THE
LABOR CODE OF THE PHILIPPINES
Annotated

Volume II

LABOR RELATIONS
AND
TERMINATION OF EMPLOYMENT
[Articles 211 to 302, Labor Code]

By

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Revised and Enlarged
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SENATE
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FOREWORD

Since the labor laws of the country were codified in the Seventies during my incumbency as Labor Secretary, the Labor Code has undergone a series of revisions both by acts of the legislature and by executive fiat. Taken with the numerous labor and social legislations bearing upon the field of labor and employment as well as the myriad rules implementing the Labor Code and related laws, the subject could be utterly confusing and rather complicated.

Through the years, it has been noted that only very few annotations and commentaries have been written on the Labor Code. This is unfortunate considering its significance and impact on the lives of millions comprising the backbone of our nation. This book by Atty. Joselito Guianan Chan is certainly a welcome addition to the sparse bibliography on the Labor Code.

Like a master craftsman, Atty. Chan has carefully shifted through the maze of existing and old laws, rules and regulations and other executive issuances and jurisprudential precepts, to “separate the grain from the chaff,” so to speak, to bring us to the crux of things. He has intricately woven all these materials into a smooth-flowing and compelling discussion of the current status of the law and its intricacies, correlated with all relevant topics.

In treating the more difficult or doubtful questions of the law, he provides us with incisive analysis and in-depth discussion of the legal issues at hand, with appropriate reference to the leading and latest judicial precedents, supplemented with a glimpse of the legislative history of the provisions under consideration, whenever necessary.

The long years of legal practice and experience of Atty. Chan, both in the courtroom as an advocate of the law, and in the classroom as professor of law, not to mention his able stewardship of his law firm and skillful advocacy of his clients’ causes, have no doubt contributed in the formation and crystallization of this authoritative and comprehensive work.

Indeed, no law library would be complete without a copy of this masterpiece. Students and practitioners will surely find this book invaluable.

Senate of the Philippines, Manila, 14 August 1996.

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PREFACE

to the 2009 Fourth Revised Edition

The publication of this fourth (4th) edition becomes imperative in the light of the significant amendments to the Labor Code introduced by several new laws such as Republic Act No. 9492 [An Act Rationalizing the Celebration of National Holidays Amending for this Purpose Section 26, Chapter 7, Book I of Executive Order No. 292, as Amended, Otherwise Known as the “Administrative Code of 1987”] which was approved on July 25, 2007; Republic Act No. 9481 [An Act Strengthening the Workers’ Constitutional Right to Self-Organization, Amending for the Purpose Presidential Decree No. 442, as Amended, Otherwise Known as the Labor Code of the Philippines] which lapsed into law on May 25, 2007 and became effective on June 14, 2007; Republic Act No. 9422 [An Act to Strengthen the Regulatory Functions of the Philippine Overseas Employment Administration (POEA), Amending for this Purpose Republic Act No. 8042, Otherwise Known as the “Migrant Workers and Overseas Filipinos Act of 1995”] which was approved on April 10, 2007; and Republic Act No. 9347 [An Act Rationalizing the Composition and Functions of the National Labor Relations Commission, Amending for this Purpose Articles 213, 214, 215 and 216 of P. D. No. 442, as Amended, Otherwise Known as the Labor Code of the Philippines] which also lapsed into law on July 27, 2006 without the signature of the President, in accordance with Article VI, Section 27 [1] of the Constitution.

New pieces of jurisprudence have also been promulgated by the Supreme Court which significantly affect the prevailing well-settled rules in labor law. All these are treated in the author’s Notes and Comments on the various articles of the Labor Code.

This latest edition is dedicated to the memory of the late Blas F. Ople who graciously wrote the Foreword to this book in 1996. I cannot repay the precious time he gave up to go over the manuscript of its first edition. Indeed, I am bound in lasting gratitude.

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# TABLE OF CONTENTS

**BOOK FIVE**

**LABOR RELATIONS**

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICY AND DEFINITIONS</td>
<td>1</td>
</tr>
<tr>
<td>Chapter I</td>
<td>1</td>
</tr>
<tr>
<td>POLICY</td>
<td>1</td>
</tr>
<tr>
<td>Article 211. Declaration of Policy</td>
<td>1</td>
</tr>
<tr>
<td><strong>NOTES AND COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>1. LABOR RELATIONS...1; 2. LABOR RELATIONS AND LABOR STANDARDS, DISTINGUISHED...2; 3. INTERPRETATION AND APPLICATION OF LABOR LAWS...2; 4. STATE POLICY...3; 5. CONSTITUTIONAL FOUNDATION...3.</td>
<td></td>
</tr>
<tr>
<td>Chapter II</td>
<td>5</td>
</tr>
<tr>
<td>DEFINITIONS</td>
<td>5</td>
</tr>
<tr>
<td>Article 212. Definitions</td>
<td>5</td>
</tr>
<tr>
<td><strong>NOTES AND COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>1. DEFINITIONS...7; 2. CHANGE IN NOMENCLATURE...7; 3. SIGNIFICANCE OF EMPLOYMENT RELATIONSHIP IN LABOR RELATIONS CASES...7; 4. LABOR OR INDUSTRIAL DISPUTE...10.</td>
<td></td>
</tr>
<tr>
<td>Title II</td>
<td>12</td>
</tr>
<tr>
<td>NATIONAL LABOR RELATIONS COMMISSION</td>
<td>12</td>
</tr>
<tr>
<td>Chapter I</td>
<td>12</td>
</tr>
<tr>
<td>CREATION AND COMPOSITION</td>
<td>12</td>
</tr>
<tr>
<td>Article 213. National Labor Relations Commission</td>
<td>12</td>
</tr>
<tr>
<td><strong>NOTES AND COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>Article 214. Headquarters, Branches and Provincial Extension Units</td>
<td>19</td>
</tr>
<tr>
<td><strong>NOTES AND COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>1. HEADQUARTERS, BRANCHES AND PROVINCIAL EXTENSION UNITS...20; 2. NUMBER OF LABOR ARBITERS...20; 3. DELETION OF THE PROVISION ON EXECUTIVE LABOR ARBITERS...20.</td>
<td></td>
</tr>
<tr>
<td>Article 215. Appointment and Qualifications</td>
<td>20</td>
</tr>
<tr>
<td><strong>NOTES AND COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>1. QUALIFICATIONS OF NLRC COMMISSIONERS...21; 2. QUALIFICATIONS OF LABOR ARBITERS...21; 3. TERM OF OFFICE...21; 4. EXTENSION OF TERM OF OFFICE UP TO 70 YEARS OF AGE...21; 5. APPOINTMENT OF COMMISSIONERS...22; 6. APPOINTMENT OF LABOR ARBITERS...22; 7. APPOINTMENT OF STAFF AND EMPLOYEES OF NLRC AND ITS REGIONAL BRANCHES...22; 8. CONFIRMATION OF APPOINTMENT BY COMMISSION ON APPOINTMENTS HELD UNCONSTITUTIONAL...22; 9. VACANCY...22; 10. REMOVAL OF COMMISSIONERS AND LABOR ARBITERS UNDER R.A. NO. 6715 HELD UNCONSTITUTIONAL...22.</td>
<td></td>
</tr>
<tr>
<td>Article 216. Salaries, Benefits and Other Emoluments</td>
<td>23</td>
</tr>
<tr>
<td><strong>NOTES AND COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>1. SALARIES, BENEFITS AND OTHER EOMOLUMENTS...23.</td>
<td></td>
</tr>
<tr>
<td>Chapter II</td>
<td>24</td>
</tr>
<tr>
<td>POWERS AND DUTIES</td>
<td>24</td>
</tr>
<tr>
<td>Article 217. Jurisdiction of the Labor Arbiters and the Commission</td>
<td>24</td>
</tr>
<tr>
<td><strong>NOTES AND COMMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>1. PRELIMINARY CONSIDERATIONS...24; 2. LABOR JURISDICTION, HISTORICAL DEVELOPMENTS...27; 3. BASIC PRINCIPLES ON JURISDICTION...33; 4. KINDS OF JURISDICTION EMBODIED IN ARTICLE 217...35; 5. JURISDICTION OF LABOR ARBITERS...35; 6. JURISDICTION OF THE COMMISSION (NLRC)...36; 7. INJUNCTIVE POWER OF LABOR ARBITERS...36; 8. CONTEMPT POWER OF LABOR ARBITERS...37; 9. POWER TO CONDUCT OCULAR INSPECTIONS...39; 10. JURISDICTION OVER UNFAIR LABOR PRACTICE CASES...39; 11. JURISDICTION OVER TERMINATION DISPUTES...42; 12. JURISDICTION OVER MONEY CLAIMS...45; 13. JURISDICTION OVER CLAIMS FOR DAMAGES...48; 14. JURISDICTION OVER LEGALITY OF STRIKES AND LOCKOUTS...49; 15. OTHER ISSUES AFFECTING THE EXERCISE OF JURISDICTION BY LABOR ARBITERS...52; 16. JURISDICTION OVER TERMINATION OF CORPORATE OFFICERS (INTRA-CORPORATE DISPUTES)...52; 17. JURISDICTION OVER CASES INVOLVING EMPLOYEES OF GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS...56; 18. JURISDICTION OVER DISPUTES INVOLVING AN ALIEN PARTY...58; 19. JURISDICTION OVER LABOR CASES INVOLVING ENTITIES IMMUNED FROM SUIT...59; 20. DOCTRINE OF FORUM NON CONVENIENS; WHEN LABOR ARBITERS AND NLRC HAVE NO JURISDICTION...61; 21. JURISDICTION OVER LABOR CASES INVOLVING PRIESTS AND...</td>
<td></td>
</tr>
</tbody>
</table>
MINISTERS..., 63; 22. REHABILITATION RECEIVERSHIP, EFFECT ON JURISDICTION IN LABOR
PROCEEDINGS..., 64; 23. JURISDICTION OVER CASES OF OVERSEAS FILIPINO WORKERS
(OFWs)..., 68; 24. JURISDICTION OVER WAGE DISTORTION CASES..., 69; 25. JURISDICTION OVER
ENFORCEMENT OF LABOR STANDARD LAWS..., 69; 26. JURISDICTION OVER CLAIMS OF
DOMESTIC OR HOUSEHELPERS..., 71; 27. JURISDICTION OVER ENFORCEMENT OF
COMPROMISE AGREEMENTS..., 71; 28. JURISDICTION OVER CASES PROPERLY COGNIZABLE
BY THE GRIEVANCE MACHINE OR VOLUNTARY ARBITRATORS..., 71; 29. JURISDICTION
OVER CASES INVOLVING COOPERATIVES..., 72; 30. JURISDICTION OVER CASES INVOLVING
LOCAL WATER DISTRICTS..., 73; 31. JURISDICTION OVER CRIMINAL AND CIVIL ACTIONS
ARISING FROM VIOLATIONS OF ARTICLE 241..., 73; 32. JURISDICTION OVER QUASI-DELICT OR
TORT CASES..., 73; 33. JURISDICTION OVER CLAIMS OR COUNTER-CLAIMS OF
EMPLOYERS..., 74; 34. SUMMARY OF OTHER ISSUES BEYOND JURISDICTION OF THE LABOR
ARBITERS OR NLRC..., 74.


NOTE AND COMMENTS:
1. POWERS OF THE COMMISSION..., 78; 2. RULE-MAKING POWER..., 78; 3. POWER TO ISSUE
COMPULSORY PROCESSES AND ADMINISTER OATH..., 79; 4. POWER TO INVESTIGATE OR
HEAR CASES; EXCEPTION..., 80; 5. CONTTEMPT POWER..., 81; 6. INJUNCTION POWER..., 82; 7.
APPELLATE POWER..., 87.

Article 219. Ocular Inspection.

NOTE AND COMMENTS:
1. OCULAR INSPECTION..., 87; 2. NATURE..., 87.

Article 220. Compulsory Arbitration.

NOTE AND COMMENTS:
1. RELEVANT CONSTITUTIONAL PROVISIONS..., 88; 2. RATIONALE BEHIND ARTICLE 221..., 90; 3.
BASIC RULES OF DUE PROCESS MUST BE OBSERVED..., 91; 4. APPLICATION OF THE RULE ON
FORUM-SHOPPING TO LABOR CASES..., 92; 5. PROCEEDINGS BEFORE THE LABOR
ARBITERS..., 94; 6. PROCEEDINGS BEFORE THE COMMISSION (NLRC)..., 129; 7. RULE OF RES
JUDICATA AS APPLIED TO LABOR CASES..., 136; 8. DOCTRINE OF LITIS PENDENTIA AS
APPLIED TO LABOR CASES..., 141; 9. PRINCIPLE OF “LAW OF THE CASE” AS
APPLIED TO LABOR CASES..., 141; 10. PRINCIPLE OF ESTOPPEL AS APPLIED TO LABOR
CASES..., 142; 11. RULE OF STARE DECISIBUS AS APPLIED TO LABOR CASES..., 142; 12. CLASS
SUITE IN LABOR CASES..., 143; 13. REPRESENTATIVE SUITE IN LABOR CASES..., 143; 14. DISMISSAL OF
A LABOR CASE WITHOUT PREJUDICE..., 144; 15. PRINCIPLE OF ABANDONMENT OF RIGHT OR CLAIM..., 144.

Article 222. Appeal.

NOTE AND COMMENTS:
1. APPEAL..., 158; 2. GROUNDS FOR APPEAL TO THE COMMISSION (NLRC)..., 160; 3. PERFECTION
OF APPEAL..., 161; 4. REGIMENTAL PERIOD TO PERFECT THE APPEAL..., 162; 5. REGIMENTAL
PERIOD OF APPEAL FROM DECISIONS, AWARDS OR ORDERS OF THE DOLE REGIONAL
DIRECTORS OR HEARING OFFICERS UNDER ARTICLE 129 OF THE LABOR
CODE..., 168; 6. APPLICABILITY TO OTHER AGENCIES OF NLRC RULES GOVERNING
APPEALS..., 168; 7. PERIODS ARE MANDATORY..., 168; 8. MEMORANDUM OF APPEAL..., 169; 9.
APPEAL FEE..., 171; 10. PROOF OF SERVICE TO ADVERSE PARTY..., 172; 11. REINSTATEMENT
ASPECT OF LABOR ARBITER'S DECISION, IMMEDIATELY EXECUTORY EVEN PENDING
APPEAL..., 173; 12. APPEAL INVOLVING MONETARY AWARD..., 181; 13. REVIEW OF ASSIGNED
OR UNASSIGNED ERRORS ON APPEAL..., 198; 14. FRIVOLOUS OR DILATORY APPEAL..., 199; 15.
SUBMISSION OF NEW OR ADDITIONAL EVIDENCE ON APPEAL..., 200; 16. CHANGE OF THEORY
ON APPEAL, NOT ALLOWED..., 202; 17. RAISING OF NEW ISSUES ON APPEAL, NOT
ALLOWED..., 204; 18. EXHAUSTION OF ADMINISTRATIVE REMEDIES..., 205; 19. APPEAL FROM
THE NLRC TO THE DOLE SECRETARY AND TO THE PRESIDENT, ABOLISHED..., 210; 20. NO
APPEAL FROM THE NLRC DECISIONS..., 211; 21. CERTIORARI IN LABOR CASES UNDER RULE 65
OF THE RULES OF COURT..., 212; 22. INSTANCES WHERE APPEALS TO AND EXERCISE OF
JURISDICTION BY THE DOLE SECRETARY ARE ALLOWED UNDER THE LABOR CODE AND
APPLICABLE RULES..., 216; 23. CERTIORARI TO THE COURT OF APPEALS FROM THE
DECISIONS OF THE DOLE SECRETARY UNDER RULE 65 OF THE RULES OF COURT..., 216; 23.
APPEAL FROM THE COURT OF APPEALS TO THE SUPREME COURT – BY PETITION FOR
REVIEW ON CERTIORARI UNDER RULE 45..., 220; 24. JUDICIAL REVIEW OF FACTUAL
FINDINGS..., 222.

Article 224. Execution of Decisions, Orders or Awards.

NOTE AND COMMENTS:
1. LABOR OFFICIALS EMPowered TO ISSUE WRIT OF EXECUTION..., 226; 2. DEFINITION OF
TERMS..., 226; 3. FINALITY OF DECISIONS OR AWARDS..., 227; 4. FINAL DECISIONS CANNOT BE
DISTURBED; EXCEPTIONS..., 228; 5. EXECUTION OF DECISIONS, ORDERS OR AWARDS..., 231; 6.

Article 225. Contempt Powers of the Secretary of Labor................................................................. 252

NOTES AND COMMENTS:
1. NATURE...252; 2. CONTEMPT POWER; PENALTIES................................................................. 253

Title III........................................................................................................................................... 254
BUREAU OF LABOR RELATIONS......................................................................................................... 254

Article 226. Bureau of Labor Relations................................................................................................. 254

NOTES AND COMMENTS:
1. JURISDICTION OF THE BUREAU OF LABOR RELATIONS AND LABOR RELATIONS DIVISIONS IN THE DOLE REGIONAL OFFICES...254; 2. INTER-UNION OR INTRA-UNION DISPUTES...257; 3. OTHER RELATED LABOR RELATIONS DISPUTES...257; 4. PROVISIONS APPLICABLE TO INTER-UNION OR INTRA-UNION AND OTHER RELATED LABOR RELATIONS DISPUTES...260; 5. NATIONAL CONCILIATION AND MEDIATION BOARD (NCMB)...265; 6. INTERVENTION OF THE NCMB IN LABOR DISPUTES...266; 7. ROLE OF THE NCMB IN LOCKOUT SITUATIONS...267; 8. TRIPARTITE VOLUNTARY ARBITRATION ADVISORY COUNCIL...267.

Article 227. Compromise Agreements................................................................................................. 267

NOTES AND COMMENTS:
1. COMPROMISE AGREEMENT UNDER ARTICLE 227...267; 2. COMPROMISE AGREEMENT UNDER ARTICLE 221...269; 3. COMPROMISE AGREEMENT EXECUTED BEFORE THE NCMB...271; 4. COMPROMISE AGREEMENT, CONCEPT AND GUIDING PRINCIPLES...271; 5. QUITCLAIM AND RELEASE...279.

Article 228. Indorsement of Cases to Labor Arbiters........................................................................ 288

NOTES AND COMMENTS:

Article 229. Issuance of Subpoenas................................................................................................... 289

NOTES AND COMMENTS:
1. NATURE AND EXTENT OF POWER...289; 2. KINDS OF SUBPOENAS...289.

Article 230. Appointment of Bureau Personnel..................................................................................... 289

NOTES AND COMMENTS:
1. ARTICLE 230 PRIOR TO ITS AMENDMENT BY R. A. NO. 6715...289; 2. ARTICLE 230 AS AMENDED BY R. A. NO. 6715...289.

Article 231. Registry of Unions and File of Collective Bargaining Agreements................................. 290

NOTES AND COMMENTS:
1. MAINTENANCE OF REGISTRY AND RECORDS...290; 2. REGISTRY OF LEGITIMATE LABOR ORGANIZATIONS...292; 3. REGISTRATION OF COLLECTIVE BARGAINING AGREEMENTS...292; 4. EFFECT OF NON-COMPLIANCE WITH THE PROCEDURAL REQUIREMENTS IN THE REGISTRATION OF A CBA...293; 5. DE-REGISTRATION OF A CBA...293; 6. APPEAL FROM THE DECISION DENYING THE CBA REGISTRATION...293.

Title IV........................................................................................................................................... 296
LABOR ORGANIZATIONS................................................................................................................... 296

Chapter I......................................................................................................................................... 296
REGISTRATION AND CANCELLATION............................................................................................... 296

Article 232. Prohibition on Certification Election................................................................................ 296

NOTES AND COMMENTS:
1. CONTRACT-BAR RULE...293; 2. EXCEPTIONS...294.

Article 233. Privileged Communication............................................................................................... 295

NOTES AND COMMENTS:
1. PRIVILEGED COMMUNICATION MADE IN CONCILIATION PROCEEDINGS, INADMISSIBLE EVIDENCE...295; 2. PRIVILEGED COMMUNICATION IN STRIKES OR LOCKOUTS...295.

Title V........................................................................................................................................... 296
LABOR ORGANIZATIONS................................................................................................................... 296

Chapter I......................................................................................................................................... 296
REGISTRATION AND CANCELLATION............................................................................................... 296

Article 234. Requirements of Registration........................................................................................ 296

NOTES AND COMMENTS:
1. LATEST AMENDMENTS INTRODUCED BY REPUBLIC ACT NO. 9481 [JUNE 14, 2007]...296; 2. ARTICLE 234, AS AMENDED BY R. A. NO. 9481...297; 3. FREE TRADE UNIONISM...298; 4. APPROVAL OF REGISTRATION OF LABOR ORGANIZATIONS, NOT MINISTERIAL IN NATURE...298; 5. LABOR ORGANIZATION...299; 6. WORKERS’ ASSOCIATION...299; 7. LABOR ORGANIZATION AND WORKERS’ ASSOCIATION, DISTINGUISHED...300; 8. FEDERATION OR NATIONAL UNION OR INDUSTRY UNION...300; 9. TRADE UNION CENTER...300; 10. INDEPENDENT UNION...300; 11. CONSTITUTION AND BY-LAWS OF A UNION...300; 12. PURPOSES OF A LABOR ORGANIZATION...301; 13. REGISTRATION OF A LABOR ORGANIZATION, WORKERS’ ASSOCIATION, FEDERATION, NATIONAL UNION AND LOCAL CHAPTER...301; 14.
REGISTRATION OF HOMEWORKERS’ ORGANIZATIONS...305; 15. REGISTRATION OF GOVERNMENT EMPLOYEES’ ORGANIZATIONS...305; 16. MERGER OR CONSOLIDATION OF LABOR ORGANIZATIONS AND WORKERS’ ASSOCIATIONS...306; 17. CHANGE OF NAME OF LABOR ORGANIZATIONS...307.

Article 234-A. Chartering and Creation of a Local Chapter…………………………………………………………………… 308

NOTES AND COMMENTS:
1. ARTICLE 234-A IS A NEW ARTICLE INSERTED BY R. A. NO. 9481 [JUNE 14, 2007].
2. BACKGROUND ON THE STATUTORY PROVISIONS AFFECTING THE REGISTRATION OF A LOCAL CHAPTER OF A FEDERATION OR A NATIONAL UNION...311; 3. LOCAL CHAPTER (FORMERLY KNOWN AS “CHARTERED LOCAL”)...311; 4. ONLY FEDERATION OR NATIONAL UNION MAY DIRECTLY CREATE A LOCAL CHAPTER...312; 5. TRADE UNION CENTERS ARE NOT ALLOWED TO DIRECTLY CHARTER LOCAL CHAPTERS...312; 6. REQUIREMENTS FOR REGISTRATION OF A LOCAL CHAPTER...312; 7. AFFILIATION OF AN INDEPENDENT UNION WITH A FEDERATION OR A NATIONAL UNION...314; 8. DISAFFILIATION...316; 9. JURISDICTION OVER AFFILIATION OR DISAFFILIATION ISSUE...320.

Article 235. Action on Application……………………………………………………………………………………………… 320

NOTES AND COMMENTS:
1. PROCESSING OF APPLICATION FOR REGISTRATION OF LABOR ORGANIZATIONS AND WORKERS’ ASSOCIATIONS...320; 2. REASON FOR THE 30-DAY PERIOD...321; 3. REASON FOR REQUIRING THE CERTIFICATION UNDER OATH AND ATTESTATION OF DOCUMENTS...321; 4. PROPER REMEDY IN CASE OF REFUSAL TO REGISTER A UNION...321.

Article 236. Denial of Registration; Appeal…………………………………………………………………………………….. 322

NOTES AND COMMENTS:
1. DENIAL OF THE APPLICATION FOR REGISTRATION OR RETURN OF NOTICE OF CHANGE OF NAME, AFFILIATION, MERGER OR CONSOLIDATION...322; 2. FORM OF DENIAL OF APPLICATION OR RETURN OF NOTICE OF CHANGE OF NAME, AFFILIATION, MERGER OR CONSOLIDATION...322; 3. APPEAL ON DENIAL OF APPLICATION FOR REGISTRATION...322; 4. PROCEDURE ON APPEAL...322.

Article 237. Additional Requirements for Federations or National Unions…………………………………………………………………………………………………………………… 323

NOTES AND COMMENTS:
1. ARTICLE 238 REFERRED TO IN ARTICLE 237 REPEALED BY E. O. NO. 111...323; 2. REQUIREMENTS FOR APPLICATION FOR REGISTRATION OF A FEDERATION OR NATIONAL UNION...323; 3. REQUIREMENTS FOR APPLICATION FOR REGISTRATION OF AN INDUSTRY UNION...324.

Article 238. Cancellation of Registration……………………………………………………………………………………….. 324

NOTES AND COMMENTS:
1. POLICY OF “ONE-UNION-ONE INDUSTRY” UNDER ARTICLE 238, REPEALED BY EXECUTIVE ORDER NO. 111...324; 2. ARTICLE 238, AS AMENDED BY R. A. NO. 9481 [JUNE 14, 2007].
3. CANCELLATION PROCEEDINGS AGAINST A LABOR ORGANIZATION OR A WORKERS’ ASSOCIATION...325; 4. REGISTRATION OF A LABOR ORGANIZATION CAN NO LONGER BE CANCELLED DUE TO NON-COMPLIANCE WITH THE REPORTORIAL REQUIREMENTS...326; 5. APPEAL IN CANCELLATION OF UNION REGISTRATION PROCEEDINGS...326; 6. APPELLATE JURISDICTION OF THE BLR AND DOLE SECRETARY, DISTINGUISHED...328.

Article 238-A. Effect of a Petition for Cancellation of Registration………………………………………………………………………… 328

NOTES AND COMMENTS:
1. EFFECT OF FILING OR PENDENCY OF A CANCELLATION PETITION...329; 2. EFFECT OF CANCELLATION DURING THE PENDENCY OF A CASE...329.

Article 239. Grounds for Cancellation of Union Registration…………………………………………………………………… 329

NOTES AND COMMENTS:
1. GROUNDS FOR CANCELLATION OF UNION REGISTRATION UNDER THE OLD PROVISION OF ARTICLE 239...330; 2. ADDITIONAL GROUND: VIOLATION OF RIGHTS AND CONDITIONS OF MEMBERSHIP IN A LABOR ORGANIZATION UNDER ARTICLE 241...332; 3. GROUNDS WHICH CAN NO LONGER BE INVOKED TO CANCEL UNION REGISTRATION...332; 4. VOLUNTARY DISSOLUTION OF UNION BY ITS MEMBERS...333; 5. CONDUCT OF IL LEGAL STRIKE NOT A GROUND TO CANCEL UNION REGISTRATION...333; 6. LEGAL PERSONALITY OF A UNION CANNOT BE COLATERALLY ATTACKED...333.

Article 239-A. Voluntary Cancellation of Registration…………………………………………………………………………. 334

NOTES AND COMMENTS:
1. ARTICLE 239-A ENUNCIATES THE REQUISITES FOR THE VOLUNTARY DISSOLUTION OF A LABOR ORGANIZATION...334.

Article 240. Equity of the Incumbent………………………………………………………………………………………… 334

NOTES AND COMMENTS:
1. EQUITY OF THE INCUMBENT OF A FEDERATION OR A NATIONAL UNION...334.

Chapter II…………………………………………………………………………………………………………………………... 336

RIGHTS AND CONDITIONS OF MEMBERSHIP………………………………………………………………………………... 336

Article 241. Rights and Conditions of Membership in a Labor Organization…………………………………………………… 336

NOTES AND COMMENTS:
1. RELATIONSHIP OF THE UNION AND ITS MEMBERS...338; 2. RIGHT TO UNION MEMBERSHIP...339; 3. RIGHTS OF UNION MEMBERS UNDER ARTICLE 241...340; 4. ELECTION...336.
OF OFFICERS OF LABOR ORGANIZATIONS AND WORKERS' ASSOCIATIONS...341; 5. IMPEACHMENT OR EXPULSION OF OFFICERS OR MEMBERS...344; 6. ASSESSMENTS AND CHECK-OFFS...346; 7. SUBMISSION OF FINANCIAL AND OTHER REPORTS...349; 8. ADMINISTRATION OF TRADE UNION FUNDS AND ACTIONS ARISING THEREFROM...350; 9. NUMBER OF MEMBERS REQUIRED TO REPORT VIOLATION...353; 10. VIOLATION OF ARTICLE 241 MAY RESULT IN THE CANCELLATION OF UNION REGISTRATION OR EXPULSION OF OFFICERS FROM OFFICE...354; 11. CRIMINAL AND CIVIL LIABILITY...354; 12. LABOR EDUCATION AND RESEARCH...355.

