

Republic of the Philippines
PUBLIC SECTOR LABOR-MANAGEMENT COUNCIL
CSC Building, Constitution Hills
Diliman, Quezon City

Resolution No. 2, s. 2004

**APPROVING AND ADOPTING THE AMENDED RULES AND
REGULATIONS GOVERNING THE EXERCISE 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;

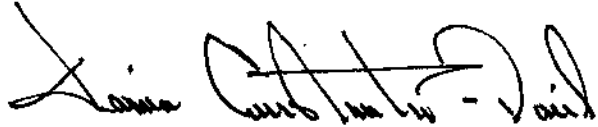
WHEREAS, in matters of procedure which are not covered by the Rules, the provisions of the Labor Code of the Philippines, the Rules of Court and prevailing jurisprudence apply in a suppletory character;

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;

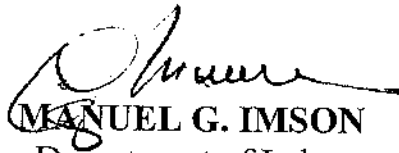
NOW, THEREFORE, the Council resolves as it hereby resolved, to approve and adopt **“Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize”**:

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

Done in Quezon City, September 28, 2004.



KARINA CONSTANTINO-DAVID
Chairperson, Civil Service Commission
CHAIRPERSON



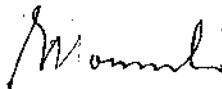
MANUEL G. IMSON
Acting Secretary, Department of Labor and Employment
VICE-CHAIRPERSON



RAUL M. GONZALEZ
Secretary, Department of Justice
MEMBER



JUANITA D. AMATONG
Secretary, Department of Finance
MEMBER



EMILIA T. BONCODIN
Secretary, Department of Budget and Management
MEMBER

Attested by:



ATTY. ANICIA MARASIGAN-DE LIMA
Chairperson, PSLMC Secretariat
Director IV, Personnel Relations Office
Civil Service Commission

**Amended Rules and Regulations
Governing the Exercise of the
Right of Government Employees
to Organize**



CIVIL SERVICE COMMISSION
2005

**E.O. 180
Included**

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

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, work 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 organi-

zations 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 Concerted Activities and Strikes

Section 14. The Civil Service Law, and rules governing concerted activities and strikes in the government services 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, Dep't. of Labor and Employment | - Vice-Chairman |
| 3) Secretary, Department of Finance | - Members |
| 4) Secretary, Department of Justice | - Member |
| 5) Secretary, Department of Budget & Mgt. | - 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 16. 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

Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize

Pursuant to the provisions of Section 15 of Executive Order No. 180, dated June 1, 1987, the following rules are hereby promulgated governing the exercise of the right of government employees to self-organization.

RULE I DEFINITION OF TERMS

Section 1. Definition of terms. –

- (a) **“Accreditation of Employees’ Organization”** refers to the act of the Civil Service Commission (CSC) in conferring to a registered employees’ organization enjoying the majority support of the agency’s rank-and-file employees, the status of sole and exclusive collective negotiating agent.
- (b) **“Accredited Employees’ Organization”** refers to a registered organization of rank-and-file employees as defined in these Rules, which has been recognized and certified by the CSC as the sole and exclusive collective negotiating agent.
- (c) **“Agency Fee”** refers to a reasonable assessment equivalent to the dues and other fees paid by members of the sole and exclusive collective negotiating agent deducted from non-employees’ organization members who benefit from the terms of the collective negotiation agreement.
- (d) **“Appeal”** refers to the mechanism of elevating by an aggrieved party of any decision, resolution or order of a lower body to a higher body vested with appellate authority by means of a document which includes the assignment of errors, memorandum of arguments in support thereof, and the reliefs prayed for.
- (e) **“Audit Examiner”** refers to an employee authorized by the Council to conduct an audit or examination of the books of accounts including all funds, assets, liabilities and other accountabilities of a registered employees’ organization.
- (f) **“Cancellation/Revocation Proceedings”** refers to the process of cancelling/revoking the registered or accredited status of an employees’ organization.

- (g) **“Certification Election”** refers to the process of determining the sole and exclusive negotiating agent of the employees in the negotiating unit, through secret ballot, for purposes of collective negotiations.
- (h) **“Chairperson”** refers to the Head of the Public Sector Labor-Management Council and the Head of the Civil Service Commission.
- (i) **“Collective Negotiation Agreement”** or **“CNA”** refers to the negotiated contract between an accredited employees’ organization representing a negotiating unit and the employer/management concerning terms and conditions of employment and improvements thereof that are not fixed by law.
- (j) **“Conciliation and Mediation”** refers to the peaceful mode of dispute settlement conducted by the CSC-PRO or other CSC authorized representative as provided under Rule XVIII of these Rules for the purpose of bringing the management and the registered and/or accredited employees’ organization together to discuss their grievances and to assist them develop and reach mutually acceptable solution to the problem.
- (k) **“Coterminous employee”** refers to an employee whose entrance and continuity in the service is based on any of the following: 1) trust and confidence of the appointing authority or of the head of the organizational unit where the former is assigned; or, 2) duration of the project, or the period for which an agency or office was created.
- (l) **“Council”** refers to the Public Sector Labor-Management Council created under Executive Order No. 180 dated June 1, 1987.
- (m) **“CSC”** refers to the Civil Service Commission.
- (n) **“CSC-PRO”** refers to the Personnel Relations Office of the CSC.
- (o) **“DOLE”** refers to the Department of Labor and Employment.
- (p) **“DOLE-BLR”** refers to the Bureau of Labor Relations of the DOLE.
- (q) **“Election Officer”** refers to an employee of the BLR who is authorized to conduct and supervise certification elections and other forms of elections and referenda ordered by the DOLE-BLR or who is requested to assist in the conduct of elections of officers of a registered employees’ organization in accordance with these Rules.
- (r) **“Election Proceedings”** refers to the process in a certification or run-off election commencing from the opening of the polls, actual voting and counting to tabulation and/or consolidation of canvassed votes.
- (s) **“Eligible voter”** refers to a voter in an election whose eligibility is not contested or challenged or whose eligibility has already been declared with finality in an appropriate proceeding.
- (t) **“Employee”** refers to any person working for an agency. It includes one whose work has ceased in connection with any current employee-management dispute or unfair labor practice or whose dismissal from the service has not attained finality.

- (u) **“Employees’ Organization”** refers to any organization, union or association of employees in agencies of the national government and their regional offices, attached agencies and their regional offices, state universities and colleges, government-owned and controlled corporations with original charters, and local government units, which exists in whole or in part for the purpose of collective negotiations or for mutual aid, interest, cooperation and protection.
- (v) **“Employer/Management”** refers to agencies of the national government and their regional offices, attached agencies and their regional offices, state universities and colleges, government-owned or controlled corporations with original charters, and local government units.
- (w) **“Exclusive Collective Negotiating Agent”** refers to any registered employees’ organization which has been accredited by the CSC as the sole and exclusive negotiating agent of all the employees in a negotiating unit in accordance with these Rules.
- (x) **“Freedom Period”** refers to the sixty-day (60) period immediately before the expiration of a Collective Negotiation Agreement during which time, the right of representation of an accredited employees’ organization can be challenged.
- (y) **“Hearing Officer”** refers to the designated employee of any of the PSLMC member-agencies who is assigned to hear and receive evidence in cases falling within the jurisdiction of the Council.
- (z) **“High Level Employee”** refers to one who performs managerial functions such as the exercise of powers to formulate management policies and decisions, or to hire, transfer, assign, lay-off, recall or discipline employees.
- (aa) **“Highly Confidential Employee”** refers to an employee who occupies a position which requires a high degree of trust and confidence and close intimacy with the appointing authority or immediate supervisor which ensures free and open communication without harassment or freedom from misgivings of betrayal of personal trust or confidential matters of state. The term is used interchangeably with primarily confidential employee.
- (bb) **“Interlocutory Order”** refers to an order issued by the Council or the Hearing Officer that does not terminate or finally dispose of the case on the merits.
- (cc) **“Intervenor”** refers to any person, registered employees’ organization or entity not a party to a case who/which manifests an interest therein and who/which may be affected by a decision in the said case.
- (dd) **“Inter-Employees’ Organization Dispute”** refers to any conflict between and among employees’ organizations, excluding con-

- flicts arising from accreditation or certification election proceedings as provided in these Rules.
- (ee) **“Intra-Employees’ Organization Dispute”** refers to any conflict between and among the members of an employees’ organization. It includes all disputes or grievances arising from violation of or disagreement over any provision of the organization’s constitution and by-laws, violation of the rights and conditions of membership, accounting and audit of the organization’s funds, or election of officers.
- (ff) **“Med-Arbiter”** refers to the Mediator-Arbiter of the DOLE-BLR who is assigned to hear and receive evidence in all petitions for certification election and certification election protests.
- (gg) **“Negotiating Unit”** refers to the constitutional bodies and their regional offices; the executive department including services and staff bureaus and regional offices; line bureaus and their regional offices; attached agencies; the legislature; the judiciary; state universities and colleges; government-owned or controlled corporations with original charters; and, provinces, cities and municipalities.
- (hh) **“Organizational Unit”** refers to an identifiable government unit, such as the constitutional bodies and their regional offices; the executive department including services and staff bureaus; line bureaus; attached agencies; the legislature; the judiciary; state universities and colleges, government-owned or controlled corporations with original charters; provinces, cities and municipalities; regional offices (composed of provincial, district, local offices) of a department/agency, office, or government-owned or controlled corporations; and, such other identifiable government units as may be considered by the Public Sector Labor-Management Council.
- (ii) **“Rank-and-File Employee”** refers to an employee in the public sector whose functions do not fall under sub-paragraphs (k), (z) and (aa) hereof. The nature of the employee’s functions as reflected in the approved position description form shall prevail.
- (jj) **“Registered Employees’ Organization”** refers to any organization, union, or association of employees defined under Section 1(t) hereof, which is registered with the DOLE and the CSC in accordance with these Rules.
- (kk) **“Registration of CNA”** refers to the process by which the CSC, after an evaluation and review of the CNA, issues the corresponding certificate of registration to the accredited employees’ organization.

- (ll) **“Registration of Employees’ Organization”** refers to the process by which an employees’ organization acquires legal personality so as to be entitled to the rights and privileges under Executive Order No. 180 upon compliance with the documentary requirements and the issuance of the corresponding certificate of registration by the DOLE and the CSC.
- mm) **“Rules”** refers to the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize.
- (nn) **“Run-off Election”** refers to an election between registered employees’ organizations receiving the two (2) highest number of votes in a certification election which provided for three (3) or more choices, but none of the three (3) or more choices received a majority of the valid votes cast; provided, that the total number of votes for all contending employees’ organizations is at least fifty percent (50%) of the number of votes cast.
- (oo) **“Special Assessment”** refers to those fees other than the employees’ organization dues, labor education fees, and those prescribed under the organization’s constitution and by-laws.
- (pp) **“Term of Office”** refers to the period during which the elected officers are authorized to discharge the functions of their office as prescribed in the employees’ organization constitution and by-laws.
- (qq) **“Unfair Labor-Management Practices”** refer to acts described under Rule XVI of these Rules.

RULE II
COVERAGE OF THE RIGHT TO ORGANIZE

Section 1. **Policy.** – It is the policy of the State to promote the free and responsible exercise of the right to organize by all employees in national government agencies and their regional offices, attached agencies and their regional offices, state universities and colleges, government-owned or controlled corporations with original charters, and local government units, through the establishment of a simplified mechanism for the speedy registration of employees’ organizations, determination of representation status, and resolutions of intra- and inter-employees’ organization disputes. Only accredited employees’ organizations shall have the right to represent the rank-and-file employees in collective negotiation and for the furtherance and protection of their interest and improvement of public service delivery.

Section 2. **Who may join employees’ organizations in the public sector.** – Employees in agencies of the national government and their regional offices, attached agencies and their regional offices, state universities and colleges, government-owned or controlled corporations with original charters, and local government

units, except as may be hereinafter provided, can form, join or assist employees’ organizations, labor-management committees, work councils and other forms of employees’ participation schemes of their own choosing for the purposes above-stated.

Eligibility for membership in any employees’ organization shall commence on the first day of the employees’ service.

The following shall not be eligible to form, join or assist any employees’ organization for purposes of collective negotiations:

- (a) high level, highly confidential and coterminous employees;
- (b) members of the Armed Forces of the Philippines;
- (c) members of the Philippine National Police;
- (d) firemen;
- (e) jail guards; and,
- (f) other personnel who, by the nature of their functions, are authorized to carry firearms, except when there is express written approval from management.

Section 3. **Concerted activities and strikes.** – The Civil Service Law, Rules and Regulations governing concerted activities and strikes in the government sector shall be observed by all government employees, whether or not they are members of employees’ organizations.

RULE III
RIGHTS AND CONDITIONS OF MEMBERSHIP IN AN
EMPLOYEES’ ORGANIZATION

Section 1. **Rights and conditions of membership in an employees’ organization.** – The following are the rights and conditions of membership in an employees’ organization:

- (a) No arbitrary or excessive fees shall be charged from the members of an employees’ organization. Arbitrary, excessive or oppressive fines shall likewise not be imposed.
- (b) The members shall be entitled to full and detailed reports of all financial transactions from their officers and representatives as provided for in the constitution and by-laws of the employees’ organization.
- (c) The members shall directly elect their officers by secret ballot at intervals pursuant to the constitution and by-laws of the employees’ organization.

- (d) Policy decisions shall be made pursuant to the provisions of the constitution and by-laws of the employees' organization.
- (e) No person who has been convicted of a crime involving moral turpitude shall be eligible for election or appointment as an officer of an employees' organization.
- (f) No fees, dues, or other contributions shall be collected or disbursed by an officer, agent or member of an employees' organization unless authorized by its constitution and by-laws.
- (g) Every payment of fees, dues or other contributions by a member shall be evidenced by a receipt signed by the officer or agent making the collection and shall be entered into the record of the organization kept and maintained for the purpose.
- (h) The funds of the employees' organization shall not be applied for any purpose or object other than those expressly provided by its constitution and by-laws or those expressly authorized by written resolution adopted by the majority of the members at a general meeting called for the purpose.
- (i) Every income or revenue of the employees' organization shall be evidenced by a record showing its source, and every expenditure of its funds shall be supported by a receipt from the person to whom the payment is made. The receipt shall state the date, place and purpose of such payment and shall form part of the financial records of the employees' organization.

Any complaint involving the funds of an employees' organization, which failed to submit the required audited annual financial report, can be filed anytime. For those which have submitted the report, the complaint must be filed within three (3) years from the date of submission.
- (j) The treasurer of an employees' organization and every officer thereof who is responsible for the account of such employees' organization or for the collection, management, disbursement, custody or control of the funds and other properties of the organization shall render to the employees' organization and to its members a true and correct account of all money received and disbursed from the assumption of office or the last day of the rendition of such an account. The treasurer shall also render an accounting of all entrusted bonds, securities and other properties of the organization. The rendition of such an account shall be made:

- 1) within thirty (30) calendar days after the end of the calendar year;
- 2) at such other times as may be required by a resolution of the majority of the members of the employees' organization; and,
- 3) upon vacating the office.

The account shall be audited by the auditor of the employees' organization, who shall certify under oath as to the veracity thereof, copies of which shall be furnished the DOLE-BLR and the CSC-PRO.

- (k) The books of accounts and other records of the financial transactions of an employees' organization shall be open to inspection by any officer or member thereof during office hours.
- (l) No special assessment or other extraordinary fees may be levied upon the members of an employees' organization unless authorized by a written resolution of a majority of all the members in a general membership meeting called for the purpose. The secretary of the employees' organization shall record the minutes of the meeting including the list of all members present, the votes cast, the purpose of the special assessment or fees and the recipient of such assessment or fees. The record shall be attested by the president of the employees' organization.
- (m) No special assessments, attorney's fees, negotiation fees or any other similar fees may be checked off from any amount due to an employee without an individual written authorization duly signed by the employee. The authorization should specifically state the amount, purpose and beneficiary of the deduction.
- (n) It shall be the duty of an employees' organization and its officers to inform its members on the provisions of its constitution and by-laws, CNA, and all their rights and obligations under existing laws, rules and regulations. For this purpose, registered employees' organizations shall collect reasonable dues to finance seminars on public sector unionism and other relevant activities.

At least thirty percent (30%) of the members of a registered employees' organization, or any member directly or adversely affected may report to the Council any violation of the above rights and conditions of membership for the imposition of the proper penalty against the officer/s concerned, including expulsion from the said organization.

RULE IV
ELECTION OF OFFICERS OF AN EMPLOYEES' ORGANIZATION

Section 1. **Conduct of election of officers of an employees' organization; Procedure.** – The provisions of the constitution and by-laws of an employees' organization shall govern the conduct of the election of officers.

In the absence of any provision in the constitution and by-laws of an employees' organization, the following guidelines may be adopted in the election of officers:

- (a) Within sixty (60) calendar days before the expiration of the term of the incumbent officers, the president of the employees' organization or the majority of the members of the executive board shall constitute a committee on election (COMELEC) to be composed of at least three (3) members in good standing who are not running for any position in the election; provided, that if there are identifiable parties within the employees' organization, each party shall have equal representation in the committee;
- (b) Upon the constitution of the COMELEC, the members thereof shall elect the chairperson of the committee from among themselves, and in case of disagreement, the president shall designate the chairperson;
- (c) Within ten (10) calendar days from its constitution, the COMELEC shall, among others, exercise the following powers and duties:
 - 1) Set the date, time and venue of the election;
 - 2) Prescribe the rules on the qualification and eligibility of candidates and voters;
 - 3) Prepare and post the voters' list and the list of qualified candidates;
 - 4) Accredite the authorized representatives of the contending parties;
 - 5) Supervise the actual conduct of the election and canvass the votes to ensure the sanctity of the ballot;
 - 6) Keep minutes of the proceedings;
 - 7) Be the final arbiter of all election protests;
 - 8) Proclaim the winners; and,
 - 9) Prescribe such other rules as may facilitate the orderly conduct of election.

RULE V
REGISTRATION OF EMPLOYEES' ORGANIZATIONS

Section 1. **Requirements for registration of employees' organizations.** – The application for registration shall be signed by the members of the employees' organization comprising at least thirty (30%) percent of the rank-and-file employees in the organizational unit, and shall be accompanied by the original copy and three (3) duplicate original copies of the following documents:

- (a) a statement indicating the name of the applicant employees' organization, its principal address, the names of its officers and their respective addresses, and the total number of employees in the organizational unit where the applicant seeks to operate;
- (b) the minutes of the organizational meeting and the names and signatures of the members who participated therein;
- (c) the names of the members comprising at least thirty (30%) percent of the rank-and-file employees in the organizational unit where the applicant employees' organization seeks to operate;
- (d) financial reports, if the applicant employees' organization has been in existence for at least one (1) year;
- (e) the applicant's constitution and by-laws, minutes of its adoption or ratification and the list of employees who participated therein, unless the constitution and by-laws was ratified in the same organizational meeting, in which case, a statement of such fact shall be reflected in the minutes of the organizational meeting/s.

