message of the chair

**ALICIA dela ROSA-BALA** 

Chairperson

Civil Service Commission

**P**ublic sector unions assume a critical role in the delivery of

quality public service. As a partner of the management, employee organizations do their share not only in formulating, implementing, and monitoring the strategic policies and goals of the agency, but also in preventing graft and corruption.

The Civil Service Commission (CSC) stands foursquare with employee organizations in the public sector, especially in protecting their rights to organize as mandated under Executive Order No 180. The said edict provides the guidelines for the exercise of the right to organize of government employees, creating a public sector labor management council, and for other purposes.

E.O. No. 180 mandates the CSC to ensure the development of responsible public sector unionism and responsive management through the development of policies for the registration and accreditation of employee organization which includes evaluation of existing policies and recommend amendments/enhancement toward the formulation of new policies to improve management-employee relations.

The primordial aims of public sector unionism is to foster understanding between employee groups and the management in upholding the well being and rights of the workforce to strengthen the organization as a whole. As we collectively uphold the ideals of progressive employee

employer relationship in the public sector, let us do so in the spirit of nation-building.

The Compendium of Public Sector Unionism Issuances is a compilation of policies issued by the CSC, Department of Labor and Employment, and the Public Sector Labor Management Council from 1987 to 2018. It mirrors the evolution of the principles that guide the establishment, functions, and administration of government employees’ organizations today.

The Commission hopes that this compendium will serve as a vital reference not only for state workers but also for policy makers, legal practitioners, legal researchers, students, and all those interested to know more about the workings of public sector unionism in the Philippines.

To public sector employees’ organizations nationwide, harness your strength and anchor your commitment on the noble cause of unionism— tunay na malasakit at pakikipaglaban para sa kapakanan at karapatan ng bawat manggagawa sa serbisyo publiko. Continue to be true to your mission of ensuring the promotion of every government worker’s professional development, welfare, and provision of employment benefits. This complements the CSC’s mission of “Gawing Lingkod Bayani ang Bawat Kawani.”

message of the Commissioner

**LEOPOLDO ROBERTO W. VALDEROSA JR.** 

Commissioner

Civil Service Commission

**O**ne of the major thrusts of the Civil Service Commission is to harness

public sector unionism. And the CSC is supportive to all the efforts of all public sector unions in the bureaucracy. As such, the Human Resource Relations Office (HRRO) at the CSC Central Office, the office in charge

of public sector union concerns, is tasked to promote responsive management and responsible public sector unionism as these are key partners in good governance.

Through the years, the Civil Service Commission (CSC) has been working to debunk the misconception on public sector unionism as it believes that public sector unions are effective instruments to promote harmony in the workplace and to foster unity among the rank-and-file employees and management.

In our efforts to strengthen public sector unionism and provide support to public sector unions across the country, we have taken initiatives to improve our services: PSUs’ processes were improved; data were made available on-line; mediation services were accessible; and PSU education had been aggressively undertaken for a wider reach.

The development of this Compendium of PSU-related issuances is a proof of CSC’s commitment to continuously harness public sector unionism as we move towards our mission to become the center of excellence in human resource and organizational development. We commit to be your key partner in providing sound policies for responsible public sector unionism and responsive management. The goal of public sector unionism is to have harmonious relationship between public servants and the management would result to better public service. It must be made clear that public sector unionism is not adversarial. Instead it is compassionate looking after the furtherance of the welfare of government employees for the delivery of best service to the people.

message of the Commissioner

**AILEEN LOURDES A. LIZADA** 

Commissioner

Civil Service Commission

**T**hrough the years, the Civil Service Commission (CSC) promotes public

sector unionism to be an effective instrument to advance, cultivate, and sustain unity and harmony between the rank-and-file employees and management.

The primordial goal of public sector unionism is a harmonious relationship between the two (2) parties with the end in view that would result to excellent public service. We must be categorical that public sector unionism should not be adversarial. One cannot breathe life by destroying the other. One cannot gain favorable concession of better working environment without achieving agency goals, mission, and vision. The two must work together in its journey. They can be mutually interdependent at the same time independent.

This compendium of PSU-related policies and issuances will be a helpful tool in appreciating the existence and the very essence of public sector unionism. It provides policy guidelines which will help both management and rank-and file employees through their public sector unions, in establishing a genuine collaboration and partnership towards achieving their common goals of providing our people with better and quality public service.

Moreover, this Compendium presents related policies which will guide management and public sector unions in forging collective negotiation agreement for the furtherance of the terms and conditions of work of our public servants, towards developing strong and motivated public employees, with highly ethical work culture --- qualities that we aspire for the next generation of public servants.

This Compendium affirms the CSC’s commitment to continuously promote responsive management and responsible public sector unionism as key partners to effective governance and lasting harmony in the workplace.

I. **Legal Bases of Unionism**

1-A- Executive Order No. 180 - Providing Guidelines for the Exercise of the Right to Organize Of Government Employees, Creating A Public Sector Labor-Management Council, And For Other Purposes (June 1, 1987)

1-B- List of Other Legal Bases

II. **Organizing Public Sector Unionism**

1. JOINT CSC-DOLE POLICY INSTRUCTION, NO. 1, Series of 1991

2. PSLMC Resolution No. 1, s. 1989

3. PSLMC Resolution 89-204 - Policy Directions on Public Sector Unionism

4. PSLMC Resolution No. 2, s. 2004 - Approving And Adopting The Amended Rules and Regulations Governing The Exercise of the Right of Government Employees to Organize

III. **Membership**

1. PSLMC Resolution No.10, s. 1991 - Supplemental Amendment to PSLMC Resolution No. 1, s. 1989 Specifically on the Matter of Organizational Unit

2. PSLMC Resolution No.1, s. 1991 – Classification of Division Chiefs

3. PSLMC Resolution No.1, s. 1992 – Policy Relative to the Inclusion of Security Guard as Members of the Rank and File Employees’ Union/Organization in the Public Sector

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4. PSLMC Resolution No. 2, s. 1993 –

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Guidelines in Determining Rank-and-File or

Managerial Status: Effect of Designation to

Primarily Confidential/Policy Determining

Position on Union membership

5. PSLMC Resolution No.1, s. 2005 –

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Classification of Department Heads and

Assistant Department Heads in Local

Government Units

6. PSLMC Resolution No.4, s. 2010 –

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Amendment of Section 1, Rule V of the

Amended Rules and Regulations Governing

the Exercise of the Right of Government

employees to organize Re: Reverting the

Percentage of Membership Requirement

for Purposes of Registration of Employees’

Organization from 30% to 10%

IV. **PSU Registration**

1. PSLMC Resolution No.10-A, s. 1993 –

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Supplemental Amendment to PSLMC

Resolution No. 10,s. 1991 on the

Requirement for Registration for Regional

Unions

V. **PSU Accreditation**

1. PSLMC Resolution No. 2, s. 1991 – Policies

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on Accreditation

2. PSLMC Resolution No. 1, s. 2002 -

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Additional Requirements On Accreditation

Of Public Sector Organizations/Unions

3. PSLMC Resolution No. 2, s. 2008–

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Supporting Documents for Accreditation

of Employees’ Organization/Union

(Amendment to Section 4, Rule VIII of

the Amended Rules and Regulations of

Executive Order No. 180)

4. PSLMC Resolution No. 5, s. 2015 –

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Amendment to PSLMC Resolution No. 2,

s. 2008 Re: Supporting Documents for

Accreditation of Employees’ Organization

5. PSLMC Resolution No. 15, s. 2017 -

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Guidelines on Accreditation of An Employee

Organization in Case of Merger Agencies

VI. **Collective Negotiation Agreement (CNA)**

1. Memorandum Circular No. 55, s. 1990 –

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Policy Directions on the Right to Collective

Negotiations in the Public Sector

2. Memorandum Circular No. 45, s. 1996 –

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Collective Negotiation Agreement (CNA)

Signing Bonus

3. PSLMC Resolution No. 4, s. 2002- Grant

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Of Collective Negotiation Agreement

(CNA) Incentive For National Government

Agencies, State Universities And Colleges

And Local Government Units PSLMC

4. Resolution No. 2, s. 2003 – Grant Of

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Collective Negotiation Agreement (CNA)

Incentive For Government Owned Or

Controlled Corporations (GOCCS) And

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5. PSLMC Resolution No. 1, s. 2014-

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Clarification on the Automatic Renewal of

Collective Negotiation Agreement (CNA)

6. PSLMC Resolution No. 4, s. 2015-

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Amendment To Section 3, Rule XV Of

The Amended Implementing Rules And

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VII. **CNA Registration**

1. PSLMC Resolution No.2, s. 2007- CNA

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Registration and Effectivity (Amendments

to Sections 1 and 4, Rule XIII and Section

4, Rule XII of the Amended Rules and Regulations of Executive Order No. 180)

2. PSLMC Resolution, s. 2011– Non Registration of the Collective Negotiation Agreements (CNA); It’s Effects

3. PSLMC Resolution No. 7, s. 2017 – Amendment to PSLMC Resolution dated October 25, 2011 Re: Non-Registration of Collective Negotiation Agreement (CNA); Its Effects

VIII. **Rates** - PSLMC Resolution s. 2011– *Registration Fee; Accreditation Fee; Collective Negotiation Agreement (CNA) Registration Fee re: New Rates*

IX. **Agency Fee**

1. PSLMC Resolution No. 1, s. 1993 – Agency Fee from Non-Members of the Accredited/ Recognized Collective Negotiating Agent

2. PSLMC Resolution No. 15, s. 2013 – Payment of Agency Fee from Non-Members of the Accredited/Recognized Employees’ Association

3. PSLMC Resolution No. 1, s. 2019 - Clasification on Agency Fee Collected from Management

X. **Delegation of Functions**

1) **Public Sector Labor-Management Council**

a. Rules and Procedure of Public Sector Labor-Mangement Council

b. PSLMC Resolution No. 3, s. 1991- Policies on the Jurisdiction of the

Public Sector Labor-Management

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c. PSLMC Resolution No. 3, s. 2010 Public Sector Labor-Management Council (PSLMC)/Council Original And Exclusive Jurisdiction

Re: Determine Sufficiency of Essential Requisites in Filing a Proper Complaint

d. PSLMC Resolution No. 2, s. 2002-Implementation Of PSLMC Decisions

2) **Human Resource Relations Office**

a. Memorandum Circular No. 09, s.1987 – Establishment of the Office of Personnel Relations in the Civil Service Commission

b. PSLMC Resolution No.5, s. 2010- Civil Service Commission-Personnel Relations Office (CSC-PRO) Original And Exclusive Jurisdiction

