

Presentation in the Inquiry of Philippine Commission on Human Rights regarding human rights violations against Human Rights Defenders

Daisy Arago, Executive Director,
Center for Trade Union and Human Rights (CTUHR)
10 September 2019

Magandang hapon po at maraming salamat po sa pagkakataong makapagpabahagi.

For the last three years, the Philippines consistent landed in the top 10 worst countries for workers and trade unionists according to [ITUC Global Index report](#). The Committee on Application of Standards of the International Labour Organization's (ILO) previous conferences had already expressed deep concern on the continuing violence, harassments and extrajudicial killings of workers and trade unionists, especially in connection with the implementation of this administration's war on drugs. In ILC 108th session from June 10-21,2019, the CAS, in fact called on the Government to accept a High-level Tripartite Mission before the next International Labour Conference and elaborate in consultation with workers' and employers' organizations, a report on progress made for the transmission to the Committee of Experts by 1 September 2019.¹

Violence against human rights defenders in the labour sector however, is not new. It is a continuing attacks on workers' trade union rights and civil liberties that started since Marcos Martial Law. Rights that are guaranteed in ILO Convention 87 & 98 which the Philippine is a signatory. For instance, 105 trade unionists, organizers and labour leaders were extra-judicially killed and were not served justice during Arroyo's nine- year administration particularly when that administration labelled the unions and legitimate peaceful strike as factory terrorism that shutdown factories and workplaces on September 22,2002.²

CTUHR monitoring and documentation note that today's violations against trade unionists and advocates are far more comprehensive, brutal and systematic than the previous administrations. They [human rights violations] come from all sides, from laws, regulations, pronouncements to practices, [formal and informal] by the state and its machineries that embolden further the companies and corporations to commit violations with impunity. Corporations became so powerful that they violate the laws and get away with it.

1. The government's prioritizes and protects the business interests over workers' welfare, dislikes unions, while continue to fail in its promises of ending Endo system and implement the national minimum wage.

The situation in the past rings back on how trade unionists and labour advocates are treated today. Even before if Mr. Duterte, then mayor of Davao city before he was elected President of this country, he called on labour sector to the shock of labour groups, to give the country a ten-year break from active unionism or he will have to kill its members.³ He did kill and still killing. On August 2018, e hresounded his hatred of unionism, he blamed the labor strikes for factory closures and the decline in

1 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:3962740

2 https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2910475

3 <https://www.gmanetwork.com/news/news/nation/554914/duterte-upsets-labor-groups-after-threatening-unions/story/>

foreign investments. Duterte said that laborers don't go on strike in China⁴ which is untrue. Wildcat strikes particularly in the Southern part are held despite the government and its union crackdown. He then singled out a particular union, the Kilusang Mayo Uno (KMU).

Mr Duterte's dislike of unions and workers' strikes resulted in 45 unions busted (June 30-Dec2018), and 14 violent dispersals involving the combined forces of Philippine National Police (PNP), military, goons and company guards.⁵ Amongst these, the violent dispersal of strikes at Coca-cola Cebu and Davao, Shin Sun Tropical Fruits & SUMIFRU in ComVal, Middleby & Pepmaco in Laguna. The most brutal attacks were inflicted against the workers strike of NutriAsia Marilao, Bulacan where 43 unionists and supporters were arrested on July 6, and July 31, 2018 and then slapped with various criminal charges. They were released temporarily after posting bail. But three unionists, including a pregnant woman while at work in different establishments were re-arrested on March 2019, detained for more than a week and released only after posting bail again.

Similarly, 17 NutriAsia Cabuyao, Laguna union members, 14 males, 3 females, including the union President, who are on strike, were arrested while cooking breakfast at the picketline by PNP Cabuyao, and still detained in Laguna BJMP last July 6,2019. They were charged with arson, illegal detention, grave assault, resisting arrest, etc, like many other trade unionists arrested during the strikes.

Unlike the claim of Mr Duterte that workers don't want to work, they just want to strike, and that these workers are used by communists⁶, these trade unionists were demanding the implementation of DOLE order that they be regularized by the companies they were working. It was a result of using the law, DOLE Order 174, limited it may be, that DOLE issued last March 2017 to claim what had this government already re-affirmed that the agencies employing them were engaged in prohibited practice of labour only contracting.

Labour leaders and organizers or workers attempting to organize unions are subjected to surveillances, harassments, intimidation, some were even extra-judicially killed. Reports from Northern Mindanao reaching CTUHR note that advocates and organizers are scared to attend the hearings at DOLE as military sits in the hearings.

2. Duterte's combined wars, war on Drugs, War on Terrorism and counter-insurgency Oplan Kapayapaan/Kapanatagan have created havoc on human rights defenders

When Duterte unleashed its war on drugs and Oplan Tokhang, trade unionist and organizers were also not spared. Francisco Guevarra, a PLDT union board member was gunned down in busy street of Caloocan last July 12,2017 after he reported to the police station supposedly to clear his name. He refused to provide the police a list of drug addicts in his barangay, as he was not aware of any. On August 8, 2018, Butch Rosales, a CTUHR former fulltime staff and labor organizer at Mactan Export Processing Zone all his life was shot on back of his head, killing him instantly, while on board a jeepney by an assailant who acted as passenger. The manner by which they were murdered resembled the thousands of mostly poor people killed during Oplan Tokhang.

