



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 51

IMPLEMENTING ARTICLE 106 OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, TO PROTECT THE RIGHT TO SECURITY OF TENURE OF ALL WORKERS BASED ON SOCIAL JUSTICE IN THE 1987 PHILIPPINE CONSTITUTION

WHEREAS, Section 18, Article II of the Constitution provides that the State affirms labor as a primary social economic force, and shall protect the rights of workers and promote their welfare;

WHEREAS, Section 3, Article XIII of the Constitution mandates that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all; that the State shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law; and, that workers shall be entitled to security of tenure, humane conditions of work, and a living wage, and shall participate in policy and decision-making processes affecting their rights and benefits as may be provided by law;

WHEREAS, Article 3 of the Labor Code of the Philippines, as amended, provides that the State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers, and shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work;

WHEREAS, consistent with Article 106 of the Labor Code, as amended, appropriate regulations may be issued to protect the rights of workers;

WHEREAS, pursuant to Article 128 of the Labor Code, as amended, the Secretary of Labor and Employment or his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of the Labor Code of the Philippines, as amended, and other labor legislations; and

WHEREAS, it is the declared policy of the government to protect the worker's right to security of tenure by eradicating all forms of abusive employment practices through the strict implementation of the provisions of the Labor Code, as amended;

THE PRESIDENT OF THE PHILIPPINES

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order the following:

SECTION 1. Coverage. This Order shall apply to all parties including cooperatives engaged in any contracting and subcontracting arrangement.

SECTION 2. Prohibition against Illegal Contracting or Subcontracting. Contracting or subcontracting, when undertaken to circumvent the worker's right to security of tenure, self-organization and collective bargaining, and peaceful concerted activities pursuant to the 1987 Philippine Constitution, is hereby strictly prohibited.

Security of tenure refers to the right of employees not to be dismissed or removed without just or authorized cause and observance of procedural due process consistent with the Constitution, Labor Code, as amended, and prevailing jurisprudence.

The Secretary of Labor and Employment may, by appropriate issuances, in consultation with the National Tripartite Industrial Peace Council under Art. 290(c) of the Labor Code, as amended, declare activities which may be contracted out.

SECTION 3. Effect of Violation. The principal engaged in any arrangement in violation of this Order shall be considered the direct employer of the contractor's or subcontractor's workers for all purposes.

SECTION 4. Enforcement of Labor Standards and Working Conditions. Consistent with Article 128 (Visitorial and Enforcement Power) of the Labor Code, as amended, and pertinent implementing rules, the Secretary of Labor and Employment, through his/her duly authorized representatives and deputized labor and employer representatives, shall conduct inspection of establishments so as to ensure compliance with all labor laws, including this Order. They shall have full access to employer's records and premises as well as to any personnel at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of the Labor Code, as amended, and any other labor law, wage order, or relevant rules and regulations.

Based on the visitorial and enforcement power of the Secretary of Labor and Employment in Article 128 (b), he/she or his/her designated representative shall issue compliance orders after due hearing to give effect to the labor standards provisions of the Labor Code, and other labor legislation, rules and regulations. Compliance orders affirmed by the Secretary of Labor and Employment shall be immediately executory unless restrained by an appropriate court.

In case the compliance order involves a directive to regularize workers, the employment of the latter shall not be terminated pending appeal of such order except for just or authorized cause. Any termination of workers pending appeal shall render the compliance order involving the regularization of workers executory.

SECTION 5. Sanctions. Where appropriate, violations of this Order shall be penalized as provided for under existing laws and/or regulations.

SECTION 6. Inter-agency Cooperation. All government agencies in the Executive Branch are directed to cooperate and extend to the Department of Labor and Employment all appropriate assistance to carry out the objective of this Order.

SECTION 7. Separability Clause. If any section or part of this Order is declared to be unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

SECTION 8. Repealing Clause. All orders, rules and regulations, issuances, or any part thereof inconsistent with the provisions of this Order are hereby repealed, amended or modified accordingly.

SECTION 9. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

DONE, in the City of Cebu, this 1st day of **May** in the year of Our Lord, Two Thousand and Eighteen.

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary



