Attached is the coverage for Labor Law and Social Legislation, which will be held on November 8, 2020.

Bar candidates are advised to be guided by the provisions of the Constitution, laws, rules, issuances, and canonical jurisprudential doctrines pertinent to the topics enumerated as of June 30, 2019 except when provided in the relevant syllabus.

For your information and guidance.


MARVIC M.V.F. LEONEN
Associate Justice and
2020 Bar Examinations Chair
SYLLABUS FOR THE
2020 BAR EXAMINATIONS

LABOR LAW AND SOCIAL LEGISLATION

Note: All Bar candidates should be guided that — except when provided in the syllabus — only laws, rules, issuances, with their respective amendments; and canonical doctrines pertinent to these topics as of June 30, 2019 are examinable materials within the coverage of the 2020 Bar Examinations.

I. FUNDAMENTAL PRINCIPLES

A. Legal basis
   1. 1987 Constitution
   2. Civil Code
   3. Labor Code

B. State policy towards labor
   1. Security of tenure
   2. Social justice
   3. Equal work opportunities
   4. Right to self-organization and collective bargaining
   5. Construction in favor of labor
   6. Burden of proof and quantum of evidence

II. RECRUITMENT AND PLACEMENT

A. Definition of recruitment and placement

B. Regulation of recruitment and placement activities
   1. Regulatory authorities
      a. Philippine Overseas Employment Administration
      b. Regulatory and visitorial powers of the Department of Labor and Employment Secretary
   2. Ban on direct hiring
   3. Entities prohibited from recruiting
   4. Suspension or cancellation of license or authority

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5. Prohibited practices

C. Illegal Recruitment
   1. Elements
   2. Types
   3. Illegal recruitment as distinguished from estafa

D. Liability of local recruitment agency and foreign employer
   1. Solidary liability
   2. Theory of imputed knowledge

E. Termination of contract of migrant worker

F. Employment of non-resident aliens

III. LABOR STANDARDS

A. Conditions of employment
   1. Hours of work
      a. Principles in determining hours worked and employees exempted or not covered
      b. Compensable Time
         i. Normal hours of work
         ii. Night shift differential
         iii. Overtime work
            (a) Compressed work week
            (b) Built-in overtime
      c. Non-compensable hours; when compensable
         i. Meal break
         ii. Power interruptions or brownouts
         iii. Idle time
         iv. Travel time
         v. Commuting time
         vi. Waiting time
   2. Rest periods
   3. Service Charge
B. Wages

1. Definition, components, and exclusions
   a. Wage vs. salary
   b. Distinguish: facilities and supplements
   c. Bonus, 13th month pay
   d. Holiday pay

2. Principles
   a. No work, no pay
   b. Equal pay for equal work
   c. Fair wage for fair work
   d. Non-diminution of benefits

3. Minimum wage
   a. Payment by hours worked
   b. Payment by results

4. Payment of wages

5. Prohibitions regarding wages

6. Wage determination
   a. Wage order
   b. Wage distortion

C. Leaves

1. Labor Code
   a. Service incentive leave

2. Special laws
   a. Parental leave for solo parents
   b. Expanded maternity leave
   c. Paternity leave
   d. Gynecological leave
   e. Battered woman leave

D. Sexual harassment in the work environment

1. Definition

2. Duties and liabilities of employers
3. Applicable laws:
   a. Sexual Harassment Act
   b. Safe Spaces Act

E. Working conditions for special groups of employees
1. Apprentices and learners
2. Disabled workers
   a. Equal opportunity
   b. Discrimination on employment
   c. Incentives for employers
3. Gender
   a. Discrimination
   b. Stipulation against marriage
   c. Prohibited acts
   d. Facilities for women
   e. Women working in night clubs, etc.
4. Minors
5. Kasambahays
6. Homeworkers
7. Solo parents
8. Night workers
9. Migrant workers
10. Security guards

IV. POST-EMPLOYMENT
A. Employer-employee relationship
1. Tests to determine existence
2. Legitimate subcontracting as distinguished from labor-only contracting
   a. Elements
   b. Trilateral relationship
   c. Liabilities
3. Kinds of employment
   a. Regular
   b. Casual
   c. Contractual
   d. Project
   e. Seasonal
   f. Fixed-term
   g. Probationary; private school teachers

B. Termination by employer
   1. Requisites for validity
      a. Substantive due process
         i. Just causes
         ii. Authorized causes
      b. Procedural due process
   2. Preventive suspension
   3. Illegal dismissal
      a. Kinds
         i. No just or authorized cause
         ii. Constructive dismissal
            (a) Burden of proof
            (b) Liability of officers
            (c) Reliefs from illegal dismissal
   4. Money claims arising from employer-employee relationship
   5. When not deemed dismissed; employee on floating status

C. Termination by employee
   1. With notice to the employer
   2. Without notice to the employer
   3. Distinguish voluntary resignation and constructive dismissal

