



EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

'19 DEC 18 P4:57

RECORDED

**SENATE**

**Senate Bill No. 1254**

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

**AN ACT**

**CREATING ONE ADDITIONAL DIVISION IN THE NATIONAL LABOR RELATIONS COMMISSION, INCREASING THE NUMBER OF COMMISSIONERS FROM FOURTEEN (14) TO SEVENTEEN (17), AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

In accordance with its mandate, the National Labor Relations Commission (NLRC) is a quasi-judicial body tasked to promote and maintain industrial peace by resolving labor and management disputes involving both local and overseas workers through compulsory arbitration and alternative modes of dispute resolution. It is attached to the Department of Labor and Employment for program and policy coordination.

In 2018, the Commission posted an overall disposition output of 48,770 cases through compulsory arbitration, which consist of 37,073 (76%) original cases from the Regional Arbitration Branches and 11,733 (24%) appealed cases from the Commission Proper.

Out of 39,160 original cases received for the current year, 37,037 or 95% are disposed by the Regional Arbitration Branches (RABs) while 11, 733 or 105% are disposed by the Commission Proper from the 11,193 appealed cases received for the current year.

Moreover, with the growing number of both local and overseas workers, the NLRC is now tasked with a bigger responsibility. Thus, the creation of an additional division of the NLRC will be beneficial for the proper administration and implementation of the labor laws and rules.

In view of the foregoing, the passage of this bill is earnestly sought.

  
**SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO**

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

1 Section 1. Title II, Chapter I, Article 213 of Presidential Decree No. 442, as  
2 amended, is hereby further amended to read as follows:

3  
4 "Article 213. *National Labor Relations Commission.* There shall be  
5 a National Labor Relations Commission which shall be attached to the  
6 Department of Labor and Employment for program and policy  
7 coordination only, composed of a Chairman and [~~fourteen (14)~~]  
8 **SEVENTEEN (17)** Members.

9  
10 [~~Five (5)~~] **SIX (6)** members [each] shall be chosen from among  
11 the nominees of the workers and employers organizations, respectively.  
12 The Chairman and [~~the four (4)~~] **FIVE (5)** [~~remaining~~] members shall  
13 come from the public sector, with the latter to be chosen from among  
14 the recommendees of the Secretary of Labor and Employment.  
15

1           Upon assumption into office, the members nominated by the  
2 workers and employers organizations shall divest themselves of any  
3 affiliation with or interest in the federation or association to which they  
4 belong.

5  
6           The Commission may sit en banc or in [~~five (5)~~] **SIX (6)**  
7 divisions, each composed of three (3) members. Subject to the  
8 penultimate sentence of this paragraph, the Commission shall sit en  
9 banc only for purposes of promulgating rules and regulations governing  
10 the hearing and disposition of cases before any of its divisions and  
11 regional branches, and formulating policies affecting its administration  
12 and operations. The Commission shall exercise its adjudicatory and all  
13 other powers, functions, and duties through its divisions. Of the [~~five~~  
14 ~~(5)~~] **SIX (6)** divisions, the first, second and third divisions shall handle  
15 cases coming from the National Capital Region and the parts of Luzon;  
16 and the fourth, [~~and~~] fifth, **AND SIXTH** divisions, cases from the  
17 Visayas and Mindanao, respectively; Provided that the Commission  
18 sitting en banc may, on temporary or emergency basis, allow cases  
19 within the jurisdiction of any division to be heard and decided by any  
20 other division whose docket allows the additional workload and such  
21 transfer will not expose litigants to unnecessary additional expense. The  
22 divisions of the Commission shall have exclusive appellate jurisdiction  
23 over cases within their respective territorial jurisdictions.

24  
25           The concurrence of two (2) Commissioners of a division shall be  
26 necessary for the pronouncement of judgment or resolution. Whenever  
27 the required membership in a division is not complete and the  
28 concurrence of two (2) commissioners to arrive at a judgment or  
29 resolution cannot be obtained, the Chairman shall designate such  
30 number of additional Commissioners from the other divisions as may be  
31 necessary.

1           The conclusions of a division on any case submitted to it for  
2 decision shall be reached in consultation before the case is assigned to  
3 a member for the writing of the opinion. It shall be mandatory for the  
4 division to meet for purposes of the consultation ordained herein. A  
5 certification to this effect signed by the Presiding Commissioner of the  
6 division shall be issued and a copy thereof attached to the record of the  
7 case and served upon the parties.

8  
9           The Chairman shall be the Presiding Commissioner of the first  
10 division and the [~~four~~(4)] **FIVE** other members from the public sector  
11 shall be the Presiding Commissioners of the second, third, fourth, [~~and~~]  
12 fifth, **AND SIXTH** divisions, respectively. In case of the effective  
13 absence or incapacity of the Chairman, the Presiding Commissioner of  
14 the second division shall be the Acting Chairman.

15  
16           The Chairman, aided by the Executive Clerk of the Commission,  
17 shall have administrative supervision over the Commission and its  
18 regional branches and all its personnel, including the Executive Labor  
19 Arbiters and Labor Arbiters.

20  
21           The Commission, when sitting en banc shall be assisted by the  
22 same Executive Clerk and, when acting thru its Divisions, by [~~said~~] **THE**  
23 Executive Clerks for the second, third, fourth, [~~and~~] fifth, **AND SIXTH**  
24 Divisions, respectively, in the performance of such similar or equivalent  
25 functions and duties as are discharged by the Clerk of Court and Deputy  
26 Clerks of Court of the Court of Appeals.”

27  
28           Sec. 2. Title II, Chapter I, Article 214 of Presidential Decree No. 442, as  
29 amended, is hereby further amended to read as follows:

30  
31           “Article 214. *Headquarters, Branches and Provincial Extension*  
32 *Units.* The Commission and its First, Second and Third divisions shall

1 have their main offices in Metropolitan Manila, and the Fourth, [~~and~~]  
2 Fifth, **AND SIXTH** divisions in the Cities of Cebu, [~~and~~] Cagayan de  
3 Oro, **AND DAVAO** respectively. The Commission shall establish as many  
4 regional branches as there are regional offices of the Department of  
5 Labor and Employment, sub-regional branches or provincial extension  
6 units. There shall be as many Labor Arbiters as may be necessary for  
7 the effective and efficient operation of the Commission. Each regional  
8 branch shall be headed by an Executive Labor Arbiter.”  
9

10 Sec. 3. *Funding.* – The amounts necessary to carry out the provisions of this  
11 Act shall be included in the General Appropriations Act of the year following its  
12 enactment into law and thereafter.  
13

14 Sec. 4. Upon the effectivity of this Act, all pending cases, except those which  
15 have been submitted for resolution, shall be referred to the proper division of the  
16 National Labor Relations Commission.  
17

18 Sec. 5. Nothing in this Act shall be construed to allow the transfer, except in  
19 cases of temporary assignment, of any member of the National Labor Relations  
20 Commission to any place or station without such member’s written consent, or to  
21 undermine the security of tenure of its members, or alter the seniority in the National  
22 Labor Relations Commission in accordance with existing laws.  
23

24 Sec. 6. *Separability Clause.* – If any portion or provision of this Act is declared  
25 unconstitutional, the remainder of this Act or any provision thereof not affected  
26 thereby shall remain in full force and effect.  
27

28 Sec. 7. *Repealing Clause.* – All laws, presidential decrees, letters of instruction,  
29 executive orders, rules, or regulations, or any part thereof inconsistent with the  
30 provisions of this Act are hereby repealed or modified accordingly.  
31

- 1           Sec. 8. *Effectivity.* – This Act shall take effect after fifteen (15) days following
- 2   its publication in two (2) newspapers of general circulation.

*Approved,*