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GUIDELINES IN THE CONDUCT OF PNP PERSONNEL, PRIVATE SECURITY GUARDS AND GUARD FORCES DURING STRIKES, LOCKOUTS AND LABOR DISPUTES IN GENERAL

In order to promote public Interest and safety, industrial peace and stability, and peace and order, the following guidelines are hereby prescribed to govern the official conduct of all members of the PHILIPPINE POLICE (PNP) during strikes, lockouts and labor disputes in general:

GENERAL POLICY

1. It is the essence of these guidelines that labor disputes are within the sole jurisdiction of the Department of Labor and Employment (DOLE) *and/or through its appropriate agencies* while matters involving peace and order, are under the exclusive jurisdiction of the National Police Commission (NAPOLCOM) *through the Philippine National Police (PNP)*; but as labor disputes *involving strikes and lockouts* have peace and order implications, close coordination between the two departments is necessary.
2. The involvement of the PNP during strikes, lockouts and labor disputes in general shall be limited to the maintenance of peace and order, enforcement of laws and legal orders of duly constituted authorities.
3. *Any request for police assistance issued by duly constituted authorities shall specify the acts to be performed or conducted by PNP personnel.*
4. Whenever the assistance of the PNP is necessary, elements of the local police force should be called upon to render assistance. *Such request for assistance shall be addressed to the Regional Director, National Capital Regional Command (NCRC), or the City Director in the case of cities, or the Provincial Director in the case of provinces or cities not under a City Police Command.* Unless directed by the President or personally by the Chairman of the National Police Commission upon consultation with the Secretary of Labor and Employment for when requested by the latter, personnel from the *Armed Forces of the Philippines* shall not intervene nor be utilized in any labor dispute.
5. Insofar as practicable, no *officer of the law* shall be allowed to render services in connection with a strike or lockout *if there is question or complaint as regards his relationship* by affinity or consanguinity to any official/leader of the parties in the controversy *or if he has* financial or pecuniary interest therein.
6. A peace keeping detail shall be established in a strike or lockout area when requested by DOLE or as the *Regional Director, National Capital Regional Command, City Police Command/Provincial Director* may deem necessary for the purpose of maintaining peace and order in the area.

7. Personnel detailed as peace keeping force in strike or lockout areas shall be in uniform, with proper *nameplate* at all times. They shall exercise *maximum tolerance and shall observe courtesy and strict neutrality* in their dealings with both parties to the controversy bearing in mind that the parties to the labor dispute are not their adversaries but their partners in the quest for industrial peace and human dignity. *As much as possible, they shall not inflict any physical harm upon strikers and/or picketers or any person involved in the strike/lockout. When called for by the situation or when all other peaceful and non-violent means have been exhausted, law enforcers may employ, as a last resort only such force as may be necessary and reasonable to prevent or repel an aggression.*

PEACE KEEPING DETAILS

8. The peace keeping detail shall not be stationed in the picket (or confrontation line) but should be stationed such that their presence may deter the commission of criminal acts *or any untoward incident* from either side. The members of the peace keeping detail shall stay outside a 50 meter radius from the picket line, except, if the 50 meter radius includes a public thoroughfare, they may station themselves in such public thoroughfare for the purpose of insuring the free flow of traffic.

ARRESTS/SEARCHES AND SEIZURES

9. Arrests and searches in strike/lockouts areas shall be effected only on the basis of an existing and valid Warrant or Arrest/Search and Seizure or in accordance with Section 5, Rule 113 of the Rules of Court (*Annex "A"*). Whenever possible, union representatives (for laborers/workers) or management representatives (for management personnel) shall be requested to facilitate the service of the Warrant of Arrest/Search and Seizure Order.

10. Any person who during the strike/lockout, violates any law, statute, ordinance or any provision of Batas Pambansa Blg. 880 or the Public Assembly Act may be arrested and charged accordingly in court.

11. Any person who obstructs the free and lawful ingress to and egress from the employer's premises *in contemplation of Article 264, par. (e) of the Labor Code, as amended, (Annex "B")* or who obstructs public thoroughfares may be arrested and accordingly charged in court.

12. The DOLE shall immediately be informed *by the PNP unit concerned* in cases of violence in the picket line. When arrests are made *pursuant to a warrant Issued by competent authorities, the arresting officers shall coordinate with the Leaders/Representatives of the union and management, as the case may be, and also inform them of the arrest and the reason therefor.*

SERVICE OF DOLE, COURT OR LAWFUL ORDERS/WRITS

13. The service of DOLE, court or other lawful orders/writs is the primary concern of the DOLE representative, sheriff, representative of the government agency issuing the order respectively. *Before service of the Order, the DOLE representative, sheriff or representative of the agency issuing the order shall coordinate and dialogue with the leaders of the striking group and the representatives of management and shall inform them of the nature and content of the Order to be enforced including possible consequences of any defiance thereto. Whenever necessary, coordination with the local government units shall be made by the DOLE and the other concerned*

agencies issuing the Order to facilitate the service of Order and to prevent unnecessary intervention.

