

**CENTER FOR
TRADE UNION
AND HUMAN
RIGHTS**

25 YEARS
of defending and
protecting workers' rights
and dignity

TIDES OF CRISES ON THE WORKERS MOVEMENT

**YEAREND REPORT
ON THE SITUATION OF WORKERS' RIGHTS
AND HUMAN RIGHTS 2009**

JANUARY 2010

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REVIEW OF 2008

The year 2008 is indeed one of the most impoverished years in Philippine history. It is in this year that the tempest of economic recession in the U.S. started to ravage economies of other countries across the globe. Primarily affected were the countries that have major dealings with the U.S. such as the Philippines that imported 12.7% of its needs and shipped 16.7%¹ of its products to the U.S.

Also in this year, prices of basic commodities soared inevitably due to successive price hikes in petroleum products. Inflation rate swelled to 12.4% in August. And despite the government's denial of the rice shortage, it became palpable especially in the NCR. Most of the 23 million Filipino living below the poverty line were forced to stop the schooling of their children. And in order to make ends meet, they would combine their breakfast and lunch, find other sources of income such as vending of unnecessary beauty items and laundry work².

Although the country's GDP (Gross Domestic Product) grew by 3.8%³, the Arroyo regime admitted to the public that it did not meet its economic growth target and blamed it to the global financial crisis. Despite this sorely bad situation, the Arroyo government continued to brag about its economic strategies and programs that it claimed to have made the country robust and able to weather the effects of the crisis. The administration continued to propagate that economy is being handled well so the Filipino people need not worry. The rhetoric "Ramdam ang Kaunlaran" (Progress is ubiquitous) was bannered by the regime so as to condition the mind of the people that efforts of the government to alleviate poverty has started to be felt.

In the labor sector, the Department of Labor and Employment announced that "[Industrial Peace reigned in 2008](#)" as they only recorded five (5) strikes that year -- the lowest in the last seven decades. Sec. Marianito Roque, the agency chief, said this positive incident was the result of their relentless efforts to settle the disputes and prevent their occurrences. The department also lauded the maturity of the "social partners" in resolving workplace conflicts. [Employment and the workers' rights and welfare are being promoted "effectively"](#) despite the global crisis through livelihood programs that benefited 85, 810, and through [OFW deployments that reached 1,221,829 Filipinos](#).⁴

But do these statements reflect the real situation? CTUHR findings proved them untruthful. The state and its cohorts in collusion with the capitalists continued to siege the Philippine trade union movement. Working conditions worsened. It is in 2008, where labor rights violations inside the industrial enclaves were documented in an alarming rate. Cases such as the work-related deaths of 6 workers in Hanjin Heavy Industries Corp (HHIC) due to unsafe working conditions was brought to national attention and prompted even the upper and lower chambers of Congress to investigate the lapses of this multinational company.

The so-called industrial peace only exposes the worsening conditions of the workers' movement: there are less than 2 million unionized workers that can launch a strike out of the 34.5

1 2008 data of the US Department of State

2 CTUHR Study (July 2008)

3 NSCB (National Statistics Coordination Board)

4 OWWA (Overseas Workers Welfare Administration)

million workers in the country and majority are either self-employed or casual workers who already do not earn enough for a living and yet are also unable to air their grievances and demands for the improvement of their condition. Furthermore, trade unionists militant or not were continuously discriminated, dissuaded, as well as demonized, hunted, hurt, abducted and even killed.

Although the cases of extra-judicial killings had relatively declined, other tactics to weaken trade unionism such as harassments, surveillances and forced intervention remained high. Also the “legal offensives” against trade unionists were used extensively especially during the last quarter of the year.

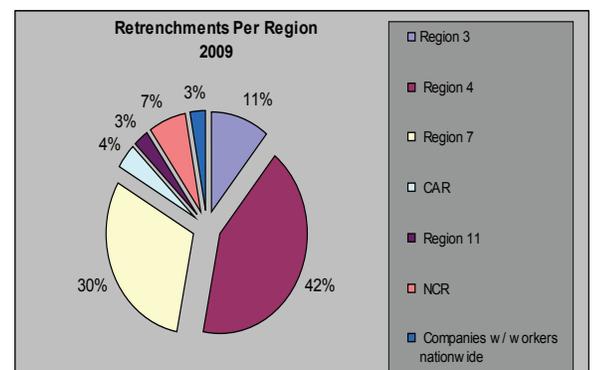
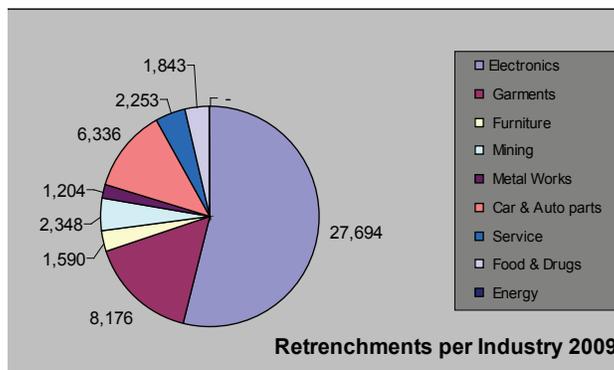
The year 2008 ended with more deepening crises that the Filipino people need to withstand and address in order for them to survive, hence making 2009 a challenge for the workers movement to be resilient.

1. WHAT IS THE SITUATION OF THE LABOR SECTOR IN 2009?

As the year entered, the crisis that started in the U.S. effected throughout the world, crushing down various financial institutions of industrialized countries and adversely affecting the economy of the underdeveloped nations such as the Philippines. Although the Arroyo government said that the Philippines remained strong despite the financial turmoil, the Filipino people already suffered much of the blow.

