
DEPARTMENT ORDER NO. 40-D-05
Series of 2005

AMENDING SECTIONS 4 AND 5, RULE IV AND SECTION 4, RULE XVII, BOOK V OF THE OMNIBUS IMPLEMENTING THE LABOR CODE, AS AMENDED BY DEPARTMENT ORDER NO. 40-03, SERIES OF 2003

Section 1. Pursuant to Article 5 of the Labor Code, as amended, and to institutionalize the Department of Labor and Employment's continuous service improvement program in registration of unions and collective bargaining agreements, the following provisions of Book V of the Omnibus Rules Implementing the Labor Code, as amended by D.O. 40-03, series of 2003, are hereby amended:

Section 4 and 5, RULE IV are hereby amended to read as follows:

“Section 4. Action on the application/notice. – The Regional Office of the Bureau, as the case may be, shall act on all applications for registration or notice of change of name, affiliation, merger and consolidation within one (1) day from receipt hereof, either by: (a) approving the application and issuing the certificate of registration/acknowledging the notice/report; or (b) denying the application/notice for failure of the applicant to comply with the requirements for registration/notice.

“Section 5. Denial of Application/Return of Notice. – Where the documents supporting the application for registration/notice of change of name, affiliation, merger and consolidation are incomplete or do not contain the required certification and attestation, the Regional Office or the Bureau shall, within one (1) day from receipt of the application/notice, notify the applicant/labor organization concerned in writing of the necessary requirements and to complete the same within thirty (30) days from receipt of notice. Where the applicant/labor organization concerned fails to complete the requirements within the time prescribed, the application for registration shall be denied, or the notice of change of name, affiliation, merger and consolidation returned, without prejudice to filing a new application or notice.

Section 4, Rule XVII is likewise amended to read as follows:

“Section 4. Action on application. – The Regional Office and the Bureau shall act on applications for registration of collective bargaining agreements within one (1) day from receipt thereof, either by: (a) approving the application and issuing the certificate of registration; or (b) denying the application for failure of the applicant to comply with the requirements for registration.

Where the documents supporting the application are not complete or are not verified under oath, the Regional Office or the Bureau shall, within one (1) day from receipt of the application, notify the applicants in writing of the requirements needed to complete the application. Where the applicants fail to complete the requirements within ten (10) days from receipt of notice, the application shall be denied without prejudice.”

Section 2. Effectivity. – This Order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Manila, Philippines, 13 September 2005.

**(Sgd.)
PATRICIA A. STO. TOMAS
Secretary**

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