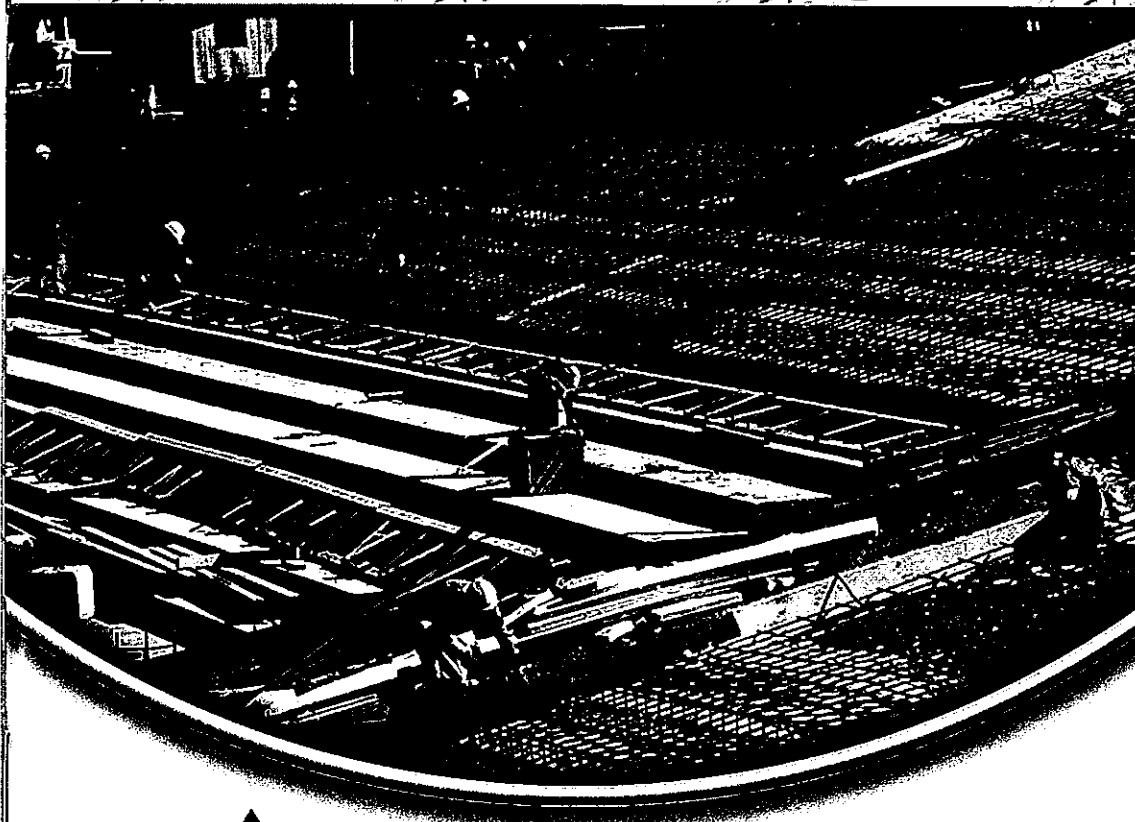


A Layman's Guide to Labor Dispute Settlement, Adjudication and Enforcement Procedures



Compiled and Edited by the
DEPARTMENT OF LABOR & EMPLOYMENT
with the support of the
INTERNATIONAL LABOUR ORGANIZATION (ILO)



Sub-regional Office for South-East
Asia and the Pacific

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INTRODUCTION




Amidst changing macro and micro conditions and the increasing challenge to strengthen the DOLE services to its clientele, once more we did something positive in order to streamline our processes and do things speedily as a great expression of our unending commitment to both the workers and the employers.

This humble contribution to the **Labor Dispute Adjudication System** offers a very simple and concise information of the DOLE Procedures in dispute resolution per agency. It is primarily created for a better appreciation and understanding of the **DEPARTMENT OF LABOR AND EMPLOYMENT** as a proactive agency for labor dispute prevention and settlement.

We hope that the users of this Compendium will deepen their understanding of the importance of enhancing the effectiveness and efficiency of the labor procedures in improving the quality of services to the labor sector, the employers as well as to our colleagues in government, who are, after all, going to deliver these services to our clientele from day to day.

I commend the Labor Relations Cluster for their initiative.


PATRICIA A. STO. TOMAS
Secretary

FOREWORD



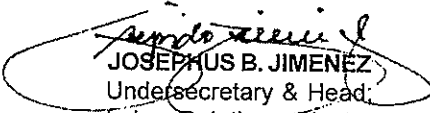
There are three main reasons why I decided to rejoin the government a year ago, after more than two decades spent in the private sector. I wanted to help Secretary Pat A. Sto. Tomas in three specific areas, namely: **First**, advocacy for more relevant labor laws and policies; **Second**, accelerating devolution of Labor Administration to the regions and local government units; and **Third**, and perhaps more importantly, to help speed up the labor dispute adjudication and enforcement system in DOLE. There are, of course, various dimensions in the total labor dispute system, like, people, procedures, and priorities. We opted to start with procedures.

To me, this **LAYMAN'S GUIDE TO LABOR DISPUTE SETTLEMENT, ADJUDICATION AND ENFORCEMENT PROCEDURES** is the concretization of my third focus area. This work has been embarked upon, in partnership with my comrades in the Labor Relations Cluster, and with the very timely and useful support of ILO, without whose assistance, both in logistics and in technical advice, we would still have been groping for resources with which to transform our aspiration into a concrete output.

Wherever opportunities and challenges shall bring us henceforth, I shall always value the sense of fulfillment that I find in working with the team of Secretary Sto. Tomas, in the immense learnings from my colleagues in the Labor Relations Cluster and the sheer joy of working with my staff whose passion for service and vigor for work has truly evoked in me a renewed sense of dedication to a higher purpose in career and in life. This work is a living evidence of the many values we share together, the beliefs we commonly stand for and the dreams we jointly hope to realize.

The never-ending quest for justice is one of these shared aspirations. And justice is not only for the employees but the employers, as well and for government functionaries who labor long and hard in search of industrial peace based on justice. Our journey may not be easy all the time but the bonds that unite us, including this guide, shall hopefully bring us a stronger sense of confidence to reach our goal.

MABUHAY!


JOSEPHUS B. JIMENEZ
Undersecretary & Head
Labor Relations Cluster

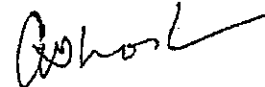
MESSAGE

The maze of procedures under the labour dispute settlement system in the Philippines, with its seemingly endless tiers of appeals and remands and multiple entry points, has perplexed even the most seasoned labour administrators and labour relations practitioners. For investors, employers and lay workers, the complex procedures present a challenge of enormous proportions. It is no wonder that the Labour Code of the Philippines is often called a "lawyer's paradise".

I am immensely pleased that the Department of Labour and Employment has taken up the challenge of de-mystifying the labour dispute settlement system of the Philippines with the seriousness it deserves. The issuance of Department Order 40-03 on the revised dispute settlement system was the first of a long awaited series of measures, followed by the publication of a Compendium of DOLE Procedures. The present publication containing A Layman's Guide to Labour Dispute Settlement, Adjudication and Enforcement Procedures provides simple, easy-to-understand flow charts showing the structure, functions and procedures of different agencies within the Labour Relations Cluster of DOLE under the revised dispute settlement system.

The ILO encourages preventive measures for the resolution of grievances through bipartite workplace cooperation in the first instance. Conciliation, mediation and voluntary arbitration are promoted as the preferred modes of dispute settlement.

The subregional office of the ILO in Manila is proud to be associated with DOLE in this project for simplifying the dispute settlement system and procedures for the benefit of employers, workers, as well as labour administrators and labour relations practitioners in the Philippines.



ABHIK GHOSH
Senior Labour Administration &
Labour Relations Specialist
Subregional Office, ILO Manila

PREFACE

THE PROCEDURES FOR INDUSTRIAL PEACE AND LABOR JUSTICE

There can only be a Strong Republic when the foundation for peace is based on justice.

There can only be a genuine and lasting peace when there is justice. The quest for justice however is long and hard, especially when the rules and procedures for labor-dispute settlement are complicated and difficult to understand. It is thus imperative that efforts be exerted to simplify and explain these rules to the parties, even before the occurrence of a labor dispute.

The LABOR-RELATIONS CLUSTER in the Department of Labor and Employment, being comprised by the different labor-adjudicating and enforcement agencies vested with the functions of hearing and deciding cases, as well as enforcing Labor Laws and Social Legislations, is faced with the challenge of making both employees and employers knowledgeable of the mechanisms and procedures in seeking redress for grievances.

This LAYMAN'S GUIDE to labor dispute settlement, adjudication and enforcement is a concrete step towards achieving this objective. We are truly proud of this work it being the fruit of cooperation between the Department and the International Labour Organization. The initiative of the Department and the support of ILO in terms of resources and technical advice have made it possible for this important project to find fulfillment.

This, indeed, is an important step in our our journey to achieve true and lasting industrial peace based on justice. This step marks our common commitment to bring about that peace and that justice.

The Project Team

ACKNOWLEDGMENT

The Department of Labor and Employment acknowledges with gratitude the leadership and vision of **Secretary Patricia A. Sto. Tomas**, as well as the constant inspiration and guidance of **Undersecretary Josephus B. Jimenez** who conceptualized this project and sought for and found an ally in ILO, which willingly agreed to fund this undertaking. We thus express our deep appreciation to the **INTERNATIONAL LABOUR ORGANIZATION** through **Deputy Director Carmela I. Torres** and **Dr. Abhik Gosh**, who have seen the value of providing our clientele a layman's guide in the labor dispute settlement, adjudication and enforcement.

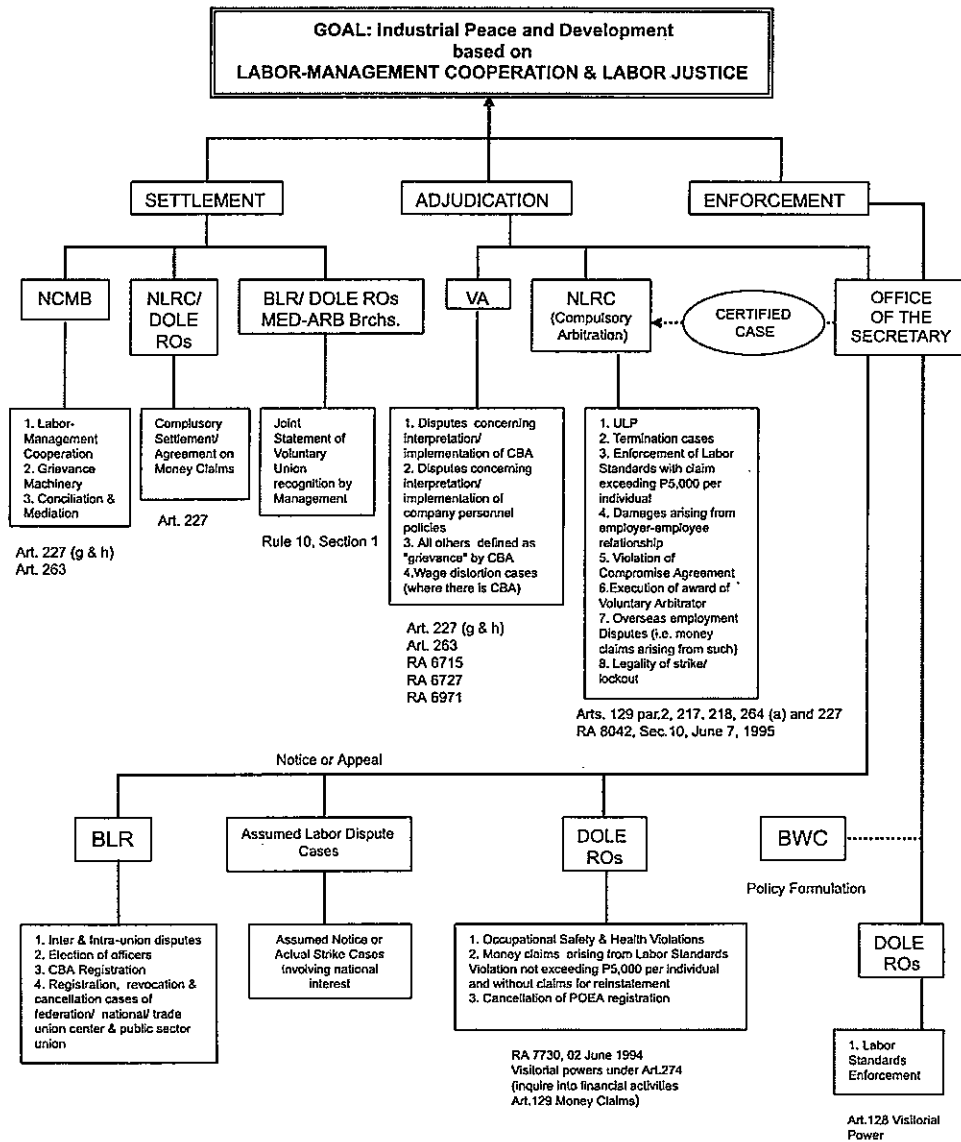
This is also offered in grateful recognition of the pioneering efforts of our original mentor, **KA BLAS F. OPLE**, whose untimely demise has left us a void that is difficult to fill. Also to all past Secretaries and Undersecretaries of Labor whose reflective contributions all added a stone in the edifice we are building.

The members of the Project Team, who were commissioned by **USEC Jimenez** and empowered by him with a large quantum of motivation to lend some of their limited hours in the planning and execution of this project, have worked well with the members of the **LABOR RELATIONS CLUSTER**, comprising of the following agencies, their Directors and technical staff: **BLR** and its Director, **Hans Leo J. Cacedac**; **BWC** and its Director, **Teresita R. Manzala**; **ECC** and its Executive Director, **Elmor D. Juridico**; the **Legal Service** and its OIC Director, **Labor Arbiter Ma. Elenita S. Dungo-Nieto**; **NCMB** and its OIC Executive Director, **Reynaldo R. Ubaldo**, its incoming Executive Director, **Romeo A. Young**; and Deputy Director **Gilbert Pimentel** and the **NLRC** and its Chair, **Roy V. Señeres**, as well as **Region 10** and its Director, **Gloria A. Tango**; **Region 8** and its Director, **Forter G. Puguon**; **Region 7** Director, **Rodolfo M. Sabulao**; **Region 6** and its Director, **Carlos L. Boteros**; **Region 4-A** and its Director, **Maximo B. Lim**.

The Project Team is headed by **Carmina B. Alonzo**, Project writer and implementor; **Ma. Karina B. Perida**, Technical Support and Lay-out Designer; and **Teresita M. Insigne**, Support Services, their hard work, dedication and an abiding sense of duty have made all these possible.

There are many others who shall remain unnamed and unrecognized but whose contributions have nonetheless added value to this output and without whose help we could not have produced this document given too little time & too limited resources.

DEPARTMENT OF LABOR AND EMPLOYMENT

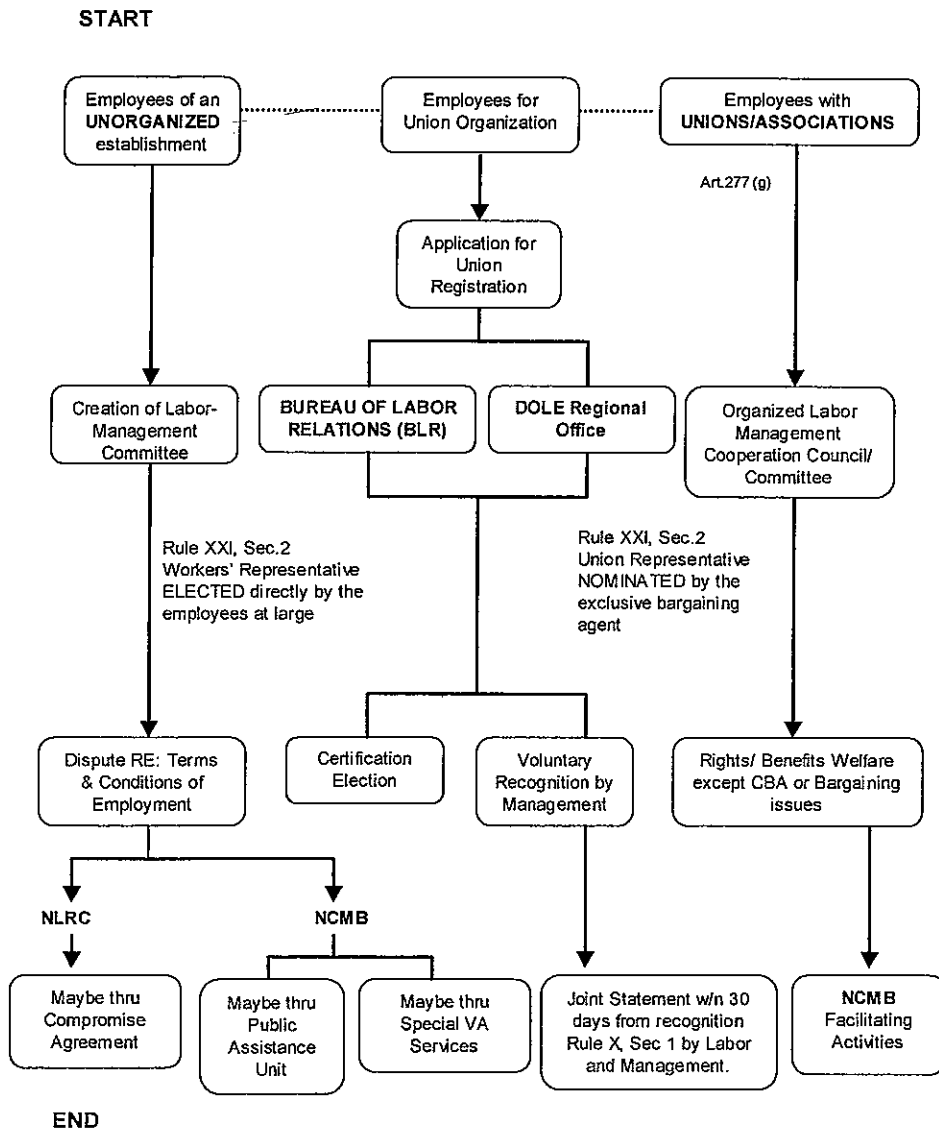




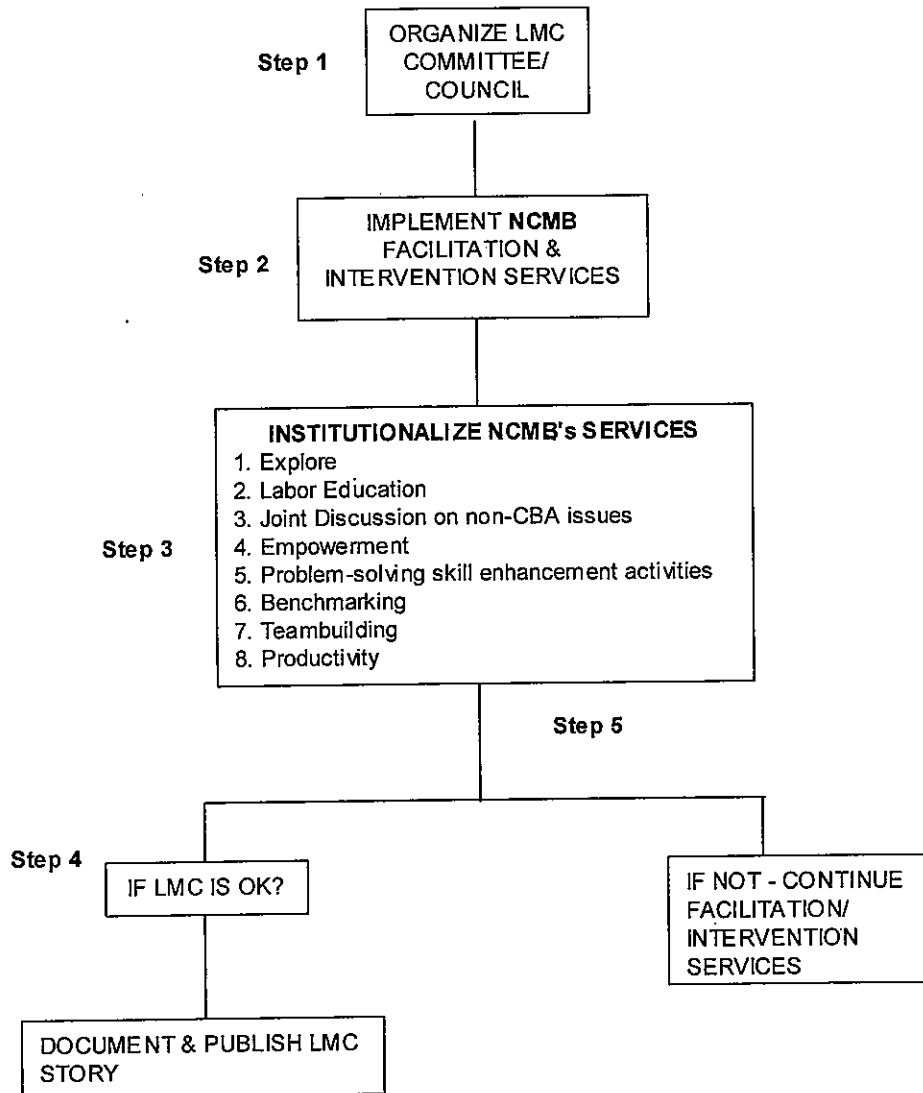
**NATIONAL
CONCILIATION
& MEDIATION
BOARD**



**The Non-Adversarial and Participative
LABOR DISPUTE SETTLEMENT SYSTEM
(PLANT-LEVEL MECHANISMS)**



**PARTICIPATIVE MECHANISM
LABOR-MANAGEMENT COOPERATION**



**PLANT LEVEL SETTLEMENT
RA 6715, RA 6727 & RA 6971
GRIEVANCE CASES**

START

ISSUES:

- 1. VIOLATION OF CBA (RA 6715)
- 2. WAGE DISTORTION ISSUE (RA 6727)
- 3. VIOLATION OF THE MEMO OF AGREEMENT re:
PRODUCTIVITY INCENTIVE BENEFITS (RA 6971)

STEP 1

UNION SUBMITS GRIEVANCE IN WRITING

STEP 2

GRIEVANCE MACHINERY
Discusses the grievable matter

STEP 3

SETTLEMENT

STEP 3-A

NO SETTLEMENT

STEP 4

IMPLEMENT/ ENFORCE
THE AGREEMENT

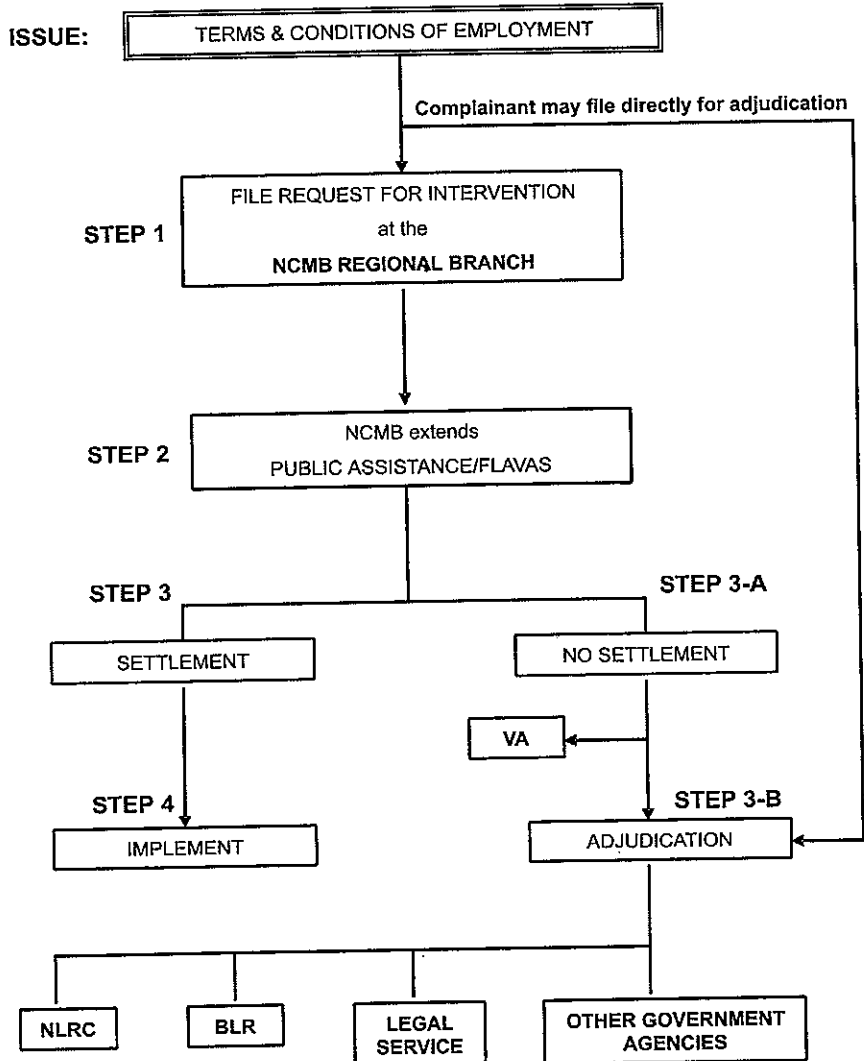
STEP 3-B

VOLUNTARY
ARBITRATION

END

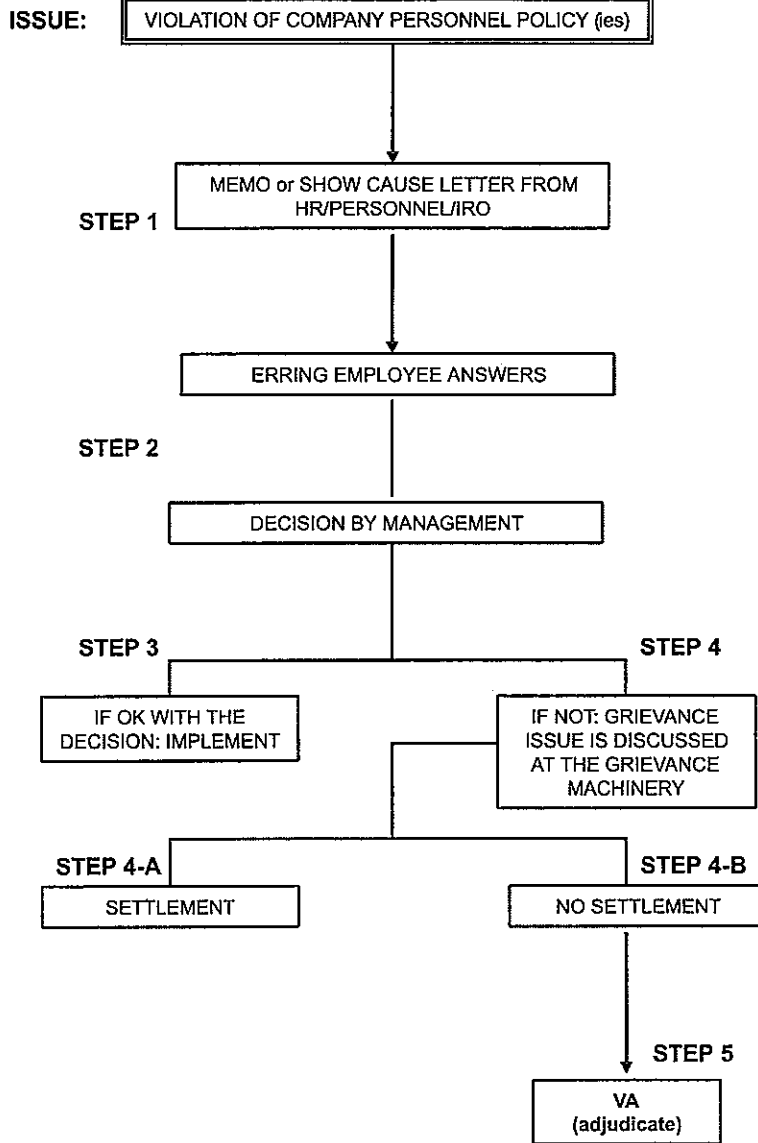
**DISPUTE SETTLEMENT SERVICES
(UNORGANIZED SECTOR)**

START



**PLANT-LEVEL SETTLEMENT
(COMPANY DISCIPLINE CASES)**

START



**NCMB DISPUTE RESOLUTION SERVICES
(ORGANIZED SECTOR)**

START

ISSUES:

