



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF LABOR AND EMPLOYMENT
MANILA

DEPARTMENT ORDER NO. 40-F-03
Series of 2008

AMENDING RULES III, V, VIII, IX, XI, XIV AND XV OF THE
IMPLEMENTING RULES OF BOOK V OF THE LABOR CODE OF THE
PHILIPPINES

SECTION 1. Pursuant to Republic Act No. 9481, entitled "An Act Strengthening the Workers Constitutional Right to Self-Organization, Amending for the Purpose Presidential Decree No. 442, As Amended, Otherwise Known as the Labor Code of the Philippines," the following provisions of Book V of the Omnibus Rules Implementing the Labor Code, as amended by Department Order No. 40, Series of 2003, are hereby further amended as follows:

RULE III
REGISTRATION OF LABOR ORGANIZATIONS

Section 2, paragraph E of Rule III, as amended by D.O. No. 40-B-03, is hereby further amended to read as:

Section 2. Requirements for application. - x x x

E. "A DULY-REGISTERED FEDERATION OR NATIONAL UNION MAY DIRECTLY CREATE A LOCAL/CHAPTER BY ISSUING A CHARTER CERTIFICATE INDICATING THE ESTABLISHMENT OF THE LOCAL/CHAPTER. THE LOCAL/CHAPTER SHALL ACQUIRE LEGAL PERSONALITY ONLY FOR PURPOSES OF FILING A PETITION FOR CERTIFICATION ELECTION FROM THE DATE IT WAS ISSUED A CHARTER CERTIFICATE.

"THE LOCAL/CHAPTER SHALL BE ENTITLED TO ALL OTHER RIGHTS AND PRIVILEGES OF A LEGITIMATE LABOR ORGANIZATION ONLY UPON THE SUBMISSION OF THE FOLLOWING DOCUMENTS IN ADDITION TO ITS CHARTER CERTIFICATE:

- (a) THE NAMES OF THE LOCAL/CHAPTER'S OFFICERS, THEIR ADDRESSES, AND THE PRINCIPAL OFFICE OF THE LOCAL/CHAPTER, AND
- (b) THE CHAPTER'S CONSTITUTION AND BY-LAWS PROVIDED, THAT WHERE THE CHAPTER'S CONSTITUTION AND BY-LAWS ARE THE SAME AS THAT OF THE FEDERATION OR THE NATIONAL UNION, THIS FACT SHALL BE INDICATED ACCORDINGLY.

THE GENUINNESS AND DUE EXECUTION OF THE SUPPORTING REQUIREMENTS SHALL BE CERTIFIED UNDER OATH BY THE SECRETARY OR TREASURER OF THE LOCAL/CHAPTER AND ATTESTED TO BY ITS PRESIDENT."

**RULE V
REPORTING REQUIREMENTS OF LABOR UNIONS
AND WORKERS ASSOCIATIONS**

Section 1, Rule V, is hereby amended to read as:

Section 1. Reporting requirements. – It shall be the duty of every legitimate labor union and workers' association to submit to the Regional Office or the Bureau which issued its certificate of registration or certificate of creation of local/chapter, as the case may be, two (2) copies of each of the following documents:

- (a) ITS CONSTITUTION AND BY-LAWS OR AMENDMENTS THERETO, THE MINUTES OF ADOPTION OR RATIFICATION AND THE LIST OF MEMBERS WHO TOOK PART THEREIN, WITHIN THIRTY (30) DAYS FROM ITS ADOPTION OR RATIFICATION;
- (b) ITS LIST OF ELECTED AND APPOINTED OFFICERS AND AGENTS ENTRUSTED WITH THE HANDLING OF UNION FUNDS, THE MINUTES OF ELECTION OF OFFICERS, AND THE LIST OF VOTERS, WITHIN THIRTY (30) DAYS FROM THE DATE OF ELECTION OR APPOINTMENT;
- (c) ITS ANNUAL FINANCIAL REPORT WITHIN THIRTY (30) DAYS AFTER THE CLOSE OF EVERY FISCAL YEAR; AND
- (d) ITS LIST OF MEMBERS AT LEAST ONCE A YEAR OR WHENEVER REQUIRED BY THE BUREAU.

THE FISCAL YEAR OF A LABOR ORGANIZATION SHALL COINCIDE WITH THE CALENDAR YEAR UNLESS A DIFFERENT PERIOD IS PROVIDED IN ITS CONSTITUTION AND BY-LAWS.

