

CONSTITUTION AND BY-LAWS
Of the
National Conciliation and Mediation Board Employees
Association (NCMB-EA)



PREAMBLE

We, the employees of the National Conciliation and Mediation Board, Republic of the Philippines, dedicated to the pursuit of our social, economic, as well as professional advancement, committed to the promotion of the welfare of our fellow workers and their families and the development of closer bonds between and among NCMB employees; conscious of our inalienable fundamental rights inherent to us as civil servants and citizens of the land; and furthermore, in our resolve to establish a UNION for the broadest unity and development of our collective action geared towards the attainment of the aforementioned aspirations and ideals; with the aid of Divine Providence, do hereby promulgate this Constitution and By-Laws.

ARTICLE 1

Name/Affiliation/Domicile/Seal and Colors

Section 1. This union shall be known as the National Conciliation and Mediation Board employees Association (NCMBEA) hereinafter referred to as the ASSOCIATION.

Section 2. The ASSOCIATION shall have its principal address at the NCMB Central Office, Ground Floor, DOLE Building, General Luna cor. Muralla Streets, Intramuros, Manila, Philippines.

Section 3. Seal and Colors. The Association shall adopt the official seal of the NCMBEA which consist of the following:



ARTICLE II

Declaration of Principles and Policies

Section 1. The ASSOCIATION firmly believes in the dignity of the civil servant who deserves respect for his/her democratic rights, welfare and professional advancement.

Section 2. The ASSOCIATION adheres to the constitutional mandate that public office is public trust and that public offices and employees shall at all times be accountable to the people.

Section 3. The ASSOCIATION advocates the promotion of the public good by endorsing the delivery of exemplary public service, vigilance towards good government and concern for societal development.

Section 4. The ASSOCIATION is committed to the development of its capability for collective action in order to defend the fundamental rights and advance the welfare and professional growth of its members.

Section 5. The ASSOCIATION believes in fostering unity with other associations or organizations which espouse the cause of the public sector employees, in particular, and the public, in general.

ARTICLE III Purpose and Objectives

The ASSOCIATION commits itself to the pursuit of the following purpose and objectives.

Section 1. Promote the moral, social, cultural and economic well-being of all employees;

Section 2. Protect and uphold the inherent individual and collective rights of its members, including the right to organize and engage in concerted activities and participate in the policy-making in the agency;

Section 3. Foster harmonious and progressive labor management relations;

Section 4. Strive for the adoption of legislation, policies and other measures that will promote the social, economic and general well-being not only of all the member-employees but also the government employee sector, in general;

Section 5. Develop alliance with other parties, unions, federations and associations to foster cooperation and unity for public good; and

Section 6. To secure better salaries/wages, fringe benefits and working conditions for all ASSOCIATION members through concerted actions, including collective bargaining and negotiation.

ARTICLE IV Employer and Place of Operation

Section 1. For collective negotiation purposes, the definite employer is the National Conciliation and Mediation Board – Department of Labor and Employment (NCMB-DOL), hereinafter referred to as the BOARD, the principal address of which is at the Ground Floor, DOLE Building, General Luna cor. Muralla Streets, Intramuros, Manila.

ARTICLE V Membership

Section 1. All rank and file employees of the Office are eligible to be members of the ASSOCIATION regardless of their employment status.

By rank and file employees, it shall be understood that they are officials/officers with the salary grade twenty-three (SG23) or below and those with higher salary grade whose functions are not considered policy-making or managerial or whose duties are of highly confidential in nature.

However, contractual employees who wish to join the ASSOCIATION should have rendered at least six (6) months service with the BOARD and have met the membership requirement set by the Committee on Organization and Membership.

Section 2. Qualified employees of the BOARD may become members of the ASSOCIATION by a written application duly approved by the President upon recommendation of the Chairperson of the Committee on Organization and Membership and after payment in full of the required membership/admission fee.

Section 3. Membership Fee. Any new member of the ASSOCIATION shall be required to pay an admission fee of P50.00. This shall not be refundable.

Section 4. Monthly Dues. Each member shall pay a monthly due of fifteen pesos (P15.00) for the year 2003 and twenty five pesos (P25.00) for the year 2004 onwards.

Section 5. Assessment Fees. Each member shall pay an assessment fee from monetary benefit earned through collective negotiation in the amount to be determined by the NCMB-EA Executive Board and agreed upon by the General Assembly.

