



Failed

An Assessment Report of
the State of Workers and
Human Rights in President
Aquino's First Year in Office

Center for Trade Union and Human Rights
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State of Workers and Human Rights in President Aquino's First Year in Office

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It is a year now since the Filipino people celebrated the end of 10-year Arroyo administration. The people's popular vote rejected an administration sustained by deceit, corruption, human rights violations and rabid anti-people policies and practices. On June 30, 2011, Benigno Aquino III (PNoy) assumed presidency and the people began to hope again.

"We will walk on a straight path," "[We] will end corrupt leadership and poverty that has long pounded the majority of Filipino people," P-Noy promised in eloquent Filipino. "We, Filipinos can now dream again," he added. Nearly everyone expected reforms that can deliver the people from dire situation. For the workers, he boasted his 22-POINT LABOR AND EMPLOYMENT AGENDA that promised to improve the country's labour relations, create employment, and uplift the workers' participation in policy and program formulation.

But did the life of Juan dela Cruz get better under PNoy first year in office?

Persistent hunger for many, wealth for the few

The Aquino government bannered the PUBLIC-PRIVATE PARTNERSHIP OR PPP as the economic strategy as cornerstone of development. With the PPP framework, the government will give bigger role to if not hand over onto private sector and foreign capital the responsibility of stirring economic growth.

By the end of 2010, the country's Gross National Product (GNP) reached to 7.2 percent—its highest level in three decades. The country's economists however, attributed the growth not to PPP, but more to the election spending during the year.

Whether or not the growth was due to PPP is not the main contention. Rather, the question is whether the growth improved the lives of ordinary workers and people, whom the President promised to uplift.

The answer is **NO**. Ordinary workers and the people not only complain of not getting the benefits of growth, but also of deteriorating quality of life, nagging job insecur-

ity, higher hunger incidence and increasing number of Filipinos below the poverty threshold.¹

Despite this, the Aquino government insists on its PHILIPPINE DEVELOPMENT PLAN (PDP) and PHILIPPINE LABOR AND EMPLOYMENT PLAN (PLEP), that the increase in investments in the country will spur the growth of the economy. The pronouncements however, do not carry any clear direction and strategy how those ideas will be translated into reality.

This apparent absence in clear plans made it difficult for PNoy to sustain this hollow growth in

¹ The poverty threshold is based on the minimum requirements for a family to support its basic needs such as food, shelter, clothing etc.

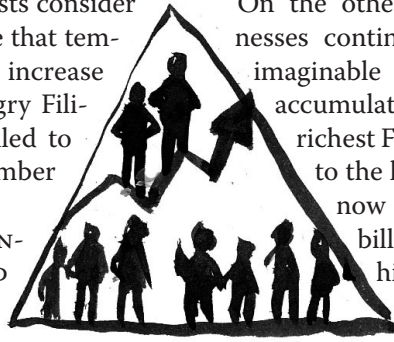
the first months of his administration. Compared with the first quarter of 2010 for instance, the country's Gross Domestic Product (GDP)² has slowed down from 8.4 percent to 4.9 percent in the first quarter of 2011. This means that even the public-private partnerships (PPP) and conditional cash transfer (CCT) failed to recuscitate the economy. If there is a positive economic movement recorded which can be attributed to CCT,³ it is what the economists consider as stop gap measure that temporarily stunted the increase in number of hungry Filipinos, though it failed to slash down the number of the poor.

Even if the NATIONAL STATISTICS AND COORDINATION BOARD (NSCB) changed the poverty methodology, the number of poor Filipinos remain alarmingly high. Previously, NSCB considered a Filipino poor if he or she has only Php 52.00 (US\$ 1.21) per day. Under the new pov-

erty methodology, a Filipino can only be considered poor if s/he has Php 46.00 (US\$ 1.06) per day. This means that what the NSCB, a government agency, want the people to believe is that if they have this amount in their pocket everyday, then they are no longer poor. The change in definition indeed saw a drastic decrease in number of poor from 28.5 million last year, to 23.1 million in P-Noys first year in office.

On the other hand, big businesses continue to amass unimaginable wealth. The total accumulated wealth of the richest Filipinos, according to the last Forbes Survey, now stands at US\$22.8 billion, 39 percent higher than \$16.4 billion last year. This amount is equivalent to the total income of 49.3 million poorest Filipinos.

The Big Three (or three giant oil companies Shell, Petron at Caltex) for example, earned a total of Php141.7 billion (US\$ 3.29 B) in profits in the last decade, again, an amount far higher than the total income of 2.36 million poorest Filipinos whose income only stands at Php114.3 B (US\$ 2.6 B) in 2009. (Ibon)



2 Gross Domestic Product or GDP is the total income and products created within a country in a given period.

3 The Conditional Cash Transfer or CCT claims that to 2 million family beneficiaries based on the self-rated hunger and hands out P1,400 to each family beneficiary.

Higher rate of unemployment and low job quality

In PLEP 2011-2016, the Aquino government underscores the further liberalization of labor market to align the country's workforce to the dictates of globalization as a core labour program. In accordance to this policy, the government will assume the role of an employment facilitator, that is finding and locating available jobs here and abroad as well as primarily create 'emergency employment'. In addition, the government will endeavor to attract more foreign investment under the belief that more foreign investment will trigger rise in GNP and create more jobs. The government expects to achieve a 7-8 percent GDP growth every year and consequently generate additional 1 million jobs per year.

PNoy's first year in office however, failed to improve the country's employment situation. Social Weather Station (sws) survey held in March this year noted that unemployment reached to about 27.2 percent or 11.3 millions Filipinos, a figure much higher than the 23.5 percent or 9.9 million recorded last November 2010.

As of June this year (2011), the government reported that 7.2 percent or 2.9 million Filipinos remain unemployed out of the 39 million labour force. Ibon Foundation said that in fact, the unemployment figure is about 4.5 million, much higher than what the government claims. The reduced government statistics on the unemployed excluded the individuals who had stopped looking for jobs for different reasons. The bigger question however, in the official statistics is where does the government place or include the more than 22 million Filipinos aged 15 years old and above which are counted as 'not in the labour force'. Where are they and where do they belong?

Further opening the country to foreign capital failed to slash the number of unemployed

It is an illusion to expect that foreign capital will address the perennial problem of unemployment. This has been proven many times before, especially in a decade of Arroyo administration. From 2001-2010, the Arroyo regime did everything from peddling the cheap labour resource in the country, higher government spending on infrastructure, tax holidays and other strings of incentives to entice foreign capital to invest in the country or relocate to Special Economic Zones (SEZs). But has the unemployment problem been resolved?

Let us examine the Aquino government's PPP. As outlined in the PPP, the government plans to add 96 more economic zones to the existing and operational 232 SEZs in the country. Included in the existing ones are: 3 Agro-Industrial Economic Zones; 60 IT Parks/Centers; 26 Manufacturing Eco-



conomic Zones and; 7 Tourism Economic Zones. Experiences in the past attest that the growth in number of economic enclaves will not always translate to rise in number of jobs created. Looking back, it can be remembered that the first Export Processing Zone (EPZ) in the country and the first in Asian region was established in 1970's. From 10 EPZs or SEZs in 1990's, its number ballooned to more than 200 at present as the past regimes embraced and aggressively implemented neo-liberal globalization policies—the same policy that the Aquino government pledged to continue and uphold. Whilst the country's exports indeed surged periodically, they were overshadowed by foreign companies raking in profits from an uninterrupted supply of skilled, flexible but cheap labour, depressed wages ensured by regionalized wage system, absence of job security and systematic suppression of unions and workers organizations that long characterized the SEZs.

In spite of the perks and privileges offered to companies, SEZs

share in employment generation is only little more than a million—too little compared to the profits SEZs generated for multinational corporations and their Filipino partners.

Government: A huge manpower agency

Apart from attracting foreign investment, the Aquino government is banking on reforming the employment facilitation program to address unemployment. This means that the government will only serve as a manpower agency that will look out for and sell or place its workers in whatever available jobs here and overseas. Included in this program is facilitation of skills training under TESDA and private training centers to train the Filipino workers and hone them according to the demands of the labour market and not on what the country needs. This policy and program, depart from the key responsibility of any serious government to aggressively develop its country's industry to generate/create secure and long-term jobs for its people locally and nationally, that an administration with a clear vision for its country will normally does.

In addition to TESDA training, other skills training will also focus on serving the requirements or expected requirements of what the government considers as emerging or 'big winner' industry such as Business Process Outsourcing (BPO), Mining, Construction, Agribusiness etc. The government

has organized and will continue to organize job fairs in collaboration with different government agencies and corporations, and will publish information on 'in-demand' college or vocational courses both in local and overseas market and will discourage parents and students to take up courses deemed to be 'unemployable'. To facilitate this, the government in partnership with the academe, will design educational courses that are aligned to market dictates. This is very alarming if not a betrayal of the noble objective and motive of education, which is supposedly directed to developing the nation, empowering its people and not satisfying the insatiable whims of multinational corporations and the global market. This further means that if this plan is to be implemented, the next five years under the current government will see the market-driven reform of educational system that has long created havoc in Filipinos. A salient example is the oversupply of unemployed nurses; More than six years ago, students were encouraged to take up nursing courses because they said nurses were in demand in the US and UK, only to find out that after they graduated they are no longer needed.

As the global crisis deepens, the bankruptcy of labor export policy will be further exposed. Ibon studies noted that prompted by global recession, the number of countries in Asia, Latin America, and Africa

sending their workers overseas is also increasing. This (global crisis) will tighten the competition further, so finding work for Filipinos in other countries will become more and more difficult. This very condition will further underline the serious flaws and later will expose the inability of employment facilitation program in addressing the persistent unemployment problem. It is lamentable that in the Aquino's PDP and even in PLEP, more strategic measures of developing local and national industry and creation of local employment is peculiarly absent.

Six out of 10 workers are part-time

The number of vulnerable and insecure jobs remains high. Eleven out of 20 employed or 55 percent are *wage and salaried workers*, while 29.6 percent are *own account workers*, and 11.9 percent are *unpaid family workers*. Moreover, six out of 10 employed (59.6 %) are *part time workers* or are working for less than 40 hours per week.

Handing social services onto private sector: Threat not only to public sectors

Integral to PPP is the implementation of government plan to privatize various government agencies and government owned and controlled corporations (See Table 2). As proven in the past, privatization will cut government budgets on social services as functions and responsibilities are given to private

Table 1 Diminishing budget for Social Services

Sector	Percentage Decrease in Budget
State Colleges and Universities	-26%
Agrikultura	-26%
Enerhiya	-65%
Transportasyon	-5%
Kalusugan	-3.5%

COURAGE

sectors. This measure will limit if not deprive the ordinary people's access to social services as cost becomes more prohibitive. Whilst national budget is up from Php1.54 trillion in 2010 to Php1.645 T this year, the government has slashed its allocation to social service sectors (See Table 1).

On the other hand, government allots Php 21.7B for PPP implementation although it is still unclear what exactly the expenditures will be under PPP.

What is clear though in PPP is that PNoy will release the government from its responsibility of ensuring and delivering basic services to the people, which will further endanger the welfare of the 40 million poor Filipinos.

Apart from this, the ongoing privatization and rationalization program will continue to displace public sector employees currently employed in agencies targeted for privatization to keep these agencies efficient and get rid of corruption. According to the Department of Finance, the government plans to dissolve 14 of its agencies employing about 23,000 workers. Other agencies in the privatization

queue are the National Printing Office, PTV 4, and attached agencies of the Department of Agriculture such as Quedan Credit Corporation, Agricultural Credit Policy Council, Philippine Crop Insurance Corporation, Livestock Development Corporation and the sale of seedling bank and nursery of Bureau of Animal Industries and Bureau of Plant Industries.

It can be recalled that the National Food Authority was subjected to 'piece by piece' privatization allegedly to keep the agency efficient and corruption free. According to Ibon, the move prompted the agency's bankruptcy and ballooning indebtedness which had already reached to more Php 200 billion in 2009, since the government slashed the agency's budget. Accompanying this, was the loss of 5,000 jobs.

The Aquino government will also continue to implement EO 366 issued by the Arroyo administration in 2004 aimed at rationalizing the bureaucracy. Under the rationalization scheme, the government will keep a lean bureaucracy by dissolving or removing positions that it deems "redundant". This has resulted to the de-

crease in public sector employment to 1.31 million in 2010 from 1.48 million in 2004. COURAGE, an organization of public sector employees, contend that the scheme made the lives of public sector employees more difficult as they were deprived of their jobs without assurance or possibility that they can be transferred to other agencies. Parallel with the massive job losses, the number of casual and contractual employees in the bureaucracy increased—a proof that the government can no longer guarantee security of tenure for its workers.

Table 2 Agencies to be Dissolve	
Ahensya	Estimated number of employees
NAPOCOR	7,000
NFA	4,500
NIA	3,000
PPA	2,300
NHA	1,400
LRT	1,000+
PEZA	1,000+
MRT	612
LWUA	500
MWSS	100+(Corporate office) 60+(R.O.)
NEA	400 (reorganized earlier)
NDC	16 (reorganized earlier)
PNR	80 (partially privatized)
HGC	100

COURAGE

Frozen wages in the midst of skyrocketing commodity prices

No substantial wage increase was given to workers in PNoy’s first year in office. In spite of a strong public demand, the Aquino government chose to shrugged its shoulders and remain deaf on the call for a legislated P125 across-the-board wage increase nationwide while DOLE, insisted that a wage increase cannot be given twice a year by virtue of RA 6727 or Wage Rationalization Act which only allows a wage increment once a year. It can be recalled that just before the Arroyo administration finished its term, it issued an order granting Php 25 daily wage increase, given in two tranches; the 2nd tranche was given in June 2010.

The government and employers are in chorus in saying that wage increase is unfavourable to the economy. The unstoppable price increases however, forced even the Employers’ Confederation of the Philippines (ECOP) to speak that it (employers) can only afford Php 13 increase in basic wage, and

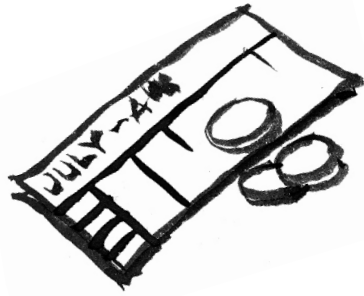
nothing more. DOLE, recognizing that there is a supervening event (immediate basis for wage increase), took a more conservative and anti-worker position by approving a mere Php 22 increase in Cost of Living Allowance (COLA) for workers in NCR.

In the midst of series price hikes, the Php 22 comes more as an insult than relief to the workers. The amount is only good for packs of instant noodles and is not even enough to buy a kilogram of the cheapest rice. This is like saying that the poor must get through the day just by eating instant noodles laden with artificial flavors everyday.

Even if COLA is added onto the minimum wage to become Php426 per day, this amount is only half of the Php988 daily cost of living in NCR for a family of six. COLA is not integrated into the basic wage, which means it is not factored in the calculation for overtime and night differential pay.

Private sector workers are not the only ones affected by token wage increment but also the workers in the public sector. To calm the seething discontent of public sector employees, the Aquino government paid the 3rd tranche of Salary Standardization Law (SSL III) in advance last June 1 instead of July 1. This includes an average of Php1,800 wage increase for every salary grade or 30 percent of Php6,000 across the board wage increase that government employees are asking for.

If NCR workers are complaining about the meager COLA, workers in the other regions were given a much lower amount. In Central Luzon, the Regional Tripartite for Wage and Productivity Board



(RTWPB) approved a mere Php +14 (Php330 min. wage), and +Php15 Eastern Visayas (Php253). In Central Visayas and Northern Mindanao, RTWPB gave nothing despite the presence of a supervening event in those regions even after the end of one year prohibition for wage increase.

Government and businesses are capable of giving Php 125 across-the-board wage increase nationwide if they want to

Ibon Foundation noted that the P125 across-the-board wage increase nationwide is reasonable and feasible. The amount, IBON says, represents a mere 15 percent of profits generated by businesses within the country. In the Php895.2B accumulated profits of businessmen with 20 workers and above in 2009, only Php135.6B will be lost if they will agree on giving the P125 wage increase nationwide. This means that they can still keep a whooping Php759.6B in remaining profits—far from the bankruptcy employers allege to shoot down the demand for a legislated substantial wage hike.

Intensified commodification of Filipino migrant workers

Similar to what the Arroyo administration did, the Aquinio government is also implementing and intensifying its labour export policy. This is very conspicuous in its 22 POINT LABOR AND EMPLOYMENT AGENDA where 10 out of the 22 points pertain to the acceleration of OFW deployment in various parts of the world and other so-called services accompanying the deployment. This program saw an immediate increase in the number of Filipinos (from 3,500 last year to 4,413) leaving the country daily to seek jobs overseas. Thus, at the start of 2011 alone, the population of OFWs balloons to an estimated 15 million.

Why the acceleration of deployment? Few facts offer several answers. One is that OFW remittances reached to about US\$18 billion (Php775 B) or an equivalent to 8.7 percent of the country's GNP. By Central Bank estimates, OFW remittances can increase to as high as US\$20 billion (Php860 B) by the end of 2011. Two, OFW deployment provides an immediate and 'convenient' solution to the country's nagging unemployment. Three, deployment stems possible social and economic discontent over hunger and poverty that has long characterized the Philippine society.

Yet, in spite of the huge amount of money remitted by so-called modern day heroes, the services provided by the government to migrant workers are far from being responsive to their needs.

According to Migrante International, an organization that promotes the rights and welfare of OFWs, Aquino's first year in office was a big nightmare for migrants and their families. Around 6-10

Filipinos return to the Philippines in coffin-boxes everyday. The reasons for the deaths are varied: murder, acquired illnesses, execution or even suicide.

The number of Filipinos in death row in different countries also increased. From 108 last year, the number stands at 122 this year (2011). It can be recalled that three Filipinos were recently executed in China for alleged drug trafficking and the way the government handled the case to save the lives of Sally Ordinario, Ramon Credo at Elizabeth Batain was not convincing at all.

In addition, there are more than 7,000 Filipinos who are detained in various parts of the world facing different crimes. A number of them were sentenced guilty without having any access to lawyers during trial. Legal assistance is supposedly part of the services that Philippine embassies are providing to OFWs but apparently in these cases, there was none. Apart from this, more and more Filipinos become victims of human traffick-

ing, illegal recruitment and abuses. Even the Department of Foreign Affairs (DFA) reported that there are 20,000 OFWs, (women and children) stranded in the Middle East wanting to return to the Philippines but were unable to do so.

Women OFWs continuously become victims of sexual abuses. One of the horrible cases was the rape of Nerissa Neri, a janitress in Saudi Arabia who was also detained longer than her sentence.

Notwithstanding the woes confronting OFWs, deployment remains in full speed, but the government provision of services lags behind the onslaught of problems. For example, repatriation of OFWs trapped by civil war in Libya and neighbouring countries was painfully slow, and in fact, only 10 percent of the total OFWs in those countries were able to go home despite appeals by relatives and families. Those who were able to go home at the onset of war were actually assisted by their agencies and or employers and not by government so called evacuation plan.

Ironically, where OFW families were anxious about the means to survive following sudden repatriation as well as grim prospects for other Filipinos wishing to land jobs, the government has assured those planning to migrate that there are still jobs available in countries not party to the conflict in the Middle East. The Department of Labor and Employment argued that more

than 200,000 domestic jobs are still available for Filipinos to grab in various parts of the world.

OFWs are considered not only as modern day heroes, they are now called new 'investors.' The Philippine Government like other governments of sending countries has found gold mines in OFW remittances. Thus, they are now being encouraged to invest their earnings to spur the local economy while the budget allocation for OFW-related services are reduced into half. Budget allocation for OFWs in 2011 is only placed at Php10.9B, almost half of the Php19B in funds allocated in 2010 for OFWs.

This year's budget includes the Php2 Billion funds for the government promised *reintegration program* for returning OFWs that many considers as quite deceptive. The first Overseas Workers Welfare Administration (OWWA) pronouncement underscored that they will provide returning OFWs with non-collateral loans to enable them to start some business. Landbank (a government bank) however, clarified the statement emphasizing that collateral will still be required before loans are given, on top of the feasibility study for the proposed business that migrant returnees will establish.

Examining this policy and practice, it is not difficult to see that OFWs are being treated like milking cows forced to sustain an economy that does not serve them. What is more alarming is the fact that de-

spite the increase in abuses and maltreatment committed against them in receiving countries, there

is no indication that the acceleration of deployment will be halted or even slowed down.

Women workers are pushed deeper into precarious status

Women workers are not spared by deteriorating conditions of work as unemployment increases. According to the government Bureau of Labor and Employment Statistics (BLES), women participation rate in production is currently 49.1 percent, down from last year's 50.7 percent. In January of this year alone, 7.2 percent or 1,090,000 women were jobless, up from 999,000 last year.

Those who were able to find jobs, however, face threats of low wages and absence of benefits. In C-On Industries and FTN Corporation, both female intensive garment factories in Cavite, women workers are paid Php250 per day as against the Php337/day prescribed minimum wage. Furthermore, workers are forced to do overtime work without proper compensation particularly in cases where they are unable to meet the imposed quota.

At Carina Apparel Inc., a garment factory in Laguna, women can only go home by day break as a result of forced overtime work. When they don't feel well, the company clinic does not have appropriate medicines and thus cannot attend to those who complained of dizziness and other discomfort.

Similar to other workers, women workers whether regular or contractuals, are very vulnerable to job losses particularly those in the garment sector, food packaging etc., local or foreign-owned. To cite, almost 200 women workers of Mus-

tad Terminal Tackle Inc. (MTTI), a Norwegian-owed company producing fishing hooks in Novaliches, lost their jobs this May when the management suddenly closed down the factory without notice allegedly due to bankruptcy. What is not known to the public though is that MTTI continues its production and is in fact gaining more profits through its network of sub-contracted companies that employ contractual workers receiving only half of the salary (Php140-Php250) that regular workers were receiving. Probing deeper, MTTI regular workers uncovered that the closure was in fact calculated and planned and was only meant to cut costs, eliminate the union but extract more profits by using the network of sub-contracted companies.

The 50 workers at Guenevere International Trading, Inc., a clothing factory in Taytay, Rizal, shared a similar experience. The company ran away leaving its regular workers and moved to another location where low-paid contractual workers are employed.

Women workers are not only squeezed on wages but also in their organizations. Accompanying the factories' sudden closures, is the loss of their own organizations exposing them to further harassments and violence from capitalists and management.

Amongst them were the series of management harassments against the members of Bleustar Workers Labor Union (BWLU). BWLU won in the union election at Bleustar Manufacturing and Marketing Corporation (BMMC), an Advan branded-shoe manufacturing in Muntinlupa. In cohorts with the DOLE, the management did everything to avoid bargaining with the union by filing a petition to nullify the election result. Later, the management instigated the formation of Advan United Workers Labor Union (AUWLU) to run in another certification election. BWLU however, frustrated this attempt by winning a big margin over AUWLU.

Similarly, the attempts to demolish the picketline of workers and members of *Samahan ng mga Manggagawa ng Philbless* (Association of Workers at Philbless) in Valenzuela are continuing since the second half of 2010 up to present. In addition, workers also reported surveillances and threats. Unidentified men on board a motorcycle were seen circling around the picket line in the middle of the night sending shivers to the workers.

Even the law that the govern-

ment claims to remove gender discrimination in employment is not at all favourable to women workers. In November this year (2010), the Secretary of DOLE issued DEPARTMENT ADVISORY 04 SERIES OF 2010, repealing Article 130 and 131 of the Labor Code, pertaining to *night work prohibition* for women. Under the Advisory, the removal of restriction for women to work at night is tantamount to giving equal opportunities for men and women to work at night. This however, is superficial as it did not include the negative implication of night work on women, particularly to lactating mothers and pregnant women. Studies reveal that overexposure to fluorescent lights during night time increases the risk of cancer especially for women.

Of course, the government argues that in lifting the night prohibition for women, protection mechanisms are being strengthened. However, the lax enforcement of laws and monitoring policies on occupational health and safety (OHS) poses a continuing threat to health and safety not only of women workers but workers in general. In DOLE regulation for instance, companies with 200 workers and more are no longer subject to government inspection, and are given authority to do self-inspection after which only a report is required for submission to the DOLE. DOLE's inspection will only be limited to enterprises with 10-199 workers.

Legalisation of widespread labour flexibilisation and confusing labor relations

In its labour and employment agenda, the Aquino government aims to review and align the provisions of the labour law to the dictates of globalization. The process will need overhauling the Labour Code which is tedious and takes longer time to finish. To cut short the process within the gambit of the law, DOLE initiated the issuances of Department Orders, Advisories or Administrative Orders to meet the regime's objectives.

Top-most in the line of priority laws to be crafted pertains to the constitutionally-guaranteed right to security of tenure. Even before any bill is filed at the Lower House, the DEPARTMENT OF TRADE AND INDUSTRY (DTI) had already proposed to relax the security of tenure clause in the Labor Code allegedly to attract more foreign investments into the country. This direction was actually introduced in the Malacañang acquiescence to Philippine Airlines (PAL) plan to outsource some of its operations that will virtually dismiss 2,600 workers. This was followed by its obvious indifference to the illegal dismissal of 144 workers of ABS-CBN Internal Job Market (IJM) even if the dismissal was junked by the DOLE after the latter affirmed that IJM workers are indeed regular workers of ABS-CBN IJM.

The abovementioned cases and practices are still laden with controversies, thus to pursue the legal changes, DOLE started its issuances.

First, **DEPARTMENT ORDER NO. 107-10, SERIES OF 2010** GUIDELINES ON THE SINGLE ENTRY APPROACH PRESCRIBING A 30-DAY MANDATORY CONCILIATION-MEDIATION SERVICES FOR



ALL LABOR AND EMPLOYMENT CASES. This law aims to speed up the process of resolving disputes related to workers or employees wages, retrenchment, dismissals,

suspension, closures, inter and intra-union dispute and money claims. Under this law, workers wanting to seek redress on the above issues are obliged to file their complaints at the Desk Officers of SINGLE ENTRY ASSISTANCE DESKS (SEADS) that will be established by DOLE for possible solution and wait for 30 days before going to another agency. The law departs from previous practice wherein complainant workers can go directly to the NATIONAL LABOR RELATIONS COMMISSION (NLRC) OR NATIONAL CONCILIATION AND MEDIATION BOARD

(NCMB) to seek their intervention on issues mentioned above.

Given the state of labour relations and pervasive company practices to skirt responsibilities, the law will in fact slow down the process of redress for workers instead of accelerating it, simply on reasons that the 30-day mandatory conciliation at SEADS will give ample time for the management to prepare their argument and avoid obligations. Besides, SEADS Desk Officers do not have authority to make decisions or impose any decision on the complaints presented by workers and can do nothing if both parties could not agree. Their role is limited to making referrals for the complaint to be brought to the NLRC or any other branches of DOLE. In short, the law will only add another level to the already bureaucratic systems of labour conciliation and arbitration to the detriment of workers' interests.

Second, the **DEPARTMENT ADVISORY NO.4 ISSUED ON NOVEMBER 25, 2010** GUIDELINES ON THE IMPLEMENTATION OF FLEXIBLE WORK ARRANGEMENTS AND EXEMPTION OF NIGHT WORK PROHIBITION FOR WOMEN IN THE BPO INDUSTRY. Whilst this is just an Advisory (compliance is not mandatory), experiences have proven that the effect of Advisory is no different from an Order so companies implement the issuances particularly when said issu-

ances are favourable to the business. Though flexible work hours and compelling women to work at night are nothing new, the Order legalized these practices.

For pregnant women or nursing mothers, the law says that working at night should be voluntary and companies should provide facilities for them. Indeed, this will create positive change if implemented except that historically, whether or not the law exists, decision to work or not to work at night is solely made by the management and refusal to do so causes disciplinary action or worst, job dismissal.

Third, **DEPARTMENT ORDER 111-11, ISSUED ON FEBRUARY 20, 2011** GUIDELINES IN THE CREATION AND INSTITUTIONALIZATION OF TRIPARTITE INDUSTRIAL PEACE COUNCILS (TIPCS) AND INDUSTRY TRIPARTITE COUNCILS (ITCS). DOLE says that this law is in compliance with ILO conventions 144 and the Constitutional provisions on Tripartism. If you analyze the provisions of the law, there is nothing you can see that can cause controversy neither dissatisfaction from the parties involved. The law provides that equal representation (in terms of number) will be given to employers and trade unions in the National Tripartite Industrial Councils (NTIPC) and even at the regional, provincial, and municipal levels. Union representation shall be determined based on the

declared size of membership. Currently, the unions at NTIPC are the same unions that sit in the RTWPB. In addition, TIPC members will also become members of ITCs or Industry Tripartite Councils which is administered and coordinated by the Undersecretary of Labor.

As noted earlier, there seems to be nothing wrong in the law, except that the law simply add more legal basis for the current practice in the labour relations to exist and gain more ground. The law is not inclusive as in the structure legalized by DO 111-11. The traditional unions that sit in all government consultations and government-established mechanisms since the 1970's remain the same. It merely invites some new unions approved by the original members. Is there a change then?

Yes, it is a consolation to the workers and a façade that they are consulted and part of the decision or policy making—until they get coopted into agreeing what the industry wants particularly in the representation in the ITCs—in what the government calls as priority industries, such as mining, BPOS, construction, hospitals, and hotel. DO 111-11 reaffirmed a resolution passed by TIPC on September 14, 2010, stating that a trade union or workers organization cannot be organized in industries with ITC if a union does not exist. Instead, representation shall

be made by existing labour federations or trade union centers that have declared big membership in the said industry.

Explicitly prohibiting union organizing in the said industries even under the so-called tripartism is a contradiction to the very principle of tripartism that DO 111-11 claim to pursue. It is also a direct affront to the workers right to freedom of association in the said industries. In this case, the question remains: where is genuine representation or tripartism?

Why prohibit workers' union organizing when organizing or establishing organizations for employers or capitalist has never been a problem and there is no law that can be construed as impinging on this right? At present, there's hardly any union that can genuinely represent the workers in the ITCs, that's why so-called representation not only serves as an empty consolation but also gives a false impression that real dialogue and consultation exist. In the end, it will become more difficult for workers to question the policy and programs that they think are inimical to their interest, on reason that they were 'represented' in molding such programs. NTIPCS or ITCs under DOLE Sec. Rosalinda Baldoz are now providing the stamp of approval and consultation to the implementing activities and mechanisms for the Labor and Employment Agenda of the Aquino administration.

No let up in attacks against the trade union movement and workers' human rights

“The government aims to strengthen its compliance and implementation of labour rights as mandated by the Constitution,” so says the opening paragraph of PLEP. The PLEP enumerates the following rights: civil and political, economic, social and cultural rights like decent jobs, labour rights including the right to freedom to organize and collectively bargain. PLEP further reiterates that the Philippine is now facing a challenge to uphold and promote labour rights in relation to the report made by the INTERNATIONAL LABOR ORGANIZATION (ILO) concerning arrests and abductions of workers who were organizing unions. Citing the report, PLEP noted that these situations hinder the development of a genuine, free and independent workers organizations.

Even before PLEP was formulated, Aquino in his State of the Nation Address (SONA) 2010 already pledged to end the extra-judicial killings (EJKs) and to bring the perpetrators to justice.

One year following the popular speeches and written statements, extra-judicial killings and violations of human rights persist. According to Karapatan, there were already 48 victims of EJK under Aquino while no one was brought to justice for the past crimes and violations committed under the Arroyo administrations.

Attacks continue with impunity

Center for Trade Union and Human Rights (CTUHR) underscores that the workers were not given a relief during Aquino's first year term. From July 2010, CTUHR documentation in all areas that it was able to reach showed that **218 cases of human rights violations, against 33, 178 workers were committed.** This is still conserva-

tive considering the limited geographical scope of CTUHR documentation. This number however, told us that compared with Arroyo's first year in office, both Presidents accounted for the same number of cases of violations but in terms of victims affected, Aquino's first year was far worse. Not only the victims under Aquino increased six-fold (from 5,363 victims in Arroyo's first year), worse, six (6) leaders of workers and urban poor were slain in P-Noy's first year as against one (1) trade unionists under Arroyo's first year in government.

Included in those cases of violations are **62 cases of civil and political rights violations victimizing 2, 519 individuals.** There were **156 cases of economic and social rights affecting 31, 947 individuals,** majority of whom came from organized workers. The pattern by which these violations were committed was no different from Arroyo administration, with some 'advancement' in form and methodology.

Five trade union leaders, one urban poor leader were extrajudicially killed

Rhetorics and popular words characterized P-Noy’s so called human rights commitment. However, there was nothing concrete in terms of how the alleged perpetrators will be prosecuted and how the EJKs will be stopped. In fact, contrary to what he promised, EJKs did not only stop, it continued with impunity. During the period under

review, CTUHR documented six (6) cases of extrajudicial killings, and similar with the past administration, there were no serious investigation done on all six cases (See Table 4).

Militarization and Anti-union campaign intensify

Despite the widespread public condemnation of OPLAN BANTAY LAYA (OBL), the Aquino government chose to continue and ex-

Table 3 Violations on Civil-Political Rights (July 2010-June 2011)

Case Title	No. of Cases	No. of Victims
Extrajudicial Killing	6	6
Frustrated/Attempted Killing	2	2
Massacre		
Torture		
Physical Assault/ Injury (includes mauling)	9	125
Grave Threat, Harassment, Intimidation (includes surveillance, coercion and other forms)	20	207
Political Persecution		
Red Baiting/Red Tagging	2	14
Arbitrary Arrest/ Detention	5	37
Sexual Harassment		
Abduction		
Enforced Disappearance		
Fabrication of Criminal Charges due to political acts/belief or labor dispute	11	69
Illegal Search and Seizure		
Divestment of Property		
Destruction of Property	1	28
Violation of Domicile	1	5
Assault on the Picket Line	2	84
Breaking up/ Violent Dispersals of workers' concerted actions	3	1,328
Food Blockade		
Total CPR Violations	62	2519

pand the program under a new name—OPLAN BAYANIHAN OR INTERNAL PEACE AND SECURITY PLAN (IPSP).

Examining the IPSP, it is not difficult to see that it is no different from OBL except that the IPSP document is accessible to the public. IPSP is also more refined and quite full of rhetorics such as adherence to transparency and respect for

human rights. Essentially however, AFP's Civil Military Operations (CMO) was expanded in IPSP, and it will be used as entry points for the military to set foot and freely operate in communities or workplaces suspected or perceived to be or have potential to be influenced by the communists. This increased military presence, as in the past, is also responsible for the increased

incidence of human rights violations.

In February this year, various forms of threats, intimidation, harassments, coercion and vilification against then incumbent union, AMADO-KADENA-NAFLU-KMU (AK) were documented at Dole Philippines, Polomolok, South Cotabato due to the presence of 27th Infantry Battalion to ensure that then

happened at a time where the military was a signatory to a Social Accord formulated for peaceful union election.

In Compostela Valley, women trade union leaders like Cerila Anding of NAMAOS or *Nagkahiusang Mamumuo sa Osmiguel* (United Workers of Osmiguel) and Felisa Pernito of Maragusan United Workers Union (MUWU) continue to experience threats. Marvin Morales, treasurer of *Kahugpungang Mamumuo sa Superstar* (Alliance of Workers in Superstar) also reported surveillances from February 28 at March 3.

incumbent AK will lose in the union certification election. CTUHR received reports and copies of pamphlets and supposed letters with AK with its letterhead attacking the management and the union before and during the election. During the campaign election process, military vehicles were visibly rounding up the area. They also resurrected the dormant military detachment a few meters away from AK's office to monitor movements of AK members, leaders and supporters. In addition, Lt. Col. Alejandro Nacnac, commander of 27th IB forcibly attempted to enlist himself in then newly-established Tripartite Council to ensure an honest and clean election at the company. These military movements and surveillances

to experience threats. Marvin Morales, treasurer of *Kahugpungang Mamumuo sa Superstar* (Alliance of Workers in Superstar) also reported surveillances from February 28 at March 3. NLDF (Nonoy Librado Development Foundation) in its report said that around 9:00 in the morning, three slightly-built men wearing maong jacket were spotted staying in front of Morales's house and seemingly watching people going in and out of the house in Maa, Davao City last February 28. One of these men talked to Alex Dotarot (Morales's neighbour) and asked if he know Marvin Morales because they were looking for him. The men introduced themselves as workers from Superstar Coconut Products Corp. although Dotarot only met them for the first time. This was followed by a similar incident on March 3 with a different team of three suspicious men guarding the front part of the house. This created fear on Morales and his family forcing them to abandon their house and move elsewhere. It can be recalled that it

Date	Victim	Place	Suspect	Possible Motive	Position and Organization
9 Hulyo 2010	Mark Francisco	Palanas, Masbate	two unidentified gunmen in ski masks armed with M-16 rifles	counter-insurgency and military campaign against suspected rebels	Member, Alliance of Concerned Teacher
9 Hulyo 2010	Edgar Fernandez	Masbate City, Masbate	unidentified gunman	counter-insurgency operations of the military	Public School teacher
12 Nob 2010	Carlo Rodriguez	Calamba, Laguna	two unidentified gunmen onboard a motorcycle	counter-insurgency campaign of the military	President, Nagkakaisang Lakas ng Manggagawa sa Calamba Water District - COURAGE
8 Marso 2011	Celito Baccay	Dasmariñas, Cavite	Management-Gart Dennis Melchor, Operations Manager of Maeno Giken	Union busting. The worker experienced union-related harassments and threats before getting killed	Founder/Union Board member-Maeno Giken Workers Organization (MAGIKWO)
16 Marso 2011	Antonio Homo	Kadiwa, Navotas City	gun-for-hire affiliated to the Abu-abu syndicate	To silence dissent to the development projects in communities targetted for demolition	Campaign Officer-Nagkakaisang Samahan sa Kadiwa (NASAKA)
12 Abril 2011	Santos Manrique	Pantukan, Compostela Valley	two unidentified men	Maybe due to the workers' staunch resistance against impending large scale mining.	President-Federation of Miners Association in Pantukan (FEDMAP)

was also in Maa, Davao City where the peasant leader Celso Pojas was killed in 2009. Prior to surveillances, Morales was in fact terminated from his job on January 27. These harassments were felt when the workers at Superstar began its organizing since October 2010.

Harassments through filing of fabricated charges persist

On May 20, multiple murder and frustrated murder charges against labour lawyer Atty. Remigio Saladero Jr. and 71 other activists—13 of whom came from the labour sector—from Southern Tagalog were resurrected.

A similar murder case involving the same respondents was dismissed by the Regional Trial Court in Rodriguez, Rizal on February 2009 and arson charges by Batangas City Prosecution for lack of evidence.

Meanwhile, 28 workers from Vibram Manufacturing Corporation also faced charges of economic sabotage, illegal detention, grave coercion, grave threat, and unjust vexation following a strike they launched on September 14, 2010 which the management claimed to be illegal. Workers who approached CTUHR were provided legal assistance and in April 2011, the case was dismissed. This also mirrors the experiences of 20 workers from Karnation Industries who were detained for three years after they were slapped with charges of

illegal detention following a strike in 2007.

Capitalists are much bolder in violating workers' rights

The way labour relations are going now, it is apparent that capitalists do not think twice in nipping workers attempts to organize. The capitalists employ a combination of legal and extralegal tactics to nip the buds of unionism simultaneous to neutralizing the already existing ones. When unions cannot be prevented, management instigates or organizes company-supported unions.

Since the sharp decline in number of unions in 2001, union organizing has not recovered yet. Union membership remains small at 10.7 percent (1.7 million) of *wage and salaried workers* (19.5 million). The number of workers covered by collective bargaining agreement (CBA) is far smaller at 233 000 or 1.2 percent of *wage and salaried workers*. This only means that only 1 out of 100 *wage and salaried workers* is in the union (January 2011).

Violations of the right to organize and collectively bargain also continue. In CTUHR documentation, 75 new cases of violations of this right were recorded under Aquino.

14 Unions were busted and in the brink of being busted

In Butuan, Agusan del Norte, 213 workers of AMC Wood Prod-

uct and Mini Saw Mill/Taiwood Formosa Dev't Corp. has been trying to set up a union since January 2011. However, after they had registered, the management did

everything to subvert the union. From March 2, the management began convincing the union officers to withdraw their membership and support to the union. When

TABLE 5 Violations of Economic, Social, and Cultural Rights
(July 2010 - June 2011)

Type of Violation	No. of Cases	No. of Victims
<i>Violation of the Right to Security of Tenure</i>		
Illegal Dismissal		
Retrenchment/Closure	9	1,959
Dismissal due to labor dispute	18	1049
Forced Leaves/Reduced Workdays	6	4645
Long-term Contractualization	6	1366
<i>Unsafe Working Condition</i>		
Death due to unsafe working condition	10	34
<i>Violation of the right to receive fair/just wages</i>		
Underpayment of minimum wage	10	2623
Non/Delayed payment of wages	6	2918
<i>Violation of the right to social security, insurance and other statutory benefits</i>	8	1145

Table 5.1 Violations to Freedom of Association and Right to Collective Bargaining (CBA)

Type of Violation	No. of Cases	No. of Victims
Non-recognition of Union	6	736
Union-busting	13	2379
Workplace harassment on unionists	18	2261
Intervention on trade union affairs	2	737
Anti-Union Discrimination	7	744
Prohibition of the Right to Strike	6	4440
<i>CBA violations and issues</i>		
Non Implementation of CBA	10	3790
Bargaining in Bad faith/ Refusal to Bargain	13	3992

Table 5.2 Other Violations

Demolition of Urban poor communities	8	18475
Total ESCR/FOA Violations	156	31,947

the officers refused to withdraw support from the union, the management started dismissing them one by one and the 186 workers were subsequently dismissed. The management argued that those dismissed workers were contractual workers even if they have been working for the company for four years already. Even if they were dismissed, the workers and union members remained steadfast and filed the petition for union certification election. In a move to derail the process, the management circulated a document allegedly signed by 20 workers withdrawing their membership from the union. At present, the company continues to operate but with new workers while the union members were left outside forcing them to file an illegal dismissal case at the NATIONAL LABOR RELATIONS COMMISSION (NLRC).

AMC workers were prompted to organize unions due to the low salary (P243) the management paid them despite the fact that they have been working for the company for four years. Workers were also not given benefits like SSS, Philhealth, PAG-IBIG, holiday/rest day pay and 13th month pay while they were obliged to work more than 8 hours without overtime pay.

Workers at the Japanese-owned Blaze Manufacturing, Mactan Economic Zone 2 in Cebu share similar conditions as AMC workers. In June 2, forty-two (42) workers were stunned when the company sud-

denly closed the factory on the eve of certification election scheduled on June 3 allegedly due to sale of company to a new owner. Forty-two workers were left suddenly jobless.

Undermining independent unions through the management-supported yellow unions as another way of harassments

Inside the Cavite Economic Zone, 260 workers from Dae Duck Philippines also protested the management naked interference on union activities. Since the union officials disaffiliated from the Federation of Unions in Rizal (FUR) in February 23 this year, the management has stopped remitting the union dues to the incumbent union. The management argued that it is confused to which union they should remit the money. The workers and union members however, believed that the non-remittance was in fact a way to coerce the now independent union into submission. For the last few years, the workers complained of apparent collaboration between the management and FUR, as there was not a single consultation with the union members when the union was affiliated with FUR. Even at the time of CBA negotiation, the workers were not informed nor consulted on the CBA content they were supposedly negotiating with the management.

As a response, the union filed on April 7 a complaint at the NCMB

against the management refusal to recognize the independent union. This was followed by protest activities inside the factory such as ribbon wearing and leafletting as an expression of their dismay over management indifference. Instead of listening to the grievances, the management issued a memorandum stating that the workers violated the company rules and regulations and were suspended for three days.

Seemingly not enough, the union treasurer, Jerson Ballena was subjected into more intense harassments. Since May 17, Ballena was removed from his previous job and was brought to the Human Resource office. Inside his 'new' work station, he was not given anything to do. Instead, he was asked to sit in one corner and prevented from talking or communicating to any one.

DOLE's intervention hinders rather than facilitates CBA negotiations

In a palmoil plantation in Agusan del Sur, workers' CBA negotiation does not see an end 15 months since it started.

Union at Filipinas Palmoil Plantation Inc. (FPPI) in Rosario, Agusan del Sur has been struggling hard to conclude the already 15-month old negotiation but the management seems not interested in ending the impasse. The 557-member FPPI Workers Union submitted their proposal to the man-



agement on April 11, 2010 but the management continuously ignored them. The bottleneck focuses on wage increase. In a study made by the palm oil workers said that they need about Php130-150 wage increase in two years to enable them and their families to cope with the rising cost but the management is only offering a mere Php4 increase. The latter's proposal is more of a cruel joke to already impoverished plantation workers, most of whom have been working for the company for 30 years. FPPI is perhaps the biggest and the most profitable palmoil company that exist in the country today.

According to Elmer Jamero, union president, in a hectare of palm trees, the company can get about four (4) tons of crude palmoil every year. FPPI directly owns about 8,000 hectares and maintains several outsourced plantations in Agusan provinces. The Philippine Palmoil Development Council (<http://ppdci.org>), says that each ton of crude palm oil costs US\$1,077 (July 8, 2011 price) which means that FPPI can earn as much as US\$34.46M (Php1.44B)

Table 6 Companies involved in union-busting (July 2010 - June 2011)

Kompanya <i>Lokasyon</i>	Industry	Product	No. of Affected Workers	Organization/ Union	Other Violations
AMC Wood Product and Mini Saw Mill/ Taiwood Formosa Dev't Corp. <i>Butuan City, Agusan del Norte</i>	Manufacturing	Lumber/Wood Products	213	AMC Wood Product Taiwood Formosa Workers Union	Underpayment of minimum wage, Violation of the right to receive SSS and other statutory benefits, Harassment on unionists, Anti-union discrimination, Non-recognition of union, Dismissal due to labor dispute (186)
Andres Soriano College <i>Bislig, Surigao del Sur</i>	Service	Education Institution	47	Andres Soriano College Employees Union	Refusal to bargain, Underpayment of wages
Bacolod Our Lady of Mercy Speciality Hospital <i>Bacolod City, Negros Occidental</i>	Service	Hospital Care	31	Bacolod Our Lady of Mercy Speciality Hospital Employees Union	Dismissal due to labor dispute
Banco Filipino Mortgage Bank* <i>Manila</i>	Service	Banking	700	Banco Filipino Supervisory Union, Banco Filipino Staff Union	Illegal Closure
Cebu Progress Commercial Corp. <i>Cebu City, Cebu</i>	Manufacturing	Furnitures	108	Cebu Progress Commercial Employees Union	Workplace harassment on unionists, Dismissal due to labor dispute, Anti-Union Discrimination
Davao Rayner Metro Shuttle <i>Davao City</i>	Service	Bus Transportation	477	Davao Rayner Metro Shuttle Labor Union	Intervention on trade union affairs (union election), workplace harassment on unionists.
Filipinas Palmoil Processing Inc. <i>Libis, Quezon City</i>	Manufacturing	Refined Palm Oil	60	Filipinas Palmoil Employees Union	Closure/Retrenchment
Lepanto Consolidated Mining Corp. <i>Mankayan, Benguet</i>	Mining	Gold	1500	Lepanto Employees Union	Dismissal due to labor dispute (453), Bargaining in faith, Delayed/Underpayment of wages
Maeno Giken Inc. <i>First Cavite Industrial Estate, Dasmariñas Cavite</i>	Manufacturing	Steel Products (Parts of Heavy Equipments: Container crane, fuel and chemical tanks) for Export	90	Maeno Giken Workers Organization	Killing (1), Workplace harassment on unionists, Anti-Union discrimination
Mustad Terminal Tackle Inc.* <i>Quezon City</i>	Manufacturing	Fishing Hooks and Accessories	200	Mustad Terminal Tackle Workers and Employees Association, Mustad Union of Supervisory Employees, MUSA	Illegal Closure

* More than one union were destroyed

every year in bulk prices of crude palm oil alone. The company earns much higher in its marketing of refined palm oil, which the company directly process.

Prompted by this reality, FPPI union members and their families staged a strike on October 4, 2010 to assert their demand for wage increase. DOLE Sec. Rosalina Baldoz immediately issued an Assumption of Jurisdiction order asking the striking workers to immediately return to work. Parallel with this, DOLE ordered that the management and the union agree on a Php20-wage increase (Php10 each year) for two years. The company still appealed the order and filed a motion to reduce the amount into Php11 (Php5 for first year, Php6 in the second year). For workers, the offer is utterly unacceptable. The matter remains pending at the Office of DOLE Secretary. Despite their dismay over this matter, the union cannot go on strike again because the Assumption of Jurisdiction order is still enforced.

Anti union industrial relations deepen

Whilst industrial peace is highlighted as an anchor in P-Noy's 22 POINT LABOR AND EMPLOYMENT AGENDA, the policies and practices speak otherwise as violations of workers rights

remain pervasive. Apart from the naked suppression of the right to organize of regular workers, the intensified labour contractualization and flexibilization continue to weaken the right to freedom of association and prevent workers from enjoying this right.

Mentioned earlier are concrete examples of how contractualization endanger the workers' right to security of tenure as it often swiftly aids busting of both established (i.e. PALEA, MUSTADTTIWU) and newly-established union (i.e. ABS-CBN IJM). The perpetuation of contractual employment status practically prevents the workers to become union members under the legal framework that virtually exclude them from organizing unions. Simultaneous to outsourcing as in the case of PALEA, workers do not only use jobs, they also lose their union.

Alongside this is the ballooning population of the informal sector which currently stands at 45 percent of the 'employed'. This condition is engendered by the country's perpetual economic deterioration. The rise in number of informal workers also exclude them from union organizing as the law only applies to formal workers with definite employers where their demands can be directly brought to. This condition contributes to the weakening of the union movement as its traditional base wanes.

Unsafe working places continue to kill and maim workers

The Aquino government is continuing the regulation of self-assessment by employers in relation to occupational health and safety (OHS) through DOLE Department Order 57-04. This law not only relaxed OHS implementation but had caused many deaths amongst workers.

During the first half of 2011, CTUHR in fact recorded 17 accidents within the 11 companies in the country. Thirty-four (34) have died and 78 were injured since January 2011.

In CTUHR documentation, plantation-agriculture accounts for majority of deaths, wherein nine (9) were killed, 53 were injured in a single accident in Misamis Oriental.

This was followed by construction and mining sectors where 14 workers were killed (10 from mining) while 10 were injured (7 in mining).

Workers in the manufacturing sector are also not spared from unsafe working conditions. There were four (4) documented accidents Hanjin, a Korean shipbuilding company in Subic, Zambales,



which resulted to the death of a worker and injuries to four. It can be recalled that Hanjin shipyard was identified as one of the most dangerous workplaces since its operation in 2006. There were about 40 workers who had died in various accidents in the company since then.

