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# **Trade Unions Under Siege: Trade Union and Human Rights Report January 1 to December 31, 2006**



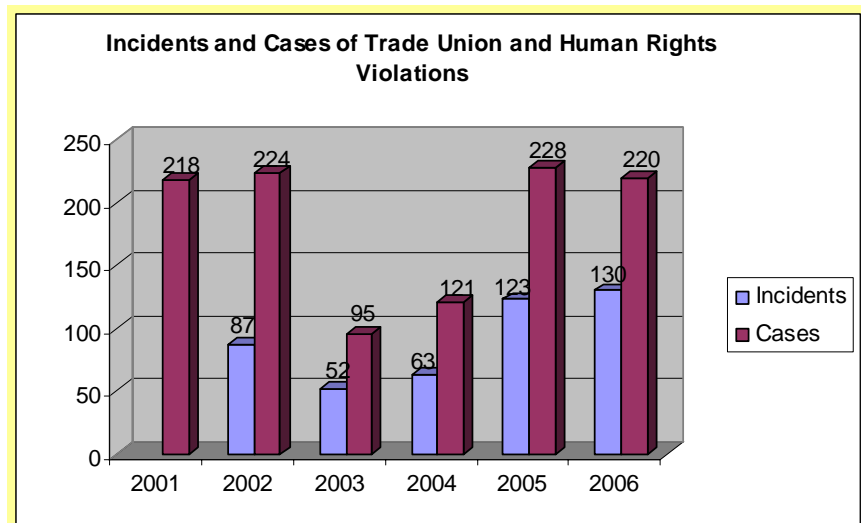
Jobs and Rights for my father: child of DOLE pineapple worker- South Cotabato, Mindanao

January 2007

## Overview

A free and vibrant trade union movement is historically one of the pillars of democracy and an indicator of a nation's progressive development. But with the Arroyo government's systematic and calculated move to weaken the trade union movement at all levels including the unresolved murders of trade union leaders and organizers, we are seeing a rapid degeneration of this country into a militaristic and a trade union high-risk state.

CTUHR in its yearend report, called the year 2005, as the Year of Living Dangerously. Not only it was the bloodiest year in the trade union movement as killings escalated, but other forms of violence and human rights violations against workers shoot up in unprecedented way, surpassing the record under Marcos martial law regime. It could be recalled that CTUHR documented 123 cases of trade union and human rights violations committed against workers in 2005, which affected 6,811 workers, trade unionists and labor advocates. Majority of these victims came from the heavily militarized Hacienda Luisita in Tarlac, and striking workers in Lepanto Consolidated Mining Corporation in Benguet that were violently dispersed that year. The Center also documented 29 cases of killings, with 31 victims, the highest single-year total of killings of workers at the time.



It must be noted that majority of these cases occurred in 2005, coincided with the period when Mrs. Gloria Macapagal-Arroyo (GMA) unleashed the policy of calibrated preemptive response (CPR) amidst the heightened calls for her resignation/ouster due to charges of election fraud, graft and corruption and gross human rights violations. Like warning on what it can do, CPR was declared on the commemoration of Martial Law on September 21.

In less than 24 hours following the CPR imposition, Diosdado "Ka Fort/ Ka Ding" Fortuna, labor leader and president of the Nestle-Philippines workers union was shot dead by two unidentified men on September 22. More than 10 killings before 2005 ended ensued.

Has there been an improvement in the workers democratic and human rights situation since then?

The answer is plain NO. As Y2006 ushered in, incidents of violations continue to climb, without any hint of slowing down. On February 24, as the whole nation commemorated the First People Power that overthrew the Marcos dictatorship and called on resignation of Mrs. Arroyo, the latter declared Proclamation 1017 placing the country under State of National Emergency. Warrantless arrests followed. On February 25, Anakpawis Rep. Crispin "Ka Bel" Beltran, was illegally arrested in spite of his immunity from arrest as parliamentarian. He remains in detention at the Philippine Heart Center (PHC) after being slapped with three counts of trumped up rebellion charges.

As crisis in Arroyo government's leadership deepens and calls for her ouster gather strength, Mrs. Arroyo clings to presidency in an extremely dangerous desperation. In June, Arroyo government declared an all-out war against the NPA and communist insurgents, allotting P1billion budget to carry-out the intensified Oplan Bantay Laya I and II – GMA's counter-insurgency program. Her most loyal follower, Gen. Jovito Palparan, commander of the 7<sup>th</sup> ID of Philippine Army rejoiced in seeing what he deems as NPA supporters terrorized and 'neutralized' in his area of jurisdiction. The PNP wanting to partake from the P1B budget, quickly transforms itself from police function to counter-insurgency units inside and outside the urban centers.

What followed were harrowing events of more killings, abductions, arbitrary arrests and rapid decline in the quality of life of majority of Filipinos. Parallel to the increase to these events, the campaign to stop the killings also takes into new heights at the international level, pressuring the Arroyo government to form the Melo Commission to investigate the killings. The public particularly the victims' attitude was lukewarm.

At the labour front, CTUHR recorded 130 incidents and documented 220 cases of trade union and human rights violations, a slight drop compared to 228 cases in the same period last year. Total number of victims affected this year is 2,012 victims. Seventy-nine or 35.91 % of these incidents occurred in the first quarter of this year. This figure adds up to the 886 cases of violations committed against workers since January 2001 that remain unresolved today.

Although there is a drop in the recorded number of cases, it must be noted that the attacks on lives of worker and trade unionists like intimidation, killings and abductions/enforced disappearances increased substantially.

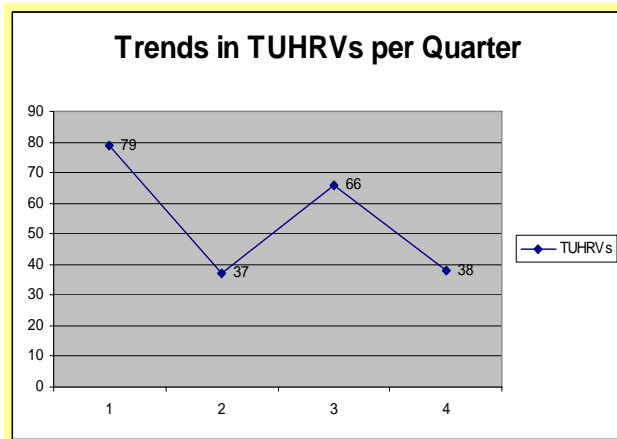
### Trade Union and Human Rights Violations 01 January- 31December 2006

Case Title	Total # Cases	Total Victims per Incident
Assault on the Picket Line	8	110
Physical Assault/ Injury (includes mauling)	14	102
Illegal Arrest/ Detention (includes arbitrary and unjustified arrest/ detention)	13	159
Torture	4	41
Killing	22	22
Massacre	2	11
Attempted Killing	2	6
Frustrated Killing	8	15
Grave Threat	27	946
Intimidation (includes surveillance and other forms)	49	748
Filing of Criminal Charges	6	39
Violation of Domicile	7	13
Coercion	2	58
Divestment of Property	4	
Destruction of Property	3	
Abduction (includes forced disappearance)	12	40
Restriction of Right to Organize		
Harassment		
Sexual Harassment	1	2
Forced Interrogation	6	5
Attack on MPTs		
Illegal Search	3	112
Harassment at the Picket Line		
Red Baiting/ Red Tagging	7	23
Other forms	1	2
Food Blockade	7	356
Forced Labor	1	70
Indiscriminate Firing	1	2
Blocking/ Breaking up/ Violent Dispersals of rallies, demonstrations and mass actions	10	1097

**Note.** Y2006 total number of cases is 228 and total victims, 2,012. This places the number of total violations committed against workers at 1,114 cases and 13,794 victims since GMA took office in 2001.

**CTUHR Documentation Department - 2006**

Killings, while decreasing from 29 last year to 24 this year, actually victimized more workers, as the number of victims increased from 31 ('05) to 33 ('06).



The cases of killings include two incidents of massacre. On the other hand, slight decrease in violations directly related to the exercise of trade union rights could be attributed to the decreasing workers organized actions in the workplace as a logical consequence of declining local trade union organizations.

## SPECIFIC TRENDS AND PATTERN OF VIOLATIONS

### 1. Attacks to Life (Killing, Attempted and Frustrated Killing, Massacre) are up

As the new year ushered in, Armando Leabres, an employee of National Electrification Administration, NEECO 2 in San Leonardo, Nueva Ecija and a leader of Bayan Muna was abducted around 7:20 am on January 10 by unidentified men aboard a gray delica van with plate# RCH532. He was found dead the day after.

Roberto de la Cruz, Workers of Tritran Union (WTU) Board member and Vice Chair of Alliance of Workers in Bus Companies was gunned while inside his eatery on January 25, 2006. There is a pending labor case since 2004 between WTU and the management of Tritran regarding the illegal dismissal of around 1,000 workers, majority of whom were union members. De la Cruz was one of the dismissed workers..

On February 1, workers of CV-Tamayo Farms, a farm located in San Idefonso, Bulacan were massacred by suspected elements of the 24<sup>th</sup> and 56<sup>th</sup> Infantry Battalion under the 7<sup>th</sup> Infantry Division of Philippine Army of the Armed Forces. The suspects who were in civilian clothes but wore boots similar to the military boots disturbed a funeral near the farms, intimidated and took the residents' money and personal belongings, then proceeded to the farm premises. They assaulted farm workers Michael Milanay, Melchor Cardinal, and Manuel Avilla Jr. After beating them up and calling them NPA supporters, they shot the three. They then shot Ricardo Valmocina and his grandson Roel Joseph. Realizing that there were witnesses, they forcibly took Ricardo Valmocina Jr. and farm worker Robin Solano. Until at present, the two are missing.

On March 9, Crisanto Teodoro (Bayan Muna) and a former organizer of Association of Democratic Labor Organization (ADLO), was shot dead by two unidentified men aboard a motorcycle. Teodoro was traveling with his wife when he was shot.

Tirso Cruz, Board member of United Luisita workers Union, in Tarlac city was shot nine times by two men on board a motorcycle last March 17, 2006.

On December 11, Jesus Buth Servida and three other workers of EMI – Yazaki were shot by unidentified men while delivering vegetables to the company. One of the victims is still in critical condition while Servida died on the spot.

The latest case of killing was that of Jerson Lastimoso, active union member and an escort of Namasufa president Vicente Barrios last December 15. To bonnet-wearing men on motorbike

### WORKERS, UNIONISTS& ADVOCATES KILLED IN 2006

Date Killed	Names	Occupation/Organization
1/1/2006	Gilbert Judabar	Worker
1/10/2006	Armando Leabres	Employee of National Electrification Administration, NEECO 2
1/25/2006	Apolonio Mendoza	
1/25/2006	Roberto dela Cruz	Board Member, Tritran Workers Union
2/1/2006	Michael Milanay	Workers/ Caretakers of CV Tamayo Farms
	Melchor Cardinal	
	Manuel Avila	
	Ricardo Valmocina	
	Rodel Valmocina	
2/18/2006	Joan Lingkuran	Worker
6/2/2006	Rogelio Lagaro	
7/6/2006	Paquito Diaz	COURAGE
8/10/2006	Gilbert Hamile	worker, Stork Company
8/24/2006	Rodolfo Paglinawan	Paralegal, Purefoods Hormel Labor Union
9/1/2006	Sanito Bargamento	member, NFSW
9/12/2006	Nemesio Aquino	acting president, JAM Liner Employees Union
9/30/2006	Ramon Villanueva	workers of Ken Dragon
	Arthur Cadorna	
	Jun Asuero	
	Jefferson Agapina	
	Remy Ponteros	
	Juhndril Meguiso	
10/18/2006	Eduardo Millares	KADAMAY organizer and leader of Samahan ng Mamamayan sa Tabing Riles-San Pablo, Laguna.
11/20/2006	Roderick Aspili	organizer, Nagkahiusang Mamumuo sa Surigao del Norte
11/21/2006	Alex Inosa	President, Alaska Labor Union; Chairperson, PM- Laguna
12/11/2006	Jesus Buth Servida	Member/FT organizer, Yasaki - EMI Labor Union
12/15/2006	Jerson Lastimoso	Member, NAMASUFA

opened fire at eight (8) workers round 5:30 am on their way to the plantation, seriously injuring Barrios – the principal target-- Lastimoso and two others. Lastimoso died a day after.

The series of killings, places the number of cases at 22, and victims at 31 from January 1 to December 31 2006. This is a slight drop from 29 recorded cases and 31 individual victims last year. This brings to 83workers, trade unionists, leaders and advocates killed since Arroyo took office in 2001.

One of the gruesome incidents was the massacre of six (6) workers of Ken Dragon Company in Meycuayan, Bulacan by unidentified men using high caliber firearms last September 30. Their bodies bore marks of severe torture. The body of Jundhrill Meguiso, 22 years old, one of the victims that CTUHR was able to see during a fact-finding mission, shown several deep lacerations in his arms and deep wounds on the head. Relatives of the victims said they could not see a motive behind the killings and that they were not aware that the victims had any enemies.

Witnesses said that the workers were nabbed inside a bar following an altercation with a barangay captain. They were herded into a vehicle, and two hours later, gunshots were heard in a subdivision somewhere in Caloocan. Police investigation identified and apprehended Barangay Captain Garcilliano Victoriano as the perpetrator and declared the case solved. Questions still persist, as to the true motive behind the massacre, how

and why a barangay captain could have used heavily armed men at his command.

Nearly all the victims had in various occasions reported surveillances by military intelligence agents prior to their murders and they were killed by bonnet-wearing unidentified men or what is now known as the motorcycle death squads.

However, a change of pattern was noted with the murder of Bishop Alberto Ramento of Philippine Independent Church. Bishop Ramento, 70 years old, – a staunch advocate of workers and peasants rights and conscientious critic of Arroyo administrations' policies-- was stabbed to death inside a convent. The Philippine National Police was quick to say that it was a case of common theft with homicide. No one, actually believed though, and argued that Ramento's murder was a part of the bigger pattern of extra-judicial killings and actually aimed at silencing him. Bp. Ramento was actually the second victim who was murdered by stabbing, the first was Victoria Samonte, president of Andres Soriano Teachers and Employees Union who was killed on September 29,2004.

## **2. Frustrated killings and torture double**

Frustrated killings also increased substantially from four cases to eight. Particularly important was the ambush of Gerry Cristobal, a labor leader by three masked men aboard a car in Imus, Cavite on his way to the factory he works- Yazaki EMI – Japanese-owned company in Cavite last April 28 and narrowly escaped death. Despite the fatal wounds he sustained, Cristobal – a licensed gun holder fired back at his assassin who was later identified as SPO1 Romeo Lara, police intelligence operative in Cavite.

Another case was Victoriano Carino—a companion of Millares and himself an active member of SMTR – or Association of People residing along the railway who escaped death during the ambush.

Equally alarming, was the reported four cases on the use of torture on victims abducted before they were either killed or handed over to the police. Last year there was no documented report. Cases of violent dispersals of rallies involving trade unionists and workers increased dramatically (3 to 9). The use of other forms of harassment was also up from one to six cases, a dangerous realization of Justice Secretary's Raul Gonzales view of collateral damage in government's effort to neutralize anti- government critics.

## **3. Abduction and Enforced Disappearance sharply increased**

Another alarming trend is the sharp increase in cases of abduction and enforced disappearances. This year alone, twelve cases of abduction and enforced disappearances involving 40 victims were recorded by CTUHR, up from 8 cases in the same period last year. Of this total, nine (9) remains missing, 21 were turned over to the police and released on bail, and seven (7) were found dead. The abduction and killing of Armando Leabres is a case in point.

Rogelio Concepcion-- officer in charge of Solid Development Corp. Workers Association (SDCWA) was abducted by suspected elements of the 24<sup>th</sup> Infantry Battalion on March 6 and until now remains missing. His family could not find peace. The union president—Ador Vasalio, whom Concepcion substituted —was forced to flee after the soldiers camped inside the factory during the union's strike in protest against company's refusal to bargain last December 2005. Same fate with Ronald Intal, a charcoal maker in Hda Luisita, Tarlac who was abducted by suspected military elements last April 3, and still missing.

Then on April 17, elements of the Rebolusyonaryong Hukbong Bayan (RHB) – paramilitary group-- visited Sitio Bakalan, Brgy. Camachin in Dona Remedios Trinidad, Bulacan. They rounded up around 27 residents of the community and brought them inside the compound of Metal Ore Mining

Company under the pretext of flashing out insurgents. Using the company truck they took Bernabe Mendiola, operations manager of MetalOre, workers Oscar Leuterio and Virgilio Calilap and his wife Teresita. Leuterio surfaced in December but the three are still missing.

