The Conscientious Objector under the New Labor Code

Cesar L. Villanueva

The Article traces the rights of the conscientious objector, one who is prohibited by his religion from joining labor unions, in the Philippine legal system. It starts by providing the premise that the freedom of worship is higher than the rights to self-organization.

After this, a discussion of the rights of the conscientious objector under Republic Act No. 875 or "An Act to Promote Industrial Peace and For Other Purposes," as repealed by Republic Act No. 3350 or "An Act Amending Paragraph (4), Subsection (a) of Section Four of Republic Act Numbered Eight Hundred Seventy-Five" (Industrial Peace Act) follows. The amendment added by Republic Act No. 3350 gave exemption to the conscientious objector from the coverage of a closed-shop agreement.

Presidential Decree No. 442 or "A Decree Instituting a Labor Code, thereby Revising and Consolidating Labor and Social Laws to Affor Protection to Labor, Promote Employment and Human Resources Development and Ensure Industrial Peace based on Social Justice" (New Labor Code) does not include the amendment added by Republic Act No. 3350 to the Industrial Peace Act. The Article gives a discussion of three questions that arise because of this exclusion. First, is Sec. 4(a)(4) of the Industrial Peace Act, as amended by Republic Act No. 3350, still in force after the enactment of the New Labor Code? Second, is the doctrine laid down by the Supreme Court with regard to the rights of a conscientious objector under the Industrial Peace Act still applicable under the New Labor code? Third, what are the rights of a conscientious objector under the New Labor Code?

The Article concludes by providing that the freedom of worship is a constitutional right. Hence, even if the New Labor Code removes the

statutory rights of a conscientious objector, his freedom of worship is still guaranteed by the 1973 Philippine Constitution.