

**FOURTEENTH CONGRESS OF THE REPUBLIC}**  
**OF THE PHILIPPINES** }  
*THIRD REGULAR SESSION* }

OFFICE OF THE SECRETARY

9 OCT 14 10:10

**SENATE BILL NO. 3501**

RECEIVED BY: 

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Introduced by Senator Jinggoy Ejercito Estrada

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**EXPLANATORY NOTES**

The 1987 Constitution provides that the State "shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations..."

Our nation is also a signatory to the ILO Convention on the Right to Organize and Bargain Collectively (Convention No. 98).

Unfortunately, based on the statistics of the Department of Labor and Employment, the State has failed, and has failed miserably, in protecting the right to self-organization and collective bargaining. Records from the DOLE reveal that in 2008 there are only 118,000 workers covered by Collective Bargaining Agreements (CBA's). It is also common knowledge that most workers are now only casual or contractual workers whose employment are illegally terminated before the end of six months; hence, it is almost impossible for them to join a union, even as the Labor Code allows them to do so on the very first day of employment.

Thus, it is essential that the State, by passing this bill, make it easier for the workers to organize by allowing a national union or a federation, which issued the charter certificate to the local chapter, to itself file the petition for certification election, thus shielding the local officers from harassment and discrimination.

This bill likewise allows both labor and management to demand multi-unit and/or multi-employer bargaining. With regard to a single employer with more than one bargaining unit, this would rationalize the negotiating process since the entire workforce, including rank-and-file, supervisory, and managerial employees get their salaries from the same pie.

With regard to multi-employer bargaining, this will allow workers in the same industry to bargain collectively, as practiced in the developed countries, including those in Europe.

Also, both the workers and their employers will be able to save time, effort and cost and simplify CBA negotiations by allowing each or both of them to demand multi-employer and/or multi-unit bargaining.

Equally important is the ability of workers to demand up-to-date financial statements which could serve as reasonable basis for their demands. This will translate to more responsible unionism.

Finally, this bill will return the term of CBAs to three years, instead of the current five years. This will do away with the need to negotiate for the much shorter last two years of an existing CBA. The confusion as to when a CBA starts and ends will also be removed. The same will also allow the parties to come together along industry lines much sooner.

For these reasons, the passage of this bill is urgently requested.

  
**JINGGOY EJERCITO ESTRADA**  
Senator

1 **FOURTEENTH CONGRESS OF THE REPUBLIC)**  
2 **OF THE PHILIPPINES )**  
3 *THIRD REGULAR SESSION )*

9 OCT 14 P6:10

6 **SENATE BILL NO. 3501**

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8 Introduced by Senator JINGGOY EJERCITO ESTRADA

12 **AN ACT STRENGTHENING THE WORKERS' CONSTITUTIONAL RIGHT TO**  
13 **COLLECTIVE BARGAINING, REPEALING AND REPLACING FOR THE**  
14 **PURPOSE PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE**  
15 **KNOWN AS THE LABOR CODE OF THE PHILIPPINES**

17 *Be it enacted by the Senate and House of Representatives of the Philippines in*  
18 *Congress assembled.*

19 SECTION 1. Article 234-A of the Presidential Decree No. 422, as amended,  
20 otherwise known as the Labor Code of the Philippines is hereby repealed and  
21 replaced with the following provisions:  
22

23  
24 "ART. 234-A. *CHARTERING AND CREATION OF A LOCAL CHAPTER.* - A  
25 DULY REGISTERED FEDERATION OR NATIONAL UNION MAY DIRECTLY  
26 CREATE A LOCAL CHAPTER BY ISSUING A CHARTER CERTIFICATE  
27 INDICATING THE ESTABLISHMENT OF THE LOCAL CHAPTER. THE  
28 CHAPTER SHALL ACQUIRE LEGAL PERSONALITY UPON THE ISSUANCE OF  
29 THE CHARTER CERTIFICATE; PROVIDED THAT, THE FEDERATION OR  
30 THE NATIONAL UNION WHICH ISSUED THE CHARTER CERTIFICATE MAY  
31 ITSELF FILE THE PETITION FOR CERTIFICATION ELECTION AND MAY  
32 REPRESENT THE LOCAL CHAPTER AND ITS MEMBERS IN ALL OF THE  
33 DIFFERENT STAGES OF THE PETITION FOR CERTIFICATION ELECTION  
34 CASE, INCLUDING ALL PROCEEDINGS BEFORE, DURING, AND AFTER THE  
35 CONDUCT OF CERTIFICATION

36 THE LOCAL OR CHAPTER SHALL HAVE THE OBLIGATION TO REVEAL THE  
37 NAMES OF ITS OFFICERS ONLY FROM THE START OF THE  
38 NEGOTIATIONS FOR A COLLECTIVE BARGAINING AGREEMENT.

1 SECTION 2. Article 248 © of the Presidential Decree No. 422, as amended,  
2 otherwise known as the Labor Code of the Philippines is hereby repealed and  
3 replaced with the following provisions:

4 "Art. 248. Unfair labor practices of employers. It shall be unlawful for an  
5 employer to commit any of the following unfair labor practice:

6 xxx

7 G) TO VIOLATE THE DUTY TO BARGAIN COLLECTIVELY AS PRESCRIBED  
8 BY THIS CODE, INCLUDING THE DUTY TO BARGAIN COLLECTIVELY IN  
9 CASE OF MULTI-EMPLOYER BARGAINING AND/OR MULTI-UNIT  
10 BARGAINING, AND THE DUTY TO BARGAIN COLLECTIVELY WITH THE  
11 FEDERATION OR NATIONAL UNION.

12  
13 **SECTION 3.** Article 250 of the Presidential Decree No. 422, as amended,  
14 otherwise known as the Labor Code of the Philippines is hereby repealed and  
15 replaced with the following provisions:

16  
17 "ARTICLE 250. POLICY. – IT IS THE POLICY OF THE STATE TO PROMOTE  
18 AND EMPHASIZE THE PRIMACY OF THE FREE AND RESPONSIBLE  
19 EXERCISE OF THE RIGHT TO SELF-ORGANIZATION AND COLLECTIVE  
20 BARGAINING, EITHER THROUGH SINGLE ENTERPRISE LEVEL  
21 NEGOTIATIONS OR THROUGH THE CREATION OF A MECHANISM BY  
22 WHICH DIFFERENT EMPLOYERS AND RECOGNIZED OR CERTIFIED SOLE  
23 AND EXCLUSIVE BARGAINING AGENTS IN THEIR ESTABLISHMENTS  
24 BARGAIN COLLECTIVELY.

25 IT IS LIKEWISE THE POLICY OF THE STATE TO PROMOTE THE UNITY OF  
26 THE DIFFERENT TRADE UNIONS, FEDERATIONS, AND NATIONAL  
27 UNIONS – ESPECIALLY THOSE WORKING IN THE SAME INDUSTRY.

28  
29 ARTICLE 250-A. DISCLOSURE OF INFORMATION. – IN COLLECTIVE  
30 BARGAINING, THE PARTIES SHALL, AT THE REQUEST OF EITHER OF  
31 THEM, MAKE AVAILABLE SUCH UP-TO-DATE FINANCIAL INFORMATION  
32 ON THE ECONOMIC SITUATION OF THE UNDERTAKING, WHICH IS  
33 NORMALLY SUBMITTED TO RELEVANT GOVERNMENT AGENCIES, AS IS  
34 MATERIAL AND NECESSARY FOR MEANINGFUL NEGOTIATIONS. WHERE

1 THE DISCLOSURE OF SOME OF THIS INFORMATION COULD BE  
2 PREJUDICIAL TO THE UNDERTAKING, ITS COMMUNICATION MAY BE  
3 MADE CONDITION UPON A COMMITMENT THAT IT WOULD BE  
4 REGARDED AS CONFIDENTIAL TO THE EXTENT REQUIRED. THE  
5 INFORMATION TO BE MADE AVAILABLE MAY BE AGREED UPON BY THE  
6 PARTIES TO COLLECTIVE BARGAINING.

7  
8 ARTICLE 250-B. FORMS OF COLLECTIVE BARGAINING. – COLLECTIVE  
9 BARGAINING CAN TAKE PLACE EITHER BETWEEN A LEGITIMATE LABOR  
10 UNION AND THE EMPLOYER WITHIN A SINGLE ENTERPRISE (“SINGLE  
11 ENTERPRISE BARGAINING”), BETWEEN MORE THAN ONE SOLE AND  
12 EXCLUSIVE BARGAINING AGENT AND THEIR CORRESPONDING  
13 EMPLOYERS (“MULTI-EMPLOYER BARGAINING”), OR BETWEEN MORE  
14 THAN ONE SOLE AND EXCLUSIVE BARGAINING AGENT WITHIN A SINGLE  
15 EMPLOYER AND THE EMPLOYER (“MULTI-UNIT BARGAINING”).

16  
17 ARTICLE 250-C. WHEN SINGLE BARGAINING UNIT-SINGLE ENTERPRISE  
18 BARGAINING AVAILABLE. – ANY RECOGNIZED OR CERTIFIED SOLE AND  
19 EXCLUSIVE BARGAINING AGENT MAY DEMAND NEGOTIATIONS WITH  
20 ITS EMPLOYER FOR TERMS AND CONDITIONS OF WORK COVERING  
21 EMPLOYEES IN THE BARGAINING UNIT CONCERNED.

22  
23 ARTICLE 250-D. PROCEDURE IN SINGLE ENTERPRISE BARGAINING. –  
24 THE FOLLOWING PROCEDURE SHALL BE OBSERVED IN SINGLE  
25 ENTERPRISE BARGAINING:

26  
27 (a) A RECOGNIZED OR CERTIFIED COLLECTIVE BARGAINING AGENT OR  
28 AN EMPLOYER THAT DESIRES TO NEGOTIATE SHALL SUBMIT SUCH  
29 INTENTION IN WRITING TO THE OTHER PARTY, TOGETHER WITH ITS  
30 PROPOSALS FOR COLLECTIVE BARGAINING. THE OTHER PARTY SHALL  
31 SUBMIT ITS COUNTER-PROPOSAL NOT LATER THAN TEN (10) CALENDAR  
32 DAYS FROM RECEIPT OF SUCH NOTICE;

33  
34 (b) SHOULD DIFFERENCES ARISE ON THE BASIS OF SUCH PROPOSAL

1 AND COUNTER-PROPOSAL, EITHER PARTY MAY REQUEST FOR A  
2 CONFERENCE WHICH SHALL BEGIN NOT LATER THAN TEN (10)  
3 CALENDAR DAYS FROM THE DATE OF REQUEST;

4  
5 (c) IF THE DISPUTE IS NOT SETTLED, THE SECRETARY SHALL  
6 INTERVENE UPON REQUEST OF EITHER OR BOTH PARTIES OR AT ITS  
7 OWN INITIATIVE AND IMMEDIATELY CALL THE PARTIES TO  
8 CONCILIATION MEETINGS. THE SECRETARY SHALL HAVE THE POWER  
9 TO ISSUE SUBPOENAS REQUIRING THE ATTENDANCE OF THE PARTIES  
10 TO SUCH MEETINGS. IT SHALL BE THE DUTY OF THE PARTIES TO  
11 PARTICIPATE FULLY AND PROMPTLY IN THE CONCILIATION MEETINGS  
12 THE SECRETARY MAY CALL;

13  
14 (d) DURING THE CONCILIATION PROCEEDINGS BEFORE THE  
15 SECRETARY, THE PARTIES ARE PROHIBITED FROM DOING ANY ACT  
16 WHICH MAY DISRUPT OR IMPEDE THE EARLY SETTLEMENT OF THE  
17 DISPUTES; AND,

18  
19 (e) THE SECRETARY SHALL EXERT ALL EFFORTS TO SETTLE  
20 DISPUTES AMICABLY.

21  
22 (f) THE FOREGOING PROCEDURE IS WITHOUT PREJUDICE TO THE  
23 PARTIES ADOPTING SUCH PROCEDURES AND PROCESSES THEY MAY  
24 DEEM APPROPRIATE AND NECESSARY FOR THE EARLY CONCLUSION OF  
25 THEIR NEGOTIATIONS.

26  
27 ARTICLE 250-E. WHEN MULTI-UNIT AND/OR MULTI-EMPLOYER  
28 BARGAINING MANDATORY. - SOLE AND EXCLUSIVE BARGAINING  
29 AGENTS, WHETHER OR NOT BELONGING TO THE SAME EMPLOYER, MAY  
30 AGREE IN WRITING TO COME TOGETHER FOR THE PURPOSE OF  
31 COLLECTIVE BARGAINING; DIFFERENT EMPLOYERS MAY LIKEWISE  
32 AGREE IN WRITING TO COME TOGETHER FOR PURPOSES OF  
33 COLLECTIVE BARGAINING; A SINGLE EMPLOYER MAY ALSO DEMAND  
34 COLLECTIVELY BARGAINING WITH MORE THAN ONE BARGAINING UNIT  
35 IN SAID SINGLE EMPLOYER; PROVIDED:

36 (a) ONLY A LEGITIMATE LABOR ORGANIZATION WHICH IS THE SOLE

1 AND EXCLUSIVE BARGAINING AGENT IN THE COLLECTIVE BARGAINING  
2 UNIT MAY PARTICIPATE AND NEGOTIATE IN MULTI-EMPLOYER AND/OR  
3 MULTI-BARGAINING UNIT BARGAINING;

4  
5 (b) ONLY EMPLOYERS WITH COUNTERPART SOLE AND EXCLUSIVE  
6 BARGAINING AGENTS MAY PARTICIPATE AND NEGOTIATE IN MULTI-  
7 EMPLOYER BARGAINING; AND

8  
9 (c) AN OBLIGATION TO BARGAIN SHALL ARISE ON THE PART OF THE  
10 CORRESPONDING SOLE AND EXCLUSIVE BARGAINING AGENTS OR  
11 EMPLOYER/S, SHOULD MULTI-EMPLOYER AND/OR MULTI-BARGAINING  
12 UNIT BARGAINING BE DEMANDED BY EITHER A GROUP OF SOLE AND  
13 EXCLUSIVE BARGAINING AGENTS OR A SINGLE EMPLOYER OR A GROUP  
14 OF EMPLOYERS.

15  
16 (d) DIFFERENT EMPLOYERS MAY DEMAND MULTI-EMPLOYER  
17 BARGAINING FROM THEIR CORRESPONDING SOLE AND EXCLUSIVE  
18 BARGAINING AGENTS, INCLUDING THOSE BARGAINING AGENTS  
19 BELONGING TO THE SAME EMPLOYER.

20  
21  
22 (e) DIFFERENT SOLE AND EXCLUSIVE BARGAINING AGENTS WITHIN  
23 THE SAME EMPLOYER MAY DEMAND MULTI-UNIT COLLECTIVE  
24 BARGAINING FROM THE EMPLOYER.

25  
26 (f) AN EMPLOYER MAY DEMAND MULTI-UNIT COLLECTIVE  
27 BARGAINING FROM THE DIFFERENT SOLE AND EXCLUSIVE BARGAINING  
28 AGENTS.

29  
30 (g) DIFFERENT SOLE AND EXCLUSIVE BARGAINING AGENTS MAY  
31 DEMAND COLLECTIVE BARGAINING WITH MORE THAN ONE EMPLOYERS,  
32 EVEN AS MORE THAN ONE SOLE AND EXCLUSIVE BARGAINING AGENT  
33 MAY BELONG TO THE SAME EMPLOYER.

34  
35  
36 ARTICLE 250-F. PROCEDURE IN MULTI-EMPLOYER BARGAINING AND/OR

1 MULTI-UNIT BARGAINING. - MULTI-EMPLOYER AND/OR MULTI-  
2 BARGAINING UNIT BARGAINING MAY BE INITIATED BY THE LABOR  
3 UNIONS OR BY THE EMPLOYER/S.

