

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 enjoying the majority support of the agency’s rank-and-file employees, the status of sole and exclusive collective negotiating agent.
- (b) **“Accredited Employees’ Organizations”** refers to a registered organization of rank-and-file employees as defined in these Rules, which has been recognized and certified by the CSC as the sole and exclusive collective negotiating agent.
- (c) **“Agency Fee”** refers to reasonable assessment deducted from non-employees’ organization members who benefit from the terms of the collective negotiation agreement. The reasonableness of the amount shall be determined by the following:
 - 1.) When not stipulated in the C.N.A, it is equivalent to the regular monthly or yearly union dues paid by a member in a particular year where C.N.A. incentive is granted; or
 - 2.) 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 the collective negotiation agreement (C.N.A) duly concurred by the management of the employees’ unit and ratified by the rank and file employees, provided, it does not exceed 150% of the regular yearly union dues paid by a member.
- (d) **“Appeal”** refers to the mechanism of elevating by an aggrieved party of any decision, resolution or order of a lower body to a higher body vested with appellate authority by means of a document which includes the assignment of errors, memorandum of arguments in support thereof, and the reliefs prayed for.
- (e) **“Audit Examiner”** refers to an employee authorized by the Council to conduct an audit or examination of the books of accounts including all funds, assets, liabilities and other accountabilities of a registered employees’ organization.
- (f) **“Authorized Representative”** refers to the person duly authorized to act for and in behalf of the management or agency and employees’ organization, federation or confederation in a particular activity.
- (g) **“Cancellation/Revocation Proceedings”** refers to the process of cancelling/revoking the registered or accredited status of an employees’ organization.
- (h) **“Certification Election”** refers to the process of determining the sole and exclusive negotiating agent of the employees in the negotiating unit, through secret ballot, for purposes of collective negotiations.

- (i) **Certificate of Affiliation** refers to a document issued to an independently registered employees' organization by the incumbent president of the National Union showing its alliance.
- (j) **"Chairperson"** refers to the Head of the Public Sector Labor-Management Council and the Head of the Civil Service Commission.
- (k) **"Challenged Votes"** refers to contested votes in the certification election.
- (l) **"Chapter Certificate"** refers to a document issued by the incumbent President of the national union recognizing an unregistered employees' organization as a local chapter for the purpose of representing its interest in the CNA.
- (m) **"Chief Executive Officer (CEO)"** refers to the highest ranking corporate executive, who could be the President or the General Manager, Chairman or the Administrator of a GOCC.
- (n) **"Collective Negotiation Agreement" or "CNA"** refers to the negotiated contract between an accredited employees' organization representing a negotiating unit and the employer/management concerning terms and conditions of employment and improvements thereof that are not fixed by law.
- (o) **"Conciliation and Mediation"** refers to the peaceful mode of dispute settlement conducted by the CSC-HRRO or other CSC authorized representative as provided under the Rule XX of these Rules for the purpose of bringing the management and the registered and/or accredited employees' organization together to discuss their grievances and to assist them develop and reach mutually acceptable solution to the problem.
- (p) **"Conciliator-Mediator"** – may refer to HRRO personnel, CSC-RO personnel or other certified conciliator-mediator.
- (q) **"Confederation"** refers to a coalition of federations from different sectors (LGUs, GOCCs, NGAs, SUCs) to promote and advocate the national social and employment policies, standards and programs in the public sector.
- (r) **"Consolidation"** two or more registered employees' organizations may consolidate to form a new employees' organization.
- (s) **"Co-terminous employee"** refers to an employee whose entrance and continuity in the service is based on any of the following: 1) trust and confidence of the appointing authority or of the head of the organizational unit where the former is assigned; or 2) duration of the project, or the period for which an agency or office was created.
- (t) **"CSC"** refers to the Civil Service Commission.
- (u) **"CSC-HRRO"** refers to the Human Resource Relations Office of the CSC.
- (v) **"Council"** refers to the Public Sector Labor-Management Council created under Executive Order No. 180 dated June 1, 1987.
- (w) **"Deadlock"** refers to an impasse or standstill in a negotiation process due to inability to conclude an agreement within six (6) months from the date of the expiration of the current C.N.A. or within one (1) year from the date of issuance of the certificate of accreditation, despite noble intentions of the negotiating parties.

- (x) **“Deputized Conciliator-Mediator”** – refers to those from other agencies
- (y) **“Dispute”** refers to any question by either the management or the employees’ organization regarding the interpretation or implementation of any provision of the CNA and intra employees’ organization labor issues and concerns.
- (z) **“Dispute Machinery”** refers to the mechanism in the settlement of disputes.
 - (aa) **“DOLE”** refers to the Department of Labor and Employment.
 - (bb) **“DOLE-BLR”** refers to the Bureau of Labor Relations of the DOLE.
 - (cc) **“Election Officer”** refers to an employee of the BLR who is authorized to conduct and supervise certification elections and other forms of elections and referenda ordered by the DOLE-BLR or who is requested to assist in the conduct of elections of officers of a registered employees’ organization in accordance with the Rules.
 - (dd) **“Election Proceedings”** refers to the process in a certification or run-off election commencing from the opening of the polls, actual voting and counting to tabulation and/or consolidation of canvassed votes.
 - (ee) **“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.
 - (ff) **“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.
 - (gg) **“Employees’ Organization”** refers to any organization, union or association of employees in agencies of the national government and their regional offices, attached agencies and their regional offices, state universities and colleges, government-owned and controlled corporations with original charters, and local government units, which exists in whole or in part for the purpose of collective negotiations or for mutual aid, interest, cooperation and protection.
 - (hh) **“Employer/Management”** refers to agencies of the national government and their regional offices, attached agencies and their regional offices, state universities and colleges, government owned or controlled corporations with original charters, and local government units.
 - (ii) **“Entity/Agency”** refers to any of the various units of the government, including a department, bureau, office, instrumentality, branches of the government or government-owned or controlled corporations with original charters, state universities and colleges or a local government or a distinct unit therein.
 - (jj) **“Freedom Period”** refers to the sixty-day (60) period immediately before the expiration of a Collective Negotiation Agreement

during which time, the right of representation of an accredited employees' organization can be challenged.