1. DEADLOCK ISSUES (30-DAY COOLING OFF PERIOD + 7-DAY STRIKE BAN)
2. GROSS & MALICIOUS VIOLATION OF THE ECONOMIC PROVISIONS OF THE CBA (15-DAY COOLING OFF PERIOD + 7-DAY STRIKE BAN)
3. ULP ISSUES (15-DAY COOLING OFF PERIOD + 7-DAY STRIKE BAN)
4. UNION BUSTING (7-DAY STRIKE BAN)

STEP 1

FILE NOTICE OF STRIKE or REQUEST FOR PREVENTIVE MEDIATION

STEP 2

CONCILIATION PROCEEDINGS

STEP 3

SETTLEMENT

STEP 4

**UNSETTLED
(conduct of strike)
If Notice of Strike**

1. Discuss/resolve issues at the plant level; 2. Execute MOA; 3. Remand case to GM/LMC; 4. Submit to VANLRC/OSEC

STEP 4-A

NATIONAL INTEREST CASE

STEP 4-B

NOT A NATIONAL INTEREST CASE

The OFFICE OF THE SECRETARY, upon petition or *motu proprio* assumes jurisdiction or certifies the case to the NLRC or any authorized DOLE Official

1. Strike goes on
2. After 30 days improved or reduced offer by secret ballot

ADJUDICATION

STEP 5

SETTLEMENT

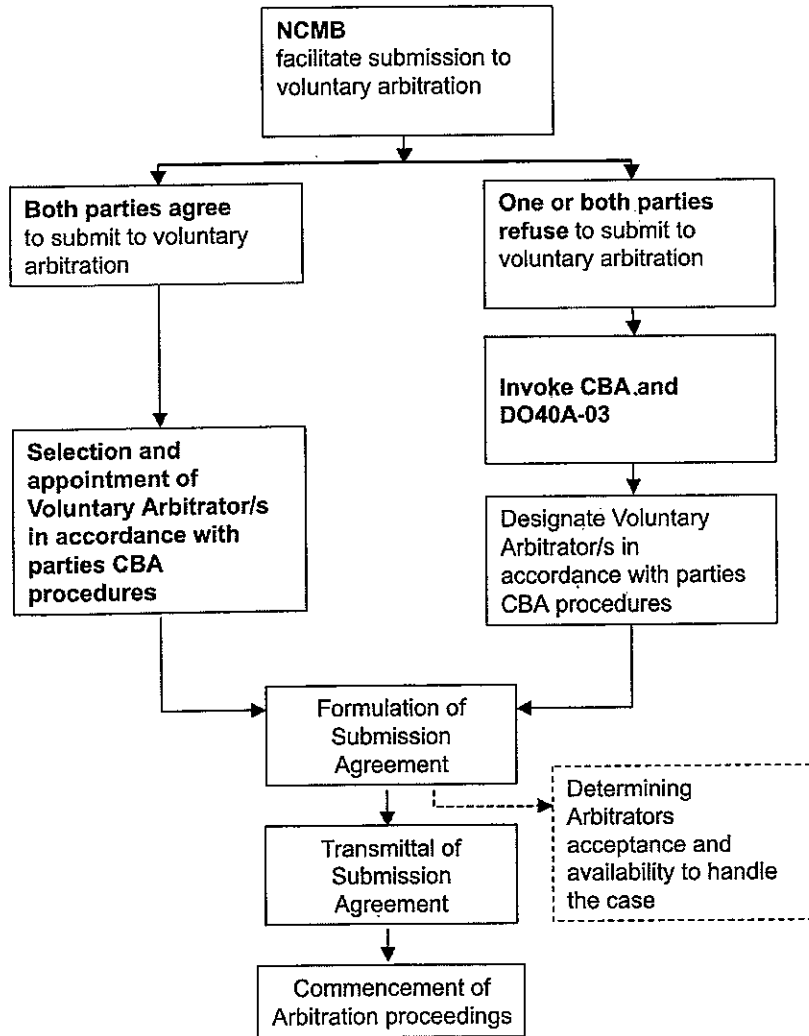
IMPLEMENT



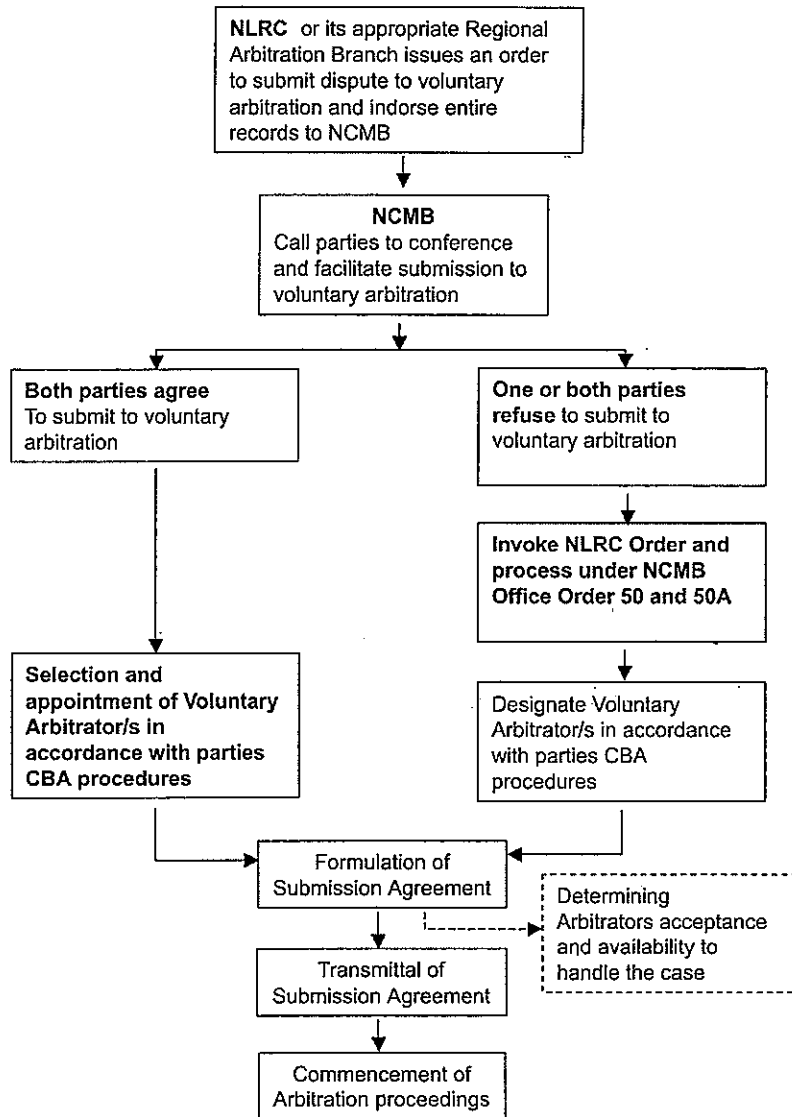
**VOLUNTARY
ARBITRATION
(thru NCMB)**



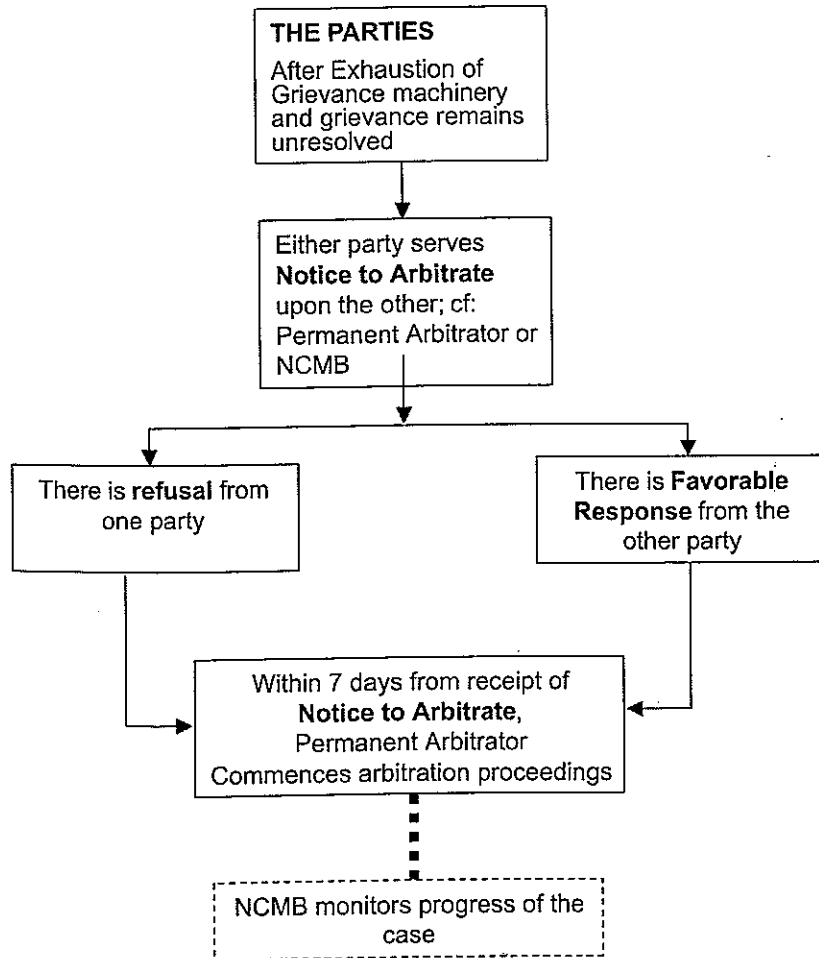
**Submission to Voluntary Arbitration thru NCMB (NSL and PM cases)
(under DO 40-03)**



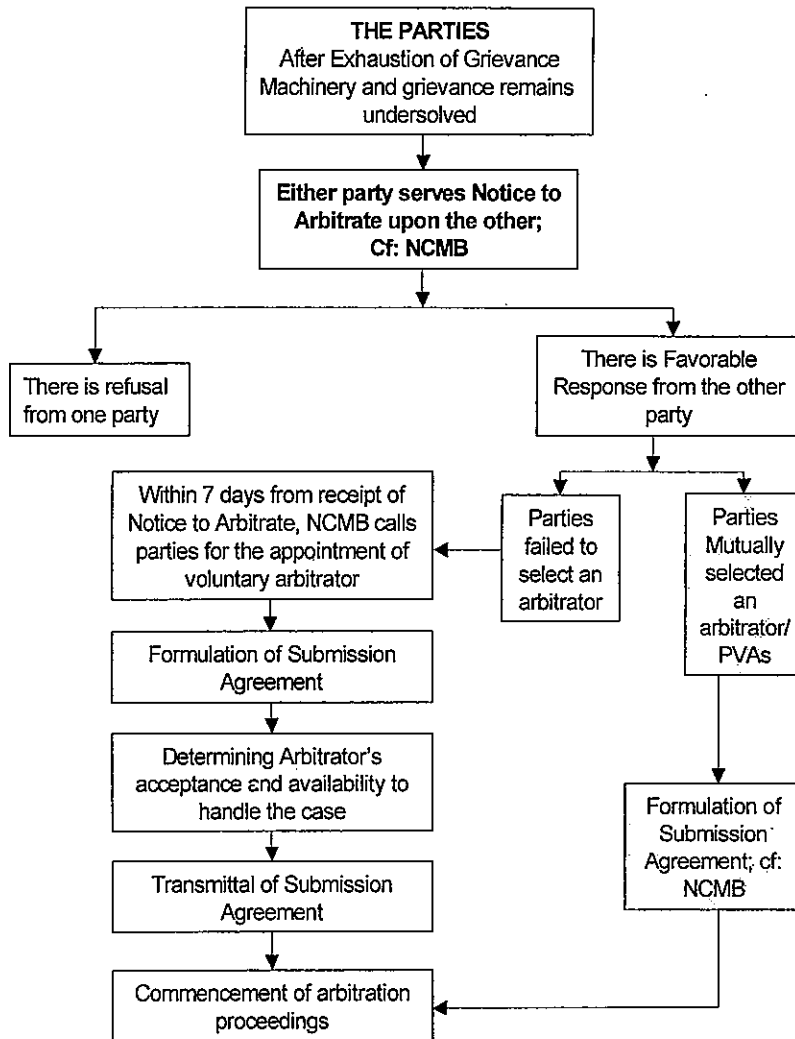
**Submission to Voluntary Arbitration based on NLRC Referrals
(under DO 40-03)**



When there is a Permanent Arbitrator Named in the CBA
(under DO 40-03)



When there is No Permanent Arbitrator Named in the CBA
(under DO 40-03)