4  
5 (a) SOLE AND EXCLUSIVE BARGAINING AGENTS THAT WANT TO  
6 NEGOTIATE WITH THEIR EMPLOYERS COLLECTIVELY SHALL EXECUTE A  
7 WRITTEN AGREEMENT AMONG THEMSELVES, WHICH SHALL CONTAIN  
8 THE FOLLOWING:

9  
10 1) THE NAMES OF THE SOLE AND EXCLUSIVE BARGAINING AGENTS  
11 THAT WANT TO AVAIL OF MULTI-EMPLOYER OR MULTI- UNIT  
12 BARGAINING;

13  
14 2) EACH LEGITIMATE LABOR ORGANIZATION IN THE EMPLOYER  
15 UNIT;

16  
17 3) THE FACT THAT EACH OF THE LABOR UNIONS ARE THE  
18 INCUMBENT SOLE AND EXCLUSIVE BARGAINING AGENTS FOR THEIR  
19 RESPECTIVE EMPLOYER UNITS;

20  
21 4) THE DURATIONS OF THE COLLECTIVE BARGAINING  
22 AGREEMENTS, IF ANY, ENTERED INTO BY EACH LABOR UNION WITH  
23 THEIR RESPECTIVE EMPLOYERS.

24  
25 SOLE AND EXCLUSIVE BARGAINING AGENTS WHICH ARE MEMBERS OF  
26 THE SAME REGISTERED FEDERATION, NATIONAL, OR INDUSTRY UNION  
27 ARE EXEMPT FROM EXECUTION OF THIS WRITTEN AGREEMENT.

28  
29 (b) THE SOLE AND EXCLUSIVE BARGAINING AGENTS FROM  
30 DIFFERENT EMPLOYERS THAT WANT TO BARGAIN WITH MULTI-  
31 EMPLOYERS AND/OR A SINGLE EMPLOYER IN CASE OF MULTI-UNIT-  
32 SINGLE EMPLOYER BARGAINING SHALL SEND A WRITTEN NOTICE TO  
33 THIS EFFECT TO EACH EMPLOYER CONCERNED. THE WRITTEN  
34 AGREEMENT STATED IN THE PRECEDING PARAGRAPH, OR THE  
35 CERTIFICATES OF REGISTRATION OF THE FEDERATION, NATIONAL, OR



1 INDUSTRY UNION, SHALL ACCOMPANY SAID NOTICE.

2  
3 EMPLOYERS SHALL GROUP THEMSELVES OR USE THEIR EXISTING  
4 ASSOCIATIONS TO ENGAGE IN MULTI-EMPLOYER BARGAINING. THEY  
5 SHALL SEND A WRITTEN NOTICE TO EACH OF THEIR COUNTERPART  
6 SOLE AND EXCLUSIVE BARGAINING AGENTS INDICATING THEIR DESIRE  
7 TO ENGAGE IN MULTI-EMPLOYER BARGAINING. SAID NOTICE SHALL  
8 INDICATE THE FOLLOWING:

9 1) THE NAMES OF THE EMPLOYERS WHO DESIRE TO AVAIL OF  
10 MULTI-EMPLOYER BARGAINING;

11  
12 2) THEIR CORRESPONDING SOLE AND EXCLUSIVE BARGAINING  
13 AGENT/S;

14  
15 3) THE FACT THAT EACH SOLE AND EXCLUSIVE BARGAINING AGENT  
16 IS AN INCUMBENT EXCLUSIVE BARGAINING AGENT;

17  
18 4) THE DURATION OF THE CURRENT COLLECTIVE BARGAINING  
19 AGREEMENT, IF ANY, ENTERED INTO BY EACH EMPLOYER WITH THEIR  
20 COUNTERPART SOLE AND EXCLUSIVE BARGAINING AGENT/S.

21  
22 (c) DURING THE COURSE OF NEGOTIATIONS, EMPLOYERS AND THE  
23 CORRESPONDING SOLE AND EXCLUSIVE BARGAINING AGENTS SHALL  
24 DISCUSS AND AGREE ON THE FOLLOWING:

25  
26 1) MANNER BY WHICH NEGOTIATIONS SHALL PROCEED;

27  
28 2) THE SCOPE AND COVERAGE OF THE NEGOTIATIONS AND THE  
29 AGREEMENT;

30  
31 3) WHERE APPROPRIATE, THE EFFECT OF THE NEGOTIATIONS ON  
32 CURRENT AGREEMENTS OR CONDITIONS OF EMPLOYMENT AMONG THE  
33 PARTIES.