Chapter III…………………………………………………………………………………………………………………………….. 357
RIGHTS OF LEGITIMATE LABOR ORGANIZATIONS……………………………………………………………………….. 357
Article 242. Rights of Legitimate Labor Organizations……………………………………………………………………….. 357
NOTES AND COMMENTS:
1. RIGHT TO REPRESENT MEMBERS FOR COLLECTIVE BARGAINING PURPOSES...357; 2. RIGHT TO REQUEST FOR AUDITED FINANCIAL STATEMENTS...358; 3. RIGHT TO OWN PROPERTY...358; 4. RIGHT TO SUE AND BE SUED IN THE UNION'S REGISTERED NAME...358; 5. RIGHT TO ORGANIZE AND OPERATE COOPERATIVE, HOUSING WELFARE AND OTHER LAWFUL PROJECTS...361; 6. TAX-FREE INCOME AND PROPERTIES...361.

Article 242-A. Reportorial Requirements………………………………………………………………………………………. 361
NOTES AND COMMENTS:
1. ARTICLE 242-A IS A NEW PROVISION INSERTED BY R. A. NO. 9481...361; 2. NON-SUBMISSION OF THE DOCUMENTARY REQUIREMENTS NO LONGER A GROUND TO CANCEL UNION REGISTRATION...362; 3. MISREPRESENTATION, FALSE ENTRIES OR FRAUD IN THE PREPARATION OF FINANCIAL REPORT, EFFECT...362.

Title V………………………………………………………………………………………………………………………………… 363
COVERAGE …………………………………………………………………………………………………………………………. 363
Article 243. Coverage and Employees' Right to Self-Organization……………………………………………………………………….. 363
NOTES AND COMMENTS:
1. CONSTITUTIONAL BASIS...363; 2. INTERNATIONAL LABOR ORGANIZATION CONVENTIONS...363; 3. ILO CONVENTION NOS. 87 AND 98...363; 4. POLICY OF THE CONSTITUTION AND THE LAW...364; 5. WHO MAY JOIN LABOR ORGANIZATIONS AND WORKERS' ASSOCIATIONS...364; 6. RIGHT OF WORKING CHILDREN TO SELF-ORGANIZATION...366; 7. RIGHT OF HOMEWORKERS TO SELF-ORGANIZATION...366; 8. RIGHT OF EMPLOYEES OF CONTRACTORS AND SUB-CONTRACTORS TO SELF-ORGANIZATION...366; 9. RIGHT OF MEMBERS OR EMPLOYEES OF COOPERATIVES TO SELF-ORGANIZATION...366; 10. TRADE UNIONS IN THE CONSTRUCTION INDUSTRY...367.

Article 244. Right of Employees in the Public Service………………………………………………………………………….. 367
NOTES AND COMMENTS:
1. KINDS OF EMPLOYEES IN THE GOVERNMENT SERVICE FOR PURPOSES OF LABOR RELATIONS...367.

Article 245. Ineligibility of Managerial Employees to Join any Labor Organization; Right of Supervisory Employees………………………………………………………………………………………………………………….. 368
NOTES AND COMMENTS:
1. CATEGORIES OF EMPLOYEES...368; 2. MANAGERIAL EMPLOYEES ARE ABSOLUTELY PROHIBITED TO FORM, ASSIST OR JOIN ANY UNION...371; 3. SUPERVISORY EMPLOYEES' RIGHT TO SELF-ORGANIZATION, HISTORICAL BACKGROUND...371; 4. SUPERVISORY EMPLOYEES MAY ORGANIZE OWN UNION BUT THEY ARE PROHIBITED FROM JOINING THE RANK-AND-FILE UNION...374; 5. LATEST AMENDMENT TO ARTICLE 245 INTRODUCED BY R. A. NO. 9481...375; 6. CONFIDENTIAL EMPLOYEE RULE...376; 7. RIGHT OF SECURITY GUARDS TO SELF-ORGANIZATION...379.

Article 245-A. Effect of Inclusion as Members of Employees Outside the Bargaining Unit………………………………………………………………………………………………………………….. 380
NOTES AND COMMENTS:
1. ARTICLE 245-A IS A NEW PROVISION INSERTED BY R. A. NO. 9481 [JUNE 14, 2007]...380; 2. EXCLUDED MEMBERS AUTOMATICALLY REMOVED BY OPERATION OF LAW...381; 3. TIME TO RAISE THE ISSUE OF EXCLUSION OF THE EMPLOYEES WHO ARE NOT MEMBERS OF THE BARGAINING UNIT...381.

Article 246. Non-Abridgment of Right to Self-Organization………………………………………………………………………………………………………………………………………………………... 381
NOTES AND COMMENTS:
1. OBJECT OF THE LAW...382; 2. PENALTY FOR VIOLATION OF ARTICLE 246...382.

Title VI……………………………………………………………………………………………………………………………… 383
UNFAIR LABOR PRACTICES………………………………………………………………………………………………………………….. 383
Chapter I……………………………………………………………………………………………………………………………… 383
CONCEPT……………………………………………………………………………………………………………………………… 383
Article 247. Concept of Unfair Labor Practice and Procedure for Prosecution Thereof………………………………………………………………………………………………………………….. 383
NOTES AND COMMENTS:
1. UNFAIR LABOR PRACTICE (ULP), DEFINITION...383; 2. CONCEPT...384; 3. PARTIES WHO/MAY COMMIT UNFAIR LABOR PRACTICES...385; 4. ELEMENTS OF AN UNFAIR LABOR PRACTICE...385; 5. OTHER UNFAIR LABOR PRACTICES PROVIDED UNDER THE LABOR CODE...386; 6. ASPECTS OF UNFAIR LABOR PRACTICE...386; 7. NATURE OF COMPLAINT FOR UNFAIR LABOR PRACTICE...387; 8. ALL ACTS CONSTITUTING UNFAIR
LABOR PRACTICES MUST BE ALLEGED IN THE COMPLAINT...387; 9. EFFECT ON PRESCRIPTIVE PERIOD...388; 10. EVIDENTIARY WEIGHT OF THE FINAL JUDGMENT FINDING ULP IN THE ADMINISTRATIVE PROCEEDING...388; 11. COMPROMISE OF UNFAIR LABOR PRACTICE CASES...388.

Chapter II…………………………………………………………………………………………………………………………... 389

UNFAIR LABOR PRACTICES OF EMPLOYERS……………………………………………………………………………….. 389

Article 248. Unfair Labor Practices of Employers………………………………………………………………………………. 389

NOTES AND COMMENTS:

Chapter III…………………………………………………………………………………………………………………………….. 420

UNFAIR LABOR PRACTICES OF………………………………………………………………………………………………… 420

LABOR ORGANIZATIONS………………………………………………………………………………………………………… 420

Article 249. Unfair Labor Practices of Labor Organizations……………………………………………………………………………… 420

NOTES AND COMMENTS:
1. RESTRAINT AND COERCION OF EMPLOYEES IN THE EXERCISE OF THEIR RIGHT TO SELF-ORGANIZATION...421; 2. DISCRIMINATION...421; 3. DUTY OF UNION TO BARGAIN COLLECTIVELY...421; 4. FEATHERBEDDING...421; 5. DEMAND OR ACCEPTANCE OF NEGOTIATION FEES OR ATTORNEY’S FEES...422; 6. VIOLATION OF THE DUTY TO BARGAIN COLLECTIVELY...422; 7. ILLUSTRATIVE CASES WHERE THE UNION WAS DECLARED GUILTY OF UNFAIR LABOR PRACTICE...422; 8. PERSONS LIABLE FOR ULP OF LABOR ORGANIZATION...423.

Title VII……………………………………………………………………………………………………………………………….. 424

COLLECTIVE BARGAINING AND ADMINISTRATION OF AGREEMENTS………………………………………………….. 424

Article 250. Procedure in Collective Bargaining……………………………………………………………………………….. 424

NOTES AND COMMENTS:

Article 251. Duty to Bargain Collectively in the Absence of Collective Bargaining Agreements…………………………………………………………………………………………………………………………………. 435

NOTES AND COMMENTS:
1. DUTY TO BARGAIN COLLECTIVELY WHEN THERE IS NO CBA YET...435.

Article 252. Meaning of Duty to Bargain Collectively………………………………………………………………………………... 436

NOTES AND COMMENTS:
1. MEANING AND SIGNIFICANCE OF COLLECTIVE BARGAINING...436; 2. DUTY TO BARGAIN OF SUCCESSOR EMPLOYER...441; 3. SUBSTITUTIONARY DOCTRINE...441; 4. ABSORPTION DOCTRINE...442; 5. BENEFITS DERIVED FROM THE CBA AND THE LAW, SEPARATE AND DISTINCT FROM EACH OTHER...442; 6. LAW IS PRESUMED PART OF THE CBA...442; 7. EFFECT OF CBA STIPULATIONS BELOW MINIMUM LEGAL STANDARDS...443; 8. BINDING EFFECT OF CBA...444; 9. RESOLVING DOUBTS OR AMBIGUITIES IN LABOR CONTRACTS...444; 10. KINDS OF CBA PROPOSED BY A UNION MAY BE IMPOSED LOCK, STOCK AND BARREL ON AN EMPLOYER WHO REFUSED TO NEGOTIATE A CBA...446; 11. EFFECT OF THE PENDENCY OF A PETITION FOR CANCELLATION OF REGISTRATION, NOT A PREJUDICIAL QUESTION BEFORE CBA NEGOTIATION MAY PROCEED...448.

