



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

DEPARTMENT CIRCULAR NO. **009**

SUBJECT : CLARIFICATION ON THE RULES REQUIRING DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) CLEARANCE IN THE FILING OF CRIMINAL COMPLAINTS INVOLVING WORKERS AND HARMONIZING SECTION 4.7.4 (B), CHAPTER IV OF THE 2017 REVISED MANUAL FOR PROSECUTORS WITH THE GUIDELINES ON THE CONDUCT OF THE DOLE, DILG, DND, DOJ, AFP AND PNP RELATIVE TO THE EXERCISE OF WORKERS' RIGHTS AND ACTIVITIES

DATE : FEB 14 2023

In the interest of the service and pursuant to the provisions of existing laws, rules and regulations, to harmonize and clarify the rules requiring the clearance of the DOLE and/or Office of the President in the filing of criminal complaints involving workers arising out of or related to labor disputes and to avoid the inordinate dismissal of criminal complaints filed with the National Prosecution Service, and considering that labor disputes are within the sole and primary jurisdiction of the DOLE, the following Guidelines on handling criminal complaints involving workers arising out of or related to labor disputes are hereby adopted:

Definition of Terms

For purposes of this Circular, the following terms are defined as follows:

1. Concerted Actions – refer to activities undertaken by two (2) or more persons arising from a labor dispute or in the exercise of constitutionally guaranteed rights and freedoms.¹
2. Freedom of Association – refers to the right of workers and employers to form or join an organization of their own choosing, without prior authorization, to collectively protect and promote their economic and social interests.²
3. Labor Dispute – refers to any controversy or matter concerning terms and conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing or arranging the terms and

¹ Title IV (5), Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers' Rights and Activities dated 07 May 2012 (Guidelines).

² Title IV (8), Guidelines.

conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.³

Cases/complaints that require DOLE Clearance

1. It shall be the duty of the **investigating prosecutor** to first secure a clearance from the DOLE and/or the Office of the President before taking cognizance of complaints for preliminary investigation and the filing in court of the corresponding criminal Information of cases arising out of or related to a labor dispute involving the exercise of workers' and trade unionists' freedom of association, collective bargaining, concerted actions and other trade union activities.⁴
2. The abovementioned cases arising out of or related to a labor dispute involving the exercise of workers' and trade unionists' freedom of association, collective bargaining, concerted actions and other trade union activities may include cases with allegations of violence, coercion, physical injuries, assault upon a person in authority and other similar acts of intimidation obstructing the free ingress to and egress from a factory or place of operation of the machines of such factory, or the employer's premises.⁵

Cases/complaints that do not require DOLE Clearance

The following complaints/cases do not require a clearance from the DOLE and/or the Office of the President before the investigating prosecutor can take cognizance thereof for preliminary investigation or file in court the corresponding Information:

1. Cases/complaints arising out of or related to a labor dispute involving violations of general labor standards, including wages, which do not arise from the exercise of freedom of association, collective bargaining, concerted actions and other trade union activities;⁶ and
2. Cases/complaints involving employers and employees, which do not involve a labor dispute and/or do not arise from the exercise of freedom of association, collective bargaining, concerted actions and other trade union activities.

This Circular takes effect immediately, and amends Section 4.7.4 (b), Chapter IV of the 2017 Revised Manual for Prosecutors insofar as it requires a clearance from the DOLE or from any regional office thereof to be attached to the

³ Title IV (11), Guidelines.

⁴ Title XII, Guidelines; DOLE-DOJ Joint Clarificatory Memorandum Circular dated 12 February 2015.

⁵ Title XII, Guidelines.

⁶ DOLE-DOJ Joint Clarificatory Memorandum Circular dated 12 February 2015.

complaint where the complainant is an employer and the respondent is his employee. All other issuances, rules and regulations, and provisions which are inconsistent herewith are also hereby repealed, rescinded, or modified accordingly.

For guidance and strict compliance.

JESUS CRISPIN C. REMULLA
Secretary *JCR*

Department of Justice
CN: O202302191



Copy furnished:
All concerned.