

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



'22 AUG 16 P2:37

SENATE
S. No. 1187

RECEIVED BY

Introduced by Senator Christopher Lawrence "Bong" T. Go

AN ACT
CREATING ONE ADDITIONAL DIVISION IN THE NATIONAL LABOR
RELATIONS COMMISSION, INCREASING THE NUMBER OF
COMMISSIONERS FROM TWENTY-THREE (23) TO TWENTY-SIX (26),
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, AS
AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE
PHILIPPINES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

The National Labor Relations Commission (NLRC) is a quasi-judicial body attached to the Department of Labor and Employment tasked with promoting and maintaining industrial peace by resolving labor and management disputes involving workers.

In 2021, the Commission posted an overall disposition output of 32,433 cases through compulsory arbitration, consisting of 24,262 original cases from the Regional Arbitration Branches and 8,171 appealed cases from the Commission Proper.

Out of 27,037 original cases received for the current year, 24,262 or 90% are disposed of by the Regional Arbitration Branches (RABs), while the Commission Proper disposes of 8,171 or 102% from the 8,031 appealed cases received for the current year.

With the growing number of local and overseas workers, the NLRC is now tasked with more significant responsibility. Thus, creating an additional division of the NLRC will be beneficial for the proper administration and implementation of the labor laws and rules.

In view of the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be 'Bong T. Go', is written over a diagonal line that crosses the text below.

SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO



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

1 Section 1. Title II, Chapter I, Article 220 of Presidential Decree No. 442, as
2 amended, is hereby further amended to read as follows:

3

4 Article 220. *National Labor Relations Commission.* There shall be
5 a National Labor Relations Commission which shall be attached to the
6 Department of Labor and Employment for program and policy
7 coordination only, composed of a Chairman and ~~twenty-three (23)~~
8 **TWENTY-SIX (26)** Members.

9

10 ~~Eight (8)~~ **NINE (9)** members ~~each~~ shall be chosen from
11 among the nominees of the workers and employers organizations,
12 respectively. The Chairman and ~~the seven (7)~~ **EIGHT (8)**
13 ~~remaining~~ members shall come from the public sector, with the latter

1 to be chosen from among the recommendees of the Secretary of Labor
2 and Employment.

3
4 Upon assumption into office, the members nominated by the
5 workers and employers organizations shall divest themselves of any
6 affiliation with or interest in the federation or association to which they
7 belong.

8
9 The Commission may sit en banc or in ~~eight (8)~~ **NINE (9)**
10 divisions, each composed of three (3) members. Subject to the
11 penultimate sentence of this paragraph, the Commission shall sit en
12 banc only for purposes of promulgating rules and regulations
13 governing the hearing and disposition of cases before any of its
14 divisions and regional branches, and formulating policies affecting its
15 administration and operations. The Commission shall exercise its
16 adjudicatory and all other powers, functions, and duties through its
17 divisions. Of the ~~eight (8)~~ **NINE (9)** divisions, the first, second,
18 third, fourth, fifth and sixth divisions shall handle cases coming from
19 the National Capital Region and other parts of Luzon, and the seventh,
20 ~~and~~ eighth, **AND NINTH** divisions, cases from the Visayas and
21 Mindanao, respectively: Provided, That the Commission sitting en banc
22 may, on temporary or emergency basis, allow cases within the
23 jurisdiction of any division to be heard and decided by any other
24 division whose docket allows the additional workload and such transfer
25 will not expose litigants to unnecessary additional expense. The
26 divisions of the Commission shall have exclusive appellate jurisdiction
27 over cases within then respective territorial jurisdiction.

28
29 The concurrence of two (2) Commissioners of a division shall be
30 necessary for the pronouncement of judgment or resolution. Whenever
31 the required membership in a division is not complete and the
32 concurrence of two (2) Commissioners to arrive at a judgment or

1 resolution cannot be obtained, the Chairman shall designate such
2 number of additional Commissioners from the other divisions as may
3 be necessary.