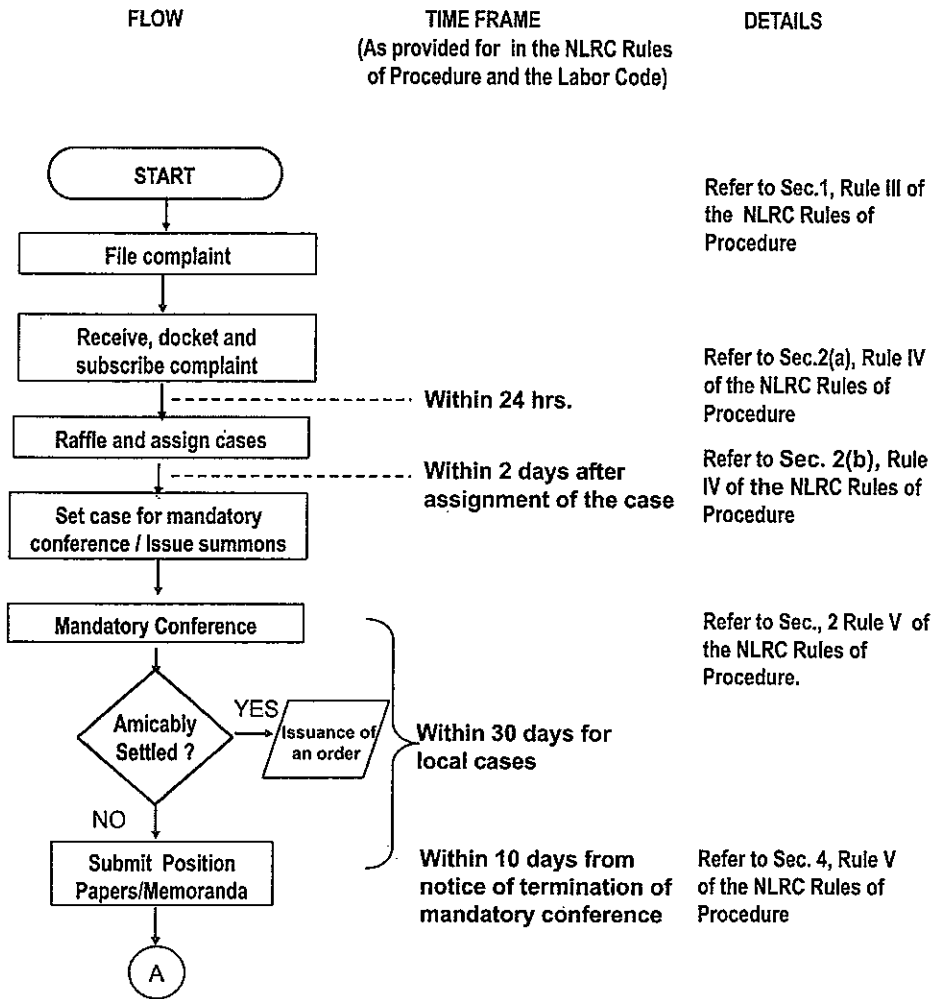




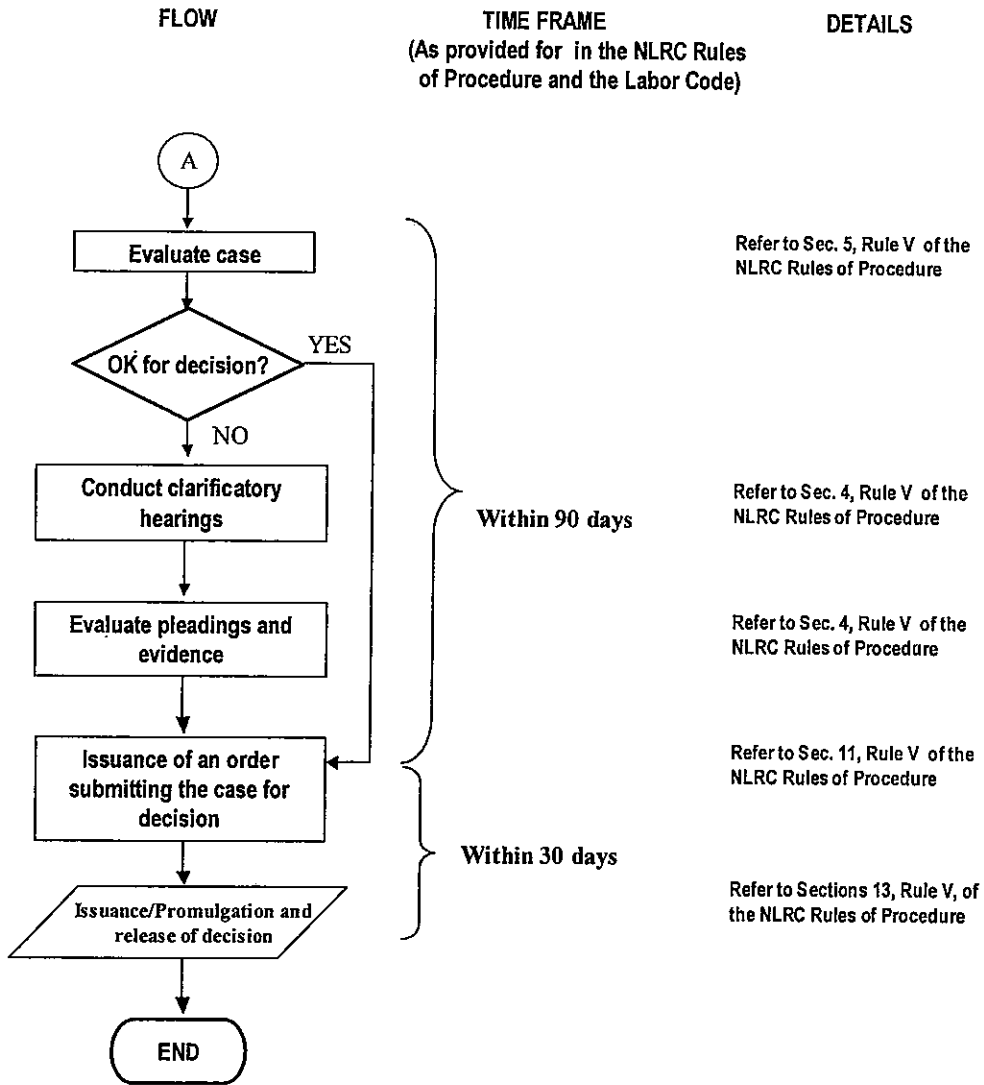
**NATIONAL
LABOR
RELATIONS
COMMISSION**



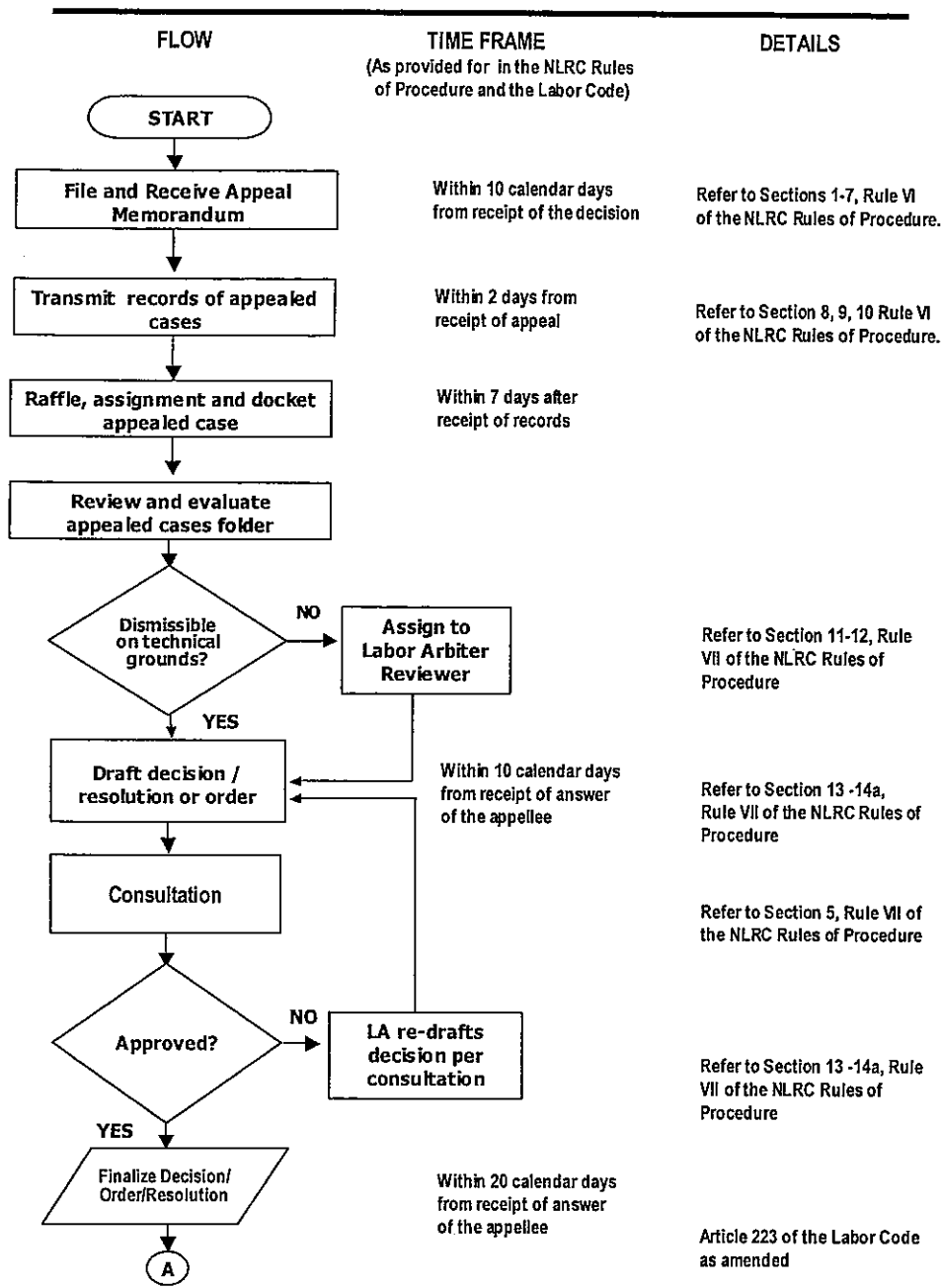
**NATIONAL LABOR RELATIONS COMMISSION
REGIONAL ARBITRATION BRANCH**



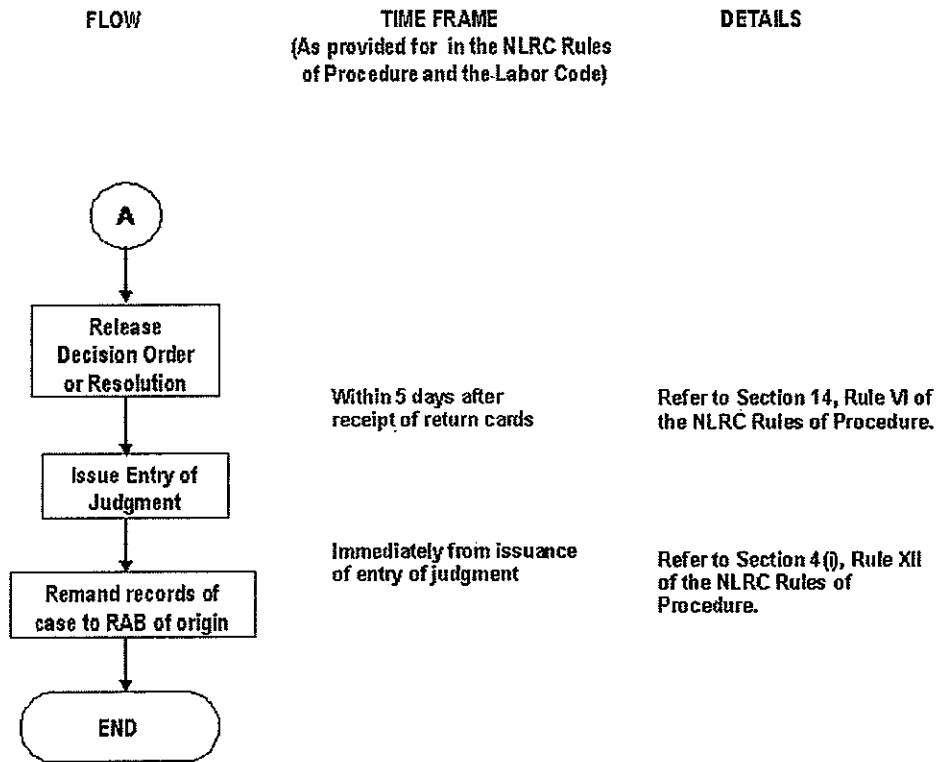
**NATIONAL LABOR RELATIONS COMMISSION
REGIONAL ARBITRATION BRANCH**



**NATIONAL LABOR RELATIONS COMMISSION
APPELLATE (COMMISSION PROPER) LEVEL**



NATIONAL LABOR RELATIONS COMMISSION
APPELLATE (COMMISSION PROPER) LEVEL

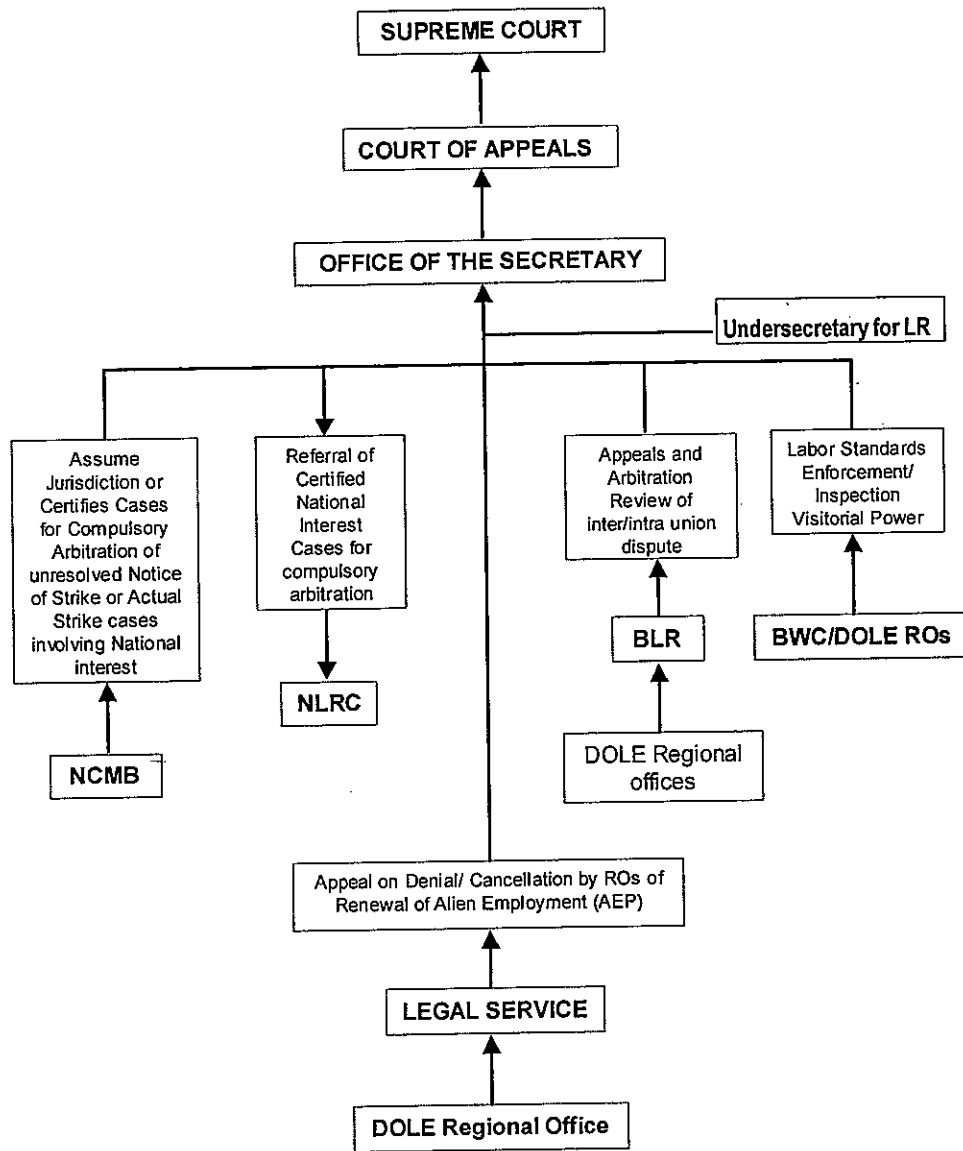


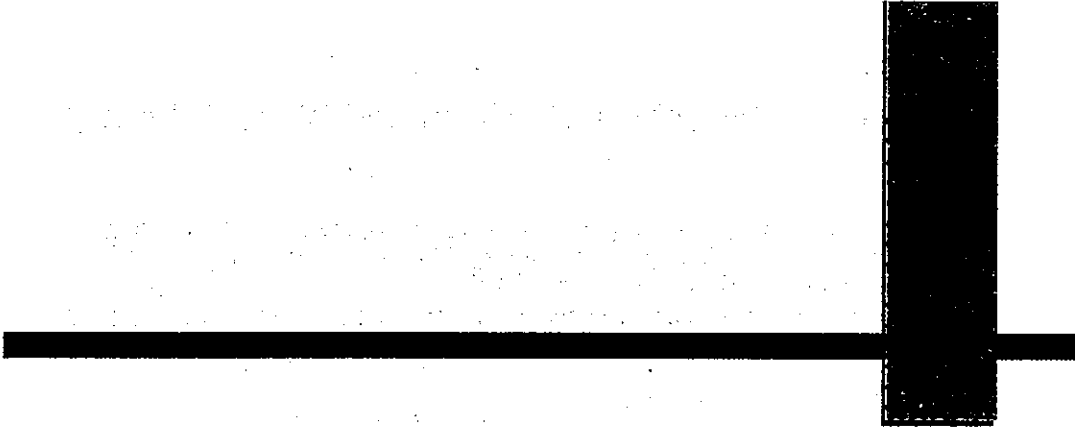


**OFFICE OF THE
SECRETARY**




ASSUMPTION, CERTIFICATION, ARBITRATION AND APPEALED CASES



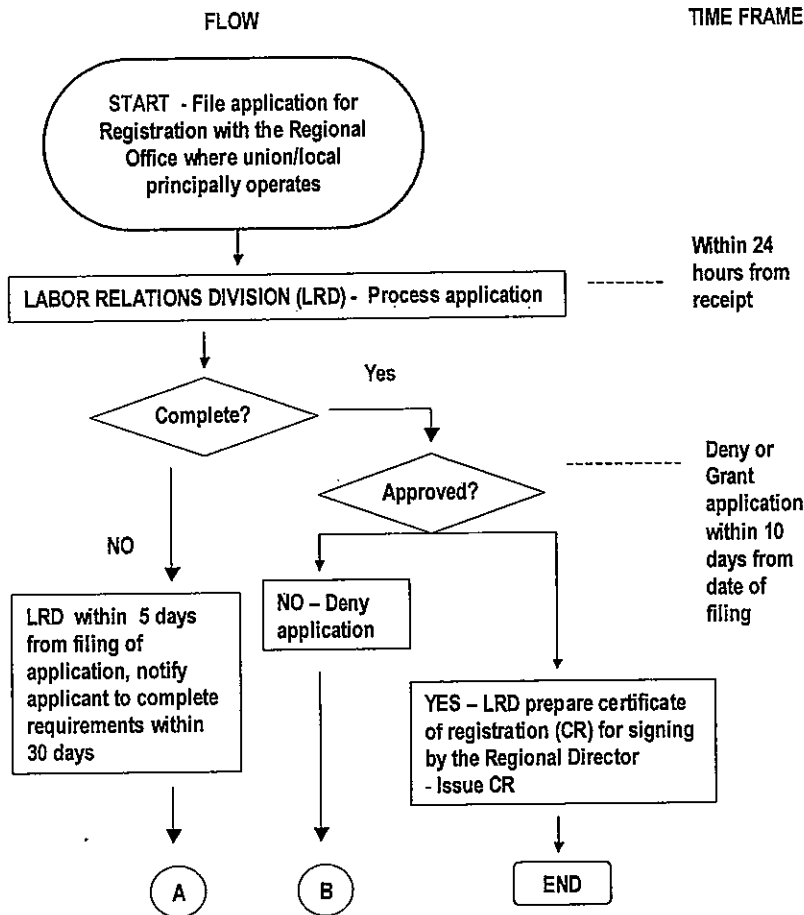


**BUREAU OF
LABOR
RELATIONS**

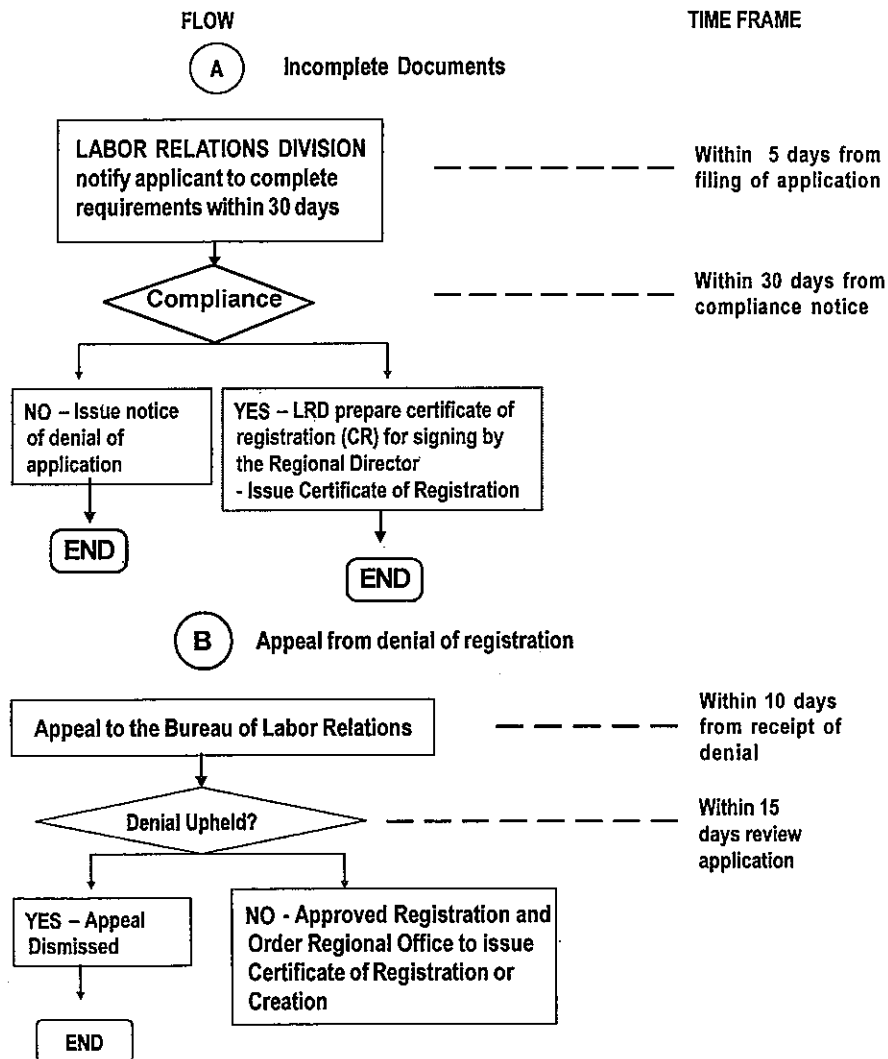


REGISTRATION OF INDEPENDENT UNION, WORKERS' ASSOCIATION, CHARTERED LOCAL, AFFILIATION, CHANGE OF NAME, NOTICE OF MERGER/CONSOLIDATION

(Pursuant to Dept. Order No. 40-03, Series of 2003, or the Rules and Regulations Implementing Book V of the Labor Code)

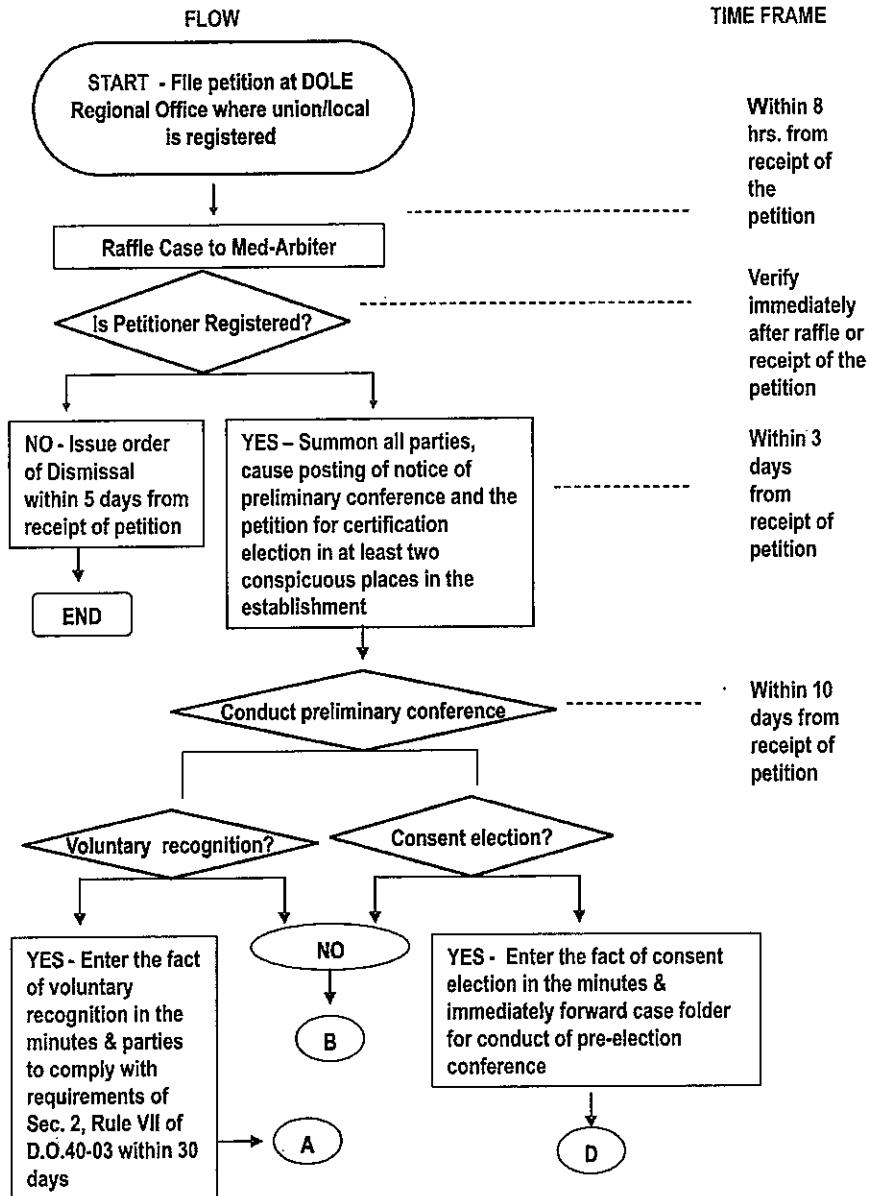


REGISTRATION OF INDEPENDENT UNION, WORKERS' ASSOCIATION, CHARTERED LOCAL, AFFILIATION, CHANGE OF NAME, NOTICE OF MERGER/CONSOLIDATION
(Pursuant to Dept. Order No. 40-03, Series of 2003, or the Rules and Regulations Implementing Book V of the Labor Code)



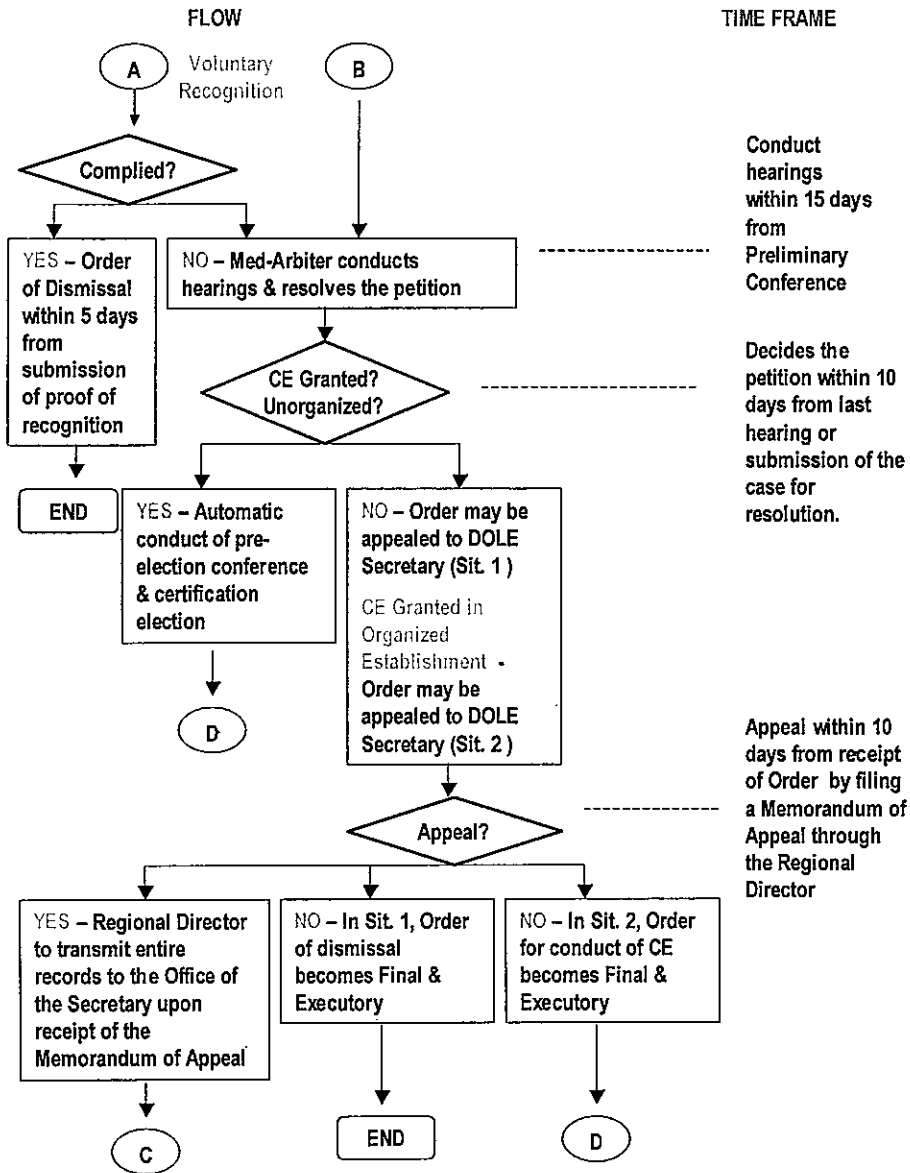
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(Pursuant to Dept. Order No. 40-03, Series of 2003, or the Rules and Regulations Implementing Book V of the Labor Code)



