



# Public Sector Labor-Management Council

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**2024 Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize**

Number 13, s. 2023

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**WHEREAS**, Section 8, Article III of the 1987 Constitution states that *"the right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged;"*

**WHEREAS**, Item 5, Section 2, Article IX-B of the 1987 Constitution states that *"the right to self-organization shall not be denied to government employees;"*

**WHEREAS**, Executive Order No. 180 dated 1 June 1987 provided the guidelines for the exercise of the right to self-organization in the public sector and created the Public Sector Labor-Management Council (Council); and

**WHEREAS**, Section 15 of Executive Order No. 180 empowers the Council to implement and administer its provisions, and promulgate the necessary rules and regulations to effectively carry out its mandate.

**NOW, THEREFORE**, the Council hereby adopts and promulgates the **2024 Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize**.

## RULE I

### DEFINITION OF TERMS

#### Section 1. Definition of Terms.

- (a) **"Accreditation of Employees' Organizations"** refers to the act of the Civil Service Commission (CSC) in conferring to a registered employees' organization the status of sole and exclusive negotiating agent (SENA).
- (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 SENA.

(c) **“Agency”** refers to any of the various units of the government, including a department, bureau, office, instrumentality, branch of the government or government-owned or -controlled corporations with original charters, state university and college or a local government or a distinct unit therein.

(d) **“Agency Fee”** refers to reasonable assessment deducted from rank-and-file employees who are non-members of the SENA who benefit from the terms of the collective negotiation agreement.

(e) **“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, arguments in support thereof, and the reliefs prayed for.

(f) **“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.

(g) **“Authorized Representative”** refers to the person duly authorized to act for and in behalf of the management or agency or employees’ organization in a particular activity.

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(h) **“BLR”** refers to the Bureau of Labor Relations of the Department of Labor and Employment (DOLE).

(i) **“Cancellation/Revocation Proceedings”** refer to the process of cancelling/revoking the registered or accredited status of an employees’ organization.

(j) **“Certification Election”** refers to the process of determining the SENA of the employees in a negotiating unit, through a secret ballot, for purposes of collective negotiations.

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(k) **“Challenged Votes”** refer to contested votes in a certification election.

(l) **“Chief Executive Officer (CEO)”** refers to the highest-ranking corporate executive, who could be the President, General Manager, Chairperson or Administrator of Government-Owned or -Controlled Corporation (GOCCs).

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(m) **“Collective Negotiation Agreement” (CNA)** refers to the negotiated contract between the SENA unit and the employer/management concerning terms and conditions of employment and improvements thereof that are not fixed by law.

(n) **“Conciliation”** refers to the peaceful mode of dispute settlement conducted by the HRRO or other CSC-authorized representative as provided for under Rule XX of these Rules to bring the management and the registered or accredited employees’

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organization together to discuss grievances and assist in developing and reaching mutually acceptable solutions to the dispute.

(o) **“Conciliator”** refers to HRRO or CSC-Regional Office personnel who conducts conciliation.

(p) **“Contract-bar Rule”** refers to the effect of registration of CNA wherein no petition questioning the majority status of the incumbent SENA shall be entertained except during the freedom period.

(q) **“Consolidation”** refers to the dissolution of two (2) or more registered employees’ organizations to form a new employees’ organization.

(r) **“Contract of Service”** refers to the engagement of the services of an individual, private firm, other government agency, non-governmental agency or international organization as consultant, learning service provider or technical expert to undertake a special project or job within a specific period.

(s) **“Council”** refers to the Public Sector Labor-Management Council created under Executive Order No. 180 dated 1 June 1987.

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(t) **“Deadlock”** refers to an impasse or standstill in a negotiation process due to the inability to conclude an agreement within one (1) year from the date of the expiration of the current CNA or within one (1) year from the date of issuance of the certificate of accreditation, despite noble intentions of the negotiating parties.

(u) **“Dispute”** refers to unresolved issues by either the management or the employees’ organization regarding intra/inter employees’ organization labor issues and concerns, the interpretation or implementation of the CNA, and any other issues between the management and employees’ organization, including refusal to negotiate.

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(v) **“Dispute Machinery”** refers to the mechanism in the settlement of disputes.

(w) **“Dissolution”** refers to voluntary or involuntary cancellation of the certificate of registration of an employees’ organization or national employees’ organization.

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(x) **“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 BLR or who is requested to assist in the conduct of elections of officers of a registered employees’ organization in accordance with the Rules.

(y) **“Election Proceedings”** refer 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.

(z) **“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.

(aa) **“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 yet attained finality.


(bb) **“Employees’ Organization”** refers to a group of rank-and-file employees belonging to an agency which exists in whole or in part for the purpose of collective negotiations or for mutual aid, interest, cooperation, and protection.

(cc) **“Freedom Period”** refers to the sixty-day (60-day) period immediately before the expiration of a CNA during which time, the right of representation of an accredited employees’ organization can be challenged.


(dd) **“Forced Intervenor”** refers to the incumbent accredited employees’ organization which shall automatically be one (1) of the choices in the certification election.

(ee) **“Head Office”** is the central or the main office of a government agency.


(ff) **“Hearing Officer”** refers to the designated employee of any of the Council member-agencies who is assigned to hear and receive evidence in cases falling within the jurisdiction of the Council.

 (gg) **“High-Level Employees or Executive Managerial Employees”** refer to those whose functions are considered policy-determining or managerial or whose duties are highly confidential in nature.

(hh) **“HRRO”** refers to the Human Resource Relations Office of the Civil Service Commission.

 (ii) **“Inter-Employees’ Organization Dispute”** refers to a conflict between or among registered employees’ organizations arising from accreditation, certification election, or any challenge to the legal personality of another employees’ organization.

(jj) **“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 the 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.

 (kk) **“Job Order”** refers to piece-work (*pakyaw*) or intermittent or emergency jobs such as clearing of debris on the roads, canals, waterways, etc. after natural/man-made disasters/occurrences, and other manual/trades and crafts services such as carpentry, plumbing, electrical, and the like. These jobs are of short duration and for a specific piece of work.

- (ll) **“Management”** refers to heads of Agency or their authorized representatives.
- (mm) **“Mediator-Arbiter”** refers to the Mediator-Arbiter of the BLR who is assigned to hear and receive evidence in all petitions for certification election, certification election protests and petitions for cancellation of registration of employees’ organization.
- (nn) **“Merger”** refers to the combination of two or more registered employees’ organizations, whereby the identity of one (1) is retained.
- (oo) **“Motion for Reconsideration”** refers to the mechanism wherein an aggrieved party requests for the re-examination of any decision, order or resolution of the deciding body.
- (pp) **“National Employees’ Organization”** refers to a coalition of registered employees’ organizations within one (1) agency for the purpose of collective negotiation agreement.
- (qq) **“Negotiating Unit”** refers to the totality of rank-and-file employees in an agency including services and staff bureaus and regional offices; line bureaus and their regional offices; attached agencies; the legislature; the judiciary; state universities and colleges; GOCCs with original charters; and local government units (LGUs).
- (rr) **“Organizational Unit”** refers to an agency listed in the annual General Appropriations Act (GAA) or when not listed in the GAA, such agency has the capability of administering its own funds and has the authority to appoint its own personnel.
- (ss) **“Primarily 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 power 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.
- (tt) **“Rank-and-File Employee”** refers to a holder of first (1<sup>st</sup>) or second (2<sup>nd</sup>) level position in the government service whose functions are neither managerial nor primarily confidential.
- (uu) **“Registered Employees’ Organization”** refers to a group of rank-and-file employees belonging to an agency which exists in whole or in part for the purpose of collective negotiations or for mutual aid, interest, cooperation and protection and registered with DOLE and CSC in accordance with Rule VI.
- (vv) **“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.

(ww) **"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 for any benefits granted by the management and enjoyed by the employees through the CNA.

(xx) **"Unfair Labor-Management Practice"** refers to an act or acts that violate the workers' right to organize or the provisions of the CNA including the right to negotiate collectively.

## RULE II

### 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 including constitutional bodies, state universities and colleges, GOCCs with original charters, and LGUs 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. Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

M Only accredited employees' organizations or national employees' organizations shall have the right to represent the rank-and-file employees in collective negotiation.

K **Section 2. Who may join employees' organizations in the public sector.** - All rank-and-file employees of agencies can form, join or assist employees' organizations, labor-management committees, work councils and other forms of employees' participation scheme of their own choosing.

Eligibility for membership in any employees' organization shall commence on the first (1<sup>st</sup>) day of the employees' service.

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

- (a) High-level employees whose functions are policy-determining or managerial;
- (b) Primarily confidential employees;
- (c) Military personnel of the Armed Forces of the Philippines (AFP), and the uniformed personnel of the Philippine National Police (PNP), Bureau of Fire Protection

(BFP), Bureau of Jail Management and Penology (BJMP), Bureau of Corrections (BuCor), Philippine Coast Guard (PCG), and the National Mapping and Resource Information Authority (NAMRIA);

- (d) Jail guards, unless authorized to by management; and
- (e) Contract of service and job order workers, consultants, and other outsourced personnel.

**Section 3. Effect of resignation, termination or transfer.** - The resignation, termination or transfer to another agency of a government employee shall automatically sever his/her membership in the employees' organization.

**Section 4. Prohibition.** - All government officials and employees are prohibited from staging strikes, demonstrations, mass leaves, walk-outs and other forms of mass actions which will result in temporary stoppage or disruption of public service.

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiation between the parties or through independent and impartial machinery as provided in these Rules.

### RULE III

#### GUIDELINES ON THE ADMINISTRATION OF 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.
- (b) No fees, dues, or other contributions shall be collected or disbursed by an authorized officer, agent or member of an employees' organization unless authorized by its constitution and by-laws.
- (c) 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.
- (d) No other 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.

- (e) No other 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.
- (f) 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.
- (g) Any complaint against current or former officers 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 of the audited financial report.
- (h) 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.
- (i) 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.
- (j) The members shall directly elect their officers by means and intervals pursuant to constitution and by-laws of the employees' organization as agreed by the general assembly.
- (k) 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.
- (l) The members of an employees' organization shall be duly informed of 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's right to self-organization and other relevant activities.

- (m) Policy decisions shall be made pursuant to the provisions of the constitution and by-laws of the employees' organization.



Violations of any of the foregoing shall be a ground for filing a complaint for intra-employees' organization dispute.

**Section 2. The Treasurer.** - 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 employee' 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:

- (a) within thirty (30) calendar days after the end of the calendar year;
- (b) at such other times as may be required by a resolution of the majority of the members of the employees' organization; and
- (c) 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 to the BLR and the HRRO.

In no case shall an officer act as a treasurer and president at the same time.

**Section 3. Roles and obligations of registered employees' organizations and national employees' organizations.** -The registered employees' organizations and national employees' organizations shall have the following roles and obligations:

- (a) To instill among its members spirituality, partnership, accountability, excellence, discipline, integrity, and patriotism;
- (b) To promote the moral, social and economic well-being of its members;
- (c) To protect and uphold the rights of its members;
- (d) To foster harmonious and progressive labor relations between management and among its members and non-members;
- (e) To strive for the adoption of internal policy affecting the rank-and-file employees;
- (f) To promote and enlighten all member-employees' organizations with regard to their rights and obligations, the present labor relations systems, and all other matters affecting them; and
- (g) Once accredited, to represent the negotiating unit in forging a CNA with the management.

## RULE IV

### ELECTION OF OFFICERS OF EMPLOYEES' ORGANIZATION AND NATIONAL EMPLOYEES' ORGANIZATION

**Section 1. Procedure in the Conduct of Election of officers of an employees' organization or national employees' organization.** - The provisions of the constitution and by-laws of an employees' organization or national 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 or national employees' organization, the following guidelines may be adopted in the election of officers:

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- (a) Within sixty (60) calendar days before the expiration of the term of the incumbent officers, the president/chairperson of the employees' organization or national employees' organization or the majority of the members of the executive board/council shall constitute a committee on election (COMELEC) to be composed of at least three (3) members in good standing who are not candidates for any position in the election; provided, that if there are identifiable parties within the employees' organization or national 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/chairperson shall designate the COMELEC chairperson;
- (c) Within ten (10) days from its constitution, the COMELEC shall, among others, exercise the following powers and duties:
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- i. Set the date, time and venue of the election;
  - ii. Prescribe the rules on the qualification and eligibility of candidates and voters;
  - iii. Prepare and post the voters' list and the list of qualified candidates;
  - iv. Accredite the authorized representatives of the contending parties;
  - v. Supervise the actual conduct of the election and canvass the votes to ensure the sanctity of the ballot;
  - vi. Keep the Minutes of the proceedings;
  - vii. Be the final arbiter of all election protests;
  - viii. Proclaim the winners; and
  - ix. Prescribe such other rules as may facilitate the orderly conduct of the election.
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**Section 2. Alternative modes** - Alternative platforms/ channels may be used in the conduct of the election of officers of the Employees' Organization (EO) other than the

physical casting of votes, provided that the following guidelines shall be observed to safeguard the online process and to make sure that more members will be able to participate:

- (a) The COMELEC shall develop the ballots in online tool/survey administration software or any other reliable applications e.g. Microsoft form, Jot form, etc. from which all the eligible voters can cast their votes;
- (b) Thirty (30) calendar days will be allotted for the development of the online election system and another thirty (30) days for the implementation of the system. The assistance of the Agency's Information Technology (IT) personnel may be requested from the management or the EO itself may provide its own IT to develop the system including its test run;
- (c) The assistance from the agency's IT personnel to develop the online system of election may be included in the CNA;
- (d) The COMELEC shall designate administrators from among themselves who shall have access to the system and ensure the secrecy and sanctity of the votes cast;
- (e) The COMELEC shall issue a certification that the online system of election to be used has been tested prior to the actual conduct of the election;
- (f) The IT personnel and COMELEC shall also certify that the system is secured and in accordance with their electoral guidelines;
- (g) All officers, members and eligible voters of the EO shall be informed of the implementation of the online election at least thirty (30) days prior to the election date to provide them ample time to submit to the COMELEC their official or active email addresses as well as provide the COMELEC reasonable time to verify the authenticity and establish the Masterlist of voters;
- (h) The COMELEC shall, prior to the election, certify to the completeness and correctness of the Masterlist of eligible voters and that no eligible voter or member was omitted or disregarded;
- (i) The link which must be given only to the eligible voters shall be provided by the COMELEC administrator/s or any authorized COMELEC member who will keep it secured until the final release of the results;
- (j) The COMELEC shall provide an advisory containing all the information relative to the efficient conduct of the online election that must be posted both online and in at least two (2) conspicuous places in the

Agency/Organization to reach everyone on Work From Home (WFH) arrangement and those who are reporting on site;

- (k) The COMELEC shall see to it that all eligible voters can access the election system and must encourage them to vote during the scheduled date and time of election;
- (l) After the cut-off period for casting of votes, the COMELEC shall immediately count the votes and announce the results. For this purpose, the COMELEC shall prepare the Minutes of the proceedings;
- (m) The election of officers may also be conducted using a hybrid format of onsite and online processes;
- (n) Absentee voters may be allowed provided they have proof of absence and the rules for absentee voting are provided in the COMELEC guidelines; and
- (o) The amended constitution and by-laws incorporating the alternative mode of election shall be submitted to the DOLE-BLR and CSC for updating of records.

**Section 3. Automatic dissolution of COMELEC.** - The COMELEC shall be dissolved once the winners are proclaimed. However, in the event of an election dispute, the COMELEC shall continue to function until it has rendered a decision.

**Section 4. Appeal from an election dispute.** - The decision of the COMELEC resolving an election dispute shall be appealable to the Council within fifteen (15) days from receipt thereof.

## RULE V

### GUIDELINES IN THE ESTABLISHMENT OF EMPLOYEES' ORGANIZATION TRANSITION GROUP (EOTG)

**Section 1. Establishment of Employees' Organization Transition Group (EOTG).** - In the absence of any provision in the constitution and by-laws of the employees' organization, the following guidelines shall apply in the establishment of an Employees' Organization Transition Group (EOTG) to promote supportive and harmonious relationship among the outgoing and incoming officers of all registered employees' organizations.

**Section 2. Composition of the EOTG.** - The EOTG shall be composed of the following:

- (a) Chairperson - to be represented by the secretaries of the outgoing and incoming officers as co-Chairpersons.

(b) Vice Chairperson - any member to be chosen by employees' organization's general membership within (10) working days after the proclamation of the new set of officers; and

(c) Members - treasurers and auditors of the outgoing officers and incoming officers and the agency's Human Resource Management Officer.

### Section 3. Duties and Responsibilities of the EOTG.

1. The EOTG shall gather, secure, and preserve all official documents/ records of the employees' organization's official transactions, such as, but not limited to the following documents:
  - (a) Updated Constitution and By-Laws;
  - (b) Certificates (Registration, Accreditation and the latest CNA Registration);
  - (c) Annual Audited Financial Report;
  - (d) Statement of Receipts and Expenditures;
  - (e) Inventory of Members;
  - (f) Resolutions/Orders;
  - (g) Annual Accomplishments; and
  - (h) Other vital documents.
2. Organize a simple turn-over activity within fifteen (15) days after the creation of the EOTG which shall include a briefing on the employees' organization's accomplishments;
3. Within thirty (30) calendar days upon transition, the new president together with the other officers of the employees' organization shall submit to DOLE-BLR and CSC-HRRO the Reportorial Requirements pursuant to Rule IX of these Rules; and
4. Perform other related functions.

### RULE VI

#### REGISTRATION OF EMPLOYEES' ORGANIZATION AND NATIONAL EMPLOYEES' ORGANIZATION

**Section 1. Requirements for registration of Employees' Organization.** - The application for registration which shall be verified by the secretary or the treasurer and attested to by the president shall be filed in three (3) original copies with the following documents:

- (a) a statement indicating the name of the applicant employees' organization, its principal address, and the names of its officers and their respective addresses;
- (b) Minutes of the organizational meeting and names and signatures of the members who participated therein;
- (c) names and signatures of the rank-and-file employees comprising at least ten percent (10%) of all the 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; and
- (e) applicant's constitution and by-laws, Minutes of its adoption or ratification and list of employees who participated therein, unless the constitution and by-laws were 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.

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

**Section 2. Requirements for registration of National Employees' Organization.** - The application for registration, which shall be verified by the secretary or treasurer and attested to by its president, shall be filed in three (3) original copies with the following documents:

- (a) a statement indicating the name of the applicant national employees' organization, its principal address, the name of its officers and their respective addresses;
- (b) the Minutes of the organizational meeting(s) and the list of affiliates or chapters which participated in the said meeting(s);
- (c) the annual financial reports if the applicant national employees' organization has been in existence for one or more years, unless it has not collected any amount from its affiliates or chapters, in which case a statement to this effect shall be included in the application;
- (d) the applicant national employees' organization's constitution and by-laws, Minutes of its adoption or ratification, and the list of the members who participated in it. The list of the ratifying affiliates shall be dispensed with where the constitution and by-laws were ratified or adopted during the organizational meeting(s). In such case, the factual circumstances of the ratification shall be recorded in the Minutes of the organizational meeting(s); and
- (e) the resolution of affiliation of at least two (2) registered employees' organizations with at least 50% + 1 of all members within the agency in which it seeks to operate.

**Section 3. Procedure in the registration of employees' organization and national employees' organization.**

The following procedure shall be observed in the application for registration: ↗

- (a) File the Application for Registration with the BLR or DOLE Regional Office (RO) or Field Office (FO) where the applicant employees' organization or national employees' organization principally operates. If filed with the DOLE RO or FO, it shall transmit the application to the BLR within five (5) working days from receipt of said application;
- (b) The BLR shall process the application within one (1) working day from receipt of the application;
- (c) If the application form and supporting documents are complete, the BLR shall issue an Order of Payment to the applicant;
- (d) The applicant shall present the Order of Payment and pay the registration fee to the DOLE Cashier;
- (e) Upon presentation of the Official Receipt of the registration fee to the BLR, the latter shall prepare the certificate of registration and submit the same to the BLR Director for endorsement to the DOLE Secretary;
- (f) The certificate of registration shall be endorsed to the DOLE Secretary for approval. After which, it shall be endorsed to the CSC Chairperson for approval;
- (g) The signed certificate of registration shall be endorsed back by the CSC to the BLR for releasing; and
- (h) The BLR shall inform the concerned employees' organization or national employees' organization that the certificate of registration is ready for pick up or to be mailed through courier, at the option of the employees' organization or national employees' organization.

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If the submitted documents are incomplete or are not in order, the BLR shall inform the applicant employees' organization or national employees' organization to complete the lacking documents within thirty (30) calendar days from receipt of notice to comply. Otherwise, the application is deemed denied without prejudice to its refiling.

**Section 4. Registration fee.** - Every application for registration of an employees' organization and a national employees' organization shall be charged with a registration fee. Reasonable fees and other charges shall be provided in other issuances that the Council may promulgate.

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Proof of payment of the registration fee shall be attached to the application for registration.

**Section 5. Denial of registration; 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 to the applicant employees' organization or national

employees' organization. The decision may be appealed to the Council within ten (10) days from receipt of the denial.

The memorandum of appeal together with the complete records of the application shall be filed with the BLR, which shall transmit the same to the Council within five (5) calendar days from receipt thereof.

**Section 6. Effect of registration.** - The registered employees' organization or national 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 VII

### MERGER AND CONSOLIDATION OF EMPLOYEES' ORGANIZATIONS OR NATIONAL EMPLOYEES' ORGANIZATIONS

#### A. MERGER

**Section 1. Notice of Merger. Where to file.** - Notice of merger of employees' organizations or national employees' organizations shall be filed with and recorded by the BLR or the DOLE RO that issued the certificate of registration of merging employees' organizations or national employees' organizations.

**Section 2. Requirements of Notice of Merger.** - The notice of merger of employees' organizations or national employees' organizations shall be accompanied by the following document:

(a) ratification by simple majority from each concerned employees' organization or national employees' organization of:

- i. the resolution of the merger; and
- ii. the amended constitution and by-laws.

(b) copy of their original certificates of registration.

**Section 3. Certificate of Registration of Merged Employees' Organizations.** - The certificate of registration issued to merged employees' organization or national employees' organizations shall state the fact of merger of two (2) or more employees' organizations or national employees' organizations.

The certificate of registration shall indicate the following:



- (a) name, address and registration number of the surviving employees' organization or national employees' organization; and
- (b) names of employees' organizations or national employees' organizations that were merged.

**Section 4. Effect of Merger.** - Upon issuance of the Certificate of Merger, the surviving employees' organization or national employees' organization will be retained and the certificates of registration of the absorbed employees' organizations or national employees' organizations shall be cancelled.

## B. CONSOLIDATION

**Section 1. Notice of Consolidation. Where to file.** - Notice of consolidation of employees' organizations or national employees' organizations shall be filed with and recorded by the BLR or the DOLE RO that issued the certificates of registration of consolidating employees' organizations or national employees' organizations.

**Section 2. Requirements of Notice of Consolidation.** -The notice of consolidation of employees' organizations or national employees' organizations shall be accompanied by the following documents:

- (a) ratification by simple majority from each concerned employees' organizations or national employees' organizations of:
  - i. the resolution of the consolidation; and
  - ii. the amended constitution and by-laws.
- (b) copy of their original certificates of registration

**Section 3. Effect of Consolidation.** - Upon issuance of the Certificate of Consolidation, the Certificates of Registration of the consolidated employees' organizations or national employees' organizations shall be cancelled and a new certificate of registration shall be issued to the new employees' organization or national employees' organization.

## RULE VIII

### CHANGE OF NAME OF EMPLOYEES' ORGANIZATION OR NATIONAL EMPLOYEES' ORGANIZATION

**Section 1. Notice of change of name.** - The notice for change of name shall be filed with the BLR or with the DOLE RO where the concerned employees' organization or national employees' organization certificate of registration was issued. If submitted through the DOLE RO, it shall forward the documents to the BLR within five (5) working days.

**Section 2. Requirements for change of name.** - The notice of change of name shall be accompanied by the following documents:

- (a) Minutes of the meeting called for the purpose of changing the name, with the list and signature of the members who approved the same; and
- (b) amended constitution and by-laws indicating the new name ratified by a simple majority of its members in a general membership meeting.

**Section 3. Certificate of registration for change of name.** - The certificate of registration for change of name shall bear the same registration number as the original certificate issued in its favor and shall indicate the following:

- (a) new and former name of the organization;
- (b) office or business address; and
- (c) date when the organization acquired a legitimate personality as stated in its original certificate of registration.

## RULE IX

### REPORTORIAL REQUIREMENTS OF ORGANIZATION

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**Section 1. Reportorial requirements.** - Every registered employees' organization or national employees' organization shall submit one (1) original copy or scanned copy to the BLR and HRRO of the following documents on or before January 31 of each year:

- (a) any amendment to its constitution and by-laws and the Minutes of adoption or ratification of such amendments, together with the signatures of members who ratified the same;
  - (b) annual audited financial reports;
  - (c) list of newly-elected and appointive officers or agents and updated list of names of members; and
  - (d) annual accomplishment report.
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**Section 2. Action on the report.** - The BLR shall assess the reports submitted by the employees' organization or national employees' organization and enter the same in its records or notify the employees' organization or national employees' organization concerned of the insufficiency thereof, as the case may be within five (5) working days from receipt thereof.

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**Section 3. Notice of Compliance.** - If the employees' organization or national employees' organization fails to submit the required documents within the specified period or the documents submitted are found to be deficient, the BLR shall issue a Notice of Compliance.

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Failure to comply with any of the above requirements in Section 1 of this Rule despite due notice shall give ground for the employees' organization or national employees' organization to suspend, expel or impeach the member or officer concerned.

## RULE X

### MODES OF DISSOLUTION

#### A. VOLUNTARY DISSOLUTION

**Section 1. Application for Voluntary Dissolution of Registered Employees' Organizations and National Employees' Organization; Where to file.** - Subject to the requirements of notice and due process, the registration of any registered employees' organization or national employees' organization may be cancelled by the DOLE and CSC upon the filing of a sworn application for voluntary dissolution by the employees' organization or national employees' organization.

The application for voluntary dissolution shall be filed with the BLR or the DOLE RO where the applicant principally operates. The DOLE RO shall submit the application for voluntary dissolution, together with its attachments, within five (5) working days from receipt of the same to the BLR for processing.

**Section 2. Who may file.** - The employees' organization or national employees' organization President or his/her authorized representative may file a sworn application for voluntary dissolution.

**Section 3. Requirement for the application for voluntary dissolution.** - A registered employees' organization or national employees' organization may file a sworn application for voluntary dissolution; provided, at least two-thirds (2/3) of its general membership votes to dissolve the organization. A registered employees' organization or national employees' organization shall post the sworn application for voluntary dissolution together with the Resolution signed by 2/3 of its general membership to dissolve the organization in a meeting duly called for the purpose in the concerned agency, in the central office and/or regional branches in two (2) conspicuous places for ten (10) calendar days.

Thereafter, the employees' organization or national employees' organization shall submit to the BLR an application for voluntary dissolution which shall be verified by the secretary or treasurer and attested to by its president which shall be filed in three (3) original copies with the following documents:

- (a) Original copy of the certificate of registration, and in the absence thereof, a sworn statement by the president that the certificate of registration is no longer available;

- (b) Resolution approved by 2/3 of its general membership to dissolve the employees' organization or national employees' organization; and
- (c) Certification of posting of the application and resolution for voluntary dissolution signed by the HR unit of the agency.

**Section 4. Action on the application for dissolution.** - A certificate of dissolution shall be issued by the DOLE and CSC twenty (20) working days from the time the application is filed; provided there is no opposition to the application for voluntary dissolution.

In case of opposition, the BLR shall send notice of a clarificatory conference to the concerned employees' organization or national employees' organization and resolve the issue on the merits. The decision of the BLR is final and executory.

**Section 5. Grounds for opposition.** - Misrepresentation, fraud, or false statement and misrepresentation in connection with names and signatures appearing in the resolution to dissolve the employees' organization or national employees' organization shall be a ground for opposition.

**Section 6. Effect of Dissolution.** - Upon the issuance of the certificate of dissolution, the registration and certificate of accreditation, and CNA registration shall cease to exist.

## **B. CANCELLATION OF CERTIFICATE OF REGISTRATION**

### **I. ON THE GROUND OF FAILURE TO SUBMIT REPORTORIAL REQUIREMENTS**

**Section 1. Procedure.** - The BLR shall submit its finding to the DOLE Secretary and CSC Chairperson on the employees' organization or national employees' organization's failure to submit reportorial requirements for three (3) consecutive years for the commencement of the cancellation of registration.

Upon joint concurrence of the DOLE Secretary and the CSC Chairperson, the findings of the BLR shall serve as a prima facie case for the cancellation of registration by the Council.

**Section 2. Publication of notice of cancellation of registration.** - The 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 (2<sup>nd</sup>) notice when there is no response or in case a response is received, the same is still found to be deficient.

## II. ON THE GROUND OF MISREPRESENTATION, FALSE STATEMENT, OR FRAUD

**Section 1. Cancellation or revocation of certificate of registration.** - Subject to the notice requirements and due process, the certificate of registration of an employees' organization or national employees' organization may be cancelled or revoked on the ground of misrepresentation, false statement or fraud in connection with any of the following:

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

**Section 2. 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 BLR clearly stating the ground/s relied upon. The same shall be filed independently of any pending inter/intra-employees' organization or national employees' organization dispute. The procedure in the hearing and periods prescribed under Section 4 (a), (b), and (c) of Rule XIX shall be applied in the resolution of petitions for cancellation or revocation of the certificate of registration of an employees' organization or national employees' organization.

Where a hearing is necessary, the designated hearing officer of the 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 (1<sup>st</sup>) hearing.

**Section 3. Decision of the BLR.** - The 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. The said decision shall not be subject to a motion for reconsideration.

**Section 4. Appeal from BLR decision.** - The aggrieved party may appeal the decision of the 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 BLR and shall transmit the same together with the records to the Council within three (3) calendar days.

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 (10-day) period, the decision shall become final and executory. The BLR shall enter this fact into the records of the case.

**Section 5. Reply.** - The opposing party may file a reply to the appeal with the Council, through the HRRO, within ten (10) calendar days from receipt of the memorandum of appeal.

**Section 6. Decision of the Council.** - 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 XI

### MODES OF DETERMINATION OF THE SOLE AND EXCLUSIVE NEGOTIATING AGENT

#### A. ACCREDITATION OF EMPLOYEES' ORGANIZATION OR NATIONAL EMPLOYEES' ORGANIZATION

**Section 1. Nature of the proceedings; Determination of representation status.** - Proceedings to determine the SENA are expeditious, non-litigious in nature, and free from technicalities of law and procedure. The determination of the SENA shall be through accreditation by the CSC Chairperson.

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



The petition for accreditation may be filed personally, by registered mail, courier service, or electronic mail. For filing through electronic mail, employees' organizations or national employees' organizations shall officially communicate with the HRRO their official email addresses prior to sending their applications. All submissions through electronic mail shall be sent to [hrrro@csc.gov.ph](mailto:hrrro@csc.gov.ph) or any other official email communicated by the HRRO.


In case of electronic filing, the petition for accreditation and the supporting documents shall be in portable document format (PDF). It is understood that PDF is a computer file format for the transmission of a multimedia document that is not intended to be edited further and appears unaltered in most computer documents.

The electronic filing of the petition for accreditation shall be a sufficient basis to process the petition. However, the certificate of accreditation shall be released only upon submission of the original documents to the HRRO.

Digital Certificates registered with the Department of Information and Communications Technology (DICT) or wet ink signatures may be used in signing the petition for accreditation and all its support documents.

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

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- a) that the petitioner is a duly registered employees' organization or national employees' organization;
  - b) 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 or national employees' organization;
  - c) that the names and signatures in support of the petition for accreditation are authentic and devoid of duplicate entries;
  - d) that the President and/or officers who prepared the petition for accreditation shall be held liable for any misrepresentation, false statement, or fraud in connection with the names and signatures, or any document pertinent to the petition for accreditation;
  - e) certification from the BLR that the applicant is the sole registered employees' organization or national employees' organization and no other employees' organization or national employees' organization is seeking registration in the agency.




In the event that there is more than one (1) employees' organization or national employees' organization, a Support or Waiver Resolution of all registered employees' organizations or national employees' organizations duly approved by the majority of all its members in a meeting called for this purpose, supporting the accreditation of the petitioner shall be submitted; and

- f) certification of HRMO/AO stating the total number of rank-and-file employees in the negotiating unit.


**Section 4. Accreditation fee.** - Every petition for accreditation of an employees' organization and a national employees' organization shall be charged with an accreditation fee. Reasonable fees and other charges shall be provided in other issuances by the Council.


Proof of payment of the accreditation fee shall be attached to the petition for accreditation.

**Section 5. Action on the petition.** - Within seven (7) working days from receipt of the sworn petition for accreditation and after evaluation as to the completeness of the petition and supporting documents, the HRRO shall require the petitioner-employees' organization to post in at least two (2) conspicuous places within the premises of the agency and its regional offices/branches, if any, the Notice of the Petition for Accreditation with the names and signatures of the rank-and-file employees supporting the petition and the Notice to Oppositor for a period of ten (10) days from receipt thereof.


 In case of a national employees' organization, the HRRO shall require the petitioner-national employees' organization to post in at least two (2) conspicuous places within the premises of the agency and its regional offices/branches, if any, the Notice of the Petition for Accreditation with the names and signatures of the rank-and-file employees supporting the petition and the Notice to Oppositor for a period of twenty (20) days from receipt thereof.

The employees' organization or national employees' organization may also post the Notice of the Petition for Accreditation and Notice to Oppositor in social media platforms of the agency, employees' organizations or national employees' organizations; provided, that such social media platforms are accessible to all employees of the agency and the same shall be included in the certification submitted by the President of the employees' organization or national employees' organization.

 **Section 6. Opposition to the petition for accreditation.** - Within the ten or twenty-day (10 or 20-day) posting period, any registered employees' organization in the organizational unit or any employee whose signature was obtained through misrepresentation, false statement, or fraud in the petition for accreditation may file an opposition to the petition.

 If an opposition is filed, the HRRO shall immediately require the petitioner-employees' organization or national 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, HRRO shall deny the opposition and a certificate of accreditation shall be issued to the petitioner employees' organization or national employees' organization. An appeal from the denial of the opposition may be filed with the Council. Pending decision on the appeal, the certificate of accreditation shall be valid.

If the opposition is found to be meritorious, HRRO shall deny the petition or recommend the conduct of certification election in accordance with Item (B) of this Rule. 



**Section 7. Effect of absence of opposition.** - If no opposition is filed and the requirements are duly complied with, a certificate of accreditation shall be issued in favor of the petitioner employees' organization or national employees' organization.

**Section 8. Motion for Reconsideration.** - Within fifteen (15) calendar days from receipt of the decision, the aggrieved party may file a motion for reconsideration. Only one (1) motion for reconsideration shall be entertained.

The decision of the HRRO on the motion for reconsideration may be appealed to the Council within fifteen (15) days upon receipt thereof.

**Section 9. Release of Certificate of Accreditation.** - Within the period prescribed in its Citizen's Charter, the HRRO shall release the certificate of accreditation to the employees' organization copy furnished the Management of the agency.

**Section 10. Responsibility of accredited employees' organization/national employees' organization.** - Within one (1) year from issuance of the certificate of accreditation, the accredited employees' organization or national employees' organization shall submit to management a CNA proposal.

**Section 11. Revocation of Accreditation.** - The accreditation of the SENA may be revoked on the grounds of:

- (a) misrepresentation, falsification, or fraud in any of the supporting documents submitted;
- (b) failure of the accredited employees' organization to submit a CNA proposal to management within one (1) year from the issuance of the certificate of accreditation; or
- (c) failure to maintain the majority support of the rank-and-file employees subject to the contract-bar rule.

**Section 12. Petition to revoke accreditation.** - The revocation of accreditation shall be initiated through the filing of a petition.

(a) **Who may file.** - Any registered employees' organization or at least twenty percent (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 and shall contain the following:

1. name/s and the 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 or national employees' organization; and
4. the grounds for the revocation.

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(c) **Procedure.** - The petitioner shall file the petition and other supporting documents with the HRRO, copy furnished the accredited employee's organization or national employees' organization. Failure to furnish a copy of the petition with all supporting documents to the accredited employees' organization or national employees' organization shall be a ground for dismissal of the petition. Where the petition is found complete in form and substance, the HRRO shall immediately require the accredited employees' organization or national employees' organization to comment on the said petition within ten (10) calendar days from receipt thereof. The HRRO may deny outright an incomplete petition for revocation.

The HRRO shall evaluate the merits of the petition and the comments of the accredited employees' organization or national employees' organization.

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The HRRO will issue a decision on the petition for revocation within thirty (30) calendar days from the receipt of the comment of the accredited employees' organization or national employees' organization.

No motion for reconsideration shall be entertained. The decision of the HRRO shall be appealable to the Council within fifteen (15) calendar days after receipt thereof by the parties.

## **B. CERTIFICATION ELECTION**

**Section 1. Who may file.** - Certification election proceedings may be initiated through a petition for certification election filed by any registered employees' organization or national employees' organization.

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

**Section 3. When to file.** - A petition for certification election may be filed anytime, except within one (1) year:

- (a) from the issuance of a certificate of accreditation;
- (b) from the conduct of certification election or run-off election. *✓*

In case an appeal has been filed from the Order of the 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;

- (c) when an accredited employees' organization has submitted a CNA proposal to management;
- (d) when there is a pending conciliation due to a deadlock in negotiation; or
- (e) when a CNA has been registered, unless the petition for certification election is filed within the 60-day freedom period.

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

- (a) name and address of the petitioner, the employees' organization registration number and date of registration;
- (b) name and address of the management where the negotiating unit sought to be represented belongs;
- (c) description of the negotiating unit sought to be represented and the approximate number of employees covered therein;
- (d) names and addresses of other registered employees' organizations in the organizational unit; and
- (e) in case there is an accredited employees' organization or national employees' organization - that the petitioner has attached the signatures of at least ten percent (10%) of all the rank-and-file employees in the negotiating unit supporting the filing of the petition.
- (f) a statement indicating any of the following circumstances:
  - i. The newly accredited employees' organization or national employees' organization failed to submit a CNA proposal to the management within one (1) year from issuance of certificate of accreditation;
  - ii. If there exists a registered CNA in the organizational unit - that the petition is filed within the 60-day freedom period of such agreement; or
  - iii. If an accredited employees' organization or national employees' organization failed to register a CNA with the HRRO - 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 BLR Director shall assign the case to a Mediator-Arbiter for conciliation and hearings. The Mediator-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 or national employees' organization seeks to operate. The Mediator-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 or national 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 or national employees' organization operating within the same organizational unit may file a motion for intervention any time before the 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 Mediator-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' organization 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. Service of Notice of Preliminary Conference.** - The notice of preliminary conference shall be served to the petitioner and incumbent accredited employees' organization or national employees' organization, if any, within five (5) days from receipt of the petition.


**Section 10. Posting of Preliminary Conference.** - A copy of the petition and of the notice of preliminary conference shall be posted within five (5) day period in at least two (2) conspicuous places in the central/head office, regional offices, provincial/field offices, in all branches of the agency.

**Section 11. Position Paper.** - Within a non-extendible period of ten (10) days from the date of the preliminary conference, the Mediator-Arbiter may direct the parties to simultaneously submit their respective position papers. The position paper shall include issues, arguments and evidence not presented during the preliminary conference as the parties may deem relevant to the disposition of the petition. All issues, arguments, and evidence not presented are deemed waived.



**Section 12. 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 13. 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 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:

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- (a) name of the agency;
  - (b) description of the negotiating unit;
  - (c) a statement that none of the grounds to a certification election exists;
  - (d) names of the contending employees' organization/s in the order when 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 at the time of the filing of the petition for certification election.

**Section 14. Grounds for Denial of the Petition.** - The following are the grounds for the denial of the petition for certification election:

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- (a) The petitioner is not a registered employees' organization or national employees' organization;
  - (b) The petition lacks the ten percent (10%) support signature requirement;
  - (c) The petition is filed before the sixty-day (60-day) freedom period if the respondent employees' organization or national employees' organization has a registered CNA;
  - (d) The petition is filed within one (1) year from the date of accreditation or conduct of certification/runoff election where no appeal is pending;
  - (e) Where the accredited employees' organization/ national employees' organization has commenced and sustained negotiation with agency within the period prescribed in letter (d);
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- (f) Where there is negotiating deadlock between the agency and the accredited employees' organization/ national employees' organization which has been submitted to the CSC for conciliation; and
- (g) Non-appearance for two (2) consecutive scheduled conferences despite due notice.

**Section 15. Finality of the decision.** - The BLR shall issue a decision, through an Order, granting or denying the petition for certification election.

- (a) The Order granting the petition for certification election is final and executory and not subject to a motion for reconsideration or appeal. An express statement to this effect must be included in the Order.
- (b) The Order denying the petition for certification election may be appealed within ten (10) calendar days to the Council from receipt thereof.

No other petition of a similar nature shall be filed during the pendency of said appeal.

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 grounds under Section 3, Rule XI (B), of this Rule exists.

**Section 16. Appeal.** - The Order denying the petition for certification election may be appealed to the Council by the filing of a memorandum of appeal to the BLR within ten (10) calendar days from receipt thereof.

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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.

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The BLR shall transmit the records of the case to the Council through the HRRO within three (3) calendar days upon receipt of the memorandum of appeal.

**Section 17. Period to file a comment.** - Within ten (10) calendar days from receipt of the memorandum of appeal, a comment to the appeal may be filed with the Council.

**Section 18. Decision of the Council.** - No motion for reconsideration on the decision of the Council shall be entertained.

## RULE XII


### CONDUCT OF CERTIFICATION ELECTION

**Section 1. Pre-election conference.** - Within twenty-four (24) hours upon receipt of the records from the 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 twenty (20) 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 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 rank-and-file 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 except when he/she is already retired from the service. 

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.

**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 requirement under this Section shall be mandatory and non-waivable.

**Section 6. Secrecy and sanctity of the ballot.** - To ensure the 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 agencies. The failure or refusal to sign the ballots by the employees' organization or national employees' organization shall be considered a waiver and the Election Officer shall enter the fact of such refusal or failure in the Minutes of the pre-election conference, 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 (✓) mark or its equivalent 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 (✓) mark or its equivalent 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 or marked to identify the vote/voter in such manner as to create doubt or confusion.

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. The certification election of the DOLE rank-and-file negotiating unit shall be conducted by the CSC.

**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 or their alternates of any of the rank-and-file contending employees' organizations, as identified during the pre-election conference, may challenge a vote before it is deposited in the ballot box on any of the following grounds:

- (a) There is no employer-employee relationship between the voter and the agency;
- (b) the voter is not a member of the appropriate organizational unit; or
- (c) the voter is a rank-and-file employee designated to perform the functions of the positions falling under sub-paragraphs (gg) High-Level Employee or Executive Managerial Employee", and (ss) Primarily Confidential Employee" of Section 1 of Rule I.

**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 rank-and-file employees' organizations and management. The Election Officer shall indicate on the sealed envelope, the name of the voter, the employees' organization or the party challenging the vote, and the ground/s for challenging the same. The sealed envelope shall be signed by the Election Officer and the authorized representatives of the contending employees' organizations and management.

The management shall be limited to:

- (a) acting as observer; and
- (b) signing on the envelope containing the contested votes.

The Election Officer shall note all challenges in the Minutes of the election. The sealed envelopes shall be opened and the question on the eligibility of the challenged votes shall be passed upon by the Med-Arbitrator only if the number of challenged votes will materially alter the results 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 BLR, together with the Minutes and results of the election, and the sealed envelopes containing the challenged votes 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 six (6) months from the date of the declaration of a failure of election; provided, that only one (1) certification election shall be conducted by the BLR after a failure of the first (1<sup>st</sup>) 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 seven (7) 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 national employees' organization may file a protest based on the irregularity in the conduct of the election in violation of the mechanics and guidelines agreed upon by the parties during the pre-election conference.

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

The protest must be filed with the 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 BLR shall decide on the protest within thirty (30) calendar days from the date 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 XXII of these Rules shall govern appeals from the decision of the 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 Mediator-Arbiter within twenty-four (24) hours from the canvass of votes. The Mediator-Arbiter shall, within twenty-four (24) hours from receipt of the records, issue an Order proclaiming the results of the election.

The employees' organization that obtained a majority of the valid votes cast in the certification election in the appropriate organizational unit shall be proclaimed as the sole and exclusive negotiating agent under any of the following conditions:

- (a) no protest was filed;
- (b) if a protest was filed, the same was not perfected within the five (5) calendar day period;
- (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.

The winning employees' organization shall begin to enjoy its rights as the SENA and may commence negotiating with its agency even prior to the issuance of the certificate of accreditation by the CSC.

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

An appeal filed by the aggrieved party before the Council shall not suspend the issuance of the certificate of accreditation by the CSC, commencement of negotiation or implementation of CNA.

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

**Section 20. Issuance of BLR Order and its effect.** - The issuance of a BLR Order certifying the winning employees' organization or national employees' organization in a certification election shall automatically confer accreditation and the winner shall enjoy all the rights, privileges, and obligations as the SENA of the agency. A certificate of accreditation shall be issued by the CSC in favor of the winning employees' organization on the basis of the Order of BLR.

A motion for reconsideration shall not stay the execution of the Order issued by BLR.

### RULE XIII

#### RUN-OFF ELECTIONS

**Section 1. When to conduct.** - When an election which provides for three (3) or more choices results in none of the contending employees' organizations receiving a majority of the valid votes cast, and there are no objections or challenges which if sustained can materially alter the results, the Election Officer shall *motu proprio* conduct a run-off election within ten (10) calendar days from the close of the election proceedings between the employees' organizations receiving the two (2) highest number of votes; 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 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 elections. 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 XIV

#### COLLECTIVE NEGOTIATIONS

##### A. CREATION OF NEGOTIATING PANEL

**Section 1. The Negotiating Panel.** - The negotiating panel including the secretariat shall be created before the start of the negotiation and will continue to exist even after the CNA is signed by the parties and is ratified by the majority of the rank-and-file employees in the negotiating unit.



The negotiating panel shall be constituted within five (5) working days after the SENA submits its proposal pursuant to Section 10 of Rule XI of these Rules.

**Section 2. Composition.** - The negotiating panel shall be composed of not more than five (5) principal members each from the management and the SENA with not more than three (3) alternate members from both parties. The alternate member shall attend the negotiations only when the principal member is absent. The principal member shall authorize in writing the alternate member to act on his/her behalf.

The management may designate representatives from the Administrative, Human Resource, Finance, Planning, and Legal units of the agency as members of the panel. The SENA shall identify representatives to the panel from among its officers and members. Only employees of the agency shall be designated members of the negotiating panel.

**Section 3. Duties/Functions of the negotiating panel.** - The negotiating panel shall perform the following:

- (a) The negotiating panel shall agree on the agenda items for discussion and negotiation. The parties can change the sequence of issues or suspend the discussion of a particular issue to give way to another;
- (b) The members of the negotiating panel including the members of the Secretariat shall be on official business throughout the duration of the negotiation, which may be continuous or staggered and they shall be relieved of all their regular duties and responsibilities during the negotiations;
- (c) The negotiating panel shall adopt expedient and economic measures that will uphold morale, harmony, and productivity in the workplace;
- (d) The negotiating panel may adopt procedures and processes on negotiations modifying Section 5 of this Rule, for the early termination of the negotiation, as they may deem appropriate and necessary;
- (e) At the start of the negotiation, the parties shall agree on the time frame;
- (f) Submit the draft CNA to the management and the SENA; and
- (g) The negotiating panel shall perform other related functions as may be determined by the management and the SENA.

