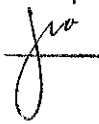


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'13 JUL -1 19:13

SENATE

RECEIVED BY: 

Senate Bill No. 23

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

This National Tripartite Industrial Peace Council (NTIPC) endorsed Bill seeks to align the provisions of Articles 234, 235, 236, and 237 of the Philippine Labor Code on registration requirements for independent unions and labor federations with ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organize, ratified on December 29, 1953)

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

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


JINGGOY EJERCITO ESTRADA
Senator



13 JUL -1 4:13

SENATE

Senate Bill No. 23

RECEIVED: *Jai*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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:*

1 **SECTION 1.** Article 234(c) of the Labor Code, as amended by Republic Act
2 9481, is hereby amended to read as follows:

3
4 "(c) In case the applicant is an independent union, the names of
5 all its members comprising at least **TEN PERCENT (10%)** of all
6 the employees in the bargaining unit where it seeks to operate;

7
8 X x x"
9

10
11 **SEC. 2.** Article 237 of the Labor Code, as amended, is hereby renumbered as
12 Article 235 and amended to read as follows:

13
14 "Article [237] **235.** [Additional] Requirements for Federations or
15 National Unions. – [Subject to Article 238,] [i] if the applicant for
16 registration is a federation or a national union, it shall, in
17 addition to the requirements of the preceding Articles, submit
18 the following:

19
20 (a) Proof of affiliation of at least **FIVE (5) LOCAL**
21 **CHAPTERS**, each of which must be duly
22 recognized collective bargaining agent in the
23 establishment or industry in which it operates;
24 [supportive of the registration of such applicant
25 federation or national union] and

26
27 (b) The names and the addresses of the companies
28 where the **LOCAL CHAPTERS** operate and the
29 list of all the members in each company involved."
30
31

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

3
4 “[Article 235.Action on Applications. – The Bureau shall act on
5 all applications for registration within (30) days from filing.
6

7 All requisite documents and papers shall be certified under oath
8 by the Secretary or the Treasurer of the organization, as the
9 case may be, and attested to by its President.]

10
11 **“ARTICLE 236. SUBMISSION AND ACTION ON**
12 **APPLICATION. –**

13
14 **“APPLICATIONS FOR REGISTRATION MAY BE**
15 **SUBMITTED IN PERSON OR ONLINE TO THE**
16 **APPROPRIATE DOLE REGIONAL OFFICE OR FIELD**
17 **OFFICE OR THE BUREAU OF LABOR RELATIONS**
18 **SUBJECT TO VERIFICATION BY THE APPROPRIATE**
19 **OFFICE. THE BUREAU SHALL PRESCRIBE SUCH FORMS**
20 **AS MAY BE NECESSARY FOR THIS PURPOSE.**

21
22 **“The Bureau OR THE APPROPRIATE DOLE REGIONAL**
23 **OFFICE OR FIELD OFFICE shall act on all applications for**
24 **registrations WITHIN ONE (1) CALENDAR DAY FROM**
25 **RECEIPT THEREOF.”**
26

27
28 **SEC. 4.** Article 236 of the Labor Code, as amended, is hereby renumbered as
29 Article 237 and amended to read as follows:

30
31 **“Art. [236] 237. Denial of Registration; Appeal.-**The decision
32 of the [Labor Relations Division in the regional office] **DOLE**
33 **REGIONAL OFFICE OR FIELD OFFICE** denying registration
34 may be appealed by the applicant union to the Bureau within ten
35 (10) days from receipt of notice hereof.”
36

37
38 **SEC. 5.** Article 270, “Regulation of Foreign Assistance” of the Labor Code is
39 hereby repealed.
40

41
42 **SEC. 6. *Implementing Rules and Regulations.*** – The Secretary of Labor and
43 Employment shall promulgate the necessary rules and regulations to implement
44 the provisions of this Act.
45

46 **SEC. 7. *Separability Clause.*** – If any part, section or provision of this Act shall
47 be held invalid or unconstitutional, the other provisions not affected by such
48 declaration shall remain in full force and effect.
49

50
51 **SEC. 8. *Repealing Clause.*** – All laws, acts, decrees, executive orders, rules and
52 regulations or other issuances or parts thereof, which are consistent with this Act,
53 are hereby modified and repealed.
54
55

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

4

5

6

7

8

9 *Approved,*