MASSIVE RETRENCHMENT AND MORE WIDESPREAD FLEXIBLE LABOR

In the first two quarters of the year, the workers heavily felt the brunt of the crisis. CTUHR monitoring revealed that 46, 500 workers have been axed from October-2008 to April 2009 and this swelled to 51, 521 as of the final count. NEDA (National Economic Development Authority) estimated that the retrenchment had reached more than 50,000 during the first quarter of the year alone.



The retrenched workers came from 88 companies in the country. Majority of the affected industries are export-oriented in nature including the electronics and garments.

This data is corroborated by the retrenchment monitoring of Pag-IBIG Fund (Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya at Gobyerno). From October 2008 to April 2009, Pag-IBIG Fund recorded 137 616 workers affected by either permanent or temporary dismissal as well as compressed workweek.

Worse, the capitalists made use of the crisis as a justification to implement lower wages or salary freeze and to cut or remove benefits of the workers. In Valenzuela for instance, workers receive P232 per day of work. This is P150 less than the actual minimum wage in the National Capital Region. The situation in Novaliches is more appalling where workers are offered only P180 per day. And because of the difficulty in finding jobs, the people are forced to accept these inhumane wage rates.

Flexible work schemes became more widespread as companies implemented more cost cutting schemes in order to “cope with” with the crisis. According to NEDA, an additional 60, 000 workers⁵ immediately suffered reduced working days, wage cuts, and other schemes of flexible work arrangements.

In a separate study of the European Commission in the first quarter of 2009, 25% of the companies they surveyed have planned to slash the wages of their workers while 22% planned to implement wage freeze⁶.

And instead of preventing these schemes detrimental to the workers’ condition, the Department of Labor and Employment (DOLE) even made these schemes legal by issuing the Department Advisory No. 02-09 which authorized the companies to implement methods to “salvage” their companies from bankruptcy without taking into consideration the rights and welfare of the workers. The Regional Tripartite Wage and Productivity Board (RTWPB) denied appeals of the workers for a wage hike despite the unstoppable price increase of the primary commodities and expenses which peaked to 7.3% last February⁷.

WORSE EMPLOYMENT CONDITIONS DUE TO TYPHOONS

The typhoons Ondoy and Pepeng also caused further misfortune to the workers. After affecting most of Metro Manila and Rizal, many factories were temporarily closed down. This included Advan which employs more than 200 workers. Until December 2009, the company remained closed leaving the workers unemployed for almost two months. More or less 6 000 workers of Shoemart were temporarily out of work after Ondoy.

Amidst these calamities, there are companies who even used the typhoons crush unions and earn more profit. Metro Biscuit for instance, a factory in Pasig, declared closure claiming that it went bankrupt after the typhoon. The members of the workers’ union in the said company said otherwise. According to them, the company is not really bankrupt. In fact, it had just acquired new equipment and machines which were all saved during the typhoon. The union claims that the company is using the calamity as a chance to replace the regular and unionized workers with contractual and casual workers.

INCREASE IN UNEMPLOYMENT

In her last year in office, Arroyo failed to keep the unemployment rate from rising and fell short of mitigating the impact of the crisis to the people. According to the latest report of the Labor Force Survey (LFS) released last December 15, more than 2.7 million Filipinos are unemployed from October 2008 to October 2009. This is 200 000 more than the 2.5 million

⁵ NEDA (National Economic Development Authority)

⁶ EC (European Commission)

⁷ NSCB (National Statistics Coordination Board)

unemployed workers from 2007 to 2008. With this number, the unemployment rate in 2009 reached 7.1% which is 0.3% higher than 6.8% last 2008.

In the said report, the National Capital Region registered the highest unemployment rate in all regions in the country reaching 11.8%. At the same time, the percentage of underemployment rose from 17.5% last 2008 to 19.4% last 2009.

According to IBON Foundation, an independent research group, the real number of unemployed workers will reach 4.32 million if one does not follow the new definition (2005) used by the National Statistics Office wherein individuals who do not have work and do not seek jobs are not considered unemployed. With this number, the rate of unemployment in the country is actually 11%.

By using this standard, the year 2001-2008 can be considered the worst eight years of successive unemployment since 1956 averaging 11.2% unemployment rate annually.

INFORMAL SECTOR CONTINUE TO RISE

The absence of security of work and benefits also intensified in 2009 because of the rising number of workers in the informal sector along with the declining number of wage and salary workers. This year, almost 53.6% or 20.4 million only of the employed population are wage and salary workers and the remaining 46.4% or 17.6% are in the informal sector.

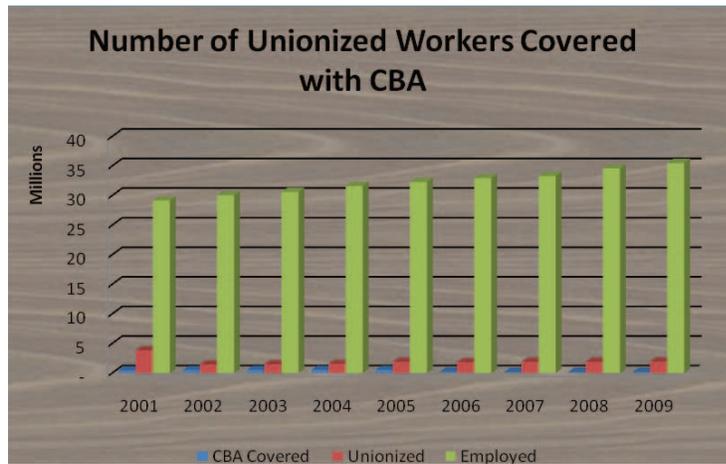
This means that a large percentage of the Filipino workers do not enjoy their basic right to decent jobs and unionization. According to Ibon, 25.2 million workers have no decent work. This include the 4.4 million unemployed, the 4.2 million unpaid salary workers, the 12.1 million own-account workers, and the 4.67 million irregular (non-regular wage, contractual, or casual workers). These workers which comprise 66% of the entire labor force have no secured definite wages, benefits, and do not enjoy the rights of accorded to workers.

2. WHAT IS THE SITUATION OF UNIONS IN 2009?

Trade unions were crippled by the effects of the global financial crisis. Eighteen of the 88 companies that massively retrenched workers as monitored by the CTUHR are unionized and six (6) of them were totally busted because of retrenchment and closures. Unions in IWS, EMI-Yasaki, Magnolia, hardly concluded their collective bargaining agreement (CBA) with their respective management as the latter claimed to have been affected by the crises are in no financial position to grant more benefits and wage hikes for the workers.

LESS NUMBER OF UNIONIZED WORKERS

In general, the number of workers inside the unions remained small. By October 2009, only 1.96 million workers are inside the unions, or only 10% of the total number of wage and salary workers or only about 5% of the entire working population. In this already diminutive number of unionized workers, only 211 000 are covered by the CBA or only 10.8% of the unionized population. This 2009 statistics is 0.58% lower compared to 2008 when 219 000 workers were covered by CBAs. In sum, only 1.2% of the wage and salary workers or 0.55% of the employed population have the capability to negotiate with their management and companies in order to enjoy proper wages, benefits and other rights in the workplace.



Twelve unions were busted due to various factors and conditions that subvert the interest of the workers. Seven of these were caused by company closure or restructuring while the other five are due to unresolved labor disputes between workers and management. A total of 2 862 workers were affected by these. Four of the dissolved unions are found in the NCR, 5 in Cebu and 3 in Southern Tagalog.

Unions Dissolved in 2009			
Name of Union	Company/Place	Number of Members	Reason for Dissolution
BPMI (Bagong Pagkakaisa ng mga Manggagawa sa Triumph International)	Triumph International Philippines, Inc, Taguig, Metro Manila	1 174	crisis
Paul Yu Workers Association	Lapu-Lapu City, Cebu	400	crisis/ company closure
Anita's Home Bakeshop Workers' Union	Lahug City Cebu	33	labor dispute
Golden Will Fashion Philippines Workers Organization	Dasmariñas, Cavite	130	labor dispute
Nagkahiusang Mamumuo sa Baradero Keppel Shipyard (NMB-NFL)	Cebu City	196	restructuring
Goldilocks Ant-Bel Workers Association (GAWA)	Malate, Manila	30	labor dispute
Bukluran ng Manggagawa sa Monterey Local 69 (Batangas) Ilaw at Buklod ng Manggagawa-KMU (BMM Local 69-IBM-KMU) Bukluran ng Manggagawa sa Monterey Local 70 (Cavite) -Ilaw at Buklod ng Manggagawa-KMU	Batangas, Cavite	300	restructuring
KASAMACO-ANGLO-KMU	Metro Biscuit, Pasig	130	closure
Nagkakaisang Manggagawang Richwell sa Bagumbayan	Quezon City	112	labor dispute
United Progressive Worker's Union of Unijewel	Mandaue, Cebu	57	labor dispute

3. WHAT IS THE HUMAN RIGHTS SITUATION OF WORKERS IN 2009?

CTUHR documented 270 new cases of trade union and human rights violations. One hundred and twelve of these are violations of the civil and political rights (CPR) or acts by the state that assail the civil liberties of the workers. A total of 1509 individuals were victimized with this nature of violations.

The remaining 158 are violations of the economic social and cultural rights (ESCR) and violations of the right of the workers to freedom of association and collective bargaining. This type of violation victimized 53, 713 workers.

Compared to 2008, the documented violations are 24% higher than last year's 218. In sum, the total number of victims is 55, 138. The actual data is definitely higher since CTUHR's documentation is limited to areas where unions or workers' organizations exist and where CTUHR have active contacts and correspondents.

Of the violations of CPR, harassments and intimidations on trade union leaders registered the highest number of incidence. There is also an increased number of villfication or red tagging as well as fabrication of criminal charges against trade union leaders and members totaling to 25. This is a 108% increase compared to last year's 12 documented cases.

ESCR violations are on the other hand 44% higher compared to 2008. This can be attributed to the massive retrenchments, closures, forced leaves implemented by companies.

ECONOMIC, SOCIAL, AND CULTURAL RIGHTS VIOLATION		
NATURE OF VIOLATIONS	CASES	NO. OF WORKERS AFFECTED PER VIOLATION
ILLEGAL DISMISSAL		
Retrenchment/Closure	88	51 521
Dismissal due to Labor Dispute	7	57
Violation of the right to receive fair/ just wages	4	842
Violation of the right to social security and insurance	3	779
Infringement of Benefits	1	152
VIOLATION OF THE RIGHT TO FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING		NO. OF AFFECTED UNIONS
Union Busting	12	12
Prohibition of the right to strike	2	2
Harassments on Unions (leaders, members)	15	15
Anti-union discrimination	7	7
CBA VIOLATIONS AND ISSUES		
Non-implementation of CBA	11	11
Bargaining in Bad Faith/ Refusal to Bargain	8	8
TOTAL ESCR VIOLATIONS	158	53 713

FOUR CASES OF ASSASSINATION AND A CASE OF TORTURE-RELATED DEATH RAISED THE NUMBER OF VICTIMS OF TRADE UNION MURDERS TO 96.

Killings in the trade union movement escalated again this year. Though killings dropped to three (3) victims in 2007, the rate of trade union killings rose to five (5) this year.

The first victim was Ms. Sabina Ariola, chairperson of the semiworkers' and urban poor group Mamamayan ng Sta. Rosa para sa Kagalingan, Kaunlaran, Kapayapaan, Tungo sa Magandang Kinabukasan ng Bayan (MSRK3 or People of Sta Rosa for Welfare, Development and Peace for a Better Society). She was killed on March 23, 2009 at 8:25 in the morning while riding a pick-up truck going to the municipal hall of Sta. Rosa, Laguna to join a protest. According to Fredericko Torres, a MSRK3 staff member who witnessed the incident, a lone gunman came near the vehicle and shot Ariola with a .45-caliber pistol.

The perpetrator shot Ariola once. The single bullet pierced through Ariola's stomach and went through the neck of Adelaida Calosa, also a member of MSRK3. Ariola and Calosa were rushed to the nearest hospital and immediately received medical attention. Ariola died in the hospital at around 11:00 p.m while Calosa was declared safe and was discharged the next day.

Witnesses did not recognize the perpetrator because he was wearing shades and a cap. Members of the group ran after the fleeing suspect but failed to catch him. Until now the identity of the perpetrator is unknown.

There are also three cases of killings in the province of Negros Occidental that victimized leaders of the National Federation of Sugarworkers (NFSW) a Kilusang Mayo Uno (KMU) affiliate federation.

Carlito Dacudao, a district council member of the National Federation of Sugar Workers (NFSW) Edwin Oyeman member of the local organization of the NFSW, and Reynaldo Bucaling, chairperson of an NFSW local union were killed on August 21, August 10 and October 4 respectively.

The report said that around 8 p.m., a group of heavily-armed men allegedly visited the residence of the Bucalings looking for the victim. When the slain militant leader found out that the men looking for him were armed, he refused to go out of his house.

At around 6 a.m., the victim thought that the armed men already went away so he proceeded to the kitchen to boil water for coffee. But an alleged RPA member reportedly suddenly appeared with an M16 rifle and shot him. Investigation by Karapatan-Negros and NFSW revealed that elements of the RPA-ABB (Revolutionary Proletarian Army-Alex Bongcayao Brigade) carried out the killing. The RPA-ABB is known to have signed a peace accord with the government and openly worked with the government in the counter-insurgency operation in the island of Negros.

FRUSTRATED AND ATTEMPTED KILLING

Two (2) cases of frustrated and attempted murder were also documented. The first case is related to the killing of Sabina Ariola wherein Adelaida Calosa, as stated above, was shot as well while she and Ariola were on their way to join a protest action.

The second incident was the frustrated killing of Joel Ascutia, president of the Concerned Drivers and Operators for Reforms (CONDOR), a regional formation of the Pinag-isang Samahan ng Tsuper at Operators Nationwide (PISTON) in the Bicol Region. Ascutia was among the people who initiated a transport strike in the town of Daraga in the province of Albay. Last July 13, 2009, two unidentified men riding a motorcycle shot him five times while he was on the driver's seat of a jeepney.

Fortunately, Ascutia sustained gunshot on non-fatal parts of his lower body. But after the incident, suspicious-looking men who purportedly belong to the military and who are believed to be behind the failed assassination, continue to hound Ascutia.

Prior to the incident, the military conducted a forum in the baranggay where Ascutia is residing and he was one of the activists that were accused of being a communist leader and that CONDOR-PISTON as a CPP-NPA-NDF front organization.

ABDUCTIONS AND ENFORCED DISAPPEARANCE CONTINUE

Cousins and NFSW members Razel (18) and Jason (20) Pelayo were abducted last May 26, 2009 and are still missing. The two, while working at the Nipa Plantation in Hda Estrella Brgy. Sicaba, Cadiz City were abducted by 10 armed RPA-ABB. Rene Pelayo Sr. father of Razel identified some of the abductors as Ronald Dequita, Bebing Dequita, Cita Berja and Kawel Braba. He said that on his way home he saw these 10 armed RPA hogtie the two boys and drag them towards Sitio Bisang, Brgy. Luna, Cadiz City. From that time he never saw his son and nephew.

VICTIMS OF ENFORCED DISAPPEARANCE OF THE ARROYO REGIME IN THE TRADE UNION MOVEMENT				
NAME	AFFILIATION	DATE DISAPPEARED	ALLEGED CAPTORS	PLACE OF INCIDENT
Rogelio Concepcion	Officer In Charge, Solid Development Corp. Workers Union	6 Mar-2006	24th IB	San Ildefonso, Bulacan
Jaime "Jimmy" Rosios	Board of Director/ Spokesperson, Yellow Bus Lines Employees Union	11 Aug-2007	Task Force Davao	Koronadal, South Cotabato
Razel Pelayo	member, NFSW-Negros Occidental	26 May-2009	RPA-ABB militiamen	Cadiz City, Negros Occidental
Jason Pelayo	member, NFSW-Negros Occidental	2 May-2009	RPA-ABB militiamen	Cadiz City, Negros Occidental

THREATS, HARASSMENTS AND INTIMIDATIONS ARE THE MOST RAMPANT OF ALL HUMAN RIGHTS VIOLATIONS MONITORED ON TRADE UNIONS

Twenty-six (26) new cases of threats and intimidations were recorded in 2009. Although this is 18% lower than last year's number of documented harassments, the cases this year victimized more totaling to 605 victims compared to last year's 479. This can be attributed to the large-scale harassments on trade unions in the workplace.

On July 27, 2009, striking farm and mill workers in Agusan Palm Oil Plantation in Trento, Agusan del Sur were harassed by elements of the 36th and 58th Infantry Battalion of the Philippine Army. According to the workers, the military deployed a 6x6 truck and two APC (Armored Personnel Carrier) near the picket line. During the deployment, the military took photos, interrogated the workers and gathered the names of the people present in the picket line. They even threatened the workers that they will demolish the picket line any time soon. Fortunately the strike was lifted after two days when the management gave in to the demands of the striking workers.

The continuous presence of the 66th Infantry Battalion of the Philippine Army remains a major threat to the struggling trade unions in Compostela Valley, Mindanao. An investigation of CTUHR in the area revealed that 14 leaders and active members of the Nagkahiusang Mamumuo sa Osmiguel-NAFLU-KMU (NAMAOS) were being threatened by known military officers. According to the workers, the 66th IB had organized a workers group called Workers for Industrial Peace and Economic Reforms (WIPER) to conduct forums and seminars to vilify their union and accuse them of rebel supporters if not actual rebel. The alleged members of WIPER and the military conducted house to house visits and search on active union leaders and members. After which, they are threatened to be killed if they do not cooperate in the military's aim to bust all the KMU unions in the area and get rid of the rebels and rebel sympathizers. The 66th I.B. also pressured the workers to affiliate their union to Associated Labor Union-Trade Union Congress of the Philippines (ALU-TUCP) instead of KMU.

Few months after the WIPER and the 66th I.B. conducted forums and zonings on NAMAOS members, reports confirmed that they already conducted same rounds of operation on other unions in the province. Last July 2009, the Maragusan United Workers Union (MUWU), its members and officers, expressed alarm on incidents of surveillance, questioning, military forums, and harassments on their workplace and community.

In Antipolo City, Rizal trade union leaders of the Universal Robina Corporation Employees Union-Farm Division-ANGLO-KMU were threatened by the presence elements of the 16th Infantry Battallion in their workplace. On May 12, 2009 trade union leaders were first called by the Robina Farm management for a meeting to talk about workers' issues that was arranged by the military. The leaders refused to attend the meeting. By July 26, the military built camps near the workplace and within the community where majority of the union members and officers reside. On August 24, The 16th IB successfully held their first forum in partnership with the Robina farm management wherein the workers were forced to attend after their duty. The forum was entitled "Kapayapaan at Pagkakaisa ng Manggagawa at Namumuhunan" (Peace and Unity Between Workers and Capitalists). The military didn't introduce any organization such as WIPER but the manner and content of the forum was the same as those of WIPER forums: Evils of Communism and KMU as a Communist group.

Gaudencio Garcia, union Board of Director was among the unionists that continue to be under surveillance. He was continuously visited and he constantly received invitation for talks with the military officers. Garcia was also one of the 61 accused in the murder of Ricky Garmino of Rodriguez Rizal, and is therefore accused of being an NPA.

EXTREME HARASSMENTS

There is also the continuous hounding of armed elements on Vicente Barrios, president of the NAMASUFA-NAFLU-KMU (Nagkahiusang Mamumuo sa Suyapa Farms) in Compostela, Compostela Valley. Barrios up to now is still fearing for his life and being accompanied always by two or more of his colleagues everywhere he goes because armed men who do not introduce themselves, frequently visit the packing plant where Barrios used to work. According to the security guards in the area, men in motorcycles ask them about the whereabouts of Barrios and if he still show up and work at the packing plant. It may be recalled that Barrios survived three attempts of assassinations within the last three years. The most notable happened last December 15, 2006 when Barrios together with his coworker Jerson Lastimoso was shot while they are riding a motorcycle going for work. Lastimoso died due to that incident while Barrios sustained fatal wounds but later survived.

Since September last 2009, surveillances and presence of suspicious-looking men at the newly established CTUHR-Cebu Workers Center in Lapu-Lapu City, Cebu were also reported. An alarming incident occurred on October 2 when Butch Rosales, CTUHR volunteer, reported that while a meeting was going on at the office, a man placed a table in front of the compound, beside his motorbike, and sat there for about half day and took the pictures of people coming in and out of the office. When other volunteers came out and took his photographs as well, they saw his hands trembling but he did not leave. On the same night, three men with bulging waists and sporting military hair cut, called on Rosales, after the latter had taken his dinner at a nearby eatery. Rosales hurriedly went inside the compound and called another colleague to fetch him for fear that the men will get him.



DANILO BELANO

Danilo Belano, a seafarer organizer and former KMU organizer in Manila died while on the hands of alleged intelligence agents on November 25, 2009. Testimony of his daughter proved that around 11:00 a.m. when the two of them were walking in Pedro Gil St. in Manila, unidentified men started to hound and talked to them. The men forced Danilo to work with the military and even threatened him that something bad will happen to Belano's family should he refuse. Belano later discovered that these men belonged to the Intelligence Service of the Armed Forces of the Philippines (ISAFP) and he had already been under surveillance for a year. At 5:00-7:00 p.m. in the evening of the same day, Belano met with these men and while in their custody, he suffered a stroke. He was rushed to the Ospital ng Maynila where he subsequently died at 3:00 a.m. the following morning. The manner and cause of his stroke is still under investigation. The family and colleagues of Danilo believes that the stroke was induced by the men he met or was caused by extreme intimidation or torture. The family also experienced harassments from unidentified men during the wake of Danilo and they also continuously receive threats up to the present time.

FABRICATED CHARGES

Legal offensives heightened in the labor sector in 2009. Documented cases was twice as many this year, from 6 cases in 2008 to 12 cases while the total victims nearly doubled from 45 to 82.

CTUHR's monitoring reveals three motives behind the creation of these charges. Five (5) of the charges this year are related to the counter-insurgency operation through the Inter-Agency Legal Action Group (IALAG) that accused the victims of murder and frustrated murder. Another five (5) of the cases were related to the No Union No Strike Policy and Anti-Union campaign of the state and private companies wherein charges of theft, estafa, illegal assembly, and direct assault are filed against trade unionists or workers that are planning to establish a union. The two other cases were related to violent suppression of workers' concerted actions.

After the massive implication of 72 activists in the Mindoro multiple murder and frustrated murder case last year, CTUHR documented seven (7) similar cases in different provinces of the Region 4. Among the new cases are the murder charges filed by a certain Adelia Garmino of Rodriguez, Rizal. In her complaint, she accused the 61 leaders and members of different organizations as the one who carried out the killing of her husband Ricky Garmino, a CAFGU last July 29, 2008. An eye witness named Ronnie Garmino even testified that the 61 activists, 13 of which are trade unionists, are members of the New People's Army. In his affidavit, Ronnie said that he knew all of the perpetrators because Ricky (his brother) had told him all the names including their alleged codenames few minutes before the killing happened. Ronnie added that of the 61 alleged NPAs that killed Ricky, four (4) of them actually carried out the killing, while 57 other rebels just yelled "MABUHAY" and fled out of the scene afterwards. This case was later dismissed last November, by the Provincial Prosecutor of Rizal due to the lack of probable cause of the complaint.

Brigitte Caayon and Theresa Bautista both members of the Anita's Home Bakeshop Workers Union in Cebu City have been arrested on separate charges of estafa filed by the management of Anita's Home Bakeshop. On August 10, 2009 Theresa Bautista was arrested by virtue of a warrant of arrest issued by the Cebu MTC Branch 5 Judge Andrino. Caayon was arrested on August 20 through a warrant of arrest issued by the Cebu MTC Branch 6 Judge Francisco Seville Jr. The two were temporarily freed after posting bail while decisions to their cases are pending. Caayon and Bautista were earlier fired by their employer due to negligence of work and sales discrepancy -- an accusation that was later proven untrue by the NLRC Cebu thereby prompting the management to reinstate them with full backwages and benefits. The management appealed to the commission but while the appeal was pending they resorted to filing common crimes against the workers.

ATTACKS ON THE CONCERTED ACTIONS OF WORKERS

Industrial peace was never felt in the country. Especially this year that even a peaceful picket and lawful strike of the workers were attacked violently by the state forces that are supposed to respect and uphold it. Although the incidence of strike had sharply decreased in the past two decades, violence on few remaining picket lines across the country is ceaselessly occurring. As the year 2009 ended, only four (4) actual strikes were reported by the Department of Labor and Employment (DOLE) and CTUHR documented four (4) incidents of violent

attacks on picket lines and four (4) other incidents of violent dispersals of workers' concerted activities.

On February 9, 2009, 2:00 p.m. a group of 17 armed barangay police, city police and PNP officers implementing a demolition order signed by barangay captain Noel Pajara went to the picketline of the striking workers of the LCE Garments factory in Pasig City. Inside the picketline are 14 out of 60 workers that went on strike since September 1, 2002 due to abrupt closure of the factory. The armed men ordered the workers to vacate immediately since the place of their picket is a public property and strikers are not allowed to build their picket line there. The workers refused to follow the order but the men headed by the barangay captain suddenly started the demolition of their picket line. Since the workers are outnumbered and most of them are women and children, they cannot manage to resist. All of them saw how the state forces ransacked their belongings, destroyed the picket line and left afterwards as if nothing was affected.

An ALU-TUCP affiliate union in Cebu City was also attacked by City Mayor Tomas Osmeña accompanied by the Special Weapons and Tactics (SWAT) Unit, PNP and company guards during their picket on August 13, 2009. At around 9:30 a.m., Mayor Osmeña and police elements forcibly broke the picket line of the workers, saying that the workers cause business disruption and chaos in the area. The Independent Labor Association of Workers of Gaisano South (ILAW-ALU-TUCP) in Cebu City launched series of pickets in front of the establishment due to unfair labor practices experienced by the workers inside the workplace.

In Cavite, more than a hundred garment workers from different factories inside the First Cavite Industrial Estate (FCIE) and members of the Solidarity of Cavite Workers (SCW) were brutally dispersed while having a picket protest to condemn the forced leaves and layoffs implemented by their employers. Right there and then, eight security guards attacked the harmless workers on orders by the enclave officials that no picket will be allowed within the vicinity. They used water canon to disperse the picket line. Right after, private security forces mauled the workers using axes, iron bars and wooden clubs. One of the union leaders was hit by an ax handle causing a 7-stitch wound on his head. Several others sustained abrasions and bruises in different parts of their bodies as a result of the 15-minute chaos.

4. WHAT IS THE CONDITION OF WOMEN WORKERS IN 2009?

At the onset of global financial meltdown in 2008, companies resorted to various retrenchment and cost-cutting measures in an attempt to weather the crisis. Women workers particularly in the electronics and garment industry were hit hardest as they comprise the big bulk of the workforce (5 women: 1 male)⁸. Majority of the affected companies were from the *economic zones in CALABARZON* (Cavite, Laguna, Batangas, Rizal, at Quezon) at Mactan Export Processing Zone (MEPZ) in Cebu.

In electronics industry wherein 70% of the total workforce are women, about 29 000 workers were immediately dismissed from October 2008 to April 2009. In Lear Automotive Services inside MEPZ, 3,000 workers were retrenched from January to February 2009, alone and

⁸ Durano, M. and ung, S. "Lessons Not Learned? Gender Employment and Social Protection in Asia's Crisis-Affected Export Sectors," September 28-30, 2009.

on September 2009, 65% of all the women workers employed were dismissed while 18% of those remaining were given higher production quota.

Women workers were also hit by cost cutting measures. EMI-Yazaki, -- a manufacturer of wiring harness in Cavite, and wherein 60% of workers are women – abolished *overtime work* and implemented *reduced workdays* instead. The previously six-day workweek was reduced to two days, forcing 69 regular workers to voluntarily resign due to inadequate income.

A survey by Workers Assistance Office (WAC) and Solidarity of Cavite Workers (SCW) held from January 29 to February 2009, noted that affected workers by *forced leaves* in 108 companies in Cavite accounted to 25 946, and more than 4 000 lost jobs due to crisis. Majority of these companies were from electronics and semiconductors (13 885) and garments / apparel (7 170).⁹

Whilst it was a fact that companies are indeed affected by the crisis, the condition was used by the company management to get rid of their regular workers, that are better paid than contract workers.

Triumph International Philippines, for instance, suddenly declared a closure depriving the jobs of 1,200 workers, 80% of whom were women last June 28, 2009. Its sister company, Star Performance Inc (SPI) with more or less 600 workers followed suit. However, the decision to close down was highly suspicious. For one, it retained the production managers and two, Triumph's management filed a Notice of Retrenchment at the Department of Labor and Employment (DOLE) instead of Notice of Closure, indicating that it was actually not closing down but simply reducing its workforce. Reports, though difficult to ascertain, indicate that the company was in fact moving its production plant to Laguna but it does not have any plan to keep its 1,660 regular workers who are also union members of *Bagong Pagkakaisa ng mga Manggagawa sa Triumph International Philippines, Inc. (BPMI)* or *New Unity of Workers in Triumph International Philippines*. Most of the retrenched workers had spent 15-30 years of their lives at Triumph Philippines and to see themselves suddenly thrown out of jobs seemed to be unimaginable. There are indicators that the company will hire contract and non-unionized workers as replacements in the new production plant.

No action from the DOLE in support of the Triumph workers was forthcoming. Instead of helping the workers, DOLE has continually convinced the workers to accept the separation pay offered by the company which according to DOLE will enable the workers to set up and avail themselves of the livelihood programs that the government is providing. At least half of the workers had not yet availed of the separation package and maintained their demand that they be re-employed when the company resumes operation.

Thus, having directly hit by crisis and company moves to use the crisis, it was not surprising that the unemployment rate amongst women increased in 2009. The result of the Labor Force Survey held last October 2009 for instance, indicated that 984,278 or 36.2% of the total unemployed were women. This was 5.6% higher than that of 2008 where number of unemployed women was placed at 929,200.

⁹ The scope of the survey was from Septembere2008 to January 2009.

Apart from joblessness, women workers were also target of violence and repression inside the workplace.

Members of Bleustar Workers Labor Union (BWLU) for example, were confronted by company's [Bleustar Manufacturing and Marketing Corporation (BMMC)] incessant refusal to negotiate a collective agreement with the union, more than a year after the union won in the union election and the strike. The management insisted that they will not talk to the union until and unless BWLU presents a Certification as Sole and Exclusive Bargaining Agent (SEBA) from the DOLE¹⁰. By law, a union certification as SEBA inside the company may legally require the company to negotiate with them.

Realizing that the Memorandum of Agreement the union signed with the company and facilitated by DOLE representative last September 2008 does not stand, BWLU asked the DOLE to provide them the SEBA certification. DOLE refused however and asked the union of other strings of requirements. Dir. Raymundo Agravante, Regional Director of DOLE-NCR required the union to provide them with Notice of Voluntary Recognition and other requisites for Voluntary Recognition from the company, a requirement that is hardly possible, as company does everything to avoid and bust the union. If BWLU fails to provide the requirement, then DOLE will not issue a SEBA certification.

It could be on September 22, 2008, BWLU and BMMC signed a *Memorandum of Agreement* (MOA) granting the union their demands which included reinstatement of all dismissed workers, its payment of backwages and benefits, etc and to start the negotiation for collective bargaining agreement by March 2009. Except for the reinstatement of dismissed workers, the company reinstated everything in the agreement and started encouraging supervisors to form an organization, as a counterforce to BWLU.

CRIMINALIZATION

Filing of criminal charges on actions done by the union does not spare women trade unionists. In March 2009, 33 dismissed workers from Chong Won Fashion, Inc. and PhilsJoen Garments, Inc in Cavite Export Processing Zone (CEPZ) were shocked, then angry when they learned that they were charged with *Direct Assault and Grave Coercion* in connection with the the union strike on September 2006, On March 19, five out of 33 accused where served with *warrant of arrest*. It was only then that they knew the complainants: Antonio Felismino, manager of Chong Won Fashion, Inc., and P/Supt. Jose Joel Sarasua from CEPZ police who both filed the case last October 12, 2006.

It could be recalled that on September 25, 2006, *Nagkakaisang Manggagawa sa Chong Won* (NMCW) or United Workers of Chong Won Fashion, and *Kaisahan ng mga Manggagawa sa PhilsJoen, Inc.* (KMPJI) or Unity of Workers in Philsjoen Inc went on strike following the companies refusal to bargain with the union. The twin strike was violently dispersed several times, their leaders were abducted and ditched afterwards and PEZA imposed a virtual food blockade on strikers to force them to abandon their picketline.¹¹

¹⁰ Bleustar Manufacturing and Marketing Corp (BMMC) produces Advan-branded shoes and boots based in Muntinlupa City. In 2008, BMMC came under fire when workers broke their silence about the 14 years of sexual harassments they had experienced from the hands of the company owner. The expose was followed by series of illegal dismissals that forced the union into staging a strike. The union won in the strike after more than three months in the picketline.

¹¹ Please read "Trade Unions Under Siege: Trade Union and Human Rights Report" (January 2007) published by CTUHR

5. HOW DID THE WORKERS RESPOND TO THE TIDES OF CRISES IN 2009?

In the midst of the crises, the Filipino people and the workers' movement did not stop to bring the struggle for their interest and basic rights forward. Although the labor sector was badly hit, the crisis did not preempt the workers in winning few victories, small they may be, in their campaign for justice and democratic rights.

In 2009, we have successfully exposed the motives behind the filing of criminal charges and got two of the three cases dismissed against human rights defenders notably Atty. Remigio Saladero Jr and 71 other activists from Southern Tagalog. The campaign waged by progressive labor movement together with pressures coming from the international community (primarily from labor and human rights groups and trade unions) were instrumental in the release of Atty Saladero and five others from three month detention in Oriental Mindoro when the judge dismissed the case due to technical grounds. The case however was refiled by the military and is now pending in the Regional Trial Court branch 39, Oriental Mindoro.

There was also the dismissal of the arson charge earlier filed against Saladero and 26 others in connection with alleged burning of a telecom cellsite by rebels in the province of Batangas for lack of probable cause. Another murder charge involving the killing of Ricardo Garmino, a CAFGU member, slapped against the ST a week after the release of Saladero was also junked by the prosecution in November 2009, again, due to lack of probable cause. The prosecution in both cases noted that charges including the testimonies of supposed witnesses were full of loopholes and inconsistencies that refuse to reconcile. This only reaffirms that those charges were simply ridiculous and desperate.

After two years of persistent campaign against trade union repression, the International Labor Organization (ILO) High Level Mission (ILO-HLM) to the Philippines finally happened from September 21-29, 2009. Whilst conclusion is yet to be made this coming March, the ILO-HLM was in itself a success. It was the first in the Philippine history since its membership in the ILO. It (ILO-HLM) symbolized the weakening of Arroyo government's position to cover up the massive trade union and civil rights violations that have plagued the labor movement since Arroyo assumed Presidency in 2001. The HLM was also made possible not only by domestic pressure but also strong pressure from international community including those from the US Trade Representative which made the holding of the ILO HLM a condition to reviewing the trade privileges accorded by the US to the Philippines.

Another success was bringing the case of detained Karnation 20 back to life. Karnation 20 was a group of union members of the Congress of Labor Organization chapter in Karnation Industries in Cainta, Rizal who were slapped with charges of serious illegal detention after they went on strike on May 2009. They were arrested also in May 2007 and detained at the Rizal Provincial Jail in Cainta Riza for two years. Two of the detainees (Melvic Lupe, 29 and Leo Paro, 25) died in jail due to tuberculosis without the benefit of medical assistance.

On November 2009, the court granted the Petition to Bail filed by Atty Saladero Jr, Karnation 20 counsel and asked the detainees to post P60,000 for their temporary liberty. Al-

and "Workers and Unions Under Attack: A Trade Union and Human Rights Report" (September 2007) for details.

though the amount was too high for the nearly all unemployed families of the detainees, the judge decision was in fact an affirmation that the evidence presented by the complainants was weak. Serious illegal detention is non-bailable offense, but the pressure exerted by the Free Karnation 20 campaign on government authorities and the judge apparently helped the workers.



8 OF THE 14 FREED KARNATION WORKERS

In December, 14 of the surviving 18 detainees were released temporarily but their four colleagues were left behind, when the complainant filed a motion to hold the release. Evidently, Karnation Export Industry /Pansy Accessories Inc was not happy with the release of the workers and now even threatening to sue the judge if she issued another non-favourable decision (not in favor of Karnation) concerning the case.

CTUHR came across of the case when one of the detainees' relatives sought assistance in the beginning of 2009.

In Cebu, the intensified labour flexibilization and the lack of security of tenure prompted the workers in Mactan Export Processing Zone and nearby industrial areas in Mandaue city to organize *U4WR, Unity for Workers' Rights* on February 2009. U4WR is a broad organization of both displaced and still employed workers inside MEPZ to pursue their struggle for decent and secured jobs. This is also the first workers organization established in MEPZ since the 1990's.

6. WHAT ARE THE CHALLENGES AND PERSPECTIVES FOR THE WORKERS AND PEOPLE IN 2010?

The year 2010 is particularly important. Not only it is the national election year and legally the end of Mrs. Arroyo's term, it is also the deadline set by the Arroyo to wipe out the insurgency through the Oplan Bantay Laya (Oplan Freedom Watch) counter-insurgency program.

As in the past, human rights violations increase during election, simultaneous to an increase in electoral related violence. In the last quarter of 2006 for instance, when the military was deployed in the National Capital Region, the first documented series of violations were election related such as monitoring and hounding of members and organizers to weaken the support of Anakpawis Partylist, Bayan Muna and Gabriela Women's Party. The terror that they sowed in the community had to certain extent slashed the votes of these partylists. Thus, the same tactics will likely be used to undermine not just the progressive partylist organizations but every government opposition.

As the deadline for OBL II expires this June, it is likely that political repression will heighten, and this calls for peoples' organizations and human rights defenders to be extra vigilant, and become active in defense of human rights.

As the Arroyo regime's term legally ends this year 2010, it is therefore imperative that we use and embrace the lessons we learned not only in 2009 but in the entire Arroyo administration. We must optimize the election season to educate the people, present and amplify our agenda to the candidates and challenge them to include workers and human rights agenda in their platform of government and to keep their promise when elected. We must go extra mile, to ensure that the people's decision in May election will not be hijacked again from us, through fraud, deceit and force, and this early, we must prepare for that at the community, factory and even at the national level.#



The **CTUHR YEAREND REPORT** is an annual report on the situation of the labor sector and documented human rights violations against workers and workers' organizations.

The Center for Trade Union and Human Rights is a non-profit, independent non-government organization that forwards workers' rights and dignity primarily through documentation of human rights violations on workers, workers' union and organization alike. It launches campaigns, trainings and seminars to further its advocacy and educate more workers and other sectors on basic human rights and workers' rights. It also does researches to deepen its understanding of the changing environment and situation in order to effectively further its advocacy.

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of defending and
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Room 702 Culmat Bldg. E. Rodriguez Ave.
Quezon City, Philippines 1102

(02) 411 0256
ctuhr.philippines@gmail.com
www.ctuhr.org