- (kk) **“Federation”** refers to a coalition of registered employees' organization within a particular sector (LGUs, GOCCs, NGAs, SUCs) to promote and advocate the social and employment policies, standards and programs within the sector.
- (ll) **“Forced Intervenor”** refers to the incumbent accredited employees' organization which shall automatically be one of the choices in the certification election.
- (mm) **“Head Office”** is the central or the main office of an entity or government agency.
- (nn) **“Hearing Officer”** refers to the designated employee of any of the PSLMC member-agencies who is assigned to hear and receive evidence in cases falling within the jurisdiction of the Council.
- (oo) **“High Level Employee”** refers to those whose functions are normally considered as policy-making or managerial or whose duties are of a highly confidential nature. The term can be used interchangeably with Executive/Managerial employee.
- (pp) **“Intra-Employees' Organization Dispute”** refers to any conflict between and among the members of an employees' organization. It includes all disputes or grievances arising from violation of or disagreement over any provision of the organization's constitution and by-laws, violation of the rights and conditions of membership, accounting and audit of the organization's funds, or election of officers.
- (qq) **“Inter-Employees' Organization Dispute”** refers to a conflict between or among two or more registered employees organization arising from accreditation, certification election, or any challenge on the legal personality of another employees' organization.
- (rr) **“Interlocutory Order”** refers to an order issued by the Council or the Hearing Officer that does not terminate or finally dispose of the case on the merits.
- (ss) **“Intervenor”** refers to any person, registered employees' organization or entity not a party to a case who/which manifests an interest therein and who/which may be affected by a decision in the said case.
- (tt) **“Job order/Contract of Service”** refers to employment as follows:
 1. The contract covers lump sum work or services such as janitorial, security or consultancy services where no employee-employer relationship exist;
 2. The job order covers piece work or intermittent job of short duration not exceeding six (6) months on a daily basis;
 3. The contract of services and job orders are not covered by CSC Law rules and regulations but covered by COA Rule;
 4. The employees involved in the contract or job orders do not enjoy the benefits enjoyed by government employees such as PERA, COLA or RATA;

5. Those whose salaries are charged against the agency's Maintenance and Other Operating Expenses (MOOE);
- (uu) **“Managerial Employee”** is the head of an organizational unit higher than a division or equivalent level and is vested with powers and prerogatives to lay down and execute management policies and to hire, transfer, suspend, lay-off recall, discharge, assign or discipline employees.
 - (vv) **“Management”** refers to the party acting directly or indirectly in the interest of the agency.
 - (ww) **“Mediator-Arbiter”** refers to the Mediator-Arbitrator of the DOLE-BLR who is assigned to hear and receive evidence in all petitions for certification election and certification election protests.
 - (xx) **“Merger”** two or more registered employees' organizations may merge into single employees' organization where only one employees' organization will retain existence/survive and the other employees' organizations will cease to exist.
 - (yy) **“National/Parent Union”** as defined in PSLMC Res. No. 1, s. 2002 refers to a group of registered employees' organizations within a particular national government agency, state university or college, or government-owned and controlled corporations with original charters, organized for the purpose of collective negotiation agreement.
 - (zz) **“Negotiating Unit”** refers to the rank-and-file employees of the constitutional bodies and their regional offices; the executive department including services and staff bureaus and regional offices; line bureaus and their regional offices; attached agencies; the legislature; the judiciary; state universities and colleges; government owned or controlled corporations with original charters; and local government units.
 - (aaa) **“Organizational Unit”** refers to an identifiable government unit such as the constitutional bodies and their regional offices; the executive department including services and staff bureaus; line bureaus; attached agencies; the legislature; the judiciary; state universities and colleges, government owned or controlled corporations with original charters; local government units; regional offices (composed of provincial, district, local offices) of a department/agency, office, or government-owned or controlled corporations; and, such other identifiable government units as may be considered by the Public Sector Labor-Management Council.
 - (bbb) **“Primarily Confidential Position”** refers to a position as declared by the CSC where the occupant enjoys more than the ordinary confidence of the appointing power and bears such close intimacy which relieves the latter from misgivings of betrayal of personal trust on confidential matters.

- (ccc) **“PSLMC Chairperson Authorized Representative”** – organic employee of the CSC
- (ddd) **“Rank-and-File Employee”** refers to an employee in the public sector whose functions are neither managerial nor confidential. They are employees occupying positions in the first and second levels. The nature of the employees’ functions as reflected in the approved position description form shall prevail.
- (eee) **“Registered Employees’ Organization”** refers to any organization, union, or association of employees registered with the DOLE and the CSC in accordance with these Rules.
- (fff) **“Registration of CNA”** refers to the process by which the CSC after an evaluation and review of the CNA, issues the corresponding certificate of registration to the accredited employees’ organization.
- (ggg) **“Registration of Employees’ Organization”** refers to the process by which an employees’ organization acquires legal personality so as to be entitled to the rights and privileges under Executive Order No. 180 upon compliance with the documentary requirements and the issuance of the corresponding certificate of registration by the DOLE and the CSC.
- (hhh) **“Retirees”** refers to employees whose employment in the government has been severed by reason of retirement under existing laws.
- (iii) **“Rules”** refers to the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize.
- (jjj) **“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.
- (kkk) **“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 C.NA.
- (lll) **“Sole and Exclusive Negotiating Agent” or “SENA”** refers to any registered employees’ organization which has been accredited by the CSC as the negotiating agent of all the employees in a negotiating unit in accordance with these Rules.
- (mmm) **“Term of Office”** refers to the period during which the elected officers are authorized to discharge the functions

of their office as prescribed in the employees' organization constitution and by-laws.

(nnn) "Unfair Labor-Management Practice" refers to the commission of acts that violate the workers' right to organize, self-organization, and to the observance of the provisions of the C.NA 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 and their regional offices, state universities and colleges, government-owned or controlled corporations with original charters, and local government units, through the establishment of a simplified mechanism for the speedy registration of employees' organizations, determination of representation status, and resolutions of intra-and inter-employees' organization disputes. Only accredited employees' organizations/national unions shall have the right to represent the rank-and-file employees in the collective negotiation.

Section 2. Who may join employees' organizations in the public sector – Employees in agencies of the national government and their regional offices, attached agencies and their regional offices, state universities and colleges, government-owned or controlled corporations with original charters, and local government units, except as may be hereinafter provided, can form, join or assist employees' organizations, labor management committees, work councils and other forms of employees' participation schemes of their own choosing for the purposes above-stated.

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

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

- (a) high level employees whose functions are policy making or managerial;
- (b) employees whose duties are highly or primarily confidential in nature or whose employment is based on trust and confidence;
- (c) co-terminous employees with the appointing authority or with the head of organizational unit where assigned;
- (d) military personnel of the Armed Forces of the Philippines;

- (e) uniformed personnel of the Philippine National Police, Bureau of Jail Management and Penology, Bureau of Fire Protection, Philippine Coast Guard, National Mapping and Resource Information Authority (NAMRIA), Bureau of Corrections;
- (f) uniformed jail guards operated by LGUs;
- (g) other personnel who, by the nature of their functions, are authorized to carry firearms, except when there is express written approval from management; and
- (h) those under job order or contract of service.

Section 3. Employees who have retired in the government service may continue as nominal members of employees' organization and shall neither have the right to vote or be voted for in the election of directors and/or officers, vote in a certification election, to ratify the CNA nor to receive benefits therefrom, except those benefits funded by the employees' organization.

Section 4. The transfer or resignation of a government employee shall automatically sever his/her membership in the particular employees' organization.

Section 5. Prohibition – Without prejudice to enactment by Congress, 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.

RULE III

RIGHTS AND CONDITIONS OF MEMBERSHIP IN AN EMPLOYEES' ORGANIZATION

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

- (a) No arbitrary or excessive fees shall be charged from the members of an employees' organization. Arbitrary, excessive or oppressive fines shall likewise not be imposed.
- (b) The members shall directly elect their officers by secret ballot at intervals pursuant to the constitution and by-laws of the employees' organization.
- (c) Policy decisions shall be made pursuant to the provisions of the constitution and by-laws of the employees' organization.

- (d) No fees, dues, or other contributions shall be collected or disbursed by an officer, agent or member of an employees' organization unless authorized by its constitution and by-laws.
- (e) 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.
- (f) No special assessment or other extraordinary fees may be levied upon the members of an employees' organization unless authorized by a written resolution of a majority of all the members in a general membership meeting called for the purpose. The secretary of the employees' organization shall record the minutes of the meeting including the list of all members present, the votes cast, the purpose of the special assessment or fees and the recipient of such assessment or fees. The record shall be attested by the president of the employees' organization.
- (g) No special assessments, attorney's fees, negotiation fees or any other similar fees may be checked off from any amount due to an employee without an individual written authorization duly signed by the employee. The authorization should specifically state the amount, purpose and beneficiary of the deduction.
- (h) The funds of the employees' organization shall not be applied for any purpose or object other than those expressly provided by its constitution and by-laws or those expressly authorized by written resolution adopted by the majority of the members at a general meeting called for the purpose.
- (i) 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.
- (j) 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.
- (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.

Any complaint involving the funds of an employees' organization, which failed to submit the required audited annual financial report, can be filed anytime. For those which have submitted the report, the complaint must be filed within three (3) years from the date of submission.

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

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

- (m) The books of accounts and other records of the financial transactions of an employees' organization shall be open to inspection by any officer or member thereof during office hours.
- (n) The members of an employees' organization shall be duly informed of the provisions of its constitution and by-laws, Collective Negotiation Agreement (CNA), and all their rights and obligations under existing laws, rules and regulations.

For this purpose, registered employees' organizations shall collect reasonable dues to finance seminars on public sector unionism and other relevant activities.

Section 2. Violations of any of the foregoing shall constitute intra-employees' organization dispute.

RULE IV

ROLES AND OBLIGATIONS

Section 1. FEDERATIONS AND CONFEDERATIONS:

- a.) To provide technical assistance to its member employees' organizations in the preparation up to implementation of the Collective Negotiation Agreement (CNA);
- b.) To promote the social and economic well-being of its member employees' organizations;
- c.) To protect and uphold the collective rights of its member employees' organizations;
- d.) To foster harmonious and progressive labor relations between management and among employees' organizations from within and outside the agency;
- e.) To strive for the adoption of public sector labor related legislations;
- 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.

Section 2. REGISTERED EMPLOYEES' ORGANIZATIONS AND NATIONAL UNIONS:

- a.) To instill among its members spirituality, partnership, accountability, culture and excellence, discipline, integrity and nationalism;
- 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;
- g.) Once accredited, to represent the negotiating unit in forging a CNA with the management.

RULE V

ELECTION OF OFFICERS OF AN EMPLOYEES' ORGANIZATION OR NATIONAL UNION

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

- (a) Within sixty (60) days before the expiration of the term of the incumbent officers, the president/chairperson of the employees' organization or national union 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, national union, federation or confederation, 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) With ten (10) calendar days from its constitution, the COMELEC shall, among others, exercise the following powers and duties:
 - 1) Set the date, time and venue of the election;
 - 2) Prescribe the rules on the qualification and eligibility of candidates and voters;
 - 3) Prepare and post the voters' list and the list of qualified candidates;
 - 4) Accredite the authorized representatives of the contending parties;
 - 5) Supervise the actual conduct of the election and canvass the votes to ensure the sanctity of the ballot;
 - 6) Keep the minutes of the proceedings;
 - 7) Be the final arbiter of all election protest;
 - 8) Proclaim the winners; and,
 - 9) Prescribe such other rules as may facilitate the orderly conduct of election.

RULE VI

REGISTRATION OF AN EMPLOYEES' ORGANIZATION AND NATIONAL/PARENT UNION

Section 1. Requirements for registration of Employees' Organization. – The application for registration 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, the names of its officers and their respective addresses, and the total number of employees in the organizational unit where the applicant seeks to operate;
- (b) the minutes of the organizational meeting and the names and signatures of the members who participated therein;

- (c) the names and signatures of the 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;
- (e) the applicant's constitution and by-laws, minutes of its adoption or ratification and the list of employees who participated therein, unless the constitution and by-laws was ratified in the same organizational meeting, in which case, a statement of such fact shall be reflected in the minutes of the organizational meeting/s.

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

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

Section 2. Requirements for registration of NATIONAL/PARENT UNION – The application shall be accomplished and accompanied by three (3) original copies of the following documents:

- (a) a statement indicating the name of the applicant national union, 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 which participated in the said meeting(s);
- (c) the annual financial reports if the applicant national union has been in existence for one or more years, unless it has not collected any amount from its affiliates and/or chapters, in which case a statement to this effect shall be included in the application;
- (d) the applicant national unions' 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 affiliate shall be dispensed with where the constitution and by-laws was 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);
- (e) the resolution of affiliation of at least two (2) registered employees' organizations with at least 50% + 1 of all members within the national government agencies, local government units, government owned and controlled corporations with original charter, state universities and colleges where it seeks to operate.

Section 3. Where to file. – Applications for registration of employees' organizations and national/parent unions shall be filed with the DOLE-BLR or with the DOLE Regional Office where the applicant principally operates. The DOLE Regional Office shall transmit the application for registration, together with its attachments, within five (5) days from receipt of the same, to the DOLE-BLR for processing.

Section 4. Registration fee. – Every application for registration of an employees' organization and a national/parent union shall be charged with a registration fee of one thousand pesos (P1,000.00).

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

Section 5. Action on the application. – The DOLE-BLR shall either approve or deny the application for registration within seven (7) days from receipt thereof.

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

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

Section 6. Denial of registration; Grounds for appeal. – The decision denying the application for registration shall be in writing, stating in clear terms the reasons therefor. A copy of the decision shall be furnished the applicant employees' organization or national/parent union. The decision may be appealed to the Council within ten (10) days from receipt of notice thereof, on the ground of grave abuse of discretion or any violation of this Rule.

The memorandum of appeal together with the complete records of the application shall be filed with the DOLE-BLR, which shall transmit the same to the Council within five (5) days from receipt thereof. The appeal shall be decided by the Council within sixty (60) days from receipt of the records of the case.

