

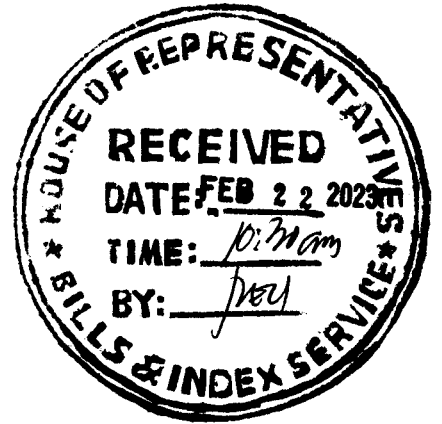


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress

First Regular Session

House Bill No. **7286**



Introduced by:
HON. MARISSA "DEL MAR" MAGSINO
OFW PARTYLIST

EXPLANATORY NOTE

The National Labor Relations Commission (NLRC), established in Presidential Decree No. 442, or the Labor Code of the Philippines, a quasi-judicial agency attached to the Department of Labor and Employment (DOLE), is mandated to adjudicate labor and management disputes involving both local and overseas workers through compulsory arbitration and alternative modes of dispute resolution.

The composition of the Commission is based on the concept of 'Tripartism in Labor Relations' with representation from the workers' and employers' organizations and the public sector. Originally, the Commission consists of 15 members, with five (5) members each who shall be chosen from among the nominees of the workers and employers' organizations, respectively, and the Chairman and the four (4) remaining members shall come from the public sector, with the latter to be chosen from among the recommendees of the Secretary of Labor and Employment.

In June 2006, Republic Act No. 9347 was passed increasing the membership of the Commission to 23, with eight (8) members each who shall be chosen from among the nominees of the workers and employers' organizations, respectively, and with the Chairman and the seven (7) remaining members shall come from the public sector, with the latter to be chosen preferably from among the incumbent Labor Arbiters.

Historically, the issuance of the Labor Code (PD 442) in 1974 was partially called for by the advent of 'active and systemic migration' of Filipinos for temporary employment which began in the 1960s. Hence, it contained objectives relating to Filipino migrant workers, including:

- a) To protect every citizen desiring to work locally or overseas by securing for him the best possible terms and conditions of employment; and,
- b) To ensure careful selection of Filipino workers for overseas employment in order to protect the good name of the Philippines abroad.

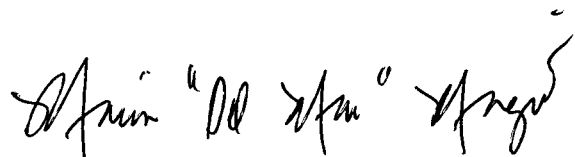
Unfortunately, to date, and even with the passage of RA 9347 increasing the membership of the workers' sector in the composition of the NLRC, the importance of overseas Filipino workers (OFWs) and Filipino seafarers have not been recognized in terms of allotting specific seats for them in the Commission from among the workers' organizations.

This bill seeks to designate two (2) of the eight (8) members of the National Labor Relations Commission representing the workers organizations as representatives of land-based and sea-based overseas Filipino workers respectively.

In a policy paper entitled "Gaps in Access to Justice: The Overseas Filipino Workers' Experience, An Initial Analysis of Philippine Jurisprudence on Labor Migration", published by the Commission on Human Rights in 2021, it made the observation that most of the cases filed by or involving OFWs are resolved at the NLRC level only. On the other hand, for the 5-year period 2015 to 2019, the Supreme Court decided, on appeal, a total of 223 OFW cases, or an average of 44.6 OFW cases per year. Those involving sea-based workers accounted for 85.39%, while land-based workers accounted for 14.61%.

These figures reflect the need for the specific representation of land-based and sea-based OFWs in the NLRC to ensure a better articulation of their rights and perspectives in cases involving OFWs the Commission takes cognizance of.

For the foregoing reasons, the immediate consideration and passage of this bill is earnestly urged.



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EXPLANATORY NOTE

AN ACT
DESIGNATING TWO (2) OF THE EIGHT (8) MEMBERS OF THE NATIONAL LABOR
RELATIONS COMMISSION REPRESENTING THE WORKERS ORGANIZATIONS AS
REPRESENTATIVES OF LAND-BASED AND SEA-BASED OVERSEAS FILIPINO WORKERS
RESPECTIVELY, FURTHER AMENDING FOR THE PURPOSE ARTICLE 213 OF PRESIDENTIAL
DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS 'THE LABOR CODE OF THE
PHILIPPINES'

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

Section 1. Article 213 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines", is hereby further amended to read as follows:

Article 213. National Labor Relations Commission. – There shall be a National Labor Relations Commission which shall be attached to the Department of Labor and Employment solely for program and policy coordination, composed of a Chairman and twenty-three (23) members.

Eight (8) members each shall be chosen [~~only~~] from among the nominees of the workers and employers' organizations, respectively[.]: **PROVIDED, THAT THE EIGHT (8) MEMBERS REPRESENTING THE WORKERS' ORGANIZATIONS SHALL INCLUDE ONE (1) REPRESENTATIVE OF LAND-BASED OVERSEAS FILIPINO WORKERS AND ONE (1) REPRESENTATIVE OF SEA-BASED OVERSEAS FILIPINO WORKERS, TO BE CHOSEN FROM THE NOMINEES OF OVERSEAS FILIPINO WORKERS ORGANIZATIONS.** The Chairman and the seven (7) remaining members shall come from the public sector, with the latter to be chosen preferably from among the incumbent labor arbiters.

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.

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Section 2. *Repealing Clause* - All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

Section 3. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.