

CLARIFYING THE JURISDICTION BETWEEN VOLUNTARY ARBITRATORS AND LABOR ARBITERS OVER TERMINATION CASES AND PROVIDING GUIDELINES FOR THE REFERRAL OF SAID CASES ORIGINALLY FILED WITH...

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In line with the policy of the Labor Code of the Philippines to promote and emphasize the primacy of free collective bargaining and negotiations, including voluntary arbitration, mediation and conciliation, as modes of settling labor of industrial disputes, the following guidelines are hereby promulgated:

1. Termination cases arising in or resulting from the interpretation and implementation of collective bargaining agreements and interpretation and enforcement of company personnel policies which were initially processed at the various steps of the plant-level Grievance Procedures under the parties collective bargaining agreements fall within the original and exclusive jurisdiction of the voluntary arbitrator pursuant to Article 217 (c) and Article 261 of the Labor Code.
2. Said cases, if filed before a Labor Arbiter, shall be dismissed by the Labor Arbiter for lack of jurisdiction and referred to the concerned NCMB Regional Branch for appropriate action towards an expeditious selection by the parties of voluntary arbitrator or panel of arbitrators based on the procedures agreed upon in the CBA.

This issuance shall take effect immediately,

Adopted: 6 Apr. 1993

(Sgd.) MA. NIEVES R. CONFESOR
Secretary

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