



In the Claws of Tyranny
Intensified Human Rights Violations,
Widespread Poverty and Heightening Resistance

A CTUHR Summary Report on the State of Workers Rights under Duterte Administration

(May 2018)

Genuine Change! Promise that is crystal clear for millions of Filipinos that prompted them to junk the common traditional politicians in 2016 and embraced Rodrigo Roa Duterte as the President of the Republic of the Philippines. His assumption to power earned him the attention of both critics and supporters all over the world.

Gone are the promises that he will eliminate the illegal drug within three to six months to protect the children and the future of this country; address the problem of criminality and corruption; End all forms of contractualization of labour; release all political prisoners; pursue the peace talks by addressing the root cause of armed conflict to achieve a lasting peace. He did say that he will kill criminals and those involved in drugs.

Two years in office, what has been fulfilled zealously is the killings of poor drug dependents and peddlers, while drug problem persists unabated. The situation of the poor which he pledged to improve worsened, while he did not blame his immediate past regime, his administration took note of its corrupt practices as what critics considered as both exaction of elitist justice and revenge. Corruption runs deep in its own backyard, though unpopular appointees involved in alleged graft and corrupt practices are fired. Administration's policy critics particularly over its aggressive pursuit of neoliberal economics, its alarming record of human rights violations are attacked in different fronts. Even Constitutional bodies like the Commission of Human Rights, Ombudsman that are not in sync into current policies are undermined, the latest of which is the Supreme Court, paving the way for a complete tyrannical rule. The illusions of positive change are gone. Paradoxically, the President's popularity though dove several notches is ably preserved albeit temporarily by its hardest core of supporters using the technology in astute way and their blind following as a sort of guaranteed ticket to longer years of political career.

The country now has a government whose reference for governance falls within the framework of strong-man rule, of rule by law, of admin-controlled Congress, of force and intimidation with no regard for the poor, a government worst than the past regimes, functioning along the interests of foreign dominant countries and corporations. A President who cursed the poor, and wished them died or killed. On the other end, this is administration that continues to shower the Armed Forces of the Philippines and Philippine National Police (AFP or PNP), with perks, higher pay and privileges despite evidenced-based accusations of human rights violations, consequently deepening the culture of impunity.

The administration is continually waging three deadly wars: War on Drugs, War on Terrorism and War on Insurgency. Estimates placed the number



of people killed in the regime's vicious war on drugs alone at 13,000, most of whom were from poor families. There are about 141 victims of political killings 28 of whom are from the workers ranks. Human rights organization, KARAPATAN recorded

242 frustrated killings and 297 illegal arrests under the Duterte administration counter-insurgency programs.

The regime also intensified its war on terrorism, but what has been achieved was not the destruction of the seeds of terrorism but the complete destruction of the beautiful and progressive city of Marawi in Mindanao. Under the pretext of neutralizing the local terrorist group led by the Maute brothers and Isnilon Hapilon, Duterte regime declared and extended Martial Law in the entire Mindanao, despite the military statements that the Maute group is only concentrated in Marawi City. Thus for five (5) months, the military blasted the city with bullets and bombs that caused 426,590 individuals to flee.

The effect of Martial Law is deeply felt in Mindanao, from homes to workplaces, with the military justifying their intensive operations causing serious harms on the safety and security of people, including their livelihood.

The administration also intensified its counter-insurgency operations, Oplan Kapayapaan, aimed at eradicating the revolutionary forces under the Communist Party of the Philippines – New People's Army – National Democratic Front of the Philippines (CPP-NPA-NDFP). However, military operations target are not the combatants but communities resisting destruction and extraction of resources, land grabbing to pave way for expansion of agribusiness plantations and mining on one hand, and workers fighting for wages and security with their unions on the other. They are harassed and forced to surrender as New People's Army rebels even if they have nothing to do with them. More fatal military's responses to resistance are political killings, bombings and forced evac

uations of civilians in the countryside and filing of trumped-up charges against human rights defenders, inside and outside Mindanao.

