



## **Center for Trade Union and Human Rights (CTUHR)**

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### **Treacherous and Disquieting Industrial Peace**

TRADE UNION AND HUMAN RIGHTS REPORT

Center for Trade Union and Human Rights (CTUHR)

January 1 to December 31 2007



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ILO member countries such as the Philippines have long agreed that “freedom of association is a factor in the achievement of social justice and one of the principle elements in the achievement of lasting peace.” [ILO Introduction to the Digest and Principle of Freedom of Association 1996]

Can Filipino workers enjoy social justice when their basic organizations are drastically reduced from 12% to a mere **6.44%** [**2,331,743**] of the country’s **36.161 million** labour force in less than a decade? Does freedom of association exist when there are only **230,135** union members who are covered by Collective Bargaining Agreement (CBA’s)? Can the Filipino workers find a lasting peace in a condition where the government’s measurement of most industrially favorable, harmonious, and peaceful years in the country is the elimination of labour disputes amidst an oppressive working conditions, repressive industrial relations and violent political climate?

## Overview

The year 2007 was a treacherous mix of situations that bode ill for the workers rights and welfare. There was this glowing statistics of economic growth that did not only insult the intellect of 11 million Filipinos living on less than a US\$1 per day and 200 workers who lost their jobs daily but also stab their grumbling stomachs. Who will forget Mariannet Amper, a 12 year old school girl from Davao who hanged herself to death because her family is so poor? Parallel with this was the cash buffet in Malacañang given to governors and lawmakers to shield the President from impeachment on account of controversial multi-million dollar contracts allegedly involving members of the First Family.

Then, there’s this government who took pride in the dramatic reduction of labour or industrial disputes while at least 18 unions were busted by sudden closures to halt the CBA negotiation and union election while leaders were harassed and hunted by military in the name of counter-insurgency. As workers, and urban poor went home to what the government called squatter colonies, their dwellings were demolished, their livelihood destroyed and their children stopped schooling. There are around 35-40% of elementary students who tend to stop schooling because of poverty. In Quezon city for example, pocket-size demolitions started to pave the way for the creation of 250 - hectare Quezon city Business District that will displaced 16,000 families.

Most of all, 2007 remained a witness to a government continually mouthing human rights protection while **68** more were killed, **29**-were tortured on top of 819 victims since 2001, because they criticized and call for the President’s ouster. A government that spoke of the rule of law which even the Supreme Court ruled in various cases ... `as the government that has been found to have consistently acted in a manner contrary to the rule of law and the Constitution” [PDI,9jan08, pA6].

And often, the Arroyo government uses the law to violate human rights. In May, the Human Security Act was passed despite strong protests that the Anti-Terror Law will only exacerbate human rights violations. The law (RA 9372) aims to protect the state against terrorism – a definition of which was too broad and vague- -- but it does not speak about terrorism committed by the state and state forces.

At the labour front, still grappling from the incessant attacks that hit the workers movement in the years previous, workers trying to resist economic policies that massacre their jobs and freeze their wages found themselves the prime targets of Oplan Bantay Laya II counter-insurgency program. The Armed

**Trade Union and Human Rights Violations**  
**01 January – 31 December 2007**

Case Title	Total #	Total No. of
	Cases	Victims
<b>CIVIL &amp; POLITICAL RIGHTS VIOLATIONS</b>		
Assault on the Picket Line	5	81
Physical Assault/ Injury (includes mauling)	13	493
Illegal Arrest/ Detention (includes arbitrary and unjustified arrest/ detention)	10	74
Killing	3	3
Attempted Killing	3	4
Grave Threat	4	9
Threat, Harassment, Intimidation (includes surveillance and other forms)	28	1,236
Filing of Criminal Charges on Political Offense	4	13
Violation of Domicile	2	2
Coercion	4	15
Divestment of Property	2	9
Destruction of Property	4	14
Illegal Search and Seizure	1	7
Denial of Medical Assistance	1	1
Abduction (includes forced disappearance)	3	4
Red Baiting/ Red Tagging	6	303
Political Persecution	3	3
Indiscriminate Firing	1	60
Breaking up/ Violent Dispersals of rallies, demonstrations and mass actions	8	1,993
<b>Subtotal</b>	<b>105</b>	<b>4,323</b>
<b>ECONOMIC, SOCIAL &amp; CULTURAL RIGHTS VIOLATIONS</b>		
<b>Illegal Dismissal</b>		
Constructive Dismissal	1	1
Qualified Termination	1	16
Retrenchment/ Downsizing/Closure	9	3,166
Dismissal in labor dispute	2	300
Illegal Suspension	1	52
Discrimination on employment	3	8
Unsafe Working Conditions	1	1
Excessive Penalization	1	575
Violation of the right to receive fair wages	1	6
Insufficient Benefits	2	5,286
<b>Attacks on Workers/ Unions</b>		<b>Unions</b>
Union-busting	18	18
Prohibition of the right to strike	2	2
Workplace surveillance of union	2	2
Violation of right to organize	1	1
Manipulation/ Refusal to Bargain	4	4
<b>Other ESCR violations</b>		<b>Victims</b>
Demolition	7	452 families/2,712 individuals
<b>Subtotal</b>	<b>56</b>	<b>12,123</b>
<b>TOTAL</b>	<b>161</b>	<b>16,446</b>

