

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

9 JAN 15 P3 48

SENATE

PS Res. No. 829

REC-1000



Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING AN INQUIRY, IN AID OF LEGISLATION, ON WHETHER
WITHOUT A LAW PASSED BY CONGRESS, PUBLIC PROSECUTORS MAY
GO ON MASS LEAVE DESPITE THE CONSTITUTIONAL PROVISION
THAT ANY STRIKE SHOULD ACCORD WITH LAW

WHEREAS, the Constitution provides in Article 13, Section 3, para. 2, that the State shall guarantee the rights of workers to self-organize, including the right to strike **in accordance with law**;

WHEREAS, Congress has passed no law granting the right to strike to government employees;

WHEREAS, the Civil Service Commission issued in 2002 Resolution No. 021316, entitled "Omnibus rules on prohibited concerted actions in the public sector;"

WHEREAS, the CSC Resolution, Sec. 4, provides that the right to self-organize accorded to government employees shall not carry with it "the right to engage in any form of prohibited concerted activity or mass action causing or intending to cause work stoppage or service disruption, **albeit of temporary nature.**"

WHEREAS, under the same resolution, the prohibited concerted mass action is defined as including mass leaves and acts of similar nature;

WHEREAS, the *Philippine Daily Inquirer* reported that on 14 January 2009, 76 of 95 public prosecutors in Central Luzon will go on simultaneous mass leaves lasting six days, from January 28 until February 4;

WHEREAS, during this protest period, the spokesperson, a regional state prosecutor, said that at least 19 prosecutors, together with 117 DOJ staffers, “will work during the protest period so as not to disrupt services in the justice system”;

WHEREAS, this reported simultaneous mass leave, apparently designed to cause the least disruption of public services, nevertheless raises the issue of whether the mass leave violates the prohibition of concerted mass action in the CSC resolution;

WHEREAS, it appears that mass leaves by state prosecutors which conceivably could spread from Central Luzon to the rest of the country, appear to violate rulings of the Supreme Court in the following cases: *Toyota v. NLRC*, 537 SCRA 171 (2007); *GSIS v. Kapisanan*, 510 SCRA 622 (2006); *Bangalisan v. CA*, 276 SCRA 619 (1997); *Manila Public School Teachers v. Laguio*, 200 SCRA 323 (1991); *Arizala v. CA*, 189 SCRA 584 (1990); and *SSS Employees v. CA*, 175 SCRA 686 (1989);

WHEREFORE, BE IT HEREBY RESOLVED, that the Senate shall conduct an inquiry, in aid of legislation, on whether without a law passed by Congress, public prosecutors may go on mass leave despite the constitutional provision that any strike should accord with law.

Adopted,


MIRIAM DEFENSOR SANTIAGO