

AMENDING PRESIDENTIAL DECREE NO. 823, STRENGTHENING FREE COLLECTIVE BARGAINING AND TRADE UNIONISM WITHIN THE FRAMEWORK OF VOLUNTARY AND COMPULSORY ARBITRATION, PROHIBITING STRIK...

PRESIDENTIAL DECREE NO. 835, November 27, 1975

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WHEREAS, Presidential Decree No. 823 was intended, among other things, to regulate, in the interest of national security and sovereignty, the activities of aliens and foreign organizations in relation to trade union activities, including friends of the country whose concern for the welfare of Filipino workers is deeply appreciated; and

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 in this regard and to provide in unequivocal terms the appropriate punitive sanctions to be imposed for violations of the provisions of said Presidential Decree.

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

"SEC. 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, picketings, and lockouts, are hereby strictly prohibited. This provision shall be co-terminus with the national emergency."

SEC. 2. Section 8 of Presidential Decree No. 823, is hereby amended to read as follows:

"SEC. 8. No foreign individual, organization or entity may give any donations, grants or other forms of assistance, in cash or in kind, directly or indirectly, to any labor organization, group of workers or any auxiliary thereof, such as cooperatives, credit unions and institutions engaged in research, education or communication, in relation to trade union activities without prior permission by the Secretary of Labor.

"This prohibition shall equally apply to foreign donations, grants or other forms of assistance, in cash or in kind, given directly or indirectly to any employer or employer's organizations to support any activity or activities affecting trade unions.

"No Filipino individual, organization or entity may act as agent, representative or channel of foreign donations, grants or other forms of assistance in relation to trade union activities without a previous written permission from the Secretary of Labor.

"The Secretary of Labor shall promulgate rules and regulations to regulate and control the giving and receiving of such donations, grants, or other forms of assistance, including the mandatory reporting of amounts of donations or grants, the specific recipients thereof, the projects or activities proposed to be supported and their duration."

SEC. 3. Section 11 of Presidential Decree No. 823 is hereby amended to read as follows:

"SEC. 11. Any person violating Section 1 of Presidential Decree No. 823 as amended by this Decree, shall forthwith be arrested and taken into custody and held for the duration of the national emergency or until he or she is otherwise ordered released by me or by my duly designated representative.

"Except as otherwise provided herein, violations of the other provisions of Presidential Decree No. 823, as amended by this Decree, shall be punished with a fine of not less than P1,000 nor more than P10,000, and/or imprisonment for the duration of the violation or non-compliance or until such time that rectification of the violation has been made pursuant to Article 278 of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines."

SEC. 4. Presidential Decree No. 823 as amended by this Decree shall form part of the Labor Code of the Philip-pines. Appropriate captions for each section or article shall be provided.

SEC. 5. All laws, decrees, general orders and letters of instructions inconsistent with or contrary with this Decree are hereby repealed.

SEC. 6. This Decree shall take effect immediately.

Done in the City of Manila, this 27th day of November, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

JACOBO C. CLAVE

Presidential Executive Assistant

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