The Philippine Labor Code's Overhaul:. Its Philosophy and Scope

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No matter who gets elected in 2004 and no matter who shall compose our incoming Senate and House, there is an urgent Code that must be enacted, transcending all political circumstances.

The Labor Code of the Philippine, Presidential Decree 442, as amended, perhaps more than a hundred times since 1954, when it was promulgated, has quite effectively served the needs of the nation for almost three decades. Perhaps it is a fitting tribute to the HOfiOl:able BIas F. Ople, who was generally regarded as its main author, to declare in the year of his untimely demise,that indeed, for almost thirty (30) years, the Code that he principally authored, has served its purpose.

And all such qualities were perhaps largely due to the vision, the wisdom and the statesmanship of "Ka BIas,"as he was widely known as well as the competence of his disciples which includes now Court of Appeals Associate Justice Arturo D. Brion, incumbent Labor Secretary Patricia A. Sto. Tomas as well as former Secretaries Nieves R. Confessor, Cresenciano B. Trajano and Bienvenido E. Laguesma, not to forget former Undersecretaries Amado "Gat" Inciong, Ricardo P. Castro, Carmelo B. Noriel and Vicente E. Leogardo, Jr., among others.

But even Ka BIas, as a former Senator of the Republic, in collaboration with three (3) of his most learned allies, Senate President

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Franklin M. Drilon (a former DOLE Secretary himself) and former Senator Ernesto F. Herrera in the Senate and Representative Ruben D. Torres (also a former Secretary) of the House, admitted that it is time to let go of the Labor Code in its original form and substance and embrace in its stead a more relevant Code. And this writer hastens to add, that the earlier we do this, the better for all concerned.

NOT JUST AN MENDMENT, BUT A TOTAL OVERHAUL

There are, however, a few among our people who either do not realize the importance of overhauling the Code or simply do not appreciate the urgency of such overhaul. Still others do not entertain the notion that a mere amendment or minor remedial modification may suffice. The Code is full of disjointed band-aid amendments and some people are contented with those.

The majority, however, of those who are directly involved, and they include the leading trade union centers and labor federations, the employers groups and the various chambers of commerce and industry, have expressed in many and varying ways, their discontentment, even dismay and at times, exasperation at the growing irrelevance, irresponsiveness and incongruence of many provisions of -the Labor Code. Even DOLE officials have opened their eyes to the inevitability of change and have, in fact, actively, participated in the congressional initiatives to overhaul the Labor Code.

Albeit quite slow and perhaps lacking in the sense of urgency that is demanded by the constituencies, Congress has, at least, taken the initiatives to do just that - overhaul the Labor Code. The question is no longer WHY but HOW and perhaps, more accurately, TO WHAT EXTENT. Should we content ourselves with another set of disjointed and hasty amendments that do not envision a bigger picture? Or should we totally start with a totally new framework consistent with the needs of the times? Should we collapse the present frameworks from Book One to Book Seven and create an entirely new Labor Code for this millennium?

PRESIDENTIAL DECREE 442: NO LONGER IN HARMONY WITH THE TIMES

With all due respect to its authors, this writer humbly submits that the Labor Code is no longer attuned with contemporary realities. Having been promulgated on May 1, 1974 under a regime of Martial Rule, and having taken effect on November 1, 1974 after announcing a couple of amendments even before its effectively, the Labor Code should live up to the rising demands of its extremely dynamic if not volatile socio-economic and political environment.

It is a presidential decree that has no more place in a constitutional democracy. It was perhaps hastily crafted to suit the pressing needs of a Martial Law ruler who then governed the nation in his capacity as the Commander-in-Chief of the Armed Forces of the Philippines. It is now anathema to a burgeoning republic where sovereignty is supposed to reside in the people and all authority should emanate from them.

Because Congress was then abolished by the Martial dictator, PD 442 did not enjoy the blessings of a democratic legislative process where the peoples representatives were amply heard and allowed to participate. Neither was there an input of genuine public opinion emanating from the civil society, because the freedom of expression and of the press were muzzled. These were the congenital defects of the Labor Code, which should have been immediately abrogated after the EDSA 1 Revolution of 1986.