D. Retirement
V. LABOR RELATIONS

A. Right to self-organization
   1. Who may or may not exercise the right
      a. Doctrine of necessary implication
   2. Commingling or mixture of membership
   3. Rights and conditions of membership
      a. Nature of relationship
         i. Member-Labor union
         ii. Labor union federation
            (a) Disaffiliation
            (b) Substitutionary doctrine

B. Bargaining unit

C. Bargaining representative
   1. Determination of representation status

D. Rights of labor organizations
   1. Check off, assessment, agency fees
   2. Collective bargaining
      a. Duty to bargain collectively
      b. Collective Bargaining Agreement
         i. Mandatory provisions in a Collective Bargaining Agreement

E. Unfair labor practices
   1. Nature, aspects
   2. By employers
   3. By labor organizations

F. Peaceful concerted activities
   1. By labor organization
      a. Strike
         i. Valid strikes as distinguished from illegal strikes
      b. Picket
   2. By employer
      a. Lockout
3. Assumption of jurisdiction by Secretary of Labor and Employment
   a. Industry indispensable to the national interest
   b. Effects of assumption of jurisdiction

VI. MANAGEMENT PREROGATIVE

A. Discipline
B. Transfer or employees
C. Productivity standards
D. Bonus
E. Change of working hours
F. Bona fide occupational qualifications
G. Post-employment restrictions
H. Marriage between employees of competitor-employers

VII. SOCIAL LEGISLATION

A. Social Security System Law
   1. Coverage and exclusions
   2. Dependents and beneficiaries
   3. Benefits
B. Government Service Insurance System Law
   1. Coverage and exclusions
   2. Dependents and beneficiaries
   3. Benefits
C. Limited Portability Law
D. Disability and death benefits
   1. Labor Code
   2. Employees Compensation and State Insurance Fund
   3. Philippine Overseas Employment Administration-Standard Employment Contract
E. Solo Parents
F. Kasambahay
G. Agrarian Relations
1. Concept of agrarian reform
2. Existence and concept of agricultural tenancy
3. Rights of agricultural tenants
4. Concept of farmworkers

H. Universal Health Care
   1. Policy
   2. Coverage
   3. National Health Insurance Program

VIII. JURISDICTION AND REMEDIES

A. Labor Arbiter
   1. Jurisdiction of the Labor Arbiter as distinguished from the Regional Director
   2. Requirements to perfect appeal to National Labor Relations Commission
   3. Reinstatement and/or execution pending appeal

B. National Labor Relations Commission
C. Court of Appeals
D. Supreme Court
E. Bureau of Labor Relations
F. National Conciliation and Mediation Board
   1. Jurisdiction
   2. Conciliation as distinguished from mediation
   3. Preventive mediation

G. Department of Labor and Employment Regional Directors
   1. Jurisdiction
   2. Recovery and adjudicatory power

H. Department of Labor and Employment Secretary
   1. Jurisdiction
   2. Visitorial and enforcement powers
   3. Power to suspend effects of termination
   4. Remedies
I. Voluntary Arbitrator

1. Jurisdiction
2. Remedies

J. Prescription of actions

1. Money claims
2. Illegal dismissal
3. Unfair labor practice
4. Offenses under the Labor Code
5. Illegal recruitment
LIST OF RELEVANT LAWS AND ISSUANCES

I. THE 1987 CONSTITUTION

II. LAWS AND RULES OF PROCEDURE

Pres. Decree No. 442  Labor Code of the Philippines


Rep. Act No. 8042  Migrant Workers and Overseas Filipinos Act of 1995
as amended by:
Rep. Act No. 10022

as amended by:
Rep. Act No. 10364


Pres. Decree No. 626  Amending Certain Articles of the Labor Code

Pres. Decree No. 851  13th Month Pay Law

Rep. Act No. 11165  Telecommuting Act

Rep. Act No. 11210  105 Day Expanded Maternity Leave Law

as amended by:
Rep. Act No. 11210

Rep. Act No. 8972  Solo Parents’ Welfare Act
as amended by:
Rep. Act No. 11210
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<td>9710</td>
<td>Magna Carta of Women</td>
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<td>6725</td>
<td>Amending Art. 135 of the Labor Code Re: Prohibition on Discrimination Against Women</td>
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<td>9262</td>
<td>Anti-Violence Against Women and Their Children Act of 2004</td>
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<td>11313</td>
<td>Safe Spaces Act</td>
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<td>7610</td>
<td>Special Protection of Children Against Abuse, Exploitation and Discrimination Act</td>
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<td>9231 as amended by:</td>
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<td>Batas Kasambahay</td>
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<td>7877</td>
<td>Anti-Sexual Harassment Act of 1995</td>
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<td>7699</td>
<td>Portability Law</td>
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<td>10801</td>
<td>Overseas Workers Welfare Administration Act</td>
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Rep. Act No. 11223 Universal Health Care Act

Rules of Court Rules 45 and 65

III. ISSUANCES

Exec. Order No. 126 Reorganization Act of the Ministry of Labor and Employment

DOLE Advisory No. 2, s. 2009 Guidelines on the Adoption of Flexible Work Arrangements


POEA Memorandum Circular No. 010-10 Amended Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-Board Ocean-Going Ships


– NOTHING FOLLOWS –