

# eCodal - BOOK SEVEN Transitory and Final Provisions

## TITLE I Penal Provisions and Liabilities

ARTICLE 303. [288] *Penalties.* — Except as otherwise provided in this Code, or unless the acts complained of hinge on a question of interpretation or implementation of ambiguous provisions of an existing collective bargaining agreement, any violation of the provisions of this Code declared to be unlawful or penal in nature shall be punished with a fine of not less than One Thousand Pesos (P1,000.00) nor more than Ten Thousand Pesos (P10,000.00), or imprisonment of not less than three months nor more than three years, or both such fine and imprisonment at the discretion of the court.

In addition to such penalty, any alien found guilty shall be summarily deported upon completion of service of sentence.

Any provision of law to the contrary notwithstanding, any criminal offense punished in this Code shall be under the concurrent jurisdiction of the Municipal or City Courts and the Courts of First Instance.

ARTICLE 304. [289] *Who are Liable When Committed by Other Than Natural Person.* — If the offense is committed by a corporation, trust, firm, partnership, association or any other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership, association or entity.

## TITLE II Prescription of Offenses and Claims

ARTICLE 305. [290] *Offenses.* — Offenses penalized under this Code and the rules and regulations issued pursuant thereto shall prescribe in three (3) years.

All unfair labor practice arising from Book V shall be filed with the appropriate agency within one (1) year from accrual of such unfair labor practice; otherwise, they shall be forever barred.

ARTICLE 306. [291] *Money Claims.* — All money claims arising from employer-employee relations accruing during the effectivity of this Code shall be filed within three (3) years from the time the cause of action accrued; otherwise they shall be forever barred.

All money claims accruing prior to the effectivity of this Code shall be filed with the appropriate entities established under this Code within one (1) year from the date of effectivity, and shall be processed or determined in accordance with the implementing rules and regulations of the Code; otherwise, they shall be forever barred.

Workmen's compensation claims accruing prior to the effectivity of this Code and during the period from November 1, 1974 up to December 31, 1974, shall be filed with the appropriate regional offices of the Department of Labor not later than March 31, 1975; otherwise, they shall forever be barred. The claims shall be processed and adjudicated in accordance with the law and rules at the time their causes of action accrued.

ARTICLE 307. [292] *Institution of Money Claims.* — Money claims specified in the immediately preceding Article shall be filed before the appropriate entity independently of the criminal action that may be instituted in the proper courts.

Pending the final determination of the merits of money claims filed with the appropriate entity, no civil action arising from the same cause of action shall be filed with any court. This provision shall not apply to employees' compensation cases which shall be processed and determined strictly in accordance with the pertinent provisions of this Code.

## **TITLE III Transitory and Final Provisions**

ARTICLE 308. [293] *Application of Law Enacted Prior to this Code.* — All actions or claims accruing prior to the effectivity of this Code shall be determined in accordance with the laws in force at the time of their accrual.

ARTICLE 309. [294] *Secretary of Labor to Initiate Integration of Maternity Leave Benefits.* — Within six (6) months after this Code takes effect, the Secretary of Labor shall initiate such measures as may be necessary for the integration of maternity leave benefits into the Social Security System, in the case of private employment, and the Government Service Insurance System, in the case of public employment.

ARTICLE 310. [295] *Funding of the Overseas Employment Development Board and National Seamen's Board.* — Referred to in Articles 17 and 20, respectively, of this Code shall initially be funded out of the unprogrammed fund of the Department of Labor and the National Manpower and Youth Council.

ARTICLE 311. [296] *Termination of the Workmen's Compensation Program.* — The Bureau of Workmen's Compensation, Workmen's Compensation Commission, and Workmen's Compensation Units in the regional offices of the Department of Labor shall continue to exercise the functions and the respective jurisdictions over workmen's compensation cases vested upon them by [Act No. 3428](#), as amended, otherwise known as the [Workmen's Compensation Act](#) until March 31, 1976. Likewise, the term of office of incumbent members of the Workmen's Compensation Commission, including its Chairman and any commissioner deemed retired as of December 31, 1975, as well as the present employees and officials of the Bureau of Workmen's Compensation, Workmen's Compensation Commission and the Workmen's Compensation Units shall continue up to that date. Thereafter, said offices shall be considered abolished and all officials and personnel thereof shall be transferred to and mandatorily absorbed by the Department of Labor,

subject to Presidential Decree No. 6, Letters of Instructions Nos. 14 and 14-A and the Civil Service Law and rules.

Such amount as may be necessary to cover the operational expenses of the Bureau of Workmen's Compensation and the Workmen's Compensation Units, including the salaries of incumbent personnel for the period up to March 31, 1976 shall be appropriated from the unprogrammed funds of the Department of Labor.

ARTICLE 312. [297] *Continuation of Insurance Policies and Indemnity Bonds.* — All workmen's compensation insurance policies and indemnity bonds for self-insured employers existing upon the effectivity of this Code shall remain in force and effect until the expiration dates of such policies or the lapse of the period of such bonds, as the case may be, but in no case beyond December 31, 1974. Claims may be filed against the insurance carriers and/or self-insured employers for causes of action which accrued during the existence of said policies or authority to self-insure.

ARTICLE 313. [298] *Abolition of the Court of Industrial Relations and the National Labor Relations Commission.* — The Court of Industrial Relations and the National Labor Relations Commission established under [Presidential Decree No. 21](#) are hereby abolished. All unexpended funds, properties, equipment and records of the Court of Industrial Relations, and such of its personnel as may be necessary, are hereby transferred to the Commission and to its regional branches. All unexpended funds, properties and equipment of the National Labor Relations Commission established under [Presidential Decree No. 21](#) are transferred to the Bureau of Labor Relations. Personnel not absorbed by or transferred to the Commission shall enjoy benefits granted under existing laws.

ARTICLE 314. [299] *Disposition of Pending Cases.* — All cases pending before the Court of Industrial Relations and the National Labor Relations Commission established under [Presidential Decree No. 21](#) on the date of effectivity of this Code shall be transferred to and processed by the corresponding labor relations divisions or the National Labor Relations Commission created under this Code having cognizance of the same in accordance with the procedure laid down herein and its implementing rules and regulations. Cases on labor relations on appeal with the Secretary of Labor or the Office of the President of the Philippines as of the date of effectivity of this Code shall remain under their respective jurisdictions and shall be decided in accordance with the rules and regulations in force at the time of appeal.

All workmen's compensation cases pending before the Workmen's Compensation Units in the regional offices of the Department of Labor and those pending before the Workmen's Compensation Commission as of March 31, 1975, shall be processed and adjudicated in accordance with the law, rules and procedure existing prior to the effectivity of the Employees Compensation and State Insurance Fund.

ARTICLE 315. [300] *Personnel Whose Services are Terminated.* — Personnel of agencies or any of their subordinate units whose services are terminated as a result of the

implementation of this Code shall enjoy the rights and protection provided in Sections 5 and 6 of Republic Act numbered fifty-four hundred and thirty five and such other pertinent laws, rules and regulations. In any case, no lay-off shall be effected until funds to cover the gratuity and/or retirement benefits of those laid off are duly certified as available.

ARTICLE 316. [301] *Separability Provisions*. — If any provision or part of this Code, or the application thereof to any person or circumstance, is held invalid, the remainder of this code, or the application of such provision or part to other persons or circumstances, shall not be affected thereby.

ARTICLE 317. [302] *Repealing Clause*. — All labor laws not adopted as part of this Code either directly or by reference are hereby repealed. All provisions of existing laws, orders, decrees, rules and regulations inconsistent herewith are likewise repealed.

Done in the City of Manila, this 1st day of May in the year of our Lord, nineteen hundred and seventy-four.