-CTUHR Documentation Department 2007

Forces of the Philippines Civilian-military operations (AFP-CMO) in urban centers and industrial centers that intensified in 2006 did not only take over and paralyze militant unions such as in Console Farms, Robina Farms, (Bulacan) and Coca-Cola Bottling (Pampanga) but has spread in factories and workplaces. This is made possible in collaboration with the capitalists to stem attempts of unionization particularly by independent unions, KMU and KMU-allied unions. This includes compulsory attendance to anti-communists seminars, setting-up of intelligence teams from the workers ranks and surveillances. These moves parallel with massive labour flexibilization, strings of laws and regulations supposedly aimed at curbing disputes and maximum profits resulted to unparalleled decline of workers organizations, deepening oppressive working conditions and **1,272** cases of workers rights violations since Arroyo government took office in 2001..

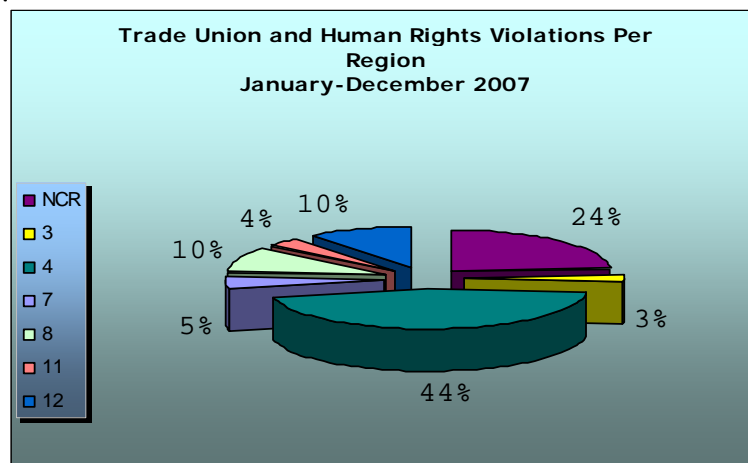
In 2007, CTUHR recorded **161** cases of human rights violations committed against **16,466** workers both from the formal and informal sectors. Definitely, this is a partial count as independent monitoring of workers rights and labor standards implementations particularly in export processing zones are almost close to impossible. The absence of workers organizations in these areas is sufficient indicator that decades long no-union, no strike policies are still aggressively pursued and implemented.

Threats, harassments and intimidation top the list of violations with 17% followed by union busting which affected 18 unions.

the attacks and tremendous hardships, resistance persists which won for the workers and the people some victories courtesy of an activist sort Supreme Court. One is the release of Anakpawis Partylist Rep. Crispin Beltran following a 16-month detention at the Crame and Philippine Heart Center on charges of rebellion after the Supreme Court dismissed the case along with other militant partylist representatives known as Batasan 5.

Second is the Supreme Court promulgation of the Writ of Amparo last October to give remedies to protect victims and their families facing threats to their lives and liberty.

## **SPECIFIC TRENDS AND PATTERNS OF HUMAN RIGHTS VIOLATIONS IN THE LABOUR SECTOR**



Since 2005, CTUHR has been reiterating that the biggest factor in the spate of killings of trade unionists and naked force inflicted on protesting and organizing workers is the Arroyo government's integration of industrial relations to the counter-insurgency operations. Despite government strong denials, this fact was not only tacitly admitted in the GRP reply to the ILRF GSP petition but advanced a notch higher. Secretary Brion's stated that labor takes prominence in the government's war against communists

because the communist movement is rooted in the labour movement. The terror that this program creates is deep and wide that even Marcos Martial Law pales in comparison.

The desperation by which the Arroyo government clings to power amidst calls for ouster also reflects in its desperation to destroy the independent and militant unionism in the country, which it considers deterrents to implementing neo-liberal policies. Workers attempts of union organizing and/or strengthening of existing unions are continually met with combined state and capital coercive measures and naked force to dissuade and eliminate resistance.

Whilst the number of new strikes remarkably decreased by virtue of miraculous government recording of organized protests and combination of stringent anti-union measures, unsettled strikes that started prior to 2007 are repeatedly harassed and assaulted, union leaders are both hounded by military intelligence agents or slapped with fabricated charges. Killings and abduction of leaders persist.

Consequently, the rights to freedom of association, to collectively bargain and to strike in the country are not only severely restricted but rapidly becoming an elusive dream for Filipino workers.

### **1. Attacks to life and liberty (killings, attempted killings, abduction and enforced disappearances)**

“The rights of workers’ and employers’ organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected.. “A genuinely free and independent trade union movement cannot develop in a climate of violence and uncertainty. [ILO CFA: Digest of Decisions 2006 paras 44 & 45]”.

Yet, the Philippine government commitment to the international principles and conventions particularly the ILO (Conventions 87 & 98) as a member country has been reduced to mere lip service or

empty image projection as the workers' exercise of this right is always marred by violence, even deaths to trade unionists.

Since 2001, CTUHR documented 86 workers and trade unionists were killed three of them were murdered this year. Nearly all of them were either organizers or leaders of KMU affiliated unions which the government tags as the 'labour arm of the Communist Party of the Philippines'. [ *Brion—Pre-hearing Brief in IIRF GSP petition*] an accusation that has been hurled by government since the founding of KMU but has not been proven in KMU's 27 years of existence. Until today, not a single case has been thoroughly investigated and no perpetrator was brought to justice.

