

A Critical Analysis of Leading Cases on the Constitutional Right to Strike in the Philippines

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This Article aims at clarifying the rules of engagement in the exercise of the right to strike. It contends that the right should be availed of in a manner that does not do violence to the rights of others. The first part discusses the various tests presented by law and jurisprudence to determine the validity of a strike. Next, the Article discusses the consequences of an illegal strike, more specifically on the striking of employees.

The Article then proceeds to discuss the roles of the State in strikes, as both regulator and reconciler. Finally, it concludes that like any right, the right to strike may be subject to abuse. Thus, there are requisite conditions that must be complied with before staging a strike. It must be peaceful, it must be done in accordance with law, and its exercise must be consistent with the national interest. The procedural requirements must also be complied with.