ORDINANCE NO. 17-071

AN ORDINANCE CREATING AND ESTABLISHING THE MUNTINLUPA CITY TRIPARTITE INDUSTRIAL PEACE COUNCIL (MCTIPC), DEFINING AND ESTABLISHING ITS STRUCTURE, POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREOF.

Sponsored by: Hon. Coun. Christine May A. Abas
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ringo A. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ivey Rhia Arciaga-Tadefa
Hon. Coun. Marissa Cole-Rongavilla
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Lucio B. Constantino
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Victor L. Ulanday
Hon. Coun. Grace B. Gonzaga
Hon. Coun. Walter A. Arcilla – ABC

WHEREAS, Article 275 of the Labor Code of the Philippines, as amended, provides that, “tripartism is a declared policy where workers and employers shall, as far as practicable, be represented in decision and policy making bodies of the government”;

WHEREAS, tripartism is one of the effective mechanism that can be utilized by the government in resolving employer-employee disputes and minimizing, in the process, the clogging of labor cases;

WHEREAS, existing laws were enacted mandate the creation and institutionalization of Tripartite Industrial Peace Council (TIPC) in the national, regional and local levels;

WHEREAS, Section 458 (a), Article III of Republic Act 7160, otherwise known as New Local Government Code of 1991, states that, “the Sangguniang Panglungsod, as the legislative body of the city, shall enact ordinances, resolutions and appropriate funds for the general welfare of the city and its inhabitants”;

WHEREAS, there is a need to establish the Muntinlupa City Tripartite Industrial Peace Council (MCTIPC), in compliance with the existing laws, which shall serve as a forum for tripartite advisement and consultation among labor, employer and government sectors in the formulation and implementation of labor and social policies;
NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 8th Sangguniang Panlungsod of Muntinlupa, in session assembled that:

SECTION 1. Title – This Ordinance shall be known as "an ordinance creating and establishing the Muntinlupa City Tripartite Industrial Peace Council (MCTIPC), defining and establishing its structure, powers and functions, and providing funds thereof".

SECTION 2. Declaration Of Policy – It is the policy of the Muntinlupa City to harmonize and maintain mutual trust and respect for the interest and welfare of the employers and employees within the territorial jurisdiction of the Muntinlupa City. As such, it shall promote the active participation of the labor and management sector in the decision and policy making affecting them;

SECTION 3. Definition of Terms:

a) Employer – A person or private juridical entity, whether profit or not, who engages the services of an employee. It includes any person who directly or indirectly acts in the interest of an employer.

b) Employee – A person in the employ of another person or private juridical entity which includes individual whose work has ceased by reason of current labor dispute.

c) Labor Dispute – Any controversy or matter concerning terms and conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing or arranging the terms and condition of employment regardless of whether or not the disputants stand in the proximate relationship of employer and employee. It includes collective bargaining agreement deadlock, labor standards case, occupational safety and health concern, actual or impending or lock-out, labor relations concern. It is also known as industrial dispute.

d) Tripartism – A mechanism and process to address the concerns of the social partners – labor, management and government sectors, for information sharing, discussion and dialogue for decision or policy making process.

SECTION 4. The Composition of the Muntinlupa City Tripartite Industrial Peace Council (MCTIPC) - For the purpose of this Ordinance, the composition of the MCTIPC shall be as follows:
Page 3
Ordinance No. 17-071

a. Executive Committee – The Executive Committee shall be the advisory council of the MCTIPC and shall see to it that the duties and functions of the MCTIPC Proper are being performed. It shall be composed of the following:

i. Chairperson – City Mayor
ii. Co-Chairperson – Regional Director of the Department of Labor, National Capital
iii. Members – President, Management / Employer Sector of MCTIPC
iv. President – Labor / Employee Sector of MCTIPC
v. Chairman, Sangguniang Panglungsod on Labor & Employment
vi. Department Head – Public Employment Service Office – Muntinlupa

Tenure – The Chairperson and Co-Chairperson and PESO shall automatically be occupied by the incumbent Local City Executive of Muntinlupa, the DOLE-NCR, Regional Director and PESO Department respectively. The Presidents of the Management and Labor sector shall have tenure of three (3) years co-terminus with the incumbent mayor. Moreover, they cannot be re-elected for a consecutive term without no prejudice to the members.

b. Muntinlupa City Tripartite Industrial Peace Council (MCTIPC) Proper

1. Chairpersons – President of the Labor / Employee Sector
   i. President of the Management / Employer Sector
2. Secretaries – One from the Labor / Employee Sector
   i. One from the Management / Employer Sector
3. Members – Three from the Labor / Employee Sector
   i. Three from the Management / Employer Sector

The MCTIPC Proper shall have the following duties:

a. To recommend legislation to the Sangguniang Panglungsod through the Chairman of the Committee on Labor and Employment measures that promote the mutual welfare of the labor and management sector within the territorial jurisdiction of the Muntinlupa City;

b. To help the City Government of Muntinlupa and the Department of Labor and Employment or DOLE in promoting healthy working relationship between the labor and the management sector;

YAN ANG MUNTLULPA
Ordinance No. 17-071

Page 4

The MCTIPC shall have the following standing Committees namely:

1. Membership Committee

It shall be headed by an elected representative from labor and management. It shall also be composed of additional two members from both sectors as well as staff from the PESO & DOLE.

It shall be responsible for the recruitment of members in the MCTIPC.

c. Secretariat

The Secretariat of the MCTIPC shall be composed of the employees from the Public Employment Service Office Muntinlupa (PESO Muntinlupa) representative from the Department of Labor and Employment of NCR-MUNTA PARLAS and staff from the Committee of Labor and Employment of the Sangguniang Panlungsod.

It shall be responsible for the documentation, coordination of assemblies, meetings, conferences, seminars and other related activities of the MCTIPC.

d. Standing Committees

The MCTIPC shall have the following standing Committees namely:

c. To establish linkages and connections with the different labor unions and management groups within the territorial jurisdiction of the Muntinlupa City;

d. To participate in seminars, forums, conferences and other related activities which deals with managing labor disputes, mutual protection and welfare of employers and employees as maybe called upon by the Mayor, PESO Muntinlupa or DOLE;

e. To conduct activities which promote the good and harmonious relationship between the labor and management sectors.

f. Conduct capability building seminar/activity to capacitate member-companies in handling labor issues and problems.

g. The Chairperson of the labor and management sector shall sit in the executive committee and shall report on the plans, activities & accomplishments of the MCTIPC and its standing committee.

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g. The Chairperson of the labor and management sector shall sit in the executive committee and shall report on the plans, activities & accomplishments of the MCTIPC and its standing committee.

c. Secretariat

The Secretariat of the MCTIPC shall be composed of the employees from the Public Employment Service Office Muntinlupa (PESO Muntinlupa) representative from the Department of Labor and Employment of NCR-MUNTA PARLAS and staff from the Committee of Labor and Employment of the Sangguniang Panlungsod.

It shall be responsible for the documentation, coordination of assemblies, meetings, conferences, seminars and other related activities of the MCTIPC.

d. Standing Committees

The MCTIPC shall have the following standing Committees namely:

1. Membership Committee

It shall be headed by an elected representative from labor and management. It shall also be composed of additional two members from both sectors as well as staff from the PESO & DOLE.

It shall be responsible for the recruitment of members in the MCTIPC.
2. Education Committee

It shall be headed by an elected representative from the labor and management sector. It shall also be composed of the member each from labor & management sector as well as DOLE & PESO. It shall conduct trainings, conference, forums & other selected activities that will promote harmonious relationship and industriousness.

3. Conciliation & Mediation Committee

It shall be headed by the DOLE Field Office (Muntaparlas). It shall be composed of two members each from the government sector (PESO) which may come from the Secretariat, two members each from the labor and management sector, staff from the Committee on Labor and Employment of the Sangguniang Panglungsod.