### 1.1 Three leaders were murdered

Barely a month after UN Special Rapporteur on Extrajudicial killings, Prof. Phillip Alston visited the country to investigate the spate of political killings, **Renato Pacaide** a union and peasant leader in Digos City, Davao Del Sur was shot dead on March 2, 2007 by two unidentified assailants on board a motorcycle while he and his daughter were on their way to NAMADS-KMP (*Nagkahiusang Mag-uuma sa Davao Del Sur-Kilusang Magbubukid ng Pilipinas*) office .



Renato "Ka Atong" Pacaide

Pacaide died of four gunshot wounds from a .45 caliber pistol, two (2) in the chest, one at the back and one in the head. The wound on his right ear caused his instant death. Pacaide, known to his friends and colleagues as Ka Atong was organizing a union in the Nakayama Corp. in Digos City, Davao del Sur (Mindanao).

On July 17, **Charlie Solayao, early 50's** was shot by two motorcycle riding men in front of a parking area in Barangay 71, Naga-Naga Tacloban City. Police investigators found five empty shells and two slugs from a .45 cal. pistol at the crime scene. Solayao later died in a hospital.

Prior to his murder, his cousin, Noel Solayao, a member of the Philippine Military, visited his house and warned him that he could be killed if he did not refrain from his activities. The victim was the vice president of the fish vendors group *Katipunan ng mga Gudti nga Magtirinda* (KAGUMA) and the Vice chair of *Kadamay* in Tacloban. -- an urban poor organization who was active in the campaign against demolition of sidewalk vendors in Tacloban Market and urban poor communities in the metro. In last May election, he campaigned for *Anakpawis* partylist.

On October 13, **Antonio Mercado** the Chairperson of NFSW-FGT (*National Federation of Sugar Workers Food and General Trade*) in Barangay Salamanca, Negros Occidental was shot dead by two men wearing camouflage shorts and balaclavas while driving his tricycle in Purok Malinawon Poblacion, Toboso, Negros Occidental. The assailants shot him with .45 caliber pistol as they came close to him on their Honda motorcycle. Mercado died instantly.

As chairperson of NFSW, Mercado was active in the advocacy for improved wages, adequate benefits, medical services for and distribution of farm lots to sugar workers.

As earlier, mentioned although the number of political killings decreased not only in the labor sector but at the national level, it has not stopped. The decline could be attributed to growing domestic and international pressures that isolated the Arroyo government from the international community. In spite of these initial gains, there are no rooms for complacency as state terror intensifies.



## 1.2 Four persons abducted, one remains missing

Not only the killings of leaders persist but also abductions, which in several occasions, led to forcible disappearance.

On April 3, **Lourdes "Nanay Ude" Rubrico, 62 years old** was abducted by six armed men later distinguished to be members of the military while taking a nap in one of the benches in a shelter in Megahouse, Sta. Cruz 1, Dasmariñas Cavite.

The military brought Nanay Ude at the Philippine Air Force Field Station in Fernando Air Base, Lipa City, Batangas. In that camp she was tortured and threatened by the military. *"Inakusahan nila akong komunista. Pinipilit nilang kumpirmahin ang pagkakasangkot ko raw sa mga ilang indibidwal na sinasabing komunista. Sinabi nila na naghuhukay na sila ng libingan ko. Pinilit nilang pumayag akong maging ahente ng militar,"* (They accused me of being a communist, and they were coercing me to admit my connection with some communists. They even told me that they are already digging my grave. They forced me to work with them and be a military agent Nanay Ude said.

She was under military custody for eight (8) days, and was released only after she agreed to be a military agent. She was given a SIM card and was promised to be paid P20,000 a month and a new cellphone if she cooperated. Firm in her commitment to the poor, she did not report to the military after her release and consequently started receiving death threats for herself and her children. She was forced to flee their homes as men in motorbikes frequented her house and neighborhood. In November, Nanay Ude filed the *Writ of Amparo* at the Supreme Court in attempt to protect her life..

Nanay Ude is one of the pioneers and current chairperson of *Ugnayan ng mga Maralita sa Gawa at Adhika* (UMAGA), a federation of urban poor organizations under the *Kalipunan ng Damayang Mahihirap* (Kadamay). She has been involved in the struggle for the right to decent housing for four decades in Dasmariñas, Cavite.

Even in the so-called protected government areas, workers are not safe. At early dawn of August 6, **Aurora Afable, 42 years old and Normelita Galon (39)**, leaders of striking workers of Phils. Jeon Garments, Inc (PJGI) in Cavite Export Processing Zone (CEPZ) were forcibly taken by 10 unidentified men, hooded with balaclavas, had their faces forcibly covered with towels and were blindfolded. Tied with adhesive tape and hardly breathing they were shoved inside a vehicle and driven outside the zone passing the checkpoints smoothly. They were later dumped into a canal near a gasoline station in Bacao, municipality close to the Zone before the vehicle hurriedly left. No one was investigated about the incident despite complaints made by the union against the Philippine Economic Zone Authority (PEZA).

Phils Jeon workers had been on strike since September 2006 over protests against the company's refusal to bargain, union busting and subsequent dismissal of those who joined the strike.

## 1.3 Enforced Disappearance

Then on August 11, **Jaime "Jimmy" Rosios, 42 years old**, Board of Director of *Yellow Bus Line Employees Union* (YBLEU), Koronadal City was abducted in front of Yellow Bus Line garage by unidentified armed men who alighted from a gray Toyota Tamaraw FX without plate number. He remains missing until now.

Rosios is an active union leader of Yellow Bus Line and has been with the YBL for 16 years as a custodian, purchaser and later as a mechanic and was even given a certificate of commendation by the former Governor Larry de Pedro. At the time of his abduction, he was the spokesperson of the 140 million pesos claims filed by the union before the National Labor Relations Commission against the YBL management for unpaid overtime, wage distortion, illegal check-off, non remittances of agency fee, massive illegal suspension of officers and union members etc.

Rosios is the 5<sup>th</sup> trade union leader who was abducted, forcibly disappeared and remains missing since 2001.

#### **1.4 Illegal Detention - two union organizers detained and charged with rebellion; 52 workers of Chiyoda Integre Philippines Inc., locked in**

As labor tops the Arroyo government's anti-communist hysteria, more and more union organizers find themselves in detention, accused of being an NPA member and then charged with rebellion. It could be recalled that Anakpawis Partylist Rep. Crispin Beltran spent 16 months in detention on false charges of rebellion which the Supreme Court dismissed later.

On May 7, Vincent Borja, a Board Member of LAGPEU (Leyte A Geothermal Plant Employees Union)-PNOC-NAFLU-KMU, was nabbed by elements of the 19<sup>th</sup> I.B. in Brgy. Linao, Ormoc City, Leyte led by Col. Lope Dagoy,. He was accused of being an NPA member. Military men are not authorized by law to serve warrants and protests from the victims were simply ignored.

Borja was brought to Camp Downes, Altavista in Ormoc City and was only turned over to the police precinct on May 8. He remains in detention at the BJMP (Bureau of Jail Management and Penology) at Ormoc City, Leyte while facing rebellion and murder charges. Borja is also a National Council Member of Kilusang Mayo Uno and one of the Anakpawis leaders in Leyte.

Ricardo Bellamia, union organizer of NAFLU-KMU in Cebu was arrested on November 03, 2007 by PNP with charges of being a high-ranking NPA officer based on an alias warrant dated Nov 12 2004. Bellamia denied the PNP's accusation and stated that he only worked for NAFLU-KMU and his job is just organizing unions. He was in fact staying in Barangay Casay and he found it surprising that he was not arrested when the warrant was issued in 2004. Witnesses said that Bellamia was visible in the community and even campaigned for the candidacy of his brother Joseph, who won as the number one barangay (village) councilor in Casay in the last Barangay election held last October 29,2008.

Bellamia is detained at the Guadalupe Police Station in Cebu City.

Even ordinary workers desiring to unionize face threats. On June 20, 52 workers of Chiyoda Integre Philippines Inc. in Cabuyao, Laguna were detained for nearly six hours by the management inside the company canteen with poor ventilation and lighting, without food and without restroom to use. The management released them after their relatives and co-workers inside the zone protested but dismissed them from jobs the following day. The workers belong to a registered union who had already won the union election and who was fighting for the commencement of their collective bargaining negotiation which the management strongly refused.



On August 1, the union was forced to go on strike to defend itself halting the company's operation. After a 36-hour paralysis, the company agreed to bargain with the union, take back the 52 dismissed employees through payroll reinstatement and agreed not to take any retaliatory actions against the strikers. However, soon as the operation regularly resumed, management renegeed on the agreement and no dismissed worker was reinstated. Until the time of this writing, the company still refuses to bargain with the union.

## **2. Squeezing Further the Right to Freedom of Association and collective bargaining**

### **2.1 Assault / Violent Break-up of Picket Line and Organized Workers' Protests**

During the year under review, CTUHR recorded five (5) cases of assault at the picketline victimizing 81 workers while violent dispersal of workers' peaceful concerted actions including rallies stands at eight (8) cases affecting 1,993 workers and supporters. Majority of these cases are inflicted on workers who have been on strike for several years now.

Prominent cases are as follows:

1. Chongwon Workers belonging to Nagkakaisang Manggagawa ng Chong Won in Cavite Export Processing Zone- Rosario, Cavite, were attacked twice by heavily armed men at the picket line on June 10-11. While pointing the barrels of M16 rifles at the heads of the strikers, armed men destroyed the remaining structures of the picketline and took everything. Attempt to kill the union president and secretary was apparent and workers accounts noted that they stopped the devious move because one of the attackers reminded the others that to kill union leaders is not part of their contract.

It could be recalled that Chongwon (changed its name to C. Woo Fashion) workers had been on strike since September 2006 in protest against the company's refusal to recognize and bargain with the union. Since then, workers had suffered from multiple harassments and violence inflicted by combined company goons, PEZA police and Rosario police forces.

In June, C. Woo Fashion management filed a notice of closure citing bankruptcy as the reason. The union however, suspects that the notice of closure on alleged bankruptcy is a management calculated move to evade responsibilities to the workers.

