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HUNGER, REPRESSION, AND RESISTANCE

WORKERS' CONDITION UNDER THE NINE YEARS OF
GLORIA MACAPAGAL-ARROYO

JANUARY 2010

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Nine-years of Arroyo administration and the large section of Filipino people particularly the labour sector are buried deeply in poverty, hunger and injustice. Unemployment for instance, continues to soar and prices of basic commodities become increasingly expensive. As the government proclaimed economic growth at the national level, the gap between the rich and the poor grows wider. Huge foreign corporations become more blatant in exploiting the growing supply of cheap labour that the government actively peddles. On the other hand, people's dissent and opposition against these government policies and practices, are fiercely met by repressive laws and violence from state forces.

Thus, at the eve of her reign amidst the nagging global economic crisis and the forthcoming national elections this May, it is imperative to critically review and draw lessons from the experiences of the Filipino workers under the Arroyo regime. From there, workers have to reflect and decide what changes they will like to have, the manner they want to change them, and in the immediate term, make their decisions known this May 2010 election and continue to face these challenges head on in the future.

GMA'S COMMITMENT TO THE PEOPLE IN 2001: A REVIEW

In her first SONA of 2001, Mrs Gloria Macapagal Arroyo (GMA) emphasized three major standards and values, as bases of her policies and commitment to the Filipino people. These are 1) the fight against terrorism and poverty 2) to have a peaceful and orderly nation and 3) to combat graft and corruption and government anomalies¹ As proof of her commitment, she reiterated these policy declaration in the Urban Poor and Labor Assembly in the celebrating the Great Plebian hero, Andres Bonifacio last November 30, 2001 at Folk Arts Theater.

She outlined four elements of these policies to fight poverty:

1. Economic Philosophy of free enterprise
2. Modernized agricultural sector founded on social equity
3. Social bias towards the disadvantaged sector
4. Raise the moral standard of government and society

On the labor sector, GMA particularly assured the following in 2001

1. the government expects the Congress or the wage board to pass legislation concerning appropriate wages,
2. the government will act to stop the price hikes of primary commodities of the workers and that it will continue to keep an eye on oil prices
3. to avoid friction or between the workers and management, the government will go an extra mile to achieve industrial peace; and collaborate with both capital and labour to train the workers to cope with technological changes brought about by the new economy
4. to generate one million jobs in the countryside..²

¹ Office of the President website, www.op.gov.ph

² Ibid..

Nine years after and the question remains: are the Filipino poor, workers and trade unions better off than before?

A GNP GROWTH SOARS, NUMBER OF HUNGRY FILIPINOS INCREASE

The Gross Domestic Product (the sum of all trade and services created in a country) indeed increased under the nine years of Arroyo administration. The National Economic Development Authority (NEDA) noted that GDP grew an average of 4.86% from 2001-2009³, compared with 3.86% under Corazon Aquino, 7% average in the time of Fidel Ramos and 3.7% average under the Estrada administration. ⁴

In 2007, the Philippines in fact registered a 7% economic growth, the highest in the last three decades. This feat earned praises for GMA especially from former US President Bill Clinton.⁵

How this remarkable economic growth reflected or uplifted the lives and livelihood of the majority of Filipinos remains a big question if not a contradiction. In the earlier studies conducted by CTUHR on the impact of economic growth on workers and semi-workers, their answer was plain, “We can not eat nor dwell in the GNP growth rate!” ⁶

This is hardly surprising because parallel with the so-called economic growth, the number of Filipinos living in poverty ballooned immensely. For example, the number of poor families rose from 530,642 to a total of 4.7 million from 2000 to 2006 (not to mention the low poverty line rate set by the National Statistical Coordination Board) ⁷. The figure is even three times higher in the agriculture sector.

In 2007, the number of poor Filipinos has already reached 36% of the country’s population. The Philippines has also been left behind by its neighboring countries, Indonesia, Thailand, Vietnam and China in terms of resolving poverty. Hunger incidence also continues to rise, Approximately, 23.7%, or more or less 4.3 million Filipino families have been reported to have experienced involuntary hunger. ⁸ Even the United Nations was alarmed with the continued increase in poverty rates despite the growing economy. Because of this, the UN recommended to the government to allocate sufficient funds to implement poverty eradication strategy and to include in its strategy the promotion of economic, social, and cultural rights.⁹

Most affected by this dire condition are the women and children. In 2006, 30.1% or 12.09 million of those who are in poverty were women while 40.8% or 14.05 million were children.¹⁰

3 Philippine Daily Inquirer (PDI), 20 January 2010. Ganito Tayo Noon, Ganito Tayo Ngayon

4 National Economic and Development Authority, www.neda.gov.ph

5 Wikipedia, President Gloria macapagal Arroyo, Wikipedia.org

6 CTUHR Monitor, Abril 2005-Agosto 2005

7 Philippine Daily Inquirer, 26 July 2009

8 SWS survey, December 2008

9 UN CESR recommendations, UN document E/C.12/PHL/CO, 24 November 2008 and references to Conventions Against

Torture (CAT) recommendations -- two paragraphs in UN Document CAT/C/PHL/CO/ 2 of 14 May 2009

10 DOLE “Magnitude of Poor and Poverty Incidence of Basic Sectors, Philippines: 2003 and 2006

If there is any sector which has benefited from the economic growth, it is the huge corporations in the country. In fact, from 2001-2007, the profit of the top 1000 corporations in the country grew by 490% from P116 billion to P686 billion. (BW)

In 2006 for example, the net worth of the 20 richest Filipinos – that include the Arroyo administration’s staunchest allies such as Lucio Tan, Enrique Razon Jr., Eduardo Cojuangco Jr., and Enrique Aboitiz – reached P801 billion (\$15.6 billion), equivalent to the combined earnings of 10.4 million poor Filipino families. (Forbes Asia, NSCB) ¹¹

II JOB CRISIS

Under the pretext of creating jobs, the Arroyo government further liberalized the economy and formulated laws and policies that had offered the entire country to foreign trade and investments. What former President Ramos failed to accomplish in duplicating Aquino’s CALABARZON¹² project GMA succeeded and even perfected it by speeding up the building of private and semi-autonomous Special Economic Zones (SEZs) or Free Trade Zones (FTZs) in strategic locations all over the country.

