

[BATAS PAMBANSA BLG. 70, May 01, 1980]

AN ACT TO STRENGTHEN THE CONSTITUTIONAL RIGHT OF WORKERS TO SELF-ORGANIZATION AND FREE COLLECTIVE BARGAINING AND TO PENALIZE UNFAIR LABOR PRACTICES, FURTHER AMENDING FOR THE PURPOSE ARTICLES 244, 247, 248, 249, 250 AND 289 (BOOK V) OF PRESIDENTIAL DECREE NUMBERED FOUR HUNDRED FORTY-TWO, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES.

Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Articles 244 and 247 of Presidential Decree Numbered Four hundred forty-two, as amended, otherwise known as the Labor Code of the Philippines, are hereby further amended to read as follows:

"Art. 244. *Coverage and employees' right to self-organization.*—All persons employed in commercial, industrial and agricultural enterprises and in religious, charitable, medical or educational institutions whether operating for profit or not, shall have the right to self-organization and to form, join, or assist labor organizations of their own choosing for purposes of collective Bargaining. Ambulant, intermittent and itinerant workers, self-employed people, rural workers and those without any definite employers may form labor organizations for the purpose of enhancing and defending their interests and for their mutual aid and protection.

"Art. 247. *Non-abridgment of right to self-organization.*—It shall be unlawful for any person to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the right to self-organization. Such right shall include the right to form, join, or assist labor organizations for the purpose of collective bargaining through representatives of their own choosing and to engage in lawful concerted activities for the same purpose or for their mutual aid and protection, subject to the provisions of Article 264 of this Code."

SEC. 2. Articles 250, 248 and 249, covered by Chapters I, II, and III of Title VI, Book Five, of the same Presidential Decree Numbered Four hundred forty-two, as amended, are hereby renumbered to become Articles 248, 249, and 250, respectively, and also amended to read as follows:

"TITLE VI
UNFAIR LABOR PRACTICES
CHAPTER I
CONCEPT

"ART. 248. *Concept of unfair labor practice and procedure for prosecution thereof.*—Unfair labor practices violate the constitutional right of workers and employees to, self-organization, are inimical to the legitimate interests of both labor and management, including their right to bargain collectively and otherwise deal with each other in an atmosphere of

freedom and mutual respect, disrupt industrial peace and hinder the promotion of healthy and stable labor-management relations.

"Consequently, unfair labor practices are not only violations of the civil rights of both labor and management but are also criminal offenses against the State which shall be subject to prosecution and punishment as herein provided.

"Subject to the exercise by the President (Prime Minister) or by the Minister of Labor of the powers vested in them by Articles 264 and 265 of this Code, the civil aspects of all cases involving unfair labor practices, which may include claims for damages and other affirmative relief, shall be under the jurisdiction of the labor arbiters. They shall resolve such cases within thirty (30) working days from the time they are submitted for decision.

"Recovery of civil liability in the administrative proceedings shall bar recovery under the Civil Code.

"No criminal prosecution under this Title may be instituted without a final judgment, finding that an unfair labor practice was committed, having been first obtained in the administrative proceeding referred to in the preceding paragraph. During the pendency of such administrative proceeding, the running of the period of prescription of the criminal offense herein penalized shall be considered interrupted: *Provided, however,* That the final judgment in the administrative proceedings shall not be binding in the criminal case nor be considered as evidence of guilt but merely as proof of compliance of the requirements therein set forth."

"CHAPTER II UNFAIR LABOR PRACTICES OF EMPLOYERS

"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 rights 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;

"(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,