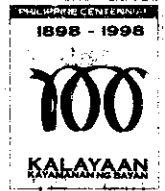




Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
Intramuros, Manila



DEPARTMENT ORDER NO. 40-C-05  
Series of 2005

AMENDING SECTION 2, RULE II, BOOK V OF THE OMNIBUS RULES  
IMPLEMENTING THE LABOR CODE, AS AMENDED BY D.O. 40-03, SERIES OF  
2003

Section 1. Pursuant to Articles 5 and 269 of the Labor Code, as amended, Section 2, Rule II, Book V of the Omnibus Rules Implementing the Labor Code, as amended by D.O. 40-03, series of 2003, is hereby amended to read as follows:

"Section 2. Who may join labor unions and workers' associations. – All persons employed in commercial, industrial and agricultural enterprises, including employees of government owned or controlled corporations without original charters established under the Corporation Code, as well as employees of religious, charitable, medical or educational institutions whether operating for profit or not, shall have the right to self-organization and to form, join or assist labor unions for purposes of collective bargaining: provided, however, that supervisory employees shall not be eligible for membership in a labor union of the rank-and-file employees but may form, join or assist separate labor unions of their own. Managerial employees shall not be eligible to form, join or assist any labor unions for purposes of collective bargaining.

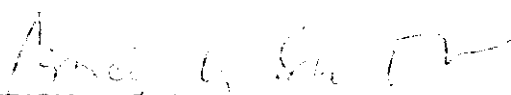
Alien employees with valid working permits issued by the Department may exercise the right to self-organization and join or assist labor unions for purposes of collective bargaining if they are nationals of a country which grants the same or similar rights to Filipino workers, as certified by the Department of Foreign Affairs, or which has ratified either ILO Convention No. 87 and ILO Convention No. 98.

For purposes of this section, any employee, whether employed for a definite period or not, shall beginning on the first day of his/her service, be eligible for membership in any labor organization.

All other workers, including ambulant, intermittent and other workers, the self-employed, rural workers and those without any definite employers may form labor organizations for their mutual aid and protection and other legitimate purposes except collective bargaining."

Section 2. Effectivity. – This Order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Manila, Philippines, 7 March 2005.

  
PATRICIA A. STO. TOMAS  
Secretary

C:/revised D.O. on foreign national

Department of Labor and Employment



In replying, specify OSEC05009451