



Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
Intramuros, Manila



DOLE-AS 21 JUL 25 10:46

Amg

LABOR ADVISORY NO. 10  
Series of 2025

**Suspension of Processing of Requests for Sole and Exclusive Bargaining Agent (SEBA) Certification under Rule VII of Department Order No. 40-03, as amended**

Pursuant to the decision of the Fifth Division of the Court of Appeals issued on 29 May 2025 in *San Miguel Integrated Logistics Services, Inc. (SMILSI) v. Department of Labor and Employment, et al.*, CA-G.R. SP No. 184711, which declared Department Order (D.O) No. 40-J, Series of 2022 (Rule VII of D.O No. 40-03, as amended) invalid and *ultra vires*, and in observance of the principles of judicial courtesy, the Department of Labor and Employment hereby suspends the implementation of Rule VII of D.O No. 40-03, as amended by D.O No. 40-J, series of 2022, with respect to all requests for Sole and Exclusive Bargaining Agent (SEBA) Certification.

In this regard, the Regional Offices and all concerned shall be guided by the following:

1. The suspension shall be effective starting 1 August 2025. Requests for SEBA Certification filed on 1 August 2025 and thereafter shall be treated as petitions for certification election, subject to the requirements and in accordance with the procedures as provided for under Rule VIII, Section 4 of D.O. No. 40-03, as amended.
2. All requests for SEBA Certification pending or submitted prior to 1 August 2025 shall be processed in accordance with Rule VII of D.O No. 40-03, as amended, provided all documentary requirements have been complied with.
3. A union that has been issued a SEBA Certification as the sole and exclusive bargaining representative for the bargaining unit as of 1 August 2025 shall remain to be recognized as such.
4. Nothing herein shall be interpreted to negate, impair, or diminish existing Collective Bargaining Agreements (CBA) entered into by unions which were issued SEBA certification prior to 1 August 2025.

For compliance and guidance.

  
BIENVENIDO E. LAGUESMA  
Secretary

21 July 2025