The country saw it fit to ordain and promulgate a new constitution in 1987 but the Labor Code was allowed to linger a like square peg in a round hole for almost seventeen. (17) years now. We were contented with some band-aid legislative measures which were criticized as half-hazard, intermittent and segmented and that did not totally address the challenge in full. In fairness to Senator Herrera, Republic Act 6715 was nonetheless enacted after much ado but only in 1989 and merely to focus mainly on labor relations, perhaps not giving due importance to employment and labor standards and welfare as well.

As we now live in a new millennium, we have to keep pace with the massive and unpredictable, if not erratic changes in technology as well as cope with the tremors and upheavals brought about by rapid dynamics on our social, economic and political environment at a speed and velocity that can be astounding if not threatening. Alvin Tofflers' predictions, when the Labor Code was still being drafted, are now all emerging in series of avalanche, of THIRD WAVES and POWERSHIFTS and not only FUTURE SHOCKS.

Better than merely coping, we need to anticipate. We have to create solutions even before the problems can unfold. That is the only way to win over our competitors. The Labor Code should become our master plan for competitive edge in a global economy. It should provide the viable framework, framework we can create proactive solutions to future problems. The Code should provide both labor and capital and even government with a purposive, coherent, integrated and strategic master strategy and plan with which to win in the globally competitive world today.

THE LABOR CODE'S DEFECTS: IN SUBSTANCE AND FORMS

Even before thinking of crafting a new Labor Code, we need to scrutinize the existing one and identify its fundamental defects. In order to assure the readers, that the writer does not create theories out of thin air, it is perhaps useful to mention, modesty aside, that we did make these bold statements by merely reading the text or formulating hypothesis inside the safe haven of the academe.

We immersed ourselves for almost thirty (30) years in the actual practice of labor law in the courtroom called life and earned the right to make these declarations, having been wounded and scarred in the daily battles and struggles as a worker, corporate official and public servant. All the time, we also spent nocturnal incursions into the academe if only to adorn our learnings with the garments of theories and principles.

The learnings I've gained could not have been accumulated by mere reading and research, or by mere analysis and argumentations. I lived and struggled with workers, businessmen, managers and

government officials. Above all, I worked myself and entered both the labor sector and the employers as well as government. All these for thirty (30) years.

In all these years, it is our considered view that the following defects in the Labor Code should be addressed in the new Code that should be enacted soon:

First, BOOK ONE, on Pre- Employment is too fixated on overseas recruitment and placement [1] with token provisions on local employment[2] and with the government overregulating and dominating overseas recruitment and placement activities.[3] But with weak mechanisms against illegal recruitment activities, Book One needs to be reconciled with the Migrant Workers Act,[4] and other special laws. [5]

Second, BOOK TWO on Human Resource Development needs to be strengthened so that it could fully live up to its objectives of developing human resource and thereby promote employment and accurate economic and social growth; a second hand book should be made on the law on apprenticeship[6] as well as on the law on learnership.[7] Book Two as to be reconciled with the TESDA Law, [8] the DUALTECH Law[9] and a lot of other special statutes.[10]

Third, BOOK THREE[11] is a mere enumeration of workers benefits[12] and wages without due emphasis on productivity and quality and other social foundations upon which they may be paid. There is

1 Book One Title I, from Article 13 to 39

2 Only Article 15

3 Article 25 to 39

4 RA No. 8042

05 *Ibid*

06 Book Two, Title II Chapter I, Article 57 to 72

07 Book Two, Title II, Chapter II, Articles 73 to 77

08 Article 83 to 96

09 R.A. Ncr. 7E66

10 *Ibid*

11 Articles 82-to 155 .

12 Articles 83 to 96

no clear classification of enterprises based on capacity to pay. Enforcement of labor standards should be refocused, from its fixation on punishing violations to a more positive thrust towards capability building. 14

Too many holidays15 and too much freedom to declare special non-working days16 should be seen as anti-development, leaves entitlements[17] and administration should be improved and politicians should not interfere in such vital economic determination. Benefits should be standardized. Wage formulation should be universal[19] and there should be less delineation based on sex and other criteria for discrimination. The law on employment of househelpers20 and of homeworkers should be transferred to Book I and should be reviewed and revised.

