



Public Sector Labor-Management Council

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

REGISTRATION OF COLLECTIVE NEGOTIATION AGREEMENTS (CNAs) WITH THE CIVIL SERVICE COMMISSION

Re: Date of Effectivity

X-----X

Number: 9, s. 2023

Promulgated: July 14, 2023

RESOLUTION

WHEREAS, Section 2 (5) of Article IX-B of the 1987 Constitution provides that the right to self-organization shall not be denied to government employees;

WHEREAS, pursuant to Section 15 of Executive Order (EO) No. 180, s. 1987¹, the Public Sector Labor-Management Council (Council) is empowered to promulgate the necessary rules and regulations to implement the EO;

WHEREAS, Collective Negotiation Agreements (CNAs) take effect upon signing by the parties and ratification by the majority of the rank-and-file employees in the negotiating unit as provided in Section 4, Rule XII of the Implementing Rules and Regulations (IRR) of EO No. 180;

WHEREAS, the effects of registration of CNAs are as follows:

1. No petition questioning the majority status of the incumbent sole and exclusive negotiating agent (SENA) shall be entertained (Section. 6, Rule XIII of the IRR of EO No. 180) ;
2. No petition for certification election shall be entertained by the Department of Labor and Employment-Bureau of Labor Relations (DOLE-BLR) except during the 60-day freedom period (Section 6, Rule XIII of the IRR of EO No. 180); and

¹ Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and for Other Purposes

3. The Council will not take cognizance of any complaint or petition arising or relating to an unregistered CNA (PSLMC Resolution No. 7, s. 2017).

WHEREAS, there are public sector employees' organizations that enter into a CNA with their management without being accredited first with the Civil Service Commission or granted CNA incentive where their current CNA has already expired;

WHEREAS, Department of Budget and Management (DBM) Budget Circulars Nos. 28-5, 2019-5, 2020-5, 2021-3 and 2022-3 which cover guidelines in the grant of CNA incentive in the last five years (2018 to 2022) provide that agency heads and accountable officers shall be held administratively, civilly, and/or criminally liable, as the case may be, for the payment of the CNA Incentive not in accordance with the provisions of the Circulars, without prejudice to refund by the employees concerned of any unauthorized or excess payment thereof;

WHEREAS, in *SSS vs. COA*², the Supreme Court held that employees who received the disallowed CNA incentives are liable to return the disallowed payments on ground of *solutio indebiti*, as a result of mistake in payment;

WHEREAS, in order to protect rank-and-file employees from bearing the risk of refund of the CNA incentive given them, the Council sees the need to require the registration with CSC of CNAs for its effectivity; and

WHEREAS, since CNA incentives involve disbursement of public funds, prejudice to the government would result if funds are paid and unduly received pursuant to a CNA that is improperly entered into.

WHEREFORE, the Council **RESOLVES** as it hereby **RESOLVED** to revise Section 4 of Rule XII as amended by PSLMC Resolution No. 02, s. 2007 to read as follows:

"Section 4. Effectivity of CNA. – The CNA shall take effect upon its signing by the parties, ratification by the majority of the rank-and-file employees in the negotiating unit and registration with the Civil Service Commission in accordance with Rule XIII of the IRR as amended by PSLMC Resolution No. 1, s. 2023. The date reflected in the Certificate of Registration of CNA issued by the CSC shall be the effectivity date of the CNA."

² G.R. No. 217075, June 22, 2021

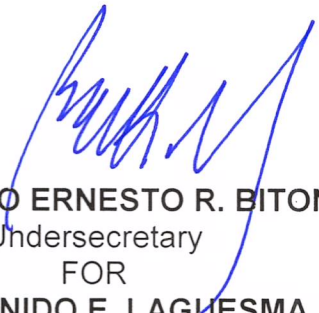


This Resolution shall take effect after fifteen (15) days from its publication in the Official Gazette or newspaper of general circulation.

Quezon City.



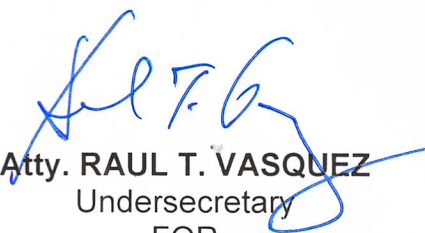
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Attested by:



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