



10 February 2016

LEGAL ADVISORY NO. 19

TO : ALL ELECTRIC COOPERATIVES (ECs)

SUBJECT : NEA's JURISDICTION OVER EC EMPLOYEES' LABOR RELATED ISSUES

With the enactment of Republic Act No. 10531, or the "National Electrification Administration (NEA) Reform Act of 2013," amending pertinent provisions of P.D. 269, NEA, in the exercise of its quasi-judicial functions, shall have primary and exclusive jurisdiction over the following **administrative** cases:

- a) Cases involving complaints against EC Officers, including those cases or investigation and other similar actions arising from NEA's exercise of its *motu proprio* powers as provided in Section 6 of RA No. 10531. The EC officers referred to are the following:
 - i. Members of the Board of Directors;
 - ii. General Manager;
 - iii. Department Managers;
 - iv. Sub-Office Area Managers;
 - v. Members of the Bids and Awards Committee; or
 - vi. Other designated/responsible officers with functions or rank equivalent to any one of those enumerated above.
- b) Election disputes involving any elective officer of an EC; and
- c) Cases or disputes involving any matter relating to the effective implementation of the provisions of RA No. 10531.

Accordingly, **labor** disputes involving EC employees are under the jurisdiction of the Labor Arbiters of the National Labor Relations Commission pursuant to Article 217 of the Labor Code which provides as follows:

"Art. 217. Jurisdiction of the labor Arbiters and the Commission


Except as otherwise provided under this Code, the Labor Arbiter shall have original and exclusive jurisdiction to hear and decide within 30 calendar days after the submission of the case by the parties for decision without extension, even in the absence of stenographic notes, the following cases involving all workers agricultural or non-agricultural:

1. Unfair labor practices;
2. Termination disputes;
3. If accompanied with a claim for reinstatement, those cases that workers may file involving wages, rates of pay, hours of work and other terms and conditions of employment;
4. Claims for actual, moral, exemplary and other forms of damages arising from the employer-employee relations;
5. Cases arising from violation of Article 264 of this Code, including questions involving the legality of strikes and lockouts; and
6. Except claim for Employees Compensation, Social Security, Medicare and maternity benefits, all other claims arising from employer-employee relations, including those of persons in domestic or household service, involving an amount exceeding five thousand pesos (P5,000.00) regardless of whether accompanied with a claim for reinstatement."

For your information and guidance.


ATTY. ROSSAN S.J. ROSERO-LEE
Deputy Administrator for Legal Services and EC Audit

Noted by:


EDITA S. BUENO
Administrator

