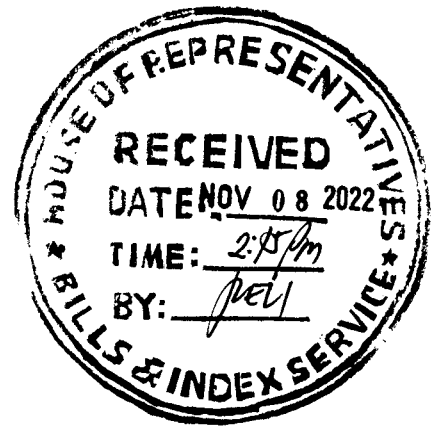


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
Nineteenth Congress
First Regular Session
HOUSE BILL NO. 5933



Introduced by Rep. Anthony R.T. Golez Jr. MD, MBAH

EXPLANATORY NOTE

As the Philippine economy continues to grow, the number of employees also increase. The increase in the number of employees also equate to an increased number of labor disputes. In 2021, it was reported that the National Labor Relations Commission (NLRC) disposed 32,433 cases. 8,171 out of the 32,433 cases were appealed and reached the Commission proper. These appealed cases were handled by twenty-three (23) NLRC Commissioners. It is apparent that the NLRC is undermanned. As such, this representation seeks to amend the Labor Code and add more NLRC Commissioners.

Adding NLRC Commissioners will definitely make the disposition of appealed cases faster, this will greatly help both employees and employers. Faster disposition of appealed cases in the NLRC will mean that aggrieved employees can easily move on from their employment issues while employers can focus more on their businesses.

Further, the proposed law aims to concretize the following Constitutional provision for the protection of employees, to wit: *"The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare"* (Section 18, Article II, 1987 Constitution).

However, it should be pointed out that the proposed measure serves a two-way purpose, as it also aims to allow employers to focus more on their businesses, thru the faster disposition of labor disputes. This benefit for employers is also within the mandate of the Constitution which acknowledges the importance of the business sector, to wit: *"The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments"* (Section 20, Article II, 1987 Constitution).

For the people of the Philippines, the passage of the proposed law is earnestly being sought.

Hon. Anthony R.T. Golez Jr. MD, MBAH
Malasakit at Bayanihan Partylist

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HOUSE BILL NO. 5933

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**AN ACT CREATING ONE ADDITIONAL DIVISION IN THE
NATIONAL LABOR RELATIONS COMMISSION, INCREASING THE
NUMBER OF COMMISSIONERS FROM TWENTY-THREE (23) TO
TWENTY-SIX (26), AMENDING FOR THE PURPOSE PRESIDENTIAL
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE
LABOR CODE OF THE PHILIPPINES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

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

Section 1. Short Title. This Act shall be known as "The Additional NLRC
Commissioners Act of 2022."

Section 2. Amendment for Additional NLRC Commissioners. Title 11, Chapter I,
Article 220 of Presidential Decree No. 442, as amended, is hereby further
amended to read as follows:

"Article 220. National Labor Relations Commission. There shall be a
National Labor Relations Commission which shall be attached to the
Department of Labor and Employment for program and policy
coordination only, composed of a Chairman and **TWENTY-SIX (26)**
Members.

NINE (9) members shall be chosen from among the nominees of
the workers and employers organizations, respectively. The
Chairman and **EIGHT (8)** members shall come from the public sector,
with the latter to be chosen from among the recommendees of the Secretary
of Labor and Employment.

Upon assumption into office, the members nominated by the workers and employers organizations shall divest themselves of any affiliation with or interest in the federation or association to which they belong.

The Commission may sit en banc or in **NINE (9)** divisions, each composed of three (3) members. Subject to the penultimate sentence of this paragraph, the Commission shall sit en banc only for purposes of promulgating rules and regulations governing the hearing and disposition of cases before any of its divisions and regional branches, and formulating policies affecting its administration and operations. The Commission shall exercise its adjudicatory and all other powers, functions, and duties through its divisions. Of the **NINE (9)** divisions, the first, second, third, fourth, fifth and sixth divisions shall handle cases coming from the National Capital Region and other parts of Luzon, and the seventh, eighth, **AND NINTH** divisions, cases from the Visayas and Mindanao, respectively: Provided, That the Commission sitting en banc may, on temporary or emergency basis, allow cases within the jurisdiction of any division to be heard and decided by any other division whose docket allows the additional workload and such transfer will not expose litigants to unnecessary additional expense. The divisions of the Commission shall have exclusive appellate jurisdiction over cases within then respective territorial jurisdiction.

The concurrence of two (2) Commissioners of a division shall be necessary for the pronouncement of judgment or resolution. Whenever the required membership in a division is not complete and the concurrence of two (2) Commissioners to arrive at a judgment or resolution cannot be obtained, the Chairman shall designate such number of additional Commissioners from the other divisions as may be necessary.

The conclusions of a division on any case submitted to it for decision shall be reached in consultation before the case is assigned to a member for the writing of the opinion. It shall be mandatory for the division to meet for purposes of the consultation ordained therein. A certification to this effect signed by the Presiding Commissioner of the division shall be issued, and a copy thereof attached to the record of the case and served upon the parties.

The Chairman shall be the Presiding Commissioner of the first division, and the **EIGHT (8)** other members from the public sector shall be the Presiding Commissioners of the second, third, fourth, fifth, sixth, seventh, eighth, **AND NINTH** divisions, respectively. In case of the effective

absence or incapacity of the Chairman, the Presiding Commissioner of the second division shall be the Acting Chairman.

The Chairman, aided by the Executive Clerk of the Commission, shall have exclusive administrative supervision over the Commission and its regional branches and all its personnel, including the Labor Arbiters.

The Commission, when sitting en banc, shall be assisted by the same Executive Clerk, and, when acting thru its Divisions, by said Executive Clerk for its first division and **EIGHT (8)** other Deputy Executive Clerks for the second, third, fourth, fifth, sixth, seventh, eighth, **AND NINTH** Divisions, respectively, in the performance of such similar or equivalent functions and duties as are discharged by the Clerk of Court and Deputy Clerks of Court of the Court of Appeals.

The Commission and its **NINE (9)** divisions shall be assisted by the Commission Attorneys in its appellate and adjudicatory functions whose term shall be coterminous with the Commissioners with whom they are assigned. The Commission Attorneys shall be members of the Philippine Bar with at least one (1) year experience or exposure in the field of labor-management relations. They shall receive annual salaries and shall be entitled to the same allowances and benefits as those falling under Salary Grade twenty-six (SG 26). There shall be as many Commission Attorneys as may be necessary for the effective and efficient operation of the Commission but in no case more than five (5) assigned to the Office of the Chairman and each Commissioner."

Section 3. *More NLRC Divisions in Visayas and Mindanao.* Title 11, Chapter I, Article 221 of Presidential Decree No. 442, as amended, is hereby further amended to read as follows:

"Article 221. Headquarters, Branches and Provincial Extension Units. The Commission and its first, second, third, fourth, fifth and sixth divisions shall have their main offices in Metropolitan Manila, and the seventh, eighth, **AND NINTH** divisions in the cities of Cebu, Cagayan de Oro, **AND DAVAO**, respectively. The Commission shall establish as many regional branches as there are regional offices of the Department of Labor and Employment, sub-regional branches or provincial extension units. There shall be as many Labor Arbiters as may be necessary for the effective and efficient operation of the Commission."

Section 4. *Funding.* The amounts necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 5. *Referral of Existing Cases.* Upon the effectivity of this Act, all pending cases, except those which have been submitted for resolution, shall be referred to the proper division of the National Labor Relations Commission.

Section 6. *Non-diminution of Rank.* Nothing in this Act shall be construed to allow the transfer, except in cases of temporary assignment, of any member of the National Labor Relations Commission to any place or station without such member's written consent, or to undermine the security of tenure of its members, or alter the seniority in the National Labor Relations Commission in accordance with existing laws.

Section 7. *Separability Clause.* If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision thereof not affected thereby shall remain in full force and effect.

Section 8. *Repealing Clause.* - All laws, presidential decrees, letters of instruction, executive orders, rules, or regulations, or any part thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 9. *Effectivity.* This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,