 Re: Amendment to Section 1, Rule XIX of the Amended Implementing Rules and Regulations of (IRR) of Executive Order No. 180

c. PSLMC Resolution No. 16, s. 2013-Delegation to the Civil Service Commission – Personnel Relations Office to Assume Jurisdiction Over a Petition for the Conduct of Election of Officers in an Employees’ Organization

d. PSLMC Resolution No. 2, s. 2015 -Renaming of Personnel Relations Office (PRO) to Human Resource Relations Office (HRRO)

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1. PSLMC Resolution No. 2, s. 1992- Submission To The CSC And Dole Of Amendments On Union Constitution And By-Laws

2. PSLMC Resolution No. 2, s. 2017– Submission of Accomplishment by Public Sector Employees’ Associations as Additional Reportorial Requirement

XII. **Working Conditions**

1. Memorandum Circular No. 30, s. 1994 - Checklist Of Reasonable Working Conditions In The Public Sector

2. Memorandum Circular No. 33, s. 1997 – Policy on Working Conditions

XIII. **Grievance**

1. Memorandum Circular No. 47, s. 1990 – Conciliation and Mediation Service in the Public Sector

2. PSLMC Resolution s. 2011– Section 1, Rule XVII (Intra-Employees Organizational Disputes) of the Amended Implementing Rules and Regulations (IRR) of Executive Order No. 180 re Clarificatory PSLMC Resolution on Exhaustion of Administrative Remedies

3. PSLMC Resolution No. 3, s. 2017 - Limitation on Filing of Pleadings Before the Public Sector Labor-Management Council (PSLMC)

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XIV. **Unfair Labor-Management Practices**

1. PSLMC Resolution No. 4, s. 2017– Amendment to Section 2, Rule XVI of the Amended Rules and Regulations of Executive Order No. 180 Re Unfair Labor

Management Practice

XV. **Other Issuances:**

**Promoting Public Sector Unionism**

1. Memorandum Circular No. 16, s. 1988 – Information Campaign on Public Sector Unionism

2. PSLMC Resolution No. 9, s. 2014– Public Sector Unions as Vanguards of Good Governance

3. Memorandum Circular No. 33, s. 1994 – Rules to Govern Posting and Hanging of Poster, Placards, Streamers and Other Similar Materials

**Change of Name**

1. PSLMC Resolution No. 6, s. 2018 – Guidelines on the Change of Name of an Employees’ Organization in the Public Sector

**Strike**

1. Memorandum Circular No. 6, s. 1987 – Strike by Government Employees

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**List of Issuances on the Grant of CNA Incentives**

**List of Public Sector Unionism-Related Jurisprudence**

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Executive Order No. 180

**PROVIDING GUIDELINES FOR THE EXERCISE OF**

**THE RIGHT TO ORGANIZE OF GOVERNMENT EMPLOYEES, CREATING A PUBLIC SECTOR LABOR-MANAGEMENT COUNCIL, AND FOR OTHER PURPOSES**

In accordance with the provisions of the 1987 Constitution, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

**I. Coverage**

Sec. 1. This Executive Order applies to all employees of all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters. For this purpose, employees covered by this Executive Order shall be referred to as "government employees".

Sec. 2. All government employees can form, join or assist employees' organizations of their own choosing for the furtherance and protection of their interests. They can also form, in conjunction with appropriate government authorities, labor-management committees, works councils and other forms of workers' participation schemes to achieve the same objectives.

Sec. 3. High-level employees whose functions are normally considered as policy-making or managerial or whose duties are of a highly confidential nature shall not be eligible to join the organization of rank-and-file government employees.

Sec. 4. The Executive Order shall not apply to the members of the Armed Forces of the Philippines, including police officers, policemen, firemen and jail guards.

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**II. Protection of the Right to Organize**

Sec. 5. Government employees shall not be discriminated against in respect of their employment by reason of their membership in employeesorganizations or participation in the normal activities of their organization. Their employment shall not be subject to the condition that they shall not join or shall relinquish their membership in the employees' organizations.

Sec. 6. Government authorities shall not interfere in the establishment, functioning or administration of government employees' organizations through acts designed to place such organizations under the control of government authority.

**III. Registration of Employees' Organization**

Sec. 7. Government employees' organizations shall register with the Civil Service Commission and the Department of Labor and Employment. The application shall be filed with the Bureau of Labor Relations of the Department which shall process the same in accordance with the provisions of the Labor Code of the Philippines, as amended. Applications may also be filed with the Regional Offices of the Department of Labor and Employment which shall immediately transmit the said applications to the Bureau of Labor Relations within three (3) days from receipt thereof.

Sec. 8. Upon approval of the application, a registration certificate be issued to the organization recognizing it as a legitimate employees' organization with the right to represent its members and undertake activities to further and defend its interests. The corresponding certificates of registration shall be jointly approved by the Chairman of the Civil Service Commission and Secretary of Labor and Employment.

**IV. Sole and Exclusive Employees' Representatives**

Sec. 9. The appropriate organizational unit shall be the employers unit consisting of rank-and-file employees unless circumstances otherwise require.

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Sec. 10. The duly registered employees' organization having the support of the majority of the employees in the appropriate organizational unit shall be designated as the sole and exclusive representative of the employees.

Sec. 11. A duly registered employees' organization shall be accorded voluntary recognition upon a showing that no other employees' organization is registered or is seeking registration, based on records of the Bureau of Labor Relations, and that the said organization has the majority support of the rank-and-file employees in the organizational unit.

Sec. 12. Where there are two or more duly registered employees' organizations in the appropriate organizational unit, the Bureau of Labor Relations shall, upon petition, order the conduct of a certification election and shall certify the winner as the exclusive representative of the rank

and-file employees in said organization unit.

V. **Terms and Conditions of Employment in Government Services**

Sec. 13. Terms and conditions of employment or improvements thereof, except those that are fixed by law, may be the subject of negotiations between duly recognized employees' organizations and appropriate government authorities.

**VI. Peaceful Concerted Activities and Strikes**

Sec. 14. The Civil Service laws and rules governing concerted activities and strikes in the government service shall be observed, subject to any legislation that may be enacted by Congress.

**VII. Public Sector Labor-Management Council**

Sec. 15. A Public Sector Labor Management Council, hereinafter referred to as the Council, is hereby constituted to be composed of the following:

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1) Chairman, Civil Service Commission - Chairman

2) Secretary, Department of Labor and Employment - Vice Chairman 3) Secretary, Department of Finance - Member

4) Secretary, Department of Justice - Member

5) Secretary, Department of Budget and Management - Member

The Council shall implement and administer the provisions of this Executive Order. For this purpose, the Council shall promulgate the necessary rules and regulations to implement this Executive Order.

**VIII. Settlement of Disputes**

Sec. 16. The Civil Service and labor laws and procedures, whenever applicable, shall be followed in the resolution of complaints, grievances and cases involving government employees. In case any dispute remains unresolved after exhausting all the available remedies under existing laws and procedures, the parties may jointly refer the dispute to the Council, for appropriate action.

**IX. Effectivity**

Sec. 17. This Executive Order shall take effect immediately.

Done in the City of Manila, this 1st day of June, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**

President of the Philippines

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

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List of Other Legal Bases

a) Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize (September 28, 2004)

b) PSLMC Resolution No. 2, series 2004 - Approving and Adopting the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize (Published in “Tribune” March 1, 2005. Effective March 16, 2005)

c) Section 8, Article III on the Bill of Rights

*“The right of the people, including those employed in the public x x x sectors, to form unions, associations or societies for purposes not contrary to law shall not be abridged”*

d) Section 2, (5) Article IX-B on Constitutional Commission

*“The right to self-organization shall not be denied to government employees”*

e) Section 3, Article XIII on Social Justice and Human Rights

*“It shall guarantee the rights of all workers to self-organization, collective x x x negotiations, and peaceful concerted activities, including the right to strike in accordance with law”*

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JOINT CSC-DOLE POLICY INSTRUCTION,

NO. 1, Series of 1991

Republic of the Philippines

CIVIL SERVICE COMMISSION

Quezon City

DEPARTMENT OF LABOR AND EMPLOYMENT

Manila

**JOINT CSC-DOLE POLICY INSTRUCTION, NO. 1, Series of 1991**

TO : ALL CONCERNED

SUBJECT : REGISTRATION PURSUANT TO EXECUTIVE ORDER NO. 180 OF UNIONS THAT ARE PREVIOUSLY REGISTERED AS PRIVATE UNIONS UNDER THE LABOR CODE OF THE PHILIPPINES PRIOR TO JUNE 1, 1987

Pursuant to the constitutional mandate on the exercise of the right of government employees to self-organization and as provided under the Rules Implementing Executive Order No. 180, all public sector unions must be registered in accordance with the provisions of the said Executive Order. There are, however, existing unions in government

owned and/or controlled corporations and in private corporations subsequently converted into government-owned corporations and/or controlled corporations, which had been previously registered under the Labor Code of the Philippines prior to June 1, 1987.

WHEREFORE, premises considered, all such unions may register with The Civil Service Commission and the Department of Labor and Employment in order to avail of the rights and privileges under Executive Order No.180.

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This Policy Instruction shall take effect immediately.

ADOPTED and APPROVED this 10th day of December, 1991, Quezon City.

(Sgd.) **PATRICIA A. STO. TOMAS** Chairman

 Civil Service Commission

(Sgd.) **RUBEN D. TORRES** Vice-Chairman

Department of Labor and Employment

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pslmc resolution no. 1, s. 1989

**RESOLUTION**

WHEREAS, the Public Sector Labor-Management Council has promulgated the Rules and Regulations to Govern the Exercise of the Right to Self-Organization;

WHEREAS, there is a need to reduce the minimum percentage requirement for purposes of registration to enable as many employees as possible to become union members; to clarify the meaning and intent of the term “appropriate organization unit”; to clearly define the rights and obligations of both labor and management in order to improve employee

management relations and to provide a uniform procedure for a judicious and expeditious settlement of labor dispute;

WHEREFORE, the following amendments to the Rules and Regulations to Govern the Exercise of the Right of Government Employees to Self Organization are hereby adopted;

Section 1. Rule III is hereby amended to include additional sections denominated as Section 5 and 6 which shall read as follows:

“SECTION 5. GOVERNMENT EMPLOYEES SHALL NOT BE DISCRIMINATED AGAINST IN RESPECT OF THEIR EMPLOYMENT BY REASON OF THEIR MEMBERSHIP IN EMPLOYEES’ ORGANIZATIONS OR PARTICIPATION IN THE NORMAL ACTIVITIES OF THEIR ORGANIZATION. THEIR EMPLOYMENT SHALL NOT BE SUBJECT TO THE CONDITION THAT THEY SHALL JOIN OR SHALL RELINQUISH THEIR MEMBERSHIP IN THE EMPLOYEES ORGANIZATION”.

