



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2002-052

AN ORDINANCE PROMOTING STRONG COLLABORATIVE RELATIONSHIP BETWEEN EMPLOYERS AND EMPLOYEES IN NAGA CITY, CREATING THE NAGA CITY LABOR-MANAGEMENT COUNCIL, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS FOR ITS OPERATIONS, AND FOR OTHER PURPOSES:-

Author: Hon. Mila S.D. Raquid-Arroyo

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - TITLE. - This Ordinance shall be known as Labor-Management Cooperation Ordinance of Naga City.

SECTION 2. - DECLARATION OF PRINCIPLES. - The City of Naga, as an instrument of peace, unity and development, shall at all times adhere to the following principles:

- a. Labor and Capital are the primary social economic force;
- b. The goals of both the national and the local economies are the sustained increase in production and productivity, and a more equitable distribution of opportunities, income, and wealth;
- c. Government's role in Labor-Management relations is to level the playing fields so that each party stand in equal-footing with each other;
- d. Social Justice demands that those who have less in life should have more in law;
- e. Smooth labor-management relations is the key and the sustainable strategy towards improved productivity and economic development.

SECTION 3. - DECLARATION OF COMMITMENT. - Within the limits of its authority and power, the City of Naga, hereby declares its commitment to:

- a. Afford Protection to Labor and Management;
- b. Promote full employment
- c. Ensure equal work opportunities regardless of sex, race, or creed;
- d. Facilitate the establishment of strong collaborative relations between workers and employers;

SECTION 4. - DEFINITION OF TERMS. - As used in this Ordinance, the following terms shall mean:

- a. LCP - Labor Code of the Philippines, as amended, as the law providing for and defining the rights of workers;

- b. DOLE - Department of Labor and Employment as the national government agency tasked to implement the provisions of the Labor Code of the Philippines, as amended;
- c. DOLE RO-V - The Regional Office for Region V of the Department of Labor and Employment through which the powers, duties, and functions of the Secretary of the Department of Labor and Employment is executed and carried out in the Bicol Region;
- d. RTWPB-V – Regional Tripartite Wages and Productivity Board as the body tasked to determine and set the appropriate minimum wages in the Bicol Region;
- e. Sub RAV-5 - Sub-Regional Arbitration Branch of the National Labor Relations Commission as the body tasked to arbitrate over labor disputes in Naga City;
- f. LLO - Labor Organization/Union/Association duly registered with, and recognized by, the DOLE RO –V as an organization of workers/employees belonging to one and the same employer/ establishment;
- g. Labor Federation - Labor Organization/Unions/ Associations duly registered with, and recognized by, the DOLE RO-V as a federation or alliance of LLOs;
- h. Laborer/worker/employee – as defined under the LCP, is a person rendering service to another for a consideration or compensation;
- i. Employer – as defined under the LCP, is a person, natural or juridical, in whose favor the service of the laborer/worker/or employee is being rendered and who pays for the corresponding consideration or compensation for such service;
- j. NCPC – Naga City Peoples Council as created under Ordinance No. 95-092 known as the Empowerment Ordinance of Naga City
- k. Branch – a business operation registered as a branch with head office located in Naga City;

SECTION 5. - SCOPE AND COVERAGE. - This Ordinance shall apply to all employees in the private sector and to all employers, natural or juridical, within the territorial jurisdiction of the City of Naga regardless of whether or not the main business office is in Naga City; provided, however, that employees of the public sector may also avail of the services or assistance of the Naga City Labor-Management Council (NCLMC) created hereunder;

Business operation carried outside the territorial boundaries of the City of Naga is covered under this Ordinance if the main or head office thereof is in Naga City except when such business operation is carried out by a branch thereof.

SECTION 6. - CREATION OF THE NAGA CITY LABOR-MANAGEMENT COUNCIL. - In line with the principles of local autonomy, devolution, and decentralization, there is hereby created a Naga City Labor-Management Council, hereinafter referred to as the NCLMC, which shall be an office attached to the Office of the City Mayor for policy and program coordination.

SECTION 7. - POWERS AND FUNCTIONS OF THE NCLMC. - The NCLMC shall have the following powers and functions:

- a. To formulate policies and guidelines on labor-management relations and concerns consistent with and/or in support of the policies and guidelines issued by the DOLE aimed towards the improvement of labor-management relationship and greater productivity;
- b. To act as a consultative and advisory body to the City Mayor and the Sangguniang Panlungsod of Naga on issues and concerns affecting labor-management relations;
- c. To forge partnerships and enter into memorandum of cooperation with the DOLE, the RTWPB, and other pertinent government and non-government entities for labor-management education, promotion of stronger labor-management cooperation and the enforcement of labor laws;
- d. In partnership with the DOLE RO-V, undertake measures to facilitate the establishment of labor-management councils in the respective establishments operating in the City of Naga;
- e. To undertake studies, researches, and surveys necessary for the attainment of its functions and objectives, collect and compile data, and periodically disseminate and make available to the public relevant information on the enforcement of labor laws within the territorial jurisdiction of the City of Naga;
- f. To call, from time to time, and in coordination with the Naga City People's Council and the DOLE RO-V a tripartite conference of representatives of the government, workers and employers for the consideration of measures for the promotion of smooth labor-management relations, productivity improvement, and the enforcement of labor laws;
- g. To receive, in utmost confidentiality, complaints involving violations of labor laws, facilitate a dialogue between the parties involved, and render assistance necessary to bring the matter to the attention of the appropriate office of the DOLE/NLRC;
- h. To exercise, within the limits of its authority, such powers and functions as may be necessary to implement and achieve the purposes and objectives of this Ordinance;

SECTION 8. - POWER TO PROMULGATE INTERNAL RULES OF PROCEDURE. - In the performance of its functions, the NCLMC is authorized to promulgate its own internal rules of procedure and the rules on how the public can avail of its services.