Section 6. Cessation of Membership. Membership in the ASSOCIATION shall cease for the following causes:

- a. Withdrawal of membership. Any member may withdraw from membership through a written resignation addressed to the President;
- b. Expulsion. Any member who is found to have committed paragraphs a, b, or f, Section 1, Article XIX of this Constitution and By-laws may be expelled from the ASSOCIATION; and
- c. Inactivity of a Member. Any member who becomes inactive for at least two (2) years may be deemed to have withdrawn his membership from the ASSOCIATION.
- d. Resignation/Retirement

Section 7. Cessation Process. If any member has committed acts prejudicial to the interest of the ASSOCIATION, the Executive Board (EB) may, following a hearing, expel such member or order the suspension of member's right to vote.

The action of the Executive Board expelling or suspending a member shall be appealable to the General Assembly (GA) whose decision through a vote of the majority of the members in good standing present at the regular or special meeting for the purpose shall finally decide the matter.

ARTICLE VI

Rights and Duties of a Members

Section 1. Rights of members. Every member in good standing shall have the following rights:

- a. to actively participate in the deliberations and decision-making concerning issues affecting members and/or the ASSOCIATION, the government employees sector and the society, as a whole;
- b. to have access to all documents pertaining to the transactions made by the ASSOCIATION;
- c. to actively participate in the electoral process to cast vote and seek elective or appointive positions, both in the local chapter and the National Union, subject to the provisions of both Constitutions and By-Laws;
- d. to avail of the services rendered and benefits provided by the ASSOCIATION;

A MEMBER IN GOOD STANDING is one that has paid the required membership/admission fee and the monthly dues and has not violated any provision of

the Constitution and By-Laws and other such policies, decisions and rules and regulations prescribed by the General Assembly, BOD and/or the Executive Board.

Section 2. Duties of Members. Every member shall have the following duties;

- a. To uphold the Constitution and By-laws of the ASSOCIATION;
- b. To abide by the policies, decisions, rules and regulations which maybe promulgated by the General Assembly, BOD and/or the Executive Board;
- c. To pay monthly dues and other contributions or assessments that may be required by the ASSOCIATION;
- d. To actively participate in the conduct and operation of the ASSOCIATION; and
- e. To cooperate with the duly elected/appointed officers in their endeavors to attain the purposes and objectives of the ASSOCIATION.

ARTICLE VII General Assembly

Section 1. The General Assembly (GA) is the general ASSOCIATION membership in the Office. It is the highest decision making entity of the ASSOCIATION.

Section 2. Regular Meetings. The Regular General Assembly of the ASSOCIATION shall be held once a year, the specific date of which shall be fixed by the Board of Directors.

Section 3. Special Meetings. The Special Meeting or Assemblies may be called and convened by the ASSOCIATION any time by the Executive Board or majority members of the Board of Directors of the ASSOCIATION. In case the special meeting or assembly is called by the latter, a petition shall be endorsed to the President of the ASSOCIATION who in turn shall convene said meeting in a schedule convenient to all.

Section 4. All meetings shall be convened upon prior notice in writing which shall indicate therein the agenda, date and place signed by the Secretary and noted by the President.

ARTICLE VIII Board of Directors

Section 1. The Board of Directors (BOD) shall be the highest policy and decision making body of the ASSOCIATION when the General Assembly is not in session.

Section 2. Composition. The Board of Directors shall be composed of fifteen (15) members elected through secret balloting for a term of three (3) years or until their successors shall have been elected and proclaimed.

Section 3. The regular meetings of the Board shall be held quarterly, the specific date of which shall be fixed by the majority vote of its members in a meeting assembled.

Section 4. A special meeting of the BOD may be called and convened any time by any seven (7) members of the BOD. The notice of special meeting shall be endorsed to the President of the ASSOCIATION who in turn shall convene the meeting on a schedule convenient to the majority members of BOD.

ARTICLE IX Executive Board

Section 1. The Executive Board (EB) shall be the implementing body of the ASSOCIATION when the BOD is not in session. The EB shall be responsible for the day-to-day operations of the ASSOCIATION and the implementation of the policies, plans and programs formulated by the General Assembly and the BOD. As such, it shall prescribe implementing policies, rules and regulations consistent with this Constitution and By-Laws and the resolutions of the BOD and the GA for the effective management and guidance of ASSOCIATION.

Section 2. The Executive Board shall be composed of the:

- a. President;
- b. Vice-President;
- c. Secretary;
- d. Treasurer; and
- e. Public Relations Officer.

all of whom are officially stationed in the National Capital Region, i.e. in the Central Office or NCR Branch of the NCMB.

They shall be elected through secret balloting from among the elected members of the Board of Directors for a term of three (3) years or until their successors shall have been elected and proclaimed.

Section 3. Meetings. The Executive Board shall meet at least once a month on the specific date it set. Special meetings may be called as may be deemed necessary by the President.