14. Orders enjoining any picketing, strike or lockout are enforceable strictly in accordance with Articles 218 and 263 of the Labor Code, as amended.

15. Any person who is not a laborer/worker of the company business establishment on strike but has joined the striking laborers/workers in their picket or strike, shall be treated by the law enforcers in the same manner as the strikers/picketers. *If such person's presence in the strike area obstructs the peaceful picketing, the law enforcers shall compel him to leave the area.* The conduct of rallies and marches on issues not related to the labor dispute shall be dealt with in accordance with the provisions of Batas Pambansa 880.

ADMINISTRATIVE JURISDICTION

17. Except as provided in these guidelines the matter of determining whether a strike, picket or lockout is legal or not should be left to DOLE *and its appropriate agencies*. PNP elements are enjoined from interfering in a strike, picket or lockout, except as herein provided, for the sole reason that it is illegal.

18. Picketing as part of the freedom of expression during the strikes shall be respected provided it is peaceful. Shanties and structures set-up to effectively block lawful ingress and egress from company premises for legal purposes and the free passage in public thoroughfares *shall* be summarily demolished in accordance with Article 694 of the Civil Code of the Philippines. (Annex "C")

19. No personal escort shall be provided to any of the parties to the controversy unless so directed by the competent authority. Whenever escorts are to be provided to any, the other party shall be informed accordingly. All escorts shall be in uniform at all times.

SOCIALIZING

20. During the pendency of a strike/lockout, the police and military personnel concerned are discouraged from socializing with any of the parties involved in the controversy. These personnel shall not, under any pretext, accept an invitation from management personnel or union officials/personnel involved in the controversy.

LIAISON

21. Liaison shall be established and maintained with *the representatives* of DOLE, management and the union in the strike/lockout area for the purpose of maintaining peace and order as well as to maintain a continuing peaceful dialogue between the parties to the strike/lockout. *If possible, a monthly meeting between the representatives of the PNP, NAPOLCOM and the DOLE and concerned sectors shall be conducted to assess and monitor compliance with and implementation of the guidelines.*

ADMINISTRATIVE ACTION

22. All complaints/reports leveled against any personnel of the PNP *on the occasion of strike/lockout shall be processed and resolved in accordance with the PNP Administrative Disciplinary Machinery pursuant to Chapter III, paragraph (c) of Republic Act 6975 (Annex "D"). For DOLE personnel the complaints shall be*

processed in accordance with the DOLE Manual on the Disposition of Administrative Cases (Annex "E"). Whenever applicable, and if the evidence so warrants, appropriate disciplinary action shall be taken against the erring personnel.

ROLE OF SECURITY GUARDS

23. Conduct of security guards during strikes and lockouts shall be in accordance with Rule 18 of the Implementing Rules of Republic Act 5487 (Annex "F").

EFFECTIVITY

24. These Guidelines shall take effect immediately.

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ANNEX "A"

Section 5, Rule 113 of the Rules of Court

"Arrest, without warrant; when lawful-A peace officer or a private person may, without a warrant, arrest a person:

(a) when, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) when an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it; and

(c) when the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraphs (a) and (b) hereof, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail, and shall be proceeded against in accordance with Rule 112, Section 7."

ANNEX "B"

Article 264 (e) of the Labor Code, as amended:

"No person engaged in picketing shall commit any act of violence, coercion or intimidation or obstruct the free ingress to or egress from the employee's premises for lawful purposes, or obstruct public thoroughfares."

ANNEX "C"

Art. 694. A nuisance is any act, omission, establishment, condition of property, or anything else which:

- (1) Injures or endangers the health or safety of others; or
- (2) Annoys or offends the senses; or
- (3) Shocks, defies or disregards decency or morality; or
- (4) Obstructs or interferes with the free passage of any public highway or streets or any body of water; or
- (5) Hinders or impairs the use of property.

ANNEX "D"

Chapter III of Republic Act 6975 (The PNP Law)

C. Administrative Disciplinary Machinery

Sec. 41 (a) Citizen's Complaints — Any complaint by an individual person against any member of the PNP shall be brought before the following:

- (1) Chiefs of police, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period not exceeding fifteen (15) days.
- (2) Mayors of cities or municipalities, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period not less than sixteen (16) days but not exceeding thirty (30) days.
- (3) People's Law Enforcement Board, as created under Section 43 hereof, where the offense is punishable by withholding of privileges, restriction to specified limits, for a period not exceeding thirty (30) days, or by dismissal.

The Commission shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this section.

(b) Internal Discipline — In dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

- 1) Chief of police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any of the