

**SAMPLE CONSTITUTION AND BY-LAWS
FOR UNIONS (PRIVATE SECTOR)**

NAME OF UNION

CONSTITUTION

PREAMBLE

WE, the employees of the _____, in order to promote our moral, social and economic well-being; protect and uphold our individual and collective rights, as well as foster harmonious and progressive labor management relations do hereby promulgate this CONSTITUTION.

ARTICLE I NAME AND DOMICILE

Section I. This organization shall be known as the _____, hereinafter referred to as the UNION.

Section 2. The Union shall be domiciled at _____.

ARTICLE II DECLARATION OF OBJECTIVES

The UNION commits itself to the pursuit of the following objectives:

Section 1. To establish an organization that will represent the employees of the _____ in collective bargaining with respect to salaries, wages, hours of work and other terms and conditions of employment.

Section 2. To promote the moral, social, and economic well-being of all the members.

Section 3. To protect and uphold the individual and collective rights of all the members.

Section 4. To foster harmonious and progressive labor-management relations.

Section 5. To strive for the adoption of legislation, policies and other measures that will promote the economic, social and general well-being of all the members in particular, and the working class, in general.

Section 6. To promote the enlightenment of all the members in regard to their rights and obligations as union members and as employees, the present labor relations systems, the existing collective bargaining agreements (CBA) and all other matters that directly or indirectly affect them.

**ARTICLE III NAME OF EMPLOYER
AND PLACE OF OPERATION**

Section 1. For collective bargaining purposes, the definite employer is the _____, hereinafter referred to as the Company, the principal place of operation which is at _____. The company is engaged in _____.

ARTICLE IV MEMBERSHIP

Section 1. Every rank and file employees of _____ not otherwise disqualified by law and without regard to sex, race, nationality, religious or political belief of affiliation is eligible for membership in the union.

Section 2. Qualified employees of the company may become members of the UNION by written application approved by the President upon recommendation of the Committee on Membership and after payment in full of the required admission fee.

Section 3. The following shall not be eligible for membership nor to election or appointment to any position in the UNION:

- a) Subversives or persons who process subversive ideas;
- b) Persons who have been convicted of a crime involving moral turpitude; and
- c) Persons who are not employees of the Company.

ARTICLE V PRINCIPAL OFFICERS

Section I. The governing body of the UNION shall be the Executive Board whose members shall be elected through secret ballot by the general membership.

Section 2. The Executive Board shall administer union affairs, formulate policies and implement programs to effectively carry out the objectives of the UNION and the Labor Code of the Philippines and manage all the monies and property of the UNION.

Section 3. The Executive Board shall consist of _____ officers, namely:

- | | |
|----------------|--------------------------|
| President | Auditor |
| Vice-President | Public Relations Officer |
| Secretary | Sergeants-at-arms |
| Treasurer | |

- Section 4. There shall be Board of Directors consisting of _____ members who shall likewise be elected through secret ballot by the general membership.
- Section 5. The officers of the UNION shall hold office for a period of five (5) years from the date of their election until their successors shall have been duly elected and qualified; provided that they remain members of the UNION in good standing.
- Section 6. Vacancies in the Executive Board, except the position of President shall be filled up the by Board by appointing any member(s) in good standing of the UNION for a continuous period one (1) year immediately preceeding such appointment. The said appointee(s) shall hold office in acting capacity or until special election therefore as authorized by the Board or by the general membership.

ARTICLE VI DUTIES AND POWERS

- Section 1. The President shall be the Executive Officer of the Union. His duties and powers shall include the following:
- a) Preside over all meetings and deliberations of the Executive Board and of the general membership;
 - b) Appoint all members of standing committees of the UNION with the concurrence of majority of the members of the Executive Board;
 - c) Approve vouchers covering the applications or expenditures of UNION funds before payment or disbursement is made by the Treasurer;
 - d) Call special meeting of the UNION or the Executive Board whenever he deems necessary or upon written requests of at least 30% of the general membership or a majority of the members of the Executive Board;
 - e) Represent the UNION on all occasions and all matters in which representation of the UNION may be agreed upon or required.

Section 2. The Vice-President shall perform the duties and functions of the President in case of the latter's absence, disability, death or resignation. He shall perform functions that may assisted to him by the President.

Section 3. The Secretary shall perform the following duties and functions.

- a) Take down minutes of the meetings of the general membership and of the Executive Board;
- b) Keep a book of Minutes of Resolution and a continuing Register of all members of the UNION;
- c) Act as a custodian of all records, documents, minutes of the meetings of the Executive Board and the general membership as well as printed and/or written policies, projects and activities of the UNION;
- d) Submit to the Department of Labor and Employment annually a list of union members, list of officers and their respective addresses, minutes of election of officers and list of voters within 30 days from the date of election or from the occurrence of a change in the union officers and such other documents or papers as may be required.

Section 4. Duties and functions of the Treasurer are as follows:

- a) Collect, receive and issue receipts for all money, funds and contribution to the UNION;
- b) Make sure that all disbursement and payments made by him are covered by vouchers and accompanied by the necessary receipts;
- c) Keep a record of all receipt and expenditures;
- d) Prepare such financial reports a my be required by the general membership, the Executive Board, the Department of Labor and Employment which shall include all money receive and paid by him since he assumed office and the balance remaining in his hands at the time of rendering such account and all bonds and securities and other properties of the organization entrusted to this custody or under his control. The rendering of such account shall be made:

- At least once a year within thirty (30) days after the close of the UNION's fiscal year;

- At such other times as may be required by a resolution of the majority of the members of the organization; and

- Upon vacating his office or dissolution of the UNION for any cause.

The account shall be verified by affidavit, duly audited by a Certified Public Accountant and copy thereof furnished the Secretary of Labor and Employment.

Section 5. The Auditor shall audit, verify, and examine all financial accounts of the UNION. He shall supervise the entries in the books of accounts of the UNION and shall render a report of his audit as may be required by the Executive Board or by resolution of majority of the general membership.

Section 6. The Public Relations Officer (PRO) shall be in charge of matters involving public relations of the UNION. With the approval of the Executive Board, he may establish an official publication of the UNION.

Section 7. The Sgt-at-arms shall be in charge of the presentation of peace and order at meetings of the Executive Board and of the general membership.

Section 8. The Board of Directors shall be in charge of the legislative functions of the UNION under guidelines to be issued by the Executive Board. The Board of Directors shall consult the different standing committees of the UNION on matters, problems and areas that may be subject to UNION rules, regulation or policy.

Section 9. The officers of the UNION shall not be paid any compensation other than the salaries, allowances and expenses due their positions as are specifically provided in a written resolution duly adopted by the majority of all the members as a meeting duly called for the purpose. The Secretary shall take down minutes of the meetings together with the list of participants and tally of votes cast, copy of which shall be furnished the Department of Labor and Employment.

ARTICLE VII STANDING COMMITTEES

Section I. To ensure coordination and efficiency in the transaction of UNION matters and in order to realize the objectives of this Constitution, the following three (3) standing committees are hereby created:

- a) Committee on Membership- which shall receive and process application for membership and make recommendations thereon to the President. It shall implement rules, regulations and decisions as may be promulgated by the Executive Board or the general membership for the admission of members in the UNION.
- b) Committee on Grievance – which shall investigate internal UNION disputes in accordance with Article XIV of this Constitution. It shall assist in the presentation and settlement of UNION grievance with Management subject to pertinent provisions of the existing Collective Bargaining Agreement (CBA).
- c) Committee on Labor Education and Research – which shall prepare, adopt and implement labor education programs and activities, that will promote the enlightenment of the members in regard to the prevailing labor relations system, the provisions of the Constitution and the existing CBA, and all labor legislations rules, issuances and policies that affect the members directly or indirectly.
- d) Committee on Collective Bargaining- which shall conduct research and gather all the data as may be necessary in collective bargaining.It shall assist the UNION negotiating panel in the preparation of all necessary papers, documents and materials in collective bargaining agreements and in the administrations of the existing collective bargaining agreement.
- e) Committee on welfare which shall be responsible for the adoption and Implementation of program, projects and activities that will promote and protect the general welfare of the members.

ARTICLE VIII MEETINGS OF THE UNION

- Section 1. The UNION shall hold regular membership meetings at least once every three months. Notices of the meeting shall be sent out by the Secretary at least (10) days prior to such meeting by posting in conspicuous places preferably inside office premises, said notices. The date time and place for the meeting shall be determined by the Executive Board.
- Section 2. Regular meetings of the Executive Board shall take place on the last Sunday of every month with appropriate notice to be sent out by the Secretary to each member of the Board at least three (3) working days prior to such meeting. The time and place of the meeting shall be determined by the Secretary General. The meeting shall preferably be held in the UNION office.