**Section 4. The Secretariat.** - The secretariat shall be constituted to document the proceedings of the negotiations. It shall be composed of one (1) principal and one (1) alternate member from the management and one (1) principal and one (1) alternate

member from the SENA. When the principal member is absent, an alternate member shall attend the negotiation to act as the secretariat.

The secretariat shall be responsible for the preparation of the Minutes of the meetings. Recordings of the negotiation shall be allowed, unless otherwise mutually agreed upon by the parties.

**Section 5. Ground rules on collective negotiation.** - The following shall be observed during the negotiation:


- (a) Schedule of Meeting. The negotiation meeting shall commence within five (5) working days after the management submits its counter-proposal;
- (b) Venue of Meeting. The parties shall identify the venue of the negotiation meeting convenient to both parties;
- (c) Quorum. The presence of majority members from each panel shall be sufficient to hold negotiation meetings;
- (d) Pre-negotiation Expense. Each party shall bear the cost of the preparation of its CNA proposal and other pre-negotiation expenses;
- (e) Access to Pertinent Records. The management and the SENA, as mutually agreed upon, shall make available the pertinent records during the negotiations;
- (f) Expenses. During the negotiation, the necessary expenses shall be mutually borne by the parties unless otherwise agreed;
- (g) Time Frame. The negotiation shall be finished within the agreed period set by the parties; and
- (h) Postponement and Delays. No postponements of scheduled meetings shall be allowed except on mutual agreement by the parties. In case of postponement, negotiations shall resume within five (5) working days.

**B. NEGOTIABLE MATTERS**

**Section 6. 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 7. Negotiable matters.** - The following concerns may be the subject of negotiation between the management and the accredited employees' organization subject to existing budgeting, accounting and auditing rules and regulations:

- (a) schedule of vacation and other leaves;



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- (b) personnel growth and development;
  - (c) establishment of Employees' Organization - Management Consultative Committee (EOMCC) subject to the provisions of Council Resolution No. 2, 2022 and subsequent issuances of the Council;
  - (d) union time-off subject to the provisions of Council Resolution No. 3, s. 2022;
  - (e) access to records and information, subject to Executive Order No. 2 dated July 23, 2016 and Republic Act No. 10173 or the Data Privacy Act of 2012;
  - (f) provisions for office space, supplies, and equipment for accredited employees' organization;
  - (g) communication network/access to management or authorized representatives;
  - (h) work assignment/reassignment/ detail/ transfer;
  - (i) distribution of workload;
  - (j) provision for protection and safety, subject to relevant provisions of CSC-DOH-DOLE Joint Memorandum Circular (JMC) No. 1, s. 2020;
  - (k) provision for facilities for PWD personnel, in accordance with Batas Pambansa Blg. 344 dated December 7, 1982;
  - (l) provision for spiritual growth;
  - (m) provision for first aid medical services and supplies;
  - (n) physical fitness program;
  - (o) provision for family planning services;
  - (p) provision for nursing and lactation station subject to the provisions of Republic Act No. 10028 (Expanded Breastfeeding Promotion Act of 2009);
  - (q) provision for day care center
  - (r) provident fund, subject to the provisions of Executive Order No. 641 dated July 25, 2007, DBM Budget Circular No. 2008-3 dated June 20, 2008, and subsequent issuances as may be issued by the President or the DBM;
  - OF (s) provision on representation in different committees;
  - (t) recreational, social, athletic and cultural activities and facilities subject to the pertinent rules and regulations of the DBM;
  - (u) The grant of CNA Incentive shall be in accordance with Administrative Order No. 135, s. 2005, Congress Joint Resolution No. 4, dated June 17, 2009, relevant General Provisions of the General Appropriations Act and guidelines that may be issued by the DBM; and
  - Kz (v) Such other concerns which are not prohibited by law and CSC Rules and Regulations.

**Section 8. Compensation matters.** - Increases in salaries, allowances, incentives, and other benefits that are specifically provided for by law are not negotiable.

**Section 9. Collection of Agency Fee.** - The SENA may collect a reasonable amount as agency fee. The reasonableness of the amount shall be equivalent to the regular yearly dues paid by a member of a particular year when CNA incentive is granted; or equivalent to a certain amount as determined in a resolution duly approved by the members of the employees' association in a general assembly and carried as one of the stipulations in CNA duly concurred by the Employee's Organization-Management Consultative Committee, and ratified by the rank-and- file employees; provided, it shall

not exceed twice the amount of the yearly dues.

### C. SIGNING, RATIFICATION AND EFFECTIVITY OF THE CNA

**Section 10. Negotiating parties or signatories to CNA.** - Subject to equal representation, the following are the negotiating parties/signatories to the collective negotiation agreement:

- (a) Accredited employees' organization or national employees' organization representatives;
- (b) Management or their authorized representatives:
  - i. National Government Agencies (NGAs) - head of agency;
  - ii. LGUs - the Governor or Vice Governor; or Mayor or Vice Mayor, as the case may be;
  - iii. GOCCs - CEO or head of the corporation; and
  - iv. State Universities and Colleges (SUCs) - President.

Any stipulation outside of the signing authority of the Local Chief Executive or Vice Governor or Mayor, CEO or head of a corporation, as the case may be, or President, and the like, which the charter or law requires the intervention of the Board, Council or Sanggunian, must be submitted to it for appropriate action. It shall render a decision within forty-five (45) calendar days. Its failure to act within the prescribed period shall render the stipulation deemed approved.

**Section 11. Posting requirement before ratification.** - The CNA signed by both parties must be notarized and posted for seven (7) calendar days in two (2) most conspicuous places within the principal address of the agency and in all its regional offices, if any. Thereafter, it must be ratified by majority of the rank-and-file employees in the negotiating unit. However, posting may be dispensed with if CNA is ratified in a general assembly called for the purpose.

The SENA may also post in social media platforms of the agency or employees' organizations. Provided, that such social media platforms are accessible to all employees of the agency and the same shall be included in the certification submitted by the president of the SENA.

**Section 12. Effectivity of CNA.** - The CNA shall be effective for four (4) years. Moreover, all CNAs regardless of the presence of an "automatic renewal clause" provision may be granted an extension of a maximum of one (1) year after its expiration; provided the accredited employees' organization/national employees' organization has shown proof of an earnest effort to re-negotiate with the management within sixty (60) calendar days prior to its expiration. Notwithstanding the foregoing, the parties may negotiate a supplemental agreement or a new CNA during its effectivity.




Any provision of the agreement which is contrary to law, morals, good customs, public policy or public order, or the implementation of which requires a legislative act shall be void notwithstanding the registration of the agreement. Provisions of the CNA not declared void shall remain valid.


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 CSC in accordance with Rule XV of these Rules. The date reflected in the certificate of registration of CNA issued by the CSC shall be the effectivity date of the CNA.

## RULE XV

### REGISTRATION OF COLLECTIVE NEGOTIATION AGREEMENTS

**Section 1. When and where to file.** - The CNA duly ratified by the majority of the rank-and-file employees shall be registered with the CSC anytime during its indicated lifespan by filing one (1) original copy together with the requirements enumerated in the succeeding Section.

 **Section 2. Requirements for registration.** - The application for CNA registration must be signed under oath by the President and shall contain the following:

- (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, or was posted in the social media platforms of the agency or employees' organizations which must be accessible to all employees of the agency at least seven (7) calendar days before its ratification or was ratified in a general assembly called for the purpose and the same shall be included in the certification submitted by the President of the SENA;
- (b) proof of ratification of the signed CNA by the majority of the employees in the negotiating unit;
- (c) certification of HRMO as to the total number of rank-and-file employees in the negotiating unit;
- (d) proof of payment of registration fee; and
- (e) certificate of accreditation issued in favor of the applicant, if the employees' organization is not found in the list of accredited employees' organization in the Processes on Employees Association and Recognition System (PEARS) of the HRRO. 

**Section 3. Registration fee.** - Every application for registration of a CNA shall be charged with a registration fee. Reasonable fees and other charges shall be provided in other issuances promulgated by the Council.

Proof of payment of the registration fee shall be attached to the application for registration.

**Section 4. Action on the application.** - Upon receipt of an application that is sufficient in form, a certificate of registration shall be issued.

A letter of compliance shall be issued if, upon evaluation, the application is found to be insufficient. 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. 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 BLR nor a certificate of accreditation be issued by the HRRO outside the freedom period.

**Section 6. Supplemental or Addendum to a registered CNA.** - Any supplemental, addendum or amendment to the registered CNA shall be registered according to these Rules.

**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 HRRO that the supporting documents for registration were tainted with misrepresentation, fraudulent, or falsified. In such case, the HRRO shall order the cancellation of the registration of the CNA.

**Section 8. Appeal.** - The decision of the HRRO to cancel the registration of the CNA may be appealed to the Council within ten (10) calendar days from receipt of the parties of a copy thereof. 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 XVI

### DISPUTE RESOLUTION ARISING FROM INTERPRETATION OF THE CNA

**Section 1. Coverage.** - This Rule shall apply in resolving disputes involving the interpretation of the CNA. The dispute procedure outlined in the CNA shall be strictly followed.

**Section 2. Jurisdiction.** - Disputes involving interpretation of CNA shall be resolved by the Employees' Organization - Management Consultative Committee (EOMCC).

**Section 3. Applicability.** - This Rules shall apply to any employee, whether member or non-member of the accredited employees' organization within the bargaining unit.