**RULE VIII
CERTIFICATION ELECTION**

Section 1, Rule VIII, is hereby amended to read as:

Section 1. Who may file. – Any legitimate labor organization, INCLUDING A NATIONAL UNION OR FEDERATION THAT HAS ISSUED A CHARTER CERTIFICATE TO ITS LOCAL/CHAPTER OR THE LOCAL/CHAPTER ITSELF, may file a petition for certification election.

A NATIONAL UNION OR FEDERATION FILING A PETITION IN BEHALF OF ITS LOCAL/CHAPTER SHALL NOT BE REQUIRED TO DISCLOSE THE NAMES OF THE LOCAL/CHAPTER'S OFFICERS AND MEMBERS, BUT SHALL ATTACH TO THE PETITION THE CHARTER CERTIFICATE IT ISSUED TO ITS LOCAL/CHAPTER.

When requested to bargain collectively IN A BARGAINING UNIT WHERE NO REGISTERED COLLECTIVE BARGAINING AGREEMENT EXISTS, an employer may file a petition for certification election with the Regional Office.

IN ALL CASES, WHETHER THE PETITION FOR CERTIFICATION ELECTION IS FILED BY AN EMPLOYER OR A LEGITIMATE LABOR ORGANIZATION, THE EMPLOYER SHALL NOT BE CONSIDERED A PARTY THERETO WITH A CONCOMITANT RIGHT TO OPPOSE A PETITION FOR CERTIFICATION ELECTION. THE EMPLOYER'S PARTICIPATION IN SUCH PROCEEDINGS SHALL BE LIMITED TO: (1) BEING NOTIFIED OR INFORMED OF PETITIONS OF SUCH NATURE; AND (2) SUBMITTING THE LIST OF EMPLOYEES DURING THE PRE-ELECTION CONFERENCE SHOULD THE MED-ARBITER ACT FAVORABLY ON THE PETITION.

ANY EMPLOYEE HAS THE RIGHT TO INTERVENE FOR THE PROTECTION OF HIS INDIVIDUAL RIGHT.

Section 4, Rule VIII, is hereby amended to read as:

Section 4. Form and contents of petition. – The petition shall be in writing, verified under oath by the president of petitioning labor organization. Where a federation or national union FILES A PETITION IN BEHALF OF ITS LOCAL OR AFFILIATE, THE PETITION shall BE verified under oath by the president or duly authorized representative OF THE FEDERATION OR NATIONAL UNION. IN CASE THE EMPLOYER FILES THE PETITION, THE OWNER, PRESIDENT OR ANY CORPORATE OFFICER, WHO IS AUTHORIZED BY THE BOARD OF DIRECTORS, SHALL VERIFY THE PETITION. The petition shall contain the following:

- (a) the name of petitioner, its address, and affiliation if appropriate, the date and number of its certificate of registration. If the petition is filed by a federation or national union, the national president or his/her duly authorized representative shall CERTIFY UNDER OATH AS TO the existence of its local/chapter in the establishment and ATTACHING THERETO THE CHARTER CERTIFICATE OR A CERTIFIED TRUE COPY THEREOF. If the petition is filed by a local/chapter IT SHALL ATTACH ITS CHARTER CERTIFICATE OR A CERTIFIED TRUE COPY THEREOF;
- (b) the name, address and nature of employer's business;
- (c) the description of the bargaining unit;
- (d) the approximate number of employees in the bargaining unit;
- (e) the names and addresses of other legitimate labor unions in the bargaining unit;
- (f) a statement indicating any of the following circumstances:
 - 1) that the bargaining unit is unorganized or that there is no registered collective bargaining agreement covering the employees in the bargaining unit;
 - 2) if there exists a duly registered collective bargaining agreement, that the petition is filed within the sixty-day freedom period of such agreement; or

- 3) if another union had been previously recognized voluntarily or certified in a valid certification, consent or run-off election, that the petition is filed outside the one-year period from DATE OF RECORDING of SUCH voluntary recognition or conduct of certification or run-off election and no appeal is pending thereon.
- (g) in an organized establishment, the signature of at least twenty-five percent (25%) of all employees in the appropriate bargaining unit shall be attached to the petition at the time of its filing; and
- (h) other relevant facts.

Section 5, Rule VIII, is hereby amended to read as:

Section 5. Raffle of the case. – The Regional Director or his/her DULY authorized representative UPON RECEIPT OF THE PETITION SHALL IMMEDIATELY ASSIGN IT BY RAFFLE TO A MEDIATOR-ARBITER. THE RAFFLE SHALL BE DONE IN THE PRESENCE OF THE PETITIONER IF THE LATTER SO DESIRES.

Section 6, Rule VIII, is hereby amended to read as:

Section 6. Notice of preliminary conference. – THE PETITION SHALL IMMEDIATELY BE TRANSMITTED TO THE ASSIGNED MEDIATOR-ARBITER WHO SHALL immediately PREPARE AND SERVE A NOTICE OF PRELIMINARY CONFERENCE TO BE HELD WITHIN TEN (10) WORKING days from THE MEDIATOR-ARBITER'S receipt of the petition.

THE SERVICE OF THE PETITION TO THE EMPLOYER AND OF THE NOTICE OF PRELIMINARY CONFERENCE TO THE PETITIONER AND THE INCUMBENT BARGAINING AGENT (IF ANY) SHALL BE MADE WITHIN THREE (3) WORKING DAYS FROM THE MEDIATOR-ARBITER'S RECEIPT OF THE PETITION. THE SERVICE MAY BE MADE BY PERSONAL SERVICE, BY REGISTERED MAIL OR BY COURIER SERVICE.

A copy of the PETITION AND OF THE notice of preliminary conference shall be posted WITHIN THE SAME THREE (3) DAY PERIOD in at least two conspicuous places in the establishment. IN MULTIPLE-LOCATION WORKPLACES, THE POSTING SHALL BE MADE IN AT LEAST TWO CONSPICUOUS PLACES IN EVERY LOCATION.

Section 10, Rule VIII, is hereby amended to read as:

Section 10. Consent Election; Agreement. – THE CONTENDING UNIONS MAY AGREE TO THE HOLDING OF AN ELECTION, IN WHICH CASE IT SHALL BE CALLED A CONSENT ELECTION. THE MEDIATOR-ARBITER SHALL FORTHWITH CALL FOR THE CONSENT ELECTION, REFLECTING THE PARTIES' AGREEMENT AND THE CALL IN THE MINUTES OF THE CONFERENCE.

The MedIATOR-Arbiter shall, immediately forward the records of the petition to the Regional Director or his/her authorized representative for the determination of the Election Officer WHO SHALL BE CHOSEN BY RAFFLE IN THE PRESENCE OF REPRESENTATIVES OF THE CONTENDING UNIONS IF THEY SO DESIRE.

The first pre-election conference shall be scheduled within ten (10) days from the date of THE consent election AGREEMENT. SUBSEQUENT CONFERENCES MAY BE CALLED TO EXPEDITE AND FACILITATE THE HOLDING OF THE CONSENT ELECTION.

TO AFFORD AN INDIVIDUAL EMPLOYEE-VOTER AN INFORMED CHOICE WHERE A LOCAL/CHAPTER IS THE PETITIONING UNION, THE LOCAL/CHAPTER SHALL SECURE ITS CERTIFICATE OF CREATION AT LEAST FIVE WORKING DAYS BEFORE THE DATE OF THE CONSENT ELECTION.

Section 13, Rule VIII, is hereby amended to read as:

Section 13. Order/Decision on the petition. – Within ten (10) days from the date of the last hearing, the Mediator-Arbiter shall FORMALLY ISSUE a RULING granting OR DENYING the petition, EXCEPT in organized establishments WHERE THE GRANT OF THE PETITION CAN ONLY BE MADE AFTER THE LAPSE OF the freedom period.

The RULING FOR the conduct of a certification election shall state the following:

- (a) the name of the employer or establishment;
- (b) A description of the bargaining unit;
- (c) a statement that none of the grounds for dismissal enumerated in the succeeding paragraph exists;
- (d) the names of THE contending labor unions which shall appear IN THE FOLLOWING ORDER: THE petitioner unions in the order OF THE DATE OF FILING OF THEIR RESPECTIVE PETITIONS; THE forced intervenor; and “no union”;
- (e) **TO AFFORD AN INDIVIDUAL EMPLOYEE-VOTER AN INFORMED CHOICE WHERE A LOCAL/CHAPTER IS ONE OF THE CONTENDING UNIONS, A DIRECTIVE TO AN UNREGISTERED LOCAL/CHAPTER OR A FEDERATION/NATIONAL UNION REPRESENTING AN UNREGISTERED LOCAL/CHAPTER TO PERSONALLY SUBMIT TO THE ELECTION OFFICER ITS CERTIFICATE OF CREATION AT LEAST FIVE WORKING DAYS BEFORE THE ACTUAL CONDUCT OF THE CERTIFICATION ELECTION.**