Section 7. Effect of registration. – The registered employees' organization or national/parent union 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
VOLUNTARY DISSOLUTION OF
EMPLOYEES' ORGANIZATION OR
NATIONAL/PARENT UNION**

Section 1. Application for Voluntary Dissolution of Registered Employees' Organizations and National/Parent Union; Where to file – Subject to the requirements of notice and due process, the registration of any registered employees' organization or national/parent union may be cancelled by the DOLE and CSC upon the filing of an application for voluntary dissolution by the employees' organization or national/parent union itself.

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

Section 2. Who may file. – The employees' organization or national/parent union President or his authorized representative may file an application for voluntary dissolution.

Section 3. Requirement for the application for voluntary dissolution.- A registered employees' organization or national/parent union may cancel its registration provided at least two-thirds (2/3) of its general membership votes to dissolve the organization in a meeting duly called for that purpose and an application to cancel its registration is posted in the concerned agency, in central office and/or regional branches in two (2) conspicuous places for ten (10) days.

Thereafter, the employees' organization or national/parent union shall submit to the DOLE-BLR a verified application. The application shall be supported by the following documents:

- a) Original copy of the Certificate of Registration;
- b) Resolution to dissolve the employees' organization or national/parent union;
- c) Ratification of the resolution by two-thirds (2/3) of the general membership of the employees' organization or national/parent union; and
- d) Certification of posting of the application for voluntary dissolution signed by the HR of the agency.

Except for letter (a), failure to comply with any of the foregoing requirements shall be ground for opposition.

Section 4. Action on the application. – A certificate of dissolution shall be issued by the DOLE and CSC fifteen (15) days from the time the application is filed; provided there is no opposition to the application for voluntary dissolution.

In case of opposition, the DOLE-BLR shall send notice of affirmation conference to the concerned employees' organization or national/parent union and resolve the issue on the merits. The decision of the DOLE-BLR is final and executory.

RULE VIII

MERGER AND CONSOLIDATION OF EMPLOYEES' ORGANIZATIONS OR NATIONAL/PARENT UNIONS

Section 1. Notice of Merger/Consolidation of Employees' Organizations or National Unions Where To File. - Notice of merger or consolidation of employees' organizations or national/parent unions shall be filed with and recorded by the DOLE-BLR or the DOLE Regional Office that issued the certificate of registration of merging or consolidating employees' organization, national union or federation.

Section 2. Requirements of Notice of Merger. - The notice of merger of employees' organizations or national/parent unions shall be accompanied by the following documents:

- (a.) ratification by simple majority from each concerned employees' organizations or national unions of:
 - 1.) the resolution of the merger; and
 - 2.) the amended constitution and by-laws
- (b) copy of their original certification of registration.

Section 3. Certificate of Registration of Merged employees' organizations.-The certificate of registration issued to merged employees' organizations or national/parent unions shall state the fact of merger of two or more employees' organizations, national unions or federations.

The certificate of registration shall indicate the following: (a.) the name, address and registration number of the surviving employees' organization, national union or federation; and (b.) the names of employees' organizations, national unions or federations that were merged.

Section 4. Requirements of Notice of Consolidation. – The notice of consolidation of employees' organizations or national/parent unions shall be accompanied by the following documents:

(a) ratification by simple majority from each concerned employees' organizations or national/parent unions of:

- 1.) the resolution of the consolidation; and
- 2.) the amended constitution and by-laws

(b) copy of their original certification of registration

Section 5. Certificate of Registration. – The certificate of registration issued to a consolidated employees' organization or national/parent union shall bear the new registration number of the consolidated employees' organization or national/parent union as agreed upon by the parties to the consolidation.

The certificate of registration shall indicate the following: (a.) the name, address and registration number of the new employees' organization or national/parent union; and (b.) the names of employees' organizations or national/parent unions that were consolidated.

RULE IX

CHANGE OF NAME OF EMPLOYEES' ORGANIZATION OR NATIONAL/PARENT UNION

Section 1. Notice of change of name. - The notice for change of name shall be filed with the Bureau of Labor Relations or with the DOLE regional office where the concerned employees' organization or national/parent union's certificate of registration was issued.

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

- (a) the minutes of the meeting called for the purpose of changing the name, with the list of their respective members who approved the same; and
- (b) the amended constitution and by-laws ratified by simple majority of its members in general membership meeting(s) which fact shall be indicated accordingly.

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

RULE X

REPORTORIAL REQUIREMENTS OF ORGANIZATIONS

Section 1. Reportorial requirements. – Every registered employees' organization, national/parent union or federation shall submit one (1) original copy to the DOLE-BLR and another one (1) soft copy to the CSC-HRRO of the following documents within thirty (30) days after the close of each calendar year except the Annual Accomplishment Report:

- (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 of employees' organization, national/parent union or federation on the last working day of March of the ensuing year.

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

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

Failure to comply with any of the above requirements in Section 1 of this Rule despite due notice shall give ground for suspension, expulsion from membership or any appropriate penalty against the erring officer/member, in accordance with their Constitution and By-Laws.

RULE XI

CANCELLATION OF CERTIFICATE OF REGISTRATION

A. ON THE GROUND OF FAILURE TO SUBMIT REPORTORIAL REQUIREMENTS

Section 1. Procedure. – The DOLE-BLR shall submit its finding to the DOLE Secretary and CSC Chairperson on the employees' organization or national/parent union'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 of the findings of the DOLE-BLR, its findings shall serve as *prima facie* case for the cancellation of registration by the Council.

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

Section 2. Cancellation or revocation of certificate of registration. – Subject to the requirements of notice and due process, the certificate of registration of an employees' organization or national/parent union 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 DOLE-BLR in granting the application for registration.

Section 3. Requirements and procedure. – The petition shall be in writing and verified under oath and shall be filed by any real party in interest before the DOLE-BLR clearly stating the ground/s relied upon. The same shall be filed independently of any pending inter/intra-employees' organization, national union or federation dispute.

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

Where a hearing is necessary, the designated Hearing Officer of the DOLE-BLR shall summon the parties and their witnesses, administer oaths and resolve the issues involved in the case. The hearing shall be terminated and the case shall be deemed submitted for resolution not later than ninety (90) days from the date of the first hearing.

Section 4. Decision of the DOLE-BLR. – The DOLE-BLR shall render a decision within thirty (30) days from submission of the case for resolution. The decision shall state the facts and the relief granted, if any.

Section 5. Appeal from DOLE-BLR decision. – The aggrieved party may appeal the decision of the DOLE-BLR to the Council within ten (10) days from receipt thereof, for grave abuse of discretion or any violation of these Rules. The appeal shall be filed with the DOLE-BLR and shall transmit the same together with the records to the council within three (3) days as the case may be.

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

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

Section 6. Reply. – A reply to the appeal may be filed with the Council through the CSC-HRRO within ten (10) days from receipt of the memorandum of appeal or upon the expiration of the period to file the same.

Section 7. Decision of the Council.–The Council shall render a decision on the appeal within thirty (30) days from receipt of the reply or upon the expiration of the period to reply.

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

RULE XII

ACCREDITATION OF EMPLOYEES' ORGANIZATIONS

OR NATIONAL/PARENT UNIONS

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

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

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

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

- (a) that the petitioner is a duly registered employees' organization or national/parent union;
- (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;

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

Section 4. Accreditation fee. – An accreditation fee of Seven Hundred Fifty Pesos (P750.00) or such amount as may be determined by the Council shall be paid by the employees' organization.

Section 5. Action on the petition. - Immediately upon receipt of the sworn petition for accreditation and after evaluation as to the completeness of the petition and supporting documents, the CSC-HRRO shall require the petitioner-employees' organization to post in at least two (2) conspicuous place within the premises of the agency and its regional offices/branches, if any, the Notice of the Petition for Accreditation for a period of ten (10) days from receipt thereof.

In case of a national/parent union, the CSC-HRRO shall require the petitioner-national union to post in at least two (2) conspicuous place within the premises of the agency and its regional offices/branches, if any, the Notice of the Petition for Accreditation for a period of twenty (20) days from receipt thereof.

Section 6. Opposition to petition for accreditation. – Within the twenty (20) days posting period, any interested party may file with the CSC-HRRO, copy furnished the petitioner-employees' organization, a sworn opposition to the petition for accreditation on grounds of misrepresentation, false statement or fraud in connection with the names and signatures of the rank-and-file employees appearing in the petition.

Section 7. Effect of absence of opposition. – If no opposition is filed, the CSC-HRRO shall cause the preparation of a certificate of accreditation for signature of the Chairperson of the CSC.

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

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

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

Section 8. Motion for Reconsideration. – The aggrieved party may move for reconsideration of the Order of the Council to deny the petition for accreditation or to conduct a certification election within ten (10) days from receipt of the order.

Section 9. Certificate of accreditation after certification election. – Based on the certification election results issued by the DOLE-BLR, the CSC shall issue the Certificate of Accreditation to the winning employees' organization.

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

Section 11. Responsibility of accredited employees' organization/national union.–Within one (1) year from issuance of the Certificate of Accreditation, the accredited employees' organization/national union shall submit to management a CNA proposal.

Six (6) months after the submission of the first CNA proposal, the employees' organization/national union and/or the management shall submit a status report to the CSC-HRRO.

Section 12. Challenge to accreditation; Grounds. – The status of an accredited employees' organization may be challenged based on any of the following grounds:

- (a) failure of the accredited employees' organization to submit a CNA proposal to management within one (1) year from the issuance of the certificate of accreditation; or
- (b) Falsification, misrepresentation or fraud in procuring the support signatures to the petition for accreditation.

Section 13. Petition to challenge accreditation. –

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

The CSC-HRRO shall evaluate the merits of the petition and the comments of the accredited employees' organization. A denial of the petition may be appealed to the Council within ten (10) days from receipt thereof. If the petition is found to be meritorious, the CSC-HRRO shall forward to the Council the complete records and its findings and recommendations.

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

RULE XIII
CERTIFICATION ELECTION

Section 1. Certification election; Who may file. - Subject to the provisions of this Rule, certification election proceedings may be initiated through a petition for certification election filed by any registered employees' organization/national union.

However, the management can only file a petition for certification election when:

(1) requested to negotiate collectively by a registered employees' organization/national union; and (2) there is no existing accredited employees' organization/national union.

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

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

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

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

- (b) When an accredited employees' organization has commenced negotiation in good faith within the one (1) year period prior to the filing of the petition for certification election;
- (c) When a negotiation deadlock to which an accredited employees' organization is a party has been submitted to conciliation/arbitration; and,
- (d) When a CNA has been registered in accordance with these Rules, unless the petition for certification election is filed within the 60-day freedom period.

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

- (a) the name and address of the petitioner, the employees' organization registration number and date of registration;
- (b) the name and address of the management where the negotiating unit sought to be represented belongs;
- (c) the description of the negotiating unit sought to be represented and the approximate number of employees covered therein;
- (d) the names and addresses of other registered employees' organizations in the organizational unit; and,
- (e) in case there is an accredited employees' organization – that the petitioner has attached the signatures of at least ten (10%) percent of all the employees in the negotiating unit supporting the filing of the petition.
- (f) a statement indicating any of the following circumstances:
 - 1) If there exists a registered CNA in the organizational unit – that the petition is filed within the sixty-day freedom period of such agreement; or
 - 2) If an employees' organization/national union accredited in accordance with these Rules failed to register a CNA with the CSC-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 DOLE-BLR Director shall assign the case to a Med-Arbiter for conciliation and hearings. The Med-Arbiter shall cause the immediate posting of the date and time of the initial hearing and a copy of the petition in two (2) conspicuous places in the agency and its regional offices/branches, if any, where the petitioner employees' organization/national union seeks to operate. The Med-Arbiter shall, likewise, issue the summons to all parties named in the petition, indicating the date of the first hearing and ordering the parties to appear therein.

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

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

Section 8. Preliminary conference; Purpose. – The Med-Arbiter shall conduct a preliminary conference within twenty (20) 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. Position Paper. – Within a non-extendible period of ten (10) days from the date of the preliminary conference, the Med-Arbitrator may direct the parties to simultaneously submit their respective position papers. The position paper shall include arguments and evidence as the parties may deem relevant to the disposition of the petition. All issues, arguments, and evidence not presented are deemed waived.

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

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

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

- (a) the name of the agency;
- (b) the description of the negotiating unit;
- (c) a statement that none of the bars to a certification election exists;
- (d) the names of the contending employees' organization/s in the order which their petition 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) days from receipt of the Order a certified list of employees in the organizational unit prior to the issuance of the Order.

Section 12. Finality of the decision. –

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

No other petition of 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 bars under Section 3 of this Rule exists.

Section 13. Appeal. – The Order denying the petition for certification election may be appealed to the Council by the filing of a Memorandum of Appeal to the DOLE-BLR within thirty (30) days from receipt thereof.

The memorandum of appeal shall state the specific ground/s relied upon by the appellant with the supporting arguments and evidence and shall be under oath. The appeal shall not be entertained unless accompanied by proof of service to the appellee/s.

The DOLE-BLR shall transmit the records of the case to the Council through the CSC-HRRO within three (3) days upon receipt of the Memorandum of Appeal.

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

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

RULE XIV

CONDUCT OF CERTIFICATION ELECTION

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

Section 4. Qualification of voters; Inclusion-exclusion.-All employees who are members of the negotiating unit sought to be represented by the petitioner at the time of the filing of the petition for certification election are eligible to vote. Employees whose employment had been severed at the time of the certification election and whose dismissal has not attained finality at the time of the election shall also be eligible to vote except when he 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 Section 12 and 13 of this Rule. Objections to the eligibility of voters shall be considered as a pre-election protest to be resolved after the conduct of the certification election.