Two accidents also occurred in the service sector: 11 workers were injured at the Ninoy Aquino International Airport (NAIA) when a part of the ceiling collapsed and when a lightning allegedly hit an airplane which triggered the accident.

Table 8 Summary of Victims of Accidents per Industry (2010)

Industry	Deaths	Injured	Total
Construction	73	120	193
Manufacturing	38	22	60
Mining	26	36	62
Agriculture	24	54	78
Service	19	132	151
Total	180	364	544

IOHSAD

The above figure does not include accidents affecting overseas Filipino workers (OFWs).

CTUHR data is not far from what the Institute of Occupational Health Safety and Development (IOHSAD) recorded since 2010. IOHSAD data noted that 180 workers had died and 364 were injured since January 2010. Construction sector comes first in the number of cases of deaths (73) and injuries (120) due to unsafe conditions at work. Overall, there were 656 affected workers of unsafe workplaces. Two hundred fourteen (214) of them died while 442 were injured from 2010 up to mid 2011.

Series of indiscriminate demolitions and forced evictions under PNoy

Even amongst the urban poor, the promise of a straight path does not have any meaning.

One community is demolished every month

A little more than a month after PNoy assumed office, an urban poor community in New Manila, Quezon City was violently demolished on August 11, 2010. This was followed by a series of demolitions of urban poor communities and dwellings in various parts of the country.

CTUHR documentation, revealed that 16 separate incidents of demolitions occurred in 14 cities since July 2010. This means that one community is destroyed every month affecting 27,000 families or 103,000 individuals to give way to government projects. Majority of these communities (10 of 14) are located in Metro Manila.

This figure does not include the numerous communities who were served orders to self-demolish and vacate their dwellings voluntarily lest they will be forcibly evicted by government agencies.

In a study conducted by the DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG), there are more than half a million families (556 526) in Metro Manila who are considered informal settlers or families living in danger zones, government lots, or

Table 7 Accidents at Work (January - July 2011)

Company	Date	Location	No. of Deaths	No. of Injured	Cause of Accident
ETON Philippines Inc., ARLO Aluminum	January 27, 2011	Makati City	10	1	Elevator fell, lack of safety gears
A. Brown Palm Oil Plantation	April 29, 2011	Opol, Misamis Oriental	9	53	Vehicular accident, Unsafe plantation infrastructure
Xstrata Plc	April 3, 2011	Pulabato, South Cotabato	4		Landslide due to heavy rains
Human Road and Bridges Corp.	June 2, 2011	Antipolo City	2		Sudden destruction of a sewerage canal
ASEC Development and Construction Corp.	March 11, 2011	Cebu City	2		Collapsed roof, Absence of Protective Gear; Chemical explosion
Small-scale mining	June 19, 2011, June 29, 2011	Ilogon, Benguet	2	1	Explosion in mining site, Gas Poisoning
Philex Mining Corporation	June 14, 2011	Padacal, Tuba, Benguet	2	1	Falling boulders
Small-scale mining	March 19, 2011	Sitio Hangadong, Barangay Golden Valley, Mabini, Compostela Valley	2	5	Collapsed tunnel in a mining site
Hanjin Heavy Industries and Construction Philippines Inc	March 9, 10, 12, April 15, 20, 2011	Subic, Zambales	1	4	Falling debris in ships for repair
DCD Construction Inc.	April 21, 2011	Cebu City		2	Collapsed floor in an construction site
NAIA	May 8, 17, 2011	Pasay City		11	Collapsed ceiling, Lightning that hit an airplane
Total			34	78	

privately-owned lands. This means that 1 of 4 residents in Metro Manila (2.7 M⁴ of 11.5M population) is an informal settler. This is the number of families living in the communities that the government wants to evict and their communities destroyed in Metro Manila alone.

Violent Demolitions

Violence often characterizes demolitions. In CTUHR documented demolitions, 152 individuals including 27 minors were injured.

One of the most violent demolitions recorded happened in Laperal Compound, Makati City. In a statement by Del Cabe, 44 years old and resident at Laperal, members of demolition teams that went to tear down their homes carried steel pipes, hammer and wore helmets. When a certain Col. Bonifacio of Makati Police District ordered to tear down the houses and destroy the whole compound, it also carried with it the order to hound and to beat the residents protesting the demolitions. Cabale was hit on the legs which grounded him for three days. No rescue team came to provide first aid on the injured. Other injured residents were denied medical attention and driven away when brought to Ospital ng Makati (Makati Hospital) allegedly on order from the City Hall.

Accompanying the physical violence inflicted on the residents,

56 cases of arrests and detentions were also documented. What was appalling in these cases was the failure of the Police to explain why the residents were arrested at the time of the arrest and subsequent detention while the rights of the arrested were violated.

Apart from arrests, residents were also slapped with criminal charges. CTUHR documentation noted 23 individuals who were charged with violations of the law and resisting the demolition teams.

Alleged reasons for demolition

Eight of the 14 communities that were demolished were allegedly privately-owned land, five were public lands allocated for government projects and one is a declared protected area.

Demolitions of communities motivated by clearing for government projects recorded the most number of injuries, arrests and detentions. In Quezon City for example, hundreds of houses were torn down to pieces to clear all remaining houses in Barangay San Roque at North Triangle and pave the way for the construction of a commercial estate—a project of the National Housing Authority and Ayala Company. The area is also part of the government plan to create Quezon City Business District.

Demolitions are also ongoing outside Metro Manila like in what happened in Sta. Barbara, Pan-

4 556 526 families multiplied by 5 family members

gasinan. The government cancelled the *Certificate of Land Transfer* (CLT) given to farmers in the province when it allowed by virtue of the COMPREHENSIVE AGRARIAN REFORM PROGRAM EXTENSION WITH REFORMS (CARPER) to nullify the CLT in the lands covered by CARPER even if those farmers are legitimate beneficiaries.

Shortage of housing projects and gross lack of relocation

The DILG itself affirmed that there is indeed lack of housing units to match the number of families in communities targeted for demolitions in Metro Manila alone. The government is short of more than half a million housing units (523 765) to provide relocation to informal settlers.

Table 9 List of community demolitions under PNoy

Date	Place
August 11, 2010	Brgy. Mariana, New Manila, Quezon City
August 13, 2010	Bataan National Park, Dinalupihan, Bataan
September 23, 2010	Brgy. San Roque, Quezon City
November 23, 2010	Brgy. Tebag, Sta. Barbara, Pangasinan
January 25, 2011	Brgy. Corazon de Jesus, San Juan City
February 21, 2011	Ceres South Terminal, Lopez Jaena St., Bacolod City, Negros Occidental
Feb 23-28, 2011	Interior Dama de Noche, Kadiwa, Brgy. San Roque, Navotas City
February 25, 2011	Reclamation Area, Bacolod City, Negros Occidental
March 2, 2011	Interior Dama de Noche, Kadiwa, Brgy. San Roque, Navotas City
March 30, 2011	Cherry East Cul de Sac, Barangay Sun Valley, Paranaque
March 30, 2011	Lorenzana area at the Coastal Road in San Dionisio, Paranaque
April 28, 2011	Barangay 182, Zone 16, Pangarap Village, Caloocan City
April 28, 2011	Laperal Compound, Guadalupe Viejo, Makati City
May 5-62011	Interior Dama de Noche, Kadiwa, Brgy. San Roque, Navotas City
May 11, 2011	Interior Dama de Noche, Kadiwa, Brgy. San Roque, Navotas City
June 6, 2011	Brgy. Sta Lucia, Pasig City

In addition, the PRESIDENTIAL COMMISSION FOR THE URBAN POOR (PCUP) also admitted that government housing projects lack access of opportunities and employment. This apparent lack of employment or livelihood opportunities is the very reason why the relocatees failed to pay the required amortization. Furthermore, this lack of opportunities also pushed the families to return to Manila, hence, increasing again the population of informal settlers.

PCUP also added that housing projects do not have reliable supply of electricity and potable water and are in fact far from schools and health facilities.

This supposed discovery of PCUP is nothing new for the urban poor has been telling this truth for long years now. The state of relocation sites that PCUP affirmed was and continue to be the reason why the urban poor is not accepting the government offer to relocate them. They rather stay where they are than be exiled in so-called relocation sites.