4 The conclusions of a division on any case submitted to it for
5 decision shall be reached in consultation before the case is assigned to
6 a member for the writing of the opinion. It shall be mandatory for the
7 division to meet for purposes of the consultation ordained therein. A
8 certification to this effect signed by the Presiding Commissioner of the
9 division shall be issued, and a copy thereof attached to the record of
10 the case and served upon the parties.

11
12 The Chairman shall be the Presiding Commissioner of the first
13 division, and the ~~seven (7)~~ **EIGHT (8)** other members from the
14 public sector shall be the Presiding Commissioners of the second, third,
15 fourth, fifth, sixth, seventh, ~~and~~ eighth, **AND NINTH** divisions,
16 respectively. In case of the effective absence or incapacity of the
17 Chairman, the Presiding Commissioner of the second division shall be
18 the Acting Chairman.

19
20 The Chairman, aided by the Executive Clerk of the Commission,
21 shall have exclusive administrative supervision over the Commission
22 and its regional branches and all its personnel, including the Labor
23 Arbiters.

24
25 The Commission, when sitting en banc, shall be assisted by the
26 same Executive Clerk, and, when acting thru its Divisions, by said
27 Executive Clerk for its first division and ~~seven (7)~~ **EIGHT (8)** other
28 Deputy Executive Clerks for the second, third, fourth, fifth, sixth,
29 seventh, ~~and~~ eighth, **AND NINTH** Divisions, respectively, in the
30 performance of such similar or equivalent functions and duties as are
31 discharged by the Clerk of Court and Deputy Clerks of Court of the
32 Court of Appeals.

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The Commission and its ~~eight (8)~~ **NINE (9)** divisions shall be assisted by the Commission Attorneys in its appellate and adjudicatory functions whose term shall be coterminous with the Commissioners with whom they are assigned. The Commission Attorneys shall be members of the Philippine Bar with at least one (1) year experience or exposure in the field of labor-management relations. They shall receive annual salaries and shall be entitled to the same allowances and benefits as those falling under Salary Grade twenty-six (SG 26). There shall be as many Commission Attorneys as may be necessary for the effective and efficient operation of the Commission but in no case more than five (5) assigned to the Office of the Chairman and each Commissioner

Sec. 2. Title II, Chapter I, Article 221 of Presidential Decree No. 442, as amended, is hereby further amended to read as follows:

Article 221. *Headquarters, Branches and Provincial Extension Units.* The Commission and its first, second, third, fourth, fifth and sixth divisions shall have their main offices in Metropolitan Manila, and the seventh, ~~and~~ eighth, **AND NINTH** divisions in the cities of Cebu, ~~and~~ Cagayan de Oro, **AND DAVAO**, respectively. The Commission shall establish as many regional branches as there are regional offices of the Department of Labor and Employment, sub-regional branches or provincial extension units. There shall be as many Labor Arbiters as may be necessary for the effective and efficient operation of the Commission.

Sec. 3. *Funding.* – The amounts necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

1 Sec. 4. Upon the effectivity of this Act, all pending cases, except those which
2 have been submitted for resolution, shall be referred to the proper division of the
3 National Labor Relations Commission.

4
5 Sec. 5. Nothing in this Act shall be construed to allow the transfer, except in
6 cases of temporary assignment, of any member of the National Labor Relations
7 Commission to any place or station without such member's written consent, or to
8 undermine the security of tenure of its members, or alter the seniority in the
9 National Labor Relations Commission in accordance with existing laws.

10
11 Sec. 6. *Separability Clause.* – If any portion or provision of this Act is declared
12 unconstitutional, the remainder of this Act or any provision thereof not affected
13 thereby shall remain in full force and effect.

14
15 Sec. 7. *Repealing Clause.* – All laws, presidential decrees, letters of
16 instruction, executive orders, rules, or regulations, or any part thereof inconsistent
17 with the provisions of this Act are hereby repealed or modified accordingly.

18
19 Sec. 8. *Effectivity.* – This Act shall take effect after fifteen (15) days following
20 its publication in two (2) newspapers of general circulation.

Approved,