

## **Module 1: Labor Law in Philippine Context**

This lesson is a brief discussion of how the Philippines have its own idea of rights of laborers/workers, what is the meaning of labor law or labor code; and what is the importance of labor law in the Philippine context. The laws in the Philippines was influence by s strongly influenced by the Spanish Código Civil, which was first enforced in 1889 within the Philippines when it was still a colony of the Spanish Empire. Different movements or revelation arise when the government suppressed the rights of the people. The Philippine labor movement is a social movement of workers and farmers led by the middle class (Ilustrados and Socialist Intellectuals). The movement which is organize by most of the laborers is composed of labor organizations like trade unions, farmers' organization, cooperatives and other sectorial and people's organization which is often called as non-government organizations (NGOs).

### **Course Learning Outcomes:**

1. Identify the Philippine legal system and where rules on labor are locate.
2. Analyze the meaning of labor law.
3. Understand the importance of labor law in the Philippine context.
4. Appreciate the importance of labor law to the Filipino workers.

### **Introduction**

If we are going to look back on thousands of years ago, the workers should only work or lend their labor on their master. The servants of their master must work for them to have a food to eat, shelter to live on and clothes to give them comfort. The idea of having a right in labor arise during the period of industrial revolution. The Industrial Revolution was a time of great progress because of large factories emerged. People flocked from their farms in the country to the cities to work in factories, mills, and mines. Despite such progress, life was not easy as a worker during the Industrial Revolution. Working conditions were poor and sometimes dangerous. On the other hand, there are also such situations in our country. Our countrymen as a workers through the year experience different abuse and mistreatment.

### **Course Module**

## **The History of Labor Movement in the Philippines**

### **The Early Beginning, 1899–1903**

Let us look back to the early beginning, 1899-1903. The workers' organizations in the Philippines which included '*gremios*' or community-based crafts unions began in Manila as early as 1870 among workers in printing, tobacco and stevedoring industries, clerks, woodworkers, carpenters and barbers (Scott, 1992).

During 1902, Don Isabelo de los Reyes, a nationalist newspaperman, unified the workers' groups under the *Union Obrera Democratica* (UOD). De los Reyes was an intellectual who returned from exile in 1901. Likewise, he founded the Philippines Independent Church and headed a printers' union and the *Union de Litographos de Filipinas y Otros Obreros*.

There are around 20,000 trade unionism members rose in Manila and environs. Strikes occurred and management representatives were threatened with assassination. As a result, labor leaders including de los Reyes were arrested and jailed for violation of the Spanish Penal Code. De los Reyes was succeeded by Dr. Dominador Gomez who was also jailed. Lope K. Santos succeeded Gomez and he tried to legitimize UOD with the American colonial government by affiliating UOD with the American AFL-CIO. This resulted in the weakening of the trade union movement.

### **Trade Unionism during the Early American Period, 1905–1920**

With the UOD experience, the Americans legally recognized labor unionism through the creation of the Bureau of Labor. This ended labor union repression. Trade unionism veered towards political unionism and lobbied for nationalism, early independence and elections. This was the concept of political unionism that was advocated by de los Reyes, Gomez and Santos.

The Congreso Obrero de Filipinas (COF) organized by Lope K. Santos in 1913 was not very successful since their membership were mostly agricultural workers who were not qualified to vote. The voting rights granted to Filipinos in 1906 were limited to property owners and the literate. De los Reyes and Gomez were elected to the legislative body not because of the labor movement but because of their being members of the Filipino upper class elites.

### **Philippine Labor Movement during Pre-war Period**

The Philippine –American War resulted in death of over 4,200 American soldiers and civilians and 20,000 Filipino combatants. Overall, it was as many as 200,000 Filipino civilians died from violence, famine and disease. The transition of Philippine government as well as its economy are not that easy. The former president, Manuel Quezon thought of social justice and its implication includes: (1.) Fair treatment of all members of the society; (2.) The implementation of social aim of wealth which is the amelioration of man’s living conditions; (3.) Elimination of all forms of abuse from official or private quarters; (4.) Maintenance of peace and order; and lastly the safeguarding of property rights and individual liberty.