Not only did the Arroyo government liberalize the investment laws, but Mrs Arroyo also took the prime responsibility of peddling the Filipino workers to foreign businesses and governments in her record breaking 80 trips in 40 countries since took power in 2001.¹³ With this, migration has become the Arroyo government employment generation principal policy and strategy, a departure from an emergency and temporary employment measure during Marcos dictatorship.

WORSENING JOB CRISIS (Ibon Foundation)	
Years	Percentage of unemployment
1956-1960	8.0%
1961-1970	7.3%
1971-1980	5.4%
1981-1990	10.2%
1991-2000	9.8%
2001-2009	11.2%

Despite all these, the Arroyo government persistently failed to slash the growing number of unemployed. In fact, it is under the Arroyo government that the Philippines registered its highest and sustained unemployment rate. According to Ibon Foundation, the real unemployment rate in the country averages 11.2% in the last eight years, contrary to the government claims of 7%. By April 2009, the number unemployed Filipinos peaked at 4.2 million. (NSO, Ibon estimates).

¹¹ Ibon Foundation, PDI, 26 July 2009

¹² CALABARZON is an acronym of five provinces in southern Luzon which means Cavite, Laguna, Batangas, Rizal, and Quezon that had been converted into industrial center through creations of private economic enclaves during the Aquino regime in 2007.

¹³ GMA News.TV 14 August 2009

In the agriculture sector, only an average of 258, 200 jobs per year were created from 2001-2008 compared with 1 million target jobs per year. ¹⁴ Underemployment on the other hand is placed at 18% of the 38 million labor force.

Furthermore, the Philippines is now second to Indonesia in terms of unemployment in Southeast and East Asia.

COMPARATIVE UNEMPLOYMENT RATE IN SELECTED ASIAN COUNTRIES 2008-2009			
Country	Period Covered	Unemployment Rate-%	
		2009	2008
Brunei	2008 (Average)	4.0	4.0
Indonesia	2009 (February)	8.1	8.5
Malaysia	2009 (March)	4.0	3.6
Philippines	2009 (July)	7.6	7.4
Singapore	2009 (June)	3.3	2.2
South Korea	2009 (Aug)	3.8	3.2
Taiwan	2008 (Average)	3.9	3.9
Thailand	2009 (June)	1.4	1.2
Vietnam	2008 (Average)	4.3	2.0

Source: BLES-DOLE

CHARACTERISTICS THE 202 SPECIAL ECONOMIC ZONES IN THE COUNTRY			
Manufacturing Economic Zones		66	
Information and Technology Parks/Center		123	
Agro Industrial Economic Zones		2	
Tourism Economic Zones		9	
Medical Tourism Parks / Center		2	
MAJOR INVESTORS BY NATIONALITIES			
Nationality	# of Companies they owned	Nationality	# of Companies they owned
US	206	Chinese	37
Japanese	566	German	32
Koreans	231	Australian	28
Taiwanese	56	French	14
British	37	Hongkong	21
Dutch	39	Source: PEZA website	

Although there were indeed jobs created, these merely replaced the jobs lost or destroyed due to company closures and other schemes that capitalists do to avoid the crisis.

This excessive opening of the economy to foreign capital and establishing economic enclaves in various strategic locations in the country failed to bring significant contribution to massive employment generation. First, contrary to government propaganda, capitalists are reluctant to invest in the country not because of high wages and trade unions but because of inefficient government bureaucracy, lack of infrastructure, constantly changing policies, and rampant corruption. ¹⁵ Second, in the 202 SEZs that exist in the country today, compared to only four during the early 1980s, only a little more than a million workers are employed. ¹⁶ This statistics is far smaller compared to the exports and profits created by the workers inside the enclaves, not to mention the quality of work and the many testimonies of inhuman working conditions inside the enclaves.

A LABOUR EXPORT— KEY STRATEGY TO GENERATE JOBS

Examining the employment generation program closely, it is apparent that aggressive export of Filipino labor has been the regime's principal solution to reducing unemployment. During its nine years in office, the Arroyo government claimed to have created 14.2 million jobs through migration, the biggest employment that a single policy has ever delivered.

¹⁴ National statistics office

¹⁵ Ibid..

¹⁶ Philippine Economic Zone Authority, [www, peza.gov.ph](http://www.peza.gov.ph)

From January to November 2009 alone, a total of 1.28 million Filipinos or 3 600 Filipinos per day¹⁷ left the country to work abroad even in the most dangerous countries such as Iraq and Afghanistan to support their families. Today, more than 9 million OFWs (overseas filipino workers), mostly domestic workers,¹⁸ are working in different parts of the globe, primarily in Saudi Arabia and Hongkong.

No propaganda of the government can conceal the worsening job crisis, as the streams OFW deployment not only cover serious unemployment but reaffirms the failure of the domestic economy to address joblessness. It [OFW deployment] further reinforces the fact that an economy and employment program highly dependent on foreign debt and capital failed and will continue to fail to give Filipino workers secure and decent jobs.

Not only does labour export policy masks the worsening unemployment but it also provides a stable source for dollars to pay the country's foreign debts and to keep the economy afloat. Today, the Philippines ranks as fourth largest remittance-receiving country next to India, China and Mexico whose economies are far larger than the Philippines.

Behind the huge benefits of migration including the billions of dollars in remittances, the government remains indifferent to the welfare of Filipino migrant workers. Paid advertisements for instance do not include OFWs who were maltreated, imprisoned, and sentenced to death after defending their dignities and rights against abuses of their employers.

In 2008 alone, 5 540 distressed OFWs returned to the Philippines, most of them were domestic helpers from Middle Eastern countries and Asia. In the same year too, 41 Filipinos were in death rows while 23 migrant Filipinos died of mysterious causes. Cecilia Alcaraz, an OFW in Taiwan, was sentenced to death by a firing squad after being accused of murdering Chou Mei-yun, her friend broker.¹⁹ Apart from abuses and maltreatment, OFWs are also vulnerable to various diseases. In fact, they place third in the number of HIV cases in the country.²⁰

B CONTRACTUAL WORK AND THE BALLOONING INFORMAL SECTOR

“The way to fight poverty is to create jobs and not to destroy them”.²¹ This is what GMA said in her 2001 SONA.

Like in other policy declarations, the statement was only true in paper but in practice, regular jobs are massacred to pave the way for flexible, temporary, unprotected, hazardous, precarious jobs with barely survival income.

The informal sector alarmingly accounts for the 44.6% of those considered employed. Sixty three percent (63.5%) of them are individuals in their most productive ages (25-54 years old).²² More than half or 54.6% of this number are in the agriculture sector and 39.1% in the service sector. These are the so-called semi-workers or informal workers who are not

17 “Ganito Tayo Noon, Ganito Tayo Ngayon”, PDI, 20 January 2010

18 Philippine Overseas Employment Administration (POEA)

19 GMA News TV 25 August 2009

20 Inquirer.Net 16 August 2009

21 Office of President website, www.op.gov.ph

22 DOLE

covered even by limited benefits under the Labor Code such as wages, holiday pay or other national laws such social security (SSS) or Philhealth insurance. They are also not covered by laws on the right to freedom of association (union formation or collective bargaining) by virtue of the precarious characteristics of their employment and by the absence of definite employer, which is a legal requisite to forming unions.

Union organizing and collective bargaining in the Philippines are enterprise-based and practically applies only to wage and salary workers in companies with more than 10 employees.

Even the Comprehensive Livelihood and Emergency Employment Program or CLEEP that was outlined by the government as a response to the crisis failed to reach its target despite the P7.3 billion²³ spent by the government on this program alone. From an original target of 460, 280 jobs only 350, 000 were generated which included street sweeping, fixing of pipes, tree planting and office maintenance in various government departments. Also included in CLEEP are microfinance projects, that is, providing some individuals access to small government loans to encourage “entrepreneurship” through sari-sari (retail) stores, backyard farming or poultry among others.

In the formal sector where workers have regular income and definite employer/s, part time workers increased by 5.9 million which currently stands at 14.3 million or 2 out of 5 workers. This includes those who work only from 1 to 4 hours each day like those employed in fast food chains such as Jollibee as well as part-time working students. The number of people who are considered earning some income but actually do not work also doubled from 489,000 to 839,000 (NSO).

The 500 000 jobs created in the Business Process Outsourcing-Information and Communication Technology (BPO-ICT)²⁴ industry that the Arroyo government brags are largely contractual too. These include the 280 000 jobs in call centers of big foreign and local companies that were enticed to invest in the country to maximize the cheap yet highly-skilled, English speaking and efficient Filipino workers. These jobs in the BPO-ICT industry are in fact not new jobs, but spin-offs of regular positions previously integrated in the standard operations of a company (for instance, customer relations in telecommunications and banking) that have now been subcontracted or offshored to achieve higher efficiency with lesser cost and greater profit.

The BPO-ICT industry however, is a nightmare to regular workers and unionized enterprises. When the Banko Sentral ng Pilipinas (BSP) issued BSP Circular No. 268 for instance, the structure of employment in banking and finance institutions drastically changed. The nine functions of banks for example that were previously being done by regular employees were gradually contracted out.²⁵ As a result, regular workers are slowly retrenched as these functions and positions disappear. And if the enterprise was unionized, the loss of regular workers certainly undermines the bargaining power of the union, whose membership is based on regular employees.

²³ Philstar.com 14 September 2009

²⁴ Office of the President website, 18 January 2010

²⁵ ‘Primer on labor outsourcing’, EILER at Banking and Financial Institutions Against Circular 268, Abril 2009

The employment conditions in the manufacturing sector are by no means different from the service sector. Regular jobs are destroyed swiftly, efficiently, and silently as capitalists fiercely compete to minimize cost and maximize profit through forced retirement, voluntary separation, restructuring, re-engineering, merger, rationalization, downsizing and other schemes that destroys jobs for regular employees in favour of more flexible workforce and hi-tech production. Contractual, trainees or whatever names they may call the flexible workers are paid lesser than the regular workers and most importantly, are not allowed to form or join unions or other organizations.

CTUHR's research for example, revealed that 3 out of 5 workers of majority of the workplaces in CALABARZON (where there are 33 SEZs) are contractual who work from two weeks until five months only. These workers have varying classifications and undergo different processes of employment. Most of them go through manpower agencies if not through Technical Education and Skills Development Authority (TESDA)²⁶. Their wages are lower by 17-43% compared to regular workers and often work longer than that of regular workers. The practices in Yazaki Torres Manufacturing Co²⁷ in Calamba, Laguna are more telling wherein regular workers who are still too young to retire are forced to apply for retirement but are rehired as contractual workers afterwards²⁸ without the benefits.

This only shows that so-called news jobs created are not really new but mere replacements of the retrenched workers whose contracts or projects have expired.

In unionized workplaces, on the other hand, such as NXP (previously Philips Electronics), San Miguel Group of Companies, labour flexibilization together with other rationalization schemes do not only see the rapid reduction in regular jobs but union membership as well. Out of the 20 000 or more workers of SMC for example, only 8 000 are regular workers and the number of union members are even much smaller. In Magnolia Cavite Plant alone-- one of the companies of SMC, there are more than 400 casual workers as against around 200 regular and unionized workers.

This reality is bolstered by Ibon figures that 4.6 million out of 18.6 million wage and salary workers are confirmed irregular workers or those considered as casual, contractual, seasonal, apprentice, trainees, probationary, on call, etc. In sum, nearly 25.37 million to 32.41 million workers are victims of lack of work due to flexible employment schemes.²⁹

What is more worrisome is the reality that contractual workers are compelled to accept these conditions to keep their jobs and in fear that they join the increasing and long queues of unemployed. Thus, in many ways, they become more vulnerable to abuses and are left to fend for themselves.

26 TESDA or Technical Education and Skills Development Authority (TESDA) was established through the enactment of Republic Act No. 7796 otherwise known as the "Technical Education and Skills Development Act of 1994", which was signed into law by President Fidel V. Ramos on August 25, 1994. This Act aims to encourage the full participation of and mobilize the industry, labor, local government units and technical-vocational institutions in the skills development of the country's human resources.

27 YAZAKI Torres Manufacturing Co in Laguna is 60% Filipino owned and 40% Japanese and its location is registered as YMTI Realty Special Economic Zone Authority. It manufactures automobiles wiring harness

28 'Sibat sa Puso ni Mang Juan', research by CTUHR Hinggil sa Pleskibilisasyon sa 7 Industriya sa CALABARZON 2005 hanggang 2007

29 IBON Foundation 2010 Primer (Pag-asa sa Pakikibaka)

C LEGALIZING WORK FLEXIBILIZATION AND LOW WAGES

The rights to security of tenure and the promotion of full employment are guaranteed under the Constitution and the Labor Code of the Philippines. However, the reality is far from what the laws say. Not only do trade and foreign investment were liberalized when the Philippines become member of the World Trade Organization, (WTO) on January 1995, but the employment was also deregulated similar to what the government does with oil and commodity prices to align the country to market trends.

Under Arroyo administration, labour flexibilization was not just legalized but intensified exacerbating rather than addressing unemployment. As early as March 2002, the Department of Labor and Employment (DOLE) issued DOLE Order # 18-02 outlining the requirements for legal operations of manpower agencies. The law effectively made the workers' rights to security of tenure co-terminus with the contract.

DO 18-02 or Rules Implementing Articles 106-109 of the Labor Code allows contracting, and subcontracting arrangements as well as fixed term employments, meaning a workers can be employed in shorter period than the terms of contracts. The fixed term employment totally eliminates the rights of workers to security of tenure and retirement. The passage of this law saw the immediate mushrooming of labour only contractors in every corner of cities and towns in the country and direct hiring by companies swiftly become a thing of the past. In calculated moved to skirt the law that requires the promotion of a worker to a regular status after six months and 1 day of employment, companies set up their own manpower agencies. Local politicians also joined the fray by establishing their own agencies, which later become their campaign vehicle during election.³⁰

Whilst the law prohibits labor-only contracting, capitalists easily get away with the law, as the law itself only requires the agencies to properly register.

Following DO 18-02, Republic Act 9178 or BAMBE Law or Barangay Micro Business Enterprises Law was passed on November 13, 2002. The law exempts the employers with a capital of Php 3 million and below from payment of taxes and fees and exemption from the coverage of the minimum wage law.³¹ The law is silent about other rights of workers like the right to freedom of association. As a consequence, workers saw capitalists, even multinational corporations swiftly separating, subcontracting, or spinning off the entire production or lines of production leaving them jobless, and/or union less.

Apart from the above, it is under the Arroyo government that students of vocational and technical courses have been used extensively as production workers especially of the automobile and electronic industry under the pretext of training. While they are called trainees, the students are required to work like regular employees but they only receive allowance instead of regular wages. In addition, the scope of jobs requiring apprenticeship and learner-ship period was also widened, that even mere attaching of buttons on garment products was

30 Politicians owning agencies asked families and workers who got their employment from their agencies to pay back their gratitude to them by voting for them or the candidates they support during election. 'Utang na loob' or gratitude that is deeply ingrained in nearly all Filipinos particularly the poor has been exploited by the politicians to get votes from people who in various instances ask 'favors' from them, even if those so called favors are in fact obligations or responsibilities of public officials.

31 www.Lawphil.net

subjected to a three-month training.

These practices are legally protected under Republic Act No. 7796 or the Technical Education and Skills Development Authority (TESDA) Act” and the Republic Act No. 7698 or “Dual Training Act of 1994. In automobile and electronics companies in the Southern Tagalog like Nissan, Honda, Masuda, EMI Yazaki, and Testech among others, the law radically shrinks the number of regular workers amidst the bloating number of trainees and flexible workers. .

Most recent legal tactics that squeeze the workers further is DOLE Advisory # 02-09 or Guidelines on the Adoption of Flexible Work Arrangements issued last January 29, 2009 as an answer to the world crises. Under the guise of preserving jobs, the advisory gives capitalists complete leeway to implement compressed work week, longer working hours with no overtime pay, work reductions and many other cost cutting schemes that are detrimental to the workers’ right to job security, wages and health.

D BARELY SURVIVAL WAGES AND BENEFITS

Serious unemployment in the country also depresses wages and has been excessively exploited to justify the government refusal to legislate wage increases by an act of Congress and continuously depend on the decision of the Regional Wage boards for wage increment.

In the span of nine years, the nominal wages undeniably increased from P250/day to P382/day in Metro Manila or a total of an additional P130. The high inflation rate diminishes the real value of this wage increase to just P12. Thus, despite the so-called increase, workers can barely cope with the prices of basic commodities and family needs estimated at P917 (US\$20) per day. The P382/day salary in Metro Manila, country’s highest wage rate, is in fact accounts to only 41% of the actual needs of family and lamentably, about 60% of the factories and establishments violate the prescribed minimum wage.

WAGES AND COST OF LIVING: THE WIDENING GAP			
	Minimum Wage	Family Living Wage	Gap
2001	P 252 (US\$ 5)	P 509 (US\$11)	- P 257
2008	P 382 (US\$ 8)	P 917 (US\$20)	- P 535
Source: Ibon Data Bank			

Since the effectivity of Wage Rationalization Act or RA 6727 on July 1,1989 at the time of late President Corazon Aquino wages have never been the same. Aside from fixing new wage rates, the Act created various Regional Tripartite Wage and Productivity Boards or Regional Boards whose responsibility is to prescribe minimum wages in each region, rather than leaving the fixing of minimum wages to Congress year after year and law after law. However, there are no clear guidelines how wages are fixed except for broad bases of cost of living in each regions thus fixing of the minimum wage become more political rather than based on the actual needs. In addition, the law did not only create regional wage boards, but also create more than 500 wage level systems in the country, which has been continuously assailed by progressive trade unions as divisive and ineffectual. Some trade union centers have in fact called for the repeal of RA 6727 and for the abolition of the Regional Boards.

Despite the apparent failure of Regional Wage Boards to uplift workers' salaries, the government incessantly opposed the clamor of the workers for a P125 national legislated across the board wage increase and even threatened the workers of company shutdowns if such demands are granted. Various studies showed that wages account for only 10% of the production cost, an insignificant amount compared to advertisements that takes 50-75% of a product cost. Examining further, the wage increase that the workers seek, it is not hard to see that the amount is only minimal especially when compared to the Php1 447 billion spent by Mrs. Arroyo in her trips abroad from 2001-2007³² and to the P28 million entertainment expenses of the DOLE.

E LONGER WORKING HOURS, INHUMAN CONDITIONS

While unemployment situation deepens, those considered fortunate to have jobs are bleeding dry from overwork and sub-human conditions at work.

At Hanjin Heavy Industries Corp (HHIC) in Subic Bay Freeport Zone and the largest single foreign investor in the country employing about 23,000 workers, had been the subject of protests and condemnation due to the series of deaths of 25 workers who have died due to accidents and absence of safety precautions, devices and trainings inside the shipyard. This does not include residents around the shipyard who died of malaria when the company set-up various facilities that not only disturbed the ecosystem but the entire environment.