“SECTION 6. GOVERNMENT AUTHORITIES SHALL NOT INTERFERE IN THE ESTABLISHMENT, FUNCTIONING OR ADMINISTRATION OF GOVERNMENT EMPLOYEES’ ORGANIZATIONS THROUGH ACTS DESIGNED TO PLACE SUCH ORGANIZATIONS UNDER THE CONTROL OF GOVERNMENT AUTHORITY”.

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Section 2. Section 1 of Rule IV is hereby amended by reducing the minimum percentage requirement from twenty percent to ten percent on the number of employees sufficient for registration and adding a new paragraph thereof to clarify what is considered an appropriate to organizational unit for purposes of registration so that it shall read in full as follows;

“Section 1. The application for registration shall be signed by at least TEN (10) PERCENT of the employees organizational unit which the applicant employees organization seeks to represent, and shall be accompanied by the following:

a. One Hundred (P100) pesos registration fee;

b. The names and addresses of the officers, the principal address of the organization, the minutes of the organizational meeting and the list of the employees who participated in such meeting;

c. The names of the employees comprising at least TEN (10) PERCENT of all the employees in the appropriate organizational units where it seeks to operate;

d. If the applicant employees organization has been in existence for one or more years, copies of its financial reports;

e. Four (4) copies of the constitution and by-laws of the applicant organization, minutes of its adoption or ratification, and the list of the employees who participated therein.

FOR PURPOSES OF REGISTRATION, AN APPROPRIATE ORGANIZATIONAL UNIT MAY REFER TO:

a. DEPARTMENT, INCLUDING ALL THEIR STAFF BUREAUS AND REGIONAL OFFICES;

b. LINE BUREAUS AND THEIR REGIONAL OFFICES OR EQUIVALENT UNITS, IF ANY;

c. ATTACHED AGENCIES;

d. STATE UNIVERSITIES OR COLLEGES, GOVERNMENT OWNED OR CONTROLLED CORPORATION WITH ORIGINAL CHARTERS; e. PROVINCES, CITIES OR MUNICIPALITIES;

f. SUCH OTHER CLEARLY IDENTIFIABLE GOVERNMENT UNITS AS MAY BE CONSIDERED BY THE PUBLIC SECTOR LABOR

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MANAGEMENT COUNCIL TAKING INTO ACCOUNT THE FOLLOWING:

1. DESIRE OF THE EMPLOYEES

2. COMMONALITY OF INTERESTS

3. EXIGENCIES OF THE PUBLIC SERVICE

PROVIDED HOWEVER, THAT THESE SHALL ALSO BE USED BY THE COUNCIL IN DETERMINING AN EMPLOYER UNIT WITHIN A DEPARTMENT

Section 3. Section 2,3,4 and 5 of Rule IX are hereby repealed and substituted with new sections 2,3,4,5,6,7,8,9,10,11 and 12 which shall read as follows:

“SECTION 2. THE PROCEDURE IN THE COUNCIL SHALL BE NON-ADVERSARIAL IN NATURE.”

“SECTION 3. IN CASES WHERE COMPLAINTS, GRIEVANCES AND OTHER DISPUTES INVOLVING GOVERNMENT EMPLOYEES REMAIN UNRESOLVED AND IRRECONCILABLE AFTER EXHAUSTING CONCILIATION AND MEDIATION, A PETITION MAY BE FILED WITH THE COUNCIL, THRU THE OFFICE FOR PERSONNEL RELATIONS OF THE CIVIL SERVICE COMMISSION, BY THE EMPLOYEE ORGANIZATION AND/OR AGENCY HEAD. THE COUNCIL MAY ASSUME JURISDICTION MOTU PROPIO OR UPON PETITION BY EITHER OR BOTH PARTIES.”

SECTION 4. THE PETITION SHALL BE IN WRITING AND SHALL INDICATE THE FULL NAMES AND ADDRESSES OF THE PARTIES, THE NATURE OR CAUSE OF ACTION AND THE RELIEF SOUGHT.”

“THE PETITION SHALL BE DEEMED FILED ON THE TIME AND DATE APPEARING THEREON AS STAMPED BY THE OFFICE FOR PERSONNEL RELATIONS OR BY THE REGIONAL OFFICE OF THE CIVIL SERVICE COMMISION IN CASE OF PERSONAL DELIVERY AND ON THE DATE SHOWN BY THE POSTMARK ON THE ENVELOPE WHICH SHALL FORM PART OF THE RECORD, IN CASE THE SAME IS SENT BY MAIL.”

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“SECTION 5. IN ACTING ON A PETITION OR DISPUTE, THE COUNCIL OR THE CHAIRMAN MAY CALL ON ANY OFFICER OR AGENCY FOR ASSISTANCE AND DEPUTIZE ANY PERSON TO HEAR AND REPORT UPON THE ISSUES RAISED IN THE PETITION OR INVOLVED IN THE DISPUTE. IN THE PERFORMANCE OF HIS DUTIES, THE HEARING OFFICER MAY SUMMON THE PARTIES AND THEIR WITNESSES, ADMINISTER OATHS AND TAKE TESTIMONY RELATIVE TO THE MATTER OF ISSUE. IF NECESSARY, HE MAY ALSO REQUIRE THE PARTIES TO SUBMIT POSITION PAPERS.”

“EACH PARTY SHALL PROVE HIS OWN ALLEGATIONS AND PRESENT HIS EVIDENCE IN THE PROCEEDINGS CONDUCTED BY THE HEARING OFFICER.”

“SECTION 6. THE HEARING OFFICER SHALL SUBMIT HIS REPORT IN WRITING TO THE COUNCIL WITHIN FIVE (5) DAYS FROM THE TERMINATION OF THE HEARING. THE RPEORT SHALL SET FORTH THE FINDINGS OF FACT AND CONCLUSIONS OF LAW. ALL THE DOCUMENTS, PAPERS AND OTHER EVIDENCE GATHERED TO HIS REPORT. WHEN NECESSARY, THE COUNCIL MAY CALL THE PARTIES AND /OR THE HEARING OFFICERS TO APPEAR BEFORE IT.”

“SECTION 7. THE MAJORITY OF THE COUNCIL SHALL CONSTITUTE A QUORUM BUT AT LEAST THREE (3) CONCURRING VOTES SHALL BE NECESSARY TO RENDER A DECISION.”

“SECTION 8. THE COUNCIL SHALL RENDER ITS DECISION ON A PETITION OR DISPUTE WITHIN FIVE (5) DAYS FROM SUBMISSION OF THE CASE FOR RESOLUTION.”

SECTION 9. THE DECISION SHALL BE IN WRITING AND SHALL STATE CLEARLY THE FACTS AND THE LAW ON WHICH IT IS BASED.”

“SECTION 10. THE DECISION OF THE COUNCIL SHALL BE FINAL AND EXECUTORY AFTER FIFTEEN (15) DAYS FROM ITS RECEIPT BY THE PARTY CONCERNED UNLESS WITHIN SUCH PERIOD A MOTION FOR RECONSIDERATION IS FILED.”

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“SECTION 11. A MOTION FOR RECONSIDERATION, COPY FURNISHED THE OPPOSSING PARTIES, MAY BE FILED WITH THE REGIONAL OFFICE, CIVIL SERVICE COMMISSION, WHICH SHALL IMMEDIATEL TRANSMIT THE SAME TO THE COUNCIL, OR WITH THE OFFICE FORPERSONNEL RELATIONS ONLY ONE (1) MOTION FOR RECONSIDERATION SHALL BE ENTERTAINED.”

“SECTION 12. THESE RULES SHALL BE LIBERALLY CONSTRUED SO AS TO PROMOTE JUST AND EXPEDITIOS SETTLEMENTS OF DISPUTES.”

“SECTION 4. THESE AMENDMENTS TO THE RULES SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS PUBLICATION IN THE OFFICIAL GAZETTE OR IN A NEWSPAPER OF GENERAL CIRCULATION.

Done in the City of Manila, this 24th day of May, 1989.

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairman, Civil Service Commission

CHAIRMAN

(Sgd.) **FRANKLIN M. DRILON**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **SEDFREY A. ORDOÑEZ** Secretary

 Department of Justice MEMBER

(Sgd) **VICENTE R. JAYME** Secretary

 Department of Finance MEMBER

(Sgd.) **GUILLERMO N. CARAGUE** Secretary

Department of Budget and Management MEMBER

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CSC resolution no. 89-204

**WHEREAS**, the 1987 Constitution recognizes and protects the right of Government employees to self-organization;

**WHEREAS**, Executive Order No. 180 which provides guidelines on the Exercise of this constitutional right likewise grants government employees to be represented in labor management committees, work councils and other form of workers’ participation schemes for the furtherance and protection of their rights;

**WHEREAS**, government employees are aware of this right under the Constitution and would want to avail of this right to the fullest;

**WHEREAS**, in the exercise of this right to self-organization, government employees also resort to strike, walk-outs and other work stoppages to dramatize their demands and get full satisfaction thereof.

**WHEREAS**, there has been a growing frequency of such strikes and walk-outs thereby giving the impression that such actions enjoy official tolerance;

**WHEREAS**, the Civil Service Commission as the central personnel agency of the government, has consistently espoused a fair interpretation and full implementation of the constitutional provision on self organization;

**WHEREAS**, the Civil Service Commission is aware that some strikes and walk-outs and other forms of work stoppage are attributable to management neglect, indifference or abuse;

**WHEREAS**, the Civil Service Commission is also aware that in cases of strikes and other forms of work stoppage, it is public service that suffers thereby negating government’s primary responsibility as a service delivery system for public goods;

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**WHEREFORE**, the Commission resolved to prescribe the following as Policy Directions on Public Sector Unionism:

1. That the Commission fully supports public sector unionism and recognizes and upholds the right of government employees to self- organization;

2. That the Commission shall conduct intensive labor education program for the purposes and shall extend assistance on all matters pertaining to public sector unionism;

3. That employees shall be allowed to engage in peaceful concerted activities short of work stoppage, paralization of agency services, disruption of public order and safety, and subject to observance of the law on libel and other similar offenses;

4. That under existing laws, government employees shall not strike for the purpose of securing changes in the terms and conditions of their employment although they can make representations to Congress for the enactment, repeal or amendment of laws or provisions thereof inimical to the fair and decent terms of their employment;

5. That an effective grievance machinery shall be installed in every government agency to allow employees to ventilate their grievances and to have them settled expeditiously and fairly;

6. That difference between management and employees should first be resolved through peaceful modes of settling disputes to be conducted by the Commission such as conciliation and mediation or upon agreement by the parties, through voluntary arbitration;

7. That when such disputes have become hardened and irreconcilable and can no longer be settled through conciliation and mediation or voluntary arbitration, the Public Sector Labor Management Council shall assume jurisdiction; and

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8. That the Commission reiterates that employees who violate laws on strike shall accordingly be penalized and that officials who are responsible for neglect, incompetence, abuse of authority or violation of laws and rules giving rise to grievance shall be recommended for appropriate administrative or criminal charges.

Done in Quezon City on the 21 day of March, 1989

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairman

(Sgd.) **SAMILO N. BARLONGAY** Commissioner

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(Sgd.) **MARIO D. YANGO** Commissioner

pslmc resolution no. 02, s. 2004

**APPROVING AND ADOPTING THE AMENDED RULES AND REGULATIONS GOVERNING THE EXEXRCISE OF THE RIGHT OF GOVERNMENT EMPLOYEES TO ORGANIZE**

**WHEREAS**, the Public Sector Labor-Management Council has promulgated the rules and regulations governing the exercise of the right of government employees to self-organization pursuant to the provisions of Executive Order No. 180 dated June 1, 1987;

**WHEREAS**, the Council has been issuing from time to time various resolution amending, supplementing and clarifying certain provisions of the Rules;

**WHEREAS**, in matters of procedure which are not covered by the Rules, the provisions of the Labor Code of the Philippines, the Rules of Court and prevailing jurisprudence apply in a suppletory character;

**WHEREAS**, the Council has received numerous requests for consolidation of its various policy resolutions and for the amendment of certain provisions to respond to the needs of personnel-management relations;

**NOW**, **THEREFORE**, the Council resolves as it hereby resolved, to approve and adopt **“Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize”**:

**RESOLVED FURTHER** that these Amended Rules and Regulations shall be published in a newspaper of general circulation.

Done in Quezon City, September 28, 2004.

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(Sgd.) **KARINA CONSTANTINO-DAVID**

Chairperson, Civil Service Commission

CHAIRPERSON

(Sgd.) **MANUEL G. IMSON**

Acting Secretary, Department of Labor and Employment VICE-CHAIRPERSON

(Sgd.) **RAUL M. GONZALEZ** Secretary, Department of Justice MEMBER

(Sgd.) **JUANITO D. AMATONG** Secretary, Department of Finance MEMBER

**(Sgd.) EMILIO T. BONCODIN**

Secretary, Department of Budget and Management MEMBER

Attested by:

**(Sgd.) ATTY. ANICIA MARASIGAN-DE LIMA** Chairperson, PSLMC Secretariat

Director IV, Personnel Relations Office Civil Service Commission

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pslmc resolution no. 10, s. 1991

**Supplemental Amendments to PSLMC**

**Res. No. 1, s. 1989 Specifically on**

**the Matter of Organizational Unit**

x————————--—————-–———-x

**RESOLUTION NO. 10, S. 1991**

**WHEREAS**, the Rules of Executive Order No. 180, s. 1987, as amended by PSLMC No. 1, s 1989, defines an appropriate organizational unit as (a) departments, including all their state bureaus and regional offices, (b) line bureaus and their regional offices, or equivalent units, if any, (c) attached agencies, (d) state universities or college, government owned or controlled corporation with original charters, (e) provinces, cities or municipalities, and (f) such other clearly identifiable government units as may be considered by the Public Sector Labor Management Council (PSLMC), taking into account the desire of employees, commonality of interests, and exigencies of the public service;

**WHEREAS**, unlike in the private sector where bargaining units are clearly defined, employees in large departments with regional offices, districts, branches or local units spread all over the archipelago, find it difficult to comply with the 10% minimum membership requirement for purposes of registration, which could thereby deprive them of their right to self-organization;

**WHEREAS**, to forestall this eventuality, various unions have filed formal manifestations with the PSLMC for the amendment of the role defining an organizational unit in order to enable smaller organizational units to organize and register;

**WHEREFORE**, the Council resolves, as it is hereby resolved, to amend Section 1, Rule 4 of the Implementing Rules as amended by PSLMC Resolution No. 1, series of 1989 so as to read as follows:

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For purposes of registration, an appropriate organizational unit may refer to:

a. Departments including their staff bureaus;

b. Line bureaus;

c. Attached agencies;

d. State universities or colleges, government-owned or controlled corporations with original charters;

e. Provinces, cities and/or municipalities;

 f. Regional Offices (composed of provincial, district, local offices) of a Department/Agency, Office, or Government-Owned or Controlled Corporations; and

g. Such other clearly identified government units as may be considered by the Public Sector Labor Management Council taking into account the following:

1. Desire of employees;

2. Commonality of interests; and

3. Exigencies of the service.

Provided, however, that there shall also be used by the Council in determining an employer unit within a department.

According under item (f) hereof, the following rules shall be observed in the establishment of employees organizations:

1. Employees therein shall have the right to form, join and/or assist employees unions of their own choosing, and have these registered, provided they have 50% members of all rank and file employees of a particular department, agency, office of government-owned or controlled corporation;

2. All registered regional unions within the same department/ agency/office or government-owned and/or controlled corporations under this rule may federate with other regional unions into a national union in order to fulfill the requirements for application for accreditation;

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3. All regional unions registered under this rules may bargain or negotiate with regional executives, governing bodies or boards on terms and conditions of employment not fixed by law and which are within the power and jurisdiction of said regional executives government bodies or board; and

4. All requirements and procedures for registration, except item 1, hereof shall be strictly complied with as provided for under the rules implementing Executive Order 180 as amended.

This Resolution shall take effect immediately.

**ADOPTED** and **APPROVED** this 20th day of December 1991 in Quezon City, Philippines.

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairperson, Civil Service Commission

CHAIRMAN

(Sgd.) **RUBEN D. TORRES**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **SILVESTRE H. BELLO III** Acting Secretary

Department of Justice

MEMBER

(Sgd.) **JESUS P. ESTANISLAO** Secretary, Department of Finance MEMBER

(Sgd.) **GUILLERMO N. CARAGUE**

Secretary, Department of Budget and Management MEMBER

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pslmc resolution no. 01, s. 1991

**Classification of Division Chiefs**

x——————————–—————-x

**RESOLUTION NO. 1, S. 1991**

**WHEREAS**, Executive Order No. 180 in its Implementing Rules provides that those who organize, join and assist public sector unions are rank-and-file employees whose functions are not normally considered policy making, managerial, or highly confidential in nature;

**WHEREAS**, the function of a Chief of Division as enumerated under Presidential Decree No. 980 reveal that they are neither policy determining, managerial, not highly confidential in nature;

**WHEREAS**, pursuant to Executive Order No. 292, the Career Executive Service Board (CESB) classifies as government executives/managers those incumbents occupying positions above chiefs of divisions.

**WHEREAS**, the Supreme Court in the case entitled “National Waterworks and Sewerage Authority versus NWSA Consolidated Unions (11 SCRA 766) held that Chiefs of Divisions are rank-and-file employees, thus:

“xxx The Chiefs of Divisions or sections are given ready policies to execute and standard practices to observe for their execution, hence, they shall have little freedom of action as their main function is merely to carry out the company’s orders, plans, and policies.

“xxx As a matter of fact, they are required to observe working hours and record their time work and are not free to come and go the their offices, nor move about at their own discretion. They do not, therefore, come within the category of “managerial employees” within the meaning of the law.”

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**WHEREAS**, Republic Act No. 6758, otherwise known as Salary Standardization Law allocates to Level 1 to V in the Position Allocation Lists (PAL) all rank-and-file positions and classifies all division chief position to level V.

**WHEREAS**, the Council resolves to amend Section 2. Rule II of the rules implementing Executive Order No. 180 to read as follows:

Section 2. Membership in employees’ organizations formed for purposes of negotiation under the Rules shall be open to all rank-and-file employees as defined in Rule 1. Sec. 1m.

FOR THAT PURPOSE, INCUMBENTS OF LEVEL V POSITIONS MAY FORM, JOIN AND ASSIST RANK-AND-FILE EMPLOYEE ORGANIZATIONS/UNIONS.

Adopted, this 28th day of January, 1991, Quezon City, Philippines.

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairperson, Civil Service Commission

CHAIRMAN

(Sgd.) **RUBEN D. TORRES**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **FRANKLIN M. DRILON** Secretary, Department of Justice MEMBER

(Sgd.) **JESUS P. ESTANISLAO** Secretary, Department of Finance MEMBER

(Sgd.) **GUILLERMO N. CARAGUE**

Secretary, Department of Budget and Management MEMBER

22

pslmc resolution no. 01, s. 1992

**Policy Relative to the Inclusion of**

**Security Guards as Members of the**

**Rank and File Employees’ Union/**

**Organization in the Public Sector**

x——————————————–-—-x

**RESOLUTION NO. 1, S. 1992**

**WHEREAS**, Executive Order No. 180 in its Implementing Rules provide that those who can organize, join and assist public sector unions are rank and file employees whose functions are not normally considered policy-making managerial or highly confidential in nature;

**WHEREAS**, security guards in most line and staff agencies are holders of plantilla positions, whose functions are neither confidential in nature, nor they perform broad police functions or duties.

**WHEREAS**, security guards normally perform duties prescribed in the job description issued by the Position and Compensation Classification Bureau Department of Budget and Management which are as follows:

1. Guards/watches visitors and employees coming in or going out of the office, building(s) or premises to prevent petty pilferage and loitering on the halls, offices and passageways;

2. Performs routine inspection of packages, bundles carried by them

3. Maintains order in the office/building during daytime;

4. Secures office premises and building and all properties at all times; and

5. May serve as temporary depository of valuables and articles. 23

**WHEREAS**, pursuant to Section 3, Rule I of Executive Order No. 180 security guards are not among those excluded from joining, organizing at assisting employee organizations;

**WHEREAS**, there are security guards, who are employed in various public utilities of vital industries such as but not limited to banks, transportation, brokerage and warehousing firms who perform highly specialized police functions akin to those functions performed by employees excluded under Section 4, Rule I of Executive Order No. 180, s. 1987.

**THEREFORE**, the Council resolves to amend Section 2, Rule 2 of the Rules Implementing Executive Order No. 180 to read as follows:

Section 2. Membership in employees’ union/organization formed for purposes of negotiation under these Rules shall be open to all rank and file employees as defined in Section 1 (m), Rule I.

For that purpose, incumbents of Level-I-V positions and Security Guards holding plantilla positions, except those employed in various utilities or vital industries/services such as but not limited to banks, transportation, brokerage and/or warehousing firms, may join, form or assist rank and file employees’ union/organization.

This Resolution shall take effect immediately.

 ADOPTED and APPROVED this 3rd day of February, 1992 in Quezon City, Philippines.

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairperson, Civil Service Commission

CHAIRMAN

(Sgd.) **RUBEN D. TORRES**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

24

(Sgd.) **SILVESTRE H. BELLO III** Acting Secretary

Department of Justice

MEMBER

(Sgd.) **JESUS P. ESTANISLAO** Secretary, Department of Finance MEMBER

(Sgd.) **GUILLERMO N. CARAGUE**

Secretary, Department of Budget and Management MEMBER

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pslmc resolution no. 02, s. 1993

**Guidelines in Determining Rank-and-File**

**or Managerial Status; Effect of Designation**

**to Primarily Confidential/Policy Determining**

**Position on Union Membership**

x—————————--—————————————x

**RESOLUTION NO. 02, S. 1993**

**WHEREAS**, Executive Order No. 180 and its Implementing Rules limit the membership in government employee organizations to rank-and-file employees;

**WHEREAS**, by reason thereof, high level employees are not eligible as members of rank-and-file employee unions;

**WHEREAS**, as defined under the Implementing Rules of Executive Order No. 180, a high level employee is one whose functions are normally considered as policy determining, managerial or highly confidential in nature;

**WHEREAS**, pursuant to Republic Act No. 6758, otherwise known as the Salary Standardization Law, which allocates all rank-and-file positions to Level I to V, including Division Chief positions, PSLMC Resolution No. 1 was issued on January 28, 1991, making incumbents of Level V positions eligible as members of rank-and-file employees unions;

**WHEREFORE**, the Council resolves, as it is hereby resolved, to adopt the following:

Section 1. The classification into rank-and-file or high level status shall be based on the following guidelines:

a) Levels I to V positions generally fall under the category of Rank and-file employees.

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b) In case of doubt as to the classification, what shall be controlling is the nature of the employee’s functions as reflected in the approved job description of the positions concerned.

c) When an employee performs functions different from his approved job description, the actual functions as reflected in his latest Performance Appraisal/Evaluation Report should be the basis for the classification.

Section 2. When a union member is designated to a position which has been declared primarily confidential or policy-determining by law on by the Civil Service Commission, the union membership is suspended during the period of the employee’s designation to said primarily confidential or policy determining position.

This Resolution shall take effect immediately.

**ADOPTED** and **APPROVED** this 16th day of December 1993 in Quezon City, Philippines.

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairperson, Civil Service Commission

CHAIRMAN

(Sgd.) **NIEVES R. CONFESOR**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **FRANKLIN M. DRILON** Secretary, Department of Justice MEMBER

(Sgd.) **ERNEST C. LEUNG** Secretary, Department of Finance MEMBER

 (Sgd.) **SALVADOR M. ENRIQUEZ, JR.** Secretary, Department of Budget and Management MEMBER

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pslmc resolution no. 01, s. 2005

**Classification of Department Heads**

**and Assistant Department Heads in**

**Local Government Units**

X----------------------------X

**RESOLUTION NO. 01, S. 2005**

**WHEREAS**, Executive Order No. 180 and its Implementing Rules limit the membership in employees’ organizations formed for the purpose of collective negotiations to rank-and-file employees;

**WHEREAS**, the Personnel Relations Office of the Civil Service Commission has been receiving numerous queries on the classification of department heads and assistant department heads in local government units;

**WHEREAS**, Sections 470- 490 of Republic Act No. 7160 (otherwise known as the Local Government Code of 1991) and its Implementing rules identify the local appointive officials occupying department head positions and define their powers and duties which include, among others, the over-all management and supervision of their respective offices;

**WHEREAS**, Assistant Department Heads are also classified in the Index of Occupational Services for Local Government Units as local executives together with the Department Heads;

**WHEREAS**, by express provision of Section 469 of Republic Act No. 7160, the Secretary to the Sanggunian is a mandatory position in all local government units, has the rank and salary equal to a head of department or office, and takes charge of the management of the affairs of the office;

**WHEREAS**, there is a need to clarify the issue on the classification of Department Heads and Assistant Department Heads in local government unit and the Secretary to the Sanggunian;

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**WHEREAS**, under PSLMC Resolution No. 2, series of 1993, the controlling factor is the nature of the employee’s functions as reflected in the approved job description of the position concerned or the actual functions as appearing in the employee’s latest Performance Appraisal/

Evaluation Report, as the case may be.

**WHEREFORE**, the Council resolves, as it is hereby resolved, to clarify that department heads and assistant department heads in local government units and the Secretary to the Sanggunian are not rank-and file employees, hence, ineligible to join employees’ organizations formed for the purpose of collective negotiations.

This Resolution shall take effect immediately.

**ADOPTED AND APPROVED** this 4th day of May, 2005 in Quezon City.

(Sgd.) **KARINA CONSTANTINO-DAVID**

Chairperson, Civil Service Commission

CHAIRPERSON

(Sgd.) **PATRICIA A. STO.TOMAS**

Secretary, Department of Labor and Employment

VICE-CHAIRPERSON

(Sgd.) **RAUL M. GONZALEZ** Secretary, Department of Justice MEMBER

(Sgd.) **CESAR V. PURISIMA** Secretary, Department of Finance MEMBER

(Sgd.) **EMILIA T. BONCODIN**

Secretary, Department of Budget and Management MEMBER

Attested by:

(Sgd.) **ATTY. ANICIA MARASIGAN-DE LIMA** Director IV, Personnel Relations Office Civil Service Commission

Chair, PSLMC Secretariat

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pslmc resolution no. 04, s. 2010

**Amendment of Section 1, Rule V of the**

**Amended Rules and Regulations**

**Governing The Exercise of the Right of**

**Government Employees to Organize**

**Re: Reverting the Percentage of Membership**

 **Requirement for Purposes of Registration of**

 **Employees’ Organization from 30% to 10%**

x--------------------------------------x

**PSLMC RESOLUTION NO. 4, S. 2010**

**WHEREAS**, Section 1, Rule V of the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize requires that the application for registration must be signed by at least thirty percent (30%) of the rank-and-file employees in the organizational unit where the applicant employees’ organization seeks to operate;

**WHEREAS**, PSLMC Resolution No. 1 s. 1989 dated May 24, 1989 required, for purposes of registration, the signature of at least ten percent (10%) of the members of the organizational unit;

**WHEREAS**, the increase, from 10 percent (10%) to the present “at least thirty percent (30%) membership requirement” for registration was due to the observed fragmentation of employees in small organizational units wherein each faction has an employees’ organization of their own, creating divisiveness and practically diminishing their collective strength;

**WHEREAS**, concerned individuals, groups and other stakeholders clamored for the elimination or reduction of the membership requirement for purposes of registration of new employees’ organizations to strengthen the right of employees in the public sector to self-organize;

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**WHEREAS**, as a signatory to International Labor Organization (ILO) Convention No. 87 entitled, “Freedom of Association and Protection of the Right to Organize”, the Philippines is progressively aligning its laws with its provision;

**WHEREFORE**, the Council resolves, as it hereby resolved, to amend Section 1, Rule V of the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize to read:

 Section 1. Requirements for Registration of Employees’ Organization. – The application for registration shall be accompanied by the original copy and three (3) duplicate original copies of the following documents:

**WHEREAS**, in the light of the passage of Republic Act No. 9485, or the Anti-Red Tape Act of 2007, signed into law by President Gloria Macapagal-Arroyo on June 2, 2007, it calls for the improvement of efficiency in the delivery of government services;

**WHERAS**, to hasten the processing of cases brought before the Council ad to give flesh on the noble purpose of the Anti-Red Tape Law, the CSC-PRO, being the Secretariat of the PSLMC, should be vested with the authority to check and rule on the sufficiency on the requirements mentioned in Section 1(a), Rule XX, in relation to Sections 4 and 5, Rule XIX of the IRR of Executive Order No. 180, the jurisdiction of which belongs to the Council;

**WHEREFORE**, the Council **RESOLVES** as it hereby **RESOLVED** that the determination of compliance with the essential requisites in the filing of a proper complaint brought before the Council, shall be vested to the CSC-PRO.

The Resolution shall take effect immediately upon its approval. Quezon City, 29 July 2010.

(Sgd.) **FRANCISCO T. DUQUE III**

Chairperson, Civil Service Commission

CHAIRPERSON

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(Sgd.) **MARIANITO D. ROQUE**

Secretary, Department of Labor and Employment VICE-CHAIRPERSON

(Sgd.) **ALBERTO C. AGRA** Acting Secretary

Department of Justice MEMBER

(Sgd.) **MARGARITO V. TEVES** Secretary, Department of Finance MEMBER

(Sgd.) **JOAQUIN C. LAGONERA**

Acting Secretary, Department of Budget and Management MEMBER

Attested by:

(Sgd.) **ALAN F. ALEGRIA**

Director IV, Personnel Relations Office

Civil Service Commission

Chair, PSLMC Secretariat

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pslmc resolution no. 10-A, s. 1993

**Supplemental Amendment to PSLMC**

**Resolution No. 10, s. 1991 on the**

**Requirement for Registration for**

**Regional Unions**

x————————————————-x

**RESOLUTION NO. 10-A, S. 1993**

**WHEREAS**, to ensure that the right to self-organization is exercised to the largest extend possible, PSLMC Resolution No. 10, series of 1991, redefined organizational unit to include regional offices of a department/ agency, office or government-owned or controlled corporation with original charter;

**WHEREAS**, under said PSLMC Resolution, the membership requirement for registration is 50% of all the rank and file employees of the province, district or local offices comprising the regional office applying for registration;

**WHEREAS**, the Council has received manifestations from employees of regional offices regarding their difficulty in complying with the 50% membership requirement, which could deprive them of their right to self organization;

**WHEREAS**, aware of the importance which the Constitution attaches to the right to self-organization, the Council has seen it fit to further relax the requirement for registration so as to make the exercise thereof accessible to all employees in the public sector;

**WHEREFORE**, the Council resolves as it is hereby resolved, to amend item f (1) of PSLMC Resolution No. 10, s. 1991, so as to read as follows;

Accordingly, under item (f) hereof, the following rules shall be observed in the establishment of employee organizations;

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1. EMPLOYEES THEREIN SHALL HAVE THE RIGHT TO FORM, JOIN AND/OR ASSIST EMPLOYEE UNIONS OF THEIR OWN CHOOSING, AND HAVE THESE REGISTERED, PROVIDED THEY HAVE 10% MEMBERSHIP OF ALL THE RANK AND FILE EMPLOYEES OF THE PROVINCE, DISTRICT OR LOCAL OFFICES COMPRISING THE REGIONAL OFFICE OF A DEPARTMENT/ AGENCY, OFFICE OR GOVERNMENT-OWNED OR CONTROLLED CORPORATION WITH ORIGINAL CHARTER.

This Resolution shall take effect immediately.

**ADOPTED** and **APPROVED** this 17th day of June 1993, Quezon City, Philippines.

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairperson, Civil Service Commission

CHAIRMAN

(Sgd.) **NIEVES R. CONFESOR**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **FRANKLIN M. DRILON** Secretary, Department of Justice MEMBER

(Sgd.) **RAMON R. DEL ROSARIO, JR.** Secretary, Department of Finance MEMBER

(Sgd.) **SALVADOR M. ENRIQUEZ, JR.**

Secretary, Department of Budget and Management MEMBER

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pslmc resolution no. 02, s. 1991

**Policies On Accreditation**

x--------------------x

**RESOLUTION NO. 2 S. 1991**

**WHEREAS**, under Rule V of the Implementing Rules of Executive Order No. 180, an accredited organization/union shall be recognized as the sole and exclusive representative of the rank-and-file employees of the agency in negotiating with the management on terms and conditions of employment not fixed by law.