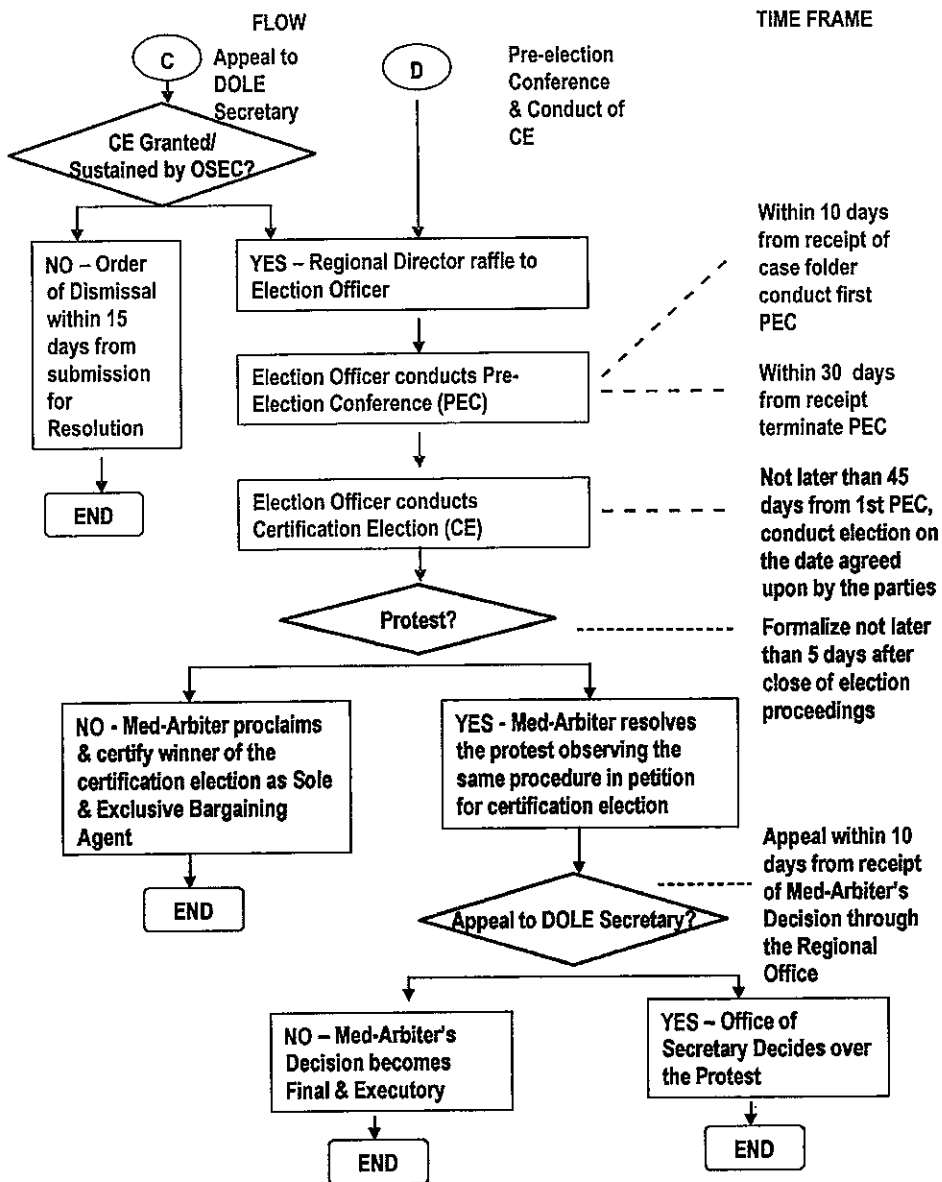
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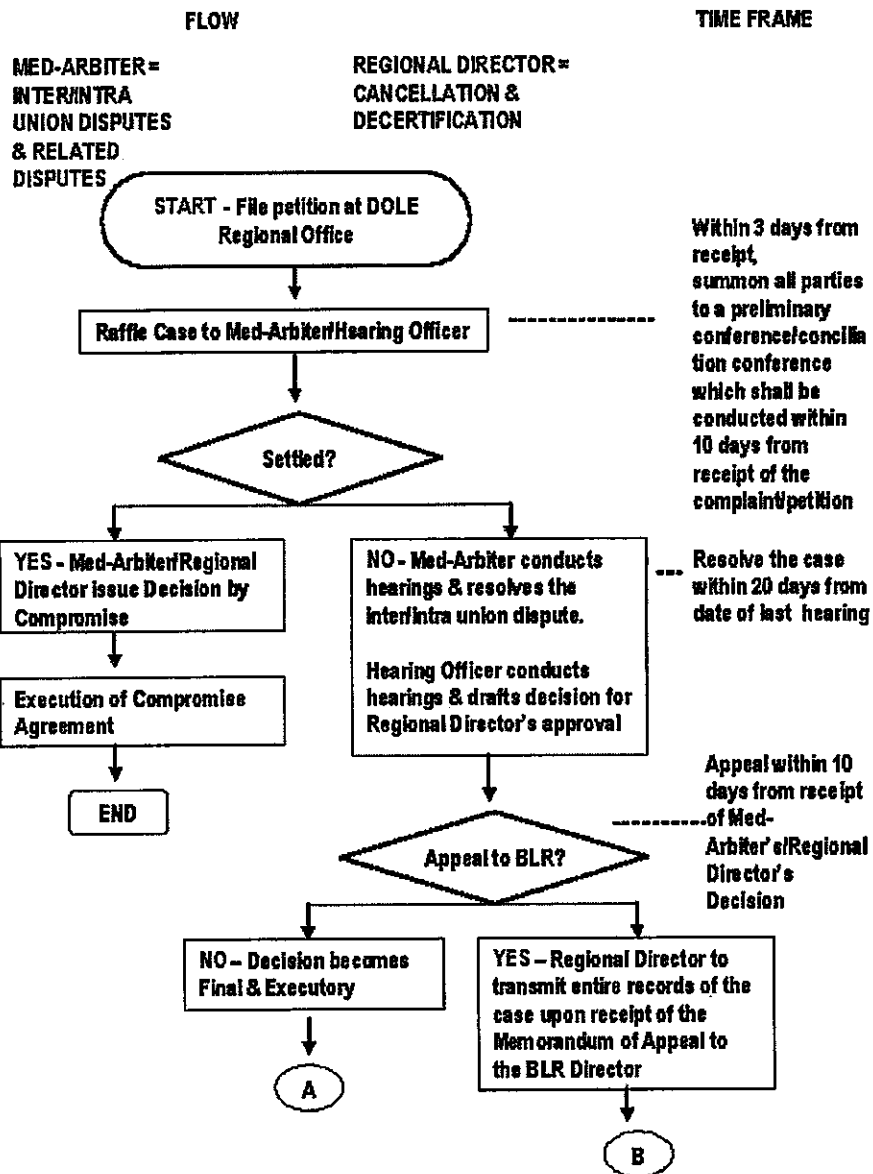


CERTIFICATION ELECTION

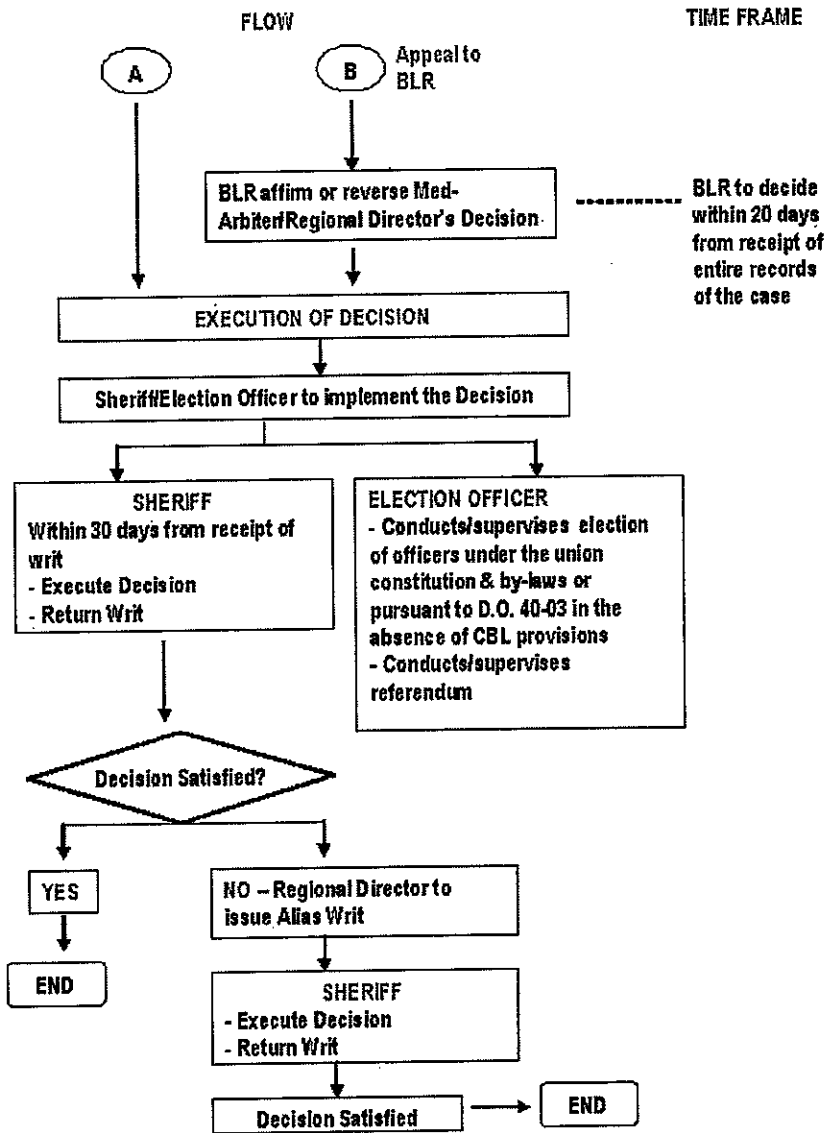
(Pursuant to Dept. Order No. 40-03, Series of 2003, or the Rules and Regulations Implementing Book V of the Labor Code)



INTER/INTRA-UNION & RELATED LABOR RELATIONS DISPUTES
(Puruant to Dept. Order No. 48-03, Series of 2003, or the Rules and Regulations implementing Book V of the Labor Code)



INTER/INTRA UNION & RELATED LABOR RELATIONS DISPUTES
(Pursuant to Dept. Order No. 40-03, Series of 2003, or the Rules and Regulations Implementing Book V of the Labor Code)

