



HOUSE OF REPRESENTATIVES

H. No. 5886

BY REPRESENTATIVES MENDOZA (R.) AND NOGRALES, PER COMMITTEE
REPORT NO. 788

AN ACT ALLOWING FOREIGN INDIVIDUALS OR ORGANIZATIONS
TO ENGAGE IN TRADE UNION ACTIVITIES AND TO PROVIDE
ASSISTANCE TO LABOR ORGANIZATIONS OR GROUPS OF
WORKERS, AMENDING FOR THE PURPOSE ARTICLES 269
AND 270 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED,
OTHERWISE KNOWN AS THE "LABOR CODE OF THE
PHILIPPINES"

*Be It enacted by the Senate and House of Representatives of the Philippines In
Congress assembled:*

1 SECTION 1. Article 269 of the Labor Code is hereby further amended
2 to read as follows:

3 "ART. 269. *NON-[P]prohibition against aliens*;
4 *Exceptions*]. - All aliens, natural or juridical, as well as all
5 foreign organizations [are strictly prohibited from engaging]
6 MAY ENGAGE directly or indirectly in all forms of trade union
7 activities [without prejudice to] ONLY THROUGH normal
8 contacts between Philippine labor unions and recognized
9 international labor centers.[: *Provided, however, That a*]Aliens

1 working in the country with valid permits issued by the
 2 Department of Labor and Employment[,] may exercise the right
 3 to self-organization and join or assist labor organizations of their
 4 own choosing for purposes of collective bargaining[: *Provided,*
 5 *further,* That said aliens are nationals of a country which grants
 6 the same or similar rights to Filipino workers].”

7 SEC. 2. Article 270 of the Labor Code is hereby amended to read as
 8 follows:

9 “ART. 270. *NON[R]regulation of foreign assistance. –*

10 (a) [No f]Foreign Individuals, organizations or [entity]
 11 ENTITIES may give [any] donations, grants or other forms of
 12 assistance, in cash or in kind, directly or indirectly, to any labor
 13 organization, group of workers or any auxiliary thereof, such as
 14 cooperatives, credit unions and institutions engaged in research,
 15 education or communication, in relation to trade union activities,
 16 without prior permission by the Secretary of Labor AND
 17 EMPLOYMENT.

18 “Trade union activities” shall mean:

19 “(1) organization, formation and administration of labor
 20 organizations;

21 “(2) negotiation and administration of collective
 22 bargaining agreements;

23 “(3) all forms of concerted union action;

24 “(4) organizing, managing, or assisting union
 25 conventions, meetings, rallies, referenda, teach-ins, seminars,
 26 conferences and institutes;

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1 “(5) any form of participation or involvement in
2 representation proceedings, representation elections, consent
3 elections, union elections; and

4 “(6) other activities or actions analogous to the
5 foregoing.

6 “(b) This [prohibition] **NONREGULATION OF FOREIGN**
7 **ASSISTANCE** shall [equally] **NOT** apply to foreign donations,
8 grants or other forms of assistance, in cash or in kind, given
9 directly or indirectly to any employer or employer's organization
10 to support any activity or activities affecting trade unions.

11 “(c) The Secretary of Labor **AND EMPLOYMENT** shall
12 promulgate rules and regulations to regulate and control the
13 giving and receiving of such donations, grants, or other forms of
14 assistance, including the mandatory reporting of the amounts of
15 the donations or grants, the specific recipients thereof, the
16 projects or activities proposed to be supported, and their
17 duration.”

18 **SEC. 3.** All acts, laws, executive orders, presidential issuances,
19 decrees, rules and regulations inconsistent with the provisions of this Act are
20 hereby repealed or modified accordingly.

21 **SEC. 4.** This Act shall take effect fifteen (15) days after its publication
22 in the *Official Gazette* or in a newspaper of general circulation.

Approved,