

after the labor organization petitions the Court and the Court declares (1) that full remedial action has been taken and (2) sufficient time has elapsed to counteract the unfair labor practice which resulted in the company union status.

(e) Provisions of Commonwealth Act Numbered Two hundred and thirteen providing for registration, licensing, and cancellation of registration of organizations, associations or unions of labor, as qualified and expanded by the preceding paragraphs of this Act, are hereby amended.

SEC. 24. *Rights of Labor Organizations.*—A legitimate labor organization shall have the right—

(a) To act as the representative of its members for the purpose of collective bargaining, pursuant to section three of this Act;

(b) To be certified as the exclusive representative of the employees in a collective bargaining unit, as provided in section twelve (a);

(c) To own property, real or personal, for the use and benefit of such labor organization and of its members; and

(d) To bring and defend actions in its registered name relating to such property.

No suit, action or other proceeding shall be maintainable in any court against a labor organization or any officer or member thereof for any act done by or on behalf of such organization in furtherance of an industrial dispute to which it is a party, on the ground only that such act induces some other person to break a contract of employment or that it is in restraint of trade or interferes with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or labor.

SEC. 30. *Date of Effectivity.*—This Act shall take effect on its approval.

Approved, June 17, 1953.

#### AMENDMENT TO WORKMEN'S COMPENSATION ACT

The amendment to Section 54 of the Act seeks to make equitable the contribution to the administration fund by collecting not only from the insurance carriers but also from the uninsured employers. The section sought to be amended provides for contributions collectible only from insurance carriers. Since the expenses of administration should be borne by all management composed of the insured and uninsured employers as is in vogue in all civilized countries of the world, the former should contribute thru their insurance carriers, and the latter, directly. To allow this section to remain as it is is tantamount to discouraging the insurance of compensation liabilities because employers would prefer to be uninsured if only to avoid paying the contribution. This is disservice to labor which has to rely totally for payment of any compensation due him not only on the good faith of his employer but also on its success in the business.

The amendment to Section 55 of the law seeks to specify those sections in the law which provide amounts that should be turned over to the administrative fund of the Commission.

The reason for this is very obvious, for unless the section is amended, only those employers who paid their employees compensation for industrial accidents or illness shall be made to bear the extra payment for the deficiency of the fund of administering the Workmen's Compensation Act. It is bad enough that honest employers lose part of their gains by payment of compensation for accidents over which they have no control, and to further assess them by reason of such compensation payments is tantamount to forcing them out of business.

Section 57 is proposed in order to furnish the necessary deterrence against any willful violation of any of the provisions of the Act.

\* \* \*

[REPUBLIC ACT No. 889]

AN ACT TO FURTHER AMEND ACT NUMBERED THREE THOUSAND FOUR HUNDRED AND TWENTY-EIGHT, ENTITLED "AN ACT PRESCRIBING THE COMPENSATION TO BE RECEIVED BY EMPLOYEES FOR PERSONAL INJURIES, DEATH OR ILLNESS CONTRACTED IN THE PERFORMANCE OF THEIR DUTIES", AS AMENDED BY ACT NUMBERED THREE THOUSAND EIGHT HUNDRED AND TWELVE, BY COMMONWEALTH ACT NUMBERED TWO HUNDRED AND TEN AND BY REPUBLIC ACT NUMBERED SEVEN HUNDRED AND SEVENTY-TWO.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section fifty-four of Act Numbered Three thousand four hundred and twenty-eight, as added by section twenty-four of Republic Act Numbered Seven hundred and seventy-two, is hereby amended to read as follows:

"SEC. 54. *Contribution of insurance carriers and UNINSURED EMPLOYEES.*—The Commissioner is HEREBY (shall also be) authorized to collect YEARLY from insurance carriers (on) NOT MORE THAN THREE per centum of their gross receipts on premiums collected from insurance of workmen's compensation liabilities FOR THE YEAR IMMEDIATELY PRECEDING AND FROM UNINSURED EMPLOYERS NOT MORE THAN THREE PER CENTUM OF WHAT THEY WOULD HAVE PAID IN PREMIUMS IF THEIR EMPLOYEES WERE ALL INSURED FOR THE SAME PERIOD to cover administration costs: *PROVIDED*, THAT THE TOTAL AMOUNT OF CONTRIBUTION OF EACH SHALL NOT BE LESS THAN FIVE PESOS. EMPLOYERS WHOSE EMPLOYEES AND LABORERS ARE NOT FULLY COVERED IN INSURANCE SHALL BE CONSIDERED UNINSURED TO THE EXTENT OF THE AMOUNT NOT SO COVERED.

"IF ANY INSURANCE CARRIER OR ANY UNINSURED EMPLOYER FAILS TO PAY THE CONTRIBUTION HEREIN PROVIDED WITHIN SIXTY DAYS FROM THE TIME NO-

TICE IS SERVED UPON HIM, THE COLLECTION OF SAID CONTRIBUTION MAY BE MADE IN LIKE MANNER AS AN AWARD OF COMPENSATION.

(Provided) "However, (That) nothing contained in this Act shall prevent the Government from requiring employees from obtaining insurance policies from the Government for the purposes of this Act."