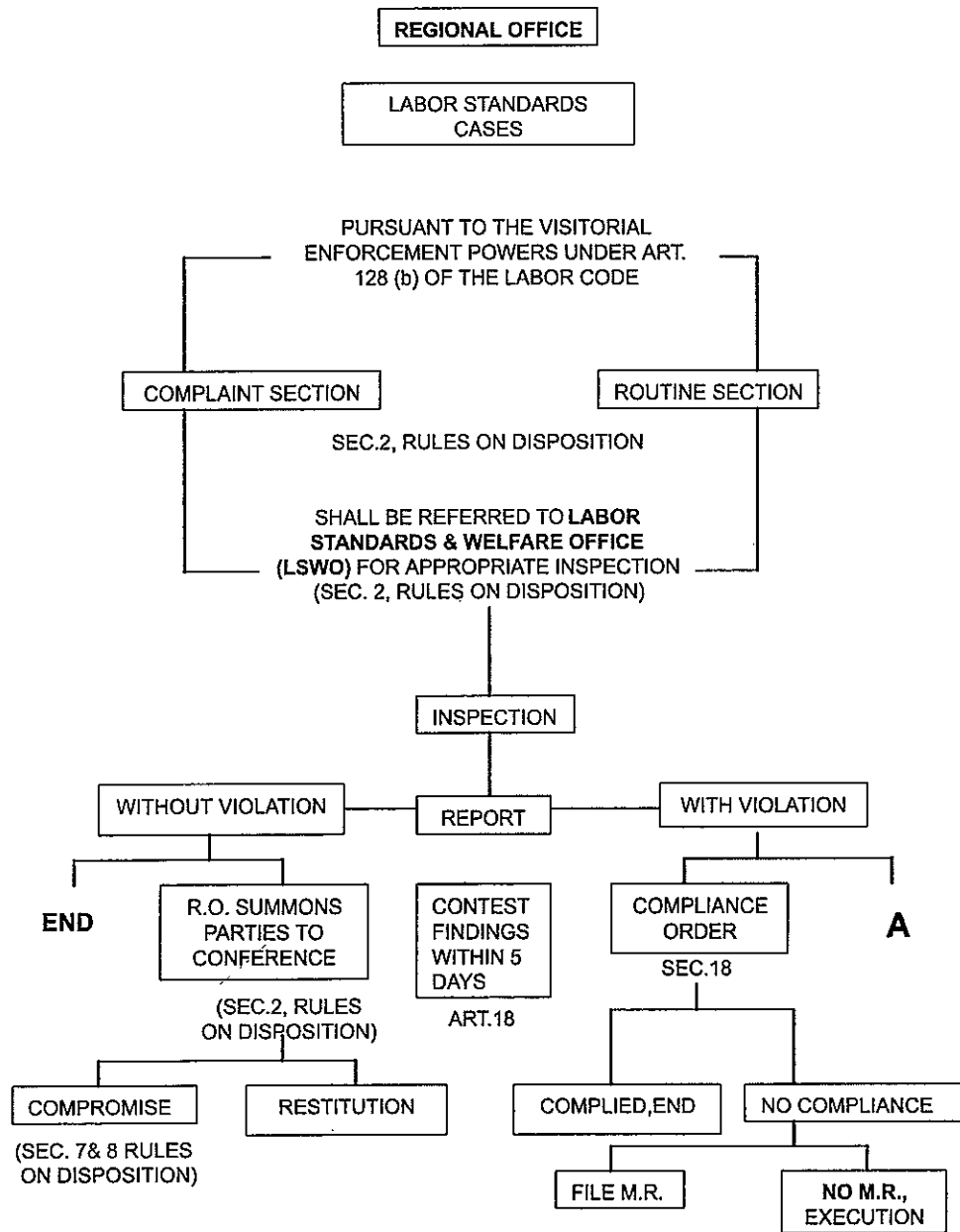




LEGAL SERVICE

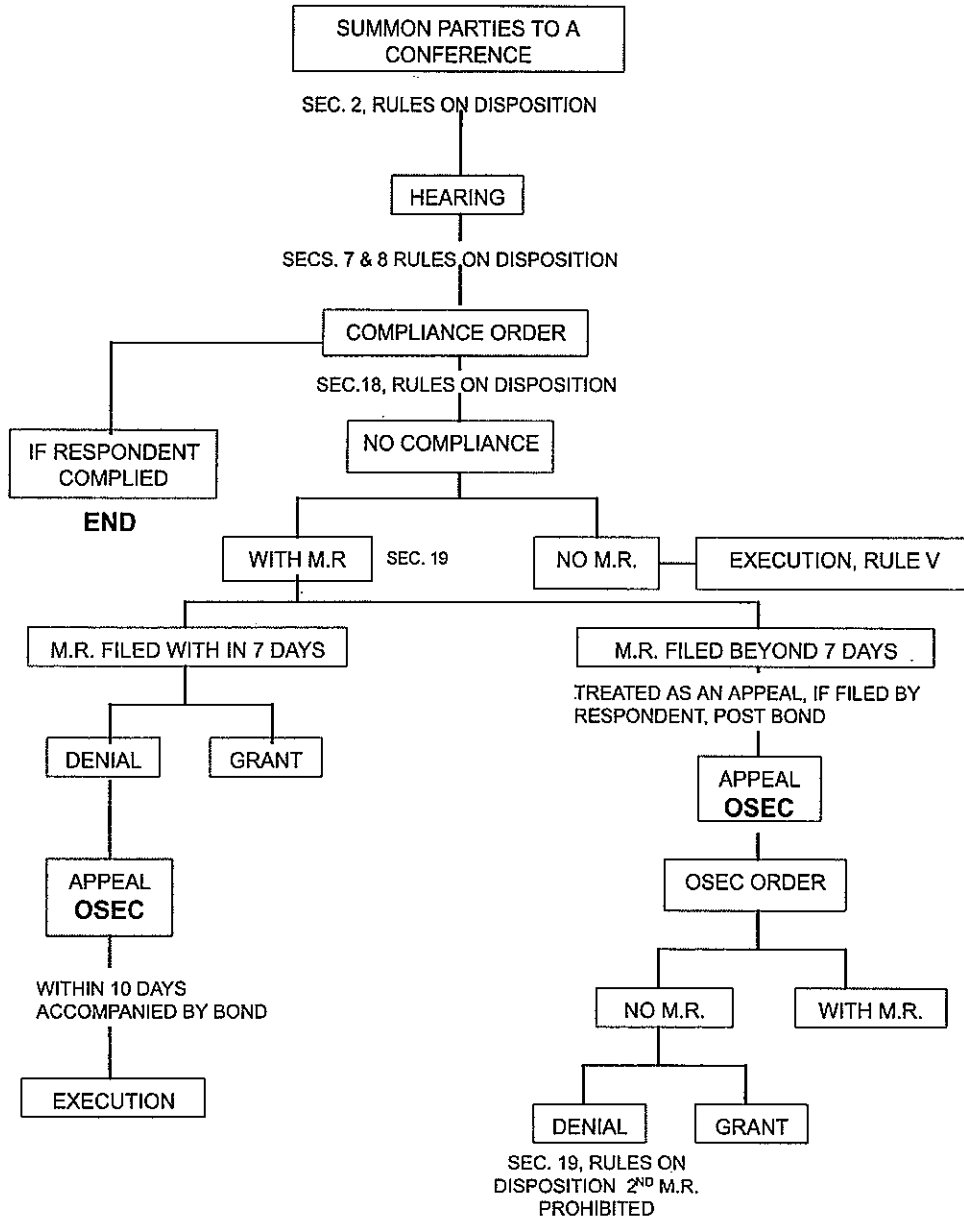


LABOR STANDARDS CASES



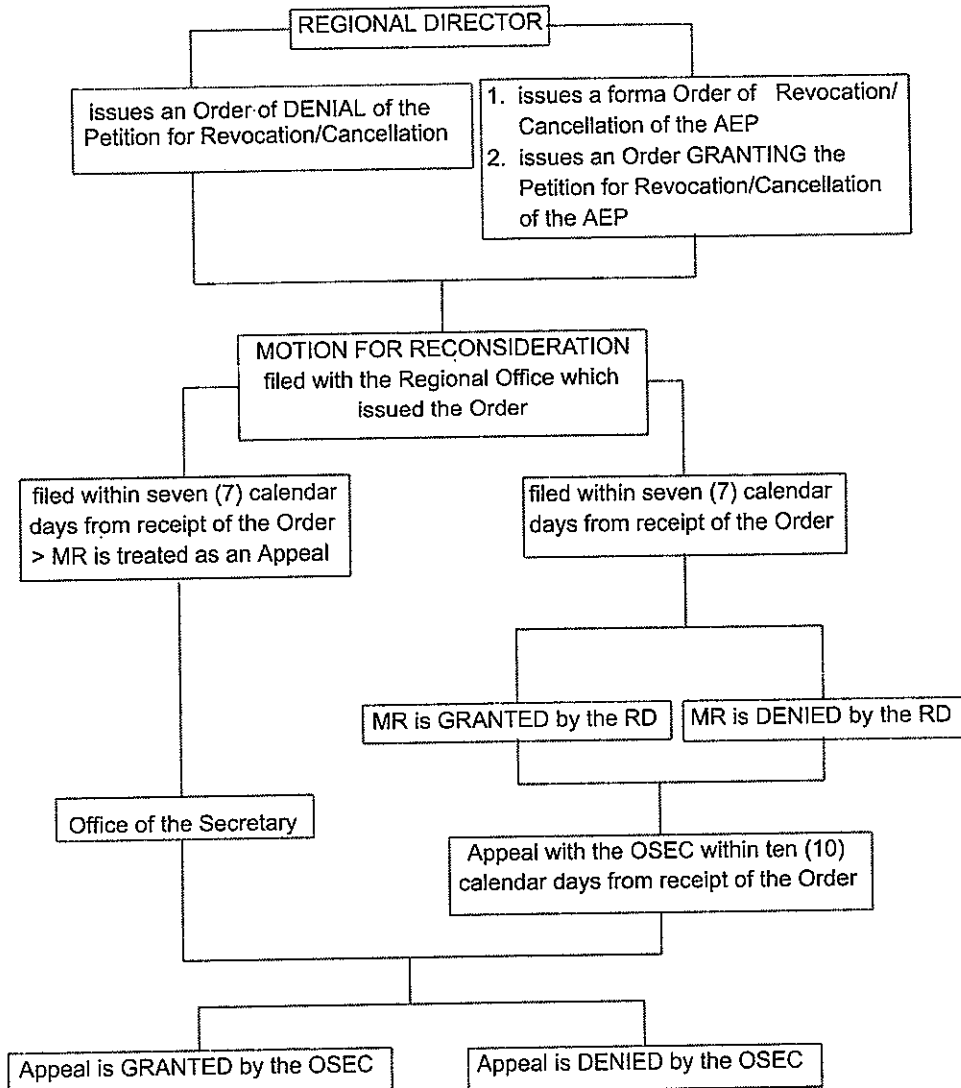
LABOR STANDARDS CASES

A



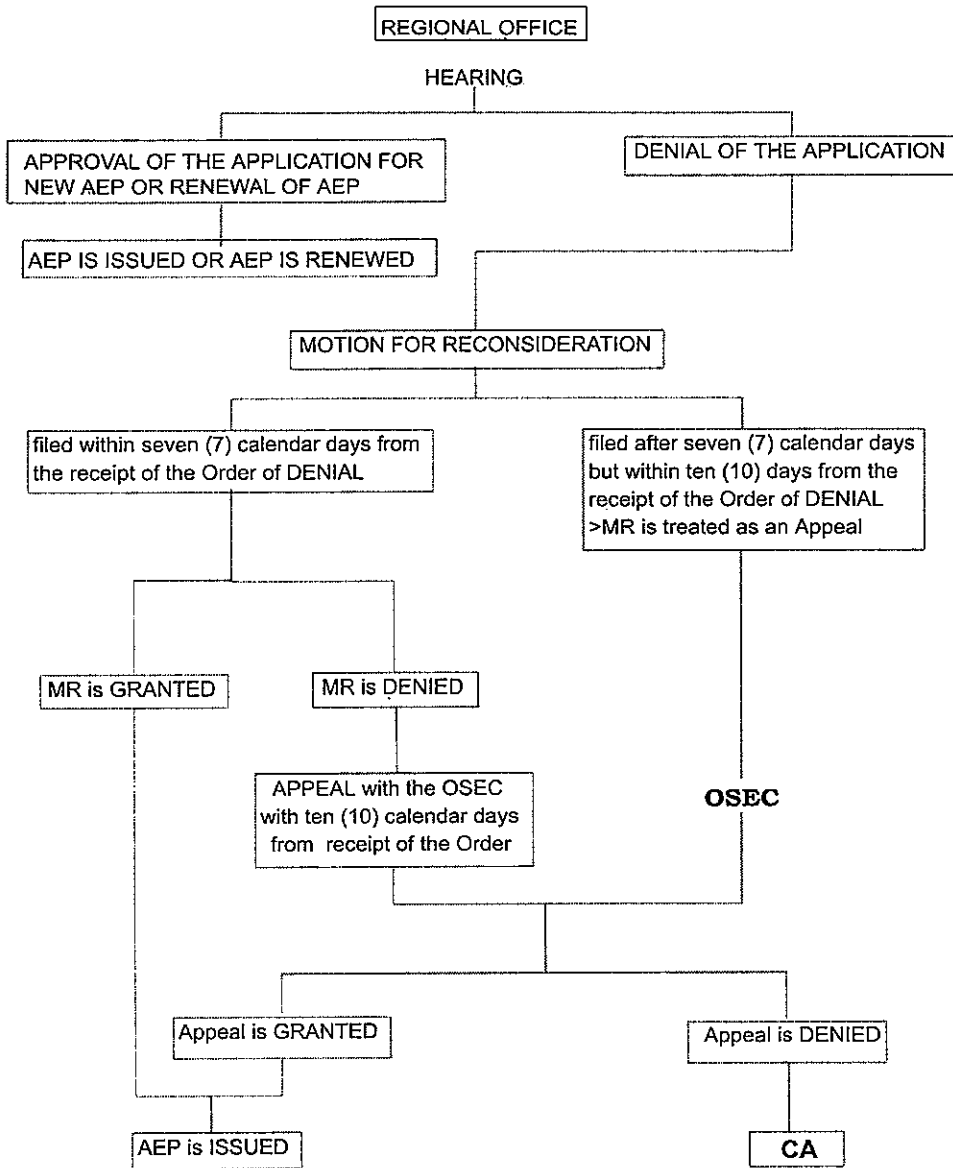
REVOCATION OR CANCELLATION OF ALIEN EMPLOYMENT PERMITS (AEPs)

1. motu proprio by the Regional Director or
2. upon Petition by interested Parties

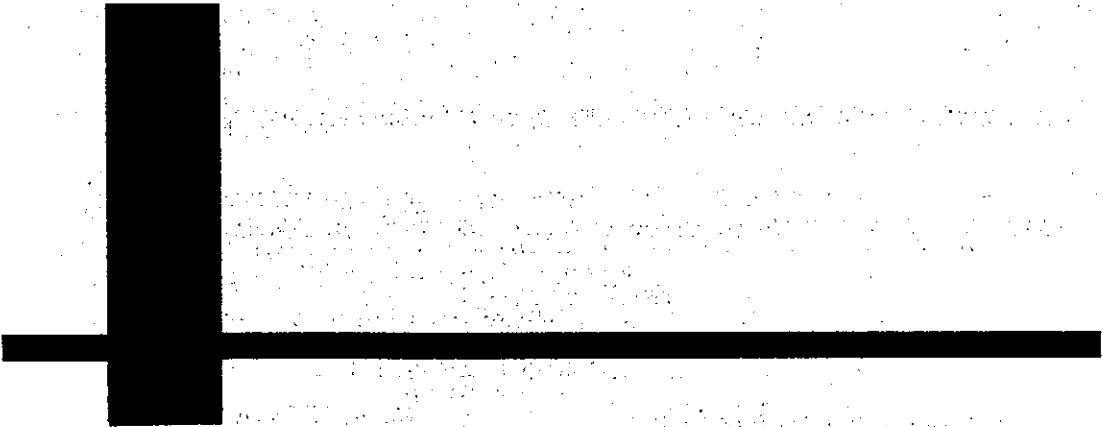


*SOURCE: PART III, Manual of Operations in the issuance of Alien Employment Permits (AEPs) to Foreign Nationals pursuant to D. O. No. 12, Series of 2001, or the Omnibus Guidelines for the Issuance of Employment Permits to Foreign Nationals

