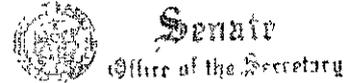
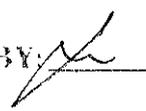


FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



'11 MAY 23 P5:54

SENATE  
Senate Bill No. 2838

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA AND  
SEN. ANTONIO "SONNY" F. TRILLANES IV

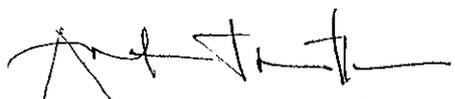
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#### EXPLANATORY NOTE

The National Tripartite Industrial Peace Council (NTIPC) endorsed this proposal to align the provisions of Articles 234, 235, 236 and 237 of the Philippine Labor Code to ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organize, ratified on December 29 1953), on registration requirements for independent unions and labor federations. Aligning certain provisions of the Labor Code of the Philippines, as amended, is a commitment of the Philippine Government to the International Labour Organization (ILO) relative to the High Level Mission to the Philippines in 2009 and the findings of the ILO Committee of Experts on gaps in the application of the standards both in law and in practice.

The proposed bill seeks to remove the 20% minimum membership requirement for registration of independent unions and reduce the registration requirement for federation from 10 to 5 duly recognized bargaining agent-local chapters.

In view of the foregoing, approval of this bill is earnestly requested.

  
ANTONIO "SONNY" F. TRILLANES IV  
Senator

  
JINGGOY EJERCITO ESTRADA  
Senator

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AN ACT  
FURTHER STRENGTHENING WORKERS' RIGHT TO SELF-ORGANIZATION,  
AMENDING FOR THIS PURPOSE ARTICLES 234, 235, 236 AND 237 OF  
PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR  
CODE OF THE PHILIPPINES, AS AMENDED

*Be it enacted by the Senate and the House of Representatives of the Philippines  
in Congress assembled:*

**Section 1.** Article 234(c) of the Labor Code, as amended by Republic Act 9481,  
is hereby repealed.

**Sec. 2.** Article 237 of the Labor Code, as amended, is hereby renumbered as  
Article 235 and amended to read as follows:

*"Article [237]235. [Additional]Requirements for Federations or  
National Unions. – [Subject to Article 238,] [i] If the applicant for  
registration is a federation or a national union, it shall, in addition to  
the requirements of the preceding Articles, submit the following:*

(a) Proof of affiliation of at least [ten (10) locals or chapters] **FIVE  
(5) LOCAL CHAPTERS**, each of which must be a duly recognized  
collective bargaining agent in the establishment or industry in which  
it operates; [supportive of the registration of such applicant  
federation or national union] and

(b) The names and addresses of the companies where the [locals  
or chapters] **LOCAL CHAPTERS** operate and the list of all the  
members in each company involved."

**Sec. 3.** Article 235 of the Labor Code, as amended, is hereby renumbered as  
Article 236 and amended to read as follows:

*[Article 235. Action on Applications. – The Bureau shall act on all  
applications for registration within (30) days from filing.*

All requisite documents and papers shall be certified under oath by the secretary or the treasurer of the organization, as the case may be, and attested to by its president.]

**“ARTICLE 236. SUBMISSION AND ACTION ON APPLICATION. – APPLICATIONS FOR REGISTRATION MAY BE SUBMITTED IN PERSON OR ONLINE TO THE APPROPRIATE DOLE REGIONAL OFFICE OR FIELD OFFICE OR THE BUREAU OF LABOR RELATIONS SUBJECT TO VERIFICATION BY THE APPROPRIATE OFFICE. THE BUREAU SHALL PRESCRIBE SUCH FORMS AS MAY BE NECESSARY FOR THIS PURPOSE.”**

The Bureau OR THE APPROPRIATE DOLE REGIONAL OFFICE OR FIELD OFFICE shall act on all applications for registration WITHIN ONE (1) CALENDAR DAY FROM RECEIPT THEREOF.

**Sec. 4.** Article 236 of the Labor Code, as amended, is hereby renumbered as Article 237 and amended to read as follows:

**“Art. [236] 237. Denial of Registration; Appeal.** – The decision of the [Labor Relations Division in the regional office] DOLE REGIONAL OFFICE OR FIELD OFFICE denying registration may be appealed by the applicant union to the Bureau within ten (10) days from receipt of notice hereof.

**Sec. 5.** Article 270, “Regulation of Foreign Assistance” of the Labor Code is hereby repealed.

**Sec. 6. Implementing Rules and Regulations.** – The Secretary of Labor and Employment shall promulgate the necessary rules and regulations to implement the provisions of this Act.

**Sec. 7. Separability Clause.** – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

**Sec. 8. Repealing Clause.** – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

**Sec. 9. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of national circulation.

*Approved,*