

CHANROBLES PUBLISHING COMPANY

BATAS PAMBANSA BLG. 227

AN ACT TO AMEND ARTICLES 212, 217, 218, 255, 264, 265 AND 273 OF THE LABOR CODE OF THE PHILIPPINES, AND FOR OTHER PURPOSES

SECTION 1. Article 212 of the Labor Code is hereby amended by adding two new paragraphs (o) and (p) which shall read as follows:

“(o) “Strike-breaker” means any person who obstructs, impedes, or interferes with by force violence, coercion, threats or intimidation any peaceful picketing by employees during any labor controversy affecting wages, hours or conditions of work or in the exercise of the right of self organization or collective bargaining.

“(p) ‘Strike area’ means the establishment of the employer struck against, as well as the immediate vicinity actually used by picketing strikers in moving to and fro before all points of entrance to and exit from said establishment.”

SECTION 2. Article 217 of the Labor Code, as amended by Batas Pambansa Blg. 130, is hereby further amended to read as follows:

“Art. 217. Jurisdiction of Labor Arbiters and the Commission.
— (a) The Labor Arbiters shall have the original and exclusive jurisdiction to hear and decide within thirty (30) working days after submission of the case by the parties for decision, the following cases involving all workers, whether agricultural or non-agricultural:

1. Unfair labor practice cases.
2. Those that workers may file involving wages, hours of work and other terms and conditions of employment;

3. All money claim of workers, including those based on non-payment or underpayment of wages, overtime compensation, separation pay and other benefits provided by law or appropriate agreement, except claims for employees' compensation, social security, medicare and maternity benefits;
4. Cases involving household services; and
5. Cases arising from any violation of Article 265 of this Code, including questions involving the legality of strikes and lockouts.

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

SECTION 3. Paragraph (e) of Article 218 of the same Code is hereby amended to read as follows:

“(e) To enjoin or restrain any actual or threatened commission of any or all prohibited or unlawful acts in any labor dispute which, if not restrained forthwith, may cause grave or irreparable damage to any party or render ineffectual any decision in favor of such party: Provided, That no temporary injunction against the commission of acts prohibited under Article 265 of this Code shall be issued by the Commission, except after due notice and hearing and in accordance with its rules: Provided, further, That any ex parte restraining order issued by the Commission, or its Chairman or Vice Chairman when the Commission is not in session and as may be prescribed by its rules, shall be valid for a period not exceeding twenty (20) days: Provided, finally, That the reception of evidence for the application of a writ of injunction may be delegated by the Commission to any of its Labor Arbiters who shall, in cases where the parties are not residents of Metro Manila, conduct such hearings in such places as he may determine to be accessible to the parties and its witnesses and shall submit thereafter his recommendation to the Commission.”

SECTION 4. Article 255 of the same Code is hereby amended to read as follows:

“Art. 255. Injunction prohibited. — No temporary or permanent injunction or restraining order in any case involving or growing out of labor disputes shall be issued by any court or other entity, except as otherwise provided in Articles 218 and 264 of this Code.”

SECTION 5. Paragraph (g), Article 264 of the same Code, as amended, is hereby further amended to read as follows:

“(g) When in his opinion there exists a labor dispute causing or likely to cause strikes or lockouts affecting the national interest, such as may occur in but not limited to public utilities, companies engaged in the generation or distribution of energy, banks, hospitals, and export-oriented industries including those within export processing zones, the Minister of Labor and Employment shall assume jurisdiction over the dispute and decide it or certify the same to the Commission for compulsory arbitration. Such assumption or certification shall have the effect of automatically enjoining the intended or impending strike or lockout as specified in the assumption or certification order. If one has already taken place at the time of assumption or certification, all striking or locked out employees shall immediately return to work and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout. The Minister may seek the assistance of law enforcement agencies to ensure compliance with this provision as well as with such orders as he may issue to enforce the same.

“The foregoing notwithstanding, the President of the Philippines shall not be precluded from determining the industries where in his opinion labor disputes may adversely affect the national interest, and from intervening at any time and assuming jurisdiction over any labor dispute adversely affecting the national interest in order to settle or terminate the same.”

SECTION 6. Article 265 of the same Code, as amended by Batas Pambansa Blg. 130, is hereby further amended to read as follows:

“Art. 265. Prohibited activities. — (a) No labor organization or employer shall declare a strike or lockout without first having bargained collectively in accordance with Title VII of this Book or without first having filed the notice required in the preceding Article or without the necessary strike or lockout vote first having been obtained and reported to the Ministry.

“No strike or lockout shall be declared after assumption of jurisdiction by the President or the Minister or after certification or submission of the dispute to compulsory or voluntary arbitration or during the pendency of cases involving the same grounds for the strike or lockout.

“Any worker whose employment has been terminated as a consequence of an unlawful lockout shall be entitled to reinstatement with full back wages. Any union officer who knowingly participates in an illegal strike and any worker or union officer who knowingly participates in the commissions of illegal acts during a strike may be declared to have lost his employment status: Provided, That mere participation of a worker in a lawful strike shall not constitute sufficient ground for termination of his employment, even if a replacement had been hired by the employer during such lawful strike.

“(b) No person shall obstruct, impede, or interfere with by force, violence, coercion, threats or intimidation any peaceful picketing by employees during any labor controversy or in the exercise of the right of self-organization or collective bargaining, or shall aid or abet such obstruction or interference.

“(c) No employer shall use or employ any strike-breaker, nor shall any person be employed as a strike-breaker.

“(d) No public official or employee, including officers and personnel of the Armed Forces of the Philippines or the Integrated National Police, or armed person shall bring in, introduce or escort in any manner any person who seeks to

replace strike in entering and/or leaving the premises of a strike area or to work in place of the strikers: Provided, That nothing herein shall be interpreted to prevent any public officer from taking any measure necessary to maintain peace and order and/or protect life and property.

“(e) No person engaged in picketing shall commit any act of violence, coercion or intimidation or obstruct the free ingress to or egress from the employer’s premises for lawful purposes, or obstruct public thoroughfares.”

SECTION 7. Article 273 of the same Code, as amended by Batas Pambansa Blg. 130, is hereby further amended to read as follows:

“Art. 273. Penalties. — (a) Any person violating any of the provisions of Article 265 of this five hundred pesos and/or imprisonment for not less than one (1) day or more than six (6) months. Prosecution under this provision shall preclude prosecution for the same act under the Revised Penal Code, and vice versa.

“(b) Upon the recommendation of the Minister of Labor and Employment and the Minister of National Defense, foreigners who violate the provisions of this Title shall be subject to immediate and summary deportation by the Commission or Immigration and Deportation and shall be permanently barred from re-entering the country without the special permission of the President of the Philippines.”

SECTION 8. All laws, decrees, rules and regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SECTION 9. This Act shall take effect upon its approval.

Approved: June 1, 1982.