SECTION 9. - COMPOSITION OF THE COUNCIL. - The Council shall be composed of the City Mayor as the ex-officio Chairperson and the following members:

- a. The Sangguniang Panlungsod Task Force on Labor Rights;
- b. Chairperson or representative of the Sangguniang Panlungsod Committee on Human Rights;
- c. The City Treasurer or his/her representative;
- d. The City Legal Officer or his/her representative;
- e. Six (6) private sector representatives: three (3) from the Labor Sector, two (2) of which shall come from legitimate labor organization and one (1) from the unorganized sector; and three (3) from the Employer Sector. The representatives of

the Labor Sector shall be appointed by the City Mayor from a list of five (5) nominees submitted by the NCPC selected through the process provided under Ordinance No. 95-092 otherwise known as the Empowerment Ordinance of Naga City. The representatives of the employer sector shall be appointed by the City Mayor from a list of five (5) nominees submitted by the Metro Naga Chamber of Commerce and Industry through a process of selection designed by it. The Private sector representatives shall serve for a term of three (3) years and shall continue to serve as such until their successors have been duly appointed.

SECTION 10. - COMPENSATION OF THE MEMBERS OF THE NCLMC. - The Chairman and members of the NCLMC shall serve without compensation or remuneration. The members of the Council representing the Labor Sector shall receive an honorarium in such amount as may be authorized under existing laws, rules and regulations.

SECTION 11. - CREATION OF LABOR-MANAGEMENT RELATIONS OFFICE (LMRO).
- For the effective performance of the functions of the NCLMC, The Labor Management Relations Office (LMRO) which shall serve as the NCLMC Secretariat is hereby created under the Office of the City Mayor. The LMRO shall be managed by a Labor-Management Relations Officer (LMROr) who shall be appointed by the City Mayor upon recommendation of the NCLMC.

The City Mayor shall designate and allocate an office space for the NCLMC and the LMRO and furnish the same with the necessary materials and equipment sufficient for its operations.

For this purpose, the Sangguniang Panlungsod members of the NCLMC shall assign their respective staff to assist the LMROr in the performance of its functions.

SECTION 12. - EMPLOYER/EMPLOYEE DATA AND INFORMATION BANK. - To facilitate the Councils' performance of its functions, the following shall be required:

12.A.1. All employers within the territorial jurisdiction of the City of Naga shall submit to the Council, within six (6) months from the effectivity of this Ordinance, and every year thereafter, a complete list of the persons in their employ accompanied with the information on their age, educational attainment, length of service, and nature of work or function being performed by them.

To facilitate compliance with this requirement, the NCLMC shall prepare and approve the pro-forma document for purposes of uniformity, or, at its discretion, adopt the same document submitted by the employers as required by the DOLE for reporting purposes.

This requirement shall form part of the documents required to be submitted for the issuance or renewal of business licenses or Mayor's Permits in the City of Naga;

12.A.2. Persons in the employ of another shall, at any time from the effectivity of this ordinance, register themselves as employees providing the NCLMC with information, under oath, as to name/address of the employer, his/her length of service, nature of work, amount of compensation being paid to him/her, and other information which the Council may deem necessary; Provided, however, that failure to register under this subsection shall not preclude the employee from availing of the services of the NCLMC and neither shall it constitute violation penalized under Section 13 hereof.

The Council shall also gather the latest laws, jurisprudence and other information materials concerning labor-management issues.

SECTION 13. - PENALTIES. - Any false statements or misrepresentation committed in the documents required to be submitted under Section 12 hereof shall be penalized as follows:

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| A. First violation | warning and fine of P1000 |
| B. 2 nd violation | fine of P3000 |
| C. 3 rd violation | fine of P5000 |

In case of wanton, flagrant or malicious violation of the provisions of this Ordinance, the violator shall suffer the penalty of fine in the amount of Five Thousand Pesos (P5,000.00) and imprisonment as follows:

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| A. First violation | 1 day to 30 days |
| B. Second violation | 31 days to 90 days |
| C. Third violation | 91 days to 180 days |

SECTION 14. - FUNDING AND APPROPRIATION. - To carry out the objectives of this Ordinance, the initial amount of Three Hundred Thousand Pesos (P300,000.00) is hereby allocated, and the amount of Five Hundred Thousand Pesos (P500,000.00) every year thereafter shall automatically be included in the Annual Budget of the City for the operations of the Board.

SECTION 15. - SEPARABILITY CLAUSE. - Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

SECTION 16. - REPEALING CLAUSE. - All ordinances, executive orders and administrative issuances or part or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 17. - EFFECTIVITY. - This Ordinance shall take effect fifteen days from date of its publication or posting.

ENACTED: August 7, 2002.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

JOSE C. RAÑOLA, M.D.
City Councilor/Acting City Vice Mayor
& Presiding Officer

GIL A. DE LA TORRE
Board Secretary II
& Secretary Designate

APPROVED:

JESSE M. ROBREDO
City Mayor