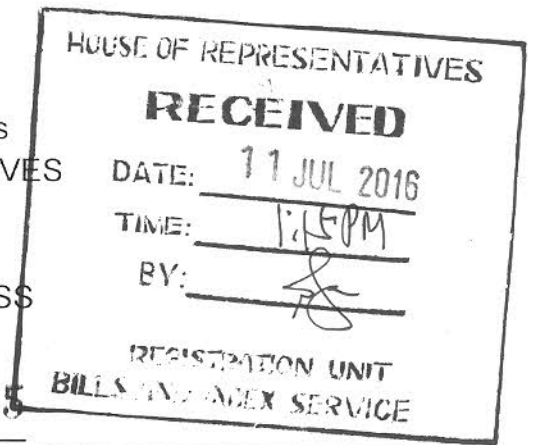


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **1355**



Introduced by REPS. KARLO ALEXEI B. NOGRALES and JERICHO JONAS B. NOGRALES

EXPLANATORY NOTE

The right to self organization is a universal human right, embodied in ILO Convention No. 87 on Freedom of Association. The convention gives emphasis on the right of workers to establish, and to join organizations of their own choosing, "subject only to the rules of the organization concerned". It does not allow the State to restrict this right or to impede its lawful exercise.

However, the Labor Code of the Philippines has many restrictions in the process of union formation, allowing too much government interference beginning from union registration to election of union officers, and up to union cancellation. This bill seeks to modify the restrictions imposed on the process of union formation by introducing amendments to the Labor Code as follows:

1. To provide the present minimum membership requirement of twenty percent (20%) for the registration of independent unions be lowered to ten percent (10%);
2. To provide the number of affiliated local chapters required for purposes registration as a federation be reduced from ten (10) to five (5); and
3. To provide that the Bureau of Labor Relations develop a system of online registration of unions.

To further strengthen the right of workers to self-organization, the approval of this bill is earnestly sought.

KARLO ALEXEI B. NOGRALES

JERICHO JONAS B. NOGRALES

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

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. 1355

Introduced by Hon. Karlo A. B. Nograles and Hon. Jericho Jonas B. Nograles

AN ACT

**REDUCING THE MINIMUM MEMBERSHIP REQUIREMENT FOR
REGISTRATION OF UNIONS OR FEDERATIONS AND STREAMLINING THE
PROCESS OF REGISTRATION, AMENDING FOR THIS PURPOSE ARTICLES
234, 235, 236 AND 237 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 234 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 234. *Requirements of Registration.* – A federation, national union or industry or trade union center or an independent union shall acquire legal personality and shall be entitled to the rights and privileges granted by law to legitimate labor organizations upon issuance of the certificate of registration based on the following requirements:

“(a) Fifty pesos (P50.00) registration fee;

“(b) The names of its officers, their addresses, the principal address of the labor organization, the minutes of the organizational meetings and the list of the workers who participated in such meetings;

“(c) In case the applicant is an independent union, the names of all its members comprising at least [twenty percent (20%)] **TEN PERCENT (10%)** of all the employees in the bargaining unit where it seeks to operate;

“(d) If the applicant union has been in existence for one or more years, copies of

its annual financial reports; and

“(e) Four copies of the constitution and by-laws of the applicant union, minutes of its adoption or ratification, and the list of the members who participated in it.”

SEC. 2. Article 235 of the Labor Code is hereby amended to read as follows:

“Article 235. *[Action on application.* – The Bureau shall act on all applications for registration within thirty (30) days from filing.

“All requisite documents and papers shall be certified under oath by the secretary or the treasurer of the organization, as the case may be, and attested to by its president.] **SUBMISSION AND ACTION ON APPLICATIONS.** – **APPLICATIONS FOR REGISTRATION MAY BE SUBMITTED IN PERSON OR ONLINE TO THE APPROPRIATE DOLE REGIONAL OFFICE OR FIELD OFFICE OR TO THE BUREAU OF LABOR RELATIONS SUBJECT TO VERIFICATION BY THE APPROPRIATE OFFICE. THE BUREAU SHALL PRESCRIBE SUCH FORMS AS MAY BE NECESSARY FOR THIS PURPOSE.**

“**THE BUREAU OR THE APPROPRIATE DOLE REGIONAL OFFICE OR FIELD OFFICE SHALL ACT ON ALL APPLICATIONS FOR REGISTRATION WITHIN ONE CALENDAR DAY FROM RECEIPT THEREOF.**”

SEC. 3. Article 236 of the Labor Code is hereby amended to read as follows:

“Article 236. *Denial of registration; appeal.* – The decision of the [Labor Relations Division in the regional office] **DOLE REGIONAL OFFICE OR FIELD OFFICE** denying registration may be appealed by the applicant union to the Bureau within ten days from receipt of notice thereof.”

SEC. 4. Article 237 of the Labor Code is hereby amended to read as follows:

“Article 237. *[Additional r]Requirements for [f]Federations or [n]National [u]Unions.* – [Subject to Article 238, i]If the applicant for registration is a federation or a national union, it shall, in addition to the requirements of the preceding Articles, submit the following:

“(a) Proof of the affiliation of at least [ten (10)] **FIVE (5)** local[s or] chapters, each of which must be a duly recognized collective bargaining agent in the establishment or industry in which it operates, supporting the registration of such

applicant federation or national union; **AND**

“(b) The names and addresses of the companies where the local[s or] chapters operate and the list of all the members in each company involved.”

SEC. 5. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Secretary of Labor and Employment shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 6. *Separability Clause.* – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 7. *Repealing Clause.* – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof which are inconsistent with this Act are hereby modified or repealed.

SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of national circulation.

Approved,