

**THE  
LABOR CODE OF THE PHILIPPINES  
*ANNOTATED***

**Volume I**

***LABOR STANDARDS  
AND  
SOCIAL LEGISLATION***  
[Articles 1 to 210, Labor Code]

By

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*Practising Lawyer, Professor of Law and Bar Reviewer*

**Second Edition, 2009**  
*Revised and Enlarged*

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**1997 and 2009**

By

**JOSELITO GUIANAN CHAN**

**Second Edition, 2009**

Revised and Enlarged

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**Republic of the Philippines  
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**BLAS F. OPLE**  
*Senator*

**FOREWORD**

Since the labor laws of the country were codified in the Seventies during my incumbency as Labor Secretary, the Labor Code has undergone a series of revisions both by acts of the legislature and by executive fiat. Taken with the numerous labor and social legislations bearing upon the field of labor and employment as well as the myriad rules implementing the Labor Code and related laws, the subject could be utterly confusing and rather complicated.

Through the years, it has been noted that only very few annotations and commentaries have been written on the Labor Code. This is unfortunate considering its significance and impact on the lives of millions comprising the backbone of our nation. This book by Atty. Joselito Guanan Chan is certainly a welcome addition to the sparse bibliography on the Labor Code.

Like a master craftsman, Atty. Chan has carefully sifted through the maze of existing and old laws, rules and regulations and other executive issuances and jurisprudential precepts, to "*separate the grain from the chaff*," so to speak, to bring us to the crux of things. He has intricately woven all these materials into a smooth-flowing and compelling discussion of the current status of the law and its intricacies, correlated with all relevant topics.

In treating the more difficult or doubtful questions of the law, he provides us with incisive analysis and in-depth discussion of the legal issues at hand, with appropriate reference to the leading and latest judicial precedents, supplemented with a glimpse of the legislative history of the provisions under consideration, whenever necessary.

The long years of legal practice and experience of Atty. Chan, both in the courtroom as an advocate of the law, and in the classroom as professor of law, not to mention his able stewardship of his law firm and skillful advocacy of his clients' causes, have no doubt contributed in the formation and crystallization of this authoritative and comprehensive work.

Indeed, no law library would be complete without a copy of this masterpiece. Students and practitioners will surely find this book invaluable.

Senate of the Philippines, Manila, 14 August 1996.

A handwritten signature in dark ink, appearing to read "Blas F. Ople", with a long, sweeping horizontal line extending to the left.

(Sgd.) BLAS F. OPLE

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## **PREFACE**

### ***Second Revised Edition, 2009***

The first edition of this first volume of my 2-volume series on the Labor Code was first published in 1997 or about 12 years ago. Its Volume II has already been revised 4 times, the latest of which was issued early this year. Most recent significant amendatory laws passed by Congress, recent issuances of labor authorities and new pronouncements of the Supreme Court made the revision of this book imperative and compelling indeed.

This latest edition is dedicated to the memory of the late Blas F. Ople, the *Father of the Labor Code*, the longest-serving Minister of Labor and Employment (19 years), the first Filipino to be elected President of the International Labor Organization (ILO) at its 60<sup>th</sup> General Assembly for which he was awarded a Gold Medal of Appreciation, a distinguished member of the Constitutional Commission which drafted the 1987 Constitution, President of the Philippine Senate (1999-2000) and incumbent Secretary of the Department of Foreign Affairs at the time of his demise in 2003. *Ka Blas* graciously wrote the *Foreword* to this 2-volume series in 1996. I cannot repay the precious time he gave up to go over the manuscript of its first edition. Indeed, I am bound in lasting gratitude.

**Joselito Guianan Chan**

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*June 15, 2009*

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