Growth for a few, joblessness and poverty for the majority

This first quarter of 2018, Philippine economy was reported to post 6.8% growth, the fastest in Asia. Paradoxically, administration's economic managers also admitted that the inflation hiked, from basic commodity prices that the TRAIN law, a new tax law which took effect on January 1, 2018, pushed and continually pushing. Inflation hits the poor hardest, as TRAIN law did not benefit but plunged them into deeper poverty. Companies, local or MNCs citing the TRAIN law, begin cutting their workforce, Coca-cola for instance, has announced that it will cut 600 workers from its workforce to cut costs.

If indeed there are beneficiaries of the growth, it is the 40 richest families in the country. Among them are Henry Sy of SM, John Gokongwei of Robinsons and Cebu Pacific, Lucio Tan of PAL and PNB, Enrique Razon of ICTS, George Ty of Metrobank, Zobel de Ayala of BPI Bank ang Ayala Malls. The total income of 25 of these families amount to the total income of the 70 million poorest families. They benefit the most from the infrastructure projects or Build, Build Build of the Duterte regime.

On the other hand, the Filipino majority do not enjoy or even felt the supposed economic growth. Government data shows that unemployment rate remains high at 5.6% (July 2017). This is higher than the 5.4% in 2016. The Social Weather Station (SWS) surveyed revealed that adult joblessness as of September 2017 was at 18.9%, equivalent to 8.7 million unemployed people aged 18 years old and above.

There was token wage increases indeed, but providing no relief to the empty stomachs of the poor. The Wage Board granted daily wage increase of Php16 (US\$0.31) in Central Luzon, Php25 (US\$0.48) in CARAGA, Php21 (US\$0.41) in Metro Manila among others amidst the strong opposition against the proposed compressed workweek. The bill which was railroaded in Congress on September 2017 will ditch the 8-hour work by lengthening it to 12 hours for four day a work week. The wage increase barely compensated the rising cost of food, transportation and other basic commodities caused by rising inflation rate which stood at 3 % and now increased to 5.0%.

While the blind supporters of the Duterte administration continue praising his actions, the number of poor Filipinos continue to increase. SWS survey noted that in the last quarter of 2017, 47% or 10.9 million families consider themselves poor. This is higher than the 42% or 9.4 million families who

considered themselves poor in 2016.

Attacks on jobs and livelihood of the poor persist. In the name of modernization promoted by capitalists and corporations for instance, 200,000 operators and 600,000 jeepney drivers are bound to lose their source of living. The government is pushing for the replacement of the traditional jeepneys with modern e-jeepneys to be manufactured by Toyota and Mitsubishi Motors. The drivers and operators strongly opposed the plan and successfully paralyzed major routes when they held their 2-day transport strikes against the jeepney phaseout. Transport workers organization (PISTON) Secretary General was arrested and detained. President Duterte cursed the protesting drivers in response.

Woes of the poor did not stop. To finance the infrastructure projects, Congress railroaded the Tax Reform for Acceleration and Inclusion (TRAIN) Law in the guise of showing “malasakit” (concern) for the people. PDuterte and his economic managers claimed that the TRAIN Law is their Christmas gift to the workers and employees, as it was supposed to increase their take home pay and did not say, that it will trigger pay increases. The minimum wage earners, those in the informal sector and the unemployed are not covered by exemption as they are already tax exempt. Apart from these, higher taxes imposed on petroleum products, sweetened beverages and other basic commodities as mandated by tax law were passed onto consumers, absolving the corporations from its negative effects. If there is so-called reforms as officially claimed, it was when the President was forced to award the urban poor members of the group KADAMAY, the idle housing units they occupied last March 2017 pushed by the huge public pressure. The regime also passed the Free Education Act of 2016 granting Free Tuition Policy for Tertiary education in public colleges and universities. It must be noted that pressure from the ground created these positive changes and not the charity of administration. They are the concrete fruits of the arduous and different forms of struggle of the people.

Human Rights Violations on the Rise, 28 workers and labor rights defenders killed

From June 2016 to March 2018 (first quarter of 2018), 28 workers primarily from the agriculture and informal sectors were extrajudicially killed. The figure has since doubled from 14 workers who were killed in Duterte's first year in presidency.

Attacks on workers' and trade unions, intensify

The Duterte administration miserably fails to promote the rights and welfare of workers as attacks on workers and trade unionists continue to intensify.



fy within his two years in office. CTUHR has documented 345 cases of reported workers economic, social, civil and political rights under Duterte administration. It has also documented 133 cases of civil and political rights violations victimizing 3,345 workers and unionists. These include cases of extrajudicial killings mentioned above, arbitrary arrests, harassments, physical assault and filing of false criminal charges. Currently detained and falsely

accused of murder is labor organizer Maoj Maga who was picked up by police while playing basketball and later charged with murder in a province in Mindanao that he has not been since birth. Arrested also is urban poor and housing rights defender Ruby Lacadman.

Tagging unions and unionists as 'communists' and thus 'terrorist'

The War on Terror compounded by counter-insurgency operations fatally damaged the labour sector. Since the unilateral cancellation of peace talks on November 2017, President Duterte and the Armed Forces and police completely unleashed a war against its critics notably the human rights movement, trade unions, farmers and indigenous poor. The administration labelled them as communists fronts, rebel supporters and thus they are terrorists. These are actually the very same labels that previous regimes hurled onto people's organizations that had caused tremendous human rights violations, including extrajudicial killings (EJK). The UN Special Rapporteur on EJK, pointed out that government counter insurgency program were the main cause of thousands of activists, unionists, human rights defenders killed during then Arroyo administra

tion.

At the labour sector for instance, President Duterte's labeled the Kilusang Mayo Uno and other progressive organizations as "communist fronts" placing trade unionists and workers asserting their rights as open targets of military operations.

Cases of red-tagging/red-baiting, harassment and intimidation against trade unionist and labor activists persist. As of March 2018, 22 cases of red-tagging involving 809 victims; 8 cases of arbitrary arrests (98 victims); and 25 cases of threat, harassments and intimidation with 358 victims are recorded by CTUHR.

Cases that can be cited are banana plantation workers in Compostela Valley (Mindanao) who were tagged as supporters of rebel New People's Army. The military asked them to surrender or run the risk of being killed. Members of local trade unions from Sumitomo Fruits Co, Shin Sun Tropical Fruits and Freshmax banana plantations are all affiliated with KMU.

CTUHR also received reports that 26 individuals in Southern Tagalog, including 4 active members of Organized Labor Association in Line Industries and Agriculture (OLALIA-KMU) were issued subpoena by Provincial Prosecutor of Laguna on February 5, 2018 over frustrated and attempted murder in connection with the alleged firefight between state army and NPA rebels outside the province.

Violations of Freedom of Association, much bolder

The administration does not have patience to workers and the poor reclaiming their legitimate rights through organising and collective actions. In nearly two years of administration forty seven (47) cases of violation of Right to Freedom of Association and of expression affecting 9,919 workers are recorded by CTUHR. These include non-recognition of union, union-busting, harassments of unionists, overt and covert state and employers' interference in union affairs, prohibition of the right to strike and other forms of violence in the workplace. An additional 12 cases of violation of Collective Bargaining Agreement and other CBA-related issues affecting 2372 workers.

Three cases of violent strike dispersal were documented by CTUHR. On May 28, 2017, five days after Martial law declaration in Mindanao, combined elements of 66th Infantry Battalion of Philippine Army, PNP Compostela Valley and goons, raided the workers strike at Shin Sun Tropical Fruits- a banana plantation in Compostela Valley. Fifteen workers and supporters were injured and 12 were arrested and detained including Vicente Barrios of KMU Southern Mindanao, himself a worker from SUMIFRU- a Japanese huge multinational banana plantation in Mindanao. Security personnel also dispersed the strike at Manila

Cordage Corporation and Manco Synthetic Incorporated (MCC-MSI) inside Carmelray Park – a special economic zone in Calamba, Laguna last September 22, 2017. The workers had been on strike for a year when the company shut down its operation following the Department of Labour and Employment decision ordering the former to regularize its workers in 2016. MCC-MSI, an American company ran away, escaping from its responsibilities from workers.

Last December 7, the Philippine Economic Zone Authority (PEZA) security police and security guards of Lakepower Converter Inc—an electronics company—violently dispersed the strike, majority of whom were women inside the Cavite Export Processing Zone (CEPZ) in Rosario, Cavite. Two women workers were seriously hurt.

76 Workers died in 9 recorded workplace fires and work accidents

Workplace conditions did not improved as promised. Seventy six (76) workers died, 56 of whom died in workplace fires in multinational companies registered under Philippine Economic Zone Authority (PEZA). The latest case was the death of 38 employees, 37 were call center agents in SSI compan inside NCCC Mall in Davao City – Dutertes homeground last December 23. The building is also under PEZA, i.e. has difficulty for even authorities to penetrate Local government unit DOLE etc, without explicit permission from PEZA and its locator companies.

JUSTICE



**FOR
38 NCCC MALL
FIRE VICTIMS!**

It can also be recalled that on February 1, 2017, nearly 3 days of fire gutted House Technologies Incorporated (HTI)—biggest factory CEPZ, Rosario, Cavite. Five were declared dead in hospital, but a 44-member National Fact Finding Mission led by CTUHR noted that 728 workers were unaccounted and believed to have died in the fire that HTI, PEZA and Cavite local government kept secret. (<http://ctuhr.org/hti-nffm-final-report/>)

Meanwhile, 38 workers were also killed, including 13 employees Resort World Manila in Pasay City from suffocation and absence of proper exits

when the hotel was set on fire by a drunk gambler who lost in the casino hotel. Until at present, no one was held accountable for the deaths. The Occupational Safety and Health Bill remain pending in Congress, even if the latest version was so waterdown, as it removed penal provisions, and kept administrative penalties only for negligent companies that resulted in deaths.

Failure to end contractualization

Duterte's promise to end contractualization remained an empty words and then a token Executive Order issued last May 1, 2018 that contains nothing new, in lame attempt to pacify the rising protests against contractualization, but also failed. DOLE

itself acknowledged that 54% of 31,277 companies employing 20 workers or more admitted that they sourced their workforce from manpower agencies. The Department of Labor and Employment (DOLE) prided to have around 300,000 workers who became regular since the issuance of Department Order 174 in 2017.

The DOLE however, did not say, how many companies complied to its order and indeed granted regular or permanent status to its workers. Often, the company immediately terminate the services of manpower agencies, thereby terminating the workers hired through agencies. CTUHR interview with workers at Clark Freeport in Pampanga and First Cavite Industrial Estate (FCIE) in Cavite (North and South of Manila respectively), contrary to DOLE's in fact claim, those who are considered regular are permanent under manpower agencies and not under the principal companies (where workers are directly working) which has direct control, ownership and supervision on employment relations and as



signments in each operation. Examples of non-compliance to the order are the cases 24,340 workers ordered regularize by DOLE but defied by 19 companies in Laguna (province south of Manila such as Nexperia Semiconductor (former NXP), Tanduay, Takata, Yazaki Torres, Proctor and Gamble (P&G), Dong InTech K1 (600 workers) in Bataan and CTPCM Corp (mining corp with 1,000+ workers) in Surigao del Sur.