**2.2 arrest and assault on protesting Nestle workers** – Seventy company guards and 20 LIPPAG operatives (Laguna Industrial Park Police Assistance Group) violently dispersed 300 Nestle workers belonging to UFE-DFA-KMU (Union of Filipino Employees-Drug Food Alliance-Kilusang Mayo Uno) and arrested three workers on April 23 while doing a peaceful demonstration in front of the Nestle Phils. Plant in Cabuyao, Laguna.

The workers union has been on strike since January 2002 in protest against company's refusal to bargain and include the seniority pay as matter of CBA. In the last four years, the union won two favorable decisions from the Supreme Court affirming its 1991 decision that seniority pay is a CBA matter and had in fact directed the Nestle management to return to the negotiation table with the union. The company however, refuses to abide by the decision. At least 80 union members were facing several criminal charges filed by the management. On September 2004, union president, Diosdado Fortuna was assassinated, the second union president in Nestle Philippines murdered during a strike. Complaint was filed at the Commission on Human Rights which the latter archived in 2006 allegedly for lack of direct witnesses.

### **2.3 Violent Dispersal of peaceful demonstration of Nissan Workers**

More than 40 striking workers of Nissan Motors Philippines, community members and supporting workers were assaulted by company guards and police using water cannons, during a barricade protest on September 5, in front of the company gates in Barangay Pulong Santa Cruz, Santa Rosa, Laguna. One union officer was nabbed and held by police as tensions brewed, another officer suffered bruises and cuts from truncheons and shields.

Workers were alarmed when LIPPAG commanding officer PNP Major Marvin Saro took video footages of close-up union officers' faces from a mobile phone. A union officer noted that Major Saro did not even budge when he asked if the photos are to zero-in targets for political killings?



Like the Nestle workers, Nissan Motors workers union had been waging their battle at the picketline since October 2001 over the company's refusal to recognize the union, to bargain and subsequent termination of union officers.

At the time of writing this report, workers reported that elements from 202 IB of Philippine Army are deployed in the vicinity of the Nissan union picketline and also close to Toyota Motors, a company that has been besieged by workers restiveness following the union strike in 2001.

**2.4 dispersal of PLDT workers on hunger strike** – Hundreds of PLDT workers who went on hunger strike in front of the Department of Labor and Employment office, on October 10 to protest the company mass termination were severely beaten by police, injuring seven. Seven were also arrested and released the following day.

The police accused the workers of disturbing the peace and traffic flow as they camped in front of the DOLE office and those arrested were charged for violating the Batas Pambansa (BP) 880 (the Public Assembly Act of 1985).

The protest was prompted by PLDT's termination of 575 workers and DOLE's issuance of Assumption of Jurisdiction preventing the union to strike while the company declared a lock-out. The union also demanded that terminated workers be reinstatement and end the workers' dismissals. They also complained about DOLE's position of encouraging the terminated workers to accept the management settlement offer.



Arrest and violent dispersal of striking workers of PLDT in Manila

## **2.5 Coercive measure to force union into submission**

At **Dole Philippines**- one the country's largest pineapple plantations employing around 15,000 workers, -- union has to contend with series of coercive measures by the company in what the union consider as move to force them to submit into management CBA proposals. These include, the management deliberate failure to deduct union dues and amount owed by the workers into the union's store, squeezing the union's fund to operate. This arrangement has already been part of the earlier CBA. In addition, imposition of excessive disciplinary penalty charge, illegal deduction, infringement of benefits declaring employees who had mis-swiped their ID cards as AWOP(Absence without permission), or charging them with insubordination or falsification followed by suspension or termination. To date, 575 workers had been victimized by these practices.

In November, the union vice president was terminated while the union president was slapped with charges of perjury and was issued warrant of arrest. He was forced to post bail to perform his union responsibilities.

At **Zahnfabrik Philippines Inc.** -- a dentures-producing company in Taguig, Metro Manila – management threatens to close down the factory when the 60 union members out of its 100 workers complaints about unfair labor practices.

## **2.6 Rationalizations, Closures kill unions**

Both in times of so-called economic growth and in crisis, workers and unions always bear the brunt of negative consequences. As capitalists, rationalize their operations to gain more profits and overcome their own crisis, unions and their members are the first casualties. In 2007, CTUHR documented some

3,166 workers (all are regular and unionized) were dismissed due to company closures, retrenchments and rationalizations.

In Pasig City, Union **Ajinomoto Inc.** shut down the operation of its MSG (Monosodium Glutamate) production last September 4 dismissing the 271 regular rank and file employees of the company. These workers are all members of the UAI Rank and File Labor Union.

The management alleged that the sudden closure was prompted by the company's desire to focus on sales and marketing of imported MSG products from other countries. The union however thought otherwise. They were at the beginning of a new round of CBA negotiation when the surprise decision came. The union filed an illegal closure against the Ajinomoto Corp. at the DOLE-NLRC. But the agency advised the workers to amicably settle this problem with the management.

Trade unions in **San Miguel Corporation** are decisively busted when the company rationalized its operation. This year alone, separate CBA proposals of unions from the three (3) plants (Manila Glass, Pandacan Complex, Metal Censure) of San Miguel Corp. covering more or less 200 workers were rejected by the management arguing that individual ownership of three plants were already been sold to other companies, and thus, they no longer belong to San Miguel Corp's core business. However, the workers later discovered that the companies were not actually sold but only changed their names employing mostly contractual workers.

