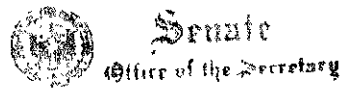


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 MAY -6 P4:36

SENATE
S. No. 2754

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING PRESIDENTIAL DECREE NO. 442, BOOK 5, CHAPTER 2,
ARTICLE 248, TO PROTECT THE RIGHTS OF THE EMPLOYERS

EXPLANATORY NOTE

The tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace has supposedly evolved into an aggressive form of harassment not contemplated when the Labor Code of the Philippines was enacted and threatens the balance of rights which is fundamental to the system of collective bargaining of the Philippines.

Union organizers are allegedly seeking employment with non-union employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both. While no employer may discriminate against employees based upon the views of employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

Thus, the purposes of this bill are:

1. to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to the system of collective bargaining of the Philippines;

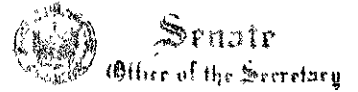
2. to preserve the rights of workers to organize, or otherwise engage in concerted activities protected under the Labor Code of the Philippines; and

3. to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business.¹


MIRIAM DEFENSOR SANTIAGO
RP

¹ This bill was originally filed by Senators DeMint, Wicker, Bunning, and Vitter in the U.S. Senate during the 111th Congress, 1st Session).

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

1 AN ACT
2 AMENDING PRESIDENTIAL DECREE NO. 442, BOOK 5, CHAPTER 2,
3 ARTICLE 248, TO PROTECT THE RIGHTS OF THE EMPLOYERS

4 SECTION 1. *Short Title.* – This Act shall be known as the “Truth in Employment
5 Act.”

6 SECTION 2. *Protection of Employer Rights.* – Presidential Decree No. 442, as
7 amended, otherwise known as the “Labor Code of the Philippines”, Book 5, Chapter 2,
8 Article 248 is hereby amended by adding after and below the last paragraph the
9 following:

10 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS
11 REQUIRING AN EMPLOYER TO EMPLOY ANY PERSON WHO
12 SEEKS OR HAS SOUGHT EMPLOYMENT WITH THE
13 EMPLOYER IN FURTHERANCE OF OTHER EMPLOYMENT OR
14 AGENCY STATUS.

15 SECTION 3. *Repealing Clause.* – All laws, decrees, orders, rules and regulations,
16 or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

17 SECTION 4. *Effectivity.* – This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) newspapers of general circulation.

Approved,