Section 4. Vacancy of the Executive Board. When vacancy occurs in the EB, except the Presidency, by reason of death, incapacity, removal or resignation, the Board of Directors constituting a quorum shall fill the said vacancy in the composition of the EB provided it shall not be inconsistent with the provisions under Article VI of this Constitution and By-Laws. The successor shall serve the unexpired portion of the term.

ARTICLE X Duties and Responsibilities of the Executive Officers

Section 1. President. The President shall be the chief executive officer of the ASSOCIATION. His/Her duties shall include the following:

- a. Preside over all meetings and deliberations of the Executive Board, the Board of Directors and the General Assembly.
- b. Represent the ASSOCIATION in all matters in which his/her representation is necessary;
- c. Submit annual reports to the General Assembly;

- d. Serve and act as principal signatory in all transactions involving the ASSOCIATION which have been approved by the Executive Board except in the disbursement of fund where the signature of the Treasurer shall be needed;
- e. Appoint members of committees and boards subject to the confirmation of the Executive Board or some cases by the members themselves such as but not limited to representation in the Selection Board; and
- f. Perform other functions as may be delegated by the Executive Board and/or the General Assembly.

Section 2. Vice President. Shall assist the President in the discharge of his/her functions and perform such other duties as may be deputized to him/her by the President, especially those concerning organization and other internal matters affecting the general membership, individually and collectively. If the Presidency is vacated by reason of death, incapacity, removal or resignation, the Vice-President shall assume his functions and serve the unexpired portion of the term.

Section 3. Secretary. The Secretary shall serve as the secretariat and keep minutes of all meetings of the ASSOCIATION and shall act as custodian of all papers, records, documents and resolutions of the ASSOCIATION.

Section 4. Treasurer. The Treasurer shall be in-charge of the collections and safekeeping of ASSOCIATION funds such as, fees, dues, assessments or contributions from members as required by this Constitution and By-laws. He/She shall also take charge of all properties and accounts of the ASSOCIATION, render financial or property reports periodically and as may be necessary.

Section 5. Public Relations Officer. The P.R.O. shall be in charge with matters involving internal and external relations and information of the association. He/She shall head the Committee on Public Information (CPI) in the development and production of brochures and other information materials related to the ASSOCIATION, including official newsletter.

Section 6. Auditor. The Auditor shall audit, verify and examine all financial accounts of the ASSOCIATION and submit periodic reports to the EB and the BOD.

The Auditor shall be elected from among the members of the Board of Directors but shall not be a member of the Executive Board. However, he/she shall sit whenever necessary, in the EB meetings and participate in the deliberation on auditing and other financial matters.

ARTICLE XI

Standing Committees

Section 1. Committee on Organization and Membership. The Committee on organization and membership shall be headed by a Chairperson who shall be appointed by the President, subject to the confirmation of the Executive Board. The Committee Chairperson shall likewise appoint the members of the committee subject to the approval of the President.

The Committee shall accept, process and endorse application for membership for the final approval by the President and be responsible in organizing the regional branches through the concept of Association Representative Committees (ARC).

Section 2. Committee on Education, Information and Research. This Committee shall be headed by a Chairperson appointed by the President subject to the confirmation of the Executive Board. The Committee Chairperson shall likewise appoint the members of the Committee subject to the confirmation of the President.

This Committee shall be primarily responsible for the education program of the ASSOCIATION. In coordination with the Education Committee of the DOLE-EU National, it shall formulate and recommend policies of education and research activities and undertake continuing education training, seminar, symposia, etc., for the ASSOCIATION members to attain the highest degree of awareness, enlightenment on public sector unionism.

The Committee shall also be in charge with the development and production of brochures, official newsletter and other information materials related to the ASSOCIATION and its activities.

Section 3. Committee on Employee Welfare. This Committee shall be composed of Chairperson, as head, and members appointed by the President subject to the confirmation by the Executive Board.

It shall be in charged with program development activities that will promote and redound to the welfare and benefit of the members of the ASSOCIATION.

Section 4. Committee on Complaints and Grievances. This Committee shall be composed of a Chairperson as head, and members appointed by the President subject to the confirmation by the Executive Board.

It shall also formulate policies and mechanisms that will facilitate settlement of disputes and grievances among the members of the ASSOCIATION.

Section 5. Committee on Finance. This committee shall be headed by the Treasurer, as ex-officio Chairperson. The members shall be appointed by the Chairperson subject to the confirmation by the Executive Board.

The Committee shall undertake income-generating projects and formulate and recommend finance policies and guidelines to be approved by the Executive Board for the efficient discharge of its functions.

