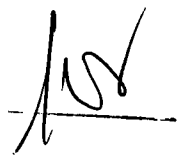


**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session**

Office of the Secretary

24 FEB 27 P 4 :38

SENATE
S.B. No. 2578

RECEIVED BY: 

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
PROTECTING THE RIGHTS OF ALL WORKERS, WORKERS' ORGANIZATIONS,
AND UNIONS FROM INTERFERENCE BY THEIR EMPLOYERS, PUBLIC
AUTHORITIES OR THEIR AGENTS, AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF**

EXPLANATORY NOTE

The right to form unions and associations is enshrined in no less than the highest law of our land, the Constitution. It guarantees the right of all workers to self-organization. Apart from the relevant provisions of the Labor Code, the Philippines should implement all measures to ensure that workers and employers may exercise freely the right to organize, as mandated by the International Labor Organization (ILO) Convention No. 87 or the Freedom of Association and Protection of the Right to Organize.

This bill seeks to further institutionalize this right and protect the workers' freedom of association and their right to organize. Workers' welfare should always be at the center of our attention recognizing the fact that labor is any country's primary economic force.

For the welfare and benefit of workers, consideration of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

1 **Sec. 3. Coverage.** – For purpose of this Act, any person who shall restrain,
2 harass, or coerce or unduly interfere with any private workers or worker’s association
3 trade union center, federation, union, or labor or employees organization in the
4 exercise of their rights to self-organization, or shall, in any manner, commit any act in
5 violation of the provisions of this Act, and such acts or commissions not otherwise
6 under the jurisdiction of the Department of Labor and Employment (DOLE) and its
7 appropriate agencies pursuant to the Labor Code of the Philippines and Executive
8 Order No. 180, entitled “Providing Guidelines for the Exercise of the Right to Organize
9 of Government Employees, Creating a Public Sector Labor-Management Council, and
10 for Other Purposes,” shall be liable under this Act.

11
12 **Sec. 4. Definition of Terms.** – As used in this Act, the following terms shall
13 mean:

- 14 a) *Harass or harassment* refers to the manifestly physical or verbal or
15 systematic or continued unwarranted action of one party or group, including
16 threats and demands;
- 17 b) *Vilify, label, brand, tag, red-tag, red-bait, name or accuse in any other*
18 *manner* refers to the act of accusing, denouncing, attacking or persecuting
19 an individual or organizations as a subversive, subversive sympathizer,
20 terrorist, or terrorist sympathizer without legal basis and due process of law,
21 that is, by decision of the competent Court;
- 22 c) *Worker* refers to any person in the employ of another, regardless of their
23 employment status, tenure or nature of the agreements or contracts, as well
24 as ambulant, intermittent, self-employed, rural workers, those without
25 definite employers, and all workers in the informal sector; and
- 26 d) *Workers’ organization or union* refers to any organization, union, association
27 or group of workers and employees, or local chapters or affiliates, which
28 exists in whole or in part for the purpose of collective bargaining, including
29 federations, national unions, trade union centers, as well as ambulant,
30 intermittent, self-employed, rural workers, those without definite employers,
31 who organize for their mutual aid and protection, promotion of interest and
32 welfare, cooperation, and protection or other lawful purposes.

1 **Sec. 5. Prohibited Acts.** – It shall be unlawful for any person to commit any of
2 the following acts of interference, intervention, or intrusion:

- 3 a) To require, force or coerce a worker to join or not join a workers' organization
4 or union, or to relinquish or renounce membership therein;
- 5 b) To require, force or coerce a workers' organization or union to join or
6 relinquish or renounce its affiliation or membership to any workers'
7 federation or national union;
- 8 c) To require, force or coerce any worker to join or not join or relinquish or
9 renounce membership therein to be able to access any government service,
10 aid or program;
- 11 d) To require, force or coerce any worker to attend any information drive or
12 seminar which encourages or dissuades workers from organizing a workers'
13 organization or union or participating in any activity of the workers'
14 organization or union, or that which labels or vilifies any workers'
15 organization or union;
- 16 e) To encourage or discourage a worker from voting or supporting a specific
17 workers' organization or union during certification election;
- 18 f) To discriminate a worker in any establishment or business in order to
19 discourage membership in any workers' organization or union;
- 20 g) To prevent a worker from carrying out duties laid upon them by their position
21 in the organization or union, or to penalize them for the action undertaken
22 in such capacity;
- 23 h) To interfere, impede, obstruct, or hinder in the establishment, functioning,
24 or administration of workers' organizations or unions;
- 25 i) To vilify, label, brand, red-tag, name or accuse a worker or workers'
26 organization or union as subversives or terrorists; and
- 27 j) To otherwise interfere, impede, obstruct, or hinder, without authority under
28 the law, any lawful and peaceful activities of the workers and workers'
29 organizations or unions.
- 30

31 **Sec. 6. Conduct and Prohibited Acts of State Agents, and Government Officials**
32 *and Employees.* – Any member, personnel or officer of the Armed Forces of the
33 Philippines, including the Citizen Armed Force Geographical Unit (CAFGU), Active

1 Auxiliaries, the Philippine National Police, including its Supervisory Office for Security
2 and Investigation Agency, the National Task Force to End Local Communist Armed
3 Conflict and similar bodies, the local chief executives, economic zone police and
4 security personnel or guards, employers' private security personnel or guards, and
5 *Barangay Tanod or Barangay Public Safety Officers* shall protect, respect, and
6 advance workers' rights and civil liberties at all times, in compliance with their oaths or
7 affirmations to uphold and defend the Constitution. All their actions, as an individual
8 and as a formed unit, shall always be compliant with existing laws and conventions on
9 the respect and protection of human rights.

10
11 They shall not:

- 12
- 13 a) Vilify, label, brand, red-tag, name or accuse workers' organizations or
14 unions, labor leaders, members or organizers as subversives or terrorists;
- 15 b) Encourage or dissuade workers from exercising their right to organize a
16 union or participate in any legitimate and lawful activity of the organization
17 or union, such as holding pro or anti-union seminars, and other pro or anti-
18 union information drives, whether within the company premises or not,
19 including industrial or special economic zones;
- 20 c) Interfere during the conduct of representation elections and workers'
21 organization or union elections, such as encouraging or discouraging
22 workers to vote or support a specific individual or workers' organization or
23 union;
- 24 d) Harass or forcibly interrogate workers, organizers, or workers' organization
25 or union officials on their alleged links or support to certain armed groups
26 on the basis of mere membership or affiliation to labor organizations or
27 unions; and
- 28 e) Collect or use personal data of workers, labor organizers, or workers'
29 organizations or unions' officials such as name, home address, and contact
30 details which can be used for harassment and profiling.

31
32 **Sec. 7. Complaint Mechanism.** – The DOLE shall verify and act on claims of
33 trade union rights violations without prejudice to existing mechanisms under the

1 Commission on Human Rights or other concerned government agencies. The
2 complaint mechanism shall be subject to the Implementing Rules and Regulations of
3 this Act.

4
5 **Sec. 8. *Promotion of Trade Unionism.*** – The DOLE shall lead the efforts in
6 promoting free trade unionism and in fostering a strong labor movement in the country.
7 To this end, it shall take a proactive role in strengthening the protection of workers
8 from discrimination and interference in their exercise of their right to organize and form
9 workers' organizations and unions

10
11 **Sec. 9. *Penalties.*** – Any person who restrains, harasses, coerces or unduly
12 interferes with any worker or workers' association or union, in the exercise of their
13 rights to self-organization or in any manner commits any violation of Section 5 shall,
14 upon conviction, be punished by a fine of not less than One hundred thousand pesos
15 (P100,000.00) or imprisonment of not less than one (1) year but not more than two (2)
16 years, or both at the discretion of the Court.

17
18 **Sec. 10. *Separability Clause.*** – if any provision of this Act shall be declared
19 unconstitutional or invalid, the other provisions not affected thereby shall remain in full
20 force and effect.

21
22 **Sec. 11. *Repealing Clause.*** – All laws, decrees, orders, and issuances or
23 portions thereof, which are inconsistent with the provisions of this Act, are hereby
24 repealed, amended, or modified accordingly.

25
26 **Sec. 12. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication
27 in a newspaper of general circulation.

28
29 *Approved.*