The application for registration of any employees' organization, including all its accompanying documents shall be verified under oath by its secretary or treasurer and attested to by its president.

For purposes of registration, an organizational unit is defined under Section 1 (gg), Rule I of these Rules.

Section 2. **Where to file.** – Applications for registration of employees' organizations shall be filed with the DOLE-BLR or with the DOLE Regional Office.

The DOLE Regional Office shall transmit the application for registration, together with its attachments, within twenty-four (24) hours from receipt of the same, to the DOLE-BLR for processing.

Section 3. **Registration fee.** – A registration fee of One Hundred Forty (P140.00) pesos or such amount as may be determined by the Council, shall be charged upon every application for registration of employees' organizations under these Rules.

Section 4. **Action on the application.** – The DOLE-BLR shall either approve or deny the application for registration within seven (7) calendar days from receipt thereof.

Where the documents supporting the application are not complete or do not contain the requisite attestation requirements, the DOLE-BLR shall, within the seven-day period, notify the applicant in writing of the requirements needed to complete the application. Where the applicant fails to complete the requirements within thirty (30) calendar days from receipt of the notice, the application shall be denied without prejudice to its re-filing.

Upon completion of the requirements for registration, the DOLE-BLR shall prepare the certificate of registration for the signatures of the DOLE Secretary and the CSC Chairperson.

Section 5. **Denial of registration; Grounds for appeal.** – The decision denying the application for registration shall be in writing, stating in clear terms the reasons therefor. A copy of the decision shall be furnished the applicant employees' organization. The decision may be appealed to the Council within ten (10) calendar days from receipt of notice thereof, on the ground of grave abuse of discretion or any violation of this Rule.

The memorandum of appeal together with the complete records of the application shall be filed with the DOLE-BLR, which shall transmit the same to the Council within two (2) calendar days from receipt thereof. The appeal shall be decided by the Council within sixty (60) calendar days from receipt of the records of the case.

Section 6. **Effect of registration.** – The registered employees' organization shall be vested with legal personality on the date of the issuance of its certificate of registration. Such legal personality cannot, thereafter, be questioned except in an independent petition for cancellation of its registration in accordance with these Rules.

RULE VI **REPORTORIAL REQUIREMENTS OF EMPLOYEES' ORGANIZATIONS**

Section 1. **Reporting requirements.** – Every registered employees' organization shall submit to the DOLE-BLR two (2) original copies of the following documents:

- (a) any amendment to its constitution and by-laws and the minutes of adoption or ratification of such amendments, together with the signa-

- tures of members who ratified the same, within thirty (30) calendar days from its adoption or ratification;
- (b) annual audited financial reports within thirty (30) calendar days after the close of each calendar year;
- (c) Updated list of newly-elected and appointive officers or agents, within thirty (30) calendar days after each regular or special election of officers, or from the occurrence of any change in the officers or agents of the employees' organization; and,
- (d) list of names of members within thirty (30) calendar days after the close of each calendar year.

Section 2. **Action on the report.** – The DOLE-BLR shall assess the reports submitted by the employees' organization and enter the same in its records or notify the employees' organization concerned of the insufficiency thereof, as the case may be within five (5) calendar days from receipt thereof.

Section 3. **Effect of failure to submit reportorial requirements.** – When a registered employees' organization fails to submit any of the reports required under Section 1 of this Rule despite due notices for compliance, the DOLE-BLR shall cause the institution of the administrative process for cancellation of registration.

RULE VII **CANCELLATION OR REVOCATION OF CERTIFICATE** **OF REGISTRATION OF AN EMPLOYEES' ORGANIZATION**

A. ON THE GROUND OF FAILURE TO SUBMIT REPORTORIAL REQUIREMENTS

Section 1. **Procedure.** – The DOLE-BLR shall make a report of the employees' organization's non-compliance and submit the same to the CSC Chairperson and DOLE Secretary for approval of the commencement of administrative cancellation proceedings. Upon approval, the DOLE-BLR shall send to the employees' organization concerned, by registered mail with return card, a Notice of Compliance directing the submission of specified documents within fifteen (15) calendar days from receipt of such notice.

If the employees' organization fails to submit the required documents within the specified period or the documents submitted are found to be deficient, the DOLE-BLR shall issue a second Notice of Compliance, with a warning that failure on its part to comply with the reportorial requirements within fifteen (15) calendar days from receipt thereof, shall cause the continuation of the proceedings for cancellation of its registration.

Section 2. **Publication of notice of cancellation of registration.** – The DOLE-BLR shall publish the Notice of Cancellation of Registration of the employees' organization in two (2) newspapers of general circulation after fifteen (15) calendar days from the receipt of the Second Notice when there is no response or in case a response is received, the same is still found to be deficient.

Section 3. **Cancellation of registration.** – The DOLE-BLR shall recommend to the DOLE Secretary and CSC Chairperson the cancellation of registration of the employees' organization where it receives no response within ten (10) calendar days from date of publication or where it has been verified that the employees' organization has already been dissolved. Upon approval, the DOLE-BLR shall cancel the registration of the employees' organization and delete its name from the roster of registered employees' organizations.

B. ON THE GROUND OF MISREPRESENTATION, FALSE STATEMENT, OR FRAUD

Section 4. **Cancellation or revocation of certificate of registration.** – Subject to the requirements of notice and due process, the certificate of registration of an employees' organization may be cancelled or revoked on the ground of misrepresentation, false statement or fraud in connection with the following:

- (a) conduct of organizational meeting;
- (b) adoption or ratification of the constitution and by-laws;
- (c) election of officers;
- (d) minutes of the election of officers;
- (e) list of voters/members; or,
- (f) any of the other documents submitted for registration which may have misled the DOLE-BLR in granting the application for registration.

Section 5. **Requirements and procedure.** – The petition shall be in writing and verified under oath and shall be filed by any real party in interest before the DOLE-BLR clearly stating the ground/s relied upon. The same shall be filed independently of any other pending inter/intra-employees' organization dispute.

The procedure in the hearing and periods prescribed under Section 4 (a), (b), and (c) of Rule XVII (A) of these Rules shall be applied in the resolution of petitions for cancellation or revocation of the certificate of registration of an employees' organization.

Where a hearing is necessary, the designated Hearing Officer of the DOLE-BLR shall summon the parties and their witnesses, administer oaths and resolve

the issues involved in the case. The hearing shall be terminated and the case shall be deemed submitted for resolution not later than ninety (90) calendar days from the date of the first hearing.

Section 6. **Decision of the DOLE-BLR.** – The DOLE-BLR shall render a decision within thirty (30) calendar days from submission of the case for resolution. The decision shall state the facts and the relief granted, if any.

Section 7. **Appeal from DOLE-BLR decision.** – The aggrieved party may appeal the decision of the DOLE-BLR to the Council within ten (10) calendar days from receipt thereof, for grave abuse of discretion or any violation of these Rules. The appeal shall be filed with the DOLE-BLR, as the case may be.

The appeal shall be under oath, and shall consist of a memorandum of appeal specifically stating the grounds relied upon by the appellant with the supporting arguments and evidence. The appeal shall be deemed not filed unless accompanied by proof of service of a copy thereof to the appellee.

Where no appeal is filed within the ten-day period, the decision shall become final and executory. The DOLE-BLR shall enter this fact into the records of the case.

Section 8. **Reply** – A reply to the appeal may be filed with the Council through the CSC-PRO within ten (10) calendar days from receipt of the memorandum of appeal or upon the expiration of the period to file the same.

Section 9. **Decision of the Council.** – The Council shall render a decision on the appeal within thirty (30) calendar days from receipt of the reply or upon the expiration of the period to reply.

The decision of the Council shall be final and executory unless a motion for reconsideration is filed within ten (10) calendar days from receipt of such decision. Only one motion for reconsideration shall be entertained.

RULE VIII ACCREDITATION OF EMPLOYEES' ORGANIZATIONS

Section 1. **Nature of the proceedings; Determination of representation status.** – Proceedings to determine the sole and exclusive collective negotiating agent are expeditious, non-litigious in nature, and free from technicalities of law and procedure.

The determination of the sole and exclusive collective negotiating agent shall be through accreditation by the CSC.

Section 2. **Where to file.** – The employees' organization seeking accreditation shall file with the CSC-PRO a sworn petition for accreditation signed by a majority of the rank-and-file employees of the negotiating unit it seeks to represent.

Section 3. **Form and contents of the petition.** – The petition shall be in writing, verified under oath by the president of the employees' organization, and contain the following allegations, among others:

- (a) that the petitioner is a duly registered employees' organization;
- (b) when the petitioner-employees' organization is the lone employees' organization within the negotiating unit — that the employees whose names and signatures appear in the petition constitute the majority of the total number of the rank-and-file employees in the negotiating unit who supports the accreditation of the petitioner-employees' organization;
- (c) when the petitioner-employees' organization is the mother employees' organization composed of several registered employees' organizations – that it has the majority membership of all the rank-and-file employees in the negotiating unit; and,
- (d) that it is in the best interest of the rank-and-file employees in the negotiating unit that the petitioner-employees' organization be accredited as their sole and exclusive negotiating agent.

For purposes of accreditation, the negotiating unit is defined under Section 1(ff), Rule I of these Rules.