NON-SUBMISSION OF THIS REQUIREMENT AS CERTIFIED BY THE ELECTION OFFICER SHALL DISQUALIFY THE LOCAL/CHAPTER FROM PARTICIPATING IN THE CERTIFICATION ELECTION; AND

- (f) a directive to the employer and the contending union(s) to submit within ten (10) days from receipt of the order, the certified list of employees in the bargaining unit, or where necessary, the payrolls covering the members of the bargaining unit for the last three (3) months prior to the issuance of the order.

Section 14 (a) of Rule VIII, is hereby amended, and additional grounds for Denial of Petition are hereby inserted as sub-paragraphs (b), (g) and (h), to read as:

Section 14. Denial of the petition; Grounds. – The MedIATOR-Arbiter may dismiss the petition on any of the following grounds:

- a) the petitionING UNION OR NATIONAL UNION/FEDERATION is not listed in the Department's registry of legitimate labor unions or that its registration certificate has been cancelled with finality in accordance with Rule XIV of these Rules;
- b) failure of a local/chapter or national union/federation to submit a duly issued CHARTER CERTIFICATE UPON FILING OF THE PETITION FOR CERTIFICATION ELECTION;
- c) FILING the petition before or after the freedom period of a duly registered collective bargaining agreement; provided that the sixty-day period based on the original collective bargaining agreement shall not be affected by any amendment, extension or renewal of the collective bargaining agreement;
- d) FILING OF A petition within one (1) year from THE DATE OF RECORDING of THE voluntary recognition, or WITHIN THE SAME PERIOD FROM A valid certification, consent or run-off election WHERE no appeal on the results of the certification, consent or run-off election is pending;
- e) WHERE a duly certified union has commenced and sustained negotiations with the employer in accordance with Article 250 of the Labor Code within the one-year period referred to in Section 14.d of this Rule, or WHERE there exists a bargaining deadlock which HAS been submitted to conciliation or arbitration or haS become the subject of a valid notice of strike or lockout WHERE an incumbent or certified bargaining agent is a party;
- f) in an organized establishment, THE failure to submit the twenty-five percent (25%) SIGNATURE requirement TO SUPPORT the filing of the petition for certification election;
- g) NON-APPEARANCE OF THE PETITIONER FOR TWO (2) CONSECUTIVE SCHEDULED CONFERENCES BEFORE THE MEDIATOR-ARBITER DESPITE DUE NOTICE; AND
- h) ABSENCE OF EMPLOYER-EMPLOYEE RELATIONSHIP BETWEEN ALL THE MEMBERS OF THE PETITIONING UNION AND THE ESTABLISHMENT WHERE THE PROPOSED BARGAINING UNIT IS SOUGHT TO BE REPRESENTED.

A new provision is hereby added as Section 15 under Rule VIII, to read as:

SECTION 15. PROHIBITED GROUND FOR THE DENIAL/SUSPENSION OF THE PETITION. - THE INCLUSION AS UNION MEMBERS OF EMPLOYEES OUTSIDE THE BARGAINING UNIT SHALL NOT BE A GROUND FOR THE CANCELLATION OF THE REGISTRATION OF THE UNION. SAID EMPLOYEES ARE AUTOMATICALLY DEEMED REMOVED FROM THE LIST OF MEMBERSHIP OF SAID UNIONS.

Section 15 of Rule VIII is hereby amended and re-numbered as Section 16, to read as:

SECTION 16. ANCILLARY ISSUES. – All issues pertaining to the existence of employer-employee relationship raised before the MedIATOR-Arbiter during the hearing(s) and in the pleadings shall be resolved in the same order or decision granting or denying the petition for certification election.

All issues pertaining to the validity of the petitioning union's certificate of registration or its legal personality as a labor organization, validity of registration and execution of collective bargaining agreements shall be heard and resolved by the Regional Director in an independent petition for cancellation of its registration and not by the MedIATOR-Arbiter in the petition for certification election, unless the petitioning union is not LISTED in the Department's roster of legitimate labor organizations, or an existing collective bargaining agreement is NOT registered with the Department.

