

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6023

Introduced by CIBAC Party-List Representatives
Eduardo "Bro. Eddie" C. Villanueva and Domingo C. Rivera

AN ACT FURTHER STRENGTHENING WORKERS' RIGHT TO SELF-ORGANIZATION, AMENDING FOR THE PURPOSE ARTICLES 240[234](c), 242[235], 243[236], 244[237] AND 285 [270] OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This bill gives life to the long overdue commitment of the Philippine Government to bring national legislation in conformity with Articles 2, 3 and 5 of International Labor Organization (ILO) Convention No. 87 (Freedom of Association and Protection of the Right to Organize, ratified by the Philippines on December 29, 1953). It seeks to ensure that there is "no prior restraint or authorization" in the exercise of workers right to self-organization, and thus, proposes to:

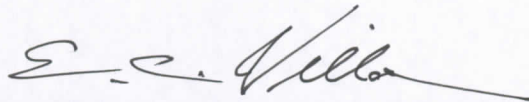
- (1) Ease the minimum membership requirements for registration of independent unions under Article 240[234](c), from 20% to 5%, and for federations under Article 244[237], from 10 to 5 duly recognized bargaining agent-local chapters;
- (2) Institutionalize online registration, decentralization of registration process to Department of Labor and Employment (DOLE) Provincial or Field Offices and ensure one-day process cycle time by amending Articles 242[235] and 243[236]; and

- (3) Remove the "prior authority" requirement on foreign assistance to local trade union activities under Article 285[270].

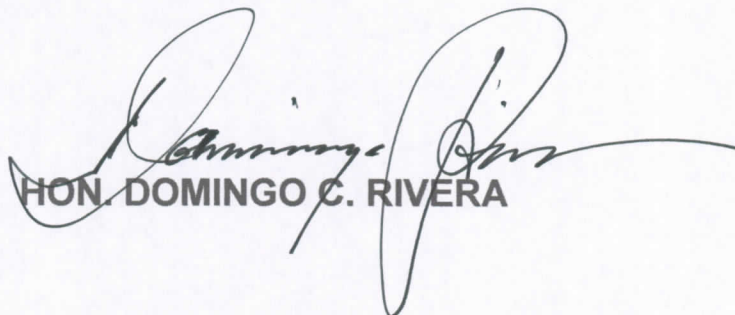
The need to align the said provisions of the Labor Code emanated from the observations of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) that the existing 20% membership requirement for registration of an independent union and the 10 local chapters requirement for registration of federations or national unions are excessively high, effectively constituting prior-restraint. The Committee of Experts also noted that the requirement of prior authorization from the Secretary of Labor and Employment on foreign assistance, donations, cash or other forms to trade unions or employers' organization under Article 285[270] of the Philippine Labor Code imposes a restraint on trade union and employers' organization's legitimate activities.

The lowering of the minimum requirements for registration of independent unions and federations will strengthen workers' right to self-organization and would allow workers, through their union representatives, the opportunity to participate in policy and decision making processes, which, in turn, would translate to better protection of their rights and benefits including from exploitative work arrangements such as "Endo." With respect to the removal of prior-authorization on foreign assistance or donations, the repeal of Article 285[270], which is a dead provision, would help strengthen the capacities of both trade unions and employers' organizations.

The immediate passage of this bill is earnestly sought.



HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA



HON. DOMINGO C. RIVERA

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ORGANIZATION, AMENDING FOR THE PURPOSE ARTICLES
240[234](c), 242[235], 243[236], 244[237] AND 285 [270] OF
PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES AND FOR
OTHER PURPOSES**

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

1 **SECTION 1.** Article 240 [234] (c) of the Labor Code, as amended, is hereby amended
2 to read as follows:
3

4 " (c) In case the applicant is an independent union, the names
5 of all its members comprising at least FIVE PERCENT (5%) of
6 all the employees in the bargaining unit where it seeks to
7 operate;"
8

9 **SECTION 2.** Article 242 [235] of the Labor Code, as amended, is hereby amended to
10 read as follows:
11

12 "ARTICLE 242 [235]. SUBMISSION AND Action on Application.
13 – APPLICATIONS FOR REGISTRATION MAY BE SUBMITTED
14 IN PERSON OR ONLINE TO THE APPROPRIATE DOLE
15 REGIONAL OFFICE OR FIELD OFFICE OR THE BUREAU OF
16 LABOR RELATIONS SUBJECT TO VERIFICATION BY THE
17 APPROPRIATE OFFICE. THE BUREAU SHALL PRESCRIBE

1 SUCH FORMS AS MAY BE NECESSARY FOR THIS
2 PURPOSE.”
3
4

5 The Bureau OR THE APPROPRIATE DOLE REGIONAL
6 OFFICE OR FIELD OFFICE shall act on all applications for
7 registrations within [30 days from filing] ONE (1) CALENDAR
8 DAY FROM RECEIPT THEREOF.”
9

10 **SECTION 3.** Article 243[236] of the Labor Code, as amended, is hereby amended to
11 read as follows:
12

13 “ARTICLE 243 [236]. Denial of Registration; Appeal. –The
14 decision of the [Labor Relations Division in the regional office]
15 DOLE REGIONAL OFFICE OR APPROPRIATE FIELD OFFICE
16 denying registration may be appealed by the applicant union to
17 the Bureau within ten (10) days from receipt of notice hereof.”
18

19 **SECTION 4.** Article 244 [237] of the Labor Code, as amended, is hereby amended to
20 read as follows:
21

22 “ARTICLE 244 [237]. [Additional] Requirements for Federations
23 or National Unions. – [Subject to Article 238,] If the applicant for
24 registration is a federation or a national union, it shall, in addition
25 to the requirements of the preceding Articles, submit the
26 following:
27

- 28 (a) Proof of affiliation of at least FIVE (5) LOCAL CHAPTERS,
29 each of which must be duly recognized collective
30 bargaining agent in the establishment or industry in which
31 it operates; [supporting the registration of such applicant
32 federation or national union] and
33
34 (b) The names and the addresses of the companies where the
35 LOCAL CHAPTERS operate and the list of all the members
36 in each company involved.”
37

38 **SECTION 5.** Article 285 [270], “Regulation of Foreign Assistance” of the Labor Code
39 is hereby REPEALED.
40

41 **SECTION 6. Implementing Rules and Regulations.** – Within 60 days from the
42 effectivity of this Act, the Secretary of Labor and Employment, in consultation with
43 relevant stakeholders, shall promulgate the necessary rules and regulations to
44 implement the provisions of this Act.
45

46 **SECTION 7. Separability Clause.** – If any part, section or provision of this Act shall
47 be held invalid or unconstitutional, the other provisions not affected by such
48 declaration shall remain in full force and effect.
49

1 **SECTION 8. Repealing Clause.** – All laws, acts, decrees, executive orders, rules and
2 regulations or other issuances or parts thereof, which are consistent with this Act, are
3 hereby modified and repealed.
4

5 **SECTION 9. Effectivity.** – This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in at least two (2) newspapers of national
7 circulation.
8

9
10 **Approved,**