

**[ DOLE DEPARTMENT ORDER NO. 40-H-13,  
October 21, 2013 ]**

**AMENDING RULE XXII OF THE IMPLEMENTING RULES OF BOOK V  
OF THE LABOR CODE OF THE PHILIPPINES**

**SECTION 1.** Pursuant to Articles 5, 263, 264 and 265 of the Labor Code, as amended, Department Order No. 40-G-03, Series of 2010, providing amendments to Rule XXII, Book V of the Omnibus Rules Implementing the Labor Code, as amended by Department Order No. 40, Series of 2003, as further amended, is hereby re-issued and amended as follows:

**RULE XXII  
CONCILIATION, STRIKES AND LOCKOUTS**

**Section 15. Assumption by the Secretary of Labor and Employment.** - When a labor dispute causes or is 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 National Labor Relations Commission for compulsory arbitration, provided, that any of the following conditions is present:

1. Both parties have requested the Secretary of Labor and Employment to assume jurisdiction over the labor dispute; or
2. After a conference called by the Office of the Secretary of Labor and Employment on the propriety of its issuance, *motu proprio* or upon a request or petition by either parties to the labor dispute.

Such assumption shall have the effect of automatically enjoining an impending strike or lockout. If a strike/lockout has already taken place at the time of assumption, all striking or locked out employees and other employees subject of the notice of strike shall immediately return to work and the employer shall immediately resume operations and readmit all employees under the same terms and conditions prevailing before the strike or lockout.

Notwithstanding the foregoing, parties to the case may agree at any time to submit the dispute to the Secretary of Labor or his/her duly authorized representative as Voluntary Arbitrator or to a duly accredited Voluntary Arbitrator or to a panel of Voluntary Arbitrators.

**SECTION 2.** A new Section 16 is hereby added to read as follows:

**"SECTION 16. INDUSTRIES INDISPENSABLE TO THE NATIONAL INTEREST.** – FOR THE GUIDANCE OF THE WORKERS AND EMPLOYERS IN THE FILING OF PETITION FOR ASSUMPTION OF JURISDICTION, THE