Section 6. Women's Committee. This Committee shall be composed of a Chairperson as head, and members appointed by the President subject to the confirmation by the Executive Board.

This Committee, in coordination with the Women's Committee of the DOLE-EU National, shall be responsible for the development, coordination and implementation of programs activities that will address the issues and concerns of women employees.

ARTICLE XII

Special Committees and Task Forces

Section 1. Special Committees and Task Force may be created by the Executive Board from time to time to attend to special tasks/activities of the ASSOCIATION.

The Committees/Task Forces shall be headed by a Chairperson duly appointed by the President subject to the confirmation of the Executive Board. The Chairperson shall appoint the members of the Committee/Task Force created subject to the confirmation of the President.

Section 2. For the efficient and effective discharge of the Committee/Task Force functions, no person shall be appointed to head more than one (1) Committee Task Force. Likewise, as much as possible, no person shall be a member of two (2) or more committee/Task Force at any given time.

Section 3. The Committee/Task Force created shall be coterminous with the particular task/activities for which they were created.

ARTICLE XIII Elections

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 includes 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. Decide on any question or protest regarding the conduct of the election subject to the existing procedures;
- d. Proclaim duly elected officers.

Section 2. The COMELEC shall be composed of a Chairperson and two (2) members all whom shall be appointed by the Executive Board.

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

Section 4. The election of officers of the ASSOCIATION shall be held within 60 days prior to the expiration of the term of the incumbents and every three (3) years thereafter.

Section 5. All members of the ASSOCIATION shall be eligible to vote and be voted upon in ASSOCIATION election. Candidates for the elective positions must be members of the ASSOCIATION in good standing for a period of at least six (6) months prior to the date of the election.

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

Section 7. The duly elected officers shall meet within one week following their proclamation and coordination with the out-going administration for the smooth turnover of all records and properties of the ASSOCIATION to the new administration. The new officers shall assume their posts on the first day of July after the regular elections.

ARTICLE XIV Finances

Section 1. The ASSOCIATION shall operate with funds coming from the following sources:

- a. Membership fees;
- b. Monthly Dues as specified in Article V, Section 5;
- c. Special assessments, contributions and donations;
- d. Income from fund raising activities; and
- e. Earnings from businesses and/or other income-generating projects operated by the ASSOCIATION.

Section 2. All such funds embodied in Section 1 of this Article shall constitute the General Fund of the ASSOCIATION to be applied to operation and organization expenses.

Section 3. Every payment of fees, dues or other contribution by a member shall be evidenced by a receipt signed by the Treasurer or his duly authorized representative and shall be entered in the Books of Accounts of the ASSOCIATION.

Section 4. Every expenditure of the ASSOCIATION fund shall be evidenced by a receipt from the person to whom the payment is made which state the date and purpose of such payment. Such receipt shall form part of the financial records of the ASSOCIATION.

Section 5. The ASSOCIATION shall open an account with a reputable bank where its fund may be deposited. However, if this is not possible, measures shall be taken to safeguard the integrity of its fund.

Section 6. The signatories to the check that maybe drawn by the UNION shall be signed by the President and the Treasurer. In case the President is not available, the Vice President shall be the alternate signatory.

Section 7. The book of accounts and other financial records of the ASSOCIATION shall be opened for inspection anytime during office hours upon a formal request by any officer or member of the ASSOCIATION.

ARTICLE XV Disposition of Association Funds

Section 1. In case of voluntary dissolution of the ASSOCIATION, the ASSOCIATION members shall enjoy equity to the ASSOCIATION properties to the extent that said properties shall be sold to the ASSOCIATION members before said properties are offered to non-union members and the proceeds therefrom, together with the balance of the ASSOCIATION funds shall be distributed, pro-rata to its members, depending on the amount of membership dues contributed to the ASSOCIATION.

ARTICLE XVI Quorum

Section 1. One half ($\frac{1}{2}$) plus 1 of the total number of ASSOCIATION members in good standing shall constitute a quorum in the General Assembly. In any other meeting of any duly constituted bodies, the rule of one half ($\frac{1}{2}$) plus 1 shall apply.

Section 2. A majority vote of the quorum assembled in a meeting shall be a valid act.

ARTICLE XVII Collective Bargaining and Negotiation

Section 1. Collective bargaining or negotiation for and in behalf of the membership regarding local issues and office internal concerns shall be undertaken by a Negotiating Panel to be headed by the President whose members shall be designated by the Executive Board.

Section 2. The Agreement resulting from the collective bargaining and/or negotiation shall be subject to ratification and approval by the majority vote of the ASSOCIATION members at a meeting convened or by a referendum held for such purpose.

