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LABOR LAW
PRE-WEEK NOTES
FOR THE 2015 BAR EXAMS

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TOPIC NO. 1
FUNDAMENTAL PRINCIPLES AND POLICIES

A
CONSTITUTIONAL PROVISIONS

• **What are the significant constitutional principles related to Labor Law?**

The following principles are noteworthy:

- Under Article II (Principles and State Policies)
 - a. Promotion of full employment, a rising standard of living, and an improved quality of life
 - b. Promotion of social justice in all phases of national development
 - c. Full respect for human rights
 - d. Aid to the youth in career building
 - e. Aid to the handicapped, and fundamental equality before the law
 - f. Indispensable role of the private sector
 - g. Protection for labor unions - "Section 10. The State affords labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

NOTE: Article II is merely a statement of principles and state policies. Its provisions are not self-executing. They do not embody justiciable constitutional rights but guidelines for legislation. These broad constitutional provisions need legislative enactment to implement them. The disregard of these provisions cannot give rise to a cause of action in the courts. Consequently, no case can be filed based on these principles. There must be existing laws to implement them.

- Under Article III (Bill of Rights)
 - a. Due process and equal protection of the law
 - b. Freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances
 - c. Right of the people to information on matters of public concern, access to official records, and to documentary and quasi-judicial records, or decisions, as well as to government research data used or known for public development, shall be afforded the citizen, subject to such limitations as may be provided by law
 - d. Right of public and private sector employees to form unions, associations, or societies for purposes not contrary to law shall not be abridged
 - e. Non-impairment of obligations of contracts
 - f. Right to speedy disposition of cases in judicial, quasi-judicial or administrative bodies
 - g. Prohibition against involuntary servitude
- Under Article III (Social Justice and Human Rights)
 - a. Provisions for Labor Cases - JUSTICE FOR ALL
 - Section 9. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of contracts of work.
 - 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. They shall also participate in policy and decision-making processes affecting their rights and benefits, as may be provided by law.
 - The State shall promote the principle of shared responsibility between employers and employees and the protection of workers' interests in writing standards, including conditions, and shall enforce their lawful demands through the existing machinery.
 - The State shall regulate the relations between employers and employees, recognizing the right of labor to its just share in the fruits of production and the right of subsistence in accordance with its constitution and the principles of justice.

• **What are the due process policies applicable in termination of employment?**

1. Constitutional due process is not applicable to termination of employment. This means that the employee undergoing investigation leading to his dismissal cannot invoke constitutional due process if and when he is dismissed of due process by the employer. This is so because constitutional due process may only be invoked against the State or government. However, after being dismissed, the employee who files an illegal dismissal case may invoke constitutional due process in case he is dismissed of due process by the Labor Adjudicatory Body (LAB), or the

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