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

- (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 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.

Section 5. **Accreditation fee.** – An accreditation fee of One Hundred Fifty Pesos (P150.00) or such amount as may be determined by the Council shall be paid by the employees' organization.

Section 6. **Action on the petition.** – Immediately upon receipt of the sworn petition for accreditation and after evaluation as to the completeness of the petition and supporting documents, the CSC-PRO shall require the petitioner-employees' organization to post in a conspicuous place within the premises of the

agency and its regional offices/branches, if any, the Notice of the Petition for Accreditation for a period of ten (10) calendar days from receipt thereof.

Section 7. **Opposition to petition for accreditation.** – Within the ten (10) day posting period, any interested party may file with the CSC-PRO, copy furnished the petitioner-employees' organization, a sworn opposition to the petition for accreditation on grounds of misrepresentation, false statement or fraud in connection with the names and signatures of the rank-and-file employees appearing in the petition.

Section 8. **Effect of absence of opposition.** – If no opposition is filed, CSC-PRO shall cause the preparation of a certificate of accreditation for signature of the Chairperson of the CSC.

If an opposition is filed, the CSC-PRO shall immediately require the petitioner-employees' organization to comment on the opposition and upon receipt thereof, evaluate the merits of the opposition and the petitioner's comment.

If the opposition is found to be without merit, CSC-PRO shall deny the opposition and cause the preparation of a certificate of accreditation for signature of the CSC Chairperson. An appeal from the denial of the opposition may be filed with the Council.

If, on the other hand, the opposition is found to be meritorious, CSC-PRO shall forward the records, together with its recommendation, to the Council for resolution. If the Council finds merit in the opposition, it may either deny the petition for accreditation or order the DOLE-BLR to conduct a certification election.

Section 9. **Motion for reconsideration.** – The aggrieved party may move for reconsideration of the Order of the Council to deny the petition for accreditation or to conduct a certification election within ten (10) calendar days from receipt of the order.

Section 10. **Certificate of accreditation after certification election.** – Based on the certification election results issued by the DOLE-BLR, the CSC shall issue the Certificate of Accreditation to the winning employees' organization.

Section 11. **Responsibility of CSC-PRO to inform.** – Within ten (10) calendar days from issuance of the Certificate of Accreditation, the CSC-PRO shall inform Management that the employees' organization which has been issued a Certificate of Accreditation, is the sole and exclusive negotiating agent of the rank-and-file employees.

Section 12. **Responsibility of accredited employees' organization.** – Within one (1) year from issuance of the Certificate of Accreditation, the accredited

employees' organization shall submit to management a CNA proposal, which has been approved by a majority of the general membership, copy furnished CSC-PRO.

Section 13. **Challenge to accreditation; Grounds.** – The status of an accredited employees' organization may be challenged based on any of the following grounds:

- (a) failure of the accredited employees' organization to maintain the support of the majority of the rank-and-file employees after one (1) year from the issuance of its certificate of accreditation, subject to the contract-bar rule under Section 3(d), Rule IX of these Rules; or
- (b) failure of the accredited employees' organization to submit a CNA proposal to management, pursuant to the preceding section.

Section 14. **Petition to challenge accreditation.** -

- (a) **Who may file.** – Any registered employees' organization or at least 20% of the rank-and-file employees within the negotiating unit may file a petition challenging the accreditation of an employees' organization;
- (b) **Form and contents of the petition.** – The petition shall be in writing and shall be verified under oath by the president of the petitioner employees' organization or at least twenty percent (20%) of the rank-and-file in the negotiating unit. The petition shall contain, among others, the following:
 - 1) name/s and address/es and other necessary circumstances relating to the petitioner/s;
 - 2) name and address of the agency where the negotiating unit belongs;
 - 3) name of the accredited employees' organization; and,
 - 4) the bases for the challenge.
- (c) **Procedure.** – The petitioner shall file at least two (2) copies of the petition and other supporting documents with the CSC-PRO. Upon receipt of the petition, CSC-PRO shall evaluate the same and determine its completeness in form and contents. Where the petition is found complete in form and contents, the CSC-PRO shall immediately require the accredited employees' organization to comment on the said petition within ten (10) calendar days from receipt thereof. The CSC-PRO may deny outright an incomplete petition challenging the accreditation of an employees' organization.

The CSC-PRO shall evaluate the merits of the petition and the comments of the accredited employees' organization. A denial of the peti-

tion may be appealed to the Council within ten (10) calendar days from receipt thereof. If the petition is found to be meritorious, the CSC-PRO shall forward to the Council the complete records and its findings and recommendations.

- (d) **Revocation or filing of petition to conduct certification election.** – The Council may either order the CSC-PRO to revoke the accreditation of the employees' organization and delete its name in the roster of accredited employees' organizations or direct the parties to file a petition for the conduct of a certification election subject to the provisions of Rule IX.

RULE IX **CERTIFICATION ELECTION**

Section 1. **Certification election; Who may file.** – Subject to the provisions of this Rule, certification election proceedings may be initiated through a petition for certification election filed by any registered employees' organization or the management when requested to negotiate collectively by a registered employees' organization.

Section 2. **Where to file.** – A petition for certification election shall be filed with the DOLE-BLR. Where the petition is filed with the DOLE or CSC Regional Office, it shall forward the same to the DOLE-BLR within three (3) calendar days from receipt thereof.

Section 3. **When to file.** - A petition for certification election may be filed anytime, except:

- (a) when a certificate of accreditation has been issued or a certification or run-off election has been conducted within the negotiating unit within one (1) year prior to the filing of the petition for certification election.

In case an appeal has been filed from the Order of the DOLE-BLR certifying the results of the election, the running of the one (1) year period shall be suspended until the decision on the appeal has become final and executory;

- (b) when an accredited employees' organization has commenced negotiations in good faith within the one (1) year period prior to the filing of the petition for certification election;

- (c) when a negotiation deadlock to which an accredited employees' organization is a party has been submitted to conciliation/arbitration; and,
- (d) when a CNA has been registered in accordance with these Rules, unless the petition for certification election is filed within the 60-day freedom period.

Section 4. **Form and contents of petition.** – The petition shall be in writing and verified under oath by the president of the employees' organization, or the head of the agency/authorized representative. It shall contain, among others, the following:

- (a) the name and address of petitioner, the employees' organization registration number and date of registration;
- (b) the name and address of the management where the negotiating unit sought to be represented belongs;
- (c) the description of the negotiating unit sought to be represented and the approximate number of employees covered therein;
- (d) the names and addresses of other registered employees' organizations in the organizational unit; and,
- (e) in case there is an accredited employees' organization — that the petitioner has attached the signatures of at least twenty (20%) percent of all the employees in the negotiating unit supporting the filing of the petition.
- (f) a statement indicating any of the following circumstances:
 - 1) if there exists a registered CNA in the organizational unit — that the petition is filed within the sixty-day freedom period of such agreement; or
 - 2) if an employees' organization accredited in accordance with these Rules failed to register a CNA with the CSC-PRO — that the petition is filed after one (1) year from the issuance of the Certificate of Accreditation.

Section 5. **Assignment of the case.** – Within twenty-four (24) hours from receipt of the petition, the DOLE-BLR Director shall assign the case to a Med-Arbiter for conciliation and hearings. The Med-Arbiter shall cause the immediate posting of the date and time of the initial hearing and a copy of the petition in two (2) conspicuous places in the agency and its regional offices/branches, if any, where the petitioner employees' organization seeks to operate. The Med-Arbiter shall, likewise, issue the summons to all parties named in the petition, indicating the date of the first hearing and ordering the parties to appear therein.

Section 6. **Forced Intervenor.** – The incumbent accredited employees' organization shall automatically be one of the choices in the certification election.

Section 7. **Motion for intervention; When proper.** – Any registered employees' organization other than the incumbent accredited employees' organization operating within the same organizational unit may file a motion for intervention anytime before the DOLE-BLR's issuance of its decision granting or denying the petition for certification election. The form and contents of the motion shall be the same as that of a petition for certification election.

Section 8. **Preliminary conference; Purpose.** – The Med-Arbiter shall conduct a preliminary conference within twenty (20) calendar days from receipt of the petition to determine the following:

- (a) the negotiating unit to be represented;
- (b) existing registered employees' organizations within the negotiating unit;
- (c) existence of any of the bars to a certification election under Section 3 of this Rule; and,
- (d) such other matters as may be relevant for the final disposition of the case.

Section 9. **Position paper.** – Within a non-extendible period of ten (10) calendar days from the date of the preliminary conference, the Med-Arbiter may direct the parties to simultaneously submit their respective position papers. The position paper shall be limited to the issues identified during the preliminary conference and shall include arguments and evidence as the parties may deem relevant to the disposition of the petition. All issues, arguments, and evidence not presented during the preliminary conference are deemed waived.

Section 10. **Failure to appear despite notice.** – The failure of any party to appear in the preliminary conference despite notice or to file the position paper shall be deemed a waiver of the right to be heard.

Section 11. **Issuance of an Order on the petition.** – Within ten (10) calendar days from the expiration of the period for the submission of the position paper, the DOLE-BLR shall issue an Order granting or denying the petition. In no case, however, shall an Order be issued during the freedom period.

The Order granting the conduct of a certification election shall state the following:

- (a) the name of the agency;
- (b) the description of the negotiating unit;
- (c) a statement that none of the bars to a certification election exists;

- (d) the names of the contending employees' organization/s in the order in which their petitions were filed, and the forced intervenor, if any; and,
- (e) a directive to the agency and the contending employees' organization(s) to submit within ten (10) calendar days from receipt of the Order, a certified list of employees in the organizational unit and a certified true copy of the latest payroll prior to the issuance of the Order.