**WHEREAS**, while Section 3 and 15, Rule VI of said Implementing Rules specifically provide that only after the lapse of one year from the issuance of the declaration of final certification result shall another certification election be allowed, the same Rules are silent with respect to the frequency of the granting of accreditation;

**WHEREAS**, the absence of a specific provision relative to the frequency of accreditation has given to a situation wherein a newly accredited employee union is soon challenged by rival organizations as the recognized sole and exclusive bargaining unit thus hampering its objectives, programs and projects;

**WHEREAS**, there is a need to further strengthen the accreditation mechanism to ensure that the true will of the rank-and-file employees may be given due course with the ultimate goal of minimizing conflicts that may arise between and among employees’ unions and their members, as well as between the union and management.

**WHEREFORE**, the Council resolves that Rule V of the abovementioned Rules be repealed as follows:

 Section 1. Any employees’ organization/union seeking accreditation must file a petition for accreditation, under oath, with the Office for Personnel Relations, Civil Service Commission.

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Section 2. The petition for accreditation shall be accompanied by the following documents:

a) Certified thru copy of agency plantilla of positions:

b) Latest approved payroll;

c) Support resolution/s containing the signatures consenting members/employees;

d) Certification from the Bureau of Labor Relations, Department of Labor and Employment, to the effect that the employees’ organization/union seeking accreditation is the only registered employees’ organization/union in the organizational unit and that no other employees’ organization/union in the same organizational unit is seeking registration.

Section 3. An employees’ organization/union may be accredited provided that all of the following conditions concur: a) that is the only registered employees’ organization/union in the organizational unit b) that no other employees’ organization/union is in the process of registration with the OPR and/or the BLR; and c) that it enjoys the majority support of the rank-and-file employees in the organizational unit.

Section 4. Immediately upon receipt of the verified petition for accreditation, the Civil Service Commission, through the OPR shall cause posting, in a conspicuous place within the premises of the employer , of a notice that such a petition has been filed. Such notice shall remain posted for a period of thirty (30) calendar days.

Section 5. Within fifteen (15) days after its approval, the accreditation of an employees’ organization/ union may be challenged/protested on the ground of fraud and/or grave abuse of discretion. Thereafter, no challenge/protest can be instituted except only upon the fulfillment of the conditions and limitations provided for in Sections 10 and 11 hereof.

Section 6. Any interested party may challenge or contest the petition for accreditation. In such case, said party must file with the OPR a petition under oath, challenging the same.

Section 7. Should the challenge/opposition be found meritorious, the OPR and/or BLR may order the holding of either a certification election or

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consent election, as the situation so warrants, which shall be conducted in accordance with the existing rules. The certification election, however, shall include all employees’ organizations/unions in the organizational unit.

Section 8. On the basis of the result of the certification election, the Civil Service Commission, through the OPR, shall issue the certificate of accreditation to the winning employees’ organization/union upon presentation of the order declaring the concerned organization as the undisputed winner.

Section 9. The Civil Service Commission shall inform the employer/ management that the employees’ organization/union has been duly accredited as the sole and exclusive representative of the rank-and-file employees of the agency for purposes of collective negotiation.

 Section 10. A year after the issuance of the certificate of accreditation, the status of an accredited organization/union may be challenged based on any of the following grounds:

a) Failure of an accredited employees’ organization/union to maintain the support of the majority of the rank-and-file employees; or

b) Failure of an accredited employees’ organization/ union to conclude a collective negotiation agreement with the employer/ management.

Section 11. In the absence of a collective negotiation agreement between the accredited employees’ organization/union and the employer/management, a challenge can be instituted only after one year from the issuance of the certificate of accreditation, as specified in the immediately preceding section.

Otherwise, a challenge may be instituted only after the expiration of the collective negotiation agreement which in no case, shall have a lifetime of more than three years.

Section 12. This Resolution shall take effect immediately upon its approval.

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 ADOPTED AND APPROVED this 28th day of January 1991, in Quezon City, Philippines.

(Sgd.) **PATRICIA A. STO. TOMAS**

Chairperson, Civil Service Commission

CHAIRMAN

 (Sgd.) **RUBEN D. TORRES**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **FRANKLIN M. DRILON** Secretary, Department of Justice MEMBER

(Sgd.) **JESUS P. ESTANISLAO** Secretary, Department of Finance MEMBER

 (Sgd.) **GUILLERMO N. CARAGUE**

Secretary, Department of Budget and Management MEMBER

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pslmc resolution no. 01, s. 2002

**Additional Requirement on Accreditation**

**of Public Sector Organizations/Unions**

x----------------------------------x

**RESOLUTION NO. 01, S. 2002**

**WHEREAS**, PSLMC Resolution No. 10, s. 1991 has defined the appropriate organization unit, for purpsed of registration as follows: (a) departments including their staff bureaus; (b) line bureaus; (c) attached agencies; (d) state universities or colleges, government owned or controlled corporations with original charters; (e) provinces, cities and/or municipalities; (f) regional offices (composed or provincial, district, local offices) of a department/agency, office, or government

owned and controlled corporation; and (g) such other clearly identifiable government units as may be considered by this Council taking into account the following: 1. Desire of employees; 2. Commonality of interests; and Exigencies of the service;

**WHEREAS**, employee organizations/unions in organizational units with regional offices, districts, branches or local units continue to encounter difficulty in complying with the ten (10) percent minimum membership requirement for registration, with more reason that they experience greater uncertainty in meeting the majority membership requirement for accreditation;

**WHEREAS**, in order for registered regional unions to comply with the requirements for accreditation, the aforementioned PSLMC Resolution provides that all registered regional unions within the same department/ agency/office or government-owned and/or controlled corporations may federate with other regional unions into a national union in order to fulfill the requirements for accreditation;

**WHEREAS**, Section 3 of PSLMC Resolution No. 2, s. 1991 sets forth the following conditions for accreditation of an employee organization/ union: a) it is the only registered employees’ organization /union in the

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organizational unit. b) that no other employees’ organization/union is in the process of registration with the Civil Service Commission and/or Bureau of Labor Relations; and c) that it enjoys the majority support of the rank-and-file employees in the organizational unit;

**WHEREAS**, there is a continuing need to further clarify the process and strengthen the existing accreditation mechanism and to make it more flexible in order to facilitate the accreditation process so as to ensure that the true will of the rank-and file employees may be given due course with the ultimate goal of minimizing conflicts that may arise between and among employees’ unions and their members, as well as between the union and management and to achieve uniformity in the negotiation and implementation of the Collective Negotiation Agreements (CNA) of each agency;

**WHEREFORE**, the Council resolves, as it hereby resolved, to adopt the following:

Section 1. An employee organization/union in an organizational unit as defined in PSLMC Resolution No. 10, s. 1991 may apply for registration, provided it obtains a membership of at least ten (10) percent of all employees therein.

Section 2. A registered employee organization/union can apply for accreditation with the Civil Service Commssion for the purpose of collective negotiations with the management of an organizational unit as listed in ANNEX “A“ hereof subject to the following conditions:

a) Where it is the lone employee organization/union within one (1) organizational unit as listed in ANNEX “A”;

b) Where it is the mother employee organization/union composed of several registered employee organizations/union, wherever they may be situated, within one (1) organizational unit as listed in ANNEX “Ä”;

c) Where it is the mother employee organization/union composed of one (1) or more non-registered employee organizations/ unions affiliated with a registered or several registered employee organizations/unions, wherever they may be situated, within one (1) organizational unit as listed in ANNEX “A”;

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Provided, that the applicant for accreditation has the majority membership of all rank-and-file employees in the organizational unit and is able to comply with the other requirements for accreditation as provided in PSLMC Resolution No. 2, s. 1991.

The list of organizationl units contained in ANNEX “A” hereof shall be updated whenever necessary.

Section 3. All issuances inconsistent herewith are hereby repealed or amended accordingly.

ADOPTED AND APPROVED this 15th day of August 2002, in Quezon City, Philippines.

(Sgd.) **KARINA CONSTANTINO-DAVID**

Chairperson, Civil Service Commission

CHAIRMAN

(Sgd.) **PATRICIA A. STO.TOMAS**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **HERNANDO B. PEREZ** Secretary, Department of Justice MEMBER

(Sgd.) **JOSE ISIDRO CAMACHO** Secretary, Department of Finance MEMBER

 (Sgd.) **EMILIA T. BONCODIN**

Secretary, Department of Budget and Management MEMBER

Attested by:

(Sgd.) **ARIEL G. RONQUILLO**

Director III, CSC

Chairman, PSLMC Secretariat

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annex a

**CONGRESS OF THE PHILIPPINES**

Senate

Senate Electoral Tribunal

Commission in Appointments

House of Representatives

House Electoral Tribunal

**OFFICE OF THE PRESIDENT**

The President’s Offices

OFFICE OF THE VICE-PRESIDENT

**DEPARTMENT OF AGRARIAN REFORM** Office of the Secretary

Agricultural Credit Policy Council

Bureau of Aquatic Resources

Bureau of Post-Harvest Research and Extension Cotton Development Administration

Fertilizer and Pesticide Authority

Fiber Industry Development Authority Livestock Development Council

National Agricultural and Fishery Council National Meat Inspection Commission National Nutrition Council

Philippine Carabao Center

**DEPARTMENT OF BUDGET AND MANAGEMENT** Office of the Secretary

**DEPARTMENT OF EDUCATION**

Office of the Secretary

Philippine High School for the Arts

**STATE UNIVERSITIES AND COLLEGES** National Capital Region

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Eulogio “Amang” Rodriguez Institute of Science and Technology Philippine Normal University

Philippine State College of Aeronautics

Polytechnic University of the Philippines

Mindoro State College of Agriculture and technology Occidental Mindoro national College

Palawan State University

Rizal State College

Romblon State College

Southern Luzon Polytechnic College

State Polytechnic College of Palawan

**Region V – Bicol**

Bicol University

Camarines Norte State College

Camrines Sur Polytechnic Colleges

Camarines Sur State Agricultural College

Catanduanes State Colleges

Dr. Emelio B. Espinosa Memorial State College of Agriculture and Technology

Partido State University

Sorsogon State College

**Region VI – Western Visayas**

Aklan State University

Carlos C. Hilado Memorail State College

Guimaras State College

Iloilo State College of Fishries

Negros State College of Agriculture

Northern Iloilo Polytechnic State College

Northern Negros State College of Science and Technology Panay State Polytechnic College