34  
35 (d) IN CASES WHERE THE PARTIES ARE UNABLE TO COME TO AN  
36 AGREEMENT AS PROVIDED FOR UNDER THE PRECEDING PARAGRAPH,

1 THE PROCEDURE PROVIDED FOR UNDER 250-D SHALL BE FOLLOWED.

2  
3 (e) TWO (2) SIGNED COPIES OF COLLECTIVE BARGAINING  
4 AGREEMENT SHALL BE POSTED FOR AT LEAST FIVE (5) DAYS IN TWO  
5 (2) CONSPICUOUS AREAS IN EACH WORKPLACE OF THE EMPLOYER OR  
6 EMPLOYERS UNITS CONCERNED. SAID COLLECTIVE BARGAINING  
7 AGREEMENT SHALL COVER ONLY THOSE EMPLOYEES IN THE  
8 BARGAINING UNITS WHICH HAVE RATIFIED IT.

9  
10 ANY MULTI-EMPLOYER AND/OR MULTI-BARGAINING UNIT CBA SHALL  
11 COVER ALL OF THE TERMS AND CONDITIONS OF EMPLOYMENT  
12 OTHERWISE COVERED BY SINGLE ENTERPRISE BARGAINING. HOWEVER,  
13 IN CASE A SINGLE ENTERPRISE CBA AND A MULTI-EMPLOYER OR  
14 MULTI-BARGAINING UNIT CBA ARE CONCURRENTLY IN EFFECT FOR A  
15 BARGAINING UNIT AND THERE IS A CONFLICT BETWEEN THE CBA'S,  
16 THE PROVISION THAT IS MORE FAVORABLE TO THE WORKER SHALL  
17 PREVAIL.

18  
19 ARTICLE 250-G. FEDERATION AND NATIONAL UNION'S ROLE IN  
20 COLLECTIVE BARGAINING. – FEDERATIONS AND NATIONAL UNIONS  
21 SHALL HAVE THE RIGHT TO REPRESENT THEIR LOCAL UNIONS OR  
22 LOCAL CHAPTERS, AND ALL THEIR MEMBERS, IN ALL ASPECTS OF  
23 COLLECTIVE BARGAINING, SUBJECT TO THE RIGHT OF ALL OF THE  
24 MEMBERS OF THE BARGAINING UNIT TO RATIFY OR REJECT ANY  
25 NEGOTIATED COLLECTIVE BARGAINING AGREEMENT.

26 THE PRINCIPAL IN ANY COLLECTIVE BARGAINING AGREEMENT AND IN  
27 THE NEGOTIATIONS THEREOF SHALL BE THE FEDERATION OR THE  
28 NATIONAL UNION. HOWEVER, NEGOTIATIONS SHALL BE JOINTLY  
29 CONDUCTED BY THE FEDERATION/NATIONAL UNION AND THE LOCAL  
30 OR CHAPTER. ANY AGREEMENT MUST BE RATIFIED BY A MAJORITY OF  
31 THE TOTAL NUMBER OF COVERED EMPLOYEES IN ALL OF THE  
32 BARGAINING UNITS.

33 FURTHERMORE, A COLLECTIVE BARGAINING AGREEMENT MUST BE  
34 RATIFIED BY THE MAJORITY OF THE MEMBERS OF EACH BARGAINING  
35 UNIT, AND ONLY THE BARGAINING UNITS WHICH RATIFIED THE CBA

1 SHALL BE BOUND BY THE AGREEMENT.

2 Section 4. Art. 253-A is hereby repealed and replaced with the following  
3 provisions:

4 Art. 253-A. Terms of a collective bargaining agreement. Any Collective  
5 Bargaining Agreement that the parties may enter into shall be for a term of  
6 THREE (3) years. No petition questioning the majority status of the incumbent  
7 bargaining agent shall be entertained and no certification election shall be  
8 conducted by the Department of Labor and Employment outside of the sixty-day  
9 period immediately before the date of expiry of such THREE-year term of the  
10 Collective Bargaining Agreement. ANY PARTY TO A COLLECTIVE BARGAINING  
11 AGREEMENT MAY SUBMIT A PROPOSAL TO THE OTHER PARTY NOT EARLIER  
12 THAN SIX (6) MONTHS PRIOR TO THE EXPIRATION OF THE CBA.

13 Any agreement concluded after the expiration of the CBA shall retroact to the  
14 day after the expiration of such CBA.

15 The effectivity dates of the multi-unit and/or multi-employer CBA shall prevail  
16 over those of the local CBA's – including for purposes of determining the  
17 freedom period.

18  
19 SECTION 5. Article 263 of the Presidential Decree No. 422, as amended,  
20 otherwise known as the Labor Code of the Philippines is hereby repealed and  
21 replaced with the following provisions:

22  
23 Art. 263. *Strikes, picketing and lockouts.*

24 xxx

25 c) In case of bargaining deadlocks, including those in multi-employer  
26 and/or multi-unit bargaining, the duly certified or recognized bargaining  
27 agent/s may file a notice of strike or the employer may file a notice of lockout  
28 with the Department at least 30 day before the intended date thereof. In  
29 cases of unfair labor practice, the period of notice shall be 15 days and in the  
30 absence of a duly certified or recognized bargaining agent, the notice of  
31 strike may be filed by any legitimate labor organization in behalf of its  
32 members. However, in case of dismissal from employment of union officers  
33 duly elected in accordance with the union constitution and by-laws, which  
34 may constitute union busting, where the existence of the union is threatened,

1 the 15-day cooling-off period shall not apply and the union may take action  
2 immediately.

3  
4 In case of multi-employer and/or multi-unit bargaining and/or collective  
5 bargaining agreements, only those employers who commit unfair labor  
6 practice or who violate the duty to bargain collectively may be the subject of  
7 a notice of strike.

8 xxx

9 (f) A decision to declare a strike must be approved by a majority of the total  
10 union membership in the bargaining unit concerned, obtained by secret  
11 ballot in meetings or referenda called for that purpose. IN CASE OF  
12 MULTI-EMPLOYER AND/OR MULTI-UNIT BARGAINING OR COLLECTIVE  
13 BARGAINING AGREEMENT, A STRIKE CAN BE LAUNCHED ONLY BY A  
14 UNION WHICH APPROVED THE STRIKE BY A MAJORITY VOTE OF ITS  
15 MEMBERS. A decision to declare a lockout must be approved by a majority  
16 of the board of directors of the corporation or association or of the  
17 partners in a partnership, obtained by secret ballot in a meeting called for  
18 that purpose. The decision shall be valid for the duration of the dispute  
19 based on substantially the same grounds considered when the strike or  
20 lockout vote was taken. The DOLE may, at its own initiative or upon the  
21 request of any affected party, supervise the conduct of the secret  
22 balloting. In every case, the union or the employer shall furnish the DOLE  
23 the results of the voting at least seven days before the intended strike or  
24 lockout, subject to the cooling-off period herein provided.

25  
26  
27 **SECTION 6.** Implementing Rules and Regulations. Within thirty (30) days from  
28 the effectivity of this Act, the Secretary of Labor and Employment, in consultation  
29 with the trade unions, labor organizations, and other stakeholders, shall issue  
30 and publish the necessary rules and regulations to implement the provisions of  
31 this Act.

32 **SECTION 7.** Separability Clause. – If any provision of this Act, or any parts  
33 thereof, is declared unconstitutional, the same shall not affect the validity and  
34 effectivity of the other portions.

35 **SECTION 8.** Repealing Clause. – All laws, executive orders, presidential decrees,

1 proclamations, rules, regulations, issuances and enactments of parts thereof  
2 inconsistent with this Act are hereby repealed or modified accordingly.

3 **SECTION 9.** Effectivity. – This Act shall take effect after fifteen (15) days from  
4 its complete publication in the Official Gazette or in a newspaper of general  
5 circulation in the Philippines, whichever comes earlier.

6 **APPROVED.**