Strikes and Unified protest against contractualization, Winning some of the Demands

As President marked its 2nd labour day, he was greeted with the biggest united protest over his failure to deliver his promise to end contractualization. May 1, 2018 signal the first united collective action of all trade unions of all colors and leanings in the country in one huge protest since 1986. The Executive Order issued by the President on the same day, angered rather than tempered the labour sector more, as they considered deceitful as it intended to tame them. It says nothing, while passing the buck to Congress, to address the problem of contractualization.

Prior to this, even when workers were still hopeful and hanging to his promise, contract workers launched their strikes to claim what was promised to them. Fifteen workers strikes were recorded, a departure from 2 – 4 strikes in the past administration.

Southern Mindanao recorded the highest number of strikes particularly in banana plantations in Compostela Valley like Shin Sun Tropical Fruits, Musahamat Farms and Freshmax. Workers at Sumitomo Fruits Company also staged their general strike against union busting, attempt of management to pay them by piece (piece-rate) instead of daily and illegal dismissals. In 19 hours of strike, they won their demands and stopped the management attempt of implementing the piece-rate system. In CALABARZON, to strikes were recorded in Nestle, Lipa, Batangas and Lakepower Converter Inc in CEPZ, Rosario, Cavite. Teachers and non-academic employees of Siliman University, Dumaguete, Negros Oriental held their strike over CBA Deadlock and in Capiz, truck drivers stopped working to protest union busting and unfair labor practice. Apart from strikes, other forms of collective actions were also held in front of the office of DOLE in Intramuros, Manila. Examples are protest action of call centers agent of SITEL, Baguio city versus planned mass termination. As a result, the local government of Baguio supported the call center agents and also called for their employment protection.

Sporadic protest actions were also launched challenging the Duterte administration answer to end the contractualization. Immediately after DOLE

issued Department order 174 or DO 174, to take the workers hired through agencies as regular workers unionists and contractual workers in Coca-Cola plant in Sta.Rosa, Laguna demanded the implement of DOLE order, installing 800 out of 1000 contractual workers as regular. Same with Nexperia. Miners from Mindanao also trooped to Manila demanding the same.

Defense of human rights

In December 2017, workers, trade unions and their allies formed the Workers Resistance Against Tyranny and for Human Rights (WRATH)- a broad network (CTUHR is one of the convenors) working and calling to defy crackdown on human rights and people's rights organizations. Various actions, coalitions, networks and platforms at the national and international level were also formed in defense of human rights and human rights defenders in the Philippines.

All these seemingly sporadic protests which began, soon as President Duterte dilly dallied on his promises, culminated in a mass demonstration of hundreds of thousand workers, people from different sectors all over the Philippines in May 2018. The administration seems dismissive of critics at national levels, but it cannot ignore that dissatisfaction is growing, despite surveys that the President remains popular. Social media and technology have to be credited for this so-called popularity, whether imagined or real. No less than the Presidential palace acknowledges that Facebook for instance, had and continue to play an important role in the country's political landscape.

Amidst the uncertainty and risks that human rights movement is facing as well as the risks they pose against human rights defenders, the people will assert their rights. As survivors of Martial Law have said several times, they survived Marcos Martial Law, and the unified resistance of the movement at the local and international level, will bring the Filipinos everywhere to survive and defeat attempts to destroy the democratic gains won by the movement.



VICTIMS OF EXTRAJUDICIAL KILLINGS IN THE LABOR SECTOR

June 2016 - March 2018

No. of victims per region:

| | |
|-------------------|-----------|
| Central Visayas | 5 |
| Davao | 5 |
| Western Visayas | 4 |
| NCR | 4 |
| ARMM | 3 |
| CARAGA | 2 |
| CALABARZON | 2 |
| Iloilo | 1 |
| Northern Mindanao | 1 |
| Cagayan Valley | 1 |
| TOTAL | 28 |

♀ 6 victims were women



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The **Center for Trade Union and Human Rights (CTUHR)** is an independent non-governmental organization based in Quezon city, Philippines, engaged in documentation & monitoring of human rights violations committed against workers. It conducts research, information and supports advocacy campaign for workers' rights promotion and protection.

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