

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4552

Introduced by Rep. Feliciano Belmonte, Jr. and Rep. Neptali M. Gonzales, II

EXPLANATORY NOTE

No less than the Constitution declares that "[t]he State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare." In protecting and strengthening labor, it further provides that "[t]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities..."

To give life to these Constitutional provisions, the Labor Code has been enacted.

History and experience have clearly demonstrated the vital role that labor organizations play in maintaining industrial peace, in protecting and promoting the welfare of our workers and in the crafting and observance of social legislation. In line with the commitment of the State to advance the interest of labor organizations, the National Tripartite Industrial Peace Council (NTIPC) endorsed this proposal to align the provisions of Articles 234, 235, 236, and 237 of the Philippine Labor Code to International Labor Convention No. 87 (Freedom of Association and Protection of the

Right to Organize, ratified on December 29, 1953) on registration requirement for independent unions and labor federations.

Given the developments and changes that is happening to our society, this proposed bill seeks to remove the 20% requirement for registration of independent unions; reduce the registration requirement for a federation from ten (10) to five (5) duly recognized bargaining agent-local chapters; and expedite the registration of these organizations by requiring the appropriate DOLE regional and field offices to act on the application within one calendar day from its receipt.

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


REP. FELICIANO R. BELMONTE, JR.


REP. NEPTALI M. GONZALES, II

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Introduced by Hon. Feliciano Belmonte, Jr. and Hon. Neptali M. Gonzales, II

AN ACT

FURTHER STRENGTHENING WORKER'S RIGHTS TO SELF-ORGANIZATION, AMENDING FOR THIS PURPOSE ARTICLES 234, 235, 236 AND 237 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED.

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

SECTION 1. Article 234 (c) of the Labor Code, as amended by Republic Act 9481, is hereby repealed.

SECTION 2. Article 237 of the Labor Code, as amended, is hereby renumbered as Article 235 and amended to read as follows:

"Article 235. **Requirements for Federations or National Unions.** - If the applicant for registration is a federation or a national union, it shall, in addition to the requirements of the preceding Articles, submit the following:

(a) Proof of the affiliation of at least ~~(ten (10) locals or chapters)~~ **five (5) local chapters**, each of which must be a duly recognized collective bargaining agent in the establishment or industry in which it operates ~~(supporting the registration of such applicant federation or national union); and~~

(b) The names and addresses of the companies where the ~~(locals or chapters)~~ **local chapters** operate and the list of all the members in each company involved."

SECTION 3. Article 235 of the Labor Code, as amended, is hereby renumbered as Article 236 and amended to read as follows:

~~(Article 235. Action on Application. — The Bureau shall act on all applications for registration within thirty (30) days from filing.~~

~~All requisite documents and papers shall be certified under oath by the secretary or the treasurer of the organization, as the case may be, and attested to by its president.)~~

"Article 236. Submission and Action on Application. - Applications for registration may be submitted in person or online to the appropriate DOLE regional office of field office or the Bureau of Labor Relations subject to verification by the appropriate Office. The Bureau shall prescribe such forms as may be necessary for this purpose."

The Bureau or the appropriate DOLE regional office of field office shall act on all applications for registration within one (1) calendar day from receipt thereof.

SECTION 4. Article 236 of the Labor Code, as amended, is hereby renumbered as Article 237 and amended to read as follows:

"Article 237. Denial of Registration; Appeal. - The decision of the (Labor Relations Division in the regional office) DOLE regional office or field office denying registration may be appealed by the applicant union to the Bureau within ten (10) days from receipt of notice thereof.

SECTION 5. Article 270 (Regulation of Foreign Assistance) of the Labor Code is hereby repealed

SECTION 6. **Implementing Rules and Regulations. -** The Secretary of Labor and Employment shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SECTION 7. **Separability Clause. -** If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

SECTION 8. **Repealing Clause. -** Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, and all other acts, laws, presidential issuances, rules and regulations are hereby repealed, amended or modified accordingly.

SECTION 9. **Effectivity Clause. -** This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of national circulation.

APPROVED.