

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 1420

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

Labor arbiters are judges in the Philippine labor setting. They arbitrate the very sensitive issues between labor and management. They perform their very delicate role in the maintenance of industrial peace which is vital to every nation's economic stability. As a vital cog in our administration of labor justice, the plight of labor arbiters has long been neglected and their role in economic development has gone unrecognized.

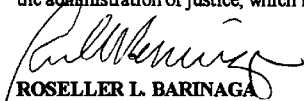
In 1995, RA # 8042 or the Migrant Workers and Overseas Filipinos Act entrusted to these labor arbiters the speedy resolution of money claims of OFWs. About 7,000 unresolved cases were transferred to them by POEA in 1996, (338 more up to 1998) in view of this law. Without an iota of additional resources, they resolved 50% of these transferred cases in 1996, almost all of them in 1997 and all in 1998, as new OFWs cases flooded their dockets.

In 1998, the Labor Arbiters worked together in their "zero backlog project" and eliminated 92.5% of their 1997 and older cases. This has virtually cleared the NLRC docket of unresolved cases that have dragged the wheels of justice with undue delay.

Since they perform an important part in the maintenance of industrial peace and in the adjudication of justice in the workplace, it is fitting that labor arbiters enjoy equality in rank with the judges of the Municipal Trial Courts (MTC). Appropriate retirement benefits must likewise be accorded them to enable them to enjoy the fruits of government service long after they have been served it with their best years.

In the same context, the Commissioners of the NLRC who by law enjoy the same salary, allowances and benefits as the Justices of the Court of Appeals, except retirement benefits, should be covered also by the corresponding provision in the law for their expressed equality with the justices and proper retirement benefits.

Passage of this bill will grant due recognition to the role of labor arbiters and the NLRC in the administration of justice, which is an indispensable component of national development



ROSELLER L. BARINAGA
Representative
2nd District, Zamboanga del Norte

HOUSE OF REPRESENTATIVES

HB NO. 1420

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AN ACT

AMENDING ARTICLES 215 AND 216 OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, BY UPGRADING THE SALARIES, ALLOWANCES AND RETIREMENT BENEFITS OF LABOR ARBITERS AND THE COMMISSIONERS OF THE NATIONAL LABOR RELATIONS COMMISSION AND FOR OTHER PURPOSES

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

SECTION 1. Article 215 of the Labor Code, as amended, is hereby further amended to read as follows:

Article 215. Appointment and Qualifications. - The Chairman and other Commissioners shall be members of the Philippine Bar and must have been engaged in the practice of Law in the Philippines for at least fifteen (15) years, with at least five (5) years experience or exposure in the field of labor-management relations, and shall preferably be resident of the region where they hold office. The Executive Labor Arbiters and the Labor Arbiters shall likewise be members of the Philippine Bar and must have engaged in the practice of law for at [least seven (7)] TEN (10) years, with at least three (3) years experience or exposure in the field of labor-management relations; Provided, however, That THE EXECUTIVE AND LABOR ARBITERS SHALL APPOINTED TO SPECIFIC REGIONAL ARBITRATION BRANCHES AND SHALL PREFERABLY BE RESIDENTS OF THE REGION WHERE THEY ARE TO HOLD OFFICE: AND PROVIDED FINALLY, THAT THE INCUMBENT EXECUTIVE AND LABOR ARBITERS PRESENTLY HOLDING OFFICE IN THEIR RESPECTIVE ARBITRATION BRANCHES WHERE THEY ARE ALSO RESIDENTS, SHALL BE DEEMED TO HAVE BEEN APPOINTED THEREAT. [that the incumbent Executive Labor Arbiters and Labor Arbiters who have been engaged in the practice of law for at least five (5) years may be considered as already qualified for purposes of reappointment as such under this Act.]

The Chairman and the other Commissioners, the Executive Labor Arbiters and Labor Arbiters shall hold office during good behavior until they reach the age of sixty-five (65) years, unless sooner removed for cause as provided by law or become incapacitated to discharge the duties of their office.

The Chairman, the Division Presiding Commissioner and other Commissioners shall all be appointed by the President [subject to confirmation by the Commission on Appointments]. Appointment to any vacancy shall come from the nominees of the sector which nominated the predecessor. The Executive Labor Arbiters and Labor Arbiters shall also be appointed by the President, upon THE JOINT recommendation of the Secretary of Labor and Employment and the CHAIRMAN OF THE COMMISSION and shall be subject to the Civil Service Law, rules and regulations.

The [Secretary of Labor and Employment shall], in consultation with the Chairman of the Commission SHALL appoint the staff and employees of the Commission, and its regional branches as the needs of the service may require, subject to the Civil Service Law, rules and regulations, and upgrade their current salaries and other emoluments in accordance with law.

SEC. 2. Article 216, as amended, is hereby further amended to read as follows:

Article 216. Salaries, benefits and emoluments. - The Chairman and members of the Commission shall HAVE THE SAME RANK, receive an annual salary at least equivalent to, and shall be entitled to AND BE ENTITLED TO THE SAME ALLOWANCES, RETIREMENT AND OTHER BENEFITS AS THAT OF THE JUDGES OF THE MUNICIPAL TRIAL COURTS [that of an assistant Regional Director of the Department of labor and Employment and shall be entitled to the same allowances and benefits as that of an Assistant Regional Director of the Department of Labor and Employment]. In no case, however, shall the provision of this Article result in the diminution of existing salaries, allowances and benefits of the abovementioned officials.

SEC. 3. All laws, rules and regulations, decrees, issuances or any part or parts thereof inconsistent with this act are hereby repealed, modified or amended accordingly.

SEC. 4. 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 first.

Approved.