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

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

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

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

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

Section 8. Manner of selection. - Where the voter desires to be represented by an employees' organization, a check (√) 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 in such manner as to create doubt or confusion or to identify the voter. If the voter inadvertently spoils a ballot, the same shall be returned to the Election Officer who shall destroy it in the presence of all concerned parties. Another ballot shall then be given to the voter.

Section 10. Conduct of election. - The election precincts shall be opened and closed at a date and time agreed upon by all the parties during the pre-election conference. Failure of any party to appear during the election proceedings shall be considered a waiver to be present and to question the conduct thereof.

The certification election of the DOLE rank and file bargaining unit shall be conducted by the Civil Service Commission.

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 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 paragraph (oo), (tt), (uu), (bbb) and (hhh) Section 1 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 employees' organizations and management. The Election Officer shall indicate on the sealed envelope, the name of the voter, the employees' organization or the agency challenging the vote and the ground/s in challenging the same. The sealed envelope shall be signed by the Election Officer and the authorized representatives of the contending employees' organizations and management.

The management shall be limited to:

- (a) act as observer; and
- (b) sign in the envelop containing the contested votes.

The Election Officer shall note all challenges in the minutes of the election. The sealed envelopes shall be opened and question on the eligibility of the challenged votes shall be passed upon by the Med-Arbiter 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 DOLE-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) days from the date of the election.

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

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

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

Within twenty-four (24) hours from receipt of the motion, the Election Officer shall schedule the conduct of another certification election within fifteen (15) calendar days from receipt of such motion. The notice of the certification election shall be posted in two (2) most conspicuous places at the principal address of the agency and all its offices/branches, if any, at least 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 may file a protest based on the irregularity in the conduct of the election in violation of the mechanics 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 DOLE-BLR, stating therein the specific grounds, arguments and evidence relied upon, within five (5) days after the close of the election proceedings. If the protest is not recorded in the minutes and filed within the prescribed period, it shall be deemed dropped.

The protest shall be considered submitted for resolution upon submission of the position paper or upon expiration of the period within which to file the same, whichever comes earlier. The DOLE-BLR shall decide on the protest within thirty (30) calendar days from the date that it was submitted for resolution and shall certify the results of the election.

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

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

Section 18. Proclamation and certification of the exclusive negotiating agent. - The Election Officer shall transmit the records of the election proceedings to the Med-Arbiter within twenty-four (24) hours from the canvass of votes. The Med-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 the winner under any of the following conditions:

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

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

An appeal filed by the aggrieved party before the Council shall not suspend the issuance of the Certificate of Accreditation by the CSC, commence negotiation or implementation of Collective Negotiation Agreement (CNA).

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

Section 20. Issuance of CSC Certificate of Accreditation. - Upon receipt of the DOLE-BLR Order, the CSC shall, within fifteen (15) days, issue a Certificate of Accreditation. Thereafter, the winning employees' organization shall have the rights, privileges and obligations of a duly certified collective negotiating agent from the time the certificate is issued.

RULE XV

RUN-OFF ELECTIONS

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

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

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

COLLECTIVE NEGOTIATIONS

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

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

- (a) schedule of vacation and other leaves;
- (b) personnel growth and development;
- (c) establishment of Management and Employees' Organization Consultative Council;
- (d) time-off, limited to employees' organization activities or transactions;
- (e) access to records and information;
- (f) provisions for office space, supplies and equipment for accredited employees' organization;
- (g) communication network/access to management or authorized representatives;
- (h) provision for rice subsidy;
- (i) work assignment/reassignment/ detail/transfer;
- (j) provision for Botika ng Manggagawa;
- (k) provision for Commissary;
- (l) distribution of work load;
- (m) provision for Gender and Development;
- (n) provision for protection and safety;
- (o) provision for facilities for PWD personnel;
- (p) provision for spiritual growth;
- (q) provision for first aid medical services and supplies;

- (r) physical fitness program;
- (s) provision for family planning services;
- (t) provision for nursing and lactation station;
- (u) provision for day care center;
- (v) provision for shuttle service;
- (w) provision for provident fund;
- (x) provision on representation in different committees;
- (y) annual medical/physical examination;
- (z) recreational, social, athletic and cultural activities and facilities;
- (aa) CNA monetary incentive pursuant to PSLMC Resolution No. 4, s.2002, Resolution No. 2, s. 2003, applicable laws, rules and regulations; and
- (bb) such other concerns which are not prohibited by law and CSC rules and regulations.

Section 3. Negotiating panel/parties/signatories to CNA. – Subject to equal representation, the following are the negotiating parties/signatories to the collective negotiation agreement: a.) Accredited employees' organization representatives; b.) Management or their authorized representatives: b.1) National Government Agencies (NGAs) - head of agency; b.2) Local Government Units (LGUs) – Local Chief Executive; b.3) Government Owned and Controlled Corporations (GOCCs) – Chief Executive Officer (CEO); b.4) State Universities and Colleges (SUCs) - President.

Section 4. Compensation matters. - Increases in salary, allowances, travel expenses, and other benefits that are specifically provided by law are **not negotiable except** when the charter or law creating the government entity/agency provides otherwise or as authorized by the President of the Republic of the Philippines.

Section 5. Effectivity of CNA. The CNA signed by the Accredited Employees' organization representatives and Management or its authorized representatives and ratified by the majority of the rank and file employees in the negotiating unit shall be considered effective on the date of signing.

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 remain unenforceable notwithstanding of the registration of the agreement. The unenforceable provision of the CNA does not affect the rest of the agreement.

The life of the CNA shall in no case be more than three (3) years. However, if earnest effort was undertaken during the freedom period for the conclusion of a new CNA, the automatic renewal clause provided in the current CNA shall set in and shall continue until a new CNA has been concluded.

In case no agreement is concluded within one (1) year after the lapse of the current CNA, the parties will be subjected to mandatory mediation by the CSC-HRRO or its authorized representative.

The parties through the CNA or Labor-Management Committee are therefore required to submit a resolution explaining the cause of delay of forging a new agreement. The PSLMC through the CSC-HRRO shall determine if such an explanation justified the delay as stated therein.

Section 6. Other matters. - Nothing herein shall be construed to prevent any of the parties from submitting proposals, queries, clarifications or legal actions regarding other matters to Congress, Courts or proper authorities for the improvement of the terms and conditions of their employment including benefits.

The collective negotiation agreement shall be signed in accordance with Section 3 of this Rule. Any stipulation outside of the signing authority of the Local Chief Executive, COO or CEO, or President, and the like, which the charter or law requires the intervention of the Board, Council or Sanggunian, the said stipulation must be submitted to it for appropriate action. It shall render a decision within 45 calendar days. Its failure to act within the prescribed period shall render the stipulation deemed approved.

RULE XVII

REGISTRATION OF COLLECTIVE NEGOTIATION AGREEMENTS

Section 1. When and where to file. - Within ninety (90) days from the date of the ratification of the CNA as certified under oath by the President of the employees' organization, the parties thereto shall submit to the CSC-HRRO, three (3) signed original copies of the agreement, together with the requirements for CNA registration enumerated in the succeeding Section.

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

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

Section 3. Registration fee. - A registration fee of One Thousand Pesos (P1,000.00) or such amount as may be determined by the Council shall be paid by the employees' organization. Proof of payment of the C.N.A registration fee shall be attached to the records.

Section 4. Action on the application. - If the CSC-HRRO finds that the application and its supporting documents are in order, it shall cause the preparation of a certificate of registration for signature of the CSC Chairperson and two (2) Commissioners within five (5) working days from receipt thereof. If there are deficiencies found, it shall notify the applicant-employees' organization of such deficiencies within five (5) working days from receipt of the application.

The applicant-employees' organization has thirty (30) days from receipt of the notice within which to submit the lacking requirements. Otherwise, the application for its registration shall be denied.

Section 5. Duty of CSC-HRRO. - Simultaneous to the issuance of the certificate of registration, the CSC-HRRO shall point out the provisions in the agreement which are non-negotiable.

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

No petition or complaint regarding any issues relating to the unregistered CNA shall be entertained by the Council.

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

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

RULE XVIII

DISPUTE RESOLUTION ARISING FROM INTERPRETATION OF THE CNA

Section 1. Coverage. - This Rule shall apply to issues arising from the interpretation of the CNA.

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

Section 2. Composition of Dispute Machinery Panel. – The members of the negotiating panel of the CNA shall also be the members of the Dispute Machinery Panel.

Section 3. Policies. – In the resolution of DISPUTES under this Rule, the following shall be observed:

- (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; and,
- (c) DISPUTE proceedings shall be bound by Dispute machinery provided under the CNA.

Section 4. Procedure in handling disputes. – In instances when the CNA does not provide provisions on handling dispute, the following rules shall apply:

- (a) An employee shall present his complaint in writing to the Dispute Committee. Within five (5) working days, upon receipt thereof, the Dispute Committee shall convene, verify the facts, and determine whether the dispute is meritorious.
- (b) If the dispute is meritorious, the Dispute Committee shall immediately resolve/decide the dispute within ten (10) working days.
- (c) If the dispute is not meritorious, the Dispute Committee shall immediately dismiss the complaint.

Section 5. Complaint. – Party not satisfied by the resolution or decision rendered by the Dispute Committee may elevate the matter to the PSLMC through a formal complaint.

RULE XIX

CENTRAL REGISTRY OF EMPLOYEES' ORGANIZATIONS AND CNAs

Section 1. Central registry. - The DOLE-BLR shall be the central registry of registered employees' organizations, while the CSC-HHRO shall be the central registry of accredited 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, the DOLE-BLR shall transmit to the CSC-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 CSC-HRRO shall transmit to the DOLE-BLR a list and copies of Certificates of Accreditation and CNA Registration every 5th day of the ensuing month.

RULE XX

UNFAIR MANAGEMENT/EMPLOYEES' ORGANIZATION PRACTICES

Section 1. Unfair Management Practices - The following shall constitute unfair 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 belong;
- (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 Collective Negotiation Agreement;
- (g) refusing to comply with the provisions of the Conciliation Agreement signed with the registered and/or accredited employees' organization and attested by the CSC-HRRO or other representative authorized by the PSLMC Chairperson; and,
- (h) other analogous acts as may be determined by the PSLMC;

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

- (a) restraining or coercing any employee to form or join and 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 Collective Negotiation Agreement;
- (e) refusing to comply with the provisions of the Conciliation Agreement signed with management and attested by the CSC-HRRO or other representative authorized by the PSLMC Chairperson; and
- (f) other analogous acts as may be determined by the PSLMC.

Section 3. Endorsement of Unfair management/employees' organization Practices cases by the PSLMC. – When no motion for reconsideration or appeal to higher authority within the prescribed period is made by any party, decisions of the PSLMC finding the respondent liable for UMEOP shall become final.

The findings of the PSLMC shall serve as an administrative complaint against the respondent for the CSC-Office for Legal Affairs to determine prima facie evidence for the filing of appropriate charges.

RULE XXI

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 CSC-HRRO:

- a.) For violation of Rule III Section 1 (a) to (g) by at least thirty percent (30%) of the members of a registered employees' organization;
- b.) For violation of Rule III Section 1 (h) by at least twenty percent (20%) of the members of a registered employees' organization; or
- c.) For violation of Rule III Section 1(i) to (m) by any directly affected member.

Section 3. Contents of complaint/petition. – The complaint/petition shall state the name of the person or persons charged, the specific violation/s committed, and 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:

- 1) Administrative remedies provided for in the provisions of dispute machinery in their CBLs, CNAs or LMCs have been exhausted; or
- 2) Such remedies are not readily available to the complainants or petitioners through no fault of their own; or
- 3) Compliance with such administrative remedies does not apply to them; or
- 4) 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.) Within three (3) working days from receipt of the complaint/petition, the CSC-HRRO shall explore the possibility of an amicable settlement. For this purpose, a mandatory conciliation–mediation conference shall be conducted within ten (10) WORKING days from receipt of the complaint;
- (b.) Where no amicable settlement is reached, the CSC-HRRO shall proceed to limit the issues and convince the parties to agree on a stipulation of facts. In every case, the parties shall sign the minutes of the conference; (from matrix amendment)
- (c.) Thereafter, the parties shall be given ten (10) WORKING days within which to submit their respective position papers addressing issues and consolidating all their arguments and pieces of evidence;
- (d.) Except for Rule XXI B Section 5 (Election Disputes), the CSC-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;
- (e.) Where the Council finds that a hearing is necessary, the case shall be assigned to any one of its member-agencies;

The member-agency to which the case has been assigned shall deputized 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.

The report shall set forth the findings of fact, conclusions of law and recommendations. The hearing officer shall likewise attach to the

report all documents, papers and other relevant pieces of evidence, which shall be numbered in a chronological order.

- (f.) The Council shall render a decision on the complaint or petition within forty-five (45) working days from receipt of the report of the deputized hearing officer. The decision shall be in writing and shall clearly state the facts and the law upon which it is based.
- (g.) 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.ELECTION DISPUTES

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

Where the terms of the officers of an employees' organization have expired and its officers failed to call for an election of new officers, 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 CSC-HRRO.

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

- (a) the agency is under reorganization;
- (b) merger/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 XXI (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 X of these Rules shall apply in the conduct of a pre-election conference and election of officers in an employees' organization. The provisions of Rule IV of these Rules shall also apply where practicable.

Section 8. Applicability of the election rules of the employees' organization, national union or federation. - Where the conduct of election of

officers is ordered by the CSC-HRRO, the constitution and by-laws of the employees' organization, national union or federation 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, national union or federation failed to constitute their COMELEC/election officers within five (5) days from receipt of the said Order, the PSLMC vests authority to CSC-HRRO to designate from among the agency-members as 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 DOLE-BLR. The petition for examination of books of accounts shall be supported by 20% of the total membership.

