



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 1905

Submitted by the Committee on Labor and Employment on 27 FEB 2012
Re: House Bill No. 5927
Recommending its approval in substitution of House Bill No. 4552
Sponsors: Representatives Emil L. Ong, Feliciano Belmonte, Jr., and Neptali M. Gonzales II

Mr. Speaker:

The Committee on Labor and Employment, to which was referred House Bill No. 4552, introduced by Reps. Feliciano Belmonte, Jr., Neptali M. Gonzales II, and Bernadette R. Herrera-Dy, entitled:

**"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"**

has considered the same and recommends that the attached House Bill No. 5927, entitled:

**"AN ACT
STRENGTHENING FURTHER THE WORKERS' RIGHT TO SELF-
ORGANIZATION, AMENDING FOR THE PURPOSE ARTICLES
234-A, 235, 236, AND 237, AND REPEALING ARTICLES 234 (C)
AND 270 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED,
OTHERWISE KNOWN AS THE LABOR CODE OF THE
PHILIPPINES"**

be approved in substitution of House Bill No. 4552, with Reps. Feliciano Belmonte, Jr., Neptali M. Gonzales II, Bernadette R. Herrera-Dy, Emil L. Ong, Ronald M. Cosalan, Reynaldo V. Umali, Emmi A. de Jesus, Herminia B. Roman, Philip A. Pichay, Joseph Victor G. Ejercito, David L. Kho, Walden F. Bello, Emmeline Y. Aglipay, Reena Concepcion G. Obillo, Sharon Garin, Ben P. Evardone, Angelo B.

Palmones, Narciso R. Bravo, Jr., Francisco T. Matugas, Herminia B. Roman, Cinchona Cruz-Gonzales, Salvio B. Fortuno, Mark A. Villar, and Rafael V. Mariano as authors thereof.

Respectfully submitted,



EMIL L. ONG

Chairman

Committee on Labor and Employment

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

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

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5927

Introduced by Reps. Feliciano Belmonte, Jr., Neptali M. Gonzales II, Bernadette R. Herrera-Dy, Emil L. Ong, Ronald M. Cosalan, Reynaldo V. Umali, Emmi A. de Jesus, Herminia B. Roman, Philip A. Pichay, Joseph Victor G. Ejercito, David L. Kho, Walden F. Bello, Emmeline Y. Aglipay, Reena Concepcion G. Obillo, Sharon Garin, Ben P. Evardone, Angelo B. Palmones, Narciso R. Bravo, Jr., Francisco T. Matugas, Herminia B. Roman, Cinchona Cruz-Gonzales, Salvio B. Fortuno, Mark A. Villar, and Rafael V. Mariano

AN ACT

**STRENGTHENING FURTHER THE WORKERS' RIGHT TO SELF-ORGANIZATION,
AMENDING FOR THE PURPOSE ARTICLES 234-A, 235, 236, AND 237, AND
REPEALING ARTICLES 234 (C) AND 270 OF PRESIDENTIAL DECREE NO. 442, AS
AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES**

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

1 **SECTION 1.** Paragraph (c) of Article 234 of the Labor Code is hereby repealed.

2 **SEC. 2.** Article 234-A of the Labor Code is hereby amended to read as follows:

3 "Article 234-A. *Chartering and Creation of a Local Chapter.* – A duly
4 registered federation, [or] national union **OR TRADE UNION CENTER**
5 may directly create a local chapter by issuing a charter certificate
6 indicating the establishment of the local chapter. The chapter shall acquire
7 legal personality [only for purposes of filing a petition] for **THE DURATION**
8 **OF THE** certification election **PROCESS** from the date it was issued a
9 charter certificate.

1 "The chapter shall be entitled to all other rights and privileges of a
2 legitimate labor organization, **SUCH AS THE RIGHT TO ACT AS**
3 **REPRESENTATIVE OF ITS MEMBERS FOR THE PURPOSE OF**
4 **COLLECTIVE BARGAINING**, only upon the submission of the following
5 documents in addition to its charter certificate:

6 (a) The names of the chapter's officers, their addresses, and the
7 principal office of the chapter; and

8 (b) The chapter's constitution and by-laws: *Provided*, That where
9 the chapter's constitution and by-laws are the same as that of
10 the federation or the national union, this fact shall be indicated
11 accordingly.

12 "The additional supporting requirements shall be certified
13 under oath by the secretary or treasurer of the chapter and attested by its
14 president."

