

UNIVERSITY OF SANTO TOMAS
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ANNEX "B"

UST FACULTY UNION
CONSTITUTION AND BYLAWS

BUREAU OF LABOR RELATIONS
RECEIVED
BY *[Signature]*
DEPARTMENT OF LABOR

PREAMBLE

We, the faculty members of the University of Santo Tomas, in order to promote our moral, social and economic well-being, protect and uphold our individual and collective rights, and foster harmonious and progressive labor management relations, do hereby promulgate this Constitution and By-laws.

ARTICLE I - NAME AND DOMICILE

- Section 1. This organization shall be known as the UST FACULTY UNION, hereinafter referred to as the UNION.
Room 510, Amparo Bldg., España, Manila,
- Section 2. The UNION shall be domiciled at ~~the clubhouse, Damar Villages, Quezon City, Metro Manila, Philip-~~ pines until it establishes a domicile at the University of Santo Tomas, Manila, ~~in the immediate vicinity thereof by acquiring a suitable office space thereat~~

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 faculty members of the University of Santo Tomas 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 between the UNION and the University of Santo Tomas.
- 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 system, the existing collective bargaining agreement (CBA) and all other matters that directly or indirectly affect them.

ARTICLE III - NAME OF DEFINITE EMPLOYER AND PLACE
NAME OF OPERATION

Section 1. For collective bargaining purposes, the definite employer is the University of Santo Tomas, hereinafter referred to as the Company, the principal place of operation of which is at España, Manila. The Company is engaged in activities of an educational institution.

ARTICLE IV - MEMBERSHIP

Section 1. Every faculty member of the University of Santo Tomas, not otherwise disqualified by law and without regard to sex, race, nationality, religious or political belief or affiliation; is eligible for membership in the UNION.

Section 2. Qualified faculty members 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 profess subversive ideas;
- b) Persons who have been convicted of a crime involving moral turpitude; and
- c) Persons who are not faculty members of the Company.

ARTICLE V - PRINCIPAL OFFICERS

Section 1. The governing body of the UNION shall be the Board of Officers whose members shall be elected through secret ballot by the general membership.

Section 2. The Board of Officers 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 properties of the UNION.

Section 3. The Board of Officers shall consist of the following officers;

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|---|-------------------------------|
| President | Secretary-General |
| Executive Vice-President | Treasurer |
| Internal Vice-President | Auditor |
| External Vice-President | Public Relations Officer |
| Vice-President for Labor | Sergeant-at-arms |
| Education and Research | Five (5) Directors |
| Vice-President for Legal Affairs. | Ten (10) Directors |
| Vice-President for Grievance and Complaints | |

Section 4. The Officers of the UNION shall hold office for a period of three (3) years from the date of their election and until their successors shall have been duly elected and qualified; provided that they remain members of the UNION in good standing.

Section 5. Vacancies in the Board of Officers except in the position of President, shall be filled up by the Board by appointing any member(s) in good standing of the UNION for a continuous period of one year immediately preceding such appointment. The said appointee(s) shall hold office in an acting capacity for the unexpired term of office of the immediate predecessor(s), or until special election therefor 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 Board of Officers 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 Board;
- c) Approve vouchers covering applications or expenditures of UNION funds before payment or disbursement is made by the Treasurer;
- d) Call special meetings of the UNION or of the Board whenever he deems them necessary or upon written request of at least thirty percent (30%) of the general membership or a majority of the members of the Board;

- e) Represent the UNION on all occasions and in all matters in which representation of the UNION may be agreed upon or required.

- Section 2. The Executive Vice-President shall assist the President in the overall management of the affairs of the UNION. He shall perform the duties and functions of the President in case of the latter's absence, disability, death or resignation. He shall perform such additional functions as may be assigned to him by the President.
- Section 3. The Internal Vice-President shall assist the President in all matters pertaining to the internal affairs of the UNION and shall perform such additional functions as may be assigned to him by the President.
- Section 4. The External Vice-President shall assist the President in all matters pertaining to the external affairs of the UNION and shall perform such additional functions as may be assigned to him by the President.
- Section 5. The Vice-President for Labor Education and Research shall assist the President in all matters pertaining to labor education and research and shall perform such additional functions as may be assigned to him by the President.
- Section 6. The Vice-President for Legal Affairs shall assist the President in all matters pertaining to legal affairs and shall perform such additional functions as may be assigned to him by the President.
- Section 7. The Vice-President for Grievance and Complaints shall assist the President in all matters pertaining to grievance and complaints and shall perform such additional functions as may be assigned to him by the President.
- Section 8. ^{General} The Secretary shall perform the following duties and functions:
- a) Assist the President and the Executive Vice-President in the day-to-day administration of UNION officers.
 - b) Take down minutes of the meetings of the general membership and of the Board of Officers.
 - c) Keep a Book of Minutes of Resolutions and a continuing Register of all members of the UNION;

