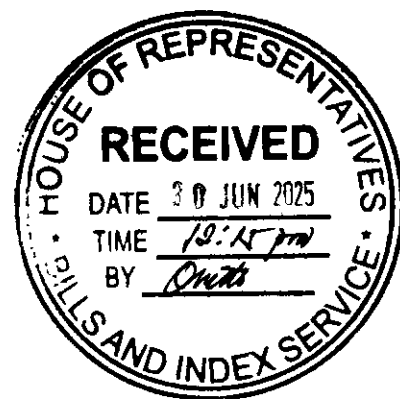




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH (20TH) CONGRESS
First Regular Session

HOUSE BILL NO. 100



Introduced by KAMANGGAGAWA Partylist
Representative **ELIJAH R. SAN FERNANDO**

EXPLANATORY NOTE

It is established that employees in the public sector may not engage in strikes, mass leaves, walkouts, and other forms of mass action that will lead to the temporary stoppage or disruption of public service. The right of government employees to organize is limited to the formation of unions or associations only, without including the right to strike¹.

Republic Act No. 2260 imposes a blanket prohibition on the right to strike for government employees, regardless of the category of service or circumstance, by stating in Section 28 (c) that "the terms and conditions of employment in the Government, including any political subdivision or instrumentality thereof, are governed by law and it is declared to be the policy of the Government that the employees therein shall not strike for the purpose of securing changes in their terms and conditions of employment. Such employees, however, may belong to any labor organization which does not impose the obligation to strike or to join strikes: Provided, that this section shall apply only to employees employed in governmental functions and not to those employed in proprietary functions of the Government including, but not limited to, governmental corporations."²

The enforcement of Section 28 (c) undermines the dignity of public sector workers, particularly those in non-essential services, and takes away their power to advocate effectively for fair wages, job security, and humane working conditions. A sentiment echoed by U.S. Supreme Court Associate Justice Frank Murphy in his statement:

"A rule of law which denies the right to strike to all public employees is no more equitable than a criminal law statute that calls for the same punishment irrespective of the crime. But, only when this is realized can the public employee hope to gain any of the rights, which have long been protected and enjoyed by the private worker."³

¹ Gesite, et al. v. The Court of Appeals, et al., G.R. No. 123562-65, November 25, 2004

² Republic Act No. 2260, *An Act to Amend and Revise the Laws Relative to Philippine Civil Service*, approved June 19, 1959.

³ Peter T. Denny, *Labor Law—Public Employee's Right to Strike*, 70 W. Va. L. Rev. (1968)

Under the Oregon Public Employee Collective Bargaining Act, for example, it shall be lawful for a public employee who is not prohibited from striking and who is in the appropriate bargaining unit involved in a labor dispute to participate in a strike over mandatory subjects of bargaining involved.⁴

Another notable example is the Illinois Educational Labor Relations Act. Educational employees in a school district organized under Article 34 of the School Code, other than educational supervisors, shall engage in a strike if at least three-fourths of all bargaining unit employees who are members of the exclusive bargaining representative have affirmatively voted to authorize the strike; provided, however, that all members of the exclusive bargaining representative at the time of a strike authorization vote shall be eligible to vote⁵.

While public welfare and uninterrupted delivery of essential services are valid state interests, this prohibition denies government employees their fundamental rights to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike, clearly stated under the 1987 Constitution and enshrined in international labor standards.

Evidently, Section 28 (c) of RA 2260 is a direct contradiction of our Constitution, where it does not provide a distinction to whom – whether private or public employee – the right to strike applies.

In solidarity with the working class, the passage of this bill is earnestly sought.



ELIJAH R. SAN FERNANDO
Representative
KAMANGGAGAWA PARTYLIST

⁴ Oregon Revised Statutes § 243.726 (2) (2023) – Public employee strikes; equitable relief against certain strikes; effect of unfair labor practice charge on prohibited strike

⁵ Illinois Educational Labor Relations Act, 115 Ill. Comp. Stat. 5/13(b)(2.10) (2023)



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AN ACT
REPEALING SECTION 28 (C) OF REPUBLIC ACT NO. 2260, OTHERWISE
KNOWN AS THE CIVIL SERVICE ACT OF 1959

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

SECTION 1. Section 28 (c) of the Republic Act No. 2260, otherwise known as the Civil Service Act of 1959, is hereby repealed.

SEC. 2. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the remaining provisions shall remain in full force and effect.

SEC. 3. Repealing Clause. – All laws, decrees, executive orders, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,