Inside the economic enclaves like in CALABARZON, working hours normally last for 10-12 hours/day and there are even instances wherein workers do double-shift or 16 hours of work. Raymundo Aguba, 29 years old and a contractual worker at Masuda Philippines, died in the workplace after he was forced to work for 22 hours in 2004. The same fate struck Romeo Mapacpac of Asia Brewery in Laguna and Salvacion Langomes of PP92 in Compostela Valley who both died of exhaustion in 2005.

In Novaliches Quezon City, one of the surviving industrial belts in NCR shares the same predicament. Workers particularly the contractual ones who passed through employment agencies are obliged to work 12 hours a day without day-off within a month. Whilst it sounded too much, they accept the condition to get employed and increase their income at the minimum wage level of P382/day. CTUHR random survey conducted in the area revealed that contractual workers are only paid between P180-270 per day. The wage offers further declined when the twin typhoon Ondoy and Peping hit Metro Manila and Northern Luzon on September last year flooding most factories in the area.

The biggest reflection of this despicable reality is the consecutive deaths of workers in Hanjin shipyard, which has earned the company a new tag - graveyard.

This oppressive condition is further aggravated by DOLE's incapacity and lack of political will to implement labour standards. The small number of labour inspectors, 180 individuals in total to inspect about 24, 000 enterprises all over the country attest to the absence of serious intention to protect the local workers from exploitation. Worse, DOLE has handed over the responsibility to inspect and secure health and safety standards as well as implementation of core labour standards (including right to organize, collective bargaining) to the capitalists themselves that employ 200 or more workers by virtue of Department Order 57-04 series 2004 or Labor Standards Enforcement Framework (LSEF). This means that capitalists

can freely do what they wish (comply or violate labour standards) or conduct Self Assessment and report it to DOLE without worrying about government interference, just like what happened in Hanjin shipyard.

Hanjin Shipyard became so invincible, that DOLE cannot do anything with the series deaths except for saying that HHIC indeed violated labor standards.

The LSEF came into effect on 31 January 2004 by virtue of Department Order 57-04 series 2004. LSEF defines the approaches and strategies that are to be pursued by the regional implementers to ensure voluntary compliance with labour laws. As provided by Department Order 57-04, the LSEF encourages the proactive participation of establishments in labour standards enforcement through: (a) Self-Assessment (SA) for establishments with more than 200 workers and those with certified collective bargaining agreements, regardless of employment size; (b) Regular Inspection for establishments employing 10-199 workers; and, (c) Training and Advisory Visits (TAV) for establishments employing 1-9 workers and those registered as Barangay Micro Business Enterprises (BMBEs), regardless of employment size.³³

III WAR ON TRADE UNION MOVEMENT

Note: all data and information on this section were taken from various CTUHR yearend reports from 2001-onwards.

The deprivation of the workers' economic ability to sustain their basic needs such as food, shelter, education for their children etc has to a large extent forcing them to trade off their rights and dignity at work to be able to survive. In fear of losing their jobs, shelter or getting their family hungry, majority of the workers were reduced to silence and resignation and their resolve to struggle weakened.

Despite the tremendous odds, a significant though relatively small section of the workers, however persist in organizing unions to uplift themselves out of this situation. The government's policies and practices implemented in the last nine years however, not only nipped the buds of newly formed unions while established ones were weakened, if not busted.

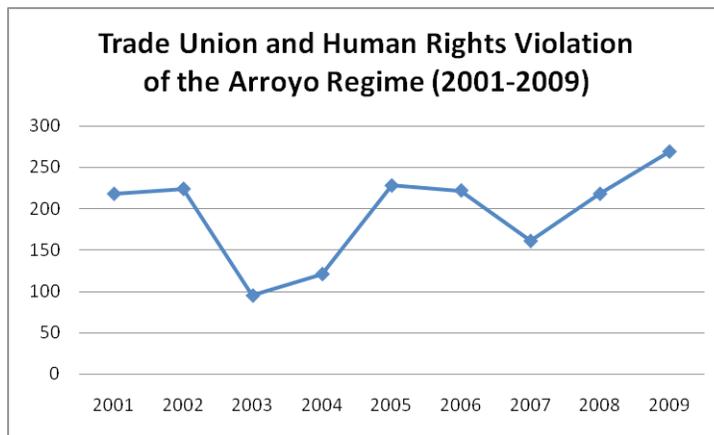
The workers movement almost limps from unparalleled comprehensive attacks on jobs and union rights such as: 1) intensive and widespread use of labor flexibilization to align the country to the demands of globalization 2) anti-union laws and regulations 3) militarization of workplaces and use of violence under the pretext of maintaining industrial peace and as an offshoot of counter-insurgency program Operation Plan Bantay Laya I & 2 (Oplan Freedom Watch 1 & 2).

Under the latter's program, plantations, industrial enclaves, agricultural farms and workers communities especially on places where there exist militant unions from Luzon to Mindanao were placed in an undeclared martial law.

This has resulted in an unequalled number of trade union rights violations, particularly on the right to freedom of association and civil liberties of the workers since Marcos dicta-

³³ Blog: communicating labourrights by Vittorio Longhi

torship was ousted from power 24 years ago.

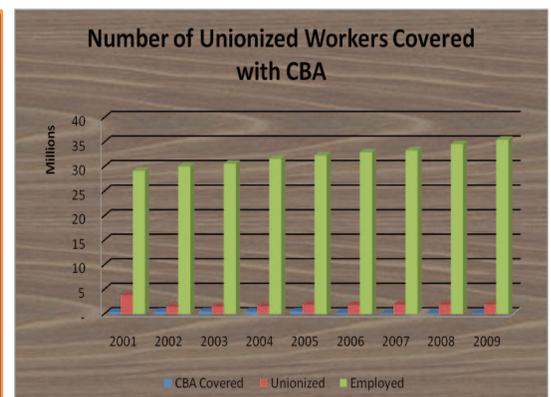
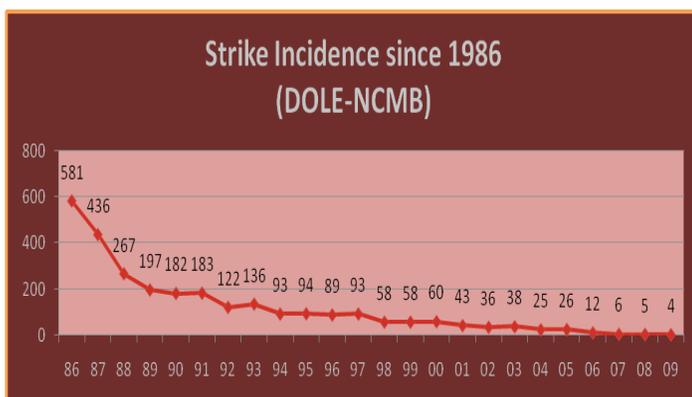


From 2001 to December, 2009, CTUHR documented 1,757 cases of trade union and human rights violations affecting 158,909 victims. Definitely, this is a partial count as CTUHR could hardly document and monitor cases where access is difficult such as in far-flung plantations, and special economic zones due to the resource limitation of the institution.

