

[EXECUTIVE ORDER NO. 111, December 24, 1986]

AMENDING CERTAIN PROVISIONS OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

WHEREAS, the welfare of the workers is a primary concern of the government;

WHEREAS, it is necessary to amend or repeal provisions of laws that repress the rights of workers and of their trade unions;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Articles 60 and 61 of the Labor Code of the Philippines are hereby amended to read as follows:

"ART. 60. Employment of apprentices. Only employers in the highly technical industries may employ apprentices and only in apprenticeable occupants approved by the Minister of Labor and Employment."

"ART. 61. Contents of apprenticeship agreements. Apprenticeship agreements, including wage rates of apprentices, shall conform to the rules issued by the Minister of Labor and Employment. The period of apprenticeship agreements providing for wage rates below the legal minimum wage, which in no case shall start below 75 per cent of the applicable minimum wage, may be entered into only in accordance with apprenticeship programs duly approved by the Minister of Labor and Employment. The Ministry shall develop standard model programs of apprenticeship."

SECTION 2. Article 128(b) of the Labor Code of the Philippines is hereby further amended to read as follows:

"(b) The provisions of Article 217 of this Code to the contrary notwithstanding and in cases where the relationship of employer-employee still exists, the Minister of Labor and Employment or his duly authorized representatives shall have the power to order and administer, after due notice and hearing, compliance with the labor standards provisions of this Code and other labor legislation based on the findings of labor regulation officers or industrial safety engineers made in the course of inspection, and to issue writs of execution to the appropriate authority for the enforcement of their order, except in cases where the employer contests the findings of the labor regulation officers and raises issues which cannot be resolved without considering evidentiary matters that are not verifiable in the normal course of inspection."

SECTION 3. Paragraph (c) of Article 211 of the Labor Code of the Philippines is hereby amended to read as follows:

"(c) To foster the free and voluntary organization of a strong and united labor movement;"

SECTION 4. Paragraph (c) of Article 234 of the Labor Code of the Philippines is hereby further amended to read as follows:

"(c) The names of all its members comprising at least 20 per cent of all the employees in the bargaining unit where it seeks to operate;"

SECTION 5. The provisions of Article 238 and the second paragraphs of Articles 239 and 241 of the Labor Code of the Philippines relating to the restructuring of the labor movement along one-union-one industry policy, are hereby repealed.

SECTION 6. Article 245 of the Labor Code of the Philippines is hereby amended to read as follows:

"ART. 245. Right of employees in the public service. Employees of government corporations established under the Corporation Code shall have the right to organize and to bargain collectively with their respective employers. All other employees in the civil service shall have the right to form associations for purposes not contrary to law."

SECTION 7. Articles 257 and 258 of the Labor Code of the Philippines are hereby amended to read as follows:

"ART. 257. Representation issues in organized establishments. In organized establishments, when a petition questioning the majority status of the incumbent bargaining agent is filed before the Ministry within the sixty-day period before the expiration of the collective bargaining agreement, the Med-Arbiter shall automatically order an election by secret ballot to ascertain the will of the employees in the appropriate bargaining unit. To have a valid election, at least a majority of all eligible voters in the unit must have cast their votes. The labor union receiving the majority of the valid votes cast shall be certified as the exclusive bargaining agent of all the workers in the unit. When an election which provides for three or more choices results in no choice receiving a majority of the valid votes cast, a run-off election shall be conducted between the choices receiving the two highest number of votes."

"ART. 258. Petitions in unorganized establishments. In any establishment where there is no certified bargaining agent, the petition for certification election filed by a legitimate labor organization shall be supported by the written consent of at least twenty (20%) per cent of all the employees in the bargaining unit. Upon receipt and verification of such petition, the Med-Arbiter shall automatically order the conduct of a certification election."

SECTION 8. Paragraphs (c) and (f) of Article 264 of the Labor Code of the Philippines are hereby further amended to read as follows: