in computers

and devises of the Board to ensure compatibility of security features with the data privacy policies.

On existing software applications, which involves processing of personal data of NCMB employees, the following shall be observed:

- The end user, with the technical assistance of the IT Unit of the RID, shall evaluate and assess the security protocols of the system with regards to saving, backup, and data recovery. If such protocol runs counter with the data privacy principles stated in the Data Privacy Act of 2012, remedial steps should be made to correct such flaws.
 - The RID, during its IT semestral maintenance activities, shall check software applications installed in all IT hardware and devices for compliance with the Board's data privacy policy. If a software/application is found to be a security risk that it may disturb or interrupt the normal operations of the NCMB network, the IT technical personnel shall notify the end user of the risk and the software/application shall immediately be uninstalled. The IT personnel shall thereafter prepare an incident report.
3. Process for Regularly Testing, Assessment and Evaluation of Effectiveness of Security Measures

The IT Unit of the RID shall make regular penetration testing of the firewall appliance from outside the Board's premises and from within to conduct vulnerability assessment of the same.

BREACH AND SECURITY INCIDENTS

A. Creation of a Data Breach Response Team

A Data Breach Response Team comprising of the DPO, the Technical Services Director, the Chief Administrative Officer, and all IT personnel of the RID, under the direct supervision of the Deputy Executive Director for Internal Services is responsible for ensuring immediate action in the event of a security incident or personal data breach. The team shall conduct an initial assessment of the incident or breach in order to ascertain the nature and extent thereof. It shall also execute measures to mitigate the adverse effects of the incident or breach.

B. Measures to Prevent and Minimize Occurrence of Breach and Security Incidents

The Data Breach Response Team shall regularly conduct a Privacy Impact Assessment to identify risks in the processing system and monitor for security breaches and vulnerability scanning of computer networks. Personnel directly involved in the processing of personal data shall attend trainings and

seminars for capacity building. A periodic review of policies and procedures being implemented in the Board shall be undertaken.

C. Procedure for Recovery and Restoration of Personal Data

The NCMB shall always maintain a backup file for all personal data under its custody. In the event of a security incident or data breach, it shall always compare the backup with the affected file to determine the presence of any inconsistencies or alterations resulting from the incident or breach.

D. Notification Protocol

The Head of the Data Breach Response Team shall inform the Executive Director of the need to notify the National Privacy Commission (NPC) and the data subjects affected by the incident or breach within 72 hours from knowledge thereof.

E. Documentation and Reporting Procedure of Security Incidents or a Personal Data Breach

The Data Breach Response Team shall prepare a detailed documentation of every incident or breach encountered, as well as an annual report, to be submitted to the Executive Director and the NPC within the prescribed period. The report shall contain the following:

1. Description of the nature of the breach;
2. Personal data possibly involved;
3. Measures undertaken by the team to address the breach and reduce the harm or its negative consequences; and
4. Names of the personal information controller, including contact details, from whom the data subject can obtain additional information about the breach and any assistance to be provided to the affected data subjects.

RIGHTS, INQUIRIES AND COMPLAINTS OF DATA SUBJECTS

Every data subject has the right to:

1. Be notified and furnished with his or her information before entry into the processing system within 48 hours when such data shall be used for direct marketing, profiling or historical or scientific purpose. Notification shall be made through an Office Memoranda and/or email.
2. View and recommend corrections to his or her data being processed. The data subject may also write or email the Board at ncmbco@yahoo.com with a brief discussion of the inquiry and/or correction/s together with his/her contact details for reference.

3. Complain and be indemnified for any damages sustained when the data subject's recommendations for corrections to his or her data was not acted upon which resulted in damages due to inaccurate, incomplete, outdated and false information, unlawfully obtained or unauthorized use of personal data. Complaints shall be filed in three printed copies, or sent to ncmbco@yahoo.com. The department or division concerned shall confirm with the complainant its receipt of the complaint.

EFFECTIVITY

This Manual takes effect on 01 August 2017 until revoked or amended.

Annex A

Republic of the Philippines
Department of Labor and Employment
NATIONAL CONCILIATION AND MEDIATION BOARD
Arcadia Building, Quezon Avenue, Quezon City

CONSENT FORM

I/We hereby agree and consent that the National Conciliation and Mediation Board (NCMB) may collect, use, disclose, and process my/our personal information set out in its official forms and/or otherwise provided by me/us or possessed by NCMB in the course of the implementation of its programs.

I/we hereby acknowledge that the personal information referred to includes only my/our full name/s, address/es and cellular/telephone numbers and that the same shall be used by the Board solely for reportage and documentation purposes.

Quezon Avenue, Quezon City, _____.

