



REPUBLICA NG PILIPINAS
REPUBLIC OF THE PHILIPPINES
KAGAWARAN NG EDUKASYON
DEPARTMENT OF EDUCATION
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DepEd Memorandum
No. 23, s. 2002

FEB 21 2002

**RECOGNIZING THE RIGHT TO COLLECTIVE
NEGOTIATIONS IN THE PUBLIC SECTOR**

To: Undersecretaries
Asst. Secretaries
Bureau Directors
Regional Directors
Directors of Service/Centers and Heads of Units
School Superintendents

1. Enclosed are copies of the Civil Service Commission's Memorandum Circular No. 55, s. 1990 entitled Policy Direction on the Right to Collective Negotiations in the Public Sector and Memorandum Circular No. 28, s.1993 entitled Registration of Collective Negotiation Agreements. Both memorandum circulars refer to Executive Order No. 180 dated June 1, 1987 which provided the guidelines for the exercise of the right to organize of government employees.

2. Immediate and wide dissemination of this Memorandum is desired.


RAMON C. BACANI
Undersecretary

Encls.:

As stated

Reference:

N o n e

Allotment: 1—(D.O. 50-97)

**To be indicated in the Perpetual Index
under the following subjects:**

**EMPLOYEES
LEGISLATIONS
ORGANIZATIONS**

Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

MC 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;

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 duly 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 of 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 in CSC Memorandum Circular No. 47, series of 1990, immediately call the parties concerned for conciliation meetings;
10. During the conciliation proceedings, the parties are prohibited from committing any act which may impede or disrupt the early settlement of said differences;

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

(Enclosure No. 2 to DepEd Memorandum No. 23, s. 2002)

Republic of the Philippines
Civil Service Commission
Quezon City

MC No. 25, s. 1993

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 PRESIDENTS OF ACCREDITED/RECOGNIZED EMPLOYEE UNIONS

SUBJECT : REGISTRATION OF COLLECTIVE NEGOTIATION AGREEMENTS

Pursuant to CSC Resolution No. 93-2615 dated June 24, 1993, the Civil Service Commission hereby adopts the following policies on the registration of Collective Negotiation Agreements in the public sector:

1. The accredited Union shall submit to the Office for Personnel Relations three (3) duly signed copies of the Agreement within thirty (30) days from execution thereof, to be accompanied by a sworn Statement of the Union President and containing the following information:
 - a. That the Agreement was posted in at least two (2) conspicuous places in the agency for at least five (5) days prior to its ratification; and
 - b. That the Agreement was ratified by the majority of the rank and file employees in the appropriate bargaining unit.
2. The Agreement shall be duly signed and shall indicate the date of its execution and the number of pages. It shall contain among

3. others the provisions on grievance machinery and the term of the agreement. Other pertinent documents shall also be attached to the Agreement which shall contain the ratifying signatures; the total personnel complement in the agency; total number of employees in the bargaining unit; and the source of agreement, which may either be mutual settlement, voluntary arbitration, conciliation or compulsory arbitration.
4. If the Office for Personnel Relations finds that all the supporting documents and information have been submitted, it shall issue a Certificate of Registration within five (5) days from receipt of the Agreement. If there are deficiencies found, it shall notify the applicant-union, which has fifteen (15) days to submit the lacking requirements, otherwise the application for registration shall be disapproved, without prejudice to its re-filing.
5. The registration of the Agreement shall constitute as a bar to the filing of a petition for certification election during the term thereof, except within sixty (60) days before the expiration of the agreement.

Any provision in the Agreement which is contrary to law, morals, good customs, public policy or public order, or the implementation of which requires a legislative act shall remain unenforceable, notwithstanding the registration of the Agreement.

6. A certified copy of the duly registered Agreement shall be furnished to the parties within five (5) days from the date of registration.
7. The Office for Personnel Relations shall keep a file of all registered collective negotiation agreements.
8. Collective Negotiation Agreements already existing at the time of the issuance of this Circular must be submitted to the Office for Personnel Relations within a period of sixty (60) days from the date of effectivity hereof.

This Memorandum Circular takes effect fifteen (15) days after its publication in a newspaper of general circulation.*

(Sgd.) PATRICIA A. STO. TOMAS
Chairman

June 24, 1993

*Published July 13, 1993 in the Phil. Daily Inquirer

(Enclosure No. 3 to DepEd Memorandum No. 23, s. 2002)

MALACANANG
Manila

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
QUINO, President of the Philippines, do hereby order:

I. Coverage

Section 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."

Section 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.

Section 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.

Section 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.

II. Protection of the Right to Organize

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 not join or shall relinquish their membership in the employees' organizations.

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.

III. Registration of Employees' Organization

Section 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.

Section 8. Upon approval of the application, a registration certificate shall 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

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

Section 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.

Section 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.

Section 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 organizational unit.

V. Terms and Conditions of Employment in Government Services

Section 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 Concentrated Activities and Strikes

Section 14. The Civil Service Law, 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

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

- | | |
|---|-----------------|
| 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

Section 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

Section 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