
BATAS PAMBANSA BLG. 70

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

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 organization 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 246 of this Code.”

SECTION 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 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, 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 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 the non-members of the recognized collective bargaining agent;

“(f) To dismiss, discharge, or otherwise prejudice or discriminate against an employee for having given or being 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;

“(i) To violate or refuse to comply with voluntary arbitration awards or decisions relating to the implementation or interpretation of a collective bargaining agreement; or

“(j) 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.”

“CHAPTER III UNFAIR LABOR PRACTICES OF LABOR

“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;

“(f) To violate or refuse to comply with voluntary arbitration awards or decisions relating to the implementation or interpretation of a collective bargaining agreement; or

“(g) To violate a collective bargaining agreement.

“The provisions of the preceding paragraph notwithstanding, only the officers 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.”

SECTION 3. Article 289 of the same Presidential Decree Numbered Four hundred forty-two, as amended, is likewise amended to read as follows:

“Art. 289. Penalties. — Except as otherwise provided in this Code, or unless the acts complained of hinges on a question of interpretation or implementation of ambiguous provisions of an existing collective bargaining agreement, any violation of the provisions of this Code declared to be unlawful or penal in nature shall be punished with a fine of not less than One Thousand Pesos (P1,000.00) nor more than Ten Thousand Pesos (P10,000.00), or imprisonment of not less than three months nor more than three years, or both such fine and imprisonment at the discretion of the court.

“In addition to such penalty, any alien found guilty shall be summarily deported upon completion of service of sentence.

“Any provision of law to the contrary notwithstanding, any criminal offense punished in this Code shall be under the concurrent jurisdiction of the Municipal or City Courts and the Courts of First Instance.”

SECTION 4. This Act shall take effect immediately upon its approval.

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