

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



23 NOV 29 A10 :05

**SENATE**

**S. No. 2497**

RECEIVED BY:

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Introduced by Senator Joseph Victor G. Ejercito

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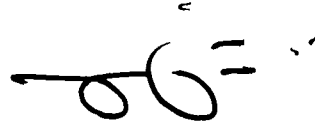
**AN ACT  
ESTABLISHING A REFORM IN THE REGULATION OF COLLECTIVE  
BARGAINING AGREEMENT, AMENDING FOR THE PURPOSE PRESIDENTIAL  
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE  
OF THE PHILIPPINES**

**EXPLANATORY NOTE**

Presidential Decree No. 442, also known as the Labor Code of the Philippines, as amended by Republic Act No. 6715, provides for a term of five (5) years for the representation aspect, while three (3) years for all other provisions for all other provisions of any collective bargaining agreement (CBA). In *San Miguel Corporation vs. Confesor* (G.R. No. 111262, 1996), the Supreme Court referred to "representation aspect" as the identity and majority status of the union that negotiated the CBA as the exclusive bargaining representative of the appropriate bargaining unit concerned. On the other hand, "[A]ll other provisions" pertains to the rest of the CBA, economic as well as non-economic provisions, except representation.

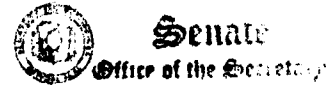
With the aim of strengthening the fundamental right of the working class to an equitable share in the fruits of production, this bill shortens the duration of a CBA from five (5) years to three (3) years, making it uniform with the term covering the economic and other non-economic provisions of the CBA. By abbreviating the said term will assure workers of maximum opportunity to choose the rightful bargaining representative and to negotiate for the most beneficial terms and conditions of work in a given establishment at a fixed limited period.

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

A handwritten signature in black ink, consisting of a stylized 'J' and 'E' followed by a horizontal line and a small flourish.

**JOSEPH VICTOR G. EJERCITO**

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**AN ACT**  
**ESTABLISHING A REFORM IN THE REGULATION OF COLLECTIVE BARGAINING AGREEMENT, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES**

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

1 Section 1. Article 253-A of Presidential Decree No. 442, as amended, otherwise  
2 known as The Labor Code of the Philippines, is hereby further amended to read as  
3 follows:

4 "ART. 253-A. Terms of a Collective Bargaining Agreement. - Any Collective  
5 Bargaining Agreement that the parties may enter into shall, insofar as the  
6 representation aspect is concerned, be for a term of [~~five (5)~~] **THREE (3)** years.  
7 No petition questioning the majority status of the incumbent bargaining agent  
8 shall be entertained and no certification election shall be conducted by the  
9 Department of Labor and Employment outside of the sixty-day period  
10 immediately before the date of expiry of such [~~five~~] **THREE**-year term of the  
11 Collective Bargaining Agreement. All [~~other~~] provisions of the Collective  
12 Bargaining Agreement shall [~~be~~] **REMAIN IN FULL FORCE AND EFFECT**  
13 **DURING THE EFFECTIVITY OF THE AGREEMENT** [~~renegotiated not later~~  
14 ~~than three (3) years after its execution~~]. Any agreement on such other provisions  
15 of the Collective Bargaining Agreement entered into within six (6) months from  
16 the date of expiry of the term of such other provisions as fixed in such Collective

1 Bargaining Agreement, shall retract to the day immediately following such date.  
2 If any such agreement is entered into beyond six months, the parties shall agree  
3 on the duration of retroactivity thereof. In case of a deadlock in the renegotiation  
4 of the Collective Bargaining Agreement, the parties may exercise their rights  
5 under this Code.

6 Sec. 2. Within sixty (60) days from the effectivity of this Act, the Secretary of  
7 Labor and Employment shall promulgate the rules and regulations for its effective  
8 implementation.

9 Sec. 3. If any part, section or provision of this Act is declared unconstitutional or  
10 invalid, the other provisions hereof shall remain in full force and effect.

11 Sec. 4. Any law, issuance or parts thereof, inconsistent with this Act are hereby  
12 modified accordingly.

13 Sec. 5. This Act shall take effect fifteen (15) days after its publication in the  
14 Official Gazette or in a newspaper of general circulation.

Approved,