- (a) Dispute between officials and the employees' organization shall be addressed through the dispute machinery;
- (b) Dispute whether presented verbally or in writing, shall be resolved expeditiously at the lowest level possible in the agency;
- (c) Dispute proceedings shall be bound by dispute machinery provided under the CNA; and
- (d) To resolve CNA- related issues pursuant to Section 4 of Rule XVI.

**Section 4. Procedure in handling disputes.** - The following shall apply in the resolution of CNA disputes:

- (a) Any employee shall file the complaint under oath to the EOMCC;
- (b) Within ten (10) working days from receipt of the complaint, the EOMCC shall order the other party to file its comment;
- (c) The EOMCC shall resolve the dispute within thirty (30) working days upon receipt of the comment of the respondent;
- (d) Decisions of the EOMCC shall be appealable to the HRRO within fifteen (15) working days from receipt of the decision of the EOMCC.

## RULE XVII

### CENTRAL REGISTRY OF EMPLOYEES' ORGANIZATIONS AND CNAs

**Section 1. Central registry.** - The BLR shall be the central registry of registered employees' organizations, while the HRRO shall be the central registry of accredited employees' organizations or national employees' organizations and registered CNAs.

**Section 2. Transmittal of registration documents.** - Within five (5) working days from the issuance of the certificate of registration of an employees' organization or national employees' organization, the BLR shall transmit to the HRRO a duplicate original copy of the application for registration, its supporting documents and certificate of registration.

**Section 3. Transmittal of Certificates of Accreditation and CNA Registration.** - The HRRO shall transmit to the BLR a list and copies of Certificates of Accreditation and CNA Registration every fifth (5<sup>th</sup>) day of the ensuing month.

## RULE XVIII

### UNFAIR LABOR-MANAGEMENT/EMPLOYEES' ORGANIZATION PRACTICES

**Section 1. Unfair Labor-Management Practices.** - The following shall constitute unfair labor-management practices:

- (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) gross violation of the provisions of the CNA;
- (g) refusing to comply with the provisions of the Conciliation Agreement signed with the registered and/or accredited employees' organization and attested by the HRRO or other representative authorized by the Council Chairperson;
- (h) failure to comply with the decision of the Council concerning self-organization and collective negotiation that has attained finality; and
- (i) other analogous acts as may be determined by the Council.

**Section 2. Unfair Employees' Organizations Practices.** - The following shall constitute unfair employees' organization practices:

- (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) gross violation of the provisions of the CNA;
- (e) refusing to comply with the provisions of the Conciliation Agreement signed with management and attested by the HRRO or other representative authorized by the Council Chairperson;
- (f) failure to comply with the decision of the Council concerning self-organization and collective negotiation that has attained finality; and
- (g) other analogous acts as may be determined by the Council.

**Section 3. Endorsement of Unfair Labor-Management Practice cases by the Council.** - When no motion for reconsideration or appeal to higher authority within the prescribed period is made by any party, decisions of the Council finding the respondent liable for Unfair Labor-Management Practice shall become final.

The findings of the Council shall be forwarded to the Civil Service Commission or any appropriate agency having jurisdiction over the party for the conduct of disciplinary proceedings against those concerned.

## RULE XIX

### INTRA-EMPLOYEES' ORGANIZATION DISPUTES

#### A. GENERAL PROVISIONS

**Section 1. Exhaustion of administrative remedies.** - 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.

**Section 2. Who may file.** - A Complaint/Petition may be filed with the Council through the HRRO:

- (a) For violation of Rule III, Section 1 (a) to (g), (k) and (n), by at least thirty percent (30%) of the members of a registered employees' organization; or
- (b) For violation of Rule III, Section 1 (h), (i), (j), (l) and (m), by any directly affected member.

**Section 3. Contents of complaint.** - The complaint shall state the following:

- (a) name of the complainant;
- (b) name of the person or persons complained;
- (c) their respective addresses;
- (d) the specific violation/s committed; and
- (e) the relief/s prayed for.

Such complaint/petition must be in writing, under oath, and accompanied by a certificate of non-forum shopping, proof of service, and an affidavit with supporting documents stating that:

- i. Administrative remedies provided for in the provisions of dispute resolution mechanism in the constitution and by-laws; or

- ii. Such remedies are not readily available to the complainants or petitioners through no fault of their own; or
- iii. Compliance with such administrative remedies does not apply to them; or
- iv. There is no plain, speedy, and adequate administrative remedy within the employees' organization.

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

- (a) From the receipt of the complaint, the HRRO shall set a mandatory conciliation conference which shall be conducted in accordance with Section 2 of Rule XX;
- (b) Except for Section 5 (B) of this Rule, the HRRO 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;
- (c) Where the Council finds that a hearing is necessary, the case shall be assigned to any one of its member-agencies;

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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) 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) days from the submission of the case for resolution;

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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 chronological order; and

- (d) The decision of the Council shall be in writing and shall clearly state the facts and the law upon which it is based.

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The decision of the Council shall be final and executory, unless a motion for reconsideration is filed within ten (10) working days from receipt of such decision. Only one (1) motion for reconsideration shall be allowed. No motion for extension of time to file a motion for reconsideration shall be entertained.

#### B. FAILURE TO CONDUCT ELECTION

**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, or where the employees' organization's constitution and by-laws do not provide for the manner by which the said election

can be called or conducted and the intervention of the Council is necessary, 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 HRRO. The said decision shall not be subject to a motion for reconsideration.

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 or expulsion of officers, or such other petitions except in the following circumstances:

- (a) the agency is under reorganization;
- (b) merger or consolidation; and
- (c) other analogous changes in the agency structure.

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

**Section 7. Pre-election conference and conduct of election.** - The appointment of a COMELEC/election officer and the procedures and periods in the conduct of the pre-election conference and election proceedings prescribed in Rule XII 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 election rules of the employees' organization or national employees' organization.** - Where the conduct of election of officers is ordered by the HRRO, the constitution and by-laws of the employees' organization or national employees' organization governing the filing of candidacies and conduct of election may be applied. However, new or additional rules may be adopted as agreed upon by the parties. The entire proceedings shall be presided by the designated COMELEC/election officers pursuant to the said constitution and by-laws. In case the employees' organization or national employees' organization failed to constitute their COMELEC/election officers within five (5) calendar days from receipt of the said Order, the Council vests authority to HRRO to designate from among the agency-members the COMELEC/election officers. The corresponding Sectoral Representative/s shall automatically sit as an observer in the said 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. The petition for examination of books of accounts shall be supported by thirty percent (30%) of the total membership.

**Section 11. Procedure.** - The formal requirements and procedure in the hearing and disposition of intra-employees' organization disputes under Rule XIX(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 BLR or from the date that the same should have been submitted as required by law, whichever comes earlier.

**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 be submitted to the Council Chairperson for the appointment of an Audit Examiner from among the member-agencies with a directive to submit an audit report within ten (10) days from the termination of the audit. The said Order is interlocutory and shall not be subject to motion for reconsideration or appeal.

**Section 14. Pre-audit conference.** - Within five (5) days 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:

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- (a) sources of funds covered by the audit;
  - (b) names and addresses of the banks and financial institutions where the employees' organization maintains its accounts;
  - (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) 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 Council 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 Council resolutions;
- (c) prepare working papers or worksheets;
- (d) record and post all financial transactions reflected in the cash vouchers in the working papers or worksheets/s; and
- (e) record findings and observations of all financial transactions.

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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.

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**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 decision of the Council shall include a 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. The said decision shall not be subject to a motion for reconsideration.

**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 XX

### CONCILIATION SERVICES

**Section 1. Conciliation services; when applicable.** - The HRRO or CSC-ROs shall provide conciliation services in the cases falling under Section 4 of Rule XXI.

**Section 2. Procedure.** - The following shall be observed in conciliation proceedings:

- (a) From receipt of the complaint, the HRRO or the CSC-ROs having jurisdiction over the agencies shall evaluate the completeness of the complaint pursuant to Rule XXII;
- (b) If the complaint fails to comply with Rule XXII, the HRRO or CSC-ROs shall direct compliance within ten (10) working days from receipt thereof, a warning that failure to comply shall cause the dismissal of the complaint without prejudice to its refiling;
- (c) Upon receipt of a complaint that is sufficient in form, the person/s complained of shall be directed to comment within ten (10) working days from receipt of the Order;

- (d) A mandatory conciliation conference shall be scheduled within ten (10) working days from receipt of the comment;
- (e) If the conciliation succeeds, a conciliation agreement shall be signed by the parties and attested to by the representatives of HRRO or CSC-ROs;
- (f) The conciliation agreement shall be binding between the parties and it cannot be impugned unless there is fraud, duress or misrepresentation in its execution;
- (g) Where no agreement is reached, the HRRO or CSC-ROs shall issue a certification stating the failure of the proceedings and shall forward the records of the case to the Council for its resolution; and
- (h) Non-compliance by any party with the conciliation agreement shall be a ground for the filing of an appropriate administrative disciplinary case.

**Section 3. Obligations of the parties.** - The parties shall participate in good faith and shall not perform any act that may disrupt or impede the early settlement of the dispute.

**Section 4. Privileged communication.** - Information and statements given during the conference shall be treated as privileged communication. The conciliators shall not testify in any court or body regarding any matter taken up in the conciliation proceedings.

## RULE XXI

### JURISDICTION

**Section 1. Original and exclusive jurisdiction of HRRO.** - The HRRO 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;
- (d) disputes involving registration of CNAs;
- (e) disputes involving interpretation or amendments of constitution and by-laws; and
- (f) disputes involving conduct of election of officers of employees' organizations and national employees' organizations.

The HRRO shall submit to the Council its decision on items (e) and (f) and the same are appealable to the Council within fifteen (15) calendar days from its receipt by the parties.

**Section 2. Original and exclusive jurisdiction of the BLR.** - The 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 VI, IX, and X-B hereof, the HRRO and the BLR shall have joint jurisdiction over the following:

- (a) applications for registration of employees' organizations or national employees' organizations;
- (b) disputes involving registration of employees' organizations or national employees' organizations; and
- (c) petitions for cancellation of registration of employees' organizations or national 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' organizations disputes, except:
  - (i) disputes involving interpretation or amendments of constitution and by-laws;
  - (ii) disputes involving conduct of election of officers of employees' organizations; and
  - (iii) petition for the examination of books of account of employees' organizations;
- (b) disputes which arise in collective negotiations or when there is a deadlock 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. Requisites for the exercise of original and exclusive jurisdiction.** - The Council shall exercise jurisdiction over cases under the preceding section, provided the following requisites are present:

- (a) there is a dispute;
- (b) either or both of the parties had referred the dispute before the Council;
- (c) all available remedies provided in the constitution and by-laws of the employees' organization or these Rules have been exhausted; and

(d) the HRRO has certified that the dispute remains unresolved or irreconcilable.

**Section 6. Appellate Jurisdiction of the Council.** - Unless otherwise provided in these Rules, decisions of the HRRO and BLR shall be appealable to the Council.

## RULE XXII

### PROCEEDINGS BEFORE THE COUNCIL

**Section 1. Original and exclusive jurisdiction.** - In the exercise of the Council's jurisdiction, the following shall be observed:

- (a) All cases falling within the original and exclusive jurisdiction of the Council enumerated under Section 4, Rule XXI, shall be commenced by the filing with the HRRO of a complaint or petition under oath.

There shall only be one (1) Complaint or Petition to be filed as an initiatory pleading, and only one (1) Answer or Comment thereto. A complaint or Petition may be amended at any time before a responsive pleading is filed.

All initiatory pleadings, amended or supplemental pleadings must be verified; otherwise, the same shall be treated as mere scrap of paper, as if no such pleading was filed.

The HRRO shall determine sufficiency of essential requisites in filing a proper complaint or petition, as follows:

- (1) name/s of complainant/petitioner and respondent;  
(2) specific violations or disputes against respondent covered by these Rules;  
(3) statement of any of the following:

- i) administrative remedies provided for in the provisions of Disputes Machinery in their constitution and by-laws, CNAs or EOMCCs have been exhausted;  
ii) such remedies are not readily available to the complainants or petitioners through no fault of their own;  
iii) compliance with such administrative remedies does not apply to them;  
iv) exhaustion of remedies within the organization would amount to a denial of justice; or  
v) resort to administrative remedies would be an exercise in futility;

- (4) supporting documents proving exhaustion of administrative remedies or exception therefrom;
- (5) relief/s prayed for; and
- (6) certificate of non-forum shopping.

(b) A Supplemental Complaint or Petition may be filed should a supervening event occur subsequent to the filing of the Complaint/Petition or Amended Complaint/Petition; Provided, that the same shall be filed within a non-extendible period of five (5) days from the time the supervening event occurred;

(c) 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 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 within five (5) calendar days from receipt thereof;

Digital transmission of pleadings which include Motions for Reconsideration, Motions for Extension of Time to Comment, and other Motions, except initiatory and responsive pleadings may be allowed under the following conditions:

- 1) All pleadings and other submissions to the Council and the other party which will be electronically transmitted must be in PDF. Evidence which are not documentary in nature may be photographed and converted into PDF and shall be certified as true reproduction thereof by the party;
- 2) The pleadings must be sent from the email address of the party as registered in the records of the case within the prescribed period under existing rules and regulations to the official email address of the HRRO, [hrro@csc.gov.ph](mailto:hrro@csc.gov.ph). For this purpose, HRRO shall inform employees' organizations the email address where documents must be sent;
- 3) Electronic signatures registered with DICT or wet ink signatures may be used;
- 4) The date stamped in the electronic mail shall be considered as the date of filing of the pleading;
- 5) Pleadings not compliant with the above conditions or those filed beyond the reglementary periods under the rules are deemed not filed;
- 6) All original documents including certified copies shall be submitted to the HRRO, copy furnished the other party, for purposes of records keeping and future reference ten (10) days after the electronic filing of the pleadings; and

- 7) The parties are not precluded from filing pleadings through registered mail, courier service, or physical submission subject to existing rules and regulations.
- (d) Upon receipt of the complaint or petition, the HRRO shall require the respondent to file a comment within ten (10) calendar days from receipt of the Order. It shall submit to the Council its evaluation and recommendation in the next scheduled Council meeting from the expiration of the time for filing of the comment or upon receipt of the comment of the respondent;
- (e) All pleadings and documents that do not bear proof of receipt by the postal service or HRRO or by any of the member-agencies of the Council shall be inadmissible in evidence, as if no pleading or document was filed;
- (f) 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 chronological order;

- (g) The decision of the Council shall be in writing and shall clearly state the facts and the law upon which it is based.
- (h) At least three (3) concurring votes shall be necessary to render a decision; and
- (i) The decision of the Council shall be final and executory unless a motion for reconsideration is filed within fifteen (15) calendar days from receipt of such decision.

**Section 2. Appellate Jurisdiction.** - The exercise of the Council's appellate jurisdiction shall be subject to the following:

- (a) Subject to Rule XI B, decisions of the HRRO or BLR may be appealed to the Council within fifteen (15) calendar days from receipt of the decision. It shall be commenced by the filing of a memorandum of appeal in six (6) copies containing the following:
- (1) Names of appellant;
  - (2) Statement of facts, including the date of receipt of the assailed decision;
  - (3) Grounds relied upon;
  - (4) Relief prayed for;
  - (5) Documentary evidence;
  - (6) Proof of service; and

(7) Certification of non-forum shopping.

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

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- (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 or the BLR;
- (c) The BLR shall transmit to the Council, through the HRRO, the memorandum of appeal together with the case records within five (5) days from receipt thereof;
- (d) A reply or opposition to the appeal may be filed within ten (10) working days from receipt of the memorandum of appeal;
- (e) Within five (5) days from receipt of the reply or opposition to the appeal or the expiration of the ten-day (10-day) period within which to file the same, the HRRO shall raffle the case to any of the member-agencies;
- (f) The member-agency to which the appeal was assigned shall submit to the Council a written report setting forth the findings of facts, conclusions of law and recommendation together with the entire case record;
- (g) At least three (3) concurring votes are required to reach a decision on the appeal;
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- (h) The decision of the Council shall be in writing and shall clearly state the facts and the law upon which it is based; and
- (i) Decisions of the Council shall be appealable to the Court of Appeals within fifteen (15) working days from receipt of the decision.

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**RULE XXIII**

**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. *N*



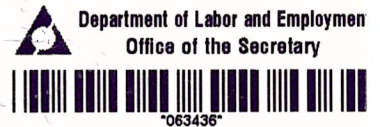
**Section 3. Separability clause.** - If any part or provisions of these Rules shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

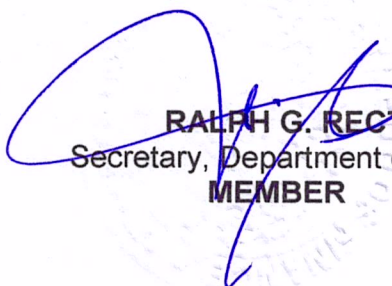
**Section 4. Effectivity clause.** - These Rules shall take effect after fifteen (15) calendar days from publication in a newspaper of general circulation.

Quezon City, Philippines, (date of approval)

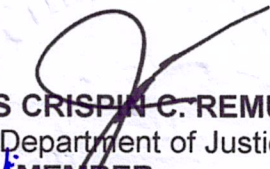
  
**ATTY. KARLO A. B. NOGRALES**  
Civil Service Commission  
**CHAIRPERSON**

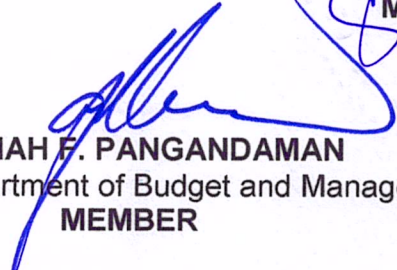
  
**BIENVENIDO E. LAGUESMA**  
Secretary, Department of Labor and Employment  
**VICE-CHAIRPERSON**




  
**RALPH G. RECTO**  
Secretary, Department of Finance  
**MEMBER**



  
**ATTY. JESUS CRISPIN C. REMULLA**  
Secretary, Department of Justice  
**MEMBER**

  
**AMENAH F. PANGANDAMAN**  
Secretary, Department of Budget and Management  
**MEMBER**

Attested by:

  
**MA. THERESA C. FERNANDEZ**  
Director IV, Human Resource Relations Office  
Civil Service Commission  
**Head, PSLMC Secretariat**

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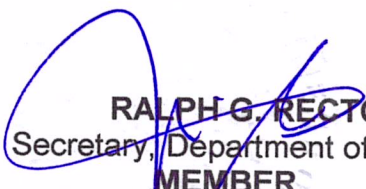
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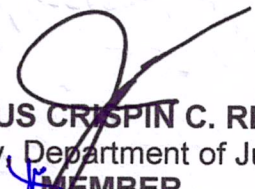
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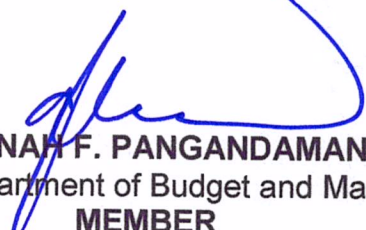
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