ornate ffice of the Secretary

SIXTEENTH CONGRESS OF THE REPUBLIC) **OF THE PHILIPPINES**)

Second Regular Session

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JUN -9 P2:19 15

SENATE s. no. <u>283</u>7

RECEIVED BY

(In substitution of S. B. No. 2248, taking into consideration H. No. 5306)

Prepared by the Committee on Labor, Employment and Human Resources Development with Senator Sonny Angara as author thereof

AN ACT

STRENGTHENING THE OPERATIONS OF THE NATIONAL LABOR RELATIONS COMMISSION, AMENDING FOR THIS PURPOSE ARTICLES 219 AND 221 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

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

SECTION 1. Article 219 of Presidential Decree No. 442 as amended, 1 otherwise known as the Labor Code of the Philippines, is hereby further amended to 2 read as follows: 3

"Article 219, National Labor Relations Commission, - There 5 shall be a National Labor Relations Commission which shall be 6 attached to the Department of Labor and Employment solely for 7 program and policy coordination, composed of a Chairman and twenty-8 three (23) members. 9

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"The Commission and its eight (8) divisions shall be assisted by 12 the Commission Attorneys in its appellate and adjudicatory functions 13 whose term shall be coterminous with the Commissioners with whom 14 they are assigned. The Commission Attorneys shall be members of the 15 Philippine Bar with at least one (1) year experience or exposure in the 16

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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 (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 [three (3)] FIVE (5) assigned to the Office of the Chairman and each Commissioner.

["No Labor Arbiter shall be assigned to perform the functions of the Commission Attorney nor detailed to the office of any Commissioner."]

SECTION 2. Article 221 of the Labor Code is hereby amended to read
as follows:

"Article 221. Appointment and Qualifications. - The Chairman 15 and other Commissioners shall be members of the Philippine Bar and 16 must have been engaged in the practice of law in the Philippines for at 17 least fifteen (15) years, with at least five (5) years experience or 18 exposure in the field of labor-management relations, and shall 19 preferably be residents of the region where they shall hold office. The 20 Labor Arbiters shall likewise be members of the Philippine Bar and 21 must have been engaged in the practice of law in the Philippines for at 22 least ten (10) years, with at least five (5) years experience or exposure 23 in the field of labor relations. 24

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> ²⁷ "The Chairman, the Division Presiding Commissioners and ²⁸ other Commissioners shall all be appointed by the President. ²⁹ Appointment to any vacancy in a specific division shall come only from ³⁰ the predecessor. The Labor Arbiters shall also be appointed by the ³¹ President, upon the recommendation of the Commission *en banc* [to a ³² specific arbitration branch preferably in the region where they are ³³ residents], and shall be subject to Civil Service Law, rules and

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regulations [:Provided, That the Labor Arbiters who are presently holding office in the region where they are residents shall be deemed appointed thereat].

"The Chairman of the Commission shall appoint the staff and employees of the Commission and its regional branches as the needs of the service may require, subject to the Civil Service Law, rules and regulations, and upgrade their current salaries, benefits and other emoluments in accordance with law."

SECTION 3. *Renumbering.* – For purposes of uniformity, the numerical designation of Title II (National Labor Relations Commission), Chapter I, Book Five of Presidential Decree No. 442, as Article 219 in Section 1, and Article 221 in Section 2 of this Act, as well as the remaining provisions of the said Title II, Chapter I, Book Five, shall be renumbered in accordance with Republic Act No. 10151.

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SECTION 4. Separability Clause. – If any provision of this Act is declared
unconstitutional, the same shall not affect the validity and effectivity of the other
provisions hereof.

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21 SECTION 5. *Repealing Clause.* – Presidential Decree No. 442, as amended, 22 otherwise known as the Labor Code of the Philippines, and all other laws, decrees, 23 orders, issuances, rules and regulations contrary to or inconsistent with the 24 provisions of this act are hereby repealed, amended or modified accordingly.";

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26 SECTION 6. *Effectivity*. - This Act shall take effect fifteen (15) days after its 27 publication in the Official Gazette or at least two (2) newspapers of national 28 circulation.

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- 30 Approved,

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