

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

SEP 19 3:06

[Handwritten signature]

SENATE
S. B. No. 2121

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Presidential Decree No. 26 dated 21 October 1972 extends franking privilege to judicial tribunals, one of which were the Courts of Industrial Relations (CIR), with respect to papers connected with judicial proceedings in order to equip the existing machinery of justice with all the necessary facilities which will enable it to act swiftly, since one of the causes for the delay of judicial proceedings is the inability of our tribunals to promptly notify the parties of scheduled court proceedings for lack of postage stamps.

Evidently, the primordial consideration in the issuance of the foregoing decree does not dwell on the fact that the grantees are part of the Judicial Department; rather, it dwells on the fact that they are instrumentalities for the redress of the people's grievances and machineries of justice.

Two years after, the National Labor Relations Commission (NLRC) was created under PD 442 on November 1, 1974 and, in effect, abolished the Courts of Industrial Relations and the Interim NLRC. However, the NLRC inherited the same functions and adjudicatory jurisdiction of the abolished agencies. Thus, it has maintained the function as an instrumentality for the redress of the people's grievances and a machinery of justice. Therefore, we find no reason why the NLRC should not retain and enjoy the same privilege.

The foregoing is even bolstered by the fact that the abolished CIR which was then handling similar cases and exercising similar functions as what the NLRC under PD 442 is handling and exercising right now, was categorically classified as a "court of justice" in the landmark case of Metropolitan Transportation Service vs. Paredes et al., G.R. No. L-1232, January 12, 1948.

Also, it is worthy to note that in the years 2003 and 2004, Four Million Five Hundred Twenty Five Thousand, Four Hundred Forty Nine Pesos and 13/100 (PHP 4,525,449.13) out of the NLRC's Sixty Eight Million One Hundred Fifty Nine Thousand pesos (PHP 68,159,000.00) budgetary appropriation for maintenance Operating Expenditures, was disbursed for the purpose of mailing its official communications and papers. This is a considerable slice in the meager budgetary allocation of the NLRC.

Indeed, the grant of franking privilege would be of great help to the NLRC considering that its funds basically depend upon the appropriated budget and it is not allowed to disburse any part of any income it may earn. Earnings by the NLRC automatically revert back to the National Treasury.

On the basis of the foregoing observation, we firmly stand that the NLRC, as one of the administrators and dispensers of justice, falls under these government offices/agencies that need the franking privilege in the discharge of its public functions.

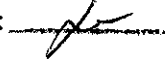
Hence, early passage of the bill is hereby earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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

5 SEP 19 P3:06

SENATE
S.B. No. 2121

RECEIVED BY: 

Introduced by Senator JINGGOY EJERCITO ESTRADA

AN ACT
GRANTING FRANKING PRIVILEGE TO THE NATIONAL LABOR
RELATIONS COMMISSION AND FOR OTHER PURPOSES

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

SECTION 1. This Act shall be known as "An Act Granting Franking Privilege to the National Labor Relations Commission."

SEC. 2. All official communications and papers of the National Labor Relations Commission (NLRC) addressed for delivery within the Philippines shall be received, transmitted and delivered in the mails of the Philippines free of postage: *Provided*, that such privilege shall only be utilized to assist and expedite the conduct of the official businesses, activities and duties of the National Labor Relations Commission and shall not be used for matters which are of a purely personal nature.

SEC. 3. All official mail matters availing of this franking privilege must be sealed in an official envelope or wrapper indicating therein the name of the National Labor Relations Commission with its official seal on the upper left hand corner and the printed penalty clause on the lower right hand corner which

reads: "Private or unauthorized use to avoid payment of postage is penalized by fine or imprisonment or both."

SEC. 4. There is hereby appropriated annually, out of any funds in the National Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

SEC. 5. The National Labor Relations Commission shall issue the necessary rules and regulations to implement this Act.

SEC. 6. Penal Provisions. - Any person who shall violate the provisions of this Act shall be punished by a fine of not less than Five Thousand Pesos (P5,000.00) nor more than Ten Thousand Pesos (P10,000.00) and/or imprisonment of not less than One (1) month nor more than Six (6) Months or both such fine and imprisonment, at the discretion of the Court. Prosecution under this provision shall preclude prosecution for the same act under the Revised Penal Code, and vice versa.

SEC. 7. Separability Clause. - All laws, decrees, executive orders, rules and regulations, or parts hereof inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

SEC. 8. Effectivity Clause. - This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,