

**[DOLE DEPARTMENT ORDER NO. 40A-03, March
12, 2003]**

**AMENDING SECTION 5, RULE XXII OF THE IMPLEMENTING
RULES OF BOOK V OF THE LABOR CODE OF THE PHILIPPINES**

ARTICLE I. Section 5, Rule XXII of Department Order No. 40-03, the Implementing Rules of Book V of the Labor Code of the Philippines, is hereby amended to read as follows:

RULE XXII

Section 5. Grounds for strike or lockout. — A strike or lockout may be declared in cases of bargaining deadlocks and unfair labor practices. Violations of collective bargaining agreements, except flagrant and/or malicious refusal to comply with its economic provisions, shall not be considered unfair labor practice and shall not be strikeable. No strike or lockout may be declared on grounds involving inter-union and intra-union disputes or without first having filed a notice of strike or lockout or without the necessary strike or lockout vote having been obtained and reported to the Board. Neither will a strike be declared after assumption of jurisdiction by the Secretary or after certification of submission of the dispute to compulsory or voluntary arbitration or during the pendency of cases involving the same grounds or the strike or lockout.

ARTICLE II. All other rules, regulations, issuances, circulars and administrative orders inconsistent herewith are hereby superseded.

ARTICLE III. The foregoing amendment shall take effect two weeks after completion of publication in one (1) newspaper of general circulation.

Adopted: 12 Mar. 2003

(SGD.) PATRICIA A. STO. TOMAS
Secretary



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