Likewise, Quezon’s Social Justice Program enacted new labor laws which led to the regulation of trade union activities and work stoppages were minimized. CA 103 created a Court of Industrial Relations (CIR) and compulsory arbitration was institutionalized as the mode of setting labor disputes. The Court of Industrial Relations was given the jurisdiction over labor disputes which were likely to cause a strike or lock-out which included more than 30 workers. CA 213 was enacted to provide greater legal protection to legitimate labor organizations. CA 213 provided for the following:

- made punishable intimidation or coercion with the intent of preventing a worker from joining a ‘legitimate labor organization’; and
- the regulation of a ‘legitimate labor organizations’ requires the investigation by the Constabulary of its activities.

In 1938, in a bid to win the support of labor, President Quezon pardoned Crisanto Evangelista. In the following year, the PKP of Evangelista merged with the Socialist Party of Abad Santos. This is in order to strengthen its organization with the coming of the 2nd World War. This led to the resurgence of communist activities in the Philippines labor movement.

The communist revolutionary intellectuals achieved a peasant base in Central Luzon where the Hukbong Bayan Laban sa Hapon (HUKBALAHAP) was later launched during the Japanese Period. The communists also initiated a national labor organization, the Collective Labor Movement (CLM) which later was split into two factions—the Confederate Worker’s Alliance (Communist Wing) and the National Federation of Labor (conservative wing).

Therefore, two progressive elites that were leading the labor movement—the communist revolutionary intellectuals and the nationalists. The goal of the communists was to change the social order towards socialism,

while that of the nationalists was complete independence from the USA. The communists took the upper hand in leading the labor movement because they were more killed in agitation and organizing which contributed to the strengthening of both the trade union movement and the labor movement.

### **Philippine Labor Movement during War Years**

Labor activities were suppressed during the Japanese occupation. On the other hand, the communists under the leadership of the scientist Vicente Lava were prepared enough. Their group showed their efforts into guerilla resistance activities against the Japanese Imperial Army. Under the leadership of HUKBALAHAP, they established a merger with the socialist/nationalists which is led by Abad Santos and Luis Taruc and allied with the conservative Filipino dynastic and middle class elites which is led by Quezon and the American colonial administration led by McArthur.

After the war, the communist-socialist-nationalist alliances became relatively strong particularly in Central Luzon region which led to the establishment of the political party Democratic Alliance, which successfully elected legislators to the Philippines Congress. They were, however, expelled by the landlord dominated legislature.

### **Philippine Labor Movement during War Years**

From 1945–1950, there was the resurgence of the communist movement within the labor movement. The communists group initiated the Committee on Labor Organization which is later on known as Congress of Labor Organizations or CLO. It became the most dominant labor federation during the post-war era. It was headed by Guillermo Capadocia, Mariano Balgos and poet-writer Amado V. Hernandez. The CLO usually reflected the stand of the Communist Party of the Philippines (PKP). In 1949, the CLO affiliated with the communist-leaning World Federation of Trade Unions and by 1950, it has 78 affiliate labor organizations and 100,000 members. The CLO assumed an aggressive and militant stand in bargaining for workers against management.

Top leaders of the PKP and the CLO were arrested in 1950. The Department of Labor cancelled the registration of CLO for being a communist front. Labor organizations and federations not run by communists disaffiliated with the CLO and those run by communists were divided due to stepped-up government surveillance and repressive activities.

By 1951, the mass-based segment of the labor movement. The peasant and agricultural worker based was weakened considerably and organized labor became more concentrated in the modern sector of the economy. The trade union movement once more became urban based with membership coming from the industrial worker. The communists went underground with their military wing renamed Hukbong Mapagpalaya ng Bayan.

Non-communist segments of the CLO were reorganized under an environment of strong government intervention into trade union activities. Among the new federations were:

1. Philippine Association of Free Labor Unions (PAFLU, 1951) organized by Cipriano Cid, former president of CLO.

2. National Confederation of Trade Unions (NCFTU) organized by the under-secretary of Labor who later ran for Senate in 1953 and lost. This signifies the non-existence of a solid labor vote.

3. Federation of Free Workers (FFW, 1950) inspired mainly by the teachings of the Catholic encyclicals through Fr. Walter Hogan, S.J. and organized by young Ateneans headed by Juan C. Tan. (Asper, 2002)

4. Philippine Trade Unions Council (PTUC) which federated PAFLU, National Labor Union (NLU), Philippine Labor Unity Movement (PLUM), National Association of Trade Unions (NATU), Mindanao Federation of Labor (MLF), Taxi Drivers Federation, etc. It later affiliated with the International Confederation of Free Trade Unions (ICFTU).

