

[PRESIDENTIAL DECREE NO. 823, November 03, 1975]

STRENGTHENING FREE COLLECTIVE BARGAINING AND TRADE UNIONISM WITHIN THE FRAMEWORK OF VOLUNTARY AND COMPULSORY ARBITRATION, PROHIBITING STRIKES AND LOCKOUTS DURING THE PERIOD OF NATIONAL EMERGENCY AND REGULATING FOREIGN ACTIVITIES IN THE LABOR FIELD.

WHEREAS, Proclamation No. 1081 dated September 21, 1972 was issued by me to establish the conditions under which the security of the Republic can be insured and far-reaching economic and social reforms achieved;

WHEREAS, it is the policy of the State to encourage trade unionism and free collective bargaining within the framework of arbitration, voluntary or mandatory;

WHEREAS, the stability of labor-management relations and of industrial peace is essential to national security and to the purposeful pursuit of economic development and social justice for all our people;

WHEREAS, to insure the stability of labor-management relations and protect the gains of the New Society, it is necessary to prohibit strikes and lockouts during the period of national emergency and to regulate the activities of certain persons, organizations and entities, whether foreign or national;

WHEREAS, the interest of national security and the strengthening of national sovereignty over the inviolable territory of the Republic of the Philippines during a period of national emergency warrants the imposition of sufficient administrative controls over the activities of aliens and foreign organizations in the labor field, including the friends of the country whose concern for the welfare of the Filipino worker is deeply appreciated;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution do hereby order and decree as follows:

SECTION 1. It is the policy of the State to encourage trade unionism and free collective bargaining within the framework of compulsory and voluntary arbitration and therefore all forms of strikes, picketing and lockouts are hereby strictly prohibited.

SEC. 2. For purposes of this decree the term "strike" shall comprise not only concerted work stoppages, but also slowdowns, mass leaves, sitdowns, attempts to damage, destroy or sabotage plant equipment and facilities, and similar activities.
SEC. 3. The term "lockout" shall comprise shutdowns, mass retrenchment and dismissals without previous written clearance from the Secretary of Labor or his duly authorized representative.

SEC. 4. Except on grounds of national security and public peace, no union members or union organizers may be arrested or detained for union activities without previous consultations with the Secretary of Labor or the commission of crime.