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

17 "Article 23[5]6. **SUBMISSION AND Action on Application.** –
18 **APPLICATIONS FOR REGISTRATION MAY BE SUBMITTED IN**
19 **PERSON OR ONLINE TO THE APPROPRIATE DOLE REGIONAL**
20 **OFFICE OR FIELD OFFICE OR THE BUREAU OF LABOR RELATIONS**
21 **SUBJECT TO VERIFICATION BY THE APPROPRIATE OFFICE. THE**
22 **BUREAU SHALL PRESCRIBE SUCH FORMS AS MAY BE**
23 **NECESSARY FOR THIS PURPOSE.**

1 "The Bureau OR THE APPROPRIATE DOLE REGIONAL OFFICE
2 OR FIELD OFFICE shall act on all applications for registration within
3 [thirty (30)] ONE (1) CALENDAR day[s] from [filing] RECEIPT
4 THEREOF.

5 "[All requisite documents and papers shall be certified under oath
6 by the secretary or the treasurer of the organization, as the case may be,
7 and attested to by its president.]"

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

10 "Article 23[6]7. *Denial of Registration; Appeal.* – The decision of the
11 [Labor Relations Division in the regional office] DOLE REGIONAL
12 OFFICE OR FIELD OFFICE denying registration may be appealed by the
13 applicant union to the Bureau within ten (10) days from receipt of notice
14 thereof."

15 SEC. 5. Article 237 of the Labor Code is hereby renumbered as Article 235 and
16 amended to read as follows:

17 "Article 23[7]5. [Additional] *Requirements for Federations or*
18 *National Unions.* – If the applicant for registration is a federation or a
19 national union, it shall, in addition to the requirements of the preceding
20 Articles submit the following:

21 (a) Proof of the affiliation of at least [ten (10)] FIVE (5) local[s or] chapters,
22 each of which must be a duly recognized collective bargaining agent in

1 the establishment or industry in which it operates [, supporting the
2 registration of such applicant federation or national union]; and

3 (b) The names and addresses of the companies where the local[s or]
4 chapters operate and the list of all the members in each company
5 involved.”

6 **SEC. 6.** Article 270 of the Labor Code, as amended , is hereby repealed.

7 **SEC. 7. *Implementing Rules and Regulations.*** – Within thirty (30) days from
8 the effectivity of this Act, the Secretary of Labor and Employment shall issue and
9 and publish the necessary rules and regulations to implement the provisions of this Act.

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12 **SEC. 8. *Separability Clause.*** - If any provision of this Act is declared
13 unconstitutional, the same shall not affect the validity and effectivity of the other
14 provisions hereof.
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17 **SEC. 9. *Repealing Clause.*** - All laws, executive orders, presidential decrees,
18 presidential proclamations, rules and regulations or parts thereof inconsistent with
19 the provisions of this Act are hereby repealed or modified accordingly.
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22 **SEC. 10. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
23 after its complete publication in the *Official Gazette* or in a newspaper of general
24 circulation.
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26

APPROVED.

AN ACT

STRENGTHENING FURTHER THE WORKERS' RIGHT TO SELF-ORGANIZATION, AMENDING FOR THE PURPOSE ARTICLES 234-A, 235, 236, AND 237, AND REPEALING ARTICLES 234 (C) AND 270 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Introduced by REPS. FELICIANO BELMONTE, JR., NEPTALI M. GONZALES II, BERNADETTE R. HERRERA-DY, EMIL L. ONG, RONALD M. COSALAN, REYNALDO V. UMALI, EMMI A. DE JESUS, HERMINIA B. ROMAN, PHILIP A. PICHAY, JOSEPH VICTOR G. EJERCITO, DAVID L. KHO, WALDEN F. BELLO, EMMELINE Y. AGLIPAY, REENA CONCEPCION G. OBILLO, SHARON S. GARIN, BEN P. EVARDONE, ANGELO B. PALMONES, NARCISO R. BRAVO, JR., FRANCISCO T. MATUGAS, HERMINIA B. ROMAN, CINCIONA CRUZ-GONZALES, SALVIO B. FORTUNO, MARK A. VILLAR, AND RAFAEL V. MARIANO

Committee Referral: COMMITTEE ON LABOR AND EMPLOYMENT

Committee Chairperson: REP. EMIL L. ONG

OBJECTIVE:

To promote and encourage the constitutional right of workers to organize themselves for their mutual protection...

KEY PROVISIONS:

- Removes the submission of the names of twenty percent (20%) of all employees in the bargaining unit as one of the requirements of registration of labor organizations, associations, or groups of unions or workers.
- Includes trade union centers as one of the legitimate labor organizations that can be registered under the law.
- Extends the limited legal personality of a local/chapter for the duration of the certification election process.
- Facilitates registration by a) providing that applications may be submitted in person or online; and, b) shortening the period of action of the DOLE from thirty (30) days to one calendar day.
- Removes the prohibition of foreign assistance (in cash or in kind) to labor organizations, groups of workers, or any auxiliary thereof.

RELATED LAW:

Articles 234(c), 234-A, 235, 236, 237, and 270 of Presidential Decree No. 442, As Amended, otherwise known as the Labor Code of the Philippines