Hence, union membership quickly and dramatically decline throughout the country. The effect of these policies is more pronounced in the number of workers covered by collective bargaining agreements (CBA). From 3.85M unionized workers or 13.2% of the total employed in 2001, the number declined to 1.956M or merely 5.5% of the total employed in 2009. These unionized workers belong to different trade union centers with varying political orientations that in some ways also affect the attainment of better conditions at work.

Logically, as the number of unions dive, so as the number of factory strikes that went down to only four (4) in 2009, the lowest in seven (7) decades. Legally, a strike can only be launched by a registered local trade union after complying with the strings of requirements, including the following: i) filing of Notice of Strike and allowing 15 days cooling-off period if the issue is unfair labor practice and 30 days if the issue is CBA deadlock; ii) conducting a strike vote and submission of the result to the DOLE seven days before the actual strike.

Contrary to the DOLE's declaration, the decline in strikes is by no means an improvement in working conditions and industrial relations but in fact a concrete reflection of the repressive regime of labor relations in the country.



A MARTIAL LAW IN WORKPLACES: NAKED INTERFERENCE OF THE MILITARY ON UNION ACTIVITIES

At the onset of the Arroyo government's "War on Terror" campaign in the form of Oplan Bantay Laya 1 & 2 (OBL 1 & 2), Mrs Arroyo in meeting with investors in the province of Laguna in 2001, declared its total war on "factory terrorists"—they are the unions that according to her cause factory closures, destroy employment and dissuade foreign investors.

The statement immediately saw the brutal and bloody dismantling of picketlines especially in the Southern Tagalog such as in Nissan Motors, Toyota Motors, Southtech, Masuda Philippines, Nestle etc.) between 2001 and 2002.

In fact, from 2001-2004 nearly the protests, pickets and strikes that the workers launched in Southern Tagalog were violently attacked, protesters were arrested and slapped with charges of common crimes.

The dismantling of picketlines was followed by deployment of counter-insurgency/ counter-terrorist units of the Philippine National Police (PNP) like the elite unit of Special Action Force (SAF) and Regional Mobile Group (RMG) in different strike bound factories (especially multinational corporations) and communities. Since then, these forces did not leave the areas, and in nine years their numbers have increased and now being augmented by elements from 202nd Infantry Brigade of the Armed Forces of the Philippines Philippine Army.

B SPY INTELLIGENCE NETWORK

Parallel with this, spy intelligence networks or management Eyes and Ears are being established inside the production line or section in vulnerable factories, that is, workers on the process of union formation, KMU affiliated or influenced unions, and companies that the military suspect to be "*vulnerable for infiltration*" by militant terrorist unions. Their primary aim, crush the KMU unions and prevent them and their allies from organizing a union.

According to the source, the Section Eyes and Ears network are composed of workers handpicked by the management according to certain criteria who will attend two days seminars on how the communist (enemy) operates the labor sector. The management and security personnel will also attend and later, all workers will be asked to attend series of one-day seminars on communist insurgency and counter-insurgency.

Every section Eyes and Ears of the management will periodically reports to the Facilitators (civil and military operations of the Philippine Army) for assessment and when enemy activities are spotted, the counter-insurgency psychological operations are done.

At first, even CTUHR took the establishment and operations of the spy networks as a scene in a movie or in spy novel. But since it got hold of details from the source in 2004, reports from the ground did not only reconfirm the truthfulness but amplify how it (spy network) works in reality.

In Sunever Lights for instance, elements of the Special Weapons Action Group (SWAG) of the PNP manned all the movements of the union leaders while inside the worksite. Dur-

ing the process of union's certification election, the capitalist immediately sacked all the union officers and active members. When the workers finally staged their strike, vicious attacks were received by mostly women workers of the factory from the police until the strike are broken and the workers were thrown outside the factory premises.

In various plantations for exports in Mindanao, Marsman Estate in Davao del Norte, a group of workers together with the elements of the army started holding one day seminar when the campaign for union election also began. The seminar is always accompanied by a film showing on the alleged links of the Kilusang Mayo Uno on the New People's Army and the menace of being associated with militant unions. The seminar was intensive and compulsory for workers, and thus it was not surprising that when the election result came out, KMU lost by small margin.

In Compostela Valley, the military organized the Workers for Industrial Peace and Economic Reforms (WIPER) in 2008. The organization also claimed to have workers and residents close to banana plantations and packing plants as members. Its main activities include holding anti-union, anti-KMU, and anti-communist propaganda such as forums, film showings, and recruitment of members to spy on union officers and members.

Similar activities are also regularly conducted in DOLE Philippines, wherein the primary consort of the military in anti-KMU and anti-communists forums is the alleged management sponsored workers organization called UR-DOLE. The forums were previously held in the company premises but the union's protests against it, and the social audit conducted on the company apparently forced the company and the military to hold the seminars outside. Reports gathered by CTUHR noted that workers attend the forums on company expenses, they are paid their daily wages without workings. Towards the end of 2009, the so-called Investment Security Forces (ISF) directly 'invite' workers to participate in forums.

C OUTRIGHT MILITARIZATION IN WORKPLACES

Nowhere in the country's modern history that military's intervention in industrial relations become so brazen and blatant, than what the military has been doing under Arroyo's regime.

The onset of implementation of OBL 2 in Central Luzon signaled the new wave of attacks on the workers movement that caught the trade unions off guard. Members of the 56th IB and 69th IB under the 7th Infantry Division of Philippine Army, under the command of Gen Jovito Palparan started questioning the union officers on union matters including financial statements. KMU affiliate local unions such as in Console Farm, Robina Farm and Solid Development Corp. in San Miguel and San Ildenfonso, Bulacan, Coca-cola and Cosmos Bottling Corp in Pampanga were hit hardest. Officers were threatened and some were forced to resign until the military virtually take over the unions. They threatened the unions to disaffiliate from KMU or something bad will happen to them. After the takeover, union organizers of Kilusang Manggagawa sa Bulacan (KMB or Workers Movement in Bulacan) and Workers Alliance in Region 3 (WAR 3) were systematically hunted until the two offices closed down. Organizers were forced to live a life on the run as even communities were raided in Pampanga and census were conducted to identify and weed out insurgents and their supporters.

Following the take over of unions in Bulacan, the military called for union meetings, draft union resolutions and even create CBA proposals. Union officers of Robina and Console Farms were also conscripted into the Barangay Defense System (BDS) and Inter-territorial Defense System (ITDS) where they are forced to patrol the whole village nightly and report all the union activities as well as other organizations present in the area. This was followed by the capitalists' unilateral suspension of the CBA agreements with the unions and whatever the workers won in the CBA was reversed.

In 2008, the military also hounded members and officers of International Wiring System Workers Union (IWSWU) in Tarlac City which prompted the union to file a complaint at the International Labour Organization. The military conducted forums on different villages where many IWS workers reside and discouraged them to ask for improvement in the forthcoming CBA negotiation. The also accused the union officers of financially supporting the NPA and threatened the union president to stop his union activities. The union however, was prompt to respond and with assistance from labour rights organizations, campaign was launched at the local and international level. The latter proved effective as the harassment was temporarily halted and in December 2009, the union inked a new CBA with the company.

In 2009, the same tactics are used and being used in Robina Farms in Antipolo by elements of the 16th Infantry Battalion implemented same schemes to demoralize unionists.

Legally, the military doesn't have any right to interfere in the union affairs, but the OBL counter-insurgency program does not only muddle in labor relations, but in fact target unions and unionists as enemies of the state. These continuing operations, despite tremendous protests, not only paralyzed the unions but sowed terror among workers.

The military seemed to have learned that tactics in Central Luzon were effective in terrorizing workers and unionists to silence. Thus these practices are replicated in the plantations of Mindanao primarily the KMU and other existing militant and independent unions.

Even the Alliance of Progressive Labor (APL) a labor group critical of the KMU complained about the harassment to their union organizers in Mindanao Textile Corp (Mintex). The military also suspected their organizers to be linked with KMU thus considered NPA recruiters.

In Metro Manila, tentacles of counter-insurgency operations were also spread. On August 2006 Pres. Arroyo issued EO 546 that gave way to the deployment of Civil Military Operations (CMO) of the AFP in more than 400 villages, mostly urban poor communities in the National Capital Region (NCR). EO 546 aims to institutionalize counter-insurgency operations through coordination of the military, police, local government units and mobilization of civilians as force augmentation to effectively "clear" the city and other major towns from rebel influence and cut rebel support.

The biggest and most atrocious product that EO 546 has created is the army of the Ampatuans in Maguindanao who were responsible for the massacre of 57 individuals including 30 journalists on November 23,2010.

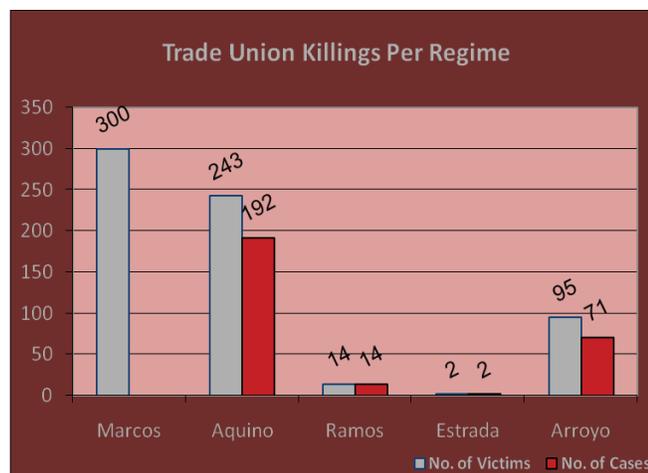
Like the situation in provinces, union organizers and officers as well as residents in urban poor communities and partylist group organizers affiliated with the Anakpawis, Gabriela, Bayan Muna were also harassed and hounded by CMO elements. CMO personnel infiltrated schools and universities to conduct forums and discussions demonizing different militant organizations. Film showings like the Anti-KMU movie are held and copies of the video are widely distributed. Military elements were involved in the demolition of picketlines in Ren Transport in Tandang Sora, Quezon City and in demolition of houses in Manila, Quezon and Taguig City.

To date, CMO elements are deployed in around 400 urban poor communities in Metro Manila.

Naked violence seemed not enough and the government passed the Human Security Act of 2007 (aka Anti Terrorism Law) which dangerously broaden the concept and definition of terrorism. But the law met overwhelming protests locally and internationally, for its overly broad definition and violations of international standards that the government found the hard to use to its maximum objective.

D 95 WORKERS, LEADERS, ORGANIZERS AND ADVOCATES WERE KILLED

Surveillances, threats, takeovers, assaults and suppressions were never enough to dissuade the workers from pursuing their demands and to silence government critics particularly those calling for Mrs. Arroyo's ouster and/or resignation from office and dissuade. As at December 2009, 95 trade unionists, organizers, workers and advocates were killed while four (4) others remain missing. Thirty five (35) of the victims were murdered while there are ongoing labor disputes inside their worksites. The seven victims of the Hacienda Luisita massacre and those murdered after the massacre, like Ricardo Ramos, Fr. Tadena, Ladera, Collantes, Nestle union president Diosdado Fortuna, Rogelio Concepcion of Solid Development Corp among others have yet to be given justice. *[complete list of victims of extrajudicial killings in the labor sector, see table]* Except for Ricardo Ramos case where Philippine Army sergeant was identified, no arrest has been made and the person arrested concerning Ramos case was allegedly the fall guy. There were accounts that the real perpetrator in killing Ramos roams free in Tarlac. All cases filed at the Commission on Human Rights were archived allegedly for lack of witnesses and direct evidence nullifying all the circumstantial evidence that positively points to the military as the perpetrators.