Fourth, BOOK FOUR, the present law on Employees Compensation has presented the full and consistent implementation of the State policy23 to promote and develop a tax-exempt employees compensation program that should assure employees and their dependents adequate benefits in case of work-connected disability, sickness or death. The separate, disjointed uncoordinated implementing mechanisms[24] are institutional roadblocks to its implementations. The abrogation of the PRESUMPTION OF COMPENSABILITy25 have compelled denials of workers compensation claims and the present laws[26] allow double entitlement under the SSS and ECC.[27] There is a need to instill legal prohibition

14 Articles 128 and
129 15 Article 94
16 EO No. 203
17 Article 95
19 Articles 130 to
155 20 Articles 141
to 152 23 Article
166
24 SSS, GSIS and Employees Compensation Commission 25
Art. 167
26 Art. 172
27 SSS Law R. A. 1161 and Labor Code Art. 173

against the investment of SSS and GSIS funds in ventures that are alien to the purposes of the law on worker's compensation and to overhaul with the SSS, GSIS and the ECC.

Fifth, BOOK FIVE[28] should be overhauled to reflect the new impetus provided by the New Charter[29] on the rights to self organization, collective bargaining, peaceful concerted action and to participate in policy and decision-making, without however negating the employer's constitutional rights to reasonable return on investment and to growth and expansion,30 as well as making sure that workers' rights do not purposely disregard what are universally recognized as management prerogatives.

The present BOOK FIVE does not present in a logical, orderly and sequential manner the proper steps of organizing a labor organization,31 legitimizing its status,32 securing the status of sole and exclusive bargaining representative,33 resolving representation issues, collective bargaining[34] contract administration,35 union security clauses, unfair labor practice[36] and strikes.[37] The Code provides for REGISTRATION and CANCELLATION[38] just before providing for ELIGIBILITI and EXCLUSION.39 It provides for UNFAIR LABOR PRACfICE40 before COLLECTIVE BARGAINING.41 Book Five starts

28 Article 211 to 277

29 Article XIII, See. 3, 1987 Constitution *30 Ibid*

31 Article 243 32 Article 250

33 Article 255, 256, 257 34 Article 250

35 Article 250-259

36 Articles 247,248,269. 37 Articles 263, 264

38 Articles 234

39 Article 243

40 Articles 247-249 41 Article 250

with procedures[42] and follow them with substantive law[43] and then back to procedures,44 then goes back to substance.[45]

The mechanism for labor dispute settlement are fragmented, disorganized and not well-coordinated nor synchronized. The delineation of jurisdictional scopes are hazy and confusing. The procedures are too legalistic and technical and the remedies are not clear. The dispute settlement system suffers from basic flaws that are both substantive and procedural. They do not live up to policy of the State[46] to install an adequate administrative machinery for the expeditious settlement of labor or industrial disputes.

Above all, the labor relations system being provided for under the present Book Five of the Code is too adversarial and allows the government to playa dominant role in a system that is supposed to center on free collective bargaining. While the Code speaks of a policy 'to promote and emphasize the primacy of free collective bargaining and negotiations, including voluntary arbitration, mediation and conciliation as the preferred modes of settling labor or industrial disputes, '4[7] Book Five assigns more classes of disputes to compulsory arbitration, including State interventions in the mechanism of the Labor Secretary's assumption of jurisdiction and certification to the NLRC for compulsory arbitration. 48

Sixth, BOOK SIX[49] is too limited *vis-a-vis* the far-reaching implications and consequences of the right to security of tenure and the heavy volumes of cases arising from it. Book Six has failed to develop as a statute, despite the tremendous loads of labor jurisprudence that have emerged all these years. It does not, for

42 Articles 213 to 233 43 Articles 234 to 259 44 Articles 260 to 267-A 45 Articles 263 to 277 46 Articles 211, par e, Labor Code 47 Articles 211, par a, *Ibid* 48 Articles 263 (g), Labor Code 49 Articles 278 to 287

instance, clearly specifically, provide for separations due to corporate mergers and considerations, takeovers, and those arising from globalization and wide liberalization. It does not provide for clear sources of separation benefits in case of employers' bankruptcy and insolvency. It does not provide for penalty to be imposed on foreign investors who abruptly close a company and leave workers without any retirement or separation pay. Book Six should not include a definition [50] of regular, casual, project, seasonal, contractual, probationary 5l and all such arrangements. These should be in Book One.

Seventh, BOOK SEVEN can be expanded by including all the procedural components of Book One to Book Five. Jurisprudence should be streamlined. Procedures should be simplified. Too much legalese should be abandoned. Reglementary periods should be standardized and made compulsory All government officials who tan not resolve disputes within time tables should be administratively punished. Appeals not filed on time should be dismissed at first sight. No exception whether the appellant is an employee or an employer. Book Seven should provide for discipline to lawyers and litigants who make a mockery of labor laws and the labor dispute adjudication system.

Eighth, there should be a separate book for the informal sector, the larger segment of our labor force who are not wage-earners and remain to be unprotected, unheard and still marginalized. When the Constitution mandates the protection to labor, it certainly encompasses both the formal and informal sectors. These are the ambulant, intermittent, irregular, self-employed, and those who also contribute to the production of goods and services that are unaccounted for.

Ninth, there should be a more faithful adherence to ILO conventions. The new Labor Code should incorporate all such conventions that are already ratified by Congress. There should also be a stronger mechanism for tripartite consultations among the social partners, labor, capital and government and such consultation should

50 Articles 280

51 Article 281

be more regular and not intermittent and there should more stress on the common responsibility for industrial peace and productivity as well as workers' welfare, and

Tenth, the new Labor Code should frontally address the issue of globalization. It is becoming inevitable and, in fact, irreversible that, in order to remain competitive and viable in waging their tightly, fought market wars, and both labor and capital must shatter all territorial, political, light and economic banners. The Labor Code should therefore provide for both the mechanisms to create competitive advantages for our human capital and also assure adequate safety nets for the more vulnerable sectors of our manpower.

CONGRESSIONAL INITIATIVE: COCLE'S PROPOSED LABOR CODE

The COCLE (Congressional Oversight Committee of Labor and Employment) has proposed a New Labor Code[52] incorporating therein the prescriptions of the Labor Code (Congressional Commission on Labor) and adopting many of the recommendation of the CRSS (Center for Research and Special Studies)

It maybe recalled that the Labor Code was created by joint Resolution No. 31 by both houses-on 09 February 1998, based on the following rationale:

> "WHEREAS, the workers are the lifeline of the economy; they represent the human element - the brains and the brawn in the transformation of resources, both natural and capital, into goods and services in accordance with the needs of the society;
>
> "WHEREAS, without the workers, capital cannot be translated into wealth; it is, by itself, worthless;
>
> "WHEREAS, what is technology without the worker to operate it; what is production process without the worker to execute it; what is commodity without the worker to by and consume it;

52 Consisting of 92 pages, which include 298 article, entitles Senate Bill 2576 to be known as AN ACf ESTABLISHING THE NEW LABOR CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

"WHEREAS, the largest component of income of most Filipino individuals and families is a return for their skills and knowledge;

"WHEREAS, for decades, the Filipino worker has a comparative advantage in relation to his Asian and African counterpart in terms of literacy and skills; he is educated and equipped with the know-how and communication skills that most big companies ordinarily require; he has been bringing in the much-needed dollars into our otherwise wobbly economy;

"WHEREAS, the emerging world economic order has spawned structural changes in national economies; trade liberalization, deregulation, privatization, and market integration; these current developments have fundamentally altered the work environment particularly in Third World countries like the Philippines;

"WHEREAS, because of the mobility of capital and sophisticated communications, workers across the globe are now in direct competition, competitively underbidding each other, and virtually keeping wages at low levels;

"WHEREAS, capitalists have adopted "flexible" management policies such as subcontracting, casualization of workers, job-sharing which have engendered an atmosphere of insecurity and helplessness in the labor marker;

WHEREAS, more and more are now constantly threatened by retrenchment, company closures and union-busting while not a single company has been penalized for a labor law violation.

The work of the Commission was undertaken principally through Standing Committees: (i) Committee on Employment and Productivity; (ii) Committee on Labor Relations; (iii) Committee on Labor Standards and Work Conditions; and (iv) Committee on Institutions and Bureaucracy.

The Committee on Employment and Human Resources Development submitted the following *policy recommendations:*

1. Consider apprenticeship as a training modality.
2. Apprenticeship should be a dual training mode: theoretical education and practical training in school.

3. Apprenticeship period should be based on the nature of the occupation. The length of the period should be determined by a Tripartite body and provided for in the apprenticeship agreement.
4. To redefine the term" apprentice" as a person undergoing training for an approved apprenticeable occupation in an established period assured by an apprenticeship agreement.

5. Contents of the apprenticeship agreement should be specified in detail. The Committee on Labor Relations, on the other hand, submitted the following *proposals,* among others:

1. Grievance machinery remains the recommended mechanism for dispute settlement.
2. Strengthen provisions on social dialogue and promote the concept of shared responsibility and tripartism. Promote conciliation and mediation as the first level of government intervention and encourage best-offer arrangements.
3. The rules on the formation and recognition of unions must be simplified to avoid costly restraints. Other forms of worker's organization should also be recognized as collective bargaining units.
4. The registration of trade unions should be made ministerial in the DOLE. The resolution of claims of recognition or certification cases should be purely administrative and without judicial intervention.
5. The development of industry-wide organizations should be promoted. Encourage industry-wide bargaining.
6. Take measures to ensure workers' representation and bargaining status in the event of a change of management due to takeovers, consolidation or mergers.
7. Limit the jurisdiction of the Secretary of Labor on disputes involving the national interest to disputes involving essential services only as defined by the ILO.

The Committee on Labor Standards and Working Conditions had the following *recommendations;* inter alia,

1. Policies have to be modified to address the actual situation, the participation of children below 14 years of age in/paid and unpaid labor activities.
2. Concrete policy guidelines should be instituted for the immediate protection and withdrawal of children employed in hazardous industries including children in the hotel and entertainment industries.

3.Strengthening the Regional Tripartite Wages and Productivity Boards. 4. Productivity.

Finally, the Committee on Institution and Bureaucracy, submitted *policy recommendations* and structural which included the following:

1. Encourage the Institute of Labor Studies of the DOLE to undertake studies that could assist or guide the parties in collective bargaining.
2. Part of the mandate of the proposed National Employment Plan is the maintenance and networking of the Public Employment Service Office (PESO); and strengthening of the Special Program for Employment of the Students (SPES)
3. DOLE should focus more on worker safety and occupational health (preventive)

Based on the foregoing recommendations, Senate Bill 257 6 aims to achieve the following *objectives:*

1. *In Book One - "Pre-employment,* "-among which: (i) Providing a more effective regulation of recruitment and placement activities with the restoration of the 'regulatory functions' of the POEA; and (ii) Greater protection and promotion of the rights and welfare of the overseas contract workers by securing the best terms and conditions of employment for OFW's, establishing a one-stop-shop processing centers and imposinga stiffer penalty for illegal recruitment as well as, those with a license or authority who violated any provisions of this Title.
2. *In Book Two - "Human Resources Developments Programs,* " among others which: (i) The Technical Education and Skills Development Authority (TESDA), R.A. 7796, which took over, provides a man,power development program more directly related to the requirements of the economy; and (ii) Improvement of the training and employment of apprentices, learners and handicapped workers, which establishes apprenticeship as a training modality and a dual training mode: theoretical education and practical training in school, and the learners to receive a training allowance which shall begin at not less than the applicable-minimum wage, while the handicapped workers can undergo; training as apprentices, and adding, is the creation of the Special Program for Employment of Students (SPES).

