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**PRESIDENTIAL DECREE NO. 823**

❖ **PRESIDENTIAL DECREE NO. 849**

❖ **RULES AND REGULATIONS IMPLEMENTING  
PRESIDENTIAL DECREE NO. 823, AS AMENDED**

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**STRENGTHENING FREE COLLECTIVE  
BARGAINING AND TRADE UNIONISM WITHIN  
THE FRAMEWORK OF VOLUNTARY AND  
COMPULSORY ARBITRATION, PROHIBITING  
STRIKES AND LOCKOUTS DURING THE PERIOD  
OF NATIONAL EMERGENCY AND REGULATING  
FOREIGN ACTIVITIES IN THE LABOR FIELD**

WHEREAS, Proclamation No. 1081 dated September 21, 1972 was issued by me to establish the conditions under which the security of the Republic can be insured and far reaching economic and social reforms achieved;

WHEREAS, it is the policy of the State to encourage trade unionism and free collective bargaining within the framework of arbitration, voluntary or mandatory;

WHEREAS, the stability of labor-management relations and of industrial peace is essential to national security and to the purposeful pursuit of economic development and social justice for all our people;

WHEREAS, to insure the stability of labor-management relations and protect the gains of the New Society, it is necessary to prohibit strikes and lockouts during the period of national emergency and to regulate

the activities of certain persons, organizations and entities, whether foreign or national;

WHEREAS, the interest of national security and the strengthening of national sovereignty over the inviolable territory of the Republic of the Philippines during a period of national emergency warrants the imposition of sufficient administrative controls over the activities of aliens and foreign organizations in the labor field, including the friends of the country whose concern for the welfare of the Filipino worker is deeply appreciated;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the power vested in me by the Constitution do hereby order and decree as follows:

**SECTION 1.** It is the policy of the State to encourage trade unionism and free collective bargaining within the framework of compulsory and voluntary arbitration and therefore all forms of strikes, picketing and lockouts are hereby strictly prohibited.

**SECTION 2.** For purposes of this decree the term “strike” shall comprise not only concerted work stoppages, but also slowdowns, mass leaves, sitdowns, attempts to damage, destroy or sabotage plant equipment and facilities, and similar activities.

**SECTION 3.** The term “lockout” shall comprise shutdowns, mass retrenchment and dismissals without previous written clearance from the Secretary of Labor or his duly authorized representative.

**SECTION 4.** Except on grounds of national security and public peace, no union members or union organizers may be arrested or detained for union activities without previous consultations with the Secretary of Labor or the commission of a crime.

**SECTION 5.** The Department of Labor, at the initiative of the Secretary of Labor, shall extend special assistance to the organization, for purposes of collective bargaining, of the most underprivileged workers who, for reasons of occupation, organizational structure or insufficient incomes are not normally covered by major labor organizations or federations.

**SECTION 6.** The Institute of Labor and Manpower Studies shall render technical and other forms of assistance to labor organizations and employer organizations in the field of labor education, especially pertaining to collective bargaining, arbitration, labor standards and the Labor Code of the Philippines in general.

**SECTION 7.** All aliens, natural or juridical, as well as all foreign organizations are strictly prohibited from engaging directly or indirectly in all forms of trade union activities without prejudice to normal contacts between Philippine trade unions and recognized international labor centers.

**SECTION 8.** No person, organization or entity, whether foreign or national, may give any donations, grants or other forms of assistance, in cash or in kind, directly or indirectly to any labor organization, group of workers or any auxiliary thereof, such as cooperatives, credit unions and institutes engaged in research, education or communications without prior written permission by the Secretary of Labor. The Secretary of Labor shall promulgate rules and regulations to regulate and control the giving and receiving of such donations, grants or other forms of assistance, including the mandatory reporting of amounts of donations or grants, the specific recipients thereof, the projects or activities proposed to be supported and their duration.

**SECTION 9.** Upon the recommendation of the Secretary of Labor and the Secretary of National Defense, foreigners who violate the provisions of this Decree shall be subject to immediate and summary deportation by the Commission on Immigration and Deportation and shall be permanently barred from re-entering the country without the special permission of the President of the Philippines.

**SECTION 10.** Where a labor dispute has not been resolved by the Regional Offices, the Bureau of Labor Relations, the National Labor Relations Commission and the voluntary arbitrators within the reglementary period, the Secretary of Labor is hereby authorized to assume jurisdiction over and summarily decide such dispute which poses an emergency or is critical to the national interest as determined by him on advise and recommendation of the

Undersecretary of Labor, the Chairman of the National Labor Relations Commission and the Director of the Bureau of Labor Relations. The decision of the Secretary of Labor shall be final and executory unless stayed by the President of the Philippines.

**SECTION 11.** Any person violating this Decree shall forthwith be arrested and taken into custody and held for the duration of the national emergency or until he or she is otherwise ordered released by me or by my duly designated representative.

Violations of this Decree by any legitimate labor organizations shall be a ground for disciplinary action including but not limited to the cancellation of their registration permits.

**SECTION 12.** The provisions of this Decree pertaining to foreign organizations and activities shall be deemed applicable likewise to all organizations of farm tenants, rural workers, and the like, provided that in appropriate cases the Secretary of Agrarian Reform shall exercise the powers and responsibilities vested by this Decree in the Secretary of Labor.

**SECTION 13.** The Secretary of Labor is hereby empowered to issue rules and regulations to implement effectively the provisions of this Decree.

**SECTION 14.** This Decree shall form part of the Labor Code of the Philippines.

**SECTION 15.** All laws, decrees, general orders and letters of instructions inconsistent with or contrary to this Decree are hereby repealed.

***Done in the City of Manila, this 3<sup>rd</sup> day of November, in the year of Our Lord, Nineteen Hundred and Seventy-Five.***