ARTICLE XVIII
Settlement of Internal Dispute

Section 1. Disputes involving ASSOCIATION members or its official shall be submitted to the President or Chairperson of the Committee on Grievance and Welfare (CGW) which shall undertake to have them settle their differences.

Section 2. In the event of failure to settle the dispute, the ASSOCIATION Committee on Grievance and Welfare shall undertake an investigation or hear the case on the merits.

Section 3. The Committee shall require the parties within three days from the day of the aforementioned confrontation of the parties to reduce their complaints/answers in writing. Thereafter, both sides shall be entitled to a hearing.

Section 4. After proper evaluation of evidence submitted, the Committee shall render its written decision on the dispute within five days from termination of the hearing.

Section 5. Decision of the Committee shall become final unless appealed to the general membership within three days from receipt of a copy of the decision of the Committee.

ARTICLE XIX
Impeachment and Recall

Section 1. Any of the following shall be ground for impeachment or recall of UNION officers.

- a. Committing or causing the commission directly or indirectly of acts against the interest and welfare of the ASSOCIATION;
- b. Malicious attack against the ASSOCIATION, its officers or against a fellow ASSOCIATION officer or member;
- c. Failure to comply with the obligation to turn over and return to the ASSOCIATION Treasurer within three days all unexpended sum or sums of money received from the ASSOCIATION funds to answer for an authorized union purpose;
- d. Gross misconduct and/or conduct unbecoming of a ASSOCIATION officer;
- e. Misappropriation of ASSOCIATION property, this without prejudice to the filing of an appropriate criminal or civil case against the responsible officer or officers by any interested party;
- f. Willful violation of any provision of this Constitution or Rules and Regulations, measures, resolution and decisions of the ASSOCIATION.

Section 2. The following procedure shall govern impeachment and recall proceedings:

- a. Impeachment or recall proceedings shall be initiated by a formal petition or resolutions signed by at least twenty (20%) percent of all bonafide members of the ASSOCIATION and addressed to the President of the ASSOCIATION;
- b. The President shall then convene an Impeachment Committee of five (5) members of the BOD to consider and prosecute the impeachment or recall charges against an officer of a group of officers;
- c. If the subject of impeachment or recall is the President of the ASSOCIATION, the Vice-President shall convene the Impeachment Committee;

- d. ASSOCIATION 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;
- e. After evaluation of the charges, the Impeachment Committee shall recommend the case for either dismissal or impeachment or recall vote;
- f. A majority of all the members of the ASSOCIATION shall be required to impeach or recall ASSOCIATION officers;
- g. The UNION officers impeached shall ipso facto be considered resigned or ousted from office and shall no longer be eligible for election nor appointment to any position in the ASSOCIATION;
- h. The decision of the general membership on the impeachment or recall charge shall be final and executory.

ARTICLE XX
Fiscal Year

Section 1. The ASSOCIATION fiscal year shall commence on 01 July and end on 30 June of every year.

ARTICLE XXI
Transitory Provisions

Section 1. The election of the members of the Board of Directors shall be held not later than 28 February 2004.

The first set of officers who get elected after the ratification of this Constitution shall be sworn into office not later than seven (7) days after their proclamation and shall thenceforth commence their term of office, the provisions of sections 4 and 7, Article XIII notwithstanding.

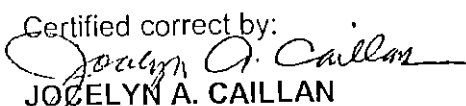
ARTICLE XXII
Amendments

Section 1. This Constitution and By-Laws may be amended upon the recommendation of the Executive Board or upon formal petition of at least ten percent (10%) 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 members of the ASSOCIATION either in a special meeting or through a referendum for such purpose.

This Constitution shall take effect immediately upon ratification.

Adopted and ratified this 10th day of July 2003 at Manila, Philippines with the list of members, together with their signatures, who ratified the same appearing in "ANNEX A-O" hereof.


Certified correct by:

JOCELYN A. CAILLAN
Secretary

Attested by:


TERESITA D. RULLOD
President

SUBSCRIBED AND SWORN to before me on this 19th day of November 2003 at City of Manila, AFFIANTS exhibiting to me their respective community tax certificates:

	CTC NO.	DATE & PLACE OF ISSUE
TERESITA D. RULLODA	<u>32529480</u>	<u>Ma ; 3-12-03</u>
JOCELYN A. CAILLAN	<u>328956</u>	<u>Manila ; Jan. 6, 2003</u>


NILO O. RAMOS
NOTARY PUBLIC
UNTIL DECEMBER 31, 2004
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