3. *In Book Three - "Conditions of Employment"* among which (i) Ensure humane conditions of work, increasing the service incentive leave from five (5) to ten (10) days, granting male workers paternity leave of seven (7) days with **full** pay and granting the right to family and medical leave of four (4) weeks without pay every year when the worker and his family is suffering from serious illness; (ii) Fuller enforcement of the law on wages, by declaring unlawful "Labor-Only Contracting" and giving the workers first and absolute preference regarding their wages and monetary claims in case of closures or cessations of operations of the employer's business (iii) Improvement of the working conditions for special groups of employees: women minors, house helpers and industrial homeworkers, increasing the maternity leave benefits for women workers from 45 to 60 days and 78 days for caesarean delivery, providing for the enabling law for Convention 183 recently ratified by the Senate on "Worst Forms of Child Labor" for minor workers and strengthening the provisions on househelpers by adopting some provisions of the "Batas Kasambahay;" and (iv) Incorporating the "Productivity and- Performance Incentives and Gainsharing Program;"

4. *In Book Four -.:.... "Health, Safetyand Social Welfare Benefits,* " among which: (i) A strengthened and coordinated program on occupational health and safety, by making the DOLE the principal agency in coordinating and monitoring the activities of all laws to promote occupational safety and health. The DOLE Secretary shall issue rules and regulations necessary to implement the provisions of this Title; and (ii) A strengthened employees compensation program, by removing from the employee the burden of proving that his/her 'sickness' is compensable, and increasing the age limit from sixty (60) to seventy (70) years old for compulsory coverage in the State Insurance Fund.

5. *In Book Five - "Labor Relations,* " among which: (i) Affording the fullest possible exercise by workers of their constitutional rights to: self-organization: collective bargaining; peaceful concerted activities; and the right to strike in accordance with law; by making the registration of labor organizations clearly a ministerial function; holding of a certification elections shall no longer require a petition, only a "request" defining additional terms like, "industry union" and "workers association" and providing for the organization of "workers association" by "ambulant, intermittent, etc.;" providing for a six (6) years term of the collective bargaining agreement because other provisions of the CBA can be renegotiated after three (3) years;

providing for the procedures for determining a representative even where there is a bargaininz agent but there is no collective bargaining agreement; making violation of the duty of fair representation and entering into CBAs which provide terms and conditions of employment below minimum standards established by law; and replacing the phrase "in an industry indispensable to national interest" to" in an enterprise engaged in providing essential services," such as, but not limited to, hospital, electrical services, water supply and communication and transportation in the assumption power of the Secretary of Labor over labor disputes; (ii) Providing that the exercise of free ingress to or egress from the employer's premises shall not be used to take out company's products, machineries and equipments or to bring in new employees for the operation of the Company; and (iii) Speedy labor justice by strengthening the administrative machinery for the expeditious settlement of labor disputes: providing that "no labor dispute shall be under the jurisdiction of the National Labor Relations Commission (NLRC) until after all the efforts to resolve such labor dispute at the work place by the grievance machinery or by conciliation in accordance with the rules and regulations promulgated by the See. of Labor have failed;" expressly providing that the National Conciliation and Mediation Board (NCMB) "shall implement the preferential use of voluntary modes of settling labor disputes through conciliation;" providing that "the cost of Voluntary Arbitration including the Voluntary Arbitrator's fee shall be borne by the special voluntary arbitration fund supplemented by the appropriations of the budget of the Board and strengthening the NLRC by increasing the number of divisions from five (5)to eight (8) and also increasing the number of years 'Of experience for Executive Labor Arbiter and Labor Arbiter from seven (7) to ten (10) years."

6. *In Book Six - "Post Employment,"* among which: (i) Providing more clearly for the right of a regular employee to security of tenure; (ii) Defining clearly what is a regular or an indefinite period of employment and temporary or a definite period of employment; (iii) Providing for a clearer idea pf a probationary period; and implementation of the right to security of tenure of employees in case there is a merger or consolidation of employers corporations ...

7. *In Book Seven - "Transitory and Final Provision,"* among which: (i) Providing for a longer period of prescription for the filing of money claims from three (3) to five (5) years; and (ii) Providing that "Employee is dismissal actions shall prescribe in four (4) years."