1. It shall be responsible in assisting workers and employers with labor issues and help them reach a mutual and beneficial agreement.

2. It shall refer unresolved issues to DOLE – Muntaparlas for conciliation mediation

4. Policy Formation Committee

Focus should be on the formulation or development of resolution policies that will benefit MCTIPC members. It shall be composed of one member from the labor and management sector. Responsible for drafting policies and resolutions to be recommended to the RTIPC.

5. FINANCE COMMITTEE

It shall be composed of one member from the labor and management sector. Responsible for fund sourcing, disbursement and audit.

6. SOCIAL WELFARE COMMITTEE

It shall be composed of one member from the labor and management sector. Responsible for program development geared towards the general welfare.

SECTION 5. The Objectives Of The MCTIPC - The following are the objectives of the MCTIPC:
Ordinance No. 17-071

Page 6

a. Promote labor-management cooperation and productivity improvement schemes as the cornerstone of an industry-wide harmonious relationship;

b. Identify and prioritize problems, concerns and issues confronting the industry in the light of socio-economic factors besetting them with emphasis on those who are disruptive of lasting and meaningful labor-management relationship;

c. Formulate, recommend or adopt viable alternative solutions to identified and prioritized problems, issues and concerns;

d. Achieve greater degree of cooperation and coordination among the tripartite sectors for the advancement of industrial peace and productivity;

e. Formulate voluntary modes of disputes settlement in the industry;

f. Advance significant level of respect and understanding of the tripartite sectors of their counterpart views and milieu;

g. Institutionalize a documentation center and clearing house for concerns, problems and issues of mutual respect to government, workers and employers in the industry.

SECTION 6. Membership - the membership to the MCTIPC shall be open to all industries, trades, businesses, companies, enterprises and other similar groups who are doing business within the territorial jurisdiction of the Muntinlupa City. Both the management and laborers of every industry, business, trade and enterprise shall become members of MCTIPC. They shall register themselves to the Membership Committee of the MCTIPC.

SECTION 7. Term / Tenure Of Office - Elections to be held within the month of July after every 3 years commencing 2019.

MCTIPC Council Proper Officers, they will have tenure of three years, with an absolute one term tenure only (no re-election).

Committee Chairpersons and members shall have tenure of one (1) year with elections held within the month of July. A person can be elected for the same position for a maximum of three (3) consecutive terms.
SECTION 8. Budget – There shall be an initial allocation of One Million Pesos (Php1,000,000.00) to be utilized in the creation of MCTIPC and in the exercise of its powers and functions. The initial budget allocation and its subsequent annual budget shall be included in the budget of the Public Employment Service Office of Muntinlupa City based on its Annual Investment Plan.

SECTION 9. Separability Clause – If any part or provision of this ordinance shall be declared null and void by a court of competent jurisdiction, the remaining portions thereof shall remain valid and in full effect.

SECTION 10. Repealing Clause – All issuances, ordinances and resolutions which are inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 11. Effectivity – This ordinance shall take effect after its approval.

ENACTED, by the 8th Sangguniang Panlungsod of Muntinlupa, this 6th day of March, 2017, on its 29th Regular Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. BAL NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. RINGO A. TEVES
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. IVEE RHA A. JADEFA
Member

DISTRICT II:

COUN. CHRISTINE M. ABAS
Member
Page 8
Ordinance No. 17-071

COUN. MARISSA C. RONGAVILLA
Member

COUN. LUCIO B. CONSTANTINO
Member

COUN. GRACE B. GONZAGA
Member

COUN. MARK LESTER M. BAES
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. VICTOR L. ULANDAY
Member

COUN. WALTER A. ARCILLA
Sectonal Representative
President
League of Barangay Captains

COUN. ALEXANDER B. DIAZ
Member

COUN. MA. DHEISREE G. AREVALO
Member

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary

ATTESTED:

CELSO C. DIOKO
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIMER R. FRESNEDI
City Mayor

Date: 07 MAR 2017

Norie/8th SP