Shortly after, elements of the 703<sup>rd</sup> Brigade of the IBPA arrived and forcibly took 15 of the remaining people in the area. They detained them in a nearby detachment, where they were forced to listen to the military's anti-communist propaganda and were released only after a petition by three barangay captains and mayor.

On July 3, the combined forces of the 56<sup>th</sup> and 69<sup>th</sup> Infantry Battalion of the Armed Forces and Pampanga Philippine National Police abducted seven transport and labor leaders and organizers belonging to Workers Alliance in Region III based in Angeles City, Pampanga. PISTON – Central Luzon leader Emerito Gonzales Lipio, along with Fernando Poblacion Jr., Jose Ramos, William Aguilar, Jay Francisco Aquino, Jose Bernardino and housekeeper Archie de Jesus were abducted when the group was about to meet on transport issues. The seven were beaten and tortured before they were brought to the police station. The military took all their possessions (cellphones, money and even their clothes). Four of them (Poblacion, Bernardino, Ramos and Aquino) were slapped with charges of illegal possession of explosives. Lipio is still in military custody, and there are reports that he was forced to cooperate with the military because of threats to himself and his family.

#### **4. Intimidation and Surveillance become more brazen**

CTUHR documented 49 cases of intimidation and surveillance, 104.17% increase compared to the same period last year. Out of the 49 cases, 25 occurred after the declaration of the State of National Emergency last February 24. Hit hardest are leaders of militant labor groups and unions. Definitely, this is a partial count, as nearly all the data represents major incidents only, particularly in Metro Manila.

Kilusang Mayo Uno for instance, reported that they observed seven incidents of surveillances of their national headquarters at Balai Obrero in Quezon city. Toyota Motors Phils. Corp. Workers Association, which has an active labor dispute, reported five cases of surveillance of their union office in C5 Taguig, Metro Manila. In Southern Mindanao, labor leaders such as Vicente Barrios and Omar Bantayan have been subjected to surveillance and intimidation by confirmed military agents of the 39<sup>th</sup> Infantry Battalion. Bantayan, Secretary General of KMU-Southern Mindanao escaped attempt on his life in September.

On October 5, Pfc Rommel Santiago, was arrested by FTI guards while pursuing FTI unionists from Pro-labor Legal Assistance Center (PLACE) office in Quezon city down to Taguig. At the Taguig police station, Santiago admitted that he and another companion who escaped the arrest was actually doing the surveillance at PLACE and their presence was official. Few days later, 'suspicious-looking men' frequent the area, and set up a seeming 24-hour watch on the office. PLACE staff, who has gone much worrier complained to the Police in nearby station, and again, the Police confirmed that those men were on official duty. Whatever, reason, was unknown to the lawyers and staff of PLACE.

PLACE handles around 600 labor, criminal, civil and administrative cases, including those controversial strikes at Hacienda Luisita and Nestle Philippines. PLACE also handles most of the cases of KMU member unions often on pro-bono basis. This is the most glaring surveillance and despite complaints filed at the station and even at the Commission on Human Rights (CHR), it is continuing.

As regards pattern, there is no discernible mode in terms of the conduct of surveillances except for 'suspicious-looking men' obviously surveying the perimeters of the abovementioned offices and stalking the people coming out of the said offices or taking pictures. However, the lack of overt pattern implies that the surveillance is continuous, and is possibly conducted round the clock. In few cases, the lack of obvious surveillances indicated that it has been completed and awaiting execution, like the case of Bantayan. Prior to attempt to his life, Bantayan was complacent and did not report any sighting of unidentified men stalking him.

Victims' testimonies cited that they often noticed intelligence agents in any time of the day, and have varied appearances, although they comment that these agents are usually of muscular built and sporting short hair, similar to that of military personnel.

Kadamay members from Dau, Mabalacat Pampanga, however, received a different treatment in terms of harassment. Elements of 69<sup>th</sup> IB under 7<sup>th</sup> ID –Philippine Army had KADAMAY members and local leaders doors painted with a red X mark, a sign that leaders perceive as a death warrant. The perception was confirmed to be true, when a fisherfolk leader in Bulacan was murdered following the X mark sign on his door. A month after the X mark in Pampanga, which the residents erased secretly and quickly, the homes of six leaders of Kadamay in Bulacan were illegally searched, and their residents threatened. Meanwhile, members from Pampanga were forced to move out of Dau and settle elsewhere.

## **5. Intensified Integration of labour and industrial affairs into the nationwide government counter-insurgency program – the Oplan Bantay Laya in a move to weaken the base of the progressive and militant trade unionism**

Integral to counter-insurgency operations or implementation of Oplan Bantay Laya, are cases of military's direct intervention in the workers and unions' exercise of their right to organize. This saw the intensification of trade union rights violations even at the workplace. Hardest hit were unions particularly in Central Luzon and Compostela Valley. The military considers these regions a hotspot for operations of the New People's Army, and that factories and unions in the area are infiltrated and may be breeding grounds of insurgency. Below are some noted cases, which until this writing are continuing.

*Angelina Ladera, chairperson, Workers Alliance in Region 3 (WAR – 3, and Romy Zarate, union officer of Central Azucarera de Tarlac Labor Union (CATLU)*

Angie Ladera and Romy Zarate, two labor leaders in Tarlac recounted their experiences on harassment and threats caused by the military. Angie's surveillances and attempts to nab her by intelligence agents started when she was still a union officer of International Wiring Services Workers and continue until today. She was forced to resign in her job and to live away from her family. Her name is included in the military's order of battle and was specified in the Armed Forces manual "Trinity of War."

Romy was also forced to resign in his job as nurse at Central Azucarera when threats to his life became frequent. He was one of the leaders at the Luisita strike as board member of CATLU. Both Ladera and Zarate are tagged by the military as members of the New People's Army who are organizing workers and peasants.