In Primepack- San Miguel bottling plant in Cavite, 200 workers lost their jobs when the company stopped its production due to the operation of a newly built megaplant -- San Miguel Yamamura last April. The new megaplant creates the same product that Primepack is producing abolishing the necessity for Primepack. In effect, the workers of Primepack were dismissed without any assurance that they will get their benefits.

Meanwhile, while senate is yet to ratify the much-criticized JPEPA (Japan-Philippines Economic Partnership Agreement), its ill effects are now being felt by the 364 permanent employees of the **Norkis Trading Inc** in Cebu City. Norkis Trading Corp. the producer of Yamaha motors in the Philippines filed at the Department of Labor and Employment its decision to stop the operations of its production last June 12 2007. All workers are being forced to retire and had been offered early retirement packages. The management decided to shut down operation, because allowing the Japanese manufacturers to bring their finished products into the country without tariff, will definitely result into its bankruptcy.

Last October 9, 270 workers of **Davao International Transport Facilities, Inc** (DITFI) and belonging to United Workers of DITFI (NAMADITFI) found themselves thrown out of jobs following a management decision to shut down its operation in a general assembly it convened on October 8. DITFI management cited contract termination between DITFI and DOLE-Stanfilco. DITFI provides hauling services for the latter's export products and DOLE-Stanfilco is publicly-known as DITFI's principal or owner.

The workers and its union decried the company's decision as both illegal and unfair and cited the ongoing collective bargaining agreement (CBA) negotiation. The 144 rank and file workers and more than 60 supervisory personnel who walked out of that meeting were immediately barred from returning as steel bars were erected effectively barricading the company entrance. In less than a week after the 270 workers were dismissed and the union was left hanging on the air, the company resumed its operations sans its regular



Retrenched workers of DITFI barricade the entrance of the company's container yard.

workers and union. They were replaced by contract or flexible workers.

The massive dismissal of 575 rank and file workers in **Philippine Long Distance Telephone Company (PLDT)** which led to the violent dispersal was also due to so-called rationalization. Like in DITFI, these rank and file workers were replaced by another layer of contract worker from PLDT sub-contractor.

### **3. state terrorism at the workplace - Deepening the integration of industrial and labor relations into counter-insurgency operations;**

#### **3.1 Military Surveillances and Harassments intensify**

As the Arroyo government desperately fast-tracks the further opening of the country into foreign capital, militarization also intensifies. In areas where new so-called development projects like mining explorations, economic zones, industrial parks, service and commercial centers are being started, heavy deployment of military is a common sight to counter what they called possible hindrance, including opposition and protests against the project. This is a fact that was admitted in a the International Solidarity Mission in Tarlac as early as 2004 when huge army contingent was deployed to watch over the creation of a highway that will link Clark and Ologapo via Hda Luisita.

Thus, prominent leaders, activists and organizations notably trade unions opposing this economic development path have been consistently harassed and subjected to constant surveillances. Other as earlier said, were killed. Victims like Angie Ladera, the chairperson of Workers Alliance in Region III had forced to flee her home after the Luisita massacre in 2004 for fear of her life. This year, she escaped attempts to abduct her and still could not go home. Other leaders who had been included in CTUHR previous reports continue to suffer the same fate and were forced to live a life on the run.

In National Capital Region, organizers living in urban poor communities are hounded by intelligence agents. In 2007, 1,236 workers, unionists and community leaders from areas that CTUHR was able reach experienced harassments involving state forces.

Armed men from the Civil Military Operations Unit (CMO) conducted interrogation and surveillance on striking workers of Ren Transport in Tandang Sora, Quezon City. One of the leaders of *Samahan ng Manggagawa sa Ren Transport* (SMART-ADLO-KMU) narrated that since August their picketline is once or twice per week being visited by members of the military sometimes in uniform or civilian clothing and always loaded with firearms and most of the times accompanied by barangay police.

Introducing as friend of the workers and will help solve the labor dispute, the military are always asking to know who are the leaders of the union, who are the KMU organizers helping them, and their whereabouts. They are ordering the workers to abandon their picketline and not to seek help from KMU and its federations. Instead the army said that the workers must request the support of the military because they are in better position in helping them to solve their labor problems.

The workers of Ren Transport are on strike since August 2005 due to unfair labor practices and non recognition of their union.

Jose "JT" Teruel, the president of the rank and file workers union of the multinational corporation Dole, in South Cotabato was also being visited and being threatened by military belonging to the 27<sup>th</sup> Infantry Battalion of the Philippine Army. A certain Major Aguilar tried to convince JT to resign from his position as union president and ultimately stop his activities. But JT refused. Military personnel accompanied by motorcycle-riding men regularly visits JT's house looking for him, sending fear to his family and relatives.

Last October 16, surveillances resumed at the office of ProLabour Assistance Center (PLACE) in Quezon City. Unidentified suspicious looking men with bulging waists and with camera maintained a 24-hour watch at the people going inside and outside the office. For several weeks those men did not leave the vicinity.

It could be recalled that PLACE staff and lawyers noticed the first round of intensified surveillance in October 2006. The filed a complaint at the office of the Commission on Human Rights which one year after, the investigator handling the case told them that the case was still pending. No update or action on what the CHR has done was mentioned.

