Chapter XLVII
RIGHT TO SELF-ORGANIZATION

Article 115
General Policy

Section 489. ***Policy.*** – The University shall fully recognize and protect the right of its Faculty Members and Non-Teaching Personnel to self-organization[203] and the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged[204]."

Article 116
Collective Negotiations Agreement

Section 490. ***Coverage.*** – The faculty members and non-teaching personnel of the University can form or join or assist employee's organizations of their own choosing for the furtherance and protections of their interests. They can also form, in conjunction with appropriate government authorities, labor-management committees, work councils and other forms of workers' participation schemes to achieve the same objectives[205].

Provided, however, That only accredited employee's organizations shall have the right to represent the rank-and-file in collective negotiation and for the furtherance and protection of their interest and improvement of public service delivery[206].

> of *Civil Service Commission v. Alfonso* and *Civil Service Commission v. Soj*or, to be further discussed in the course of this decision, both of which buttressed the pronouncement that the Board of Regents shares its authority to discipline erring school officials and employees with the CSC. It can be presumed that, at the time of their promulgation, the members of this Court, in Alfonso and Sojor, were fully aware of all the existing laws and applicable rules and regulations pertaining to the jurisdiction of the CSC, including the Uniform Rules.
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> Xxxxx
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> We are not unmindful of certain special laws that allow the creation of disciplinary committees and governing bodies in different branches, subdivisions, agencies and instrumentalities of the government to hear and decide administrative complaints against their respective officers and employees. Be that as it may, we cannot interpret the creation of such bodies nor the passage of laws such as – R.A. Nos. 8292 and 4670 allowing for the creation of such disciplinary bodies – as having divested the CSC of its inherent power to supervise and discipline government employees, including those in the academe. To hold otherwise would not only negate the very purpose for which the CSC was established, i.e. to instill professionalism, integrity, and accountability in our civil service, but would also impliedly amend the Constitution itself.
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> Based on all of the foregoing, the inescapable conclusion is that the CSC may take cognizance of an administrative case filed directly with it against an official or employee of a chartered state college or university. This is regardless of whether the complainant is a private citizen or a member of the civil service and such original jurisdiction is shared with the Board of Regents of the school.

[203] Section 3, para. 2, Article XIII of the 1987 Philippine Constitution.

[204] Section 16, Article XIII of the 1987 Philippine Constitution.

[205] Section 2, Item I of Executive Order No. 180 dated June 1, 1987 entitled, "Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and For Other Purposes," and Section 38, Chapter 6, Subtitle A, Title 1, Book V of Executive Order No. 292."

[206] Section 1, Rule II of Resolution No. 2, s. 2004 dated September 28, 2004 entitled, "Approving and Adopting the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize" promulgated by the Public Sector Labor-Management Council (PSLMC).

Section 491. ***Ineligibility of High-Level Employees to Join Rank-and-File Employees' Organization.*** – High-level employees whose functions are normally considered as policy-making or managerial or whose duties are of highly confidential nature shall not be eligible to join the organization of rank-and-file government employees[207]. The following employees of the University shall not be eligible to form, join or assist any employees' organization for purposes of collective negotiations[208]:

491.1. *High level, highly confidential and coterminous employees*;

> Highly Confidential Employee refers to an employee who occupies a position which requires a high degree of trust and confidence and close intimacy with the appointing authority or immediate supervisor which ensures free and open communication without harassment or freedom from misgivings of betrayal of personal trust or confidential matters of stare. The term is used interchangeably with primary confidential employee[209].

491.2. Other personnel who, by the nature of their functions, are authorized to carry firearms, except when there is an express written approval from management.

Section 492. ***Protection of the Right to Organize***[210]***.*** – The following conditions shall strictly be observed:

492.1. Faculty members and employees shall not be discriminated against in respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of their organizations. Their employment shall not be subject to the condition that they shall not join or shall relinquish their membership in the employees' organizations.

492.2. University authorities shall not interfere in the establishment, functioning or administration of government employees' organizations through acts designed to place such organizations under the control of government authority.

Section 493. ***Sole and Exclusive Bargaining Agent; Duly Registered Employees' Organization.*** – The duly registered employees' organization having the support of the majority of the employees in the appropriate organizational unit shall be designated as the sole and exclusive representative of the employees[211].

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[207] Section 3, Item I of Executive Order No. 180 dated June 1, 1987 and Section 39, Chapter 6, Subtitle A, Title 1, Book V of Executive Order No.292.

[208] Section 2, Rule II of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

[209] Section 1(aa), Rule I of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

[210] Section 5, Item I of Executive Order No. 180 dated June 1, 1987and Section 40, Chapter 6, Subtitle A, Title 1, Book V of Executive Order No. 292.

[211]Section 10, item IV of Executive Order No. 180.

Section 494. ***Voluntary Recognition.*** – A duly registered employees' organization shall be accorded voluntary recognition upon a showing that no other employees' organization is registered or is seeking registration, based on records of the Bureau of Labor Relations, and that the said organization has the majority support of the rank-and-file employees in the organizational unit[212].

Section 495. ***Certification Election.*** – Where are two or more duly registered employees' organizations in the appropriate organizational unit, the Bureau of Labor Relations shall, upon petition, order the conduct of a certification election and shall certify the winner as the exclusive representative of the rank-and-file employees in said organizational unit[213].

Section 496. ***Subject of Negotiation.*** – Terms and conditions of employment or improvements thereof, except those that are fixed by law, may be the subject of negotiation[214].

Section 497. ***Negotiable Matters.***[215] – The following concerns may be the subject of negotiation between the management and the accredited employees'' organization:

497.1. Schedule of vacation and other leaves;

497.2. Personnel growth and development;

497.3. Communication system – internal (lateral and vertical), external;

497.4. Work assignment/reassignment/detail/transfer;

497.5. Distribution of work load;

497.6. Provision for protection and safety;

497.7. Provision for facilities for handicapped personnel;

497.8. Provision for first aid medical services and supplies;

497.9. Physical fitness program;

497.10. Provision for family planning services for married women;

497.11. Annual medical/physical examination;

497.12. Recreational, social, athletic and cultural activities and facilities;

497.13. CNA incentive pursuant to PSLMC Resolution No. 4, s. 2002 and Resolution No. 2, s. 2003 and their subsequent issuances.

Provided, That "A Collective Negotiation Agreement (CNA) Incentive – This may be granted to both management and rank-

[212] Section 11, item IV of Executive Order No. 180.

[213] Section 12, item IV of Executive Order No. 180.

[214] Section 1, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

[215] Section 2, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

and-file employees of agencies with approved and successfully implemented CNAs in recognition of their efforts in accomplishing performance targets at lesser cost, in attaining more efficient and viable operations through cost-cutting measures and systems improvement, such CNA incentive shall be provided for under the annual General Appropriations Act xxx."[216]; and

497.14. Such other concerns which are not prohibited by law and CSC rules and regulations.

Section 498. ***Compensation Matters.*** – Increase in salary, allowances, travel expenses, and other benefits that are specifically provided by law are not negotiable[217].

Section 499. ***Effectivity of the Collective Negotiation Agreement (CNA).*** – The CNA shall take effect immediately upon its signing by the parties and ratification by the majority of rank-and-file employees in the negotiation unit[218].

Section 500. ***Other Matters.*** – Nothing herein shall be construed to prevent any of the parties from submitting proposals regarding other matters to Congress and the proper authorizes to improve the terms and conditions of their employment[219].

Section 501. ***Suppletory Application the Public Sector Labor-Management Council (PSLMC) Resolutions and DBM Policies.*** – The resolutions promulgated by the Public Sector Labor-Management Council (PSLMC) and DBM policies shall apply suppletorily and serve as the governing guidelines of this Article in so far as duly adopted or approved by the EVSU Board of Regents upon the recommendations by the parties of the CNA.

Article 117
Faculty Associations of University Campuses

Section 502. ***Establishment and Sustainability of Autonomous Duly Recognized Faculty Association in Each University Campus.*** – The University shall ensure the establishment and sustainability of autonomous duly recognized faculty association in each Campus.

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[216] Item (4)(h)(ii)(aa) of the Senate and House of Representatives Joint Resolution (JR) No. 4, s. 2009, "Joint Resolution Authorizing the President of the Philippines to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government, and for Other Purposes," approved on June 17, 2009", item 3.0 of DBM Circular Letter No. 2011-9, dated September 29, 2011, "Reminder on the Observance of the Guidelines on the Grant of the Collective Negotiation Agreement (CNA) Incentive."

[217] Section 3, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

[218] Section 4, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

[219] Section 5, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

Section 503. ***Government of the Autonomous Duly Recognized Faculty Association in Each University Campus.*** – The University shall ensure the establishment and continued operations of the duly recognized faculty association in each University Campus subject to the requirements of applicable laws, rules and regulations.

Provided, That the duly established faculty associations shall be autonomous and must operate in accordance with their respective Constitution and by-laws consistent with existing laws, rules and regulations.

Section 504. ***Rights, Duties and Obligations of Members and Officers.*** – The rights, duties and obligations of members and officers shall be in accordance with the provisions of their respective Constitution and by-laws consistent with existing laws, rules and regulations.

Article 118
Federation of Faculty Associations of the University

Section 505. ***Establishment and Sustainability of Autonomous Duly Recognized Federation of Faculty Associations of the University.*** – The University shall ensure the establishment and continued operations of the duly recognized Federation of Faculty Association of the University subject to the requirements of R.A. No. 8292 and its IRR.

Provided, That the duly established Federation of Faculty Associations of the University shall be autonomous and must operate in accordance with its respective Constitution and by-laws consistent with existing laws, rules and regulations.

Section 506. ***Government of the Autonomous Duly Recognized Federation of Faculty Associations of the University.*** – The government of the duly recognized Federation of Faculty Associations of the University shall be in accordance of its Constitution and by-laws and policies of the University.

Section 507. ***Rights, Duties and Obligations of Members and Officers.*** – The rights, duties and obligations of members and officers shall be in accordance with the provisions of its respective Constitution and by-laws consistent with existing laws, rules and regulations.

Chapter XLVIII
GENDER AND DEVELOPMENT

Article 119
Policy and Guidelines

Section 508. ***Declaration of Policy and Application of Republic Act No. 9710 and Its Implementing Rules and Regulations (IRR).*** – The University shall adhere to the declared policy of the State under Republic Act No. 9710[220], among others, to wit:

[220] "An Act Providing for the Magna Carta for Women."