



# Public Sector Labor-Management Council

Civil Service Commission Central Office Building  
Batasang Pambansa Complex, Constitution Hills, Diliman, 1126 Quezon City  
Telefax No. 931-4149

RETAINING PSLMC RESOLUTION DATED  
SEPTEMBER 2, 2011

Number: 3, s. 2016

Re: Registration and Accreditation of Public  
Elementary and High School Teaching  
Personnel Organizations in the  
Department of Education (DepEd)

Promulgated: 10 MAY 2016

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## PSLMC RESOLUTION

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

**WHEREAS**, pursuant to the aforementioned law, the Public Sector Labor-Management Council (PSLMC) promulgated the Amended Implementing Rules and Regulations Governing the Exercise of the Right of Government Employees to organize;

**WHEREAS**, the Council has been issuing from time to time various resolutions amending, supplementing, clarifying certain provisions of the Amended Implementing Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize;

**WHEREAS**, in accordance with Section 2, Rule VIII of the Amended Implementing Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize, registered employees' organization seeking for accreditation as the sole and exclusive negotiating agent shall file a sworn petition for accreditation signed by majority (50% + 1) of the rank-and-file employees of the negotiating unit it seeks to represent;

**WHEREAS**, in PSLMC Resolution No. 1, s. 2002 it was provided that the Department of Education composed of the Office of the Secretary including the services and staff bureaus under it, and its Regional Offices, shall compose the single "organizational unit" therein for purposes of accreditation as the sole and exclusive negotiating representative of the rank-and-file employees;

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**WHEREAS**, the Council amended the provision of Section 1, Rule V of the said Amended Rules and Regulations and issued PSLMC Resolution No. 4, s. 2010 further amending the requirement of the number of the support signatures needed for the registration of employees' organization from thirty (30%) to ten percent (10%) of the rank-and-file employees in the organizational unit where the applicant employees' organization seeks to operate;

**WHEREAS**, realizing the difficulty of the rank-and-file employees of the DepEd to organize themselves and to comply with the required ten percent (10%) signatures of the entire DepEd workforce to qualify for employees' organization's registration, and for the organization/union to petition for accreditation with the required majority (50% + 1) or roughly one hundred sixteen thousand and seventeen (116, 017) signatures of roughly 232,032 of the entire DepEd personnel, the Council issued **PSLMC Resolution dated September 2, 2011** providing guidelines for purposes of Registration and Accreditation of the Public Elementary and High School Teaching employees' organizations/unions in the Department of Education (DepEd) at the regional level;

**WHEREAS**, it was stated in the said PSLMC Resolution that the only authorized official who can negotiate for the terms and conditions of employment involving CNA incentive benefits and other monetary benefits for the teaching personnel of the DepEd shall be the Regional Director or any duly authorized representative of the Secretary of the Department of Education;

**WHEREAS**, on July 15, 2013, the Tripartite Industrial Peace Council (TIPC), reconstituted by virtue of Republic Act No. 103951, acting as the main consultative and advisory mechanism lodged with the DOLE, which functions primarily as a body where the social partners – workers, employers and government – are provided a venue to discuss relevant policy issuances on labor and employment, issued TIPC Resolution No. 6, s. 2013;

**WHEREAS**, on December 11, 2013, Secretary Rosalinda Dimapilis-Baldoz, Department of Labor and Employment, representing the government sector in the TIPC, endorsed to the PSLMC through then Chairperson Francisco T. Duque III, the said TIPC Resolution, urging the PSLMC to revisit its issuances with provisions allegedly in violation of the right of public sector workers to organize and negotiate collectively, such as **PSLMC Resolution dated September 2, 2011 on Registration and Accreditation of Public Elementary and High School Teaching Personnel Organization in the Department of Education (DepEd)**;

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1 "An Act Strengthening Tripartism, Amending for the Purpose Article 275 of Presidential Decree No. 442, As Amended, Otherwise known as the "Labor Code of the Philippines"



**WHEREAS**, on the February 21, 2014 PSLMC Meeting, the Council instructed the PSLMC Technical Working Group to conduct a meeting to be participated by representatives from different sectors to review the said PSLMC Resolution dated September 2, 2011 on Registration and Accreditation of Public Elementary and High School Teaching Personnel Organization in the Department of Education (DepEd);

**WHEREAS**, series of consultative meetings have been conducted by the PSLMC TWG Members, participated by representatives from the Department of Education, different leaders of Teacher's organizations and representatives of leading Public Sector Union Confederations, were given ample time to present and discuss their view on the proposed revocation of the subject Resolution;

**WHEREAS**, during the deliberation, there were some suggestions to lower the organizational/negotiating unit to schools, districts and divisions because of the difficulty of some teachers to organize at the regional level;

**WHEREAS**, in the same deliberation, it was proven by several teachers' organizations who were able to register and acquire accreditation that organizing at the regional level is possible despite the big number of teachers in the regions inclusive of elementary and secondary schools;

**WHEREAS**, the Department of Education, in its comment dated May 6, 2014, clarified that, principals, school heads and district supervisors of the Department do not have the requisite legal authority or standing to represent DepEd Management in the negotiations being rank-and-file employees themselves and some are even members of teaching personnel organizations as well;

**WHEREAS**, the Department further clarified that, nationally-hired teaching personnel in the elementary and secondary levels, including mobile teachers are all regular employees of the Department. Locally-hired Teachers teaching at the DepEd public schools who were hired through the Local School Board are not employees of the Department since their salaries are sourced from the funds of the particular Local Government Unit (LGU). Hence, they are excluded from the coverage of the negotiating unit.

**WHEREAS**, in view of the foregoing findings and taking into consideration the comments and suggestions gathered during the consultation with the Department of Education (DepEd), different leaders of Teacher's organizations and representatives of leading Public Sector Union Confederations, the Council finds no compelling reason to disturb the existing PSLMC Resolution dated September 2, 2011 on Registration and Accreditation of Public Elementary and High School Teaching Personnel Organization in the Department of Education (DepEd);

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**WHEREFORE**, the Council **RESOLVES** as it hereby **RESOLVED** to maintain the provisions of PSLMC Resolution dated September 2, 2011 pertaining to the Registration and Accreditation of Public Elementary and High School Teaching Personnel Organization in the Department of Education (DepEd).


  
**ALICIA dela ROSA-BALA**  
Chairperson, Civil Service Commission  
**CHAIRPERSON**

  
**ROSALINDA DIMAPILIS-BALDOZ**  
Secretary, Department of Labor and Employment  
**VICE-CHAIRPERSON**

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**CESAR V. PURISIMA**  
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Secretary, Department of Budget and Management  
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Attested by:

  
**ALAN F. ALEGRIA**  
Director IV, Human Resource Relations Office  
Civil Service Commission  
**Head, PSLMC Secretariat**