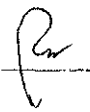


FIFTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*Second Regular Session*

11 JUL 26 P3:18

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SENATE

Senate Bill No. 2918

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INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

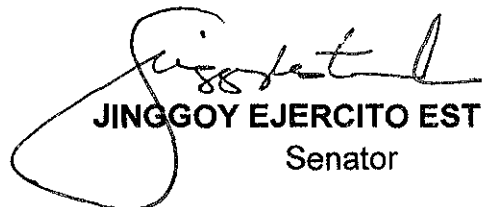
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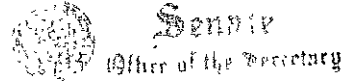
EXPLANATORY NOTE

Lasting industrial peace can only be achieved through the sincere desire and mutual effort of labor and management to resolve their differences. Fully cognizant of this, the State is constitutionally mandated to promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling dispute including conciliation as enunciated under Section 3, Article XIII of the 1987 Philippine Constitution.

Accordingly, this Bill amending Article 228 of the Labor Code proposes to statutorily recognize the mandatory conciliation for all labor and employment disputes, which has been introduced through the Single Entry Approach (SENA) pursuant to DOLE Department Order No. 107-10. The Bill seeks to complement the existing labor dispute settlement mechanism by providing speedy, impartial, inexpensive and accessible conciliation-mediation services in the settlement of all labor cases, with only unresolved issues referred to either voluntary or compulsory arbitration.

In view of the foregoing, approval of this Bill is fervently sought.

  
JINGGOY EJERCITO ESTRADA  
Senator



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AN ACT

STRENGTHENING CONCILIATION-MEDIATION AS A VOLUNTARY MODE OF DISPUTE SETTLEMENT FOR ALL LABOR CASES, AMENDING FOR THE PURPOSE ARTICLE 228 OF PRESIDENTIAL DECREE 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 228 of the Labor Code, which was repealed by Section 16 of Batas Pambansa Bilang 130 on 21 August 1981, is hereby reinstated and amended to read as follows:

"Art. 228. Mandatory Conciliation and Indorsement of Cases.

(a) Except as provided in Title VII-A, Book V of this Code, as amended, or as may be excepted by the Secretary of Labor and Employment, all issues arising from labor and employment shall be subject to mandatory conciliation-mediation. The Labor Arbiter and/or the appropriate Department of Labor and Employment Agency or Office that has jurisdiction over the dispute shall entertain only endorsed or referred cases by the duly authorized officer/personnel.

(b) Any or both parties involved in the dispute may pre-terminate the conciliation-mediation proceedings and request referral or endorsement to the appropriate Department of Labor and

Employment Agency or Office which has jurisdiction over the dispute or if both parties so agree, refer the unresolved issues to *voluntary arbitration*.

**Sec. 2. 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. 3. 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. 4. Repealing Clause.** – Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, and all other acts, laws, presidential issuances, rules and regulations inconsistent herewith are hereby repealed, amended or modified accordingly.

**Sec. 5. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspaper of national circulation.

**APPROVED,**