## **The Philippine Legal System**

### **What is a legal system?**

A **legal system** is a procedure or process for interpreting and enforcing the law. There are different types of legal systems in the world. At the global level there is an international law. International law is of great importance, whether created by the practice of sovereign states or by agreement among them in the form of treaties and other accords. Some transnational entities such as the European Union have created their own legal structures. On the other hand, at the national level there are over 180 sovereign states in the United Nations Organization. Many of these states are federal, and their constituent parts may have their own additional laws.

Despite this great variety, it is important to begin by emphasizing the division between religious legal systems and secular legal systems. Each holds quite different views as to law, in its source, scope, sanctions, and function. The

source of religious law is the deity, legislating through the prophets. Secular law, however, is made by human beings. In a religious legal system disputes are usually adjudicated by an officer of that religion, so the same person is both judge and priest. In a secular system, by contrast, the office of judge is separate, and is often reinforced by guarantees of judicial independence.

### **What is the Philippine Legal System?**

When we talked about our legal system, the Philippine legal system is a mixture of customary usage, Roman (civil law) and Anglo-American (common law) systems, and Islamic law. The legal system of the Philippines is the result of the immigration of Muslim Malays in the fourteenth century and the subsequent colonization of the islands by Spain and the United States. Meanwhile, the civil law operates in areas such as family relations, property, succession, contract and criminal law. While the statutes and principles of common law origin are evident in such areas as constitutional law, procedure, corporation's law, taxation, insurance, labor relations, banking and currency.

### **Sources of law in the Philippines**

**The main sources of Philippine laws are:**

#### **a. The Constitution**

The constitution is the fundamental and supreme law of the land. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.

#### **b. Statutes**

Statutes includes acts of congress, municipal charters, municipal legislation, court rules, administrative rules and orders, legislative rules and presidential issuances.

#### **c. Treaties and Conventions**

Treaties are international conventions or the agreements between countries. International convention is often known and used as interchangeably with terms like international treaty, international agreement, compact or

contract between states. Conventions may be of a general or specific nature and between two or multiple states. Conventions between two states are called bilateral treaties; conventions between a small number of states (but more than two) are called plurilateral treaties; conventions between a large number of states are called multilateral treaties.

There are many treaties that mold the Philippine law such as: (1) Consular convention between the United States of America and the Republic of the Philippines; (2) Articles of Agreement of the Asian Infrastructure Investment Act (3) Agreement between Japan and the Republic of the Philippines on Social Security which was signed on 19 November 2015 in Manila; and etc.

#### **d. Judicial Decisions**

The Article 8 of the Civil Code provides that judicial decisions applying to or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines'. Only decisions of its Supreme Court establish jurisprudence and are binding on all other courts.

### **Labor Law in the Philippines**

The laws that our legal system have established aimed to protect all the citizens of the Philippines. One of these many laws that we must take note is the labor law or the labor code. The policy for labor in the Philippines is stated mainly through the country's labor code of the Philippines or other labor laws. The Labor Code contains several provisions which are beneficial to labor. It prohibits termination from employment of Private employees except for just or authorized causes as prescribed in Article 282 to 284 of the Code. The right to trade union is expressly recognized, as is the right of a union to insist on a closed shop.

Labor law address the Filipino workers' legal rights and their limitations in regards with the hiring process, responsibilities in working conditions, benefits (rewards) , policy making on labor within their institution or company and relationship of employers with their employees. The legislated labor laws and the labor code are implemented mainly by government agencies. The Department of Labor and Employment and Philippine Overseas Employment Agency are the government agencies responsible on such. Moreover, the non-government entities, such as the trade unions and employers also play a role in the country's labor issues and rights.

## **Importance of Labor Laws in the Philippines**

Generally, different labor laws have an underlying purpose or aim. This must protect the employees' rights and set forth employers' obligations and responsibilities. We should consider also the right of the employers as they are the one who is giving just compensation and salary for the employees. These multiple function of labor laws are to providing an equal opportunity and pay together with employees' physical and mental well-being and safety, and workplace diversity.

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1. It prescribes the rules for hiring and termination of private employees.
2. The conditions of work including maximum work hours and overtime.
3. The employee benefits such as holiday pay, thirteenth month pay and retirement pay.
4. The guidelines in the organization and membership in labor unions as well as in collective bargaining.

## References and Supplementary Materials

### Online Supplementary Reading Materials

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