### ***International Wiring Services Workers Union***

In 2001, the International Wiring Services Workers Union (IWSWU) won majority of their demands in their Collective Bargaining Agreement (CBA) with the management under Ladera's leadership. This was also the time when the union had their elections.



The management refused to accept the elected officers and conducted a mock general assembly in the company auditorium. When some workers felt that something was amiss, they left. However, some workers stayed and in eight minutes, the officers of the union (IWSWU) were impeached and a new set of officers was elected. The legitimate officers filed a complaint at the Department of Labor and Employment, but their case was dismissed. They then filed an appeal in the Bureau of Labor Relations, and it ruled in favor of the union officials. One week later, the BLR revoked its decision for vague reason.

According to the BLR, the situation is confusing, so it offered two solutions. One is to conduct a special elections and the other is to file a case in the Supreme Court. The legitimate union officers fielded 50 candidates. All 50 candidates won the election, and won their case at the Supreme Court.

However, from 2002 to the present, military are roaming the area and were preventing workers from attending meetings and other union activities. Smear campaign was also employed to malign the workers. Leaflets featuring Kilusang Mayo Uno and the union, as well as then president Angie Ladera, accusing them of being supporters of NPAs were scattered in the tables in the cafeteria. During a general assembly, the soldiers surrounded the workers. The union president, Norly Pamposa- was threatened that if he continued his union work, something bad will happen to him. Despite harassments, the union won in the election and was able to ink a new CBA.

### ***Console Farm and Robina Farms***

Early November 2005, the 24<sup>th</sup> Infantry Battalion of Philippine Army set up its detachment in barangay hall near the premises of Console Farms. The military was supposedly investigating the connection between the union and the New People's Army on the basis of Oust GMA slogans written on farm walls with the union as signatory.

It was then that surveillance operations under the guise of a "military census" began. Soldiers roamed the area in full battle gear asking the workers and residents for the identity of the union officials, labor organizers and human rights workers that visit them. They also "invite" workers to their detachment for questioning, which is a grueling four to six hours of mental torture. The military focused on then union president Rico Estarez, who was unable to visit his home and forced to take his retirement because of the harassment and threat to his life. Francis Paraon was brought to the detachment by a management official to the detachment for questioning, where the military issued threats and questioned him for eight hours. The harassment continues up to now, sowing fear to workers.

In a CTUHR led fact-finding mission last September 12, it was confirmed that workers and residents are forced to join the "Barangay Defense System," where workers go on two-hour rounds every night "securing the peace," a euphemism for hunting down alleged members of the New People's Army. Workers are also used as agents in getting and supplying information, not just on the NPA, but also the activities of the union and other labor organizers who visit the area. In the last quarter of 2006, with the union temporarily paralyzed and with military to lean on, the management unilaterally cancelled its commitment to implement the provisions of the CBA.

Another similar case is that of the workers of Robina Farms. Around March of this year, the military came to Robina farms and set up a detachment within the factory. Employing the same tactics as in Console Farms, the military conducted military census, roamed the area in full battle gear and is harassing the union members and asking them to disaffiliate with Kilusang Mayo Uno,,

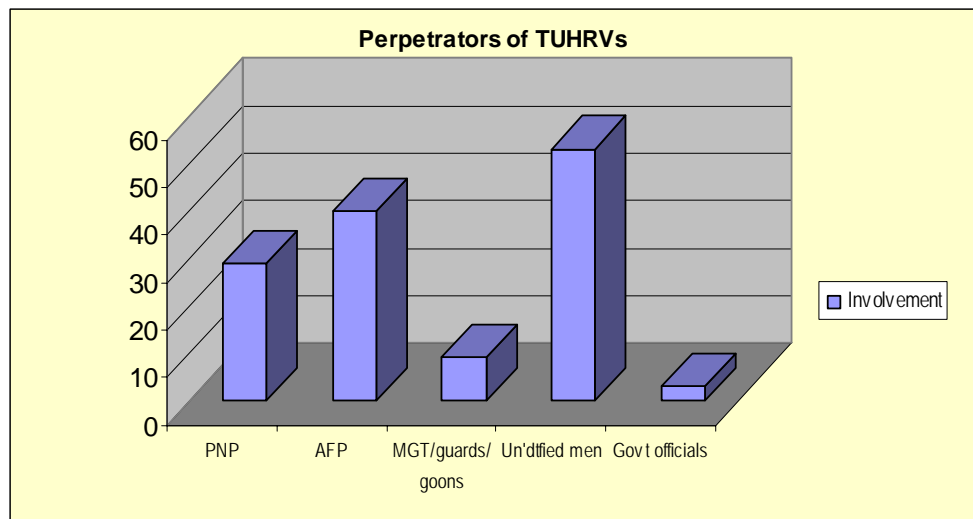
the union's center. Workers fear for their lives, and union officials are afraid to even go home or even talk about their circumstances.

In Southern Tagalog, threat to Honda workers union president and OLALIA leader Romeo Legaspi and his family does not slow down. On February 19, two armed men on a motorcycle visited his house and asked if he was in the house. On February 21, an unidentified man entered their home and pretended to ask if they had broken equipment in their home. They were also able to monitor another surveillance incident on February 26, when armed men asked within their area if they knew anyone who worked in Honda. According to reports from their neighbors, they have seen men monitoring the area as early as December 2005.

## 6. Military and PNP and their agents remain on top of suspected Perpetrator

Like in the previous years, 99% of perpetrators were unidentified men wearing ski masks or helmets on board a motorcycle or what is now called as "motorcycle death squads." The general belief is that extrajudicial killings are handiwork of military, police and/or their agents. This belief was bolstered when SPO1 Romeo Lara was identified as the bonnet-wearing man who ambushed Gerardo Cristobal.

Analyzing the involvement of perpetrators in incident of TUHRVs, in most cases



perpetrators are unidentified (53), though based on the experience of victims, these are often suspected as ISAFP agents. It should be noted in cases of killings, circumstantial evidence point to military and police as in the case of Ric Ramos and the frustrated killing of Gerry Cristobal.

Amongst the state forces, the Armed Forces of the Philippines (AFP) ranks first in harassment cases, illegal searches and seizures, as well as red-tagging and political persecution. Notable are the involvement of the 38<sup>th</sup> and 39<sup>th</sup> Infantry Battalion in Southern Mindanao, and the 56<sup>th</sup> and 69<sup>th</sup> Infantry Battalion in Central Luzon. Members of the Philippine National Police are mostly involved in cases of physical assault and injury, due to their participation in violent dispersals of demonstrations, as well as assaults on picket lines. Management and company-hired goons are responsible to physical assault and injuries due to attacks on picket lines.

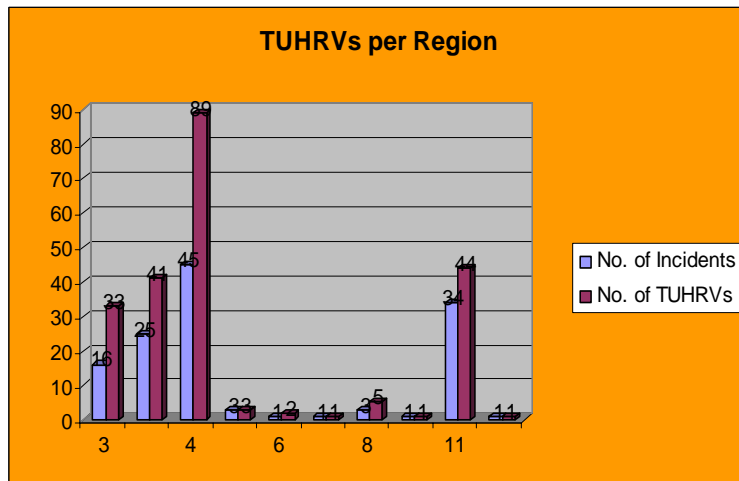
## 7. Highly militarized regions, highest in HRVs committed

Regions with numerous troops deployment account for the most number of cases of political and trade union repression. First in the list are Southern Tagalog Region, *Southern Mindanao Region*, *Central Luzon Region*, and *National Capital Region*.

### Southern Tagalog Region

CTUHR & NCPWR-ST record 45 incidents and 89 cases of TUHRVs with 1,307 victims. Majority of these cases include surveillance, intimidation and harassment, especially among trade union leaders

such as Noel Alemania of Nestle Workers union and Romeo Legazpi of Honda Cars. Harassment and violent dispersal of workers organized actions such as Toyota workers and Nestle workers' demonstration at the Supreme Court.



In October, the government listed major cities in CALABARZON—hosts to 100 plus economic zones -- as hotspots of insurgency and has placed the five provinces and major cities as targets of the active formation of Inter-Territorial Defense System (ITDS). As per target, the AFP expects the workers and unions including residents to become part of ITDS.

### Southern Mindanao Region

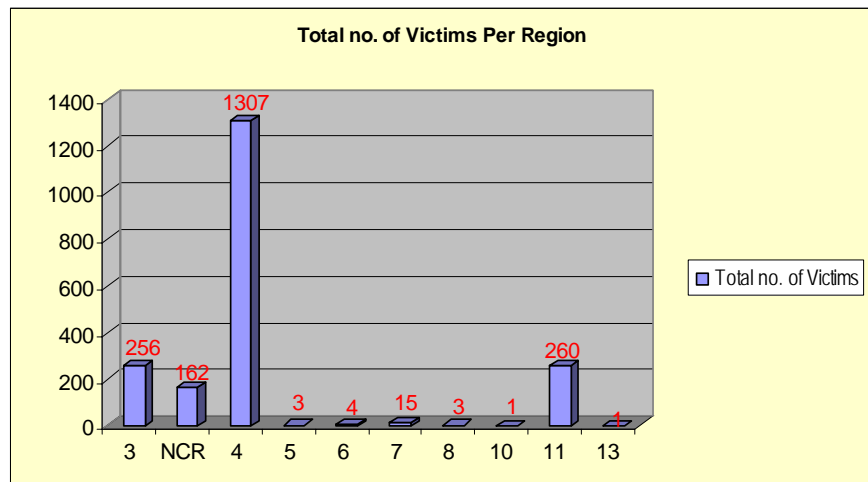
Thirty-four incidents involving 44 cases involving 260 individual victims were documented from January to

December 2006, a significant increase from 21 incidents recorded throughout 2004 and 2005. Harassment and violations are most frequent and involve the AFP particularly in areas and establishments where TNCs have substantial investments or hold direct ownership to discourage workers from unionizing or joining KMU.

Highlights include: **a)** the arbitrary arrest and detention of striking workers of Packing Plant 95 in Compostela, Compostela Valley on September 26-28 and November 23-29, involving 70 and 38 workers respectively; **b)** the harassment of the 39<sup>th</sup> IB in Santa Cruz, Davao del Sur in which the president of the only existing union in the area, Nagkahiusang Mamumuo sa Franklin Baker (NAMA Fra), was called for questioning on July 24. At the interrogation, 1<sup>st</sup> Lt. Bruce Tucong presented a so-called organizational chart of "the movement" which included NAMA Fra as part of the organizational structure of the Communist Party of the Philippines; **c)** the military's interference in the organizing campaign at Stanfilco Plastic Plant in Panabo by calling workers to an "educational session" at Camp Panacan where "Knowing the Enemy" was screened; **d)** the attempt on the life of Omar Bantayan, Secretary General of KMU-SMR, on September 12 at his home; **e)** harassments at the urban poor communities at urban centers such as Panabo and Davao City. (Taken from Nonoy Librado Foundation Inc. report on TUHRVs of Southern Mindanao)

### Central Luzon Region

While Central Luzon recorded the lowest among the four critical regions, this does not necessarily the decrease in violations. On the contrary, it reflects the gravity and intensity of the attacks against workers and workers rights advocates in the area which even reporting or documentation become equally dangerous if not deadly. In the last half of 2006, Bulacan was a sight of



series of killings particularly amongst the fisherfolks.