Section 12. **Finality of the decision.** –

- (a) The Order granting the petition for certification election is final and executory and not subject to appeal. An express statement to this effect must be included in the order.
- (b) The Order denying the petition for certification election is subject to appeal within ten (10) calendar days from receipt thereof, which must be so stated in the order.

A denial of a petition for certification election shall be without prejudice to the filing of another petition for certification election or a petition for accreditation if none of the bars under Section 3 of this Rule exists.

Section 13. **Appeal.** – The Order denying the petition for certification election may be appealed to the Council through the DOLE-BLR within ten (10) calendar days from receipt thereof. The memorandum of appeal shall state the specific ground/s relied upon by the appellant with the supporting arguments and evidence and shall be under oath. The appeal shall not be entertained unless accompanied by proof of service to the appellee/s.

Section 14. **Period to reply.** – Within ten (10) calendar days from receipt of the memorandum of appeal, a reply to the appeal may be filed with the Council.

Section 15. **Decision of the Council.** – The Council shall decide on the appeal within forty-five (45) calendar days from the expiration of the period to reply. No motion for reconsideration shall be entertained by the Council.

RULE X
CONDUCT OF CERTIFICATION ELECTION

Section 1. **Pre-election conference.** – Within twenty-four (24) hours upon receipt of the records from the DOLE-BLR Director, the designated Election Officer shall issue the notice of pre-election conference to the contending registered employees' organizations and management. The pre-election conference shall be scheduled by the election officer within ten (10) calendar days upon receipt of the records.

The pre-election conference shall set the mechanics and guidelines for the election and shall determine the following:

- (a) list of eligible voters;
- (b) date, time and place of the election and canvass of the votes;
- (c) names of watchers and representatives;
- (d) number and location of polling places or booths;
- (e) number of ballots to be prepared;
- (f) date, time and place of consolidation of votes, if necessary; and,
- (g) such other matters that may aid the orderly conduct of the election.

Section 2. **Waiver of the right to be heard.** – The failure of a party to appear in any pre-election conference despite notice shall be considered a waiver of the right to be present and to question any of the agreements reached in the said pre-election conference. Nothing herein shall, however, deprive the absent party of its right to be furnished notices of subsequent pre-election conferences and to attend the same.

Section 3. **Minutes of pre-election conference.** – The Election Officer shall keep the minutes of matters raised and agreed upon during the pre-election conference. The parties shall acknowledge the completeness and correctness of the entries in the minutes by affixing their signatures thereon. Where any of the parties refuse to sign the minutes, the Election Officer shall require such party to indicate the reason/s for refusal and to initial the same. In all cases, the parties shall be furnished copies of the minutes.

The pre-election conference shall be completed within thirty (30) calendar days from the date of the first meeting.

Section 4. **Qualification of voters; Inclusion-exclusion.** – All employees who are members of the negotiating unit sought to be represented by the petitioner at the time of the filing of the petition for certification election are eligible to vote. Employees whose employment had been severed at the time of the certification election and whose dismissal has not attained finality at the time of the election shall also be eligible to vote.

All contested voters shall be allowed to vote regardless of any disagreement over the voters' list or over the eligibility of voters. The votes of the contested voters shall, however, be segregated and sealed in individual envelopes in accordance with Sections 12 and 13 of this Rule. Objections to the eligibility of voters shall be considered as a pre-election protest to be resolved after the conduct of the certification election.

Section 5. **Posting of notices.** – The Election Officer shall cause the posting of the notice of election at least seven (7) calendar days before the actual date of the election. The posting shall be in two (2) conspicuous places at the principal address of the agency and in its regional offices/branches, if any, where members of the organizational unit are located. The notice shall contain the following:

- (a) date and time of the certification election;
- (b) names of all contending employees' organizations;
- (c) description of the organizational unit; and,
- (d) list of eligible and challenged voters.

The posting of the notice of election, the information required to be included therein and the duration of posting cannot be waived by the contending employees' organizations or the agency.

Section 6. **Secrecy and sanctity of the ballot.** – To ensure secrecy of the ballot, the Election Officer, together with the authorized representatives of the contending employees' organizations and the agency shall, before the start of the actual voting, inspect the polling place, the ballot boxes and the polling booths.

Section 7. **Preparation of ballots.** – The Election Officer shall prepare the ballots in English and Filipino or in the local dialect, corresponding to the number of voters and a reasonable number of extra ballots. All ballots shall be signed at the back by the Election Officer and authorized representative of each of the contending employees' organizations and agency. The failure or refusal to sign the ballots shall be considered a waiver and the Election Officer shall enter the fact of such refusal or failure in the records of the case, as well as the reason/s for the refusal or failure to sign.

Section 8. **Manner of selection.** – Where the voter desires to be represented by an employees' organization, a check (ü) mark must be put in the space opposite the name of the employees' organization of choice. If the voter does not want to be represented by any employees' organization, the check (ü) mark must be put in the space opposite "No employees' organization".

Section 9. **Spoiled ballot.** – A ballot is considered spoiled if it is torn, defaced or left unfilled in such manner as to create doubt or confusion or to identify the voter. If the voter inadvertently spoils a ballot, the same shall be returned to the Election Officer who shall destroy it in the presence of all concerned parties. Another ballot shall then be given to the voter.

Section 10. **Conduct of election.** – The election precincts shall be opened and closed at a date and time agreed upon by all the parties during the pre-

election conference. Failure of any party to appear during the election proceedings shall be considered a waiver to be present and to question the conduct thereof.

Section 11. **On-the-spot questions.** – The Election Officer shall rule on any question raised during the conduct of the election, except on any of the grounds challenging the votes as specified in the immediately succeeding section.

Section 12. **Challenge of voter's eligibility.** – Only an authorized representative of any of the contending employees' organizations may challenge a vote before it is deposited in the ballot box on any of the following grounds:

- (a) that there is no employer-employee relationship between the voter and the agency; and,
- (b) that the voter is not a member of the appropriate organizational unit.

Section 13. **Procedure to challenge voter's eligibility.** – When a vote is challenged, the Election Officer shall place the ballot in an envelope, which shall be sealed in the presence of the voter and the authorized representatives of the contending employees' organizations and management. The Election Officer shall indicate on the sealed envelope, the name of the voter, the employees' organization or the agency challenging the vote and the ground/s in challenging the same. The sealed envelope shall be signed by the Election Officer and the authorized representatives of the contending employees' organizations and management.

After all the envelopes have been opened, the question of the eligibility of the voter/s shall be passed upon only if the number of segregated voters will materially alter the results of the election. The Election Officer shall note all challenges in the minutes of the election.

Section 14. **Canvassing of votes.** – The opening and canvassing of votes shall proceed immediately after the election precincts have closed. The votes shall be counted and tabulated by the Election Officer in the presence of the authorized representatives of the contending employees' organizations. After the canvass has been completed, the Election Officer shall give each authorized representative a copy of the minutes of the election proceedings and results.

The ballots and the tally sheets shall be sealed in an envelope and signed by the Election Officer and the authorized representatives of the contending employees' organizations. The same shall be transmitted to the DOLE-BLR, together with the minutes and results of the election, within twenty-four (24) hours from the completion of the canvass.

Where the election was conducted in more than one (1) region, the Election Officer shall consolidate the results within twenty (20) calendar days from the date of the election.

Section 15. **Failure of election.** – The Election Officer shall declare a failure of election where the number of votes cast in a certification election is less than the majority of the number of eligible voters.

The failure of election shall be indicated in the minutes of the election proceedings.

Section 16. **Effect of a failure of election.** – A failure of election shall not bar the filing of a motion for the immediate holding of another certification election within three (3) months from the date of the declaration of a failure of election; provided, that only one (1) certification election shall be conducted by the DOLE-BLR after a failure of the first certification election.

Within twenty-four (24) hours from receipt of the motion, the Election Officer shall schedule the conduct of another certification election within fifteen (15) calendar days from receipt of such motion. The notice of the certification election shall be posted in two (2) most conspicuous places at the principal address of the agency and all its offices/branches, if any, at least five (5) calendar days prior to the scheduled date of the election. The same guidelines and list of voters in the prior election shall be used.

Section 17. **Protest; Grounds.** – Any contending employees' organization or management may file a protest based on the following ground/s:

- (a) irregularity in the conduct of the election; or
- (b) interlocutory issues in the certification election.

The ground/s for protest shall be raised and recorded in the minutes of the election proceedings. Any ground/s not so raised and recorded is/are deemed waived.

The protest must be filed with the DOLE-BLR, stating therein the specific grounds, arguments and evidence relied upon, within five (5) calendar days after the close of the election proceedings. If the protest is not recorded in the minutes and filed within the prescribed period, it shall be deemed dropped.

The protest shall be considered submitted for resolution upon submission of the position paper or upon expiration of the period within which to file the same, whichever comes earlier. The DOLE-BLR shall decide on the protest within thirty

(30) calendar days from the date that it was submitted for resolution and shall certify the results of the election.

Where the election was tainted by widespread and rampant fraud or disenfranchisement affecting a majority of eligible voters, a decision nullifying the election, which shall include an order to conduct a new election, shall be rendered.

The decision shall become final and executory after ten (10) calendar days from receipt thereof by the parties, if no appeal to the Council has been filed within the said period. The provisions of Section 2, Rule XX of these Rules shall govern appeals from the decision of the DOLE-BLR to the Council.

Section 18. **Proclamation and certification of the exclusive negotiating agent.** – The Election Officer shall transmit the records of the election proceedings to the DOLE-BLR within twenty-four (24) hours from the canvass of votes. The DOLE-BLR shall, within twenty-four (24) hours from receipt of the records, issue an Order certifying the results of the election. The employees' organization that obtained a majority of the valid votes cast in the subject appropriate organizational unit shall be proclaimed the winner under any of the following conditions:

- (a) no protest was filed; or
- (b) if a protest was filed, the same was not perfected within the five (5) calendar day period; or
- (c) no challenge or eligibility issue was raised; or
- (d) even if a challenge or eligibility issue was raised, the resolution of the same will not materially alter the results of the elections.

Where the choice of "No employees' organization" obtained the majority of the valid votes cast, the DOLE-BLR shall declare such fact in the Order.

Section 19. **Transmittal of the certified election results.** – The DOLE-BLR shall transmit the Order certifying the election results to the CSC within three (3) calendar days upon issuance thereof.

Section 20. **Issuance of CSC Certificate of Accreditation.** – Upon receipt of the DOLE-BLR Order, the CSC shall, within three (3) calendar days, issue a Certificate of Accreditation. Thereafter, the winning employees' organization shall have the rights, privileges and obligations of a duly certified collective negotiating agent from the time the certificate is issued.

RULE XI
RUN-OFF ELECTIONS

Section 1. **When to conduct.** – The Election Officer shall conduct a run-off election between registered employees' organizations receiving the two (2) highest number of votes in a certification election which provided for three (3) or more choices, but none of the three (3) or more choices received a majority of the valid votes cast; provided, that the total number of votes for all contending employees' organizations is at least fifty percent (50%) of the number of votes cast. "No employees' organization" shall not be a choice in the run-off election.

The run-off election shall be conducted within ten (10) calendar days from the close of the certification election proceedings.

The notice for the conduct of a run-off election shall be posted by the Election Officer in two (2) most conspicuous places at the principal address of the agency and all its offices/branches, if any, at least seven (7) calendar days before the actual date of the run-off election.

Section 2. **Eligible voters.** – The list of voters used in the certification election shall likewise be used in the run-off election. The ballots in the run-off election shall indicate as choices, the employees' organizations receiving the highest and second highest number of the votes cast. The employees' organization receiving the greater number of valid votes cast shall be certified as the winner.

RULE XII **COLLECTIVE NEGOTIATIONS**

Section 1. **Subject of negotiation.** – Terms and conditions of employment or improvements thereof, except those that are fixed by law, may be the subject of negotiation.

Section 2. **Negotiable matters.** – The following concerns may be the subject of negotiation between the management and the accredited employees' organization:

- (a) schedule of vacation and other leaves;
- (b) personnel growth and development;
- (c) communication system – internal (lateral and vertical), external;
- (d) work assignment/reassignment/detail/transfer;
- (e) distribution of work load;
- (f) provision for protection and safety;
- (g) provision for facilities for handicapped personnel;
- (h) provision for first aid medical services and supplies;
- (i) physical fitness program;
- (j) provision for family planning services for married women;

- (k) annual medical/physical examination;
- (l) recreational, social, athletic and cultural activities and facilities;
- (m) CNA incentive pursuant to PSLMC Resolution No. 4, s. 2002 and Resolution No. 2, s. 2003; and,
- (n) such other concerns which are not prohibited by law and CSC rules and regulations.

Section 3. **Compensation matters.** – Increases in salary, allowances, travel expenses, and other benefits that are specifically provided by law are not negotiable.

Section 4. **Effectivity of CNA.** – The CNA shall take effect upon its signing by the parties and ratification by the majority of the rank-and-file employees in the negotiating unit.

Section 5. **Other matters.** – Nothing herein shall be construed to prevent any of the parties from submitting proposals regarding other matters to Congress and the proper authorities to improve the terms and conditions of their employment.

RULE XIII **REGISTRATION OF COLLECTIVE NEGOTIATION AGREEMENTS**

Section 1. **Where to file.** – Within thirty (30) calendar days from the execution of a Collective Negotiation Agreement (CNA), the parties thereto shall submit to the CSC-PRO, four (4) signed original copies of the agreement.

Section 2. **Requirements for registration.** – The CNA must be accompanied with the following documents, which must be certified under oath by the secretary of the employees' organization and attested to by its president:

- (a) a statement that the CNA was posted in at least two (2) most conspicuous places in the principal address of the agency and in all its regional offices/branches, if any, at least seven (7) calendar days before its ratification;
- (b) proof of ratification of the signed CNA by the majority of the employees in the negotiating unit; and,
- (c) the Certificate of Accreditation issued in favor of the accredited employees' organization.

Section 3. **Registration fee.** – A registration fee of Five Hundred Pesos (P500.00) or such amount as may be determined by the Council shall be paid by the employees' organization.

Section 4. **Action on the application.** – If the CSC-PRO finds that the application and its supporting documents are in order, it shall cause the preparation of a certificate of registration for signature of the CSC Chairperson within five (5) calendar days from receipt thereof. If there are deficiencies found, it shall notify the applicant-employees' organization of such deficiencies within five (5) calendar days from receipt of the application. The applicant-employees' organization has ten (10) calendar days from receipt of the notice to submit the lacking requirements, otherwise the application for registration shall be denied, without prejudice to its re-filing.

Section 5. **Duty of CSC-PRO.** – Simultaneous to the issuance of the certificate of registration, the CSC-PRO shall point out the provisions in the agreement which are non-negotiable, hence unenforceable, despite the registration of the agreement.

Section 6. **Effects of registration.** – Upon issuance of the certificate of registration, no petition questioning the majority status of the incumbent exclusive collective negotiation representative shall be entertained. Neither shall a certification election be conducted by the DOLE-BLR nor shall a certificate of accreditation be issued by the CSC-PRO outside the freedom period.

Section 7. **Exceptions to the contract-bar rule.** – The registration of the CNA shall not constitute a bar to a certification election after a finding by the CSC-PRO that the supporting documents for registration were fraudulent, falsified or tainted with misrepresentation. In such a case, the CSC-PRO shall order the cancellation of the registration of the CNA.

The registration of the CNA will not validate any provision in the agreement which is contrary to law, morals, good customs, public policy or public order.

Section 8. **Appeal.** – The decision of the CSC-PRO to cancel the registration of the CNA may be appealed to the Council on the ground of grave abuse of discretion within ten (10) calendar days from receipt of the parties of a copy thereof. The Council shall have sixty (60) calendar days within which to resolve the appeal. The decision of the Council shall be final and executory unless a motion for reconsideration is filed within ten (10) calendar days from receipt of such decision. Only one motion for reconsideration shall be entertained.

RULE XIV
RESOLUTION OF GRIEVANCES

Section 1. **Coverage.** – This Rule shall apply to all employees' organization-related issues not governed by the Civil Service Law, rules and regulations on grievance machinery.

The grievance procedure outlined in the CNA shall be strictly followed.

Section 2. **Policies.** – In the resolution of grievances under this Rule, the following policies shall be observed:

- (a) Grievances between officials and the employees' organization shall be addressed through the grievance machinery;
- (b) A grievance, whether presented verbally or in writing, shall be resolved expeditiously at the lowest level possible in the agency; and,
- (c) Grievance proceedings shall not be bound by legal rules and technicalities.

RULE XV
CENTRAL REGISTRY OF EMPLOYEES'
ORGANIZATIONS AND CNAs

Section 1. **Central registry.** – The DOLE-BLR shall be the central registry of registered employees' organizations, while the CSC-PRO shall be the central registry of accredited employees' organizations and registered CNAs.

Section 2. **Transmittal of registration documents.** – Within three (3) calendar days from the issuance of the certificate of registration of an employees' organization, the DOLE-BLR shall transmit to the CSC-PRO a duplicate original copy of the application for registration, its supporting documents and certificate of registration.

Section 3. **Transmittal of CNA documents.** – Within three (3) calendar days from the issuance of the certificate of registration of a CNA, the CSC-PRO shall transmit to the DOLE-BLR a duplicate original copy of the application for registration, its supporting documents and certificate of registration.

RULE XVI
UNFAIR LABOR-MANAGEMENT PRACTICES

Section 1. **On the part of the agency.** – The following shall constitute unfair labor-management practices on the part of the agency:

- (a) interfering with, restraining, or coercing employees in the exercise of their right to self-organization;

- (b) requiring as a condition of employment that an employee shall not form or join an employees' organization or shall withdraw from one to which he/she belongs;
- (c) discriminating in regard to work schedules, places of assignment and other terms and conditions of employment in order to encourage or discourage membership in any employees' organization;
- (d) terminating the services or discriminating against any employee for having signed or filed an affidavit, petition or complaint or given any information or testimony against the head of the agency or members of top management;
- (e) refusing to collectively negotiate in good faith with the accredited employees' organization;
- (f) violating any of the provisions of the Collective Negotiation Agreement;
- (g) refusing to comply with the provisions of the Conciliation Agreement signed with the registered and/or accredited employees' organization and attested by the CSC-PRO or other CSC authorized representative; and,
- (h) other analogous acts as may be determined by the PSLMC;

Section 2. **On the part of the employees' organization.** – The following shall constitute unfair labor-management practices on the part of the employees' organization:

- (a) restraining or coercing any employee to form or join an employees' organization or its activities;
- (b) causing or attempting to cause the agency head or other officers to discriminate against an employee who has not joined or has withdrawn membership from the employees' organization;
- (c) refusing to collectively negotiate in good faith with management;
- (d) violating any of the provisions of the Collective Negotiation Agreement;
- (e) refusing to comply with the provisions of the Conciliation Agreement signed with management and attested by the CSC-PRO or other CSC authorized representative; and,
- (f) other analogous acts as may be determined by the PSLMC.