Polytechnic State College of Antique

Western Visayas College of Science and Technology West Visayas State University

**Region VII – Central Visayas**

Cebu Normal University

Cebu State College of Scince and Technology

Central Visyas Polytechnic College

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Central Visayas State College of Agriculture, Forestry and Technology Siquijor State College

**Region VIII – Eastern Visayas**

Eastern Samar State College

Leyte Institute of Technology

Leyte Normal University

Leyte State University

Naval Institute of technology

Palompon Institute of Technology

**DEPARTMENT OF ENERGY**

Office of the Secretary

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES** Office of the Secretary

Environmental Management Bureau

Mines and Geo-Sciences Bureau

National Mapping and Resource Information Authority

**DEPARTMENT OF FINANCE**

Office of the Secretary

Bureau of Customs

Bureau of Internal Revenue

Bureau of Local Government Finance

Bureau of Treasury

Central Board of Assessment Appeals

Insurance Commission

National Tax Research Center

**DEPARTMENT OF FOREIGN AFFAIRS**

Office of the Secretary

Commission on Filipinos Overseas

Foreign Service Institute

Technical Cooperation Council of the Philippines

UNESCO National Commission of the Philippines

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**DEPARTMENT OF HEALTH**

Office of the Secretary

Bureau of Fire protection

Bureau of Jail Management and Penology

Local Government Academy

National Police Commission

Philippine National Police

Philippine Public Safety College

**DEPARTMENT OF JUSTICE**

Office of the Secretary

Bureau of Corrections

Bureau of Immigration

Commission on the Settlement of Land Problems

Land Registration Authority

National Research Council of the Philippines

Philippine Atmospheric, Geophysical and Astronomical Services Administration

Philippine Council for Advanced Science and Technology Research and Development

Philippine Council for Agriculture, Forestry and Natural resources and Research Development

Philippine Council for Aquatic and Marine Research and Development Philippine Council for Health Research and Development Philippine Council for Industry and Energy research and Development Philippine Institute of Volcanology and Seismology

Philippine Nuclear Research Institute

Philippine Science High School

Philippine Textile Research Institute

Science Education Institute

Science and technology Information Institute

Technology Application and Promotion Institute

**DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT** Office of the Secretary

Council for the Welfare of Children and Youth

Inter-Country Adoption Board

National Council for the Welfare of Disabled Persons

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**DEPARTMENT OF TOURISM**

Office of the Secretary

Board of Investments

Bonded Export Marketing Board

Construction Industry Authority of the Philippines Construction Manpower Development Foundation International Coffee Organization-Certifying Agency Philippine Trade Training Center

Product Development and Design Center of the Philippines

**DEPARTMENT OF TRASNPORATION AND COMMUNICATIONS** Office of the Secretary

Civil Aeronautics Board

Maritime Industry Authority

National Telecommunications Commissions

Office of Transportation Cooperatives

**NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY** Office of the Director-General

Commission on Population

Presidential Management Staff

Professional Regulations Commission

Securities and Exchange Commission

Toll regulatory Board

Videogram Regulatory Board

**THE JUDICIARY**

Supreme Court of the Philippines and the Lower Courts Presidential Electroal Tribunal

Sandiganbayan

Court of Appeals

Court of Tax Appeals

**CONSTITUTIONAL OFFICES**

Civil Service Commission

Civil Service Commission (Proper)

Career Executive Service Board

Commission on Audit

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Commission on Elections

**OFFICE OF THE OMBUDSMAN**

**COMMISSION ON HUMAN RIGHTS**

**AUTONOMOUS REGIONS**

Autonomous Regional Government in Muslim Mindanao

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pslmc resolution no. 02, s. 2008

**Supporting Documents for Accreditation**

**of Employees’ Organization/Union**

**(Amendment to Section 4, Rule VIII**

**of the Amended Rules and Regulations**

**of Executive Order No. 180)**

x----------------------------------x

**RESOLUTION NO. 02, S. 2008**

**WHEREAS**, Section 2, Rule VIII of the Amended Rules and regulations of Executive Order (EO) No. 180 provides that an employee’s organization seeking accreditation shall file with the Civil Service Commission – Personnel Relations Office a sworn petition for accreditation signed by a majority of the rank-and-file employees of the negotiating unit it seeks to represent;

**WHEREAS**, Section 4 of the same Rule enumerates the supporting documents accompanying the petition for the accreditation of unions, as follows: a) certified true copy of the latest agency plantilla of positions; b) certified true copy of the latest approved payroll; and c) certification from the Department of Labor and employment – Bureau of Labor Relations (DOLE-BLR) that the employees’ organization seeking accreditation is the only registered employees’ organization in the negotiating unit and that no other employees’ organization in the same negotiating unit is seeking registration;

**WHEREAS**, the plantilla of positions is required to ensure that only legitimate or existing employees who hold rank-and-file positions in the agency support the employees’ organizations/unions’ petition for accreditation;

**WHEREAS**, the employees’ organizations/unions oftentimes find it difficult to secure an updated plantilla of positions from their respective agencies, which results in the disapproval of their petition for accreditation for non-compliance with said requirement, and thereby prolonging the

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period by which an employees’ organization/union gets accredited by the Civil Service Commission;

**WHEREAS**, the Council finds the agency’s latest approved payroll as a document sufficient to establish the requirements for the approval of the petition for accreditation of an employees’ organization/union as provided for in Section 3, Rule VIII of the Amended Rules and Regulations of E.O. 180;

**WHEREAS**, Section 1, rule VIII of the same Amended Rules and Regulations provides that proceedings to determine the sole and exclusive collective negotiating agent are expeditious, non-litigious in nature, and free from technicalities of law and procedure, hence, the Council sees the need to simplify and expedite the process of accreditation of employees’ organization/unions;

**WHEREFORE**, the Council **RESOLVES**, as it hereby **RESOLVED**, to amend Section 4, Rule VIII (Accreditation of Employees’ Organization), as follows:

*“Sec. 4. Supporting documents. - The following documents shall accompany the petition for accreditation:*

*(a) Certification signed by the President and the Board of Directors/ Officers of the employees’ organization/union attesting to the accuracy and authenticity of the names and signatures of the employees appearing in the petition for accreditation, and that the list of names are devoid of duplicate/double entries;*

*(b) Latest approved payroll, duly signed/certified by authorized official/s of the organizational unit where such employees’ organizations/unions belong, regardless of whether salaries of employees are drawn from the agency’s Cashier or through the Automated Teller Machine (ATM); and*

*(c) Certification from the department of Labor and Employment Bureau of Labor Relations (DOLE-BLR) that the employees’ organization seeking accreditation is the only registered employees’ organization in the negotiating unit and that no other employees’ organization in the same negotiating unit is seeking registration.*

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*The President and the Board of Directors/Officers of the employees’ organization/union shall be held liable for any misrepresentation, false statement or fraud committed in the declaration of names and signatures in the petition for accreditation. “*

This resolution shall take effect fifteen (15) days from its publication in a newspaper of general circulation.

Quezon City, January 29, 2008

(Sgd.) **KARINA CONSTANTINO-DAVID**

Chairperson, Civil Service Commission

CHAIRMAN

(Sgd.) **ARTURO D. BRION**

Secretary, Department of Labor and Employment

VICE-CHAIRMAN

(Sgd.) **RAUL M. GONZALEZ** Secretary, Department of Justice MEMBER

(Sgd.) **MARGARITO B. TEVES** Secretary, Department of Finance MEMBER

(Sgd.) **ROLANDO G. ANDAYA, JR.**

Secretary, Department of Budget and Management MEMBER

Attested by:

(Sgd.) **MARIA LETICIA G. REYNA**

Director IV, Personnel Relations Office Civil Service Commission

Chair, PSLMC Secretariat

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**Amendment to PSLMC No. 02, S. 2008**

**Re: Supporting Documents**

pslmc resolution no. 05, s. 2015 Number : 5, s. 2015

 **for Accreditation of Employees’ Organization/ Union**

x-------------------------x

Promulgated : 10 SEP 2015

**PSLMC RESOLUTION**

**WHEREAS**, Executive Order No. 180 issued on June 1, 1987, (Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and for Other Purposes) constituted the Public Sector Labor

Management Council (PSLMC) to implement and administer the provisions of said Executive Order as well as to promulgate the necessary rules and regulations for its implementation;

**WHEREAS**, pursuant to the aforementioned law, the PSLMC promulgated the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to organize;

**WHEREAS**, PSLMC Resolution No. 02, s. 2008 amending Section 4, Rule VIII (Supporting Documents for Accreditation of Employees’ Organization/Union) of the Amended Implementing Rules and Regulations of Executive Order No. 180 provides:

*“Sec. 4. Supporting documents. – The following documents shall accompany the petition for accreditation:*

*(a) Certification signed by the President and the Board of Directors/ Officers of the employees organization/union attesting to the accuracy and authenticity of the names and signatures of the employees appearing in the petition for accreditation, and that the list of names are devoid of duplicate/double entries;*

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*(b) Latest approved payroll, duly signed/certified by authorized official/s of the organizational unit where such employees’ organizations/unions belong, regardless of whether salaries of employees are drawn from the agency’s Cashier or through Automated Teller Machine (ATM); and*

*(c) Certification from the Department of Labor and Employment – Bureau of Labor Relations (DOLE-BLR) that the employees’ organization seeking accreditation is the only registered employees’ organization in the negotiating unit and that no other employees’ organization is the same negotiating unit is seeking registration.*

*The President and the Board of Directors/Officers of the employees’ organization/union shall be held liable for any misrepresentation, false statement or fraud committed in the declaration of names and signatures in the petition for accreditation.*

**WHEREAS**, the submission of the latest plantilla and latest approved payroll demands an enormous space for storage on the part of the Human Resource Relations Office (HRRO) and additional reproduction costs on the part of the employees’ association;

**WHEREAS**, the submission of certified true copy of the agency’s latest plantilla of positions and latest approved payroll may be dispensed with since data it seek to establish may also be determined through a Certification issued by the Human Resource Management Officer (HRMO)/Administrative Personnel as to the total number of rank-and

file employees in the agency;

**WHEREAS**, the day to day operational and administrative functions of the union/organization are performed by the President of the Union and not by the union’s Board of Directors whose function is limited to policy making;

**WHEREAS**, the PSLMC by virtue of its inherent power to promulgate the necessary rules and regulations, may amend and revise from time to time policy resolutions relative to public sector unionism in order to improve the process of accreditation of employees’organization/union;

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**WHEREFORE**, the Council **RESOLVES**, as it hereby **RESOLVED**, to further amend Section 4, Rule VIII (Supporting Documents for Accreditation of Employees’ Organization/Union) of the Amended Implementing Rules and Regulations (IRR) of Executive Order No. 180 as amended by PSLMC Resolution No. 02, s. 2008 to read now, as follows:

*“Section 4. Supporting Documents – The following documents shall accompany the notarized petition for accreditation:*

*1. Certification of the President of the employee’s organization/union stating:*

*a) that the employees whose names and signatures appearing in alphabetical order in support of the petition constitute majority of the total rank-and-file employees in the negotiating unit; and*

*b) that the accuracy and authenticity of the names and signatures of the employees appearing in the petition for accreditation, and that the list of names are devoid of duplicate/double entries.*

*The President of the employees’ organization/union shall be held liable for any misrepresentation, false statement or fraud committed in the declaration of names and signatures in the petition for accreditation.*

*2. Certification from the Human Resource Management Officer/ Administrative Officer as to the total number of rank-and-file employees in the agency; and*

*3. Certification from the Department of Labor and Employment – Bureau of Labor Relations (DOLE-BLR) that the employee’s organization seeking accreditation is the only registered employees’ organization in the negotiating unit and that no other employees’ organization in the same negotiating unit is seeking registration.”*

This Resolution shall take effect fifteen (15) days from its publication in a newspaper of general circulation.

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Quezon City.

(Sgd.) **ROBERT S. MARTINEZ**

Acting Chairman, Civil Service Commission CHAIRMAN

(Sgd.) **ROSALINDA DIMAPILIS-BALDOZ** Secretary, Department of Labor and Employment VICE-CHAIRMAN

(Sgd.) **LEILA M. DE LIMA** Secretary, Department of Justice MEMBER

(Sgd.) **CESAR V. PURISIMA** Secretary, Department of Finance MEMBER

(Sgd.) **FLORENCIO B. ABAD**

Secretary, Department of Budget and Management MEMBER

 Attested by:

(Sgd.) **ALAN F. ALEGRIA**

Director IV, Human Resource Relations Office Civil Service Commission

Head, PSLMC Secretariat

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pslmc resolution no. 15, s. 2017

**Guidelines on Accreditation of**

**An Employees’ Organization in**

**Case Of Merger Of Agencies**

x-----------------------x

**PSLMC RESOLUTION**

**WHEREAS**, a duly registered employees’ organization can only be accredited as the sole and exclusive negotiating agent (SENA) of a particular negotiating unit in an agency if it has majority of the rank-and file employees;

**WHEREAS**, a merger of an agency with another will result to either an entirely new organizational unity/agency composed of the merged agencies or a “surviving” organizational unit/agency wherein other agencies are being absorbed or attached thereto.

**WHEREAS**, the merger may create a hiatus whenever the different agencies have their own registered employees’ organizations;

**WHEREAS**, when there exist two or more registered employees’ organizations within the merged agency, any of the registered employees’ organizations has three options in acquiring the accredited status, namely, 1. Certification Election; 2. Merger; and 3. Consolidation;

**WHEREAS**, the law only allows one accredited employees’ organization within an agency to represent the negotiating unit;

**WHEREAS**, when two or more registered employees’ organizations merge into single employees’ organization/entity, only one employees’ organization will retain its existence as the surviving employees organization while the other employees’ organizations will cease to exist;

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**WHEREAS**, when there are two or more registered employees’ organizations, they may consolidate to form an entirely new employees’ organization under a new name;

**WHEREAS**, petition for merger or consolidation of employees’ organizations shall be filed with the DOLE-BLR or the DOLE Regional Office;

**WHEREAS**, the certificate of registration to be issued by the DOLE BLR and CSC to a consolidated employees’ organization shall indicate the following: (a) the name and address of the employees’ organization; (b) the names of employees’ organizations that were consolidated; and (c) new registration number of the employees’ organization, if applicable;

**WHEREFORE**, the Council **RESOLVES** as it is hereby **RESOLVED** that in case of merger of agencies, the employees’ organizations may undertake any or a combination of the following options:

1. **Merger**

The petition for merger of employees’ organizations shall include the following:

(a) the name/s and address/es of the employees’ organizations to be merged;

(b) name and address of the agency;

(c) total number of rank-and-file employees in the subject negotiating unit;

(d) resolution by the Board or officers of each concerned employees organization adopting the merger;

(e) ratification by simple majority of members of each concerned employees’ organization or national union;

(f) the new/amended Constitution and by-Laws;

(g) the name of the surviving employees’ organization.

2. **Consolidation**

The petition of consolidation of employees’ organizations shall include the following:

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(a) the name/s and address/es of the employees’ organizations to be consolidated;

(b) name and address of the agency;

(c) total number of rank-and-file employees in the subject negotiating unit;

(d) resolution by the Board or officers of each concerned employees organization adopting the consolidation; (e) ratification by simple majority of members of each concerned employees’ organization or national union;

(f) the constitution and by-laws of the consolidated employees’ organization;

(g) the names of the new officers of the consolidated employees’ organization

3. **Certification Election**

The provision laid down in Rule IX of the Implementing Rules and Regulations of Executive Order No. 180 as amended, shall apply.

4. **Agreement among all the existing registered employees’ organizations to designate one of them to represent the negotiating unit.**

(a) Resolution by the Board of officers of each concerned employees’ organization to enter into an agreement to designate one of the existing employees’ organizations as the Sole and Exclusive Negotiating Agent;

(b) Ratification by simple majority of the members of each concerned employees’ organization of the said resolution, including an authorization for their respective representatives to execute such agreement;

(c) Agreement designating the sole and Exclusive Negotiating Agent;

(d) Proof that the majority of the total members of the employees’ organizations is not less than the majority of the total rank and-file employees of the negotiating unit.

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This Resolution shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Quezon City.

(Sgd.) **ALICIA DELA ROSA-BALA**

Chairperson, Civil Service Commission

CHAIRPERSON

(Sgd.) **JOEL B. MAGLUNSOD**

Undersecretary

FOR

**SILVESTRE H,. BELLO III**

Secretary, Department of Labor and Employment

VICE-CHAIRPERSON

ERICK SO B. BALMES

 Undersecretary

FOR

(Sgd.) **VITALIANO N. AGUIRRE II** Secretary, Department of Justice MEMBER

GIL S. BELTRAN

 Undersecretary

FOR

(Sgd.) **CARLOS G. DOMINGUEZ** Secretary, Department of Finance MEMBER

(Sgd.) **BENJAMIN E. DIOKNO**

Secretary, Department of Budget and Management MEMBER

Attested by:

(Sgd.) **ALAN F. ALEGRIA**

Director IV, Human Resource Relations Office Civil Service Commission

Head, PSLMC Secretariat

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memorandum circular no. 55, s. 1990

**MEMORANDUM CIRCULAR**

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE NATIONAL AND

LOCAL GOVERNMENTS, STATE COLLEGES AND

UNIVERSITIES INCLUDING GOVERNMENT-OWNED

AND/OR CONTROLLED CORPORATIONS WITH

ORIGINAL CHARTERS, AND ACCREDITED AND

RECOGNIZED EMPLOYEES’ UNIONS

SUBJECT : **POLICY DIRECTIONS ON THE RIGHT TO COLLECTIVE NEGOTIATIONS IN THE PUBLIC**

**SECTOR**

The Civil Service Commission has duly accredited and recognized as negotiating agents of appropriate organizational units, no less than fifty (50)government employees’ unions pursuant to Executive Order No. 180 and its implementing rules. Such unions may negotiate with corresponding authorities on terms and conditions of employment not specifically fixed by law, in order to promote and attain harmony and productivity in their respective organizations.

To guide and assist parties in collective negotiations, this Commission has resolved to prescribe the following policy directions:

1. The Commission recognizes and supports the right of government employees to collective negotiations with appropriate government authorities on terms and conditions of employment not fixed by law;

2. The Commission shall continue to provide technical assistance for the effective exercise of the right to collective negotiations, specifically the integration in the public sector;

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3. Employees’ union shall be allowed to present proposals to appropriate authorities which are intended to determine and improve terms and conditions of employment not specifically fixed by law and reply thereto shall be made not later than five (5) working days from date of its presentation;

4. Management and union negotiating panels shall be established in every government agency as the need arises, specifically tasked to meet and rationalize proposals and counter proposals that will determine and regulate terms and conditions of employment not fixed by law;

5. The nature and scope of negotiable terms and conditions of employment shall be governed by the implementing rules of Executive Order No. 180;

6. Officials comprising the management side may be authorized to enter into a contract of agreement with aduly accredited union, covering terms and conditions of employment not fixed by law;

7. The format of a contract of agreement may be subject of negotiations;

8. If differences arise between the negotiating parties as regards proposals and counter proposals, either party may request for the conference which shall be held not later than five (5) working days from the date request;

9. If such differences remain unsettled despite the conference, the Commission, through the Office for Personnel Relations (OPR), shall upon the request of either party or both, or upon its own initiative, as provided for CSC Memorandum Circular No. 47, series of 1990, immediately call the parties concerned for conciliation meetings;

10. During conciliation proceedings, the parties are prohibited from committing any act which may impede or disrupt the early settlement of said differences;

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11. The OPR shall exert its best efforts to settle the said differences amicably;

12. If no amicable settlement Is reached after exhausting avenues of conciliation, the OPR shall certify the dispute for resolution to the Public Sector Labor Management Council (PSLMC) which shall decide the case within forty-five (45) days from the first meeting; and

13. When the negotiating parties eventually reach an agreement, a copy of the contract of agreement shall be submitted to the Commission through the OPR for documentation and monitoring.

For your guidance and compliance.

 (Sgd.) **PATRICIA A. STO.TOMAS** Chairman

December 19,1990

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memorandum circular no. 5, s. 1996

**MEMORANDUM CIRCULAR**

TO : ALL HEADS OF DEPARTMENTS, BEREAUS AND AGENCIES OF THE NATIONAL, LOCAL

GOVERNMENTS, INCLUDING GOVERNMENT

OWNED AND CONTROLLED CORPORATIONS

SUBJECT : **COLLECTIVE NEGOTIATIONS AGREEMENT (CNA) SIGNING BONUS**

The Civil Service Commission has consistently encouraged government employees to exercise their right form, join for assist employees organizations and thus, negotiate certain terms and conditions of employment for the protection and furtherance of their interests. Under Section 3, Chapter 1, Title I, Book V of the Revised Administrative Code of 1987, the terms and conditions of employment which are not fixed by law may be subject of such negotiations between recognized employees organizations and the management.

Furthermore, the Implementing Rules of Executive Order No. 180 expressly provide the terms and conditions of employment that are negotiable and non-negotiable.

For uniform interpretation of the rules and guidance of employees organizations and management, this Commission in Resolution No. 96- 1506 dated March 1, 1996, rules that Collective Negotiations Agreement (CNA) signing bonus is an emolument or an allowance. As such, it is not subject of negotiation between employees organizations and management, and therefore, cannot be granted, except when the grant is specifically authorized by law or when the agency is authorized by its charter to grant said bonus.

This Memorandum Circular shall take effect immediately.

 (Sgd.) **CORAZON ALMA G. DE LEON** Chairman March 4, 1996

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