PLACE lawyers and staff handle more than 600 labour, criminal, civil or administrative cases often on pro bono basis. PLACE serves as counsel to the KMU and CTUHR petition to nullify the Human Security Act of 2006 filed at the Supreme Court.

### **3.2 Setting-up a military intelligence network in workplaces – an alarming trend**

Parallel with physical harassments, is the military's vilification campaign and so-called preemptive measures to weed out communists by weeding their so called fronts. The AFP's Civilian Military Operations as noted earlier, organizes workers in what they called vulnerable factories or workplaces (where KMU unions exist or brewing) into teams to spy on their co-workers or organizers and activities held. This is being done in collaboration with the capitalists, for which management is tasked to select reliable workers to be part of the team. The team is given training and anti-communist education including the Know Your Enemy, (a powerpoint presentation of around 300 slides identifying the so-called communist fronts,) Film showing tagging KMU as NPA front and some orientation courses on how to spot a communist or communist sympathizers in the workplaces. The move, an implementation of Oplan Bantay Laya II is aimed at what the AFP calls weakening the communists by weakening their legal organizations that supplies the personnel and resources for the communists.



Like its predecessor, Oplan Bantay Laya I, this counter-insurgency program created not just fear and but resulted into multiple human rights violations. It also deepens the poverty as workers and communities targeted are uprooted from their livelihood when they are forced to flee in fear of their lives.

In Metro Manila's urban poor communities for example where most workers are living, seminars are held and those who do not attend are subject to suspicion of being communist sympathizers. The compulsory attendance does not exempt those who are working. In November for instance, union members of United Dockhandlers Inc.(UDI) – a local affiliate of KMU was alarmed when they learned that CMO elements are now targeting their union. Since then, suspicious looking men are frequently seen in the vicinity of members' houses particularly those close to the port and asking about KMU and Anakpawis activities in the area. UDI together with the Association of Workers in the Port (SMP) are actively opposing the proposed port modernization plan which will displace them and their communities. (see separate report on urban militarization)

Another part of courses included in the compulsory education is a film showing. CTUHR saw the one hour & five minute film and believes that KMU's alarm is not without basis. The film led by quite well-known actors (Bembol Roco) directly links the New Peoples Army into organizing KMU unions and in instigating strikes in the cities. At the end of the film, it says that the KMU was responsible for closures and lost of jobs by 75,000 workers since 1985. The film did not show credit ratings, nor the names of the producers.



Studying the film against the backdrop of extra-judicial killings, abductions and strings of harassments, CTUHR share the alarm. All the victims of killings that the Center has investigated and documented were vilified, tagged as communists or NPA supporters before they were summarily killed. The deliberate, well-financed and well-crafted ascription of KMU to NPA activities and causes of closures and unemployment directly violates the workers right to freedom of association, as innocent workers could be dissuaded from joining KMU unions in fear that they will be linked to NPA activities.

The film is not only shown in Metro Manila but also in other parts of the country where there are union activities like union election, CBA negotiation or where workers are restless about their working conditions. This is the case in Marsman Estate Plantation in Mindanao where the military from 73<sup>rd</sup> IB PA asked the workers to watch film days before the holding of certification election. The strongest contender in the election is a union affiliated to NAFLU- a KMU labour federation. The barrage of what the organizers called black propaganda and fear of harassments cost the KMU union to lose in the election but only by small margin. Marsman is owned by Sebastian conglomerate of Marsman Drysdale, USA.

At Dole Philippines – US company in South Cotabato , at the midst of CBA renegotiation elements of 27<sup>th</sup> I.B of Philippine Army were deployed in the company premises to monitor the union activities and movements its leaders.

#### 4. Less strikes, contented workers?

The Department of Labor and Employment (DoLE) proudly states that the workplace in the country was peaceful throughout this year and more peaceful than last year. DOLE underscored that 2007 experienced only six (6) strikes, 50% lower than last year’s 12 recorded strike. DoLE Secretary Arturo Brion, added that labor disputes are being settled and already exhausted before they erupted into a strike. He also cited that decline in strikes in the country is a result of improving economy that is also beneficial to workers parallel with their maturity or willingness to settle the disputes. In a country where there are 33.33 million so called employed only 2.34 million or 7.03% are unionized. The remaining 93% of these workers are left defending themselves alone against their employers’ abuses. This does not include those unions and workers who had been busted and displaced because of intensified military operations.

Far from having benefits from so-called economic growth, the silence or the industrial peace that the government is boasting is chilling.



Inhumane work hours and wages – Minimum wage in the NCR, the highest in the country is pegged at P362/day (US\$9.00). Even in the mega-city’s industrial belt like General Luis Avenue in Calocan and Novaliches cities, workers only receive P180 – P300 (US\$4.50-7.50) per eight hours work, amount far less than the minimum. In order to earn the minimum wage, they are forced to work 12 hours a day for seven days for one month without day off. The only change they have is that every month their shift changed, one month for day and then a month of night shift.

