

16th CONGRESS OF THE Republic of the Philippines)
FIRST REGULAR SESSION)



HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 4131

INTRODUCED BY HONORABLE GUS S. TAMBUNTING

EXPLANATORY NOTE

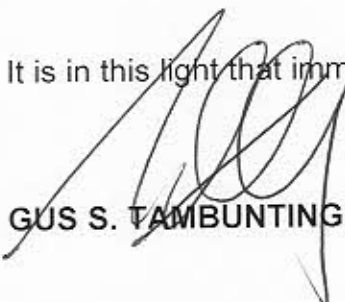
This bill seeks to strengthen the fundamental right of the working class to equitable share in the fruits of production. Under this bill, the duration of a Collective Bargaining Agreement (CBA) is shortened to three (3) years to assure workers of maximum opportunity to choose the rightful bargaining representative and to negotiate for the most beneficial terms and conditions of work in a given establishment at a fixed limited period of time.

This legislation shortened the effectivity of CBA from five (5) years as mandated by Republic Act 6715 to three (3) years. Through this bill, the workers are empowered to propose at the most opportune time and bargain timely and necessary changes in their employment conditions giving more flexibility and productivity.

This measure proposes a rational approach in consideration of workers welfare and productivity at workplace. To bind the workers' representation and oblige workers to put up with what has been agreed five years ago is the same as conditioning workers to be contented with poor terms and conditions of work.

Besides considerations of productivity, the law protecting workers' right has maintained the principle of primacy of collective bargaining as an effective tool in preserving economic rights of the workers.

It is in this light that immediate passage of this bill is earnestly sought.


GUS S. TAMBUNTING

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HBILL NO. 4131

Introduced by HONORABLE GUS S. TAMBUNTING

AN ACT
ESTABLISHING REFORMS IN THE REGULATION OF COLLECTIVE
BARGAINING AGREEMENT (CBA) OF MANAGEMENT AND EMPLOYEES'
BARGAINING UNIT IN AN ESTABLISHMENT, THEREBY AMENDING
SECTION 253-A OF PD NUMBERED 442 AS AMENDED OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AND FOR OTHER
PURPOSES

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

1 **SECTION 1.** Article 253-A of PD 442, otherwise known as The Labor
2 Code of the Philippines, is hereby amended to read as follows:

3 Article 253-A. *Terms of a collective bargaining agreement.*

4 Any Collective Bargaining Agreement that the parties may
5 enter into shall, insofar as the representation aspect is concerned,
6 be for a term of [five (5)] **THREE (3) years**. No petition
7 questioning the majority status of the incumbent bargaining agent
8 shall be entertained and no certification election shall be conducted
9 by the Department of Labor and Employment outside of the sixty-
10 day period immediately before the date of expiry of such [five]
11 **THREE-year** term of the Collective Bargaining Agreement. All

1 [other] provisions of the Collective Bargaining Agreement shall [be]
2 **REMAIN IN FULL FORCE AND EFFECT DURING THE**
3 **EFFECTIVITY OF THE AGREEMENT** [renegotiated not later than
4 three (3) years after its execution]. Any agreement on such other
5 provisions of the Collective Bargaining Agreement entered into
6 within six (6) months from the date of expiry of the term of such
7 other provisions as fixed in such Collective Bargaining Agreement,
8 shall retroact to the day immediately following such date. If any
9 such agreement is entered into beyond six months, the parties shall
10 agree on the duration of retroactivity thereof. In case of a deadlock
11 in the renegotiation of the collective bargaining agreement, the
12 parties may exercise their rights under this Code.

13
14 **SEC. 2. *Implementing Rules and Regulations.*** - The Department
15 of Labor and Employment (DOLE) other appropriate government agencies shall
16 promulgate rules and regulations necessary for the effective implementation of
17 this Act.

18
19 **SEC. 3. *Repealing Clause.*** - All other laws, decrees, orders,
20 issuances and rules and regulations or parts thereof inconsistent with this Act are
21 hereby amended or repealed accordingly.

1 SEC.4. ***Separability Clause.*** - The provisions of this

2 Act are hereby declared to be separable and, in the event any of such provisions
3 is declared unconstitutional, the order provision, which is not affected thereby,
4 shall remain in full force and effect.

5
6 SEC.5. ***Effectivity.*** - This Act shall take effect fifteen (15)

7 days after its complete publication in at least two (2) newspapers of general
8 circulation.

9
10 Approved.