Article 253. Duty to Bargain Collectively When There Exists a Collective Bargaining Agreement…………………………………………………………………………………………………………………………………. 449
NOTES AND COMMENTS:
1. DUTY TO BARGAIN COLLECTIVELY WHEN THERE IS A CBA...449;  2. FREEDOM PERIOD...449;  3. AUTOMATIC RENEWAL CLAUSE...449.

Article 253-A. Terms of a Collective Bargaining Agreement

NOTES AND COMMENTS:
1. REPRESENTATION STATUS...451;  2. NEGOTIATION OF ALL PROVISIONS OTHER THAN THE REPRESENTATION ASPECT OF THE CBA...451;  3. THE TERM OF ALL OTHER PROVISIONS OF THE CBA MAY BE FOR FIVE (5) YEARS STRAIGHT...452;  4. RETROACTIVITY OF THE CBA...453;  5. SUSPENSION OF CBA NEGOTIATIONS FOR TEN (10) YEARS HELD VALID...455;  6. DEADLOCK IN THE CBA NEGOTIATION...457.

Article 254. Injunction Prohibited

NOTES AND COMMENTS:
1. POLICY BEHIND THE PROHIBITION...457;  2. EXISTENCE OF A LABOR DISPUTE NECESSARY...458;  3. INJUNCTION OR RESTRAINING ORDER...458;  4. INJUNCTION IN PROCEEDINGS BEFORE THE NATIONAL WAGES AND PRODUCTIVITY COMMISSION (NWPC) AND REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARDS (RTWPB)...459.

Article 255. Exclusive Bargaining Representation and Workers’ Participation in Policy and Decision-Making

NOTES AND COMMENTS:
1. CONSTITUTIONAL BASIS...460;  2. POLICY OF THE STATE IN THE DETERMINATION OF THE EXCLUSIVE BARGAINING AGENT...460;  3. EXCLUSIVE BARGAINING REPRESENTATION...460;  4. BARGAINING UNIT...461;  5. PARTICIPATION IN THE POLICY-MAKING PROCESS...467;  6. LABOR-MANAGEMENT COOPERATION PROGRAMS...467;  7. LABOR-MANAGEMENT COMMITTEE UNDER REPUBLIC ACT NO. 6971...468.

Article 256. Representation Issue in Organized Establishments

NOTES AND COMMENTS:

Article 257. Petitions in Unorganized Establishments

NOTES AND COMMENTS:

Article 258. When an Employer May File Petition

NOTES AND COMMENTS:
1. EMPLOYER’S RIGHT TO FILE A PETITION FOR CERTIFICATION ELECTION...494;  2. ALLEGATIONS IN THE PETITION WHEN FILED BY AN EMPLOYER...496;  3. PERIODS RELEVANT TO CERTIFICATION ELECTION CASES...496.

Article 258-A. Employer as Bystander

NOTES AND COMMENTS:
1. ARTICLE 258-A IS A NEW PROVISION INSERTED BY R. A. NO. 9481 [JUNE 14, 2007]...497;  2. EMPLOYER AS A BYSTANDER...497;  3. EMPLOYER HAS NO LEGAL STANDING TO OPPOSE A PETITION FOR CERTIFICATION ELECTION...497.

Article 259. Appeal from Certification Election Orders

NOTES AND COMMENTS:
1. APPEAL IN CERTIFICATION ELECTION CASES...498

Title VII-A: GRIEVANCE MACHINERY AND VOLUNTARY ARBITRATION

Article 260. Grievance Machinery and Voluntary Arbitration

NOTES AND COMMENTS:
1. CONSTITUTIONAL BASIS...502;  2. LEGAL BASIS...503;  3. GRIEVANCE AND GRIEVANCE PROCEDURE OR MACHINERY...503;  4. ARBITRATION...511;  5. VOLUNTARY ARBITRATION...511;  6. COMPULSORY ARBITRATION...514;  7. APPLICABLE CIVIL LAW PROVISIONS...517;  8. BARANGAY CONCILIATION AND ARBITRATION, NOT APPLICABLE TO LABOR CASES...517;  9. PHILIPPINE ARBITRATION LAW, NOT APPLICABLE TO LABOR CASES...517;  10. ALTERNATIVE DISPUTE RESOLUTION ACT OF 2004, NOT APPLICABLE TO LABOR CASES...518;  11. ARTICLE 260 CONTEMPLATES UNIONIZED ESTABLISHMENTS ONLY...518;  12. VOLUNTARY ARBITRATION IN PRIVATE SCHOOLS...519.

Article 261. Jurisdiction of Voluntary Arbitrators or Panel of Voluntary Arbitrators

NOTES AND COMMENTS:
1. JURISDICTION OF VOLUNTARY ARBITRATORS OR PANELS OF VOLUNTARY ARBITRATORS...520;  2. ARBITRATION, HOW INITIATED...523;  3. JURISDICTION OF VOLUNTARY ARBITRATORS OVER UNFAIR LABOR PRACTICES, BARGAINING DEADLOCKS...519
AND OTHER LABOR ISSUES...526; 4. JURISDICTION OF VOLUNTARY ARBITRATORS OVER TERMINATION CASES...527; 5. DISTINCTION BETWEEN THE JURISDICTION OF VOLUNTARY ARBITRATORS AND LABOR ARBITERS OVER CASES FOR MONEY CLAIMS...527; 6. JURISDICTION OF VOLUNTARY ARBITRATORS OVER STRIKE OR LOCKOUT CASES...529; 7. JURISDICTION OF VOLUNTARY ARBITRATORS OVER CASES INVOLVING VIOLATIONS OF A CBA...529; 8. JURISDICTION OF VOLUNTARY ARBITRATORS OVER WAGE DISTORTION CASES...530; 9. JURISDICTION OF VOLUNTARY ARBITRATORS OVER CASES INVOLVING THE PRODUCTIVITY INCENTIVES PROGRAM...530; 10. JURISDICTION OF VOLUNTARY ARBITRATORS OVER CASES OF TEACHING AND NON-TEACHING PERSONNEL IN PRIVATE SCHOOLS...531; 11. SELECTION AND ACCREDITATION OF VOLUNTARY ARBITRATORS...531; 12. NEW RULE ON VOLUNTARY ARBITRATION BY THE DOLE SECRETARY...535; 13. NEW RULE DESIGNATING THE DOLE REGIONAL DIRECTORS AND ASSISTANT REGIONAL DIRECTORS AS EX-OFFICIO VOLUNTARY ARBITRATORS...537; 14. DE-LISTING OF VOLUNTARY ARBITRATORS...539.

NOTES AND COMMENTS:
1. CONFERMENT OF JURISDICTION UPON VOLUNTARY ARBITRATORS OVER OTHER LABOR DISPUTES...540; 2. NATURE OF JURISDICTION...540.

Article 262-A. Procedures...

NOTES AND COMMENTS:
1. POWERS AND DUTIES OF A VOLUNTARY ARBITRATOR OR PANEL OF VOLUNTARY ARBITRATORS...541; 2. RULES OF PROCEDURE GOVERNING VOLUNTARY ARBITRATION PROCEEDINGS...543; 3. PLEADINGS AND APPEARANCES IN VOLUNTARY ARBITRATION PROCEEDINGS BEFORE A VOLUNTARY ARBITRATOR OR PANEL OF VOLUNTARY ARBITRATORS...545; 4. EXPEDITED PROCEDURES FOR VOLUNTARY ARBITRATION OF LABOR-MANAGEMENT DISPUTES...549; 6. ARBITRATION DECISIONS AND AWARDS...550; 7. JUDICIAL REVIEW OF DECISIONS OF VOLUNTARY ARBITRATORS...552; 8. APPEAL FROM DECISIONS OF VOLUNTARY ARBITRATORS...554; 9. EXECUTION PROCEEDINGS IN VOLUNTARY ARBITRATION CASES...556; 10. REPORTORIAL REQUIREMENTS...557.

Article 262-B. Cost of Voluntary Arbitration and Voluntary Arbitrator’s Fee...

NOTES AND COMMENTS:
1. COST OF ARBITRATION AND VOLUNTARY ARBITRATOR’S FEES...558; 2. SPECIAL VOLUNTARY ARBITRATION FUND (SVAF)...558; 3. REVISED GUIDELINES ON FEES AND SUBSIDY ENTITLEMENT...559; 4. GUIDELINES FOR AVAILMENT OF SUBSIDY UNDER THE FREE LEGAL AID AND VOLUNTARY ARBITRATION SERVICES PROGRAM [FLAVAS]...559.

Title VIII
STRIKES AND LOCKOUTS AND FOREIGN INVOLVEMENT IN TRADE UNION ACTIVITIES...

Chapter I
STRIKES AND LOCKOUTS...

Article 263. Strikes, Picketing and Lockouts...

