Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4943

Introduced by **HON. GUS S. TAMBUNTING**

AN ACT
ESTABLISHING REFORMS IN THE REGULATION OF COLLECTIVE BARGAINING AGREEMENT (CBA) OF MANAGEMENT AND EMPLOYEES' BARGAINING UNIT IN AN ESTABLISHMENT, THEREBY AMENDING SECTION 253-A OF PD NUMBERED 442 AS AMENDED OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This legislation aims to strengthen the fundamental right of the working class to an equitable share in the fruits of production. Under this bill, the duration of a Collective Bargaining Agreement (CBA) is shortened to three (3) years to assure workers of maximum opportunity to choose the rightful bargaining representative and to negotiate for the most beneficial terms and conditions of work in a given establishment at a fixed limited period.

This bill seeks to shorten the effectivity of CBA from five (5) years as mandated by Republic Act 6715 to three (3) years. Through this, the workers are empowered to propose at the most opportune time and bargain timely and necessary changes in their employment conditions giving more flexibility and productivity.

This measure proposes a rational approach in consideration of workers' welfare and productivity at the workplace. To bind the workers' representation and oblige workers to put up with what has been agreed upon five years ago is the same as conditioning workers to be contented with poor terms and conditions of work.

Besides considerations of productivity, the law protecting workers' rights has maintained the principle of primacy of collective bargaining as an effective tool in preserving the economic rights of the workers.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.

REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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

SECTION 1. Article 253-A of PD 442, otherwise known as The Labor Code of the Philippines, is hereby amended to read as follows:

> Article 235-A. *Terms of the collective bargaining agreement.*
>
> Any Collective Bargaining Agreement that the parties may enter into shall, insofar as the representation aspect is concerned, be for a term of **[**five (5)**] THREE (3) years**. No petition questioning the majority status of the incumbent bargaining agent shall be entertained and no certification election shall be conducted by the Department of Labor and Employment outside of the sixty days immediately before the date of expiry of such [five] THREE-year term of the Collective bargaining Agreement. All [other] provisions of the Collective Bargaining Agreement shall **[**be**] REMAIN IN FULL FORCE AND EFFECT DURING THE EFFECTIVITY OF THE AGREEMENT** [renegotiated not later than three (3) years after its execution]. Any agreement on such other provisions of the Collective Bargaining Agreement entered into within six (6) months from the date of expiry of the term of such other provisions as fixed in such Collective Bargaining Agreement, shall retroact to the day immediately following such date. If any such agreement is entered into beyond six months, the parties shall agree on the duration of retroactivity thereof. In case of a deadlock in the renegotiation of the collective bargaining agreement, the parties may exercise their rights under this Code.

SECTION 2. ***Implementing Rules and Regulations.*** – The Department of Labor and Employment (DOLE) and other appropriate government agencies shall promulgate rules and regulations necessary for the effective implementation of this Act.

SECTION 3. ***Repealing Clause.*** – All other laws, decrees, orders, issuances, rules, and regulations or parts thereof inconsistent with this Act are hereby amended or repealed accordingly.

SECTION 4. ***Separability Clause*****.** – The provisions of this Act are hereby declared to be separable and, in the event any of such provisions is declared unconstitutional, the order provision, which is not affected hereby, shall remain in full force and effect.

SECTION 5. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,