

SENATE

S. No. 385

16

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

In recognition of the judiciary's significant role in the country, Republic Act No. 9227 was signed in 2003, providing for additional compensation to justices, judges and all other positions in the judiciary in the form of special allowances.

Attached to the Department of Labor and Employment for program and policy coordination, the National Labor Relations Commission (NLRC) is a quasi-judicial body tasked to expeditiously resolve labor disputes thru the process of mediation, conciliation and compulsory arbitration. Just like the judiciary, NLRC also plays a vital role in the government's program of promoting and maintaining industrial peace through dispensation of labor justice and development of effective dispute settlement machinery.¹

Under R.A. 9347, the NLRC Chairman, Commissioners and the Labor Arbiters have been entitled to the same allowances, retirement and benefits as those of the Presiding Justice and Associate Justices of the Court of Appeals. However, even with the passage of this law, the Commission's Chairman and members had not been able to receive the said allowances and benefits due them under the law because of lack of funding.

This problem is no different from the difficulties some other agencies are experiencing. Yet, with the passage of laws establishing Special Funds for particular agencies in the country, such as the Granting of Special Allowances in Public Attorney's Office and Office of the Solicitor General under R.A. 9406 and R.A. 9417 respectively, problems brought about by funding are now one by one being resolved.

In this light, a similar law that will address the NLRC's predicament through authorizing them to administer fund for their additional compensation is positively needed.

Intending to implement the provision of Republic Act No. 9347 regarding salaries and other emoluments of the NLRC's Chairman and members, this measure seeks to establish a National Labor Relations Commission Fund to be sourced from the legal and service fees prescribed, imposed and collected by the NLRC.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Data retrieved at <http://www.nlrc.dole.gov.ph/abtNlrc.php> on 29 January 2009.

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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AN ACT
ESTABLISHING THE NATIONAL LABOR RELATIONS COMMISSION
DEVELOPMENT FUND AND FOR OTHER PURPOSES

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

1 **SECTION 1. Declaration of Policy.** – It is the policy of the State to maintain the
2 independence of the National Labor Relations Commission (NLRC) as a quasi-judicial body
3 tasked with the speedy and impartial administration of labor, and safeguard the integrity of its
4 officers and personnel in the discharge of their functions and duties.

5
6 **SEC. 2. National Labor Relations Commission Development Fund.** – There is hereby
7 established the National Labor Relations Commission Development Fund, hereinafter referred to
8 as the Fund, to provide the Chairman, Commissioners and the Labor Arbiters with incentives
9 commensurate to their positions and functions, and help ensure and guarantee their independence
10 and integrity. The fund shall be derived from the legal fees prescribed, imposed and collected by
11 the NLRC as well as the increases in current fees and new fees which may be imposed.

12 The Fund shall be used to finance the special allowances, benefits and emoluments
13 granted to the NLRC Chairman, Commissioners and Labor Arbiters under Section 4 of Republic
14 Act No. 9347 in relation to Sections 2 and 6 of Republic Act No. 9227, which grants special
15 allowances to justices of the Court of appeals and judges of the Regional Trial Courts.

1 **SEC. 3. Administration of Fund.** – The NLRC Chairman shall administer and allocate
2 the Fund and shall have the exclusive power and duty to approve the disbursement and
3 expenditure of the Fund in accordance with the implementing rules and regulations to be
4 promulgated under Section 4 of this Act.

5 The amount accruing to the Fund shall be deposited in a special trust fund by the NLRC
6 Chairman or his duly authorized representative in an authorized government depository bank or
7 private bank owned or controlled by the Government, and the income or interest earned shall
8 likewise form part of the Fund, and submit the appropriate report in writing to the Chairman of
9 the Commission on Audit and to the chairman of the NLRC, copy furnished the members of the
10 Commission *En Banc*.

11
12 **SEC. 4. Issuance of Implementing Guidelines.** – The NLRC, together with the
13 Department of Labor and Employment and the Department of Budget and Management shall
14 issue the necessary rules and regulations for the effective implementation of this Act not later
15 than ninety (90) days from approval thereof.

16
17 **SEC. 5. Separability Clause.** – If any provision of this Act shall at any time be found to
18 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall
19 remain in full force and effect.

20
21 **SEC. 6. Repealing Clause.** – All laws, decrees, rules or regulations inconsistent with the
22 provisions of this Act are hereby repealed or modified accordingly.

23
24 **SEC. 7. Effectivity Clause.** – This Act shall take effect after fifteen (15) days following
25 its complete publication in two (2) newspapers of general circulation.

Approved,