NOTES AND COMMENTS:
1. CONSTITUTIONAL BASES AND STATE POLICY...562; 2. NATURE OF THE RIGHT TO STRIKE...563; 3. STRIKE...563; 4. LOCKOUT...564; 5. PICKETING...564; 6. PURPOSE OF A STRIKE OR LOCKOUT...566; 7. DIFFERENT FORMS OF STRIKES...566; 8. EXISTENCE OF AN INDUSTRIAL OR LABOR DISPUTE NECESSARY...568; 9. MANDATORY PROCEDURAL REQUIREMENTS OF A LEGAL STRIKE OR LOCKOUT...568; 10. FIRST REQUIREMENT: EXISTENCE OF VALID AND FACTUAL GROUNDS...569; 11. SECOND REQUIREMENT: FILING OF A NOTICE OF STRIKE OR NOTICE OF LOCKOUT WITH NCMB-DOLE...571; 12. THIRD REQUIREMENT: SERVICE OF A 24-HOUR PRIOR NOTICE TO THE NCMB-DOLE TO INFORM IT OF THE CONDUCT OF A STRIKE/LOCKOUT VOTE BY SECRET BALLOTING...574; 13. FOURTH REQUIREMENT: CONDUCT OF A STRIKE/LOCKOUT VOTE...576; 14. FIFTH REQUIREMENT: SUBMISSION OF THE STRIKE/LOCKOUT VOTE REPORT TO THE NCMB-DOLE...577; 15. SIXTH REQUIREMENT: OBSERVANCE OF THE COOLING-OFF PERIODS...577; 16. SEVENTH REQUIREMENT: OBSERVANCE OF THE 7-DAY WAITING PERIOD OR STRIKE/LOCKOUT BAN...579; 17. UNION-BUSTING...583; 18. POWER TO ASSUME JURISDICTION OVER A LABOR DISPUTE OR TO CERTIFY IT TO THE NLRC FOR COMPULSORY ARBITRATION...584; 19. NATIONAL INTEREST CASES CERTIFIED TO THE NLRC FOR COMPULSORY ARBITRATION...590; 20. RETURN-TO-WORK ORDER...592; 21. INJUNCTION IN PICKETING, STRIKE OR LOCKOUT CASES...599; 22. STRIKES IN HOSPITALS, CLINICS AND MEDICAL INSTITUTIONS...606; 23. CONCERTED ACTIVITIES AND STRIKES IN THE GOVERNMENT SERVICE...607; 24. ROLE OF THE NCMB IN STRIKE OR LOCKOUT CASES...607; 25. JURISDICTIONAL INTERPLAY IN STRIKE OR LOCKOUT CASES...607; 26. FINALITY OF DECISIONS IN STRIKE OR LOCKOUT CASES...608.

Article 264. Prohibited Activities...

NOTES AND COMMENTS:
1. PROHIBITED ACTS AND PRACTICES UNDER ARTICLE 264...607; 2. DECLARING A STRIKE OR LOCKOUT WITHOUT HAVING BARGAINED COLLECTIVELY...608; 3. DECLARING A STRIKE OR LOCKOUT WITHOUT COMPLYING WITH THE MANDATORY PROCEDURAL REQUIREMENTS...608; 4. DECLARING A STRIKE OR LOCKOUT IN VIOLATION OF THE “NO STRIKE, NO LOCKOUT” CLAUSE IN THE CBA...609; 5. DECLARING A STRIKE OR LOCKOUT BASED ON NON-STRIKEABLE OR INVALID GROUNDS...610; 6. DECLARING A STRIKE OR
LOCKOUT WITHOUT SUBMITTING ISSUES TO THE GRIEVANCE MACHINERY OR VOLUNTARY ARBITRATION...611; 7. DECLARING A STRIKE OR LOCKOUT BASED ON ISSUES ALREADY BROUGHT TO VOLUNTARY OR COMPULSORY ARBITRATION...613; 8. DECLARING A STRIKE OR LOCKOUT DURING THE PENDENCY OF A CASE INVOLVING THE SAME GROUNDS CITED IN THE NOTICE OF STRIKE OR LOCKOUT...613; 9. DECLARING A STRIKE OR LOCKOUT IN DEFANCE OF AN ASSUMPTION OR CERTIFICATION OR RETURN-TO-WORK ORDER...614; 10. DECLARING A STRIKE OR LOCKOUT IN VIOLATION OF A TEMPORARY RESTRAINING ORDER OR AN INJUNCTION ORDER...620; 11. DECLARING A STRIKE/LOCKOUT AFTER THE CONVERSION OF THE NOTICE OF STRIKE/LOCKOUT INTO A PREVENTIVE MEDIATION CASE...621; 12. DECLARING A STRIKE OR LOCKOUT FOR UNLAWFUL PURPOSE...622; 13. EMPLOYMENT OF UNLAWFUL MEANS OR COMMISSION OF PROHIBITED ACTS OR PRACTICES IN THE COURSE OF A STRIKE OR LOCKOUT...625; 15. USE OF BARRICADES, BLOCKADES AND OBSTRUCTIONS...626; 16. USE OF Slanderous, Libelous and Obscene Language During the Strike or Lockout...628; 17. DECLARING A STRIKE PROHIBITED BY LAW...629; 18. DECLARING A STRIKE BY A MINORITY UNION...629; 19. DECLARING A STRIKE BY A UNION WHICH IS NOT LEGITIMATE...630; 20. DECLARING A STRIKE IN VIOLATION OF THE COMPANY CODE OF CONDUCT...630; 21. DECLARING A STRIKE BY DISMISSED EMPLOYEES...630; 22. DECLARING PROTEST RALLIES IN FRONT OF GOVERNMENT OFFICES...631; 23. DECLARING WELGA NG BAYAN...632; 24. DECLARING A STRIKE IN GOOD FAITH...632; 25. CONVERSION DOCTRINE...634; 26. PARTICIPATION IN LAWFUL STRIKE...634; 27. PARTICIPATION IN ILLEGAL STRIKE...635; 28. PARTICIPATION IN THE COMMISSION OF ILLEGAL ACTS DURING A STRIKE...639; 29. RIGHT OF EMPLOYERS TO TAKE DISCIPLINARY ACTION AGAINST ERRING STRIKERS...641; 30. HIRING OF REPLACEMENTS...643; 31. REINSTATEMENT OF WORKERS AS A CONSEQUENCE OF A STRIKE...644; 32. BACKWAGES AND DAMAGES IN STRIKE CASES...645; 33. SEPARATION PAY IN LIEU OF REINSTATEMENT IN STRIKE CASES...649; 34. LIABILITY OF UNION FOR DAMAGES DUE TO ILLEGAL STRIKE...650; 35. CONSEQUENCE OF ILLEGALITY OF LOCKOUT...651; 36. CIVIL AND CRIMINAL LIABILITIES OF PERSONS COMMITTING ANY OF THE PROHIBITED ACTS UNDER ARTICLE 264; 37. GUIDELINES ON THE REMOVAL OF ILLEGAL BLOCKADES...651; 38. GUIDELINES IN THE CONDUCT OF PNP PERSONNEL, PRIVATE SECURITY GUARDS AND COMPANY GUARD FORCES DURING STRIKES, LOCKOUTS AND LABOR DISPUTES IN GENERAL...652.

Article 265. Improved Offer Balloting.................................................................................................................. 655

NOTES AND COMMENTS:
1. IMPROVED OFFER BALLOTING IN CASE OF A STRIKE...656; 2. REDUCED OFFER BALLOTING IN CASE OF A LOCKOUT...656; 3. NATURE OF SECRET BALLOTING...656; 4. FINAL AGREEMENT...656.

Article 266. Requirement for Arrest and Detention............................................................................................ 656

NOTES AND COMMENTS:
1. RATIONALE OF THE LAW...657; 2. PROTECTION OF RIGHT TO ENGAGE IN UNION ACTIVITIES...657.

Chapter II......................................................................................................................................................... 658

ASSISTANCE TO LABOR ORGANIZATIONS.................................................................................................. 658

NOTES AND COMMENTS:

Article 267. Assistance by the Department of Labor.......................................................................................... 659

NOTES AND COMMENTS:

Article 268. Assistance by the Institute of Labor and Manpower Studies......................................................... 659

NOTES AND COMMENTS:
1. INSTITUTE OF LABOR AND MANPOWER STUDIES...659; 2. ASSISTANCE TO EMPLOYER...660

Chapter III......................................................................................................................................................... 661

FOREIGN ACTIVITIES................................................................................................................................. 661

NOTES AND COMMENTS:
1. ALIEN PARTICIPATION IN TRADE UNION ACTIVITIES...661; 2. EMPLOYMENT OF NON-RESIDENT ALIENS...662.

Article 269. Prohibition Against Aliens; Exceptions.......................................................................................... 661

NOTES AND COMMENTS:
1. ALIEN PARTICIPATION IN TRADE UNION ACTIVITIES...661; 2. EMPLOYMENT OF NON-RESIDENT ALIENS...662.

Article 270. Regulation of Foreign Assistance................................................................................................. 662

NOTES AND COMMENTS:
1. PROHIBITION UNDER ARTICLE 270, NOT ABSOLUTE...663; 2. RATIONALE FOR REGULATING FOREIGN DONATIONS, GRANTS AND OTHER FORMS OF ASSISTANCE...663; 3. FORMS OF ASSISTANCE...663; 4. DONATIONS, GRANTS, CONTRIBUTIONS AND GIFTS ARE TAX-FREE...663; 5. FUNDING OF LABOR EDUCATION PROGRAMS...663; 6. TRADE UNION ACTIVITIES...664; 7. CLEARANCE FOR ASSISTANCE...664; 8. THE PROHIBITION AGAINST FOREIGN ASSISTANCE ALSO APPLIES TO EMPLOYERS...665; 9. REGISTRATION AND REPORTING REQUIREMENTS...665; 10. COORDINATION OF ASSISTANCE BY THE BUREAU OF LABOR RELATIONS...665.

Article 271. Applicability to Farm Tenants and Rural Workers........................................................................... 666
NOTES AND COMMENTS:

1. PROHIBITION ON FOREIGN INTERVENTION IN ORGANIZATIONS OF FARM TENANTS AND RURAL WORKERS...666; 2. POWER OF THE SECRETARY OF AGRARIAN REFORM...666.

Chapter IV: Penalties for Violation...

NOTES AND COMMENTS:

1. VIOLATION OF ARTICLE 264 IS A CRIMINAL OFFENSE...667; 2. PROSECUTION OF CRIMINAL OFFENSES UNDER ARTICLE 264...667; 3. PROCEDURE FOR CRIMINAL PROSECUTION OF LABOR-RELATED CASES...667; 4. JURISDICTION OVER CRIMINAL CASES UNDER ARTICLE 272...668; 5. VIOLATION BY ALIENS...668; 6. PENALTY FOR VIOLATION UNDER ARTICLE 272 [b] AND ARTICLE 288, DISTINGUISHED...668; 7. VIOLATION COMMITTED BY ALIEN ORGANIZATION...669; 8. ROLE OF DOLE SECRETARY AND DND SECRETARY...669.

Title IX: Special Provisions...

Article 273. Study of Labor-Management Relations...

NOTES AND COMMENTS:


Article 274. Visitorial Power...

NOTES AND COMMENTS:

1. VISITORIAL POWER OF THE DOLE SECRETARY...672; 2. POWER TO INQUIRE INTO THE FINANCIAL ACTIVITIES OF THE UNION...673.

Article 275. Tripartism and Tripartite Conferences...

NOTES AND COMMENTS:

1. TRIPARTISM IN THE GOVERNMENT...673; 2. TRIPARTITE CONFERENCE...676.

Article 276. Government Employees...

NOTES AND COMMENTS:

1. EMPLOYEES IN THE GOVERNMENT SERVICE...677; 2. APPLICABLE LAWS...678; 3. RIGHT OF SELF-ORGANIZATION IN THE GOVERNMENT SERVICE...680; 4. RIGHT TO ORGANIZE GOVERNMENT EMPLOYEES' ORGANIZATIONS...681; 5. CANCELLATION OR REVOCATION OF CERTIFICATE OF REGISTRATION...684; 6. RIGHT TO COLLECTIVELY BARGAIN IN THE GOVERNMENT SECTOR...685; 7. STANDARDIZATION OF SALARIES...690; 8. RIGHT TO STRIKE IN THE GOVERNMENT SERVICE...691; 9. SETTLEMENT OF DISPUTES IN THE GOVERNMENT SERVICE...694; 10. WORKING RELATIONSHIP BETWEEN CSC AND DOLE...696.

Article 277. Miscellaneous Provisions...

NOTES AND COMMENTS:

1. AUTHORITY OF UNIONS TO COLLECT FEES, DUES, ASSESSMENTS, FINES AND CONTRIBUTIONS FROM THEIR MEMBERS...698; 2. STATUTORY DUE PROCESS...700; 3. RIGHT OF MEMBERSHIP IN A UNION...701; 4. DOCKET FEES...701; 5. POSITION RECLASSIFICATION...701; 6. SPECIAL VOLUNTARY ARBITRATION FUND...702; 7. LABOR-MANAGEMENT COOPERATION PROGRAMS IN ORGANIZED ESTABLISHMENTS...702; 8. LABOR-MANAGEMENT COMMITTEES IN UNORGANIZED ESTABLISHMENTS...702; 9. MANDATORY PERIODS TO RENDER DECISIONS OR RESOLUTIONS IN LABOR RELATIONS CASES...703.

BOOK SIX: Post Employment...

Title I: Termination of Employment...

NOTES AND COMMENTS:

1. SECURITY OF TENURE...704; 2. MANAGEMENT RIGHTS AND PREROGATIVES...707; 3. PREROGATIVE TO PRESCRIBE WORKING METHODS, TIME, PLACE, MANNER AND OTHER ASPECTS OF WORK...708; 4. PREROGATIVE TO TRANSFER OR REASSIGN WORKERS...709; 5. PREROGATIVE TO REORGANIZE...717; 6. PREROGATIVE TO PROMOTE...718; 7. PREROGATIVE TO DISCIPLINE AND/OR DISMISS ERRING EMPLOYEES...720; 8. DUE PROCESS IN TERMINATION CASES REFERS TO STATUTORY AND NOT CONSTITUTIONAL DUE PROCESS...722; 9. RIGHTS TO LABOR ISSUES...729; 10. OF EMPLOYERS TO DUE PROCESS...731; 13. SUBSTANTIVE AND PROCEDURAL ASPECTS OF DUE PROCESS...731; 14. PROCEDURAL DUE PROCESS VARIES DEPENDING ON THE BASIS OF THE GROUND INVOKED...732; 15. TWIN REQUIREMENTS OF NOTICE AND HEARING APPLY ONLY TO TERMINATION FOR JUST CAUSE...735; 16. NOTICES REQUIRED IN TERMINATION FOR JUST CAUSES...738; 17. SERVICE OF NOTICES...746; 18. ANSWER OR EXPLANATION REQUIRED IN TERMINATION FOR JUST CAUSES...747; 19. HEARING REQUIRED IN TERMINATION FOR JUST CAUSES...748; 20. INSTANCES WHERE HEARING IS NOT REQUIRED...753; 21. SEVEN SITUATIONS IN TERMINATION DISPUTES...756; 22. TERMINATION FOR A JUST OR AUTHORIZED CAUSE AND
WITH DUE PROCESS...756; 23. TERMINATION WITHOUT A JUST OR AUTHORIZED CAUSE BUT WITH DUE PROCESS...757; 24. TERMINATION WITHOUT A JUST OR AUTHORIZED CAUSE BUT WITHOUT DUE PROCESS...757; 25. TERMINATION FOR A JUST CAUSE OR AUTHORIZED CAUSE BUT WITHOUT DUE PROCESS...757; 26. TERMINATION FOR NON-EXISTENT CAUSES...764; 27. DISMISSAL NOT SUPPORTED BY ANY EVIDENCE OF TERMINATION...766; 28. DISMISSAL CAUSED BY IMPLEMENTATION OF A LAW...768; 29. VALIDITY OF RULES ON TERMINATION PRESCRIBED BY EMPLOYER...769; 30. RIGHT TO CONTEST TERMINATION...770; 31. QUANTUM OF EVIDENCE REQUIRED IN LABOR CASES...771; 32. BURDEN OF PROOF IN ILLEGAL DISMISSAL CASES...773; 33. BURDEN OF PROOF IN MONETARY CLAIMS CASES...774; 34. RELEVANCE OF EMPLOYEE'S RECORD OF PAST VIOLATIONS VS. NEW INFRACTIONS...776; 35. EFFECT OF DECISION IN THE CRIMINAL CASE ON THE LABOR CASE WHICH AROSE FROM AND BASED ON THE SAME INCIDENT...779; 36. SUSPENSION OF THE EFFECTS OF TERMINATION...781; 37. PREVENTIVE SUSPENSION...785; 38. SUSPENSION AS A PENALTY...790; 39. DISMISSAL AS A PENALTY...793; 40. CONSEQUENCES OF ILLEGALITY OF DISMISSAL...793; 41. NON-APPLICABILITY OF ARTICLE 279 TO TERMINATION OF OVERSEAS FILIPINO WORKERS (OFWs)...796; 42. VARIOUS FORMS OF REINSTATEMENT UNDER THE LABOR CODE...806; 43. REINSTATEMENT UNDER ARTICLE 279...807; 44. SEPARATION PAY IN LIEU OF REINSTATEMENT...816; 45. OTHER FORMS OF SEPARATION PAY UNDER THE LABOR CODE AND JURISPRUDENCE...821; 46. SEPARATION PAY AWARDED AS FINANCIAL ASSISTANCE...821; 47. BACKWAGES...827; 48. REINSTATEMENT, SEPARATION PAY AND BACKWAGES, DISTINGUISHED...842; 49. AWARD OF DAMAGES IN LABOR CASES...844; 50. ACTUAL OR COMPENSATORY DAMAGES...845; 51. MORAL DAMAGES AWARDED IN LABOR CASES...845; 52. EXEMPLARY OR CORRECTIVE DAMAGES AWARDED IN LABOR CASES...847; 53. INSTANCES WHERE MORA...
CAUSES UNDER ARTICLE 282...1012; 13. OTHER JUST CAUSES RECOGNIZED UNDER OTHER PROVISIONS OF THE LABOR CODE...1015.

Article 283. Closure of Establishment and Reduction of Personnel

NOTES AND COMMENTS:
1. AUTHORIZED CAUSES FOR TERMINATION...1016; 2. AUTHORIZED CAUSES AND JUST CAUSES, DISTINGUISHED...1019; 3. INSTALLATION OF LABOR-SAVING DEVICES...1020; 4. REDUNDANCY...1021; 5. REDUNDANCY AND RETRENCHMENT, DISTINGUISHED...1030; 6. RETRENCHMENT...1030; 7. CLOSURE OR CESSION OF BUSINESS OPERATIONS...1043; 8. RETRENCHMENT AND CLOSURE OF BUSINESS, DISTINGUISHED...1055; 9. NOTICES REQUIRED IN TERMINATION OF EMPLOYMENT UNDER ARTICLE 283...1054; 10. HEARING NOT REQUIRED IN TERMINATION OF EMPLOYMENT UNDER ARTICLE 283...1062; 11. SEPARATION PAY UNDER ARTICLE 283...1062; 12. ENTITLEMENT TO DAMAGES AND ATTORNEY’S FEES IN CASE OF ILLEGAL TERMINATION DUE TO AUTHORIZED CAUSES...1070; 13. SALE OR TRANSFER OF BUSINESS...1070; 14. MERger...1074; 15. DISSOLUTION OF A CORPORATION...1074; 16. TRANSFER OF BUSINESS DUE TO DEATH OF OWNER...1075.

