
PRESIDENTIAL DECREE NO. 849

❖ **PRESIDENTIAL DECREE NO. 823**

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

**AMENDING PRESIDENTIAL DECREE NO. 823
AND FOR OTHER PURPOSES**

WHEREAS, it has been found necessary, on the basis of tripartite consensus of government, labor and management, to reflect more clearly the spirit and intention of Presidential Decree No. 823.

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

SECTION 1. Section 1 of Presidential Decree No. 823 is hereby amended to read as follows:

“Sec. 1. It is the policy of the state to encourage free trade unionism and free collective bargaining within the framework of compulsory and voluntary arbitration. Therefore, all forms of strikes, picketings and lockouts are hereby strictly prohibited in vital industries, such as in public utilities, including transportation and communication, companies engaged in the manufacture of processing as well as in the distribution of fuel gas, gasoline and fuel or lubricating oil, in companies engaged in the production or processing of essential commodities or

products for export, and in companies engaged in banking of any kind, as well as in hospitals and in schools and colleges.

“However, any legitimate labor union may strike and any employer may look out in establishments not covered by General Order No. 5 only on grounds of unresolved economic issues in collective bargaining, in which case the union or the employer shall file a notice with the Bureau of Labor Relations at least 30 days before the intended strike or lockout. The Bureau shall exert all-out efforts to effect a voluntary settlement during the 30-day period. Should the dispute remain unsettled thereafter, the union may go on strike and the employer may look out unless the President or his duly authorized representative certifies the dispute to the National Labor Relations Commission for compulsory arbitration in the interest of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedom of others. Such certification shall have the effect of automatically enjoining the strike or lockout.

“If certified, the NLRC shall decide the dispute within 30 working days after certification, which decision shall be final and executory unless appealed to the Secretary of Labor within 10 days from receipt thereof on ground of grave abuse of discretion only.

“If not certified, the union may strike and the employer may lock out. The Bureau shall continue conciliating. At any time during such strike or lock-out, however, the President or his duly authorized representative may, in the public interest, certify the dispute to the NLRC for compulsory arbitration, immediately after which the striking employees shall return to work and the employer shall resume operations and readmit all employees pending resolution of the dispute.

“The Secretary of Labor shall make a periodic assessment of all relevant factors and conditions in relation to the state of national emergency for the purpose of recommending to the President appropriate adjustments in policy.”

SECTION 2. Section 8 of Presidential Decree No. 823 is hereby amended to read as follows:

“Sec. 8. No foreign individual, organization or entity 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 institutions engaged in research, education or communication, in relation to trade union activities without prior permission by the Secretary of Labor.

“This prohibition shall equally apply to foreign donations, grants or other forms of assistance, in cash or in kind, given directly or indirectly to any employer or employers’ organizations to support any activity or activities affecting trade unions.

“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 3. “Trade union activities” shall mean:

- 1) organization, formation and administration of labor organizations;
- 2) negotiation and administration of collective bargaining agreement;
- 3) all forms of concerted union action;
- 4) organizing, managing, or assisting union conventions, meetings, rallies, referanda, teach-ins, seminars, conferences, and institutes;

- 5) any form of participation or involvement in representation proceedings, representation elections, consent elections, union elections; and
- 6) other activities or actions analogous to the foregoing.

SECTION 4. Section 10 of Presidential Decree No. 823 is hereby amended to read as follows:

“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 advice and recommendation of the Undersecretary of Labor, the Chairman of the National Labor Relations Commission and the Director of the Bureau of Labor Relations. Where the labor dispute involves a notice of strike or lockout, the Secretary of Labor may, at any time, assume jurisdiction and summarily decide it. The decision of the Secretary of Labor shall be final and executory unless stayed by the President of the Philippines.”

SECTION 5. Section 11 of Presidential Decree No. 823 is hereby amended to read as follows:

“Violation of any provision thereof shall be punished by a fine of P1,000 to P10,000 and/or imprisonment of 1 year to 5 years.

“Any person violating any provision of Presidential Decree No. 823 shall be dealt with under General Order No. 2-A and General Order No. 49.”

SECTION 6. Presidential Decree No. 823 as amended by this Decree shall form part of the Labor Code of the Philippines.

SECTION 7. All laws, decrees, general orders and letters of instructions inconsistent with or contrary with this Decree are hereby repealed.

SECTION 8. This Decree shall take effect immediately.

Done in the City of Manila, this 16th day of December 1975.

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