

COMPLAINT
Of
KILUSANG MAYO UNO LABOR CENTER
("KMU")
Against The
GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
("THE GOVERNMENT")
To The
COMMITTEE ON FREEDOM OF ASSOCIATION

I. The Nature of the Complaint

This is a complaint for violations of ILO Convention 87 on Freedom of Association, specifically on Articles 3 and 5, and on ILO Convention 98, on Right to Organize and Collective Bargaining against the Government of the Republic of the Philippines which ratified both Conventions.

The acts complained of include killings, grave threats, continuous harassments and intimidation and other forms of violence inflicted on leaders, members, organizers, union-supporters/labour advocates of trade unions and informal workers organization who are actively pursuing their legitimate demands at the local and national level. Data gathered indicate that these violations are widespread and systematically committed directly and indirectly by government agencies, instrumentalities, and officers in the current civilian government and/or in the military including their agents which to a large extent effectively crushed a number of existing labor and informal workers organizations, and if not stopped will dramatically weaken the country's trade union movement.

These acts are being committed by the Government of the Republic of the Philippines, represented today by Pres. Gloria Macapagal Arroyo, in pursuance of its neo-liberal policies of deregulation, liberalization and privatisation which gravely affect the working people. The Arroyo government is implementing a cheap and docile labor policy to attract foreign investments in the country at the expense of its workers.

In concrete terms, the acts complained of include, among others, the following:

- 1) Summary killings of 64 trade union leaders, members, organizers and union-supporters and informal workers as the height of the government's scheme to prevent the workers and informal workers from exercising their freedom of association and their right to organize and collectively bargain.
- 2) Abduction and enforced disappearances of trade union leaders, members, organizers and union-supporters and informal workers committed by elements of the military and police, not only to intimidate and/or terrorize the workers and informal workers from continuing their economic and political activities, but to ultimately paralyze and render the union or organization inutile.
- 3) Harassment, intimidation, witch-hunting and grave threats committed by the military and police forces against trade union leaders, members, organizers and union-supporters and informal workers.
- 4) Militarization of work places in strike-bound companies or where a labor dispute exists between management and workers and where existing unions or unions being organized are considered progressive or militant, by means of establishing

- military detachments and/or deployment of police and military elements under the pretext of counter-insurgency operation.
- 5) Arrest and detention of and subsequent filing of criminal charges against trade union leaders, members, organizers and union-supporters and informal workers due to their involvement and active participation in legitimate economic and political activities of the trade unions and informal workers associations.

These acts directly contravene to the existing provisions of the ILO Conventions

"Article 3, Conventions 87- Freedom of Association and Protection of the Right to Organize; Article 63 of C110 – Plantation Convention, 1958

1. *Workers and employers organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes.*

2. *The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof."*

"Article 5, Conventions 87- Freedom of Association and Protection of the Right to Organize

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 11 - Conventions 87- Freedom of Association and Protection of the Right to Organize

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Article 1 - C98 Right to Organise and Collective Bargaining Convention, 1949

1. *Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.*

2. *Such protection shall apply more particularly in respect of acts calculated to--*

(a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;

(b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union

activities outside working hours or, with the consent of the employer, within working hours.

The 1987 Philippine Constitution affirms these rights and categorically provides that the workers shall be entitled to the right to self-organization; the right to collective bargaining and negotiations; the right to strike and to engage in concerted activities.

This is clear from Sec 3, Art XIII thereof which states:

“Sec. 3. The State shall afford protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work and a living wage. They shall also participate in policy and decision-making process affecting their rights and benefits as may be provided by law.”

The right to form labour unions and other forms of organizations is also guaranteed by Sec. 8, Article III of the Constitution:

“Sec 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.”

It is within this context that the Kilusang Mayo Uno Labor Center (KMU) is filing a formal complaint to this Honourable Body so that it can make appropriate actions and recommendations relative to the matters of the complaint.

II. The Complainant

This complaint is being filed by the Kilusang Mayo Uno Labor Center (KMU) to the Committee on the Freedom of Association of the International Labor Organization (ILO).

The Kilusang Mayo Uno Labor Center or KMU is a labor center in the Philippines representing more or less 300,000 members all over the country. Founded on May 1, 1980, it has eleven (11) national federations and two (2) mass organizations of informal workers under its wing. It has local unions as members in the industrial, service and agricultural sectors. It may be served with notices and other processes of the Honorable Office of the ILO through its legal counsel, PRO-LABOR LEGAL ASSISTANCE CENTER, at No. 33-B, E. Rodriguez Avenue, Quezon City, Philippines.

With permission, we have extensively used the documentation made by the Center for Trade Union and Human Rights, Inc (CTUHR) - an independent, non-stock, non-profit, non-government organization established in 1984 by group of religious, labour advocates and trade unionists that specializes in monitoring and documenting trade union and human rights violations committed against workers (both formal and informal). For many years, it has already established its credibility and has participated in most hearings, meetings and discussion on workers rights and pertinent laws. In the

conduct of fact-finding and investigations of reported incidents of violations particularly involving KMU unions, as well as human rights and documentation training, KMU often seeks the services and assistance of CTUHR. For purposes of filing this complaint, and other similar legal actions that the KMU will undertake in the future, and in pursuit of justice to the victims of violations, CTUHR has generously agreed to use its documentation and studies as references.

III. The Context

The right to self-organization provided for under Art. III and Art XIII, Sec 3 of the 1987 Philippine Constitution means that the rights of workers to organize, or join unions of their choice could not be thwarted.

In practice however, the workers exercise of those rights has proven to be not as easy as the letters of the law. Combination of factors such as flexibilization of labour, stringent legal requirements for union registration and recognition and the employers' calculated move to frustrate union organizing, such as summary or constructive dismissal of union officers and active members and closures, to name a few, have to a great extent barred the growth of trade unions in the country. In the last five years, KMU alone has lost 30 unions with an estimated total membership of 20,000 from factory closures at the time when the union was either being organized, or a CBA was being re-negotiated. In our monitoring of these companies, we have learned that they resumed operation hiring new workers after several months. This is a tragic reality that was excessively used by both employers and government in negative way, to malign and accuse the KMU as responsible for factory closures.

The process of union organizing starting from petition for certification up to union recognition, in itself is a labyrinth. But even a victory in the certification election is no guarantee that the union would be recognized or be declared as the sole and exclusive collective bargaining agent or could reach past submission of proposal for collective bargaining. To cite a classic example:

Prompted by unbearable working hours (36 hours straight) without day-off, impossible quota (1,800 sacks per day/worker at P250 daily wage), dismissal of workers due to pregnancy and marriage and unsafe working condition, 270 workers of 370 workforce of Sackline Industries in Valenzuela city organized Nagkakaisang Manggagawa ng Sackline (NMS; United Workers of Sackline)- Independent but with progressive and militant orientation. It took them nearly four years of painstaking and discreet organizing before they were able to register NMS on April 2001. In fact, several times it changed its officers as the capitalist dismissed the suspected pioneers.

On October 2001 however, the management fired 170 workers who were NMS officers and active members. The union did not declare a strike at first, and hold on to the ongoing negotiation mediated at the NCMB-DOLE. At the initial round of negotiation, the management argued that the company has an existing union and a CBA, and that NMS is barred from negotiating a new CBA. The argument was junked as workers found that the union said to be existent was a hoax. Two months later, the Sackline management announced that it was closing down.

The union declared a strike effectively paralyzing the company's operation until jeeploads of Valenzuela police and scabs tore down the picketline, injured six workers and arrested two strikers. A regular entry and exit of vehicles carrying scabs as replacement followed and the company resumed its regular operation sans its former regular workers particularly NMS members.

What angered the NMS most was not the resumption of production at what they knew was Sackline Industries, but the realization that Sackline Industries changed its name into Zack Packaging Inc. after they filed a notice of strike. Technically and legally, the action not only separated them from Sackline but also obliterated the responsibility of Sackline management as it ceased to exist. It was the same tactic that the management did when workers at Manchester Industries started organizing union in 1997. Manchester later became Sackline Industries in 1998 and the case filed against Manchester was reduced to legal garbage.

With conciliation hearings at the NCMB-DOLE not moving since 2001, the remaining union members opted to file illegal dismissal case at the National Labor Relations Commission- (NLRC) in 2005 [NLRC-NCR Case# 00-1210714 Ma. Ligaya Placiente et, al.. Illegal dismissal] Until now, no decision has been made yet.

In addition, an unwritten policy of no-union and no-strike, especially in the export processing zones and industrial enclaves where foreign investors are concentrated remains widely practiced.

Thwarting union organizing is further made easier by widespread practice of labour flexibilization. Locally known as contractualization, this scheme seriously undercuts both the constitutional rights of workers to security of tenure and economic benefits but also the right to self-organization. Legally aided by the Department of Labor and Employment (DOLE) guidelines such as Department Orders 10, and 18 (18-02 & 18-03), these Orders effectively allow contractualization of labor and provide employers the legal leeway to skirt the workers' rights to regular employment status while keeping the workers wages at the barest minimum and without benefits. Under the guise of completion of job contract, re-structuring or down-sizing and/or company's cost-saving mechanisms, the guidelines similarly allowed workers termination from their jobs anytime. Thus, the desire to keep their jobs and fear of being dismissed practically prevent the flexible workers (trainees, casual, probationary, apprentice, on-call, back-up, reliever, project worker, temporary, *pakyaw*, etc) to exercise their right to freedom of association, to organize and to collectively bargain or simply to demand the implementation of labor standards.

Despite the odds, a significant section of the workers including those belonging to company-organized unions continue to assert their rights to form independent unions, while others affiliate themselves to KMU. Their efforts however are met by outright dismissal of union leaders and active members and company-instigated petition to cancel the union registration. This move virtually paralyzes the union in its formative stage. In various documented cases, this condition prompted budding unions to launch concerted actions including strike in protest against union busting, only to face another stage of complex legal and political battle.

In companies where disputes are either brewing or consummated into strike, and if in the opinion of the DOLE Secretary, these companies are indispensable to the national interest, the Secretary, by virtue of Article 263 (g) of the Labor Code of the Philippines, as amended, can assume jurisdiction of the dispute and order the union who filed the notice of strike, even *motu proprio*, to desist from launching any concerted action or strike, or to immediately end the strike if one has already been started. Non-compliance to the AJ together with its accompanying Return to Work Order within 24 hours would risk the strike being declared ILLEGAL, as well the loss of employment status of the officers who led the strike including those who defied the return to work order. This order can even be issued by the DOLE Secretary without hearing and even without resolutions to the matter of the disputes.

Union defiance to the AJ, has resulted to police and military's violent dispersal of strikes. In Hacienda Luisita, in Tarlac for example, enforcement of AJ order claimed the lives of at least seven strikers and seriously injured 70 workers and supporters. CTUHR, in its position paper to the hearing of the Committee of Labour and Employment by the House of Representatives, as per its extensive documentation, held that cases of AJ issuances and enforcement, castrate union, perfect the union busting or push unions to accept an otherwise unacceptable compromise in exchange for survival. Very few had in fact survived.

Nearly all the unions that are able to withstand the companies' calculated moves to bust and attacks unions accompanying AJ to a certain extent, and/or continue to launch concerted actions even outside the picketlines in local and national level, are unions affiliated to KMU or unions, though independent share similar progressive and militant orientation with KMU. This has given the Arroyo government a convenient excuse to tag the KMU unions as factory terrorists and communist fronts.

In a speech before newly-elected barangay officials in Sta. Cruz, Laguna on September 22, 2002, Pres. Gloria Macapagal Arroyo said in part:

“Let us fight against criminals, gambling lords, drug lords... and those who terrorize factories that create jobs...” [underscoring supplied]

The speech, an obvious reference to militant trade unionism, immediately saw the strikes at Nestle Philippines, Nissan Motors, a host of companies in Laguna’s several economic enclaves harassed and dispersed violently by composite forces of Special Action Forces (RSAF), PNP regulars and private guards.

KMU’s local union members and sympathizers are terrorized, harassed and intimidated, and the name of KMU is demonized in order to create fear amongst workers, its leaders are tailed, some fortunately escaped attempts in their lives, others were killed. In this country, to be labeled as communist is tantamount to having a death warrant.

Despite the workers’ distrust to the existing justice system, the workers particularly KMU members and sympathizers have worked hard to help establish the Anakpawis Partylist (Party of toiling masses) in 2004. KMU unions embraced as one of its tasks the organizing and strengthening of Anakpawis Partylist, so their demands for reforms particularly on across the board wage increase could be brought to the halls of Congress. Many KMU leaders at the local, regional and national levels accepted key responsibilities in the political party in an effort to bring trade unionism into new heights. The effort paid off, with Anakpawis getting two seats at the House of Representatives. One of them is Rep. Crispin Beltran, currently KMU’s Chairperson Emeritus, who bannered the KMU and workers demand for wages and the repeal of Article 263 (g) amongst others and was bestowed the most consistent outstanding Congressman for four straight years.

KMU provided the flesh to the many resolutions and bills filed by Congressman Beltran. Like other conscientious critics of the Arroyo administration, Anakpawis Partylist is also tagged as a communist front and is subject to government’s counter-insurgency operation or OPLAN BANTAY LAYA (Operation Freedom Watch), thereby registering heavy losses in its leaders and organizers. Rep. Beltran -- a long-time KMU leader and labor veteran – was subjected to an illegal warrantless arrest last February 25 and remains in detention despite local and international protests.

Similarly, KMU continuously finds itself attacked in every counter-insurgency documents, assemblies, forums, media blitz and activities that the Philippine National Police and Armed Forces of the Philippines (AFP) hold and conduct in areas where KMU union organizing is expanding. KMU finds itself in the AFP’s ‘Know the Enemy’—a CD containing powerpoint presentation listing nearly all progressive legal organizations, as communist fronts and targets of military operations under the Oplan Bantay Laya (Operation Freedom Watch) – Arroyo government’s national counter-insurgency program.

The whole gamut of Oplan Bantay Laya, in its concept and implementation essentially eliminates the distinction between the exercise of the workers legitimate rights and the acts perceived by the state as threat to its security and deterrent to foreign investment. Thus, union organizing to launching concerted actions in pursuit of improving wages, benefits and job security to achieving meaningful reforms, as embodied in the Constitutions and ILO Conventions, are treated under Oplan Bantay Laya as inimical to state security. Lamentably, this virtually places every individual, every worker, every unionist and every union leader as open targets of this militaristic madness, resulting not only to strings of violations but further degradation of workers economic, social and political condition.

III. Specific Complaints

1) **Summary killings of 64 trade union leaders, members, organizers and union-supporters and informal workers, most of whom were KMU members, as the height of the government’s scheme to weaken the country’s trade union movement**

For workers to be able to effectively pursue and get a meaningful result on their demands for better wages and benefits, job security and other economic and political benefits, it is necessary that they organize their unions or associations, get them recognized and sign a collective bargaining agreement (CBA). To a certain extent, it is also necessary that in between processes of organizing a local union to signing a CBA, they bring their local issues into the public consciousness through networking, alliances, lobbying, and common advocacies including concerted actions. However, the Arroyo government's answer to these legitimate actions is rampant repression.

A report released by the Center for Trade Union and Human Rights (CTUHR), an independent, non-government organization documenting and monitoring human rights violations committed against workers and trade unions, concluded that Arroyo surpassed the record of her predecessors in terms of trade union rights violations. From 2001 to September 30, 2006, there were 410 cases of violations victimizing 30,825 workers. **(ANNEX A1 - Copy of CTUHR Battered Bodies, and Crushed Rights: State of Workers Rights under GMA's five year administration, ANNEXA2 – Updated Report on the Trade Union Rights violations)**

The summit of these violations are the unprecedented rise in the number of trade unionists, organizers, leaders, union-supporters and informal workers killed in the last five years in the course of their union activities or in the case of ordinary workers, while they were protesting an illegal dismissal case.

Most of these union leaders and organizers belonged to the KMU unions or its regional and provincial chapters and/or Anakpawis party list whose main tasks include organizing workers. Prior to their murders, they reported surveillances and threats from suspected military intelligence forces. **(ANNEX B - Full List of trade unions, organizers, leaders and informal workers killed from Jan 20, 2001 – September 30, 2006, summarized account of incidents)**

Notable cases are:

1. Felipe Lapa, 49 years old, union president of Milagrosa Farm Workers Union – NAFLU-KMU, in Nagcarlan, Laguna, killed by CAFGU- paramilitary group on 25 October 2001 several meters away from his house. The day before he was killed he collected food supplies (meat, sweet potato) from the union members and sent this food support to the striking workers of Nissan Motors Corp, in Sta. Rosa, Laguna. As union president, he was elected community leader, and his advice often sought by residents. Prior to his death, he has been warned by CAFGU, to stop supporting union activities and for several occasions accused of being an NPA supporter. **(ANNEX C1 – Copy of Certification from Liliw Municipal Police Station – Police Blotter of Felipe Lapa's Case; ANNEX C2 – Lapa's Death Certificate)**
2. Nenita Labordio – member of Samahan ng Manggagawa sa Footjoy Manufacturing-Independent, Marilao-Bulacan. Although not affiliated to a labour federation, the local union is member of KMB or Kilusan ng Manggagawa sa Bulacan (Bulacan Workers Movement) - a provincial workers alliance under Workers Alliance in Region III- KMU regional chapter. Labordio died when a company truck overran her at the picketline on December 2002.
3. Angelito Mabansag - KADAMAY organizer from Tondo, Manila, was killed near his house in August 2003 by SPO4 Bartolome Tupaz of PNP anti-terrorist group. KADAMAY -- an organization of informal workers and urban poor is an affiliate of KMU.
4. Samuel Bandilla, 40 years old, KMU organizer in Tacloban, Leyte, Eastern Visayas, and at the same time, Anakpawis leader, shot dead by unidentified man on motorbike on his way home after speaking in front of striking workers of Metro Tacloban Water District, on May

4, 2004. (ANNEX D- Factsheet entitled: Summary Execution of Labor Leader in Tacloban city, Philippines)

5. Seven (7) Victims of Hacienda Luisita Massacre, November 16, 2004, during the most violent and bloodied strike dispersal in the post-Marcos era, committed by composite forces of Philippine Army and Phil. National Police as an implementation of the Assumption Order issued by then DOLE Secretary Patricia Sto. Tomas. The strike was jointly led by the United Luisita Workers Union or ULWU-NLU (the farmworkers' union) and Central Azucarera de Tarlac Labor Union – CATLU (the mill workers' union). ULWU and CATLU, though not affiliated to any KMU federation, are in fact members of Workers Alliance in Region III - KMU's regional chapter. (ANNEX E - COMPLETE FACTS AND CHRONOLOGY OF THE CASE ARE HEREBY ATTACHED)

- 5.1 Jesus Laza, 34 years old, male, farmworker and an active member of United Luisita Workers Union (ULWU), sustained two gunshot wounds in the chest.
- 5.2 Jun David, 28 years old, farmworker since he began working and an active member of United Luisita Workers Union (ULWU), sustained gunshot wound on the shoulder that penetrated downward to his left lung.
- 5.3 Adriano Caballero, 23 years old, male, part-time caddie at Hacienda Luisita Golf and Country Club and supported the strike. Sustained a gunshot wound on the chest that penetrated and lacerated his left liver, stomach and heart.
- 5.4 Jhaivie Basilio, 20 years old, male, worker of Central Azucarera de Tarlac, member of CATLU, sustained gunshot wound on the left buttocks and on the chest that penetrated his left lung and the base of his heart.
- 5.5 Jaime Pastidio, 46 years old, male, farmworker and ULWU member, sustained a gunshot wound in the mandibular area lacerating the neck and his left carotid artery and vein.
- 5.6 Juancho Sanchez, 20 years old, male, son of retrenched farmworker of HLI and a jeepney driver, sustained gunshot wound at left pelvic area that penetrated his stomach. His family supported the strike that his father, a unionist actively participated.
- 5.7 Jessie Valdez, 30 years old, male, farmworker of HLI and ULWU member. He sustained gunshot wounds on the right thigh but brought by the Army to the military camp instead of hospital. He died of severe blood loss.

Congressional and Senate Inquiries were done on the incident. The House of Representatives through the Committees of Human Rights, Labour and Employment and Agriculture concluded in part,

....."The Committees have arrived at the conclusion that human rights violations were committed against the striking workers of Hacienda Luisita by the elements of the Philippine National Police and the Armed Forces of the Philippines, including the officers and the staff of the Department of Labor and Employment. Hence it is imperative that the officers concerned be held responsible directly or by reason of command responsibility for the said acts after proper investigation has been concluded"..xxx

A copy of the Full Report, including ANNEXes is hereby attached and marked as **ANNEX F- ENTITLED: COMMITTEE REPORT 1658**

6. Abelardo Ladera, male, 45 years old, Tarlac city Councilor, supporter of Hacienda Luisita strike, killed on 3 March 2005 and the only motive known was his strong support to the strike and for pushing for the investigation of the Hacienda Luisita Massacre at the Tarlac City Council.

7. Fr. William Tadena, 37 years old, priest from the Iglesia Filipina Independiente, supporter of Hacienda Luisita strike, killed on 13 March 2005 immediately after he celebrated mass in his Church and called on parishioners to donate rice and goods to the striking workers of Hacienda Luisita.
8. Edwin Bargamento, male, 46 years old, National Federation of Sugar Workers (NFSW-KMU) Regional Executive Committee Member. He was murdered on 13 April 2005, sustained 22 gunshot wounds, on his way to a friend's house after attending series of labor protests in Bacolod City, Negros. Prior to his murder, he received threats from members of RPA-ABB, an armed group linked to the Armed Forces of Philippines (AFP), asking him to stop his NFSW organizing in Negros Occidental.
9. Mario Fernandez, 22 years old, National Federation of Sugar Workers (NFSW-FGT-KMU) organizer, killed on 10 June 2005 in Silay City, Negros Occidental by suspected elements of Regional Mobile Group of Philippine National Police. The only possible motive known was to create an atmosphere of intimidation against organized masses who are set to join the June 12 Day of Mourning rally. **(ANNEX G1 - G9 - ILSM PHILIPPINES REPORT, FACTSHEET, SWORN STATEMENTS, PNP BLOTTER).**
10. Manuel Batolina, 50 years old, married and a resident of Hacienda Sangay, Barangay Purisima, Manapla, Negros Occidental. He was the National Federation of Sugar Workers president and organizes several haciendas in Manapla. He was killed on 13 June 2005 by unidentified armed men who opened fire at him while resting inside his nipa hut, killing him instantly. Prior to his murder - on the account of his daughter Laura Batolina at the Commission on Human Rights (CHR) – he has received threats from RPA-ABB to stop his NFSW organizing in his area. **(ANNEX H- Printed news report of Ryan B. Lachica of Bulatlat.com, an online magazine)**
11. Antonio Pantonial, National Federation of Sugar Workers in Negros, killed on 6 July 2005. Incidents surrounding Pantonial's murder resembled that of other NFSW organizers/leaders killed before him.
12. Diosdado Fortuna, president of the Union of Filipino Employees at Nestle Philippines, who led the workers strike since January 14, 2002. He was also the chairperson of PAMANTIK-KMU and chairperson of Anakpawis Partylist in the region. He was shot and killed on 22 September 2005, sustaining two gunshot wounds that pierced through his lungs. Prior to his death, he reported constant surveillances since their strike began. He was the second Nestle Union president who was killed during the workers strike. Meliton Roxas, his predecessor, was killed in front of the picketline in 1989. Fortuna was elected union president a year after. **(ANNEX I1-I4 - Fact-Finding Mission Report on the Killing of Diosdado Fortuna, Sworn Statement of Luzviminda Fortuna - his wife, Fortuna's Death Certificate, Factsheet of Diosdado Fortuna)**
13. Victoria Samonte, female, 50 years old, president of the Andres Soriano College Employees Union, Vice-Chairperson of KMU-CARAGA region, killed on 30 September 2005. Her active involvement in different organizations as a long-time trade union leader was the only motive seen in her murder. **(ANNEX J – Fact-sheet on the Details of Samonte's murder)**
14. Ricardo Ramos, male, 47 years old, president of the Central Azucarera de Tarlac Labor Union (CATLU), killed on 25 October 2005, inside a bamboo hut by unidentified armed men believed to be led by Sgt. Castillo and Sgt. De la Cruz of the 7th Infantry Division, Philippine Army. Ramos was a leader of the strike and at the time of his murder, he just finished distributing to the union members the unpaid wages they won during the strike. **(ANNEX K1- K3 -- Factsheet of Ricardo Ramos' Killings, Autopsy report, Certificate**

of Death)

15. Ramon Namuro, AJODOM-PISTON-KMU member, killed on 15 October 2005 by a Guardian (paramilitary group) member, who wanted to take control of the jeepney terminal managed by the association.
16. Federico de Leon, 53 years old, married with four children, tricycle driver, Spokesperson of the Bulacan Confederation of Operators and Drivers Association (BCODA-PISTON-KMU) and Chairperson of Anakpawis Partylist in Bulacan. Died from three gunshot wounds fired by unidentified man and woman acting as passengers and who asked to be specially driven by De Leon in the afternoon of 26 October 2005. De Leon was a well-known transport worker leader and was active in the protest actions against oil price hikes and other government regulations affecting tricycle operations in the area. **(ANNEX L - Factsheet of Federico de Leon case)**
17. Florante Collantes, former president of Ford Philippines union, used to work in Bataan Export Processing Zone, one of the organizers of the Workers Alliance in Region III- KMU and assigned in Hacienda Luisita and at the same time, BAYAN MUNA coordinator in Camiling, Tarlac. Shot while tending his sari-sari (retail) store by gunmen who posed as customers on 15 October 2005. According to his wife,-- Adelia Simon-Collantes, it was the second attempt to kill her husband, the first that failed was in 1985 when he was still organizing workers in Bataan Export Processing Zone. Adelia Collantes, although gave an oral statement, politely refused to execute an affidavit as of this writing as they remain in the same house where her husband was killed. **(Annex M – ILSM Central Luzon report)**
18. Crisanto Teodoro, former organizer of Association of Democratic Labor Organization – KMU, organiser of several transport workers associations in Bulacan and chairperson of Bagong Alyansang Makabayan - Malolos, Bulacan when he was killed on 9 Mar 2006. Teodoro was a key person in many protest actions held by transport workers in Bulacan against oil price hike. **(Annex N – CTUHR Factsheet on the killing of Crisanto Teodoro)**
19. Tirso Cruz, Board Member, United Luisita Workers Union (ULWU), killed on 17 Mar 2006, sustained nine gunshot wounds. Prior to his death, he was organizing and managing the cutting of sugarcane in his barangay, as part of the gains of their strike. **(ANNEX O1, - English translation and copy of the original Sworn statement of Federico Cruz, father of Tirso Cruz, ANNEXO2- death certificate)**
20. Leodegario Punzal, informal worker, labor and community organizer and local leader of Anakpawis in Norzagaray, Bulacan, killed on 13 September 2005 in his home while doing his job as artist (making streamers, signages, t-shirts etc), The second bullet hit him while being cuddled by his crying mother. In an oral testimony by his mother and witness to the incident, Maxima Punzal, 70 years old, affirmed that her son did not have a known personal enemy and she only knew that he has been helping many people in their community.
21. Rolando Mariano, male, married, former president of TARELCO 1 workers union, was an active union officer and community leader of Bayan Muna at the time of his murder on 7 Oct 2005. Following his murder, his family moved out of Tarlac in an undisclosed place here in Metro Manila and thus, getting a written testimony was proven difficult. **(ANNEX P1 - Detailed account on the killing of Rolando Mariano; Annex P2 – CTUHR Factsheet).**
22. Dante Teotino, union member of Schneider Packaging Corporations, in Kaybiga, Kaloocan city, shot and killed by security guards on order of the management to shoot the striking workers protesting underpayment of minimum wages on 13 September 2005. **(ANNEX Q1 - Factsheet of Dante Teotino case)**

23. Noel Daray, contractual worker of WL Food Inc, Valenzuela city, killed by company security guards when he protested his being dismissed illegally on the night of December 2005. Witnesses to the incidents refused to give detailed accounts for fear that they will be dismissed from their jobs or killed.
24. Roberto Dela Cruz, 43 years old, male, former driver of Tritran Bus company, board member of Workers Union of Tritran, vice-chairman of Alyansa ng mga Manggagawa ng Bus Company (AMB; Alliance of Bus Workers) and member of Anakpawis. Shot dead by motorcycle-riding men inside his eatery on 25 Jan 2006. Prior to his death, he has been pursued by military agents and was accused of helping the New People's Army. Few days before he was killed, De la Cruz presented himself to the Intelligence Service of the Armed Forces of the Philippines (ISAFP) to clear his name. **(ANNEX R1-R2- ILSM Factsheet on the Summary Execution of Roberto Dela Cruz, Certificate of Death)**
25. Paquito Diaz, 44 years old, regional chairperson of the Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE-EV) based in Tacloban, Leyte, was murdered on 06 July 2006. Prior to his murder, he had a long record of involvement in union struggles in various government agencies in the region. **(ANNEX S, KATUNGOD –SB Factsheet on the Killing of Paquito Diaz)**
25. Ronald Adrada, male, KADAMAY-KMU, killed by Philippine National Construction Corporation (PNCC) highway patrol allegedly due to illegal vending on 24 September 2005.
26. Nilo Bayas, male, vice-chair of *Samahan ng Mag-uuling sa Bulacan* or Association of Charcoal Makers in Bulacan) and member of Anakpawis, killed on 17 July 2005 allegedly by members of military.
27. Albert Terradeno, president of the DAR Employees Association in Abra and member of COURAGE, killed on 29 November 2005. Terradeno is a known trade union leader/organizer of government employees
28. Other names of workers, trade unionists, organizers and informal workers who were killed allegedly by PNP or military elements but motives were quite difficult to establish are contained in **ANNEX B**.

Politically-motivated killings have in fact claimed more than 750 as of end September 2006 nationwide.

As regards the manner by which the victims were killed, 98% were gunned down by motorcycle-riding men wearing either ski masks or helmets -- an apparent deliberate design to make them practically impossible to identify. Initial investigations revealed that most of the cases were premeditated, i.e. victims were under surveillance by suspected elements of the Armed Forces of the Philippines (AFP) or Philippine National Police (PNP) before their deaths.

Alarmed by this heightening human and trade union rights violations in the country, the Ecumenical Institute for Labor Education and Research (EILER), the Center for Trade Union and Human Rights (CTUHR) and the Alliance of Concerned Teachers (ACT) spearheaded an International Labor Solidarity Mission (ILSM) from April 30-May 8, 2006. The mission aimed to investigate the spate of trade union killings and violations in the country. Thirty (30) international delegates from 12 countries participated in the ILSM and went to four areas in the country – Central Luzon and Southern Tagalog in Luzon Island, Negros in Visayas Island and Compostela Valley in Mindanao Island.

At the end of the mission, the ILSM, in its public presentation of its findings noted in part:

"...ILSM noted with alarm and condemnation that the number of killings has substantially increased under the Arroyo government, that the "violation of labor rights and human rights in the Philippines is systematic and nationwide in scope" and that "the rampant attacks on workers are meant to create an environment of fear". (ANNEX T - Copy of ILSM Full Statement of Unity)

In a similar manner, an Amnesty International (AI) report on political killings in the Philippines issued on August 2006 has concluded that "the attacks are not an unconnected series of criminal murders but constitute a politically-motivated pattern of killings". Expressing its grave concern "that members of the security forces may have been directly involved in the killings, or else have tolerated, acquiesced to, or been complicit in them," AI recommended that "...investigations must then lead to the arrest, prosecution, conviction and punishment of the perpetrators" in order to stop the culture of impunity in the country. **(ANNEX U - downloaded copy of the "Philippines: Political Killings, Human Rights and the Peace Process" (AI Index: ASA 35/006/2006)**

Meanwhile, in a letter of concern dated 11 July 2006 and sent to Pres. Arroyo, the International Confederation of Free Trade Unions (ICFTU) said "the violation of trade union and democratic rights directed against workers and their leaders in your country is of very grave concern and has captured the attention of the international trade union movement." It noted that "the number of labour related killings in the Philippines now places it in a similar category to Colombia...The Philippines appears to be heading rapidly towards second place." **(ANNEX V – Copy of ICFTU letter to Pres. Arroyo, downloaded from the ICFTU website)**

Apart from the three international bodies, a growing number of international organizations including trade unions, human rights groups and churches expressed grave alarm and concern over the spate of extra-judicial killings and the prevailing climate of impunity in the Philippines and have condemned the killings and the government's complicity or inaction against this systematic campaign.

In an attempt to temper the international pressure and protests, the Arroyo government was forced to create Task Force Usig and later the Melo Commission to look into and solve these cases of extra-judicial killings. The public particularly the victims received the Task force and the commission with a grain of salt, and in fact question its integrity. Military men or personalities known to be allies of the Arroyo government form the two bodies.

To date, not a single perpetrator was apprehended in spite of strong indications that these killings, abductions and disappearances were the handiwork of either police, military or their agents. Worse, perpetrators like Major Gen. Jovito "The Butcher" Palparan, accused of being the brains behind many of these killings, has been showered lavish praises for his "good work" further reinforcing the culture of impunity. **(ANNEX W - clippings on Pres. Arroyo's speech during the State of the Nation Address, July 24, 2006)**

With political killings still unresolved and the prevailing culture of impunity, even ordinary Filipino citizen including workers are open targets of killings regardless of motives. On September 30, 2006, six (6) workers from Ken Dragon Enterprises in Bulacan, Central Luzon were massacred and their bodies were dumped in Caloocan City in the National Capital Region. A joint fact-finding team by CTUHR and KMU indicate that at least the two bodies that the team was able to see bore severe marks of torture apart from gunshot wounds. Interviews with relatives revealed that they believed that police forces are also involved in the killings apart from the barangay captain (village chief) that the police identified as perpetrators. Investigations revealed that the workers were nabbed from a bar at around 11:00pm after an altercation with the barangay chief, who was also at the bar, then shoved in a vehicle that witnesses did not say was heading. Two hours later, gunshots were heard in a subdivision in Caloocan City, and their dead bodies were discovered between 5:00-7:00am of October 1.

2) Abduction and enforced disappearances of trade union leaders, members, organizers and union-supporters and informal workers committed by elements of the military and police.

The CTUHR has recorded 22 cases of abduction and enforced disappearances victimizing 52 unionists and union-supporters from Jan. 20, 2001 to June 30, 2006. The bulk of the cases occurred in 2005 (8 cases) and 2006 (10 cases).

One of the prominent cases in 2005 was the disappearance of Perseus Geagoni, an organizer of the National Federation of Sugar Workers (NFSW) in Negros. Geagoni was last seen in the evening of 5 Dec 2005 when he followed up organizational matters in Bacolod City. Prior to his disappearance, he reported being tailed and that two unidentified individuals suspiciously asked of his whereabouts. A military man relayed that a group of 30 intelligence operatives led by 1st Lt. Clarence Garrido of the 11th Infantry Battalion under the supervision of Visayas Military Intelligence Command were responsible on Geagoni's abduction. Geagoni remains missing up to this day. It is highly believed that the motive behind his abduction was related to his work as an organizer in the sugarcane areas and peasant communities and his involvement in progressive organizations critical to anti-people government policies. **(Annex X1 – X4 – ILSM Factsheet on the case of Perseus Geagoni; Complaint-Affidavit and Supplemental Affidavit of wife Nieva Geagoni; Affidavit of Thadea Vivero, aunt of Perseus Geagoni; news clippings on the abduction of Geagoni)**

In this year alone, partial data gathered by CTUHR from January 1 – October 23, 2006 show that there are 10 cases of abductions involving 57 victims. Of the 33 victims, 11 remain missing, 1 found dead and 21 were returned to the family, 4 handed-over to the Philippine National Police and were slapped with fabricated criminal charges. Summary of accounts and victims are as follows:

Date/Time	Place	Perpetrator	Account of Incident	Victims Profile	Status
1/8/2006; 10:00 AM	Ormoc, Leyte	8th Infantry Division under Maj. Gen. Bonifacio Ramos	abducted by eight men wearing bonnets. detained and interrogated for almost five hours on his alleged connections to the New Peoples Army (NPA). the military threatened to harm him and his family if he did not cooperate	Rafael Tarroza – Regional Chairman of National Federation of Labor Unions (NAFLU-KMU)	Returned to his family after six hours after he told the military agents that he will cooperate. Full facts of the case are included in Tarroza's sworn statement marked here as ANNEX Y
1/10/2006; 7:20 AM	Penaranda, Nueva Ecija	Suspected military elements	abducted by armed men while on his way to work. found dead the following day	Armando Leabres	Found dead (Refer to ANNEX B. list of killed)
1/29/2006	Lemery, Batangas	30 elements of the Armed Forces of the Philippines (AFP)		Francis Noel Desacula	Missing
2/1/2006; 8:00 PM	San Ildefonso, Bulacan	24th Infantry Battalion	abducted by the 24th Infantry Battalion of the Philippine Army (IBPA) after the massacre of CV Tamayo Farms.	1) Robin Solano – worker of the Farm 2) Ricardo Valmocina – caretaker of the Tamayo Farm	Missing For full accounts of the case, please see ANNEX Z
3/6/2006; 10:00 PM	San Ildefonso, Bulacan	Suspected military elements	abducted by suspected military men from the 24 th IB in the field near	Rogelio Concepcion – acting union President of Solid	Missing His wife refused

			Solid Development Corp.	Development Corp Workers Association (SDCWA). His predecessor also went into hiding after the military from 24 th IB of 7 th ID of Philippine Army camped inside the company in December 2005	to meet anybody in person or execute an affidavit for fear Facts of the case, please see ANNEX AA
4/3/2006; 11:00 AM	Tarlac City, Tarlac	unidentified military elements	according to witnesses, was abducted by military men and brought to Aqua Farms	Ronald Intal – charcoal maker inside the Hacienda Luisita, suspected as NPA sympathizer	Missing Facts of the case, please see ANNEX AB
4/17/2006; 9:30 AM	Dona Remedios Trinidad, Bulacan	56th Infantry Battalion under Lt. Ferdinand Basas, members of the RHB	members of the RHB assaulted and tortured the victims, then abducted Mendiola, Leuterio, Virgilio and Teresita Calilap. afterwards, 26 members of the 703rd Brigade of the AFP came and forced 15 residents to ride a truck and was brought to a chapel, where they were given lectures on anti-insurgency and anti-communist propaganda Those remain missing were accused by the military as NPA rebel	1) Virgilio Calilap - organizer 2) Teresita Calilap – wife of Virgilio 3) Bernabe Mendiola – the Company' operations Manager 4) Oscar Leuterio – Mine worker 5) Samson Valencia 6) Rommel Valencia 7) Reynante de Mesa 8) Edilberto Raymundo 9) Florencio Nunez 10) Eric de Mesa 11) Eddie de Mesa 12) Jeffrey Calicas 13) Mark Soleybar 14) Randy Gollen 15) Jun Nasar 16) Renato Tena 17) Indo Casimiro 18) Raymond Rondina	Victims No. 1–4 are still missing up to the moment Victims No. 5-18 have been released from detention Facts of the case - Abduction in Dona Remedios Trinidad, Bulacan please see ANNEX AC
6/24/2006	Guiginto, Bulacan	unidentified men	Abducted by unidentified men on board a van, suspected as military agents	Leopoldo Ancheta	Missing
7/3/2006; 11:00 AM	Angeles City, Pampanga	Philippine National Police - CIDG - Angeles City 69th and 56th Infantry Battalion	abducted by the combined forces of the PNP and AFP when they were supposed to meet and discuss	1) Emerito Gonzales Lipio 2) Jose Ramos 3) William Aguilar 4) Jay Francisco	Emerito Lipio is still under AFP custody The rest of the

			important issues in the transportation industry. they were tortured before being surrendered to the PNP Angeles headquarters. all were released except Lipio, who is still under the custody of the military	Aquino 5) Fernando Poblacion Jr. 6) Archie de Jesus 7) Jose Bernardino Ramos, Poblacion Jr, Bernardino and de Jesus were charged with illegal possession of explosives and were released after posting P100,000 bail each.	victims were released from detention Facts of the case- PISTON 7, please see ANNEX-AD
29 September 2006	Meycuayan, Bulacan	Brgy. Captain, and suspected PNP			Facts of the case- PISTON 7, please see ANNEX-AE

3) Harassment, intimidation, witch-hunting and grave threats committed by the military and police forces against trade union leaders, members, organizers and union-supporters and informal workers.

In collusion with foreign investors and local capitalists, the government is engaged in harassment, intimidation, witch-hunting and grave threats aimed at trade union leaders, members, organizers, union-supporters and informal workers.

From January 1, 2001 to June 30, 2006, the CTUHR has recorded 81 cases of grave threats victimizing 16,276 workers and informal workers. Likewise, there were 114 cases of intimidation victimizing 13,454 workers and informal workers recorded during the same period.

The government thru the military has included leaders, members, organizers, and supporters of trade unions and informal workers organizations in their list of alleged terrorists and communists. This list is being used to justify harassment and intimidation, arrest and detention and their eventual incarceration or summary execution. The military also uses the same list to intimidate and urge union members to dissociate from their union officers and organizers.

In a press conference organized at Camp Vicente Lim on April 4, 2001, Philippine National Police- Region IV Director Domingo Reyes admitted that 94 factories with militant unions under the Pagkakaisa ng mga Manggagawa sa Timog Katagalugan or PAMANTIK-KMU (Solidarity of Workers in Southern Tagalog), the Organized Labor Association in Line Industries and Agriculture (OLALIA-KMU) and Alyansa ng mga Manggagawa sa Laguna or ALMAPILA (Alliance of Workers in Laguna) are under surveillance.

Some notable cases of grave threats are the following:

- a) Angelina Ladera, female, 38 years old, acting Chairperson of the Workers Alliance of Region 3 (WAR 3) and former president of the International Wiring Services Corp. Workers Union. Ladera is included in the military's Order of Battle and is among the ten personalities considered as threats to national security and branded as "enemies of the

- state" in a power-point presentation entitled "Trinity of War" distributed by the Northern Luzon Command on January 2005. **(ANNEX AF - Sworn Statement of Angelina Ladera)**
- b) Romeo Legaspi, male, union president of *Lakas Manggagawa Nagkakaisa sa Honda* (United Workers Strength in Honda) and the current National President of the Organized Labor Association in Line Industries and Agriculture (OLALIA-KMU) where the Honda union is affiliated. Since October of 2005, Legaspi was forced to refrain from going home and had to transfer from one place to another due to threats to his life as a result of his active involvement in trade union and community activities. **(ANNEX AG - Sworn Statement of Romeo Legaspi)**
- c) Harassment and surveillance activities on a number of union leaders and members of the Nestle workers union in Cabuyao, which include tailing the workers in the strike area, in their activities and in their homes and being threatened with arrest. Among those who have executed their affidavits are Reynaldo B. Batites, union board member, Roberto L. Berroya Jr., union officer and shop stewards Rene A. Manalo, Ariel G. Legaspi and Noel T. Sanchez. In their affidavits, they attested that these cases of intimidation and harassment are related to their active involvement in the ongoing strike of the Nestle Philippines' workers. **(ANNEX AH1-AH5 - Sworn Statements)**
- d) Interrogation of a number of union leaders and members of the Nagkahiusang Mamumuo sa Osmeña (NAMAOS) in Compostela town, Compostela Valley. On separate occasions, union leaders and members were "invited" for questioning by members of the Special Operating Team of the 36th Infantry Battalion, Philippine Army (PA) under M/Sgt. Alexander Iscarten. The military accuses NAMAOS as being backed up by the New Peoples Army (NPA), that all NAMAOS members are NPA members and that monthly union dues are being given to the NPA as support. **(ANNEX AI1 – ILSM Southern Mindanao Region report; AI2-I3 Affidavits of Nestor C. Legaspi, Aldrene M. Tambalo and Affidavit of Roque O. Roncales)**
- e) Vicente Barrios, male, President of Nagkahiusang Mamumuo sa Suyapa Farms (NAMASUFA). Summoned by the military on several occasions in September 2005. The military accuses NAMASUFA as being led by the NPA rebels and accused Barrios as an NPA organizer. The company uses the military to interfere in the union's concerted actions aimed at airing out the workers' grievances. Barrios has received several warnings about a supposed plot to kill him because of his union activities. **(Annex AJ1 – ILSM Southern Mindanao Region report; AJ2-AJ3 – Affidavits of Rosita P. Omambot and Dominador Omambot)**
- f) Console Farm Workers' Union in San Miguel, Bulacan. Continuous military harassment against union members and officers which include coercion to withdraw affiliation from their labor federation Association of Nationalist and Genuine Labor Organization (ANGLO-KMU), auditing union books of accounts, closely monitoring the workers' movements, branding union organizers and leaders who join legitimate protest rallies as terrorists, communists and NPA sympathizers. The military twice assembled the workers for a meeting inside the company in 2005. **(ANNEX AK1 - Factsheet of Console Farms; Annex AK2 - ILSM Report, Annex AK3 –Fact Finding Mission Report on the Effects of Militarization on the Trade Union and Human Rights Conditions in Console Farm and its Surrounding Communities, 12 Sept 2006)**
- g) Nagkahiusang Mamumuo sa Suyapa Farm (NAMASUFA) or United Workers in Suyapa Farms, the workers union in Packing Plant 90 of the Fresh Banana Agricultural Corporation, located in Purok 4, Barangay Siocon, Compostela, Compostela Valley. The military under the 28th Infantry Battalion of the Philippine Army called a meeting with the workers on Aug. 16, 2005. The military told them not to form a union because the business will close down and that their families will not be able to find jobs because they

are unionists. Union members were also tagged as rebels and were told to clear their names or else be tailed and be summoned for investigation. **(AL – Joint Affidavit of Vicente Barrios, Andres Lagare, Lucita Glodobe, Hermenia Caral, Cancia Glova, Aldin Cortez, Laniza Lendio, Basilio Cardona, Ireneo Gornes, Judy Batallador, Ivy Barientos, Teresita Platon and Expedito Lastimoso)**

- h) Nagkahiusang Mamumuo sa San Jose (NAMASAN) or United Workers of San Jose, the workers union in Packing Plant 95 of the Fresh Banana Agricultural Corporation, located in Barangay San Jose, Compostela. The military conducted a meeting with about 160 workers on Aug 21, 2005. The workers were told not to participate in the union because it will cause the plant to close down; that their families will not be able to find jobs because of their union involvement, that KMU members are Satanists and rebels and that it is okay to form a union but not under KMU. **(AM – Joint Affidavit of Joel N. Cuyos, Roland Dolloiosa, Magdalena Vargas, Lorna Vargas, Jerry Osorio, Jonathan Lumangyao, Diego Mansera, Luis Coquilla, Arnold Peregrino, Laurencio Tanucan, Frezel Teopiz, Martin Matas, Jr. and Carlos Fernandez)**
- i) Harassment on the workers of Packing Plant 92 of the Fresh Banana Agricultural Corporation, located in BarangayNew Alegria, Compostela. The military called a meeting with more than 100 workers on Aug. 18, 2005. The military told them that they were called for a meeting because they are forming a union, that the union they are approaching for assistance – NAMAOS – are rebels and that NAMAOS and KMU are fake unions. **(AN – Joint Affidavit of Zinafora Salomag, Evangeline Libradilla, Liza Alo, Meriam Mangaron, Letecia Patac, Sylvia Lumiguidd, Thelma Gales, Emma Mangaron, Allan Maghinay, Antonio Caral, Joseta Ligaspina, Gloria Delantes and Rosa Giangan)**
- j) Surveillances on labor lawyers belonging to the Pro- Labor Assistance Center (PLACE). On October 6, 2006, Pfc. Rommel Felipe Santiago, an intelligence officer of the Philippine Army admitted doing surveillance work, after he was apprehended by security guards of the Food Terminal Inc., (FTI) when he tailed a group of union officers from the labor office up to the FTI. A blotter was entered in Taguig police precinct but Pfc. Santiago was later released after an unidentified Inspector General called the Taguig police and vouched that Santiago was “on official duty”. As of this writing, men in various vehicles continue their surveillance work at the labor office, whose clients are mostly from militant and independent unions. **(ANNEX AO1-AO2 - Sworn Statement from the Pro-Labor Assistance Center; Complaint submitted to the Commission on Human Rights)**

5) Militarization of workplaces thru the establishment of military detachments and/or deployment of police and military elements in strike-bound companies or where there exists a labor dispute between management and workers and where existing unions or unions being organized are considered progressive or militant.

As part of the government's objective of maintaining “industrial peace”, military detachments are being established and/or military elements are deployed in strike-bound companies or where there is a presence of militant unions. These detachments are used to violently disperse legitimate workers' strike and protest actions and to “safeguard” the companies against disruption by “untoward elements”. Even after a strike has been dismantled, military detachments remain to ensure that no similar strike will occur in the near future, to harass and intimidate the workers and to ultimately crush the workers' union to the ground.

The presence and direct intervention of military and police in labor disputes is a growing practice. The presence of elements of Regional Special Action Forces, the Philippine National Police (PNP) Mobile group and Special Weapons Action (SWAT) in full battle gear are a common sight in companies in Southern Tagalog and Central Luzon, two of the industrial areas in the country where most of the foreign investors are concentrated. In Nestle Cabuyao, the military has maintained operation inside the factory from 2002 until at present.

Some of the recorded cases of militarization are the following:

A. Console Farm Workers' Union in San Miguel, Bulacan

The military has forced the workers to become members of the Barangay Defense System (BDS), a paramilitary unit, allegedly to keep peace and order in the area. As members of the BDS, workers are compelled to render on a rotation-basis at least 2-hour military duty everyday. Refusal to follow orders is tantamount to being treated as terrorists or communists or listed in the military's Order of Battle. **(Annex AP –Fact Finding Mission Report on the Effects of Militarization on the Trade Union and Human Rights Conditions in Console Farm and its Surrounding Communities, 12 Sept 2006)**

B. Robina Farms Workers' Union

The military has set up a detachment within Robina Farms, conducted military census, roamed the area in full battle gear and harassed the union members, asking them to disaffiliate from the Kilusang Mayo Uno, the union's center. Workers fear for their lives, and union officials are afraid to even go home. **(ANNEX AQ, ILSM Central Luzon team report)**

C. In Compostela Valley, members of the 28th Infantry Battalion held assembly meetings inside the packing plants of the Fresh Banana Plantation. These military-initiated meetings coincided with the establishment of unions in Packing Plants 95, 90, & 92. (see **ANNEX AR - ILSM Southern Mindanao Region team report; ; Annexes AL, AM and AN)**

D. Nagkahiusang Mamumuo sa San Jose (NAMASAN, United Workers in San Jose)

Military elements under the 28th IB conducted a meeting with the workers inside Packing Plant 95 and told the workers to refrain from participating in the union and especially with KMU. When asked by the workers who had hired them to conduct the meeting, the soldiers replied that it was part of their jurisdiction. **(ANNEX AR, ILSM Southern Mindanao Region Report)**

E. In NAMAOS, leaders were tailed following the conclusion of their collective bargaining agreement. And on Nov. 14, 2004, soldiers roamed around the NAMAOS office in the middle of the night and put up posters depicting KMU as a devil and warning workers not to "be used by Communists." **(ANNEX AR, ILSM Southern Mindanao Region Report)**

G. In Japanese-owned Sun Ever Lights in Sta. Rosa, Laguna, elements of the Special Weapons Action Group (SWAG) were deployed to man the production line and keep watch on union leaders of the newly-formed union. This occurred during the period when the union was heading for a certification election.

6) Arrest and detention of trade union leaders, members, organizers and union-supporters and informal workers due to their involvement and active participation in the economic and political activities of the trade unions and informal workers associations.

A. Illegal arrest and detention of Rep. Crispin Beltran, KMU Chairman Emeritus and Anakpawis Party-list Representative. Beltran was abducted and arrested in Bulacan on Feb. 25, 2006, a day after Pres. Arroyo declared a state of emergency. He was arrested on the basis of trumped-up charges dating back two decades ago and already been quashed by the Philippine courts. Later, the government thru the Department of Justice implicated Beltran in failed attempts to overthrow the Arroyo government. He continues to be in hospital detention

at the moment, owing to his failing health. **(Annex S – Factsheet on the Illegal Arrest and Detention of Rep. Crispin Beltran)**

B. Arrest and detention of five members of the National Federation of Sugar Workers (NFSW-KMU) and two others on September 30, 2005 near the detachment of the Alpha company of the 12th Infantry Battallion at Camingawan, Kabankalan City, Negros Occidental. The military accused those arrested of being high ranking officers of the Communist Party of the Philippines and New Peoples Army (CPP/NPA).

IV. Conclusion

For fear of being harassed, most of the victims and their families were reluctant to give written testimonies and/or execute affidavits. For the purpose of substantiating our allegations in this complaint, we are attaching the Fact Finding Mission Reports of the International Labor Solidarity Mission (ILSM) which was conducted from April 30-May 8, 2006, several factsheets, affidavits and sworn statements, reports, newspaper clippings, photos and other documents as part of the evidences that can draw more light on the complaints outlined in this paper.

As we write this complaint, summary killings and other trade union and human rights violations continue, as surveillances and witch-hunting on leaders, members, organizers, union-supporters and informal workers intensify, and bogus investigations have led to nowhere but to media projection.

On the contrary, the appalling and worsening economic and trade union repression and human rights violations make it more imperative for workers and trade unions to gather their strength to bring their demands not only in the factories, but also on to the streets, and ultimately to bring to the attention of concerned international bodies, particularly to the United Nations and the International Labor Organization the continuing repression and human rights violations in the Philippines.

Hence, this complaint on illegal acts violating the ILO conventions 87 and 98.

V. Our Prayer

IN VIEW OF THE FOREGOING, it is respectfully prayed of this Honorable Body to:

1. Urge the Philippine Government to effect an immediate stop in the killings, abduction and enforced disappearances of trade union organizers, leaders and active union members and a stop to the policy of witch hunting and terrorist labeling against them;

2. Send a Fact-finding team to look into the foregoing categories of acts which we complained of against the Government of the Republic of the Philippines;

3. Pressure the Philippine Government to give ample security and economic support to the workers and their families for testifying in the above stated investigations;

4. Recommend economic and political sanctions to the Philippine Government if found liable in the said investigation;

5. Pressure the government, through the Commission on Human Rights and the Department of Justice, to prosecute erring government officers found liable in the investigation by the ILO;

6. Pressure the Philippine Government to pass a law which categorizes outrightly as a criminal offense acts of unfair labor practice or discrimination committed by employers against union members and officers, and the employer/company's refusal to collectively bargain with the Union.

7) Pressure the Philippine Government to respect, recognize and fully implement ILO Conventions 87 and 98.

OTHER RELIEFS just and equitable are likewise prayed for.

Quezon City, Philippines. September 18, 2006.
KILUSANG MAYO UNO LABOR CENTER (KMU)
(Complainant)
Balai Obrero, 63 Narra Street, Project 3
Quezon City

By:

JOEL MAGLUNSOD
SECRETARY GENERAL