Contrary to the claims that the affected communities are given relocation in other places, communities demolished in Makati City was not even offered relocation. A handful of families was given Php5,000 each to return to their provinces since the government does not have any place where they can move to. When the demolition was about to fin-

Table 10 Summary of data on demolitions under PNoy

Place	Injured	Arrested	Killed	Charged with court cases	Number of affected		Reason for demolition
					Family	Individual	
Brgy. Mariana, New Manila, QC	17				180	540	Private land (previously a relocation site)
Brgy. San Roque, QC	14	2			16000	48000	Government project (Quezon City Business District)
Brgy. Corazon de Jesus, San Juan City	68	20		8	103	515	Government project (New City Hall of San Juan)
Interior Dama de Noche, Kadiwa, Brgy. San Roque, Navotas City	22		1		466	3000	Government project
Dypac Compound, Bagong Palengke, Juan Luna St. Tondo, Manila		9		9	300	1000	Private land
Barangay 182, Zone 16, Pangarap Village, Caloocan City	2				8000	40000	Private land (Land allocated for housing projects)
Laperal Compound, Guadalupe Viejo, Makati City	19	5		6	2000	10000	Resolution of City government (Danger Zone)
Brgy. Sta Lucia, Pasig City	10	16			174	500	Government project (Rehabilitation of Floodway)
Brgy. Tebag, Sta. Barbara, Pangasinan	2	4			50	150	Private land (Cancelled CLT)
Ceres South Terminal, Lopez Jaena St., Bacolod City, Negros Occidental					29	100	Government project (Rehabilitation of Bus Terminal)
Bataan National Park, Dinalupihan, Bataan					400	1200	Illegal structure in a protected area
Reclamation Area, Bacolod City, Negros Occidental					20	60	Private property
Cherry East Cul de Sac, Barangay Sun Valley, Paranaque	1				no data	no data	Private property
Lorenzana area at the Coastal Road in San Dionisio, Paranaque					76	300	Private property
Total	152	56	1	23	27,223	103,555	



ish, the DILG offered the residents to relocate them in Rodriguez, Rizal or somewhere in Bulacan, which is too far from their places of work and schools of their children. This absence of relocation site forced the affected residents to stay in the streets for more than a week while they were still finding places where they can dwell.

Straight path = Destruction of homes

In the Aquino government's march to a promised straight path, homes of people he called boss are being destroyed to clear his path. Instead of ending the demolitions,

clearing of communities became even more brazen. The so-called government development projects are not building homes but displacing thousands of families depriving them of their dwellings and livelihood.

In Aquino's first year, the government did not think twice in mobilizing its forces (police, MMDA and even the military) to forcibly return the alleged private lands to its owners while slashing its budget in housing programs that can benefit the urban poor. This condition will worsen, as the the government promotes and pledged to seriously implement projects under PPP.

Unwavering struggle of the people

The people remained vigilant during Aquino's first year. Campaigns for the attainment of rights and freedoms were intensified. In particular, the call for a substantial wage hike was made stronger. The workers also challenged the Aquino administration to implement the recommendations of the ILO regarding the violations of workers' rights particularly the cases of extra-judicial killings and political detainees.

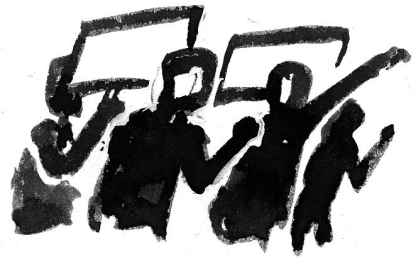
Although there is no significant difference in programs for the workers and the poor between PNoy's administration and the past government, the workers gained some victories through their persistent struggle. One of these is the

freedom of Vincent Bebot Borja, a labor leader, from detention. Borja was imprisoned for three years due to a trumped-up murder charge. He was freed after the witness of the accusing party failed to recognize him as the alleged Tata Borja

who was identified as one of the murderers.

The Karnation 20, the workers who were detained for three years for charges of serious illegal detention after holding a strike, also won their illegal dismissal case against the management. Despite efforts to frustrate the union, Bluestar Workers Labor Union again won in the certification election that the management called after it refused to recognize the previous victory of the BWLU in 2008. The Association of Workers in EMI Yazaki also successfully concluded its CBA with the management. Meanwhile, workers within the Diocese of Novaliches—with the help of the Labor Ministry—was able to form an association of workers, the *Samahan ng mga Manggagawa at Kristiyanong Pamilyanan* or SMKP.

In the revival of the campaign for substantial wage hike, the Congress once again heard the proposed bill of Anakpawis Partylist (HB375) for the legislation of a P125 across the board nationwide wage hike. Because of the relentless efforts of the workers calling for the P125 wage



increase, the campaign gained support from prominent legislators like Rep. Manny Pacquiao and Senator Manny Villar. At present, regional consultations are being held regarding the said bill to widen the support for the P125 legislated wage hike.

Is PNoy heading a straight or crooked path? What should the people do?

If we are to mark PNoy's first year, it is very clear that he miserably failed the test. He did not only fail in making accountable those who previously committed human rights violations, he failed as well in stopping the violations as the human rights situation in his first year is strikingly worse than Arroyo's first year. Moreover, nobody has been brought to the courts or penalized for the plunder of the economy.

If there is a straight path which the Aquino administration led, it is the straight path heading towards thoroughly opening the economy to foreign capital and global market and not the one that leads to the betterment of the people's con-

dition. It is also clear that the Aquino government is becoming highly dependent on the military and logistical support from the United States which will in turn result to heightened US intervention in the affairs of the country.

For the workers and the poor, other than inviting foreign capital and aggressively selling cheap Filipino labor abroad, the Aquino administration has no clear and strategic program towards ending poverty and resolving unemployment. Beautiful rhetoric about caring for the peasants and the workers cannot gloss over the reality of continuous neglect and denial of the government to implement genuine agrarian reform which can provide long-lasting relief and sustainable livelihood for the Filipinos. Hacienda Luisita is a case in point; the President remains obstinate, washing his hands off the issue of land distribution. He continues to deny his investments in the Cojuangco-owned company, when—aside from the fact that he is one of the proprietors of the company—he is duty-bound to intervene in the issue of agrarian reform precisely because he is the President of the Republic.

Dole outs and temporary relief for hunger such as the conditional cash transfer (CCT) cannot solve the poverty and hunger that has long-stricken the populace. Hunger for the 4 million beneficiaries of the CCT might have been relieved

but it would definitely not uplift them from their dire condition.

The government does not have the capacity to sustain such dole out program; it will need a huge resource which the country does not have. On the other hand, budget deficit has swollen to P320 B and the government's solution is to impose more taxes, further increase OFW remittance (by exporting more Filipino labor), and by more borrowings from foreign banks and financial institutions such as the World Bank and the Asian Development Bank (ABD).

Second, the people's condition will be more miserable with the government's constant borrowing. Towards the end of 2010, Philippine borrowing has ballooned to US\$59.8 billion (equivalent to 33.1 percent of the GDP) and every year this amount increases by 9.8 percent while the economy can only increase by as much as 7 percent. This 2011, debt servicing has reached US\$8.49B. The growing foreign debt will consequently tighten the control of foreign institutions in the Philippine economy and a lot of other state policies to ensure that the Philippines can pay back its debts.

Third, dole-outs, donations, and charity programs provided to the poor only serves well the administration's good image-building especially when it is advertised in campaign posters. But when scrutinized, with these kinds of programs, the government encourages—if not actually treats—the poor as beggars who are depending and just waiting for alms and mercy from the government. The people do not need charity from the government. What it needs is a government that can direct and ensure decent and secure jobs and livelihood created in the country. However, the Aquino administration is not headed towards this direction.

Towards the end of Aquino's first year, the illusion of hope that PNoy can create positive change for the betterment of the people also ended. Continuous organizing and struggling of the workers and the people—no matter how hard and dangerous it seems—remains to be the most effectual recourse towards achieving significant social change•

Sanggunian

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Bureau of Labor Employment Statistics (BLES) < www.bles.dole.gov.ph>

Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE) <www.courage-phil.org>

Ecumenical Institute for Labor Education and Research (EILER) <eiler.ph>

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Kilusang Mayo Uno (KMU) <kilusangmayouno.org>

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Nonoy Librado Development Foundation (NLDF) <nldf.org>

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Workers Assistance Center (WAC) <www.wacphilippine.org>

Visayan Institute for Human Development Agency (VIHDA) <vihda.net>

The **CENTER FOR TRADE UNION AND HUMAN RIGHTS** is a non-governmental organization that promotes the rights and welfare of the workers through documentation of workers rights and human rights violations, public information, campaigning and advocacy, education and training, research and services. Our Manila office can be found **702 Culmat Building 126 E. Rodriguez Ave. Quezon City**. We can also be reached through **(02)411.02.56**, mobile **0910.380.1897**, email **ctuhr.manila@gmail.com**. For more information, visit our website **ctuhr.org**