Signature above printed name of subject

Annex B

Republic of the Philippines
 Department of Labor and Employment
NATIONAL CONCILIATION AND MEDIATION BOARD
 Arcadia Building, Quezon Avenue, Quezon City

ACCESS REQUEST FORM

NAME :		POSITION :	
OFFICE :			
Documents Requested (Please Check): <input type="checkbox"/> Service Record <input type="checkbox"/> Certificate of Employment <input type="checkbox"/> Certificate of Employment and Compensation <input type="checkbox"/> Certificate of Leaves Availled Due to Sickness <input type="checkbox"/> Clearance from Pendency/Non-Pendency of Administrative Case <input type="checkbox"/> Certified true copy/ies of document/s (Please specify): _____ _____ _____		Purpose of Request (Please Check): <input type="checkbox"/> Loan Application _____ <input type="checkbox"/> Application for Promotion <input type="checkbox"/> Application for Transfer/Retirement/Resignation Effective _____ <input type="checkbox"/> Personal Reason _____ _____ _____ _____ _____ _____	
Requested by: _____ Signature over Printed Name	Approved by: _____ Signature over Printed Name Data Privacy Officer	Released by: _____ Signature over Printed Name	Documents Received by: _____ Signature over Printed Name
Date :	Date :	Date :	Date :

Annex C

Republic of the Philippines
Department of Labor and Employment
NATIONAL CONCILIATION AND MEDIATION BOARD
Arcadia Building, Quezon Avenue, Quezon City

REQUEST FOR CORRECTION/ERASURE FORM

NAME :	POSITION :		
OFFICE :			
Request for <input type="radio"/> Correction <input type="radio"/> Erasure (Please Check):	Original Entry	Proposed Correction	
<input type="checkbox"/> Name			
<input type="checkbox"/> Birthday			
<input type="checkbox"/> Status			
<input type="checkbox"/> Address			
<input type="checkbox"/> Telephone Numbers			
<input type="checkbox"/> Others (Please specify) _____ _____ _____ _____			
Reason/s for Correction/Erasure (Please specify) : _____ _____ _____ _____			
Requested by: _____ Signature over Printed Name	Approved by: _____ Signature over Printed Name Data Privacy Officer	Correction Made by: _____ Signature over Printed Name	Proof of Correction/Erasure: Received by: _____ Signature over Printed Name
Date :	Date :	Date :	Date :

DIRECTORY

NCMB - CENTRAL OFFICE

4th – 6th Floors, Arcadia Building, 860 Quezon Avenue, Quezon City

SHIRLEY M. PASCUAL, CESO III
Executive Director IV
(02) 332-4176, 332-4175(telefax)
ncmbco@yahoo.com

EDMUNDO T. MIRASOL
Deputy Executive Director IV
(02) 332-2689, 332-4177
ncmbco@yahoo.com

MARIA TERESITA L. CANCIO
Deputy Executive Director IV
(02) 332-4179 (telefax)
ncmbco@yahoo.com

ATTY. RONDA D. MALIMBAN
Director II, Technical Services
(02) 332-2233
ncmbco@yahoo.com

MARIA CRISTINA O. MANGALIMAN
Director II, Internal Services
(02) 412-5148
ncmbco@yahoo.com

MA. YOLANDA P. MIÑORIA
Officer-In-Charge
Conciliation-Mediation Division
(02) 332-2209
ncmb_cmd@yahoo.com

LOVELYN S. PAPAS
Chief, Workplace Relations Enhancement Division
(02) 415-7888

CORAZON M. FEGI
Chief, Voluntary Arbitration Division
(02) 332-4178
ncmb_vad@yahoo.com

ROSE-MARIA C. MAMAOAG
Officer-In-Charge
Administrative Division
332-4180
ncmb_admin@yahoo.com

EDITHLIANE P. TADEO
Chief, Financial Management Division
332-2231
ncmb_fmd@yahoo.com

MARIFE E. FAUSTO
Officer-In-Charge
Research and Information Division
332-2232
ncmbco@yahoo.com

NENITA L. IMPERIAL
Auditor
Commission on Audit
410-8932

DIRECTORY

REGIONAL BRANCHES

TERESITA E. AUDEA

Director II, RCMB – NCR
Ground Floor, DOLE Building,
Intramuros, Manila 1002
527-72-16; 526-42-30 telefax

Conciliation-Mediation Unit
301-00-48 to 51

Voluntary Arbitration Unit
310-9545

Workplace Relations and
Enhancement Unit 310-2441
Administrative Unit 310-24-42
Commission on Audit 527-35-73

BRENDA ROSE C. ODSEY

Director II, RCMB –
Cordillera Administrative Region
(074) 442-7292 (t/ fax)
3/F Manongdo Bldg., Benitez Court
Magsaysay Avenue, Baguio City 2600
ncmbcar@yahoo.com

LUCITA D.O. CAUDILLA

Officer-In-Charge, RCMB I
(072) 888-4610 (t/ fax)
2nd Floor, Unison Realty Building
Quezon Avenue, City of San Fernando
La Union ncmb_b1@yahoo.com.ph

GIL G. CARAGAYAN

Director II, RCMB II
(078) 844-1356
3/F, CRADDOCK Bldg., Diversion Road
San Gabriel Village, Tuguegarao City 3500
rcmb02@yahoo.com

EDGAR G. AQUINO

Director II, RCMB III
2nd Floor, PSP Building, Gapan-
Olongapo Road, Dolores
San Fernando, Pampanga 2000
(045) 961-42-64 (t/ fax)
(045) 963-7868
ncmbsanfernando@yahoo.com

FELICIANO R. ORIHUELA, JR.

Director II, RCMB IV-A
(049) 531-4271; (049) 531-2045
2/F Regon and Sons Building,
National Road, Paciano Rizal,
Calamba City, Laguna 4027
ncmbiva@yahoo.com

Cavite Extension Office
2/F MYP GBY Building
Bayan Luma 7
Aguinaldo Highway
Imus, Cavite
(046) 476-0807
(046) 471-0615
ncmbiva@yahoo.com

Cainta Extension Office
2nd Floor, F. Takano Center for Health
Cainta, Rizal
(02) 656-5213
ncmbiva@yahoo.com

LOURDES P. ESTIOCO

Director II, RCMB IV-B
(02) 400-2529
G/F, DOLE Building General Luna cor
Muralla Streets Intramuros, Manila
rcmb4b@gmail.com

DIRECTORY

REGIONAL BRANCHES

REYNALDO S. FONCARDAS

Director II, RCMB V
(052) 480-8467 (t/ fax)
2nd Floor, ANST Building
Washington Drive, Legaspi City 4500
ncmbrb5@yahoo.com

ROSEMARIE G. OXINIO

Officer-in-Charge, RCMB VI
District Office 2nd Floor, Room 202
Viosil's Building, M.H. Del Pilar,
Molo, Iloilo City
(033) 332-2199; 0917-3054347
ncmbrb6@yahoo.com

SUSANA A. QUIMPO

Director II, Negros Island Region
No. 6, 10th Lacson Streets Milagros
Building, Bacolod City 6100
(034) 433-0901; 0917-3023412

GEMMA R. POLOYAPOY

Officer-in-Charge, RCMB VII
(032) 415-7046 (032) 230-7909
(032) 266-8194 (PLDT) (032) 266-8193
6th Floor, Old Insular Life Building
Gen. Maxilom Avenue cor. Gorordo Avenue,
Cebu City 6000
cebu.ncmb@yahoo.com

GEMMA R. POLOYAPOY (Concurrent)

Officer-In-Charge, RCMB VIII
(053) 832-0659
DOLE Compound, Trece Martirez Street,
Tacloban City 6500
ncmbrb8@yahoo.com

ROGEN S. CUMBA

Director II, RCMB IX
(062) 991-2644; (062) 991-2186
3rd Floor, Wee Agro Building Veterans
Avenue, Zamboanga City 7000
ncmbr9@yahoo.com

ATTY. LIGAYA R. LUMBAY

Officer-in-Charge, RCMB X
(088) 856-61-23; (088) 881-3123
Maguindanao Masonic Temple
Building
Capistrano-Pacana Street,
Cagayan de Oro City 9000
northmin_rcmb@yahoo.com

AERRINE MARIE R. REYES

Officer-in-Charge, RCMB XI
(082) 226-3465 (t/fax) (082) 295-7083
DCPI Building, Quezon Boulevard
Brgy. 31 Davao City 8000
ncmbrb11@yahoo.com

GERIE D. LAMPITCO

Officer-in-Charge, RCMB XII
(083) 228-3438
Door #1 Mezzanine Floor, Duremdes
Building, Zone 1, Gensan Drive,
Koronadal City, South Cotobato

2nd Floor, Dimalanta Building,
Leopoldo D. Dacera Sr. Avenue
(formerly Mabuhay Road)
Brgy. City Heights, General Santos
City
(083) 552-5758
ncmbrb12@yahoo.com.ph

MA. THERESA M. FRANCISCO

Officer-in-Charge, RCMB XIII
(085) 342-5871 (t/ fax) 342-9131
1st & 2nd Floors, Nimfa Tiu Building,
J.P. Rosales Street, Butuan City
ncmb13caraga@yahoo.com