Subsequent Sections under Rule VIII are re-numbered accordingly.

RULE IX CONDUCT OF CERTIFICATION ELECTION

Section 2, Rule IX, is hereby amended, to read as:

Section 2. Pre-election conference. – Within twenty-four (24) hours from receipt of the assignment for the conduct of a certification election, the Election Officer shall cause the issuance of notice of pre-election conference upon the contending unions, which shall be scheduled within ten (10) CALENDAR days from receipt of the assignment. THE EMPLOYER SHALL BE REQUIRED TO SUBMIT THE CERTIFIED LIST OF EMPLOYEES IN THE BARGAINING UNIT, OR WHERE NECESSARY, THE PAYROLLS COVERING THE MEMBERS OF THE BARGAINING UNIT AT THE TIME OF THE FILING OF THE PETITION.

Section 3, Rule IX, is hereby amended, to read as:

Section 3. Waiver of right to be heard. – Failure of any party to appear during the pre-election conference despite notice shall be considered as a waiver OF ITS RIGHT to be present and to question or object to any of the agreements reached in THE pre-election conference. However, THIS shall NOT deprive the non-appearing party of THE right to be furnished notices of AND TO ATTEND subsequent pre-election conferences.

Section 8, Rule IX, is hereby amended, to read as:

Section 8. Preparation of ballots. - The Election Officer shall prepare the ballots in English and Filipino or the local dialect. THE NUMBER OF BALLOTS SHOULD correspond to the number of voters IN THE BARGAINING UNIT PLUS a reasonable number of extra ballots FOR CONTINGENCIES. All ballots shall be signed at the back by the Election Officer and AN authorized representative each of the contending unions- A PARTY WHO REFUSES OR FAILS TO SIGN THE BALLOTS WAIVES ITS RIGHT TO DO SO AND the Election Officer shall enter the fact of refusal or failure AND THE REASON THEREFOR in the records of the case.

Section 10, Rule IX is hereby deleted.

Section 11, Rule IX is hereby amended and re-numbered as Section 10 under Rule IX, to read as:

Section 10. Procedure in the challenge of votes. - The ballot of the voter who has been properly challenged during the PRE-ELECTION CONFERENCES, shall be placed in an envelope which shall be sealed by the Election Officer in the presence of the voter and the representatives of the contending unions. The Election Officer shall indicate on the envelope the voter's name, the union challenging the voter, and the ground for the challenge. The sealed envelope shall then be signed by the Election Officer and the representatives of the contending unions. The Election Officer shall note all challenges in the minutes of the election proceedings and shall have custody of all envelopes containing the challenged votes. The envelopes shall be opened and the question of eligibility shall be passed upon BY THE MEDIATOR-ARBITER only if the number of segregated votes will materially alter the results of the election.

Section 12, Rule IX, is hereby re-numbered as Section 11.

Section 13, Rule IX, is hereby re-numbered as Section 12.

Section 14, Rule IX, is hereby re-numbered as Section 13.

Section 15, Rule IX, is hereby amended and re-numbered as Section 14, to read as:

Section 14. Conduct of election and canvass of votes. - The election precincts shall open and close on the date and time agreed upon during the pre-election conference. The opening and canvass OF VOTES shall proceed immediately after the precincts have closed. Failure of THE REPRESENTATIVE/S OF THE CONTENDING UNIONS to appear during the election proceedings AND CANVASS OF VOTES shall be considered a waiver OF THE RIGHT to be present and to question the conduct thereof.

Subsequent Sections under Rule IX are accordingly re-numbered.

**RULE XI
INTER/INTRA-UNION DISPUTES
AND OTHER RELATED LABOR RELATIONS DISPUTES**

Section 1, Rule XI, is hereby amended, to read as:

Section 1. Coverage. - A. INTER/INTRA-UNION DISPUTES SHALL INCLUDE:

- (a) conduct OR NULLIFICATION of election of officers of unions and workers' association;
- (b) audit/accounts examination of union or workers' association funds;
- (c) deregistration of collective bargaining agreements;
- (d) validity/invalidity of union affiliation or disaffiliation;
- (e) validity/invalidity of acceptance/non-acceptance for union membership;
- (f) validity/invalidity of voluntary recognition;
- (g) opposition to application for union OR CBA registration;
- (h) violations of or disagreements over any provision OF THE CONSTITUTION AND BY-LAWS OF a union or workers' association;
- (i) disagreements over chartering or registration of labor organizations OR THE REGISTRATION OF collective bargaining agreements;
- (j) violations of the rights and conditions of MEMBERSHIP IN A union or workers' association;
- (k) violations of the rights of legitimate labor organizations, except interpretation of collective bargaining agreements;
- (l) VALIDITY/INVALIDITY OF IMPEACHMENT/ EXPULSION/ SUSPENSION OR ANY DISCIPLINARY ACTION METED AGAINST ANY OFFICER AND MEMBER, INCLUDING THOSE ARISING FROM NON-COMPLIANCE WITH THE REPORTORIAL REQUIREMENTS UNDER RULE V;
- (m) such other disputes or conflicts involving the rights to self-organization, union membership and collective bargaining:
 - 1) between and among legitimate labor organizations; AND
 - 2) between and among members of a union or workers' association.

Section 2, Rule XI, is hereby integrated as paragraph B of Section 1 and amended to read as:

SECTION 2. OTHER LABOR RELATIONS DISPUTES, NOT OTHERWISE COVERED BY ARTICLE 217 OF THE LABOR CODE, SHALL INCLUDE:

- (a) any conflict between:
 - 1) a labor union and the employer, or
 - 2) A LABOR UNION AND A group that is not a labor organization; OR
 - 3) A labor union and AN individual WHO IS NOT A MEMBER OF such union;

- (b) cancellation of registration of unions and workers associations FILED BY INDIVIDUAL/S OTHER THAN ITS MEMBERS, OR GROUP THAT IS NOT A LABOR ORGANIZATION; and
- (c) a petition FOR INTERPLEADER INVOLVING LABOR RELATIONS.

Subsequent Sections under Rule XI are accordingly re-numbered.

**RULE XIV
CANCELLATION OF REGISTRATION OF LABOR ORGANIZATIONS**

Section 1, Rule XIV, is hereby amended, to read as:

Section 1. CANCELLATION OF REGISTRATION; WHERE TO FILE. – Subject to the requirements of notice and due process, the registration of any legitimate independent labor union, local/CHAPTER and workers' association may be cancelled by the Regional Director upon the filing of a petition for cancellation of union registration, or application by the organization itself for voluntary dissolution.

THE PETITION FOR CANCELLATION OR APPLICATION FOR VOLUNTARY DISSOLUTION SHALL BE FILED IN THE REGIONAL OFFICE WHICH ISSUED ITS CERTIFICATE OF REGISTRATION OR CREATION.

In the case of federations, national or industry unions and trade union centers, the Bureau Director may cancel the registration upon the filing of a petition for cancellation or application for voluntary dissolution IN THE BUREAU OF LABOR RELATIONS.

Section 3, Rule XIV, is hereby amended, to read as:

Section 3. Grounds for cancellation. – ANY OF the following MAY constitute AS ground/s for cancellation of registration of labor organizations:

- (a) MISREPRESENTATION, FALSE STATEMENT OR FRAUD IN CONNECTION WITH THE ADOPTION OR RATIFICATION OF THE CONSTITUTION AND BY-LAWS OR AMENDMENTS THERETO, THE MINUTES OF RATIFICATION, THE LIST OF MEMBERS WHO TOOK PART IN THE RATIFICATION;
- (b) MISREPRESENTATION, FALSE STATEMENTS OR FRAUD IN CONNECTION WITH THE ELECTION OF OFFICERS, MINUTES OF THE ELECTION OF OFFICERS, AND THE LIST OF VOTERS; OR
- (c) VOLUNTARY DISSOLUTION BY THE MEMBERS.

A new provision is hereby added as Section 4 under Rule XIV, to read as:

SECTION 4. VOLUNTARY CANCELLATION OF REGISTRATION: HOW MADE. – A LEGITIMATE LABOR ORGANIZATION MAY CANCEL ITS REGISTRATION PROVIDED AT LEAST TWO THIRDS (2/3) OF ITS GENERAL MEMBERSHIP VOTES TO DISSOLVE THE ORGANIZATION IN A MEETING DULY CALLED FOR THAT PURPOSE AND AN APPLICATION TO CANCEL ITS REGISTRATION IS THEREAFTER SUBMITTED BY THE BOARD OF THE ORGANIZATION TO THE REGIONAL/BUREAU DIRECTOR, AS THE CASE MAY BE. THE APPLICATION SHALL BE ATTESTED TO BY THE PRESIDENT OF THE ORGANIZATION.