Deteriorating occupational safety – Newspaper reports of accidents at work increased.. In non-unionized enterprises, monitoring of accidents has been proven difficult. In Primary Steel Corp, in Kaybiga, Calocan



city for instance, Rolando Reyes (not his real name), a contract worker broke his arm when a bundle of steel bars fell on his hands from a delivery truck. The agency (currently named Filipiniana as it occasionally changed its name) that deployed him in the company brought him to a doctor to bind his broken arm. The doctor advised him that he needs immediate operation to remove the blood clots inside. However, the agency asked him to sign a blank paper, which later he learned that it was a waiver on not filing any complaint against the company and agency. There is no union in the company, and everyday, accidents happen and the only thing that the worker can do is to tell their relatives about their situation. They cannot complain in fear of losing their jobs and absence of support for litigation process.

## **5. Workers and trade union movement continue to Resist**

Notwithstanding the attacks, the people and the trade union movement does not take the situation sitting down. In fact, documentation indicates that where union struggle is strong and gaining support from workers and communities, military's presence is stronger and more aggressive.

Philip Alston's report on extra-judicial killings in the Philippines published on November 28 both troubled and delighted the nation so divided by problem of spate of political killings. It has troubled even angered Arroyo government and countered the report, claiming that the president did not tolerate extra-judicial killings and values human rights in the country. The AFP also refuted their accountability to these killings and stressed that individuals belonging to AFP who are suspected of violating human rights are made available to any investigation. Executive Secretary Eduardo Ermita, in an interview attacked the report by saying that ten days in the country is too short to be able "to have a complete picture of the magnitude of the extra-judicial killings".

The United Nation Special Rapporteur described the claim of Philippine authorities that the extra-judicial killings of leftist activists resulted from the internal purges within communist ranks and called as "strikingly unconvincing." It (report) added that the Armed Forces of the Philippines (AFP) have systematically hunted down the leaders of leftist organizations as part of their counter-insurgency campaign.

Despite the expected attacks on the report, victims and their families, activists, human right advocates, members of militant groups, and other concerned Filipino citizens welcome the report as a big leap in the campaign against extra-judicial killings. To a certain extent, victims find an ally in United Nations in identifying the military, the government's counter-insurgency operations as responsible and the culture of impunity which enabled this to happen.

Prompted by growing pressures, Mrs. Gloria Arroyo, through Administrative Order No. 211 dated November 26, Arroyo created a new task force that according to Secretary Ermita will "stem the tide of killings or violence". The task force is headed by Justice Undersecretary Ric Blancaflor. However, as experiences in the past, these Malacanang reactions are only good as articles on the papers, nothing more.

At the labor front, the Kilusang Mayo Union (KMU) complaint at the ILO last November 2006 received favourable recommendations, which include among them, the sending of high level ILO delegation to the Philippines to investigate the killings but also the massive violations of internationally accepted labour standards. The Philippines, an ILO member and signatory to hosts of ILO conventions, incessantly refused to have the ILO fact-finding mission.

In the US, if the Senate investigated the political killings and expressed their serious alarm, members of the US State Department and Department of Labour and Employment visited the Philippines to look into the rights violations against workers. The move is in line with the Petition for Review of US trade benefits accorded to the Philippines filed by the Washington-based International Labor Rights Fund (ILRF). The petition was first heard on October 5 and another review is requested pending the Arroyo government's compliance to the UN and ILO recommendations.

## **Conclusion:**

The right to humane conditions at work, right to fair wages and benefits, right to job security, freedom from compulsory labour, right against discrimination, freedom of association, collectively bargain and to strike, right to self-determination are not just legitimate demands of workers and the trade union movement, they are internationally recognized rights that should be enjoyed by everyone regardless of any country's level of economic development. It is the obligation of the state to ensure the enjoyment of these rights.

Yet, contrary to what it pledged to implement, the Arroyo government did not just condone the violations of these rights but systematically aid and strengthen the crushing of these rights through Oplan Bantay Laya I & II counter-insurgency program. The tagging of unions and workers as communist fronts had proven deadly but the government pursues the operation relentlessly particularly in areas where foreign capital and interests are significant. The setting up of military intelligence network in workplaces will not only dissuade KMU organizers and unions, it will dissuade unionism at all. This is a dangerous tack for the Arroyo government to take, not only because it destroys democracy and legal structures but it constricts the space and alternatives for workers to air their grievances. Most importantly, this will not eliminate the government so-called insurgents or communists in the labor movement, this will only create more exploited workers against undeterred capitalists abuses and later more rebellious workforce.

History has proven too that industrial peace anchored on oppressive and repressive mechanisms is temporary, so as the state that perpetuates them. It was Marcos Martial law which recruited thousands of unionists, activists and rebels until its downfall. It was also Estrada's total war against insurgents parallel with its corrupt practices and debilitating economic hardships that also led to its ouster. The Arroyo government, with its popularity ratings dropping regularly, and its growing isolation in the international community because of gross human rights record must learn its lesson.

So as the workers and trade unions who had been uprooted from work and busted, they too will find inspiration in the history to find their strength again to resist, to survive and to win back their gains forcibly taken from them.#

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### *Data Sources:*

*Karapatan  
CTUHR Field Investigations, Interviews  
PAMANTI  
Kilusang Mayo Uno  
Nonoy Librado Development Foundation. Inc*

*Workers Assistance Center  
Major Broadsheet Newspapers  
AHRC (Asian Human Rights Commission)  
DOLE (Department of Labor and Employment)  
ALMMA-Bulacan*