CONCLUSION: TO INTEGRATE AND RECONCILE

The challenge is to integrate all the foregoing proposals and to reconcile them with earlier amendments to the Labor Code, as follows:

1. *In Book I,* "Pre-employment," the changes are introduced largely by RA. 8042, or the "Migrant Workers Act of 1995" which was approved on June 7, 1995. The law affected provisions of Title I of this Book which reflects the policy shift on overseas employment from a stopgap measure in the *80is* to managing the outflow of labor, as a matter of employment option. Other significant enactment that modified, superseded or amended/existing provisions of this Book is: (i) E.O. 797, "Reorganizing the Ministry of Labor and Employment," Creating the POEA, as amended, by E.O. No. 247 "Reorganizing the POEA."
2. *In Book II,* "Human Resources Development Program," the National Manpower and Youth Council (NMYC), was established in 1975 to take charge of training and manpower/human resources developments. This was changed after the Congressional Committee on Education Report of 1992 identified the weakness in the educational system and manpower training and recommended remedial measures. This paved the way to the enactment of RA. 7796 or the "TESDA Law" and RA. 7686 or the "Dual Training System Act of 1994." These laws reflect the policy shifting the country's human resource development program from a purely government undertaking to private sector-government partnership. The National Manpower Development Program in this Book is taken over by TESDA to achieve a truly world-class and globally competitive Filipino workforce. The private sector involvement in the technical-vocational training is enhanced further through the íDual Training Systemî provided for by R.A. 7686.
3. *In Book III,* "Conditions of Employment," the changes are introduced by RA. 6727 or the "Wage Rationalization Act" which also created the National Wages and Productivity Commission (NWPC) and Regional Tripartite Wages and Productivity Boards (R1WPB). Other changes are introduced by the flowing enactments: (i) R.A. 8188 "Double Indemnity Act," (ii) RA. 6971 "Productivity Incentives Act of 1990," (iii) P.D. 851, as amended by Memorandum Order No. 28 "13th Month Pay Law," (iv) RA. 8424 "Tax Reform Act," (v) RA. 8187 "Paternity Leave Act of 1996," (vi) R.A. 7877 "Anti-Sexual Harassment Act of 1995" and (vii) R.A. 7610, as amended, by R.A. 7658 "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act. "

4. *In Book IV;* "Health, Safety and Social Welfare Benefits," recent enactments like, RA. 8282 "Social Security System Act of 1997," RA. 8291 "GSIS Act of 1997," RA. 7699 "Limited Portability Scheme," RA. 7742 "Pag-Ibig Fund," and RA. 8425, "Social Reform and Poverty Alleviation Act" have introduced significant changes on the health, safety and social welfare benefits of all workers. Hence, relevant provisions of these laws are included under this Book.
5. *In Book* V, "Labor Relations," most of the changes have been made by new laws and have been reflected in the present Labor Code, such as RA.6715 (The New Labor Relations Law);RA. 7700 "Concurrent Jurisdiction Between and Among the 1st, 2nd and 3rd Divisions of the NLRC" to further ensure the speedy disposition of cases; and Section 10 of R.A. 8042 "Migrant Workers Act" which transferred the jurisdiction to hear and decide money claims of OCW's to the NLRC from POEA.
6. Other enactments are yet to be reflected in this Book, like-the amendments on the powers and functions of the Bureau of Labor Relations with the creation of the National Conciliation and Mediation Board (NCMB) by E.O. 126 as amended by E.O. 251. The same E.O. also affected the Institute for Labor and Manpower Studies which was transformed into the Institute for Labor Studies and its education function was transferred to the BLR
7. *In Book VI,* "Post-Employment," the changes were introduced by RA. 6715 "New Labor Relations Law" and RA. 7641 "New Retirement Law" approved on December 9, 1992. The amendments have been integrated but specific to Article 287 on retirement RA. 8558 introduced an additional paragraph in this Article, providing for lower retirement age for underground mine workers.
8. *In Book VII,* "Transitory and Final Provisions," majority of the provisions under this Book have been rendered obsolete with the changes that took place since the enactment of this Code.

While this writer generally supports Senate Bill 2576, it is our considered view that the specific items cited hereinabove as defects of the Labor Code, in substance and in form, should be corrected. Furthermore, the corresponding reconciliation and integration of earlier amendments should be incorporated into the proposed NEW LABOR CODE.

Finally, the 2004 national elections should not further delay the passage of the New Code. No matter who our legislative and executive leaders shall be, we need this very critical piece of legislation in order to survive in a new world and win in the global competition. Any further delay shall sabotage our chance to have any competitive edge. We need to have a NEW LABOR CODE or forget any chance to survive in a very competitive environment that is emerging before us. This is a matter of survival. We need to do it now.