According to our correspondent from Kilusang Manggagawa sa Bulakan (KMB), trade unionists are forced to remain silent on the harassment, intimidation and threats to life inflicted by soldiers, paramilitary units and the police. Since 2004, incidents reported are analyzed as a continuous ordeal, where once a community or a union is targeted by the anti-insurgency operations, the area and its residents are not given a break. Despite the difficulty in monitoring, 16 incidents with 33 cases of TUHRVs, with 256 victims were recorded. This includes the abduction of workers and residents of Metal Ore last April 17 and the massacre at CV Tamayo Farms last February 1.

### ***National Capital Region***

While the situation in Metro Manila is relatively better than that of the other regions, the threat remains that the anti-insurgency campaign will now turn its attention to Manila after inflicting tremendous damage to militant unions and other organizations in the regions. In fact, in October, elements of 702IB of Philippine Army were deployed in urban poor communities in Pandacan, Manila to seek out community organizers and leaders as well as members of militant partylists. In December, urban poor communities in Payatas, Quezon city witnessed and continue to witness the same predicament as in Pandacan.

Except for violent dispersals of rallies and demonstrations, NCR is host to intense surveillances against various offices of trade unions, human rights and peoples organizations including the headquarters of Kilusang Mayo Uno.

Under the period under review, CTUHR, along with its human rights correspondents, documented 25 incidents and 41 cases of TUHRVs affecting 162 victims.

## **8. Declining unions and strikes: workers forced to strike are violently attacked**

Dole Secretary Arturo Brion took pride in having only 12 recorded strikes as at Oct 31 2006, the lowest since 1986. They attribute the decline at least in two major factors: effective methods/strategy that DOLE employed for dispute settlements and maturity of workers to prefer settling disputes than to strike. It did not include the declining unions as the strongest factor in decreasing the strike. As at August 2006, there are only 28,126 registered local unions (public & private sector) covering 2,263,164 workers or a mere 6% of total estimated 33.024M employed. Of this figure, only 246,998 workers are covered by collective bargaining agreements (CBA). [*DOLE-BLR data-oct3,2006*]

DOLE also hails AIDA or **ADMINISTRATIVE INTERVENTION FOR DISPUTE AVOIDANCE** (D.O.L.E. CIRCULAR No. 1 Series of 2006- august 2006) the newest effective dispute settlement mechanism that expects to dramatically lower brewing and existing workplace disputes.

However, studying the letters of AIDA, it is clear that in essence, AIDA largely replaces under so-called administrative procedure, the much criticized Assumption of Jurisdiction powers by DOLE Secretary. Although availing AIDA is voluntary on both parties (management and union), the provisions on requisites prohibiting both parties to refrain from strike or lock-out any other action when request is submitted or disclose information contained in the submission or testify in any court of bodies information s particularly alarming.

Every worker knows that the existing industrial relations in the country is not protective of the workers' interests, it is the contrary. The legal mechanisms have been punitive to workers exercising their rights, though occasionally, on aspect of wage complaints it rules on favor of workers.

This early, AIDA, in various ways, in its likelihood will weaken if not completely take the power from the union to negotiate and settle disputes with the management by themselves. As in the past, similar mechanism offers possibilities for capitalists to hand-over their responsibilities to 'settle obligations' to the union, to a the capitalists' friendly DOLE. AIDA, is too much intervention in the labour relations, for the capitalists interests.

Notwithstanding the decline of the strikes and stringent so-called dispute settlement mechanism, workers who are able to gather strength are forced to launch strike as their means of survival. They are, as often happen, assaulted violently.



Strikes at Chongwon Fashion and Phils Joen Garments both based in Cavite Export Processing Zone in Rosario, for instance were attacked by combined forces of PEZA's Jantro guards, PEZA police and Rosario PNP on September 25 and 27 on order of Philippine Economic Zone Authority (PEZA). At least 35 workers in separate dispersals were hurt. Analyn Diaz., three-month pregnant had a miscarriage when a Jantro guard name Ms. Sampayan chased her at the picketline in a desperate attempt to take the union's camera that Diaz was using. Eight (8) strike

supporters in a nearby warehouse were arrested on September and detained for seven days. PEZA administrator maintains that picketline must be removed because they are 'eyesores' and 'unsightly'.

In November, nearly all active union members who joined the strike were terminated by both companies and in Chongwon, with the participation of PEZA, management initiated the formation of Caretaker committee to replace the legitimate union officers. The Committee and the management seemed to be talking with each other and are jointly campaigning against the union organizers and Workers Assistance Center- the NGO which provides assistance to both unions.

Chong Won Fashion and Phils- Joen Garments are Korean companies operating in the Cavite Export Processing Zone. Both are suppliers of garments to brands in the United States, South Korea, Japan and the Middle East. Phils. - Joen produces T-shirts, underwear, and lingerie products for Al-alseel, O/X, DreamStation and CNI, while Chong Won's biggest client is Wal-Mart. Chong Won Fashion used to employ around 800 workers - 385 are considered regular -- before the workers union was recognized as the sole and exclusive bargaining agent, while Phils. Joen has over 204 workers.

Chongwon workers started its union organizing in 2000 and were able to register their union only last year. Phils joen started in 2002.

## **9. Intensification of the Oppressive conditions at work through employment of low-paid and least protected flexible workers.**

Situation in the factories are not kinder. In interviews with union leaders and workers from 22 companies, 42 cases of political and economic rights violations affecting an estimated 13,654 of workers were documented. Definitely, this is just fraction, as we are not able to cover the areas as widely as possible.

Under attack are the rights of workers to freedom of association and to organize (union busting – nine cases, restriction of right to association – five cases). In cases such as those in Southern Mindanao, the military aids the management in demoralizing and misinforming workers in their efforts to unionize, and join KMU through black propaganda. There are also five cases of management refusing to bargain with unions.

An alarming concern is the high incidence of unsafe working conditions (four), union busting (five) and illegal dismissals to actual violence in workplace such as sexual harassment and denial of freedom of speech and expression. Below are few cases:

### ***Paperland Inc.***

Union members of Militanteng Manggagawa ng Paperland Inc. (MMPI – ANGLO – KMU), the labor union of Paperland Inc. are currently on strike due to the deadlock in their collective bargaining agreement. Included in their demands is a P6 (US\$0.12) increase in wages, as well as better vacation/ sick leave/ absences as well as other benefits such as hospitalization and recreation benefits. Their fight is a difficult battle.

Out of the 205 workers in Paperland Inc., only 70 are considered as regular employees, and only 57 workers are union members. According to union president Renato Espejon, the workforce of Paperland is divided into two. The first company operates as Paperland Inc., while there is a “sister” company called Valley Pulp that is housed in the same place as Paperland. The workers of both companies, though technically have different employers work in the same factory, do the same jobs, and thus essentially employed by the same owner. Espejon says that this situation serves as deterrent to their union work, since workers from Valley Pulp are not allowed to join their union. Majority of the contractuels work in Valley Pulp, and upon regularization, are usually transferred to Paperland.

Occupational hazard is also an important issue among the workers of Paperland. According to Espejon, since the establishment of the company in 1982, there has been an average of one accident per year. While this may seem too low, it has to be noted that injuries are often the result of workers' inexperience in handling dangerous tasks leading to amputation, and even death. In 2005, a worker was killed after a half-ton roll of paper fell on his head. The reason for this, says Espejon, is that the company assigns contractual and casual employees in hazardous tasks such as operation of heavy machinery in order to avoid the higher cost that they would have to pay if a regular employee was injured.

### ***Polyresin***

The company has over 400 workers, and 214 of whom are regular workers. In order to keep the number of regular workers small, the company divides its workforce into small separate entities; United Polyresin, San Antonio Industrial Services (an agency), Soner (delivery force) and The United Polyresin (for piece rate workers).

All workers produce the same product and work in the same company, but are divided based on their status in the company. United Polyresin is the corporate entity for the regular workers, while The United Polyresin is for the piece rate workers. San Antonio Industrial Services is an agency that supplies contractual workers that do the same job as that of United Polyresin and The United Polyresin. Meanwhile, Soner is the corporate entity for the delivery force. These measures

are done in order to prevent the formation of a strong union within the company, which to a large extent proved to be quite effective.

Whilst the union is struggling with the absence of a grievance committee, failing health and safety condition, the company is also actively trying to bust the union through harassment and illegal dismissals of union members. Nine workers were forced to resign, and the union president is continually harassed through intimidation tactics. The company has also set up an internal intelligence unit among its workers known as the Peace Committee Action Group (PCAG). PCAG task is to monitor the movements of workers within and outside the company.

## **Conclusion:**

It is to be recognized that mounting pressure specifically from international community contributed a lot in the slight drop in the number of killings. This situation, underscores the necessity that efforts and campaigns at the international level with regard to state repression are sustained as there may be slowing down, but there are no indications yet that killings will stop any time soon. In fact, repression will increase as a result of several factors: mid-term national election, sustained growth in the number of people with rumbling stomachs, failure of Arroyo government to ease hunger and poverty and rapid dive of GMA and her allies' popularity. No amount of Peso appreciation could stem hunger and as politicians prepare themselves for election in May, the question of Arroyo's legitimacy will again grab the public attention. In fact, it (Arroyo's cheating her way to Presidency) must be consciously brought to the public ears, when election noise sends the majority of people in a semi-trance state.

On the negative side, as government isolation runs deeper, attacks on organized forces particularly the so-called left, that Arroyo government considers as enemies of the state will also heighten. Attacks on partylist leaders and its base mass organizations will increase in a desperate attempt to frustrate if not weaken the possibility of increased number of lawmakers from the so-called leftist partylist organizations in May election. In fact, Army troops were already deployed in various communities in NCR and major urban centers identified as stronghold of militant partylists to seek organizers and 'educate' voters not to elect Bayan Muna, Anakpawis or Gabriela Women's Party.

The challenge though, will continuously be on how to sustain the public attention at the national and international level on stopping the killings and holding the state responsible in this madness. Even in the midst of election frenzy, Arroyo government's gross human rights violations must be highlighted so that it won't get drowned by the glowing promises and dole-outs by traditional politicians.

As the year ushered in with increases in utility rates and capitalists' and Malacanang violent reactions over P125 across the board wage increase, the employed workers will be pressed further to earn more. This could pave the way, as in the previous years, for intensified labour but less remuneration and lesser complaints from workers as fear to become jobless will be more prominent and joint government and capital propaganda that wage increase causes joblessness cuts deeply into the workers' consciousness.#

*Data Sources:  
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*CTUHR field investigations and Fact-finding missions led by  
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