

[**PRESIDENTIAL DECREE NO. 849, December 16, 1975**]

AMENDING PRESIDENTIAL DECREE NO. 823 AND FOR OTHER PURPOSES

WHEREAS, it has been found necessary, on the basis of tripartite consensus of government, labor and management, to reflect more clearly the spirit and intention of Presidential Decree No. 823.

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

SECTION 1. Section 1 of Presidential Decree No. 823 is hereby amended to read as follows:

"SECTION 1. It is the policy of the state to encourage free trade unionism and free collective bargaining arbitration. Therefore, all forms of strikes, picketings and lockouts are hereby strictly prohibited in vital industries, such as in public utilities, including transportation and communication, companies engaged in the manufacture or processing as well as in the distribution of fuel gas, gasoline and fuel or lubricating oil, in companies engaged in the production or processing of essential commodities or products for export, and in companies engaged in banking of any kind, as well as in hospitals and in schools and colleges.

"However, any legitimate labor union may strike and any employer may lock out in establishments not covered by General Order No. 5 only on grounds of unresolved economic issues in collective bargaining, in which case the union or the employer shall file a notice with the Bureau of Labor Relations at least 30 days before the intended strike or lockout. The Bureau shall exert all-out efforts to effect a voluntary settlement during the 30-day period. Should the dispute remain unsettled thereafter, the union may go on strike and the employer may lock out unless the President or his duly authorized representative certifies the dispute to the National Labor Relations Commission for compulsory arbitration in the interest of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedom of others. Such certification shall have the effect of automatically enjoining the strike or lockout.

"If certified, the NLRC shall decide the dispute within 30 working days after certification, which decision shall be final and executory unless appealed to the Secretary of Labor within 10 days from receipt thereof on ground of grave abuse of discretion only.

"If not certified, the union may strike and the employer may lock out. The Bureau shall continue conciliating. At any time during such strike or lockout, however, the President or his duly authorized representative may, in the public interest, certify the dispute to the NLRC for compulsory arbitration, immediately after which the striking employees shall return