



HOUSE OF REPRESENTATIVES

H. No. 8186

BY REPRESENTATIVES NOGRALES (K.A.), NOGRALES (J.J.), MENDOZA, NIETO, MARCOLETA, ROA-PUNO, HOFER, CRISOLOGO, PALMA, NOEL, ESPINA, SALO, GONZALES (A.P.), ALONTE, SAVELLANO, VERGARA, ORTEGA (V.N.), GARCIA (J.E.), HERRERA-DY, BAGATSING, PRIMICIAS-AGABAS, ANTONINO, ATIENZA, GARBIN, BRAVO (A.), BERTIZ, CAMPOS, LOPEZ (B.), MATUGAS, BELARO, ARENAS, SARMIENTO (C.), ROMUALDO, ALVAREZ (F.) AND TING, PER COMMITTEE REPORT NO. 849

AN ACT REDUCING THE MINIMUM MEMBERSHIP REQUIREMENT FOR REGISTRATION OF UNIONS OR FEDERATIONS, AND STREAMLINING THE PROCESS OF REGISTRATION, AMENDING FOR THIS PURPOSE PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Article 240 of Presidential Decree No. 442, as
2 amended, otherwise known as the Labor Code of the Philippines, is
3 hereby further amended to read as follows:

4 "Article 240. *Requirements of registration.* - A
5 federation, national union or industry or trade union
6 center or an independent union shall acquire legal
7 personality and shall be entitled to the rights and

1 privileges granted by law to legitimate labor
2 organizations upon issuance of the certificate of
3 registration based on the following requirements:

4 “(a) Fifty pesos (P50.00) registration fee;

5 “(b) The names of its officers, their addresses, the
6 principal address of the labor organization, the minutes
7 of the organizational meetings and the list of the
8 workers who participated in such meetings;

9 “(c) In case the applicant is an independent union,
10 the names of all its members comprising at least
11 [twenty percent (20%)] TEN PERCENT (10%) of all the
12 employees in the bargaining unit where it seeks to
13 operate;

14 “(d) If the applicant union has been in existence
15 for one or more years, copies of its annual financial
16 reports; and

17 “(e) Four copies of the constitution and by-laws of
18 the applicant union, minutes of its adoption or
19 ratification, and the list of the members who
20 participated in it.”

21 SEC. 2. Article 242 of the Labor Code is hereby amended to
22 read as follows:

23 “Article 242. [*Action on application.* – The Bureau
24 shall act on all applications for registration within
25 thirty (30) days from filing.

26 “All requisite documents and papers shall be
27 certified under oath by the secretary or the treasurer of

1 the organization, as the case may be, and attested to by
2 its president.] **SUBMISSION AND ACTION ON**
3 **APPLICATIONS.** - APPLICATIONS FOR REGISTRATION
4 MAY BE SUBMITTED IN PERSON OR ONLINE TO THE
5 APPROPRIATE DOLE REGIONAL OFFICE OR FIELD
6 OFFICE OR TO THE BUREAU OF LABOR RELATIONS
7 SUBJECT TO VERIFICATION BY THE APPROPRIATE
8 OFFICE. THE BUREAU SHALL PRESCRIBE SUCH FORMS
9 AS MAY BE NECESSARY FOR THIS PURPOSE.

10 "THE BUREAU OR THE APPROPRIATE DOLE
11 REGIONAL OFFICE OR FIELD OFFICE SHALL ACT ON ALL
12 APPLICATIONS FOR REGISTRATION WITHIN THREE (3)
13 WORKING DAYS FROM RECEIPT THEREOF."

14 SEC. 3. Article 243 of the Labor Code is hereby amended to
15 read as follows:

16 "Article 243. *Denial of registration; appeal.* - [The
17 decision of the Labor Relations Division in the regional
18 office denying registration may be appealed by the
19 applicant union to the Bureau within ten (10) days from
20 receipt of notice thereof.] WHERE THE DOCUMENTS
21 SUPPORTING THE APPLICATION FOR REGISTRATION ARE
22 INCOMPLETE OR DO NOT CONTAIN THE REQUIRED
23 CERTIFICATION AND ATTESTATION, THE REGIONAL
24 OFFICE OR THE BUREAU SHALL, WITHIN THREE (3)
25 DAYS FROM RECEIPT OF THE APPLICATION, NOTIFY IN
26 WRITING THE APPLICANT OR LABOR ORGANIZATION
27 CONCERNED OF THE NECESSARY REQUIREMENTS AND
28 TO COMPLETE THE SAME WITHIN THIRTY (30) DAYS

1 FROM RECEIPT OF NOTICE. WHERE THE APPLICANT OR
2 LABOR ORGANIZATION CONCERNED FAILS TO COMPLETE
3 THE REQUIREMENTS WITHIN THE TIME PRESCRIBED,
4 THE APPLICATION FOR REGISTRATION SHALL BE
5 RETURNED WITHOUT PREJUDICE TO FILING A NEW
6 APPLICATION OR NOTICE.”

7 SEC. 4. Article 244 of the Labor Code is hereby amended to
8 read as follows:

9 “Article 244. [*Additional r*]Requirements for
10 federations or national unions. – [Subject to Article 238,
11 i]If the applicant for registration is a federation or a
12 national union, it shall, in addition to the requirements
13 of the preceding Articles, submit the following:

14 “(a) Proof of the affiliation of at least [ten (10)]
15 FIVE (5) local[s or] chapters, each of which must be a
16 duly recognized collective bargaining agent in the
17 establishment or industry in which it operates,
18 supporting the registration of such applicant federation
19 or national union[; and].

20 “THE FAILURE OF THE FEDERATION OR NATIONAL
21 UNION TO MAINTAIN FIVE (5) LOCAL CHAPTERS AS
22 MEMBERS IS A GROUND FOR THE SUSPENSION OF ITS
23 AUTHORITY TO CHARTER OR ISSUE CHARTER
24 CERTIFICATES ESTABLISHING A LOCAL CHAPTER.

25 “(b) The names and addresses of the companies
26 where the local[s or] chapters operate and the list of all
27 the members in each company involved.”

1 SEC. 5. *Implementing Rules and Regulations.* – Within sixty
2 (60) days from the effectivity of this Act, the Secretary of Labor and
3 Employment shall promulgate the necessary rules and regulations
4 to implement the provisions of this Act.

5 SEC. 6. *Separability Clause.* – If any part, section or
6 provision of this Act shall be held invalid or unconstitutional, the
7 other provisions not affected by such declaration shall remain in full
8 force and effect.

9 SEC. 7. *Repealing Clause.* – All laws, acts, decrees, executive
10 orders, rules and regulations or other issuances or parts thereof
11 which are inconsistent with this Act are hereby modified or
12 repealed.

13 SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15)
14 days after its publication in the *Official Gazette* or in a newspaper
15 of national circulation.

Approved,

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