⁴ <http://nine.cnnphilippines.com/news/2018/09/12/duterte-labor-group-kmu-investor-strike-economy.html>

⁵ CTUHR documentation of naked attacks of workers strikes involving PNP and military elements in different parts of the country (as July 2019)

⁶ <https://www.philstar.com/headlines/2018/09/13/1851209/dont-demonize-striking-workers-duterte-told#muF0Rjo8WG5OYLCm.99>

The spaces by which the people's organizations' critical of government policies became so narrow that even as early as 2016, organizers and leaders were murdered. Merly Valgun and Dorie Mallari, Chairperson and Vice Chairperson of Annex Vendors Association- KADAMAY Cavite, were both brutally killed in the public market of Trece Martinez Cavite on the night of October 16, 2016. In the morning of that day, the association's officers had a meeting for a planned protest actions the following day (October 17) over the order to close down the public market.

In 2016, alone, just six months of the regime, already six (6) people were murdered, from organizer, union officer to officer of informal workers' associations.

Performing the responsibilities of labour rights defenders and trade unionists from Mindanao were even more difficult. When Martial Law was declared allegedly to neutralize the terrorists in the region, the trade unionists found themselves at the center of the attacks. In Compostela Valley, soldiers of 66th IB hound active unionists, visit their houses, violently broke the Shinsun Tropical Fruits workers' strike and told them that in Martial law, no Labor Code is in effect.

Since February of last year, militarization of workplaces became common, unionists were forced to surrender as NPA rebels, and were told to stop their activities, otherwise, they risk not seeing their friends any more. Soldiers from 66th IB and 71st IB-PA became much bolder when Executive Order 70 or the whole of nation approach of 'ending' insurgency was issued by Duterte. This red tagged several organizations and terrorized those on the ground. In Mindanao alone, CTUHR documented five (5) victims of extra-judicial killings who were from Southern Mindanao including Reneboy Magayano, a labor leader and chair of Maragusan Workers' Association, who was shot by suspected military agents from 66th Infantry Battalion on September 18, 2017 while buying fish in a market, in Maragusan town, Compostela Valley. In CARAGA four (4) were murdered including Linus Cubol, former president of Manila Mining and organizer when he was killed on November 27, 2018. Attempts on the life of three unionists were also documented. In Bukidnon, a report of attempted abduction of two union officers from Rubbertex Plantation Inc an affiliate of ALU-TUCP was also reported.

The various human rights organizations and workers unions that are targeted by Martial Law in Mindanao led us to believe that Martial Law was really meant to paralyze the legitimate peoples organizations, especially trade unions and labour organizers from performing their work as rights defenders while leaving the agribusiness and mining transnational corporations, to operate, and expand in an exploitative manner harmful to the people and to the environment.

In Negros, this kind of situation is even worsen not just by EO70 but also Memo 32⁷ and Oplan Sauron. As of July 2018, 19 sugar workers and officers, themselves organizers of NFSW were extra-judicially killed. Some of the victims were Ronald Manlanat a member of the National Federation of Sugar Workers- Hacienda Joefred Chapter in Barangay Luna, Sagay, Negros Occidental. He was gunned down last February 22, 2018 while working in the fields by unknown assailants around 5:00 am. Another NFSW leader, FELIPE DACAL-DACAL from Escalante, Negros Occidental, who was shot on June 7, 2019. Before his death on June 8, 2019, he was able to identify while he was in the hospital fighting for his life that a certain Farlon Astro Farjardo (Mr), alleged Phil Army intelligence officer, shot him.

⁷ Memorandum 32 is an executive order issued by the President to increase military deployment 'allegedly in rebel infested Negros, Samar and Bicol

This places the number of victims of EJK to 43 workers and human rights defenders, 13 victims were from the agricultural sector, 12 victims in non-agricultural sectors and 17 were innocent workers who eked out a living when they were killed in the course of the current administration war on drugs, war on terrorism and counter insurgency operations.⁸ It must be noted that the highest number of victims were from the regions under Martial Law or where counter-insurgency operations are raging and where workers are most restless, particularly in the transportation sector led by PISTON chapter officers and members.

As Annex to this statement, we are furnishing the Commission a copy of full list of EJK victims and other naked attacks against the trade unions.

Victims were all shot down and most mostly by unidentified men on motorbikes and affiliated to the progressive organizations that are labelled as 'reds'. Like in the past administrations, no perpetrator was apprehended.

Apart from the EJK, reports from Migrante International that EO 70 was also implemented in other countries where there are Filipinos. This is the FIRST TIME that a counter-insurgency program was applied to migrant workers. In a raw video sent to MIGRANTE Intl, certain Mr. Campos, 2nd secretary of the Philippine Embassy in Saudi Arabia, accompanied by military attache (Filipino) are touring around international schools in Damman and Bahrain and tagged KMU. GABRIELA, MIGRANTE, ANAKBAYAN as terrorist organizations. This has sent shivers among migrants who are Migrante members and Migrante local chapters because in Saudi Arabia terrorism is punishable by death.

Having said all the above, we are forwarding the following recommendations:

1. To support and call on the government to accept the ILO tripartite hi-level Mission that will investigate the strings of labour rights violations as decided by the international Labor Conference this June;
2. To help create an enabling environment for workers to exercise their rights to freedom of association and collectively bargain as enshrined in the ILO C87 and C98.
3. To call on all state forces and the President to stop blaming, villifying and busting the trade unions as a way of keeping and attracting foreign investments;
4. To call on companies and state forces to stop in a strike interventions with or without the request of parties in dispute and abide by the guidelines that police and military stay 50 meters away from the picketlines;
5. To act on the complaints filed at the CHR by the trade unions and come out with speedy resolutions;
6. To help in immediate release of all detained trade unionists and labour rights defenders (particularly the Nutri 17 workers) and all the political prisoners
7. Stop the filing of criminal charges against those unionists especially arrested in labour dispute related cases;
8. To call on the government to halt militarization of workplaces as part of its so called national security measures that threatened workers, unionists and their communities;

-end-

⁸ CTUHR documentation –HR violations in Duterte's Three years in power