Article 284. Disease as Ground for Termination

NOTES AND COMMENTS:
1. DISEASE AS A GROUND FOR TERMINATION OF EMPLOYMENT...1076; 2. APPLICABILITY OF ARTICLE 284 TO CASES INVOLVING WOUND/INJURY...1076; 3. IN CASE OF DEATH, ARTICLE 284 DOES NOT APPLY...1076; 4. REFUSAL TO UNDERGO EXAMINATION OR TREATMENT...1077; 5. COMPETENT PUBLIC HEALTH AUTHORITY...1077; 6. NOTICE REQUIREMENT...1080; 7. HEARING...1080; 8. SEPARATION PAY...1080.

Article 285. Termination by Employee

NOTES AND COMMENTS:
1. TERMINATION OF EMPLOYMENT INITIATED BY THE EMPLOYEE...1081; 2. TERMINATION OF EMPLOYMENT BY EMPLOYEE WITHOUT JUST CAUSE...1082; 3. TERMINATION OF EMPLOYMENT BY THE EMPLOYEE FOR JUST CAUSES...1087; 4. SERIOUS INSULT ON THE HONOR AND PERSON OF THE EMPLOYEE...1087; 5. INHUMAN AND UNBEARABLE TREATMENT OF THE EMPLOYEE...1087; 6. COMMISSION OF A CRIME OR OFFENSE AGAINST THE EMPLOYEE OR ANY OF THE IMMEDIATE MEMBERS OF HIS FAMILY...1088; 7. OTHER ANALOGOUS CAUSES - CONSTRUCTIVE DISMISSAL OR INVOLUNTARY OR FORCED RESIGNATION...1088; 8. ABANDONMENT AS A FORM OF RESIGNATION...1098; 9. RESIGNATION PAY...1098.

Article 286. When Employment Not Deemed Terminated

NOTES AND COMMENTS:
1. SITUATIONS UNDER ARTICLE 286 WHEN EMPLOYMENT NOT DEEMED TERMINATED...1100; 2. BONA-FIDE SUSPENSION OF BUSINESS OPERATIONS FOR SIX (6) MONTHS...1100; 3. TEMPORARY “OFF-DETAIL” OR “FLOATING STATUS” UNDER ARTICLE 286...1108; 4. STOPPAGE OR SUSPENSION OF BUSINESS OPERATION BY THE GOVERNMENT...1111; 5. FULFILLMENT OF MILITARY OR CIVIC DUTY...1112.

Title II

RETIREMENT FROM THE SERVICE

Article 287. Retirement

NOTES AND COMMENTS:
1. HISTORICAL PERSPECTIVE...1115; 2. REPUBLIC ACT NO. 7641 [RETIREMENT PAY LAW...1118; 3. RETROACTIVITY OF R. A. NO. 7641...1120; 4. RETIREMENT PLAN VIS-A-VIS ARTICLE 287, AS AMENDED BY R. A. NO. 7641...1122; 5. CONTRIBUTORY OR NON-CONTRIBUTORY RETIREMENT PLAN...1125; 6. OPTIONAL OR COMPULSORY RETIREMENT UNDER ARTICLE 287...1126; 7. RETIREMENT AT AN EARLIER AGE OR AFTER RENDERING CERTAIN PERIOD SERVICE...1126; 8. EXTENSION OF SERVICE BEYOND RETIREMENT AGE...1129; 9. MINIMUM SERVICE REQUIREMENT FOR ENTITLEMENT TO RETIREMENT BENEFITS UNDER ARTICLE 287...1130; 10. RETIREMENT BENEFITS...1132; 11. EXEMPTION OF RETIREMENT BENEFITS FROM TAXES, ATTACHMENT, LEVY OR EXECUTION...1134; 12. RETIREMENT AND DISMISSAL, DISTINGUISHED...1136; 13. GRATUITY PAY AND RETIREMENT PAY, DISTINGUISHED...1137; 14. RETIREMENT PAY AND SEPARATION PAY, DISTINGUISHED...1138; 15. REPUBLIC ACT NO. 8558 [RETIREMENT OF UNDERGROUND MINE WORKERS...1142; 16. RETIREMENT OF PART-TIME EMPLOYEES...1144; 17. RETIREMENT IN PRIVATE EDUCATIONAL INSTITUTIONS...1145; 18. RETIREMENT IN PUBLIC SCHOOLS...1146; 19. RETIREMENT OF PUBLIC HEALTH WORKERS...1146; 20. REPUBLIC ACT NO. 7742 [PAG-IBIG FUND AS SUBSTITUTE RETIREMENT PLAN...1146; 21. SSS RETIREMENT PAY IS SEPARATE FROM RETIREMENT PAY UNDER THE LABOR CODE...1147; 22. GSIS RETIREMENT BENEFITS...1147.

BOOK SEVEN

TRANSITORY AND FINAL PROVISIONS

Title I

PENAL PROVISIONS AND LIABILITIES

Article 288. Penalties

NOTES AND COMMENTS:
1. NATURE OF PENALTIES UNDER ARTICLE 288...1149;  2. INSTANCES WHERE THE LABOR CODE DECLARES CERTAIN ACTS UNLAWFUL OVER WHICH ARTICLE 288, AS THE GENERAL PENALTY CLAUSE IN THE LABOR CODE, MAY APPLY...1150;  3. INSTANCES NOT COVERED BY ARTICLE 288 BECAUSE THE LABOR CODE PROVIDES SEPARATE SPECIFIC PENALTIES THEREFOR...1153;  4. INSTANCE WHEN THE AMENDATORY LAW PROVIDES FOR PENALTY WHICH, HOWEVER, IS NOT REFLECTED IN THE LABOR CODE...1154;  5. VIOLATION BY ALIEN OR ALIEN ORGANIZATION...1154;  6. JURISDICTION OVER CRIMINAL CASES...1154;  7. CRIMINAL PROSECUTION UNDER THE LABOR CODE BARS PROSECUTION UNDER THE REVISED PENAL CODE...1155.

Article 289. Who are Liable When Committed by Other Than Natural Person

NOTES AND COMMENTS:

1. LIABILITY UNDER LABOR-RELATED SPECIAL LAWS...1155.

Title II
PRESCRIPTION OF OFFENSES AND CLAIMS

NOTES AND COMMENTS:

1. PRESCRIPTIVE PERIOD OF OFFENSES...1158;  2. PRESCRIPTIVE PERIOD IN RELATED LAWS...1160.

Article 290. Money Claims

NOTES AND COMMENTS:

1. PRESCRIPTIVE PERIOD OF MONEY CLAIMS PRIOR TO EFFECTIVITY OF THE LABOR CODE...1161;  2. PRESCRIPTIVE PERIOD OF MONEY CLAIMS DURING THE REGIME OF THE LABOR CODE...1161;  3. PRESCRIPTIVE PERIOD FOR ILLEGAL DISMISSAL CASES...1162;  4. PRESCRIPTIVE PERIOD OF EMPLOYEES’ COMPENSATION CLAIMS...1162;  5. PRESCRIPTION OF MONEY CLAIMS AND DISCIPLINARY ACTION CASES INVOLVING OFWs UNDER THE POEA RULES...1162;  6. PRESCRIPTIVE PERIOD OF ACTIONS ON UNION FUNDS...1162;  7. RECKONING OF PRESCRIPTIVE PERIOD...1163;  8. ACCRUAL OF CAUSE OF ACTION IN MONEY CLAIMS CASES...1164;  9. ACCRUAL OF CAUSE OF ACTION IN ILLEGAL DISMISSAL CASES...1168;  10. INTERRUPTION OF RUNNING OF PRESCRIPTIVE PERIOD...1170;  11. PRINCIPLE OF PROMISSORY ESTOPPEL AS APPLIED TO LABOR CASES...1171;  12. DOCTRINE OF LACHES AS APPLIED TO LABOR CASES...1172;  13. ARTICLE 291 DOES NOT APPLY TO EXECUTION OF FINAL AND EXECUTORY JUDGMENTS IN MONETARY CLAIMS CASES...1173.

Article 291. Institution of Money Claims

NOTES AND COMMENTS:

1. VENUE OF ACTIONS FOR MONEY CLAIMS...1174.

Title III
TRANSITORY AND FINAL PROVISIONS

NOTES AND COMMENTS:

Article 294, Application of Law Enacted Prior to This Code

Article 295, Funding of the Overseas Employment Development Board and the National Seamen’s Board referred to in Articles 17 and 20, respectively, of this Code shall be funded out of the unprogrammed fund of the Department of Labor and the National Manpower and Youth Council

Article 296, Termination of the Workmen’s Compensation Program

Article 297, Continuation of Insurance Policies and Indemnity Bonds

Article 298, Abolition of the Court of Industrial Relations

and the National Labor Relations Commission

Article 299, Disposition of Pending Cases

Article 300, Personnel Whose Services are Terminated

Article 301, Separability Provisions

Article 302, Repealing Clause

1. LAWS REPEALED...1177.