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

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

Section 13. Action on the petition. - The DOLE-BLR may either grant or deny the petition for the conduct of an audit.

The Order of the DOLE-BLR to conduct an audit shall be submitted to the PSLMC 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 appealable.

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:

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

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

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

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

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

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

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

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

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

Section 17. Period of audit. - The Audit Examiner shall have sixty (60) 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 DOLE-BLR, within ten (10) 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 DOLE-BLR shall render a decision within thirty (30) days from receipt of the audit report.

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

Section 21. Period of inquiry or examination. - No petition for examination of the financial and books of accounts as well as other records of any registered

employees' organization shall be entertained during the freedom period or within thirty (30) 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 DOLE-BLR.

RULE XXII

CONCILIATION/MEDIATION OF DISPUTES

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

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

Section 2. Identification of issues; Conduct of conciliation/mediation conferences. - Within three working days (3) from receipt by the CSC-HRRO of the request, notice, complaint or petition, the CSC-HRRO or other PSLMC Chairperson authorized representative or deputized conciliator-mediator shall call the parties to a conference to identify the issues to be resolved and exert all efforts to settle the dispute.

It shall be the duty of the CSC-HRRO or other PSLMC Chairperson authorized representative or deputized conciliator-mediator to prepare the minutes of the conference which shall include both the resolved and unresolved issues and a certification that the dispute remains unresolved or irreconcilable.

Section 3. Nature/Effect of Agreement. - Resolved disputes shall be reduced into a written agreement between the parties witnessed by the conciliator-mediator.

If the dispute is resolved the parties shall enter into an agreement attested by the CSC-HRRO or other CSC authorized representative or deputized conciliator- mediator which is not contrary to law, morals, good customs, public policy or public order shall be binding upon them. Pursuant to Section 1 (g) and Section 2 (e), Rule XX of these Rules, refusal by either party to comply with said Conciliation Agreement may be a ground for unfair management/employees' organization practice.

Section 4. Obligations of the parties. - The parties shall participate in good faith in all conferences convened by the CSC-HRRO or other PSLMC Chairperson authorized representative or deputized conciliator-mediator. During the

proceedings, the parties shall not perform any act that may disrupt or impede the early settlement of the dispute.

Section 5. Privileged communication. - Information and statements given in confidence during the conference shall be treated as privileged communication. The CSC-HRRO or other PSLMC Chairperson authorized representative or deputized conciliator-mediator shall not testify in any court or body regarding any matter taken up in the conciliation/mediation proceedings.

RULE XXIII

JURISDICTION

Section 1. CSC-HRRO Original and exclusive jurisdiction. - The CSC-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 (CBL); and,
- (f) disputes involving conduct of election of officers of employees' organizations, national/parent unions and federations.

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

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

- (a) petitions for certification election; and,
- (b) certification election protests.
- (c) petition for the examination of book of accounts

Section 3. Joint jurisdiction. - Subject to the procedure outlined in Rules 6, 10 and 11 hereof, the CSC-HRRO and the DOLE-BLR shall have joint jurisdiction over the following:

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

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

- (a) inter and intra-employees' organizations disputes except 1.) disputes involving interpretation or amendments of constitution-and-by-laws (CBL); 2.) disputes involving conduct of election of officers of employees organizations; and 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 there from;
- (c) disputes arising from grievances or questions resulting from the interpretation and implementation of the provisions of the collective negotiation agreements;
- (d) disputes arising from unfair labor practices committed by employer/management and/or employees' organization; and,
- (e) determination of whether a mass action amounts to a strike.

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

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

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

RULE XXIV

PROCEEDINGS BEFORE THE COUNCIL

Section 1. Original and exclusive jurisdiction. –

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

The CSC-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:
 - a.) administrative remedies provided for in the provisions of Disputes Machinery in their CBLs, CNAs or LMCs have been exhausted;
 - b.) such remedies are not readily available to the complainants or petitioners through no fault of their own;
 - c.) compliance with such administrative remedies does not apply to them;
 - d.) exhaustion of remedies within the organization would amount to a denial of justice; or
 - e.) 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 complaint or petition sent by mail shall/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-HRRO 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-HRRO within five (5) days from receipt thereof;
- (c) Within five (5) calendar days from receipt of the complaint or petition, the CSC-HRRO shall require the respondent to file a responsive pleading within ten (10) days from receipt of notice. It shall submit to the Council within ten (10) days from the expiration of the time for the filing of the responsive pleading, an evaluation report together with the draft resolution, for its consideration and appropriate action;
- (d) Where the Council finds that a hearing is necessary, the case shall be assigned to any one of the member-agencies.

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

- (e) The Council shall render a decision on the complaint or petition within forty-five (45) days from receipt of the report of the deputized hearing officer. The decision shall be in writing and shall clearly state the facts and the law upon which it is based.

- (f) The majority of the members of the Council shall constitute a quorum. At least three (3) concurring votes shall be necessary to render a decision; and,
- (g) The decision of the Council shall be final and executory unless a motion for reconsideration is filed within ten (10) days from receipt of such decision. Only one (1) motion for reconsideration shall be entertained.

Section 2. Appellate Jurisdiction. –

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

The memorandum of appeal shall contain the following:

- 1) Names of appellant and appellee/s;
- 2) Statement of facts, including the date of receipt of the assailed decision;
- 3) Grounds for appeal;
- 4) Relief prayed for; and
- 5) Proof of service to appellee/s.

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

- (b.) A memorandum of appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope, which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the CSC-HRRO or the DOLE-BLR;
- (c.) The DOLE-BLR shall transmit to the Council, through the CSC-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) 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 period within which to file the same, the CSC-HRRO shall raffle the case to any of the member-agencies. The member agency that rendered the assailed decision or is a party to the dispute shall automatically be inhibited;

- (f.) Within sixty (60) days from receipt of the records of the case, 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;
- (h.) The Council shall render its decision on the appeal within sixty (60) days from receipt of the report. The decision shall be in writing and shall clearly state the facts and the law upon which it is based; and,
- (i.) The decision of the Council shall be final and executory unless a motion for reconsideration is filed within ten (10) days from receipt of such decision. Only one (1) motion for reconsideration shall be entertained.

RULE XXV

MISCELLANEOUS PROVISIONS

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

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

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

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

Quezon City, Philippines, (date of approval).

ALICIA dela ROSA-BALA
Chairperson, Civil Service Commission
CHAIRPERSON

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

EMMANUEL L. CAPARAS
Secretary, Department of Justice
MEMBER

CESAR V. PURISIMA
Secretary, Department of Finance
MEMBER

FLORENCIO B. ABAD
Secretary, Department of Budget and Management
MEMBER

Attested by:

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