

SENATE

Senate Bill No. 1290

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

It is common knowledge that the administration of labor justice is becoming exceedingly slow and extremely tedious and cumbersome. This does not conform with the Constitutional mandate to afford full protection to labor (**Sec. 3, Article XIII, 1987 Constitution**) and the workers right to a speedy disposition of their case (**See, Sec.16, Article III, Ibid**). The urgency of addressing this current problem is highlighted by the fact that in the various modes of labor dispute settlements, the workers in the private sector heavily rely on the officials of the Department of Labor and Employment.

This Bill seeks to strengthen the provisions on the mandatory periods for resolution of labor cases by providing specific penalties against labor officials for their non-compliance therewith.

Foregoing premises considered, early approval of this Bill is earnestly requested.


MANNY VILLAR

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AN ACT
STRENGTHENING THE PROVISION ON THE MANDATORY PERIODS FOR
THE RESOLUTION OF LABOR CASES BY IMPOSING CERTAIN PENALTIES
AGAINST LABOR OFFICIALS FOR THEIR NON-COMPLIANCE THEREWITH,
AMENDING FOR THIS PURPOSE ARTICLE 277 OF THE LABOR CODE OF
THE PHILIPPINES

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

SECTION 1. Paragraph (i), Article 277 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines" is hereby further amended to read as follows:

"ARTICLE 277. Miscellaneous Provisions.-

- (a) xxx
- (b) xxx
- (c) xxx
- (d) xxx
- (e) xxx
- (f) xxx
- (g) xxx
- (h) xxx

(i) To ensure speedy labor justice, the periods provided in this Code within which decisions or resolutions of labor [relations] cases or matters should be rendered shall be mandatory. For this purpose, a case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading or memorandum required by the rules of the Commission or by the Commission itself, or the Labor Arbiter, or the Director of the Bureau of Labor Relations or Med-Arbiter, or the Regional Director OR HIS HEARING OFFICERS.

Upon expiration of the corresponding period, a certification UNDER OATH stating why a decision or resolution has not been rendered within the said period

shall be issued forthwith by the Chairman of the Commission, the Executive Labor Arbiter, or the Director of the Bureau of Labor Relations or Med-Arbiter, or the Regional Director OR HIS HEARING OFFICERS, as the case may be, and a copy thereof served upon the parties AND THEIR COUNSEL, IF ANY.

Despite the expiration of the applicable mandatory period, the aforesaid officials shall, without prejudice to [any liability], THE PENALTIES PROVIDED UNDER THIS PARAGRAPH [which may have been incurred as a consequence thereof], see to it that the case or matter shall be decided or resolved without any further delay.

NON-COMPLIANCE WITH THE MANDATORY PERIODS FOR RESOLUTIONS OF LABOR CASES PROVIDED UNDER THIS CODE SHALL SUBJECT THE AFORESAID OFFICIALS TO ANY OR ALL OF THE FOLLOWING PENALTIES:

1. THE SALARY OF ANY SUCH OFFICIAL WHO FAILS TO RENDER HIS DECISION OR RESOLUTION WITHIN THE PRESCRIBED PERIOD SHALL BE, OR CAUSED TO BE, WITHHELD UNTIL THE SAID OFFICIAL COMPLIES THEREWITH;
2. SUSPENSION FOR NOT MORE THAN NINETY (90) DAYS; OR
3. DISMISSAL FROM THE SERVICE WITH DISQUALIFICATION TO HOLD ANY APPOINTIVE PUBLIC OFFICE FOR FIVE (5) YEARS.

PROVIDED HOWEVER, THAT THE PENALTIES HEREIN PROVIDED SHALL BE WITHOUT PREJUDICE TO ANY LIABILITY WHICH ANY SUCH OFFICIAL MAY HAVE INCURRED UNDER OTHER EXISTING LAWS OR RULES AND REGULATIONS AS A CONSEQUENCE OF VIOLATING THE PROVISIONS OF THIS PARAGRAPH.

SECTION 2. *Repealing Clause.* – All laws, orders, issuance, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,