

**THE
LABOR CODE OF THE PHILIPPINES**
Annotated

Volume II

**LABOR RELATIONS
AND
TERMINATION OF EMPLOYMENT**
[Articles 211 to 302, Labor Code]

By

JOSELITO GUIANAN CHAN
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Fourth Edition, 2009
Revised and Enlarged

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JOSELITO GUIANAN CHAN

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BLAS F. OPLE
Senator

FOREWORD

Since the labor laws of the country were codified in the Seventies during my incumbency as Labor Secretary, the Labor Code has undergone a series of revisions both by acts of the legislature and by executive fiat. Taken with the numerous labor and social legislations bearing upon the field of labor and employment as well as the myriad rules implementing the Labor Code and related laws, the subject could be utterly confusing and rather complicated.

Through the years, it has been noted that only very few annotations and commentaries have been written on the Labor Code. This is unfortunate considering its significance and impact on the lives of millions comprising the backbone of our nation. This book by Atty. Joselito Guianan Chan is certainly a welcome addition to the sparse bibliography on the Labor Code.

Like a master craftsman, Atty. Chan has carefully sifted through the maze of existing and old laws, rules and regulations and other executive issuances and jurisprudential precepts, to "*separate the grain from the chaff*," so to speak, to bring us to the crux of things. He has intricately woven all these materials into a smooth-flowing and compelling discussion of the current status of the law and its intricacies, correlated with all relevant topics.

In treating the more difficult or doubtful questions of the law, he provides us with incisive analysis and in-depth discussion of the legal issues at hand, with appropriate reference to the leading and latest judicial precedents, supplemented with a glimpse of the legislative history of the provisions under consideration, whenever necessary.

The long years of legal practice and experience of Atty. Chan, both in the courtroom as an advocate of the law, and in the classroom as professor of law, not to mention his able stewardship of his law firm and skillful advocacy of his clients' causes, have no doubt contributed in the formation and crystallization of this authoritative and comprehensive work.

Indeed, no law library would be complete without a copy of this masterpiece. Students and practitioners will surely find this book invaluable.

Senate of the Philippines, Manila, 14 August 1996.

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PREFACE
to the 2009 Fourth Revised Edition

The publication of this fourth (4th) edition becomes imperative in the light of the significant amendments to the Labor Code introduced by several new laws such as *Republic Act No. 9492* [An Act Rationalizing the Celebration of National Holidays Amending for this Purpose Section 26, Chapter 7, Book I of Executive Order No. 292, as Amended, Otherwise Known as the “Administrative Code of 1987”] which was approved on July 25, 2007; *Republic Act No. 9481* [An Act Strengthening the Workers’ Constitutional Right to Self-Organization, Amending for the Purpose Presidential Decree No. 442, as Amended, Otherwise Known as the Labor Code of the Philippines] which lapsed into law on May 25, 2007 and became effective on June 14, 2007; *Republic Act No. 9422* [An Act to Strengthen the Regulatory Functions of the Philippine Overseas Employment Administration (POEA), Amending for this Purpose Republic Act No. 8042, Otherwise Known as the “Migrant Workers and Overseas Filipinos Act of 1995”] which was approved on April 10, 2007; and *Republic Act No. 9347* [An Act Rationalizing the Composition and Functions of the National Labor Relations Commission, Amending for this Purpose Articles 213, 214, 215 and 216 of P. D. No. 442, as Amended, Otherwise Known as the Labor Code of the Philippines] which also lapsed into law on July 27, 2006 without the signature of the President, in accordance with Article VI, Section 27 [1] of the Constitution.

New pieces of jurisprudence have also been promulgated by the Supreme Court which significantly affect the prevailing well-settled rules in labor law. All these are treated in the author’s *Notes and Comments* on the various articles of the Labor Code.

This latest edition is dedicated to the memory of the late Blas F. Ople who graciously wrote the *Foreword* to this book in 1996. I cannot repay the precious time he gave up to go over the manuscript of its first edition. Indeed, I am bound in lasting gratitude.

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