- d) Act as custodian of all records, documents, minutes of the meetings of the Board of Officers, and of the general membership as well as printed and/or written policies, projects and activities of the UNION.
- e) Submit to the Ministry of Labor and Employment annually a list of union members, list of officers and their respective addresses, minutes of election and the list of voters within thirty (30) days from the date of election or from the occurrence of a change of union officers, and such other documents or papers as may be required by the Ministry.

Section 9. The duties and functions of the Treasurer are as follows:

- a) Collect, receive and issue receipts for all monies, funds and contributions to the UNION.
- b) Make sure that all disbursements and payments made by him are covered by vouchers and accompanied by the necessary receipts;
- c) Keep a record of all receipts and expenditures;
- d) Prepare such financial reports as may be required of him by the general membership, the Board of Officers and the Ministry of Labor and Employment, which shall include all monies received 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 his 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 upon the dissolution of the UNION for any cause.

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

- Section 10. 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 Board of Officers or by resolution of majority of the general membership.
- Section 11. The Public Relations Officer shall assist the President and the External Vice-President in all matters involving public relations of the UNION. With the approval of the Board of Officers, he may establish an official publication for the UNION.
- Section 12. The Sergeant-at-arms shall be in charge of the preservation of peace and order at meetings of the Board of Officers and of the general membership.
- Section 13. The five (5) Directors shall make studies of all matters submitted to the Board of Officers for its consideration.
- Section 14. 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 at a meeting duly called for the purpose. The Secretary shall take down minutes of the meeting together with the list of participants and tally of votes cast, copy of which shall be furnished the Ministry of Labor and Employment.

ARTICLE VII - STANDING COMMITTEES

- Section 1. To ensure coordination and efficiency in the transaction of UNION matters and in order to realize the objectives of this Constitution and By-laws, the following five (5) standing committees are hereby created:
- a) Committee on Membership which shall receive and process applications for membership and make recommendations thereon to the President. It shall implement rules, regulations and decisions that may be promulgated by the Board of Officers or the general membership for the admission of members into the UNION.
 - b) Committee on Grievance which shall investigate internal UNION disputes in accordance with Article XIV of this Constitution/ and Bylaws. 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 this Constitution and By-laws 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 such data as may be necessary in collective bargaining negotiations. It shall assist the UNION negotiating panel in the preparation of all necessary papers, documents and materials in collective bargaining negotiations and in the administration of the existing collective bargaining agreement.
- e) Committee on Welfare which shall be responsible for the adoption and implementation of programs, 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 general membership meetings at least once every three (3) months. Notices of the meeting shall be sent out by the Secretary at least ten (10) days prior to such meeting by posting in conspicuous places, preferably inside Company premises, said notices. The date, time and place for the meeting shall be determined by the Board of Officers.

Section 2. Regular meetings of the Board of Officers shall take place on the last Sunday of every month with appropriate notice to be sent out by the Secretary-General to each member of the Board at least three (3) days prior to such meeting. The time and place of the meeting shall be determined by the President. The meeting shall preferably be held in the UNION office.

- Section 3. Special meetings of the Board of Officers 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 Board of Officers or upon written petition addressed to the President of at least thirty (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 Board of Officers, regular or special, shall contain the item or items to be discussed and shall constitute the agenda of the meeting. Any items not included in the agenda may be taken up upon recommendation of majority of the members of the Board of Officers present and constituting a quorum if it be a 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) days from the date of said meeting submit a written explanation to 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 thereon to the Board of Officers.
- Section 6. In the event the reason or reasons are unacceptable to the Board for being unjustified, the erring member or members shall pay, at the discretion of the Board, a fine of not less than TWENTY PESOS (P20.00) nor more than FIFTY PESOS (P50.00) 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 (3) consecutive times from any regular or special meeting of the general membership without justifiable grounds therefor may be expelled or suspended from the UNION by majority vote of the Board of Officers.
- Section 9. Absences of a member or members of the Board of Officers 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 Board of Officers 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 qualifications 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 Board of Officers; 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 Board of Officers.
- Section 3. The COMELEC shall be automatically dissolved thirty (30) days after the duly elected officers are proclaimed.
- Section 4. Regular election of officers of the UNION shall be held on September 13, 1981 and on the same date or within two (2) weeks before or after said date every three 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 at which time the outgoing administration shall turn over all records and properties of the UNION to the new administration.

ARTICLE X - FEES, DUES, SPECIAL ASSESSMENTS, FINES AND OTHER PAYMENTS

- Section 1. An admission fee of TEN PESOS (P10.00) shall be paid by an applicant before he becomes officially a member of the UNION.

Section 2. Every member shall pay regular dues to the UNION in the amount of FIVE PESOS (P5.00) per month, 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 (2) preceding sections shall constitute the General Fund of the UNION to be applied to the operational and organizational expenses of the UNION and for such other purposes or objects as may be authorized/adopted at a general membership meeting duly called for the purpose.

by the general membership in a written resolution

Section 4. Every member shall contribute to the UNION such amounts as may be fixed by the general membership through a 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 as will promote the interest and welfare of the UNION and its 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 (2) times to pay the special assessments, fines, or other payments required to be made, shall cease to be a member in good standing and may be subjected to other disciplinary actions. In the event of sickness, leaves of absence without pay and other similar causes, the Board of Officers may excuse non-payment or defer collection 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 expenditure 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 at any time 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 Bureau of Labor Relations may be consulted to settle differences of opinion.

ARTICLE XII - QUORUM AND RULES OF ORDER

Section 1. Except when a greater proportion is required herein 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 Robert's Rules of Order.

ARTICLE XIII - COLLECTIVE BARGAINING

Section 1. Collective bargaining for and in behalf of the general membership shall be undertaken by the Board of Officers ^{through} by a 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 a special purpose.

ARTICLE XIV - SETTLEMENT OF INTERNAL DISPUTES

- Section 1. Disputes involving UNION members or its officers shall be made in writing and submitted to the President who shall then call the parties involved and shall undertake to have them settle their differences amicably.
- Section 2. In the event of failure to settle the dispute amicably, the President shall pass on the dispute to the Committee on Grievance 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) 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 grounds 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.
 - c) Failure to comply with the obligation to turn over and return to the UNION Treasurer within three (3) days any unexpended sum or sums of money received from the UNION funds to answer for an authorized UNION purpose.
 - d) Gross misconduct unbecoming 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 provision of this Constitution and By-laws or rules, regulations, measures, resolutions or decisions 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 Board of Officers.
- 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) The UNION officers impeached shall ipso facto be considered resigned or ousted from office and shall no longer be elected or 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 shall commence on 1 January and end on 31 December of every year.

ARTICLE XVII - AMENDMENTS

Section 1. Proposals for amendments to this Constitution and By-laws may be made by the Board of Officers 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 and By-laws until the same shall have been ratified by two-thirds (2/3) vote of all the members of the UNION either at a special meeting or a referendum called for such purpose.

ARTICLE XVIII - EFFECTIVITY

Section 1. This Constitution and By-laws shall take effect on the day following its ratification.

X ----- X

Adopted/ratified this 13th day of September, 1981 at Quezon City, Philippines, with the list of members of the Union, together with their signatures of adoption/ratification appearing as "Annex A" hereof.

Certified Correct:

edp
ESTELA D. PORTES
Secretary-General

Residence Tax Certificate
No. 472787
issued at Manila
on February 18, 1981.

Attested:

[Signature]
CERILIO L. PE

President
Residence Tax Certificate
No. 19730131
issued at Manila
on February 26, 1981.

SUBSCRIBED AND SWORN TO before me this 14th day of September, 1981 at Manila, affiants exhibiting to me their Residence Tax Certificates above indicated.

NOTARY PUBLIC

Until
PTR No. _____
issued at _____
on _____

Doc. No. 2849
Page No. 23
Book No. 7
Series of 1987

[Signature]
OLIMPIO S. BLANCO
NOTARY PUBLIC
UNTIL DECEMBER 31, 1988
PTR NO. 15253
MANILA