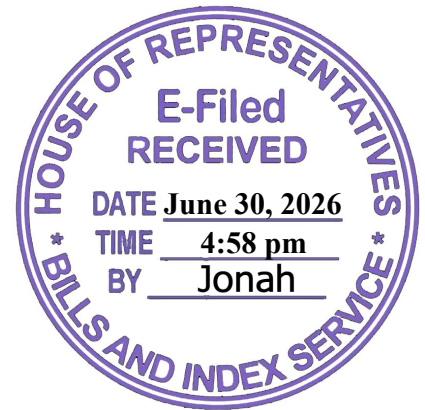


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9982



Introduced by Representative Jan “Atty. JP” D. Padiernos

EXPLANATORY NOTE

The right to strike is a constitutional guarantee. Section 3, Article XIII of the 1987 Philippine Constitution explicitly mandates that the State shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law.

Under Article 278 of the Labor Code, the Secretary of Labor and Employment holds broad powers to assume jurisdiction over disputes in industries deemed "indispensable to the national interest." In practice, this has led to absolute strike bans across entire sectors, such as private hospital personnel and security guards.

These blanket prohibitions strip essential workers of their primary leverage to bargain for fair wages and safe conditions, leaving them vulnerable to institutional exploitation. While the State must protect public safety, an outright ban is a blunt instrument that poorly balances public welfare against fundamental constitutional rights.

This bill introduces a balanced framework: The Minimum Operations Standard. Instead of enforcing absolute strike bans, this Act allows workers in critical sectors to strike on the condition that they maintain a strictly defined, pre-negotiated level of core operations. This ensures that while public safety risks are mitigated, keeping emergency rooms staffed and critical infrastructure secured, the workforce retains its right to collective action.

Lastly, no worker should be forced to surrender their fundamental rights as a condition of serving the public. This Act aims to fix a long-standing statutory imbalance, as well as ensure that essential personnel can legally demand fair treatment without endangering the lives of those they protect.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


Rep. Jan “Atty. JP” D. Padiernos
GP (GALING SA PUSO) Partylist

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**AN ACT RESTRUCTURING THE PROTOCOLS FOR LABOR DISPUTES IN
ESSENTIAL SERVICES, REPLACING ABSOLUTE STRIKE PROHIBITIONS
WITH A MINIMUM OPERATIONS STANDARD, AMENDING FOR THIS
PURPOSE PRESIDENTIAL DECREE NO. 442, 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:*

SECTION 1. Short Title. — This Act shall be known as the "*Essential Workers
Freedom to Strike Act*."

SECTION 2. Declaration of Policy. — It is the policy of the State to afford full
protection to labor and guarantee the constitutional right of workers to
self-organization, collective bargaining, and peaceful concerted activities,
including the right to strike. The State recognizes that while public health, safety,
and security must be preserved, blanket statutory prohibitions on strikes
represent an undue restriction on labor rights. Accordingly, the State shall replace
absolute strike bans in the private sector with a strict framework mandating the
maintenance of minimum operations during a lawful work stoppage.

SECTION 3. Definition of Essential Services. — For purposes of this Act,
"Essential Services" shall refer to services the interruption of which would
endanger the life, personal safety, or health of the whole or part of the
population. These are strictly limited to:

1. Medical and healthcare services in hospitals, clinics, and emergency care facilities;
2. Private security services safeguarding critical public infrastructure, utilities, and financial institutions;
3. Public utilities, including water supply, electricity generation and distribution, and telecommunications; and
4. Such other services that the Secretary of Labor and Employment, upon consultation with labor and employer sectors, determines to meet the strict international definition of endangering life and personal safety.

SECTION 4. The Minimum Operations Standard. — Blanket prohibitions on strikes within essential services are hereby abolished. Workers in essential services shall have the right to strike, subject to the condition that the striking labor organization and the employer shall maintain a Minimum Operations Standard (MOS) throughout the duration of the strike.

The MOS shall consist of the minimum number of personnel and operations necessary to prevent immediate danger to human life, public safety, or health. In no case shall the MOS be configured to completely neutralize the economic impact of the strike or serve as a mechanism for strike-breaking.

SECTION 5. Minimum Operations Agreement (MOA). — Within one hundred eighty (180) days from the certification of a collective bargaining agent, or within ninety (90) days from the effectivity of this Act for existing bargaining units, the employer and the recognized labor union in an essential service sector shall execute a Minimum Operations Agreement (MOA).

The MOA shall clearly specify:

1. The specific positions, shifts, and percentage of the workforce required to remain on duty during a strike;
2. The emergency protocols for a sudden surge in public need; and
3. The mechanisms for rotating duty among union members to ensure equitable participation in the strike.

The agreed MOS shall not exceed twenty-five percent (25%) of the total workforce of the bargaining unit, except in acute emergency care units where patient life is directly at stake.

SECTION 6. Dispute Resolution in Determining the MOS. — In the event that the employer and the labor union fail to agree on the terms of the MOA within the prescribed period, either party may refer the matter to the National Conciliation and Mediation Board (NCMB). If mediation fails within fifteen (15) days, the Secretary of Labor and Employment shall determine the MOS within seven (7) days, strictly adhering to the criteria set under Sections 3 and 4 of this Act.

SECTION 7. Compliance and Penalties for Breach. — Failure of the striking labor organization to maintain the agreed or adjudicated MOS shall render the strike illegal, and the responsible union officers may be subject to disciplinary action or termination in accordance with the Labor Code.

Conversely, any employer who utilizes the MOS to perform regular, non-essential business operations, hires replacement workers ("scabs") to fill slots outside the MOS, or locks out employees participating in the rotation of the MOS shall be deemed guilty of an Unfair Labor Practice (ULP) and shall be fined not less than One Hundred Thousand Pesos (PHP 100,000) but not more than Five Hundred Thousand Pesos (PHP 500,000) per violation.

SECTION 8. Amendment of Article 278 of the Labor Code. — Article 278(g) of Presidential Decree No. 442, as amended, is hereby further amended to read as follows:

"(g) When there is a labor dispute causing or likely to cause a strike or lockout in an industry indispensable to the national interest, the Secretary of Labor and Employment may assume jurisdiction over the dispute and decide it or certify the same to the Commission for compulsory arbitration. PROVIDED, THAT IN DISPUTES INVOLVING ESSENTIAL SERVICES AS DEFINED BY LAW, THE SECRETARY SHALL NOT ISSUE AN ABSOLUTE STRIKE PROHIBITION OR RETURN-TO-WORK ORDER, BUT SHALL INSTEAD ENFORCE THE COMPLIANCE OF BOTH PARTIES WITH THE PRE-AGREED OR ADJUDICATED MINIMUM OPERATIONS STANDARD, ALLOWING THE PEACEFUL CONCERTED ACTIVITY TO CONTINUE...."

SECTION 9. Separability Clause. — If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 10. Repealing Clause. — Provisions of Presidential Decree No. 442 (The Labor Code of the Philippines), as amended, Executive Order No. 292 (Administrative Code of 1987), and all other laws, decrees, executive orders, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,