SEC. 2. Section fifty-five of Act Numbered Three thousand four hundred and twenty-eight, as added by section twenty-four of Republic Act Numbered Seven hundred seventy-two, is hereby amended to read as follows:

"SEC. 55. *Expenses of Administration.*—There is hereby created a special fund to be known as the Workmen's Compensation Fund, which shall be under the custody and control of the Workmen's Compensation Commissioner, and shall be used exclusively for the payment of the expenses of the administration of this Act. All moneys collected under sections THIRTY-ONE, forty-four (and under paragraph (4) of section forty-seven (B), FIFTY-FOUR, and (under section) fifty-six of this Act shall be paid into said fund: *Provided, however*, That the expenses of the Workmen's Compensation Commission shall be included in the annual budget of the Department of Labor: *And provided, further*, That the surplus amounts of the Workmen's Compensation Fund shall (revert to the general funds of the National Treasury) ACCRUE TO THE FUND FOR THE REHABILITATION OF CRIPPLED MEN IN INDUSTRY.

"For every final decision OR LETTER COMPUTATION awarding compensation, the uninsured employer or insurance carrier against whom the decision OR LETTER COMPUTATION is made shall pay into the Fund the sum of one peso and an additional charge of one peso for every one hundred pesos of the entire amount of compensation to be paid: *PROVIDED*, THAT THE TOTAL AMOUNT TO BE PAID UNDER THIS PARAGRAPH SHALL NOT BE LESS THAN FIVE PESOS.

"For every adjourned hearing, and for every decision of a referee affirmed by the Commissioner on review, the uninsured employer or insurance carrier making the request for adjournment or seeking such review shall pay into the Fund the sum of five pesos.

"If the moneys in the Fund are not sufficient to cover the expenses of administration in any fiscal year, the Commissioner shall determine as soon as possible the amount of the deficiency. The Commissioner shall then assess upon and collect from each insurance carrier and each uninsured employer (where capital exceeds ten thousand pesos) the proportion of such deficiency that the total (compensation or payments made by such uninsured employer or insurance carrier bore) PREMIUM COLLECTED BY AN INSURANCE CARRIER FOR THE YEAR IMMEDIATELY PRECEDING OR THE TOTAL INSURANCE PREMIUM AN UNINSURED EMPLOYER WOULD HAVE PAID FOR THE SAME PERIOD, BEARS to the total (compensation or payments made by all uninsured employers and insurance carriers) INSURANCE PREMIUMS COLLECTED BY ALL INSURANCE CARRIERS PLUS THE TOTAL PREMIUMS THAT WOULD HAVE BEEN PAID BY THE UNINSURED EMPLOYERS FOR THE YEAR IMMEDIATELY PRECEDING. The amounts so collected shall be used to reimburse the National Treasury for the appropriations therefor made by the Government for the payment (in the first instance) of the expenses for administering this Act.

"There is hereby created a committee composed of the Workmen's Compensation Commissioner as chairman, two representatives of insurance carriers, AND TWO REPRESENTATIVES OF UNINSURED EMPLOYERS, who shall be appointed by the Secretary of Labor (upon recommendation of the uninsured employers and insurance carriers), which shall have the duty of advising the Workmen's Compensation Commissioner in carrying out the purposes of this section.

"THE MEMBERS, UNLESS GOVERNMENT OFFICIALS, SHALL BE ENTITLED TO TEN PESOS PER DIEM EVERY TIME THE COMMITTEE MEETS."

SEC. 3. Sections fifty-six and fifty-seven are hereby added to said Act to read as follows:

"SEC. 56. *REGISTRATION OF EMPLOYERS.*—EVERY EMPLOYER WITHIN THE PURVIEW OF THIS ACT MUST REGISTER THE NAME AND RESIDENCE OF THE OWNER AND/OR MANAGER OF THE ESTABLISHMENT, THE NAME, LOCATION AND NATURE OF THE BUSINESS, THE NAME AND ADDRESS OF THE INSURANCE CARRIER IF INSURED,

THE NUMBER, CLASSIFICATION AND SALARIES OF EMPLOYEES, THE KINDS OF MACHINERIES USED, AND THE AMOUNT OF CAPITAL INVESTED, WITH THE OFFICE OF THE WORKMEN'S COMPENSATION COMMISSIONER WITHIN SIX MONTHS FROM THE DATE OF THE APPROVAL OF THIS AMENDMENT AND EVERY YEAR THEREAFTER NOT LATER THAN THE TWENTIETH DAY OF JANUARY. THE COMMISSIONER MAY REQUIRE EMPLOYERS TO SUBMIT ADDITIONAL INFORMATION IN A FORM TO BE PRESCRIBED BY HIM. FOR EACH REGISTRATION, THE EMPLOYER SHALL PAY A FEE OF TEN PESOS."

"SEC. 57. *GENERAL PENALTY.*—ANY PERSON WHO KNOWINGLY VIOLATES ANY PROVISION OF THE WORKMEN'S COMPENSATION ACT, AS AMENDED, FOR WHICH NO PENALTY IS PROVIDED, SHALL UPON CONVICTION BE PUNISHED BY A FINE NOT EXCEEDING FIVE HUNDRED PESOS OR BY IMPRISONMENT NOT EXCEEDING SIX MONTHS OR BY BOTH SUCH FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT."

SEC. 4. This Act shall be effective as of June twenty, nineteen hundred and fifty-two.

Approved, June 19, 1953.