

**[ BATAS PAMBANSA BLG. 130, August 21, 1981 ]**

**AN ACT AMENDING ARTICLES 214, 217, 231, 232, 234, 249, 250, 251, 257, 262, 263, 264, 265, 278, 283, AND 284 OF PRESIDENTIAL DECREE NUMBERED FOUR HUNDRED AND FORTY-TWO, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, TO FURTHER PROMOTE FREE TRADE UNIONISM AND COLLECTIVE BARGAINING AND FOR OTHER PURPOSES.**

*Be it enacted by the Batasang Pambansa in session assembled:*

SECTION 1. Article 214 of the Labor Code, of the Philippines is hereby amended to read as follows:

"ART. 214. *Headquarters and branches.*—The Commission shall have its main office in Metropolitan Manila and its Chairman shall exercise supervision over labor arbiters and all its personnel. It shall establish as many branches as there are regional offices of the Ministry of Labor and Employment, with as many labor arbiters as shall be necessary for its effective operation, each branch to be headed by an executive labor arbiter who shall be a member of the Integrated Bar of the Philippines."

SEC. 2. Subparagraph (2) of paragraph (a) and paragraph (b) of Article 217 of the Labor Code are amended to read as follows:

"(2) Those that involve wages, hours of work and other terms and conditions of employment; and"

"(b) The Commission shall have exclusive appellate jurisdiction over all cases decided by Labor Arbiters."

SEC. 3. Article 231 is hereby amended to read as follows:

"ART. 231. *Registry of unions and file of collective agreements.*—The Bureau shall keep a registry of legitimate labor organizations.

"It shall also maintain a file of all collective agreements and other related agreements and records of settlements of labor disputes, and copies of all orders and decisions of voluntary arbitrators. The file shall be open and accessible to interested parties under conditions prescribed by the Minister of Labor and Employment, provided that no specific information submitted in confidence shall be disclosed unless authorized by the Minister, or when it is at issue in any judicial litigation or when public interest or national security so requires.

"Parties shall submit copies of their collective agreement to the Bureau through the regional offices. Such agreements shall be accompanied with a verified proof of ratification by the majority of all the workers in the bargaining unit.

"The Bureau shall also maintain a file, and shall undertake or assist in the publication of all final decisions, orders, and awards of the Minister of Labor and Employment and the Commission."

SEC. 4. Article 232 of the Labor Code is amended to read as follows:

"ART. 232. *Prohibition on certification election.*— The Bureau shall not entertain any petition for certification election or any other action which may disturb the administration of existing collective bargaining agreements affecting the parties except under Articles 254 and 257 of this Code."

SEC. 5. Article 234 of the Labor Code is hereby amended to read as follows:

"ART. 234. *Requirements of registration.*—Any applicant labor organization, association or group of unions or workers 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-peso (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) The names of all its members comprising at least thirty (30%) per cent of all the employees in the bargaining unit where it seeks to operate;

"(d) If the applicant has been in existence for one or more years, copies of its annual financial reports; and

"(e) Four (4) copies of the constitution and by-laws of the applicant union, the minutes of its adoption or ratification, and the list of the members who participated in it."

SEC. 6. Article 249 of the Labor Code, as amended, is further amended by deleting paragraph (i), and renumbering paragraph (j) as paragraph (i), as follows:

"ART. 249. *Unfair labor practices of employers.*— It shall be unlawful for an employer to commit any of the following unfair labor practices:

"(a) To interfere with, restrain or coerce employees in the exercise of their right to self-organization;

"(b) To require as a condition for employment that a person or an employee shall not join a labor organization or shall withdraw from one to which he belongs;

(c) To contract out services or functions being performed by union members when such will interfere with, restrain or coerce employees in the exercise of their right to self-organization;

"(d) To initiate, dominate, assist or otherwise interfere with the formation or administration of any labor organization, including the giving of financial or other support to it or its organizers or officers;

"(e) To discriminate in regard to hire or tenure of employment or any term or condition of employment in order to encourage or discourage membership in any labor organization. Nothing in this Code or in any other law shall prevent the parties from requiring membership in a recognized collective bargaining agent as a condition for employment, except of those employees who are already members of another union at the time of the signing of the collective bargaining agreement. Employees belonging to an appropriate collective bargaining unit who are not members of the recognized collective bargaining agent may be assessed a reasonable fee equivalent to the dues and other fees paid by members of the recognized collective bargaining agent, if such non-union members accept the benefits under the collective agreement: *Provided*, That the individual authorization required under Article 242, paragraph (o) of this Code shall not apply to non-members of the recognized collective bargaining agent;

"(f) To dismiss, discharge, or otherwise prejudice or discriminate against an employee for having given or feeling about to give testimony under this Code;

"(g) To violate the duty to bargain collectively as prescribed by this Code;

"(h) To pay negotiation or attorney's fees to the union or its officers or agents as part of the settlement of any issue in collective bargaining or any other dispute; or

"(i) To violate a collective bargaining agreement.

"The provisions of the preceding paragraph notwithstanding, only the officers and agents of corporations, associations or partnerships who have actually participated in, authorized or ratified unfair labor practices shall be held criminally liable."

SEC. 7. Article 250 of the Labor Code, as amended, is further amended by deleting paragraph (f) and renumbering paragraph (g) thereof as paragraph (f), as follows:

"ART. 250. *Unfair labor practices of labor organizations.*—It shall be unlawful for a labor organization, its officers, agents or representatives to commit any of the following unfair labor practices:

"(a) To restrain or coerce employees in the exercise of their right to self-organization: *Provided*, That the labor organization shall have the right to prescribe its own rules with respect to the acquisition or retention of membership;

"(b) To cause or attempt to cause an employer to discriminate against an employee, including discrimination against an

employee with respect to whom membership in such organization has been denied or terminated on any ground other than the usual terms and conditions under which membership or continuation of membership is made available to other members;

"(c) To violate the duty, or refuse to bargain collectively with the employer, provided that it is the representative of the employees;

"(d) To cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other things of value, in the nature of an exaction, for services which are not performed or not to be performed, including the demand for a fee for union negotiations;

"(e) To ask for or accept negotiation or attorney's fees from employers as part of the settlement of any issue in collective bargaining or any other dispute; or

"(f) To violate a collective bargaining agreement.

"The provisions of the preceding paragraph notwithstanding, only the officers, members of governing boards, representatives or agents or members of labor associations or organizations who have actually participated in, authorized or ratified unfair labor practices shall be held criminally liable."

SEC. 8. Article 257 of the Labor Code is hereby amended to read as follows:

"ART. 257. *Procedure governing representation issues.*—When a question concerning the representation of employees is submitted to the Ministry, a Med-Arbiter shall hear and decide such controversy and certify to the parties in writing the name of the labor organization that has been designated or selected by the majority of the workers in the appropriate bargaining unit as the exclusive bargaining agent. If there is any reasonable doubt as to which union the employees have chosen as their representative for the purpose of collective bargaining, the Med-Arbiter shall order an election by secret ballot to be conducted by the Ministry to ascertain the freely chosen representative of the employees concerned, under such rules and regulations as the Ministry may prescribe, at which election representatives of the contending parties shall have the right to act as inspectors. The labor union receiving the majority of the valid votes cast shall be certified as the exclusive bargaining representative of the workers.

"No certification election issue shall be entertained if a collective agreement which has been submitted in accordance with Article 231 of this Code exists between the employer and a legitimate labor organization except within sixty (60) days prior to the expiration of the life of such collective agreement."

SEC. 9. Article 262 of the Labor Code is hereby amended to read as follows: