

Republika ng Pilipinas
Pambansang Pangasiwaan ng Patubig
(NATIONAL IRRIGATION ADMINISTRATION)
Lungsod ng Quezon

TELEPHONE NOS.:
CABLE
TELEX

97-60-71 to 78
NIAPHIL
42602 NIA PH

OUR REFERENCE:

MC No. 030, s. 1987

MEMORANDUM CIRCULAR

T O : ALL OFFICIALS
AND EMPLOYEES
National Irrigation Administration

SUBJECT : Civil Service Commission Memorandum Circular No. 6,
Series 1987 Re - Strike by Government Employees

For the information and guidance of all concerned, quoted hereunder in full, is CSC Memorandum Circular No. 6, Series 1987:

"Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Lungsod ng Quezon

MC No. 6, s. 1987

MEMORANDUM CIRCULAR

T O : ALL OFFICIALS AND EMPLOYEES
IN THE CIVIL SERVICE

SUBJECT : STRIKE BY GOVERNMENT EMPLOYEES

The 1987 Constitution of the Republic of the Philippines, in recognition of the fundamental and basic rights of employees in general, provides in Section 8, Article III thereof:

"SEC. 8. The right of the people, including these in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged."

Likewise, and in the same matter, Section 2 (5), Article IX-B, provides:

"SEC. 2 (5). The right to self-organization shall not be denied to government employees."

Finally, Section 3, par. 2, Article XIII, reads:

"It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. x x x" (Underscoring supplied)

It is observed lately that these new provisions in the Constitution have been subject to premature reproach by some government employees.

By the very nature and character of public service, this situation must be clarified at the least. Although the newly ratified Constitution provides workers the right to strike, it is not yet clear whether government officials and employees are included therein. And even assuming that they are so included under the term "worker", it has to be emphasized that the provision is not absolute nor unconditional. The right must be exercised "in accordance with law". This particular phrase was purposely included because of existing pertinent laws and in order for Congress to enact the corresponding limitations and regulations therefor. This means that Congress will still have to determine whether the right to strike shall cover both the private and public sectors and if so, as to what particular fields in the public service the right to strike shall be prohibited or allowed.

The Commission stresses that public service is different from private industry service and, therefore, the right to strike may not necessarily be similar in application. Precisely, there exists some conflicting interests in private labor relations but not between the Government and its employees. In fact, the Supreme Court in the case of Alliance of Government Workers, et. al. vs. Honorable Minister of Labor and Employment, et. al. (124 SCRA 1) ruled that:

"x x x by reason of the nature of the public employer and the peculiar character of the public service, it must necessarily regard the right to strike given to unions in private industry as not applying to public employees and civil service employees. It has been stated that the Government, in contrast to the private employer, protects the interests of all people in the public service, and that accordingly, such conflicting interests as are present in private labor relations could not exist in the relations between Government and those whom they employ.

Moreover, it is asserted that public employees by joining labor unions may be compelled to support objectives which are political in nature."

This particular decision has been cited in the subsequent case of National Housing Corporation vs. Juce (134 SCRA 172). From these, we say that civil servants are accorded by law some status which demands allegiance and loyalty to the government and thereby should be expectant to accept certain limitations on the rights normally and usually granted to workers in the private sectors.

In view thereof, and prior to the enactment by Congress of applicable laws concerning strike by government employees, and considering that there are existing laws which prohibit government officials and employees from resorting to strike, the Commission enjoins under pain of administrative sanctions, all government officers and employees from staging strikes, demonstrations, mass leaves, walk-outs and other forms of mass action which will result in temporary stoppage or disruption of public service. To allow otherwise is to undermine or prejudice the government system.

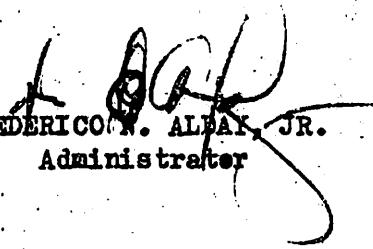
This Memorandum shall take effect immediately.

CELERINA G. GOTLADERA
Chairman

April 21, 1987

Office of Legal Affairs"

Please be guided accordingly.


FEDERICO N. ALPAY, JR.
Administrator

May 29, 1987