The heads of offices and other officers of the agency as well as officers and members of an employees' organization, who participate in or authorize an unfair labor-management practice shall be held administratively liable for conduct prejudicial to the best interest of the service or such other administrative offenses as maybe warranted.

RULE XVII

INTRA-EMPLOYEES' ORGANIZATION DISPUTES

A. GENERAL PROVISIONS

Section 1. **Exhaustion of administrative remedies; Exceptions.** – Disputes between and among members of the employees' organization shall be resolved through the dispute resolution mechanism provided in the organization's constitution and by-laws. No complaint arising from a dispute between and among members of the employees' organization shall be entertained without exhausting intra-employees' organization remedies, unless any of the following circumstances exist:

- (a) exhaustion of remedies within the organization would amount to a denial of justice; and,
- (b) futility of intra-employees' organization remedies.

Section 2. **Complaint; Who may file.** – At least thirty percent (30%) of the members of a registered employees' organization or any directly affected member may file a complaint with the Council, through the CSC-PRO, for violation of the constitution and by-laws and the rights and conditions of membership.

Section 3. **Contents of complaint.** – The complaint shall, among others, contain the following:

- (a) the person or persons charged;
- (b) the specific violation/s committed;
- (c) the relief/s prayed for; and,
- (d) other relevant matters.

Such complaint must be in writing, under oath, and accompanied by a certificate of non-forum shopping and proof of service of a copy thereof to the respondent. The petition must show that pursuant to Section 1 of this Rule, the administrative remedies have been exhausted.

Section 4. **Procedure.** – Disputes shall be settled in accordance with the following procedures:

- (a) Within twenty-four (24) hours from receipt of the complaint, the CSC-PRO shall explore the possibility of an amicable settlement. For this purpose, a mandatory conference shall be conducted within ten (10) calendar days from receipt of the complaint;
- (b) Where no amicable settlement is reached, the CSC-PRO shall proceed to limit the issues and convince the parties to agree on a stipula-

tion of facts. In every case, the parties shall sign the minutes of the conference;

- (c) Thereafter, the parties shall be given ten (10) calendar days within which to submit their respective position papers addressing issues and consolidating all their arguments and pieces of evidence;
- (d) The CSC-PRO shall make a report of the proceedings, including its recommendation, which, together with the position papers of the parties, shall be forwarded to the Council for resolution;
- (e) Where the Council finds that a hearing is necessary, the case shall be assigned to any one of its member-agencies;

The member-agency to which the case has been assigned shall deputize a Hearing Officer who shall conduct hearings, summon the parties and their witnesses, administer oaths and resolve the issues involved in the case. The hearing shall be terminated not later than ninety (90) calendar days from the date of the first hearing. Thereafter, a report together with the draft resolution, shall be submitted by the deputized hearing officer to the Council, not later than thirty (30) calendar days from the submission of the case for resolution.

The report shall set forth the findings of fact, conclusions of law and recommendations. The hearing officer shall likewise attach to the report all documents, papers and other relevant pieces of evidence, which shall be numbered in a chronological order.

- (f) The Council shall render a decision on the complaint or petition within forty-five (45) calendar days from receipt of the report of the deputized hearing officer. The decision shall be in writing and shall clearly state the facts and the law upon which it is based; and,
- (g) The decision of the Council shall be final and executory, unless a motion for reconsideration is filed within ten (10) calendar days from receipt of such decision. Only one (1) motion for reconsideration shall be entertained.

B. ELECTION DISPUTES

Section 5. **Petition for the conduct of election of officers; When filed.**

– Where the terms of the officers of an employees' organization have expired and its officers failed to call for an election of new officers, at least thirty percent (30%) of the members of the employees' organization may file a petition for the conduct of election of their officers with the Council.

The preceding paragraph shall also apply where the conduct of an election of officers is a necessary consequence of a petition for nullification of election of officers, impeachment/expulsion of officers, or such other petitions.

Section 6. **Formal requirements and proceedings.** – The formal requirements, processes and periods of disposition under Rule XVII (A) of these Rules shall apply.

Section 7. **Pre-election conference and conduct of election.** – The appointment of an election officer and the procedures and periods in the conduct of the pre-election conference and election proceedings prescribed in Rule X of these Rules shall apply in the conduct of a pre-election conference and election of officers in an employees' organization. The provisions of Rule IV of these Rules shall also apply where practicable.

Section 8. **Applicability of the provisions of the constitution and by-laws.** – Where the conduct of election of officers is ordered by the Council, the rules and regulations governing the filing of candidacies and conduct of election under the constitution and by-laws of the employees' organization may be applied in the implementation of the decision, or new and additional rules may be adopted as agreed upon by the parties.

The entire proceedings shall be presided by the designated Election Officer, who shall act as the COMELEC pursuant to the Order for the conduct of an election.

C. ADMINISTRATION OF EMPLOYEES' ORGANIZATION FUNDS AND ACTIONS ARISING THEREFROM

Section 9. **Right of employees' organization to collect dues and agency fees.** – The incumbent accredited employees' organization shall continue to be entitled to check-off and collect dues and agency fees despite the pendency of a representation case, other inter/intra-employees' organization disputes or related labor relations disputes.

Section 10. **Where to file.** – The petition for the examination of books of accounts of employees' organizations or any complaint with allegations of mishandling, misappropriation or non-accounting of funds shall be filed with the Council through the CSC-PRO.

Section 11. **Procedure.** – The formal requirements and procedure in the hearing and disposition of intra-employees' organization disputes under Rule XVII (A) of these Rules shall apply.

Section 12. **Prescription.** – The right to file a petition for the conduct of an audit or examination of funds and book of accounts shall prescribe after three (3) years from the date of submission of the audited annual financial report to the DOLE-BLR or from the date that the same should have been submitted as required by law, whichever comes earlier. The employees' organization, which failed to submit an annual financial report is subject to audit anytime by the Council.

Section 13. **Action on the petition.** – The Council may either grant or deny the petition for the conduct of an audit.

The Order of the Council to conduct an audit shall include the appointment of an Audit Examiner from among the member-agencies with a directive to submit an audit report within ten (10) calendar days from the termination of the audit. The said Order is interlocutory and shall not be appealable.

Section 14. **Pre-audit conference.** – Within twenty-four (24) hours from receipt of the Order granting the petition for the conduct of an audit, the Audit Examiner shall summon the parties to a pre-audit conference to determine and obtain the following:

- (a) sources of funds covered by the audit;
- (b) names and addresses of the banks and financial institutions where the employees' organization maintains its account/s;
- (c) bank account statements;
- (d) employees' organization books of accounts and financial statements;
- (e) disbursement vouchers with supporting receipts, invoices and other documents;
- (f) income and revenue receipts;
- (g) cash books;
- (h) minutes of the general membership meetings and board meetings; and,
- (i) other relevant matters and documents.

The first pre-audit conference shall be scheduled within ten (10) calendar days from receipt by the Audit Examiner of the Order granting the conduct of an audit.

Section 15. **Issuance of subpoena.** – The member-agency to which the case is assigned may issue a subpoena ad testificandum or subpoena duces tecum requiring any party to appear or bring the required financial documents in a conference or hearing.

The management concerned may also be required to issue a certification of dues and other assessments remitted to the employees' organization during the period covered by the audit.

Section 16. **Conduct of audit examination.** – Where the books of accounts are submitted by the parties, the Audit Examiner shall:

- (a) examine the transactions reflected in the disbursement vouchers;
- (b) determine the validity of the supporting documents attached to the vouchers consistent with the employee organization's constitution and by-laws, relevant resolutions, these Rules and PSLMC resolutions;
- (c) trace the recording and posting of the transactions in the disbursement book; and,
- (d) record findings and observations of all financial transactions.

Where no book/s of accounts is/are maintained by the officers of the employees' organization, the Audit Examiner shall:

- (a) examine the transactions reflected in the disbursement vouchers;
- (b) determine the validity of the supporting documents attached to the vouchers if they are consistent with the employees' organization's constitution and by-laws, relevant resolutions, these Rules and PSLMC resolutions;
- (c) prepare working papers or worksheet/s;
- (d) record and post all financial transactions reflected in the cash vouchers in the working papers or worksheet/s; and,
- (e) record findings and observations of all financial transactions.

The Audit Examiner shall conduct an inventory of all physical assets acquired by the employees' organization, if any, and on the basis of such findings, prepare an audited financial report or statement reflecting the true and correct financial accounts and balances of the employees' organization with the relevant annexes.

Section 17. **Period of audit.** – The Audit Examiner shall have sixty (60) calendar days from the first pre-audit conference within which to complete the conduct of audit, unless the volume of financial records, the period covered by the audit and other circumstances warrant the extension thereof.

Section 18. **Audit report.** – The Audit Examiner shall make a report of the findings to the parties, which shall include the following:

- (a) name of the employees' organization;
- (b) names of complainant(s) or petitioner(s) and respondent(s);
- (c) names of the officers of the employees' organization during the period covered by the audit report;
- (d) scope of the audit;
- (e) list of documents examined;

- (f) audit methods and procedures adopted; and,
- (g) findings and recommendations.

Section 19. **Submission of audit report.** – The audit report shall be submitted by the Audit Examiner to the Council, within ten - (10) calendar days from the termination of the audit, together with the entire records of the case and all documents relative to the conduct of the audit.

Section 20. **Decision after audit.** – The Council shall render a decision within thirty -(30) calendar days from receipt of the audit report.

The decision shall include resolution of all issues raised by the parties during the conduct of the audit, and when warranted, the restitution of employees' organization funds by the responsible officer/s.

Section 21. **Period of inquiry or examination.** – No petition for examination of the financial and books of accounts as well as other records of any registered employees' organization shall be entertained during the freedom period or within thirty (30) calendar days immediately preceding the date of the election of officers of the employees' organization. Any complaint or petition so filed shall be dismissed by the Council.

**RULE XVIII
CONCILIATION AND MEDIATION OF DISPUTES**

Section 1. **Conciliation and mediation services; when rendered.** – The CSC-PRO or other CSC authorized representative shall provide conciliation and mediation services to prevent an impending dispute or settle an existing one, especially in the following instances:

- (a) upon request of the management, employees' organization or citizens affected by the disruption of public service delivery; or
- (b) employee unrest as reported to the CSC; or
- (c) when a notice of strike was erroneously filed; or
- (d) any situation which requires immediate intervention to protect public interest.

Section 2. **Identification of issues; Conduct of conciliation and mediation conferences.** – Within twenty-four (24) hours from receipt of the request or upon notice/knowledge of an impending or existing dispute, the CSC-PRO or other CSC authorized representative shall call the parties to a conference to identify the issues to be resolved and exert all efforts to settle the dispute.

It shall be the duty of the CSC-PRO or other CSC authorized representative to prepare the minutes of the conference, which shall include both the resolved and unresolved issues.

Section 3. **Obligations of the parties.** – The parties shall participate in good faith in all conferences convened by the CSC-PRO or other CSC authorized representative. During the proceedings, the parties shall not perform any act that may disrupt or impede the early settlement of the dispute.

Section 4. **Privileged communication.** – Information and statements given in confidence during the conference shall be treated as privileged communication. The CSC-PRO or other CSC authorized representative shall not testify in any court or body regarding any matter taken up in the conciliation/mediation proceedings.

Section 5. **Nature/Effect of agreement.** – Any agreement signed by the management and the registered and/or accredited employees organization and attested by the CSC-PRO or other CSC authorized representative which is not contrary to law, morals, good customs, public policy or public order shall be binding upon them. Pursuant to Section 1 (g) and Section 2 (e), Rule XVI of these Rules, refusal by either party to comply with said Conciliation Agreement shall constitute unfair labor-management practice.

**RULE XIX
JURISDICTION**

Section 1. **CSC-PRO Original and exclusive jurisdiction.** – The CSC-PRO shall have original and exclusive jurisdiction over the following:

- (a) petitions for accreditation;
- (b) petitions challenging accreditation;
- (c) disputes involving eligibility for employees' organization membership outside of certification election proceedings; and,
- (d) disputes involving registration or interpretation of CNAs.

Section 2. **DOLE-BLR Original and exclusive jurisdiction.** – The DOLE-BLR shall have original and exclusive jurisdiction over the following:

- (a) petitions for certification election; and,
- (b) certification election protests.

Section 3. **Joint jurisdiction.** – Subject to the procedure outlined in Rules 5, 6 and 7 hereof, the CSC-PRO and the DOLE-BLR shall have joint jurisdiction over the following:

- (a) applications for registration of employees' organizations;
- (b) disputes involving registration of employees' organizations; and,
- (c) petitions for cancellation of registration of employees' organizations.

Section 4. **Original and exclusive jurisdiction of the Council.** – The Council shall have original and exclusive jurisdiction over the following:

- (a) inter- and intra-employees' organization disputes;
- (b) disputes which arise in collective negotiations or when there is a dead-lock resulting therefrom;
- (c) disputes arising from grievances or questions resulting from the interpretation and implementation of the provisions of the collective negotiation agreements;
- (d) disputes arising from unfair labor practices committed by employer/management and/or employees' organization; and,
- (e) determination of whether a mass action amounts to a strike.

Section 5. **Conditions for the exercise of jurisdiction.** – The Council shall exercise jurisdiction over cases under the preceding section, provided the following requisites are present:

- (a) there is a dispute;
- (b) it remains unresolved;
- (c) all available remedies under existing laws, rules, and procedures have been exhausted;
- (d) either or both of the parties had referred the dispute before the Council; and,
- (e) the CSC-PRO has certified that the dispute remains unresolved or irreconcilable.

Section 6. **Appellate Jurisdiction of the Council.** – Unless otherwise indicated in these Rules, the Council shall have exclusive appellate jurisdiction over disputes decided by the CSC-PRO and the DOLE-BLR in the exercise of their original and exclusive jurisdiction.

RULE XX
PROCEEDINGS BEFORE THE COUNCIL

Section 1. **Original and exclusive jurisdiction.** –

- (a) All cases falling within the original and exclusive jurisdiction of the Council enumerated under Section 4, Rule XIX, except inter/intra-em-

ployees' organization disputes, shall be commenced by the filing with the CSC-PRO of a complaint or petition which shall contain the following:

- 1) name/s of complainant/petitioner and respondent;
 - 2) specific violations or grievances against respondent covered by these Rules;
 - 3) statement that the appropriate grievance procedure has been exhausted;
 - 3) relief/s prayed for; and,
 - 4) certificate of non-forum shopping.
- (b) A complaint or petition sent by mail shall be deemed filed on the date shown by the postmark on the envelope, which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the CSC-PRO or by any of the member-agencies. A complaint or petition filed before a member-agency of the Council other than the CSC shall be forwarded by the said agency to the CSC-PRO within five (5) calendar days from receipt thereof;
 - (c) Within five (5) calendar days from receipt of the complaint or petition, the CSC-PRO shall require the respondent to file a responsive pleading within ten (10) calendar days from receipt of notice. It shall submit to the Council within ten (10) calendar days from the expiration of the time for the filing of the responsive pleading, an evaluation report together with the draft resolution, for its consideration and appropriate action;
 - (d) Where the Council finds that a hearing is necessary, the case shall be assigned to any one of the member-agencies.
- The report shall set forth the findings of fact, conclusions of law and recommendations. The hearing officer shall likewise attach to the report all documents, papers and other relevant pieces of evidence, which shall be numbered in a chronological order;
- (e) The Council shall render a decision on the complaint or petition within forty-five (45) calendar days from receipt of the report of the deputized hearing officer. The decision shall be in writing and shall clearly state the facts and the law upon which it is based;
 - (f) The majority of the members of the Council shall constitute a quorum. At least three (3) concurring votes shall be necessary to render a decision; and,

- (g) The decision of the Council shall be final and executory unless a motion for reconsideration is filed within ten (10) calendar days from receipt of such decision. Only one (1) motion for reconsideration shall be entertained.

Section 2. **Appellate Jurisdiction.** –

- (a) All cases falling within the appellate jurisdiction of the Council pursuant to these Rules shall be commenced by the filing of a memorandum of appeal in six (6) copies with the CSC-PRO or the DOLE-BLR, as the case may be, within a period of ten (10) calendar days from receipt of the decision. The appellee/s shall be furnished with a copy of the memorandum of appeal.

The memorandum of appeal shall contain the following:

- 5) Names of appellant and appellee/s;
- 6) Statement of facts, including the date of receipt of the assailed decision;
- 7) Grounds for appeal;
- 8) Relief prayed for; and,
- 9) Proof of service to appellee/s.

Failure to comply with the above-mentioned requirements shall cause the dismissal of the appeal.

- (b) A memorandum of appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope, which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the CSC-PRO or the DOLE-BLR;
- (c) The DOLE-BLR shall transmit to the Council, through the CSC-PRO, the memorandum of appeal together with the case records within forty-eight (48) hours from receipt thereof;
- (d) A reply or opposition to the appeal may be filed within ten (10) calendar days from receipt of the memorandum of appeal;
- (e) Within five (5) calendar days from receipt of the reply or opposition to the appeal or the expiration of the ten-day period within which to file the same, the CSC-PRO shall raffle the case to any of the member-agencies. The member-agency that rendered the assailed decision or is a party to the dispute shall automatically be inhibited;
- (f) Within sixty (60) calendar days from receipt of the records of the case, the member-agency to which the appeal was assigned shall submit to

- (g) the Council a written report setting forth the findings of facts, conclusions of law and recommendation together with the entire case record; At least three (3) concurring votes are required to reach a decision on the appeal;
- (h) The Council shall render its decision on the appeal within sixty (60) calendar days from receipt of the report. The decision shall be in writing and shall clearly state the facts and the law upon which it is based; and,
- (i) The decision of the Council shall be final and executory unless a motion for reconsideration is filed within ten (10) calendar days from receipt of such decision. Only one (1) motion for reconsideration shall be entertained.

RULE XXI
MISCELLANEOUS PROVISIONS

Section 1. **Repealing clause.** – All other rules, regulations, issuances, and circulars or parts thereof which are inconsistent with the provisions of these Rules are hereby amended, modified, or superseded accordingly.

Section 2. **Transitory provision.** – All applications, petitions, or complaints filed before the effectivity of these Rules shall be governed by the old rules, regulations, issuances, and circulars implementing Executive Order No. 180.

Section 3. **Separability clause.** – If any part or provisions of these Rules shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 4. **Effectivity clause.** – These Rules shall take effect after fifteen (15) calendar days from publication in a newspaper of general circulation.

Quezon City, Philippines, September 28, 2004.

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

(Sgd.) **EMILIA 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