APPLICATION FOR NEW AEP or APPLICATION FOR RENEWAL OF AEP



*SOURCE: PART III, Manual of Operations in the issuance of Alien Employment Permits (AEPs) to Foreign Nationals pursuant to D. O. No. 12, Series of 2001, or the Omnibus Guidelines for the Issuance of Employment Permits to Foreign Nationals

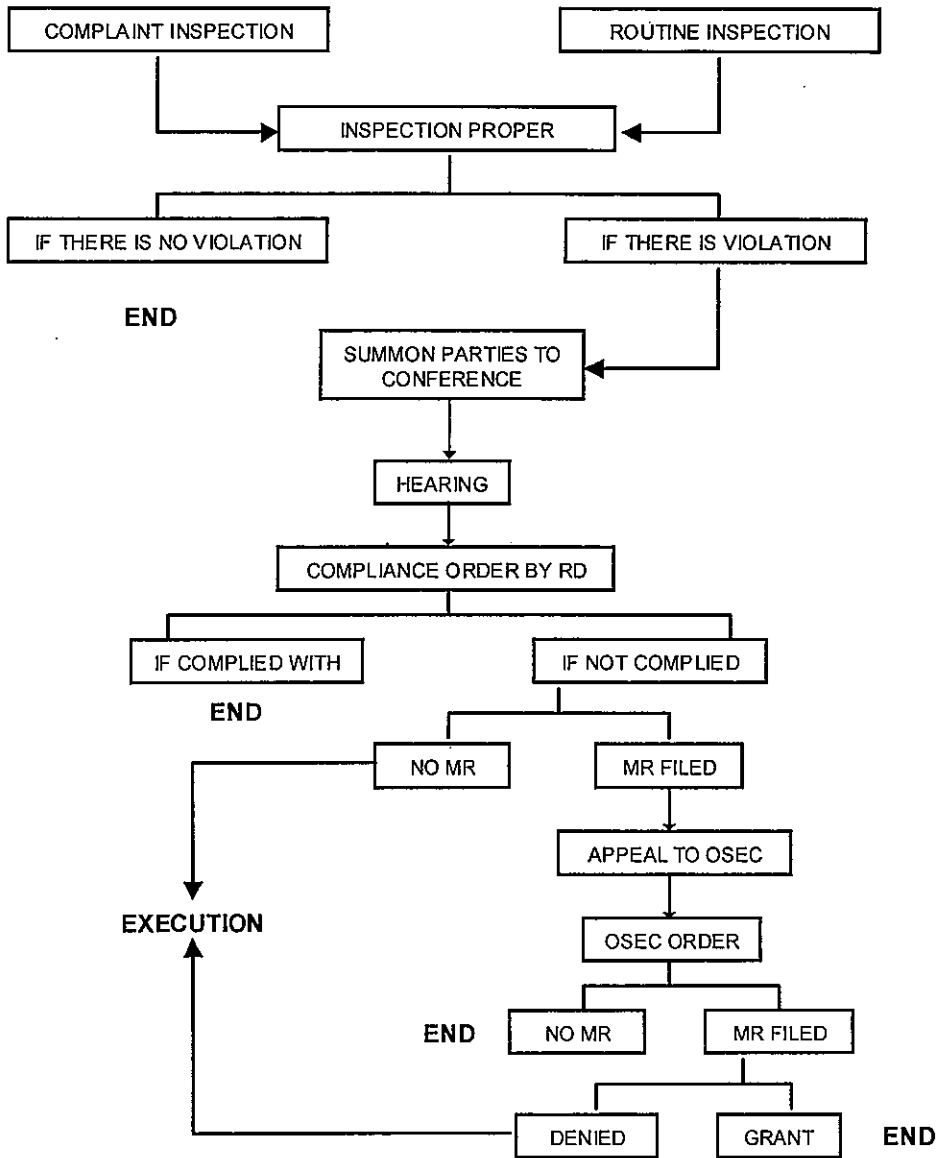


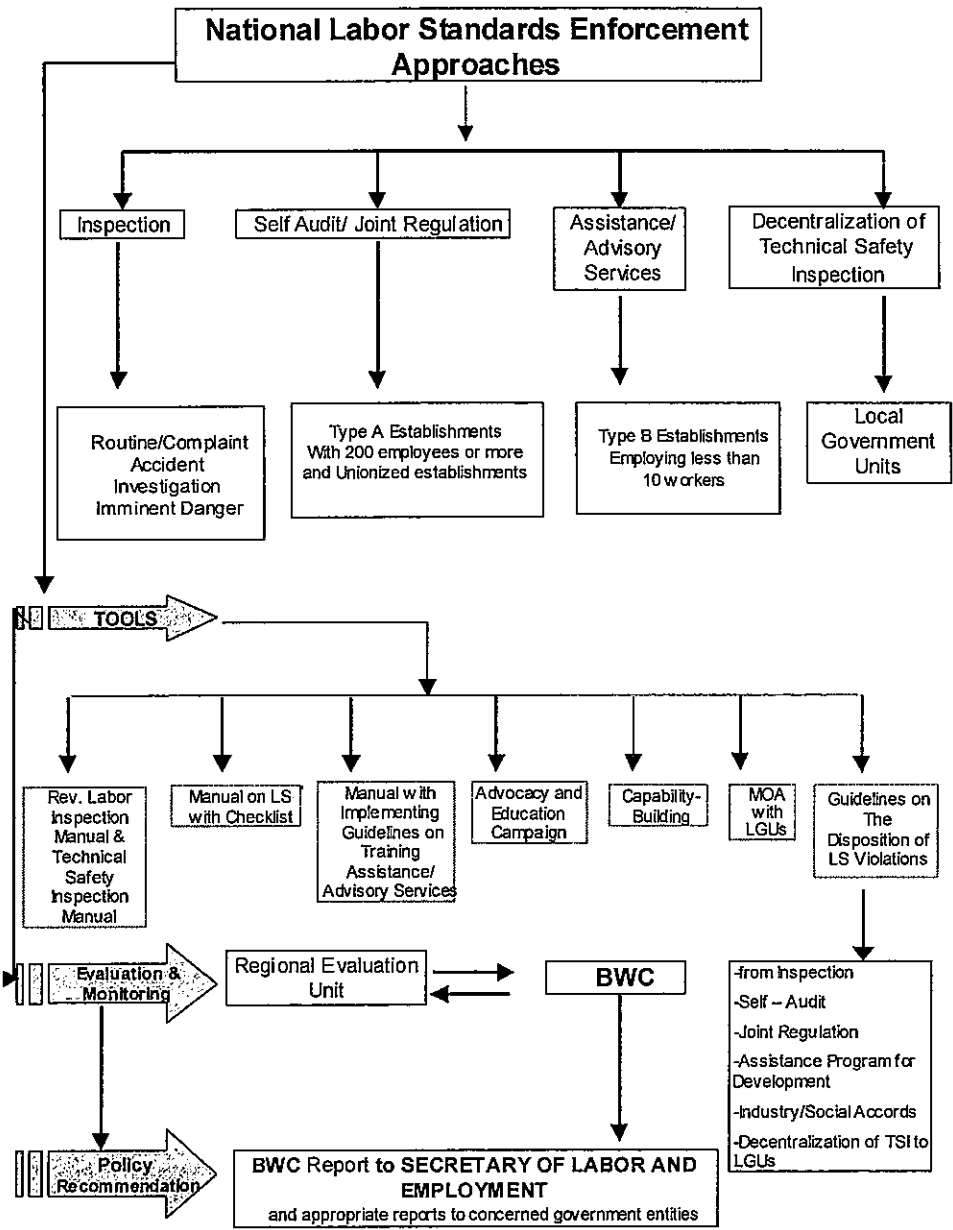
BUREAU OF WORKING CONDITIONS



LABOR STANDARDS ENFORCEMENT

START



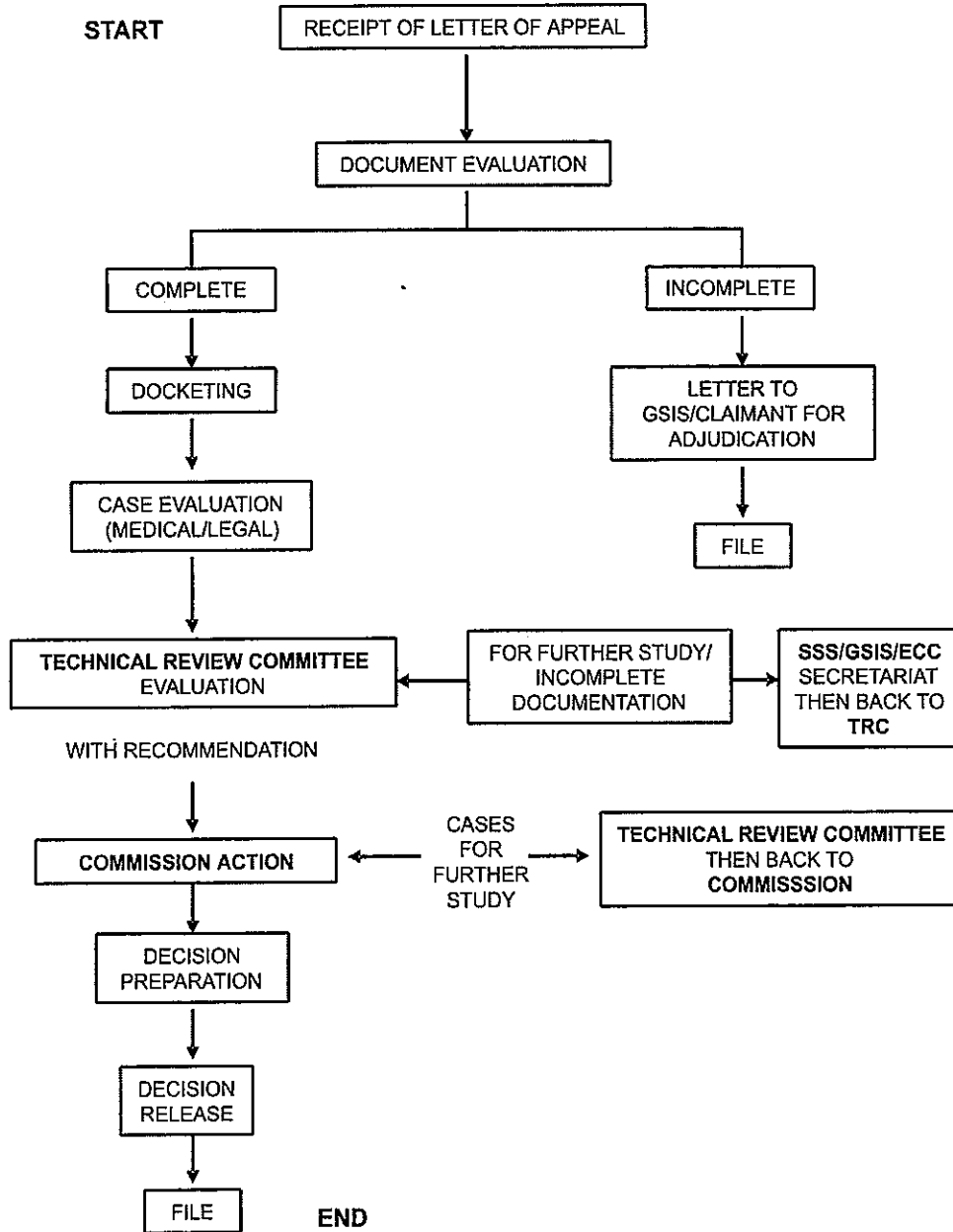




**EMPLOYEES
COMPENSATION
COMMISSION**



ECC APPEALED CASES



The Front Cover: A Concept, A Philosophy

The symbolism of a building structure lends itself to an analogy of the procedural system that has been laid out to provide the foundation of the processes, in pursuit of industrial peace based on justice. The laying out is still on-going as the task to build the structure never stops, given the dynamism of the labor relations environment.

The untimely demise of our original architect, **KA BLAS F. OPLE**, the Father of Philippine Labor Laws, gives us more reason to continue building the structure of labor relations in the Philippines.

USEC JB Jimenez

DOLE OFFICIALS

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Undersecretary **MANUEL G. IMSON**
Undersecretary **JOSEPHUS B. JIMENEZ**
Undersecretary **DANILO P. CRUZ**
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Cluster Members:

Functional

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Acting Executive Director **ROMEO A. YOUNG**
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Employees Compensation Commission
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Director **TERESITA R. MANZALA**
Bureau of Working Conditions*
OIC-Director **MA. ELENITA S. DUNGO-NIETO**
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Regional Office VIII
Regional Director **GLORIA A. TANGO,**
Regional Office X

*Now with the *Workers Welfare & Protection Cluster*

Cluster Secretariat: **Carmina B. Alonzo**
Ma. Karina B. Perida

The Department of Labor and Employment extends its heartfelt gratitude to the donor,
INTERNATIONAL LABOUR ORGANIZATION (Subregional Office for South-East Asia and the Pacific, 5/F NEDA sa Makati Bldg., 106 Amorsolo Street, Legaspi Village, Makati City, Philippines; Tel Nos. (632) 819-3614, 815-2354 & 892-0611 thru 25; Fax No. (632) 812-6143, E-mail: manila@ilomnl.org.ph, Website: www.ilo.org/manila)

Department Bureaus

Bureau of Labor and Employment Statistics
Bureau of Local Employment
Bureau of Rural Workers
Bureau of Women and Young Workers

Regional Offices

NCR
CAR
Regional Office I
Regional Office II
Regional Office III
Regional Office VI-B
Regional Office V
Regional Office IX
Regional Office XI
Regional Office XII
Regional Office XIII

Attached Agencies

Institute for Labor Studies
Occupational Safety & Health Center
Maritime Training Council
National Maritime Polytechnic
National Wages and Productivity Commission
Overseas and Workers Welfare Administration
Philippine Overseas Employment Administration
Technical Education and Skills Development Authority

Labor Attaches

Asia and the Pacific
Middle East
Americas and Trust Territories
Europe



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