Section 4, Rule XIV, is hereby re-numbered as Section 5.

Section 5. Action on the petition/application. – The petition/application shall be acted upon by the Regional/Bureau Director, as the case may be. In case of a petition for cancellation of registration, the formal requirements, processes and periods of disposition stated in Rule XI shall be followed in the determination of the merits of the petition.

A new provision is hereby added as Section 6 under Rule XIV, to read as:

SECTION 6. PROHIBITED GROUNDS FOR CANCELLATION OF REGISTRATION. – THE INCLUSION AS UNION MEMBERS OF EMPLOYEES WHO ARE OUTSIDE THE BARGAINING UNIT SHALL NOT BE A GROUND TO CANCEL THE UNION REGISTRATION. THE INELIGIBLE EMPLOYEES ARE AUTOMATICALLY DEEMED REMOVED FROM THE LIST OF MEMBERSHIP OF THE UNION.

THE AFFILIATION OF THE RANK-AND-FILE AND SUPERVISORY UNIONS OPERATING WITHIN THE SAME ESTABLISHMENT TO THE SAME FEDERATION OR NATIONAL UNION SHALL NOT BE A GROUND TO CANCEL THE REGISTRATION OF EITHER UNION.”

Rule XV is hereby re-titled and amended, to read as follows:

**RULE XV
REGISTRY OF LABOR ORGANIZATIONS AND COLLECTIVE BARGAINING
AGREEMENTS**

SECTION 1. NATIONAL REGISTRY. – THE BUREAU SHALL BE THE NATIONAL REGISTRY OF LABOR ORGANIZATIONS AND COLLECTIVE BARGAINING AGREEMENTS. AS SUCH IT SHALL:

- (a) MAINTAIN A NATIONAL REGISTRY;
- (b) WITHIN THE MONTH OF MARCH FOLLOWING THE END OF THE CALENDAR YEAR, PUBLISH IN THE DEPARTMENT OF LABOR AND EMPLOYMENT WEBSITE THE LISTS OF LABOR ORGANIZATIONS AND FEDERATIONS WHICH HAVE COMPLIED

WITH THE REPORTORIAL REQUIREMENTS OF RULE V AND DELINQUENT LABOR ORGANIZATIONS;

- (c) PUBLISH A LIST OF OFFICERS OF LABOR ORGANIZATIONS WITH CRIMINAL CONVICTION BY FINAL JUDGMENT; AND
- (d) VERIFY THE EXISTENCE OF A REGISTERED LABOR ORGANIZATION WITH NO REGISTERED COLLECTIVE BARGAINING AGREEMENT AND WHICH HAS NOT BEEN COMPLYING WITH THE REPORTORIAL REQUIREMENTS FOR AT LEAST FIVE YEARS. THE VERIFICATION SHALL OBSERVE THE FOLLOWING PROCESS:

- 1) The Regional Office shall make a report of the labor organization's non-compliance and submit the same to the Bureau for verification. The Bureau shall send by registered mail with return card to the labor organization concerned, a notice for compliance indicating the documents it failed to submit and the corresponding period in which they were required, with notice to comply with the said reportorial requirements and to submit proof thereof to the Bureau within ten (10) days from receipt thereof.

Where no response is received by the Bureau within thirty (30) days from the SERVICE of the first notice, IT SHALL SEND another notice for compliance, with warning that failure on its part to comply with the reportorial requirements within the time specified shall cause ITS PUBLICATION AS A NON-EXISTING LABOR ORGANIZATION IN THE DOLE WEBSITE.

- 2) Where no response is received by the Bureau within thirty (30) days from SERVICE of the second notice, the Bureau shall PUBLISH the notice of NON-EXISTENCE OF THE LABOR ORGANIZATION/S IN THE DOLE WEBSITE.
- 3) Where no response is received by the Bureau within thirty (30) days from date of publication, or where the Bureau has verified the dissolution of the labor organization, it shall DELIST the labor organization from the roster of legitimate labor organizations.

SECTION 2. Repealing Clause. – All rules, regulations, issuances, circulars and administrative orders inconsistent herewith are repealed or modified accordingly.

SECTION 3. Effectivity. – This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Manila, Philippines, 30 October 2009



MARIANITO D. ROQUE
Secretary