- Section 3. Special meetings of the Executive Board or of the general membership may be called at any time, either at the call of the President, upon request of majority of the members of the Executive Board or upon petition addressed to the Secretary General of at least twenty (30%) percent of all members in good standing of the UNION.
- Section 4. The notice for any meeting whether it be of the general membership or of the Executive Board, regular or special, shall contain the item or items to be discussed and shall included constitute the agenda of the meeting. Any item or items included in the agenda may be taken up recommendation of majority of the members of the Executive Board present and constituting a quorum if it be an Executive Board meeting or majority of the members present and constituting a quorum if it be a general membership meeting.
- Section 5. Any member who absents himself from any regular or special meeting of the general membership shall within five (5) working days from the date of said meeting submit a written explanation of the Committee on Membership as to the reason or reasons for his failure to attend the meeting. The Committee on Membership shall evaluate the explanation and render a report thereof to the Executive Board.
- Section 6. In the event reason or reasons are unacceptable to the Executive Board for being unjustified, the erring member or members shall pay at the discretion of the Executive Board a fine of not less that _____ PESOS nor more than _____ PESOS to the UNION, through the Treasurer, which may be collected by salary deduction.
- Section 7. Members on official leave of absence are excused from attending meetings whether regular or special.
- Section 8. Any member who absents himself for three consecutive times from any regular or special meeting of the general membership without justifiable grounds therefore may be expelled or suspended from the UNION by a vote of the majority of the Executive Board.
- Section 9. Absence of a member or members of the Executive Board shall be subject to rules and regulations to be promulgated by the Board. Such rules and regulations shall be passed upon by the general membership.

ARTICLE IX UNION ELECTION

- Section 1. There shall be a Committee on Election (COMELEC) to be created by the Executive Board at least thirty (30) days before any regular or special election. The functions of the COMELEC include the following:

- a) Adopt and promulgate rules and regulations that will ensure a free, clean, honest and orderly election, whether regular or special;
- b) Pass upon qualification of candidates;
- c) Rule on any question or protest regarding the conduct of the election subject to the procedure that may be promulgated by the Executive Board; and
- d) Proclaim duly elected officers.

Section 2. The COMELEC shall be composed of a chairman and two members all of whom shall be appointed by the Executive and are disqualified from running on any elective position.

Section 3. The COMELEC shall be automatically dissolved thirty days (30) after the duly elected officers are proclaimed.

Section 4. Regular election of officers of the UNION shall be held on _____ and on the same date every three (3) years thereafter.

Section 5. All members of the UNION in good standing shall be eligible to vote in UNION election. Candidates for elective positions must be members of the union in good standing for a period of at least one (1) year on the date of the election.

Section 6. Voting shall be by secret balloting and the election shall be decided by plurality of votes.

Section 7. The duly elected officers shall meet within one (1) week following their proclamation to which time the outgoing administration shall turnover all records and properties of the UNION to the new administration.

**ARTICLE X FEES, SPECIAL ASSESSMENTS,
FINES AND OTHER PAYMENTS**

Section 1. Any admission fee of _____ shall be paid by an applicant before he becomes officially a member of the UNION.

Section 2. Every member shall pay monthly dues to the UNION in the amount of _____, which may be collected through check off deduction upon previous written authorization of the member concerned.

Section 3. All amounts collected pursuant to the two preceding sections shall constitute the General Fund of the UNION to be applied to the operational and organizational

expenses of the UNION or for any purposes or object as may be authorized by the Executive Board in a written resolution adopted at a meeting duly called for the purpose.

Section 4. Every member shall contribute to the UNION such amounts as may be fixed by the General Membership through written resolution adopted at a general membership meeting duly called for the purpose to be applied to or expended for any or all of the following objects:

- a) Labor education programs
- b) CBA negotiations
- c) Welfare and cooperative programs; and
- d) Such other plans and programs that will promote the interest and welfare of the UNION and the members.

Section 5. Special assessments or other extraordinary fees such as for payment of attorney's fees shall be made only upon a resolution duly ratified by the general membership by secret balloting.

Section 6. Any member who shall be two (2) months in arrears in the payment of his regular monthly dues or who fails for two times to pay the special assessments, fines or other payments required to be made, good standing and may be subjected to other disciplinary actions. In the event of sickness, leave of absence without pay and other similar causes, the Executive Board may excuse non payment or defer collection thereof at its discretion.

Section 7. Every payment of fees, dues or other contributions by a member shall be evidenced by a receipt signed by the Treasurer or his duly authorized representative making the collection and entered into the records of the UNION to be kept and maintained for the purpose.

Section 8. Every expenditures of the funds of the UNION shall be evidenced by a receipt from the person to whom the payment is made which shall state the date, place and purpose of such payment. Such receipt shall form part of the financial records of the UNION.

Section 9. The books of accounts and other records of the financial activities of the union shall be open for inspection by any officer or member anytime during office hours.

ARTICLE XI DISPOSITION OF UNION FUNDS

Section 1. In case of voluntary dissolution of the UNION or final cancellation of its

registration certificate, the UNION members shall enjoy equity to the UNION properties to the extent that said properties shall first be sold to the UNION members before said properties are offered to non union members and the proceeds therefrom, together with the balance of the union funds shall be distributed, pro-rata to its members, depending on the amount of membership dues contributed to the UNION. The general membership may be consulted to settle differences of opinion.

ARTICLE XII QUORUM AND RULES OF ORDER

- Section I. Except when a greater proportion is required hereon or by law, a majority vote shall prevail at meetings and deliberations of the UNION. A majority of the members of the UNION shall constitute a quorum to officially transact any business.
- Section 2. Meetings of the UNION, shall whenever practicable be governed by the Roberts Rules of Order.

ARTICLE XIII COLLECTIVE BARGAINING

- Section 1. Collective bargaining for and in behalf of the general membership shall be undertaken by the Executive Board and shall act as the Negotiating Panel the members of which shall be duly elected by the general membership.
- Section 2. The Collective Bargaining Agreement resulting from the bargaining negotiations shall be subject to ratification and approval by majority vote of the UNION members at a meeting convened or by a referendum held for such purpose.

ARTICLE XIV SETTLEMENT OF INTERNAL DISPUTE

- Section 1. Dispute involving union members or its officers shall be made in writing and submitted to the president who shall undertake to have them settle their differences amicable.
- Section 2. In the event of failure to settle the dispute amicably, the General Secretary who shall pass on the dispute to the Committee on Grievance/Welfare which shall undertake to investigate or hear the case on the merits.
- Section 3. The Committee on Grievance shall require the respondent within two (2) days from the date of the aforementioned confrontation of the parties to reduce their answers in writing. Thereafter, both sides shall be entitled to a hearing.

- Section 4. After proper evaluation of evidence submitted, the Committee on Grievance shall render its written decision on the dispute within three (3) working days from termination of the hearing.
- Section 5. Decisions of the Committee on Grievance shall become final unless appealed to the General Membership within three (3) days from receipt of a copy of the decision of the Committee on Grievance.

ARTICLE XV IMPEACHMENT AND RECALL

- Section 1. Any of the following shall be a ground for the impeachment or recall of UNION officers:
- a) Committing or causing the commission directly or indirectly of acts against the interest and welfare of the UNION.
 - b) Malicious attack against the UNION, its officers or against a fellow UNION officer or member.
 - c) Failure to comply with the obligation to turn over and return to the UNION Treasurer within three days an unexpected sum or sums of money received from the UNION funds to answer for an authorized UNION purpose.
 - d) Gross misconduct unbecoming of a union officer.
 - e) Misappropriation of UNION funds and property. This is without prejudice to the filing of an appropriate criminal or civil action against the responsible officer or officers by any interested party.
 - f) Willful violation of any provisions of this Constitution or rules, regulations, measures resolution and decision of the UNION.
- Section 2. The following procedure shall govern impeachment and recall proceedings:
- a. Impeachment or recall proceedings shall be initiated by a formal petition or resolution signed by at least thirty (30) percent of all bonafide members of the UNION and addressed to the Chairman of the Executive Board;

- b. The Board Chairman shall then convene a general membership meeting to consider the impeachment or recall of an officer or a group of officers whether elective or appointive;
- c. UNION officers against whom impeachment or recall charges have been filed shall be given ample opportunity to defend themselves before any impeachment or recall vote is finally taken;
- d. A majority of all the members of the union shall be required to impeach or recall union officers;
- e. A UNION officers impeached shall ipso facto be considered resigned or ousted from office and shall no longer be elected nor appointed to any position in the UNION;
- f. The decision of the general membership on the impeachment or recall charge shall be final and executory.

ARTICLE XVI FISCAL YEAR

Section 1. The UNION's fiscal year commence on 1 January and end on 31 December of every year.

ARTICLE XVII AMENDMENTS

Section 1. Proposals for amendments to this Constitution may be made by the Executive Board or upon formal petition of at least ten (10) percent of the general membership.

Section 2. No proposal shall be considered an amendment and become a part of this constitution until after the same shall have been ratified by two-thirds 2/3 vote of all the members of the UNION either at special meeting or a referendum called for such purpose.

ARTICLE XVIII EFFECTIVITY

Section 1. This Constitution shall take effect on the day following its ratification.

Adopted and ratified this _____ day of _____ at _____
with the list of members, together with their signatures, who ratified the same appearing in
Annex "A" hereof.

CERTIFIED CORRECT:

Secretary

ATTESTED:

President

SUBSCRIBED AND SWORN TO BEFORE ME this ____ day of _____
at _____ Community Tax Certificate No. _____ issued at
_____ on _____.

NOTARY PUBLIC

Until _____

PTR No. _____

Issued at _____

On _____

Doc.No. _____

Page No. _____

Book No. _____

Series of _____