This clear absence of arrests and prosecution even if suspects and deep-seated culture of impunity in the country had in fact emboldened those who are responsible to commit more killings and human rights violations. Gen. Jovito Palparan who was pinpointed by the Melo Commission that the government formed to look into the killings, to have some degrees of responsibility has been lavishly praised by Mrs. Arroyo for his performance and in fact promoted. When retired he was offered a juicy position to look after the Subic Freeport Zone by Ms. Arroyo, except that he chose to sit in Congress as representative of his anti-communist partylist-- Bantay. He is now running for Senate with a single mission of preventing militant representatives Satur Ocampo (Bayan Muna) and Liza Maza (Gabriela Women's party) from winning the senate seat.

Following strong international condemnations and protests against the killings, the cases dropped down in 2007 which only proved that the government has something to do with them. Enforced disappearances, abductions continued shamelessly.

Whilst activists, human rights defenders and trade unionists are continually hounded by state forces, the Ampatuan clan-- staunch ally of Mrs. Arroyo -- who had 57 individuals massacred, and whose armory pales even those of the Armed Forces of the Philippines are treated with kid gloves and legal leeway to elude punishment. Malacanang declared a state of emergency in Maguindanao, a declaration that was completely incomprehensible as the Ampatuans were not up in arms against the government, they, in fact supported the government in its so-called anti-terror drive. The Department of Justice (DOJ) charged them rebellion instead of multiple counts of murder-- case that the DOJ knows will be difficult to prove in the court. Ampatuans are not rebels, they are warlords who have strengthened themselves due to protection of their political coddlers.

E ASSUMPTION OF JURISDICTION: LICENSE TO ASSAULTING STRIKES AND PROTESTS

The most brutal and bloody strike dispersal in the post Marcos dictatorship also occurred under the Arroyo regime. In 2001, the workers strike at Goodfound Cement in Bicol region 2001 over union busting, was by unimaginable force at the time. Two six by six truck loads of heavily armed Philippine Marines and Scout Ranger plus a battle tank were positioned at the gate immediately after the Assumption of Jurisdiction Order was issued. When the union defied the Order and set up their picketlines, they were dispersed violently sending unionists to scamper for safety. Scout Rangers pursued them in villages, and in less than three days, the strike was ended, strikers were afraid to return and the union was busted eventually.

The most brutal strike assault occurred on November 16, 2004 when combined forces of the police and the military, backed by V50 tanks violently disperse the more than 10,000 striking farm and mill workers of Hacienda Luisita with teargas and bullets which led to the deaths of at least seven strikers, more than a hundred injured and arrests of about 70 strikers. Hacienda Luisita is owned by the family of late President Corazon Aquino.

These assaults were legally backed by the "Assumption of Jurisdiction Order" (Article 263g of the Labor Code) issued by then DOLE Secretary Patricia Sto Tomas. This was the first ever documented case where the DOLE deputized the Armed Forces of the Philippines

to disperse the strike and enforce a return to work order. Under the previous administrations, handling of strikes including dispersal was very much a province of the police and company guards, and military was largely confine in combat with rebels. This administration changed the pattern, and made it worst.

CTUHR documentation revealed that 85% of all the violent assaults on workers' strikes that occurred on 2001-2005 were due to the implementation of Assumption of Jurisdiction Orders (AJ). If there was something positive that the massacre did, it was highlighting what the workers called 'evils' of the AJ. The public was outraged that a cabinet secretary can summon the Armed Forces to shoot unarmed strikers by a virtue of a single provision in the Labor code, and thus series of investigations, mass protests calling for the repeal of the law sparked all over the country. The Congress refused to repeal the law, Secretary Sto. Tomas resigned and DOLE became a little bit cautious.

Cautious as it may be called, Sto. Tomas penchant for AJ was replaced by Sec. Arturo Brion AIDA or Administrative Intervention for Dispute Avoidance which given him the power to intervene or 'resolve' labor disputes on request of the management or union. As a result, the government assumed full responsibility, freeing capitalists from worries in settling disputes, even if they can be resolved bilaterally between the union and the company.

Violent attacks on protesters are not limited to AJ implementation. Even with the sharp decline in strikes, the organized protests by workers or the few remaining picketlines continuously experienced violence. The protesting workers of Southern Tagalog who marched from their region to the DOLE office in Manila on March 6, 2008 for example, were met by teargas and serious beatings from the police, that injured more than 10 and arrested 8 people on charges of illegal assembly. The workers were protesting the turtle paced process of resolving cases filed at the DOLE.

F LEGAL OFFENSIVE

Violations against workers and the people's rights are relentless. As they say it, even if one is able to evade overt violence or survived attempted killing, unionists and defenders can never rest as they face another mode of violations: use of various legal processes in resolving disputes which in practice proved to be difficult for the workers to win.

This is called legal offensive, or the use of laws and the legal and court system to demobilize the support of critics of the administration. This term was first used by the Inter-Agency Legal Action Group (IALAG) as a parallel tactic (with overt military operations) to exterminate communists and their supporters since 2006.

In the labor sector, the damages done (and continuously being inflicted) by legal offensives in order to dismantle unions and threaten workers from joining unions have been both long-running and deeply-entrenched.

First of these types, is the filing of criminal and civil charges such as grave coercion, malicious mischief, qualified theft, arson, assault, robbery, destruction of property, perjury, illegal detention against unionists in relation to acts involving labor disputes. Almost all the strikes that were dismantled particularly with regard to AJ implementation were always fol-

lowed by filing of charges of common crimes. The most horrendous example of this type was the charging the striking workers of Karnation Industries/ Pansy Accssories in Rizal with serious illegal detention. The charge resulted into detention of 20 workers since 2007 and during their incarceration, two of the workers died of tuberculosis.

In 2008, the pattern has been to file cases of illegal strike or illegal concerted action against unions even when there are no strikes launched so as to immediately preempt strikes or swiftly bust unions. In these cases, all union officers charged with illegal strike can be dismissed from their jobs without receiving salaries or benefits. They may even be obliged to pay for damages, the losses of the company during the strike. This was the experience of both Papertech (Pasig) and Kowloon restaurant

Ordinances of local government units and other government agencies such as the *street clearing drive* of the Metro Manila Development Authority (MMDA) are also being used to get rid of picket lines. In CEPZ, strike dispersals of Chongwon Fashion and Philsjoen were justified by PEZA as violation of the National Building Code which prohibits the blocking of entrance, exit, or passage ways of people. In both instances, justifications were not just ridiculous but teeming with insensitivity and disregard for workers rights to freedom of expression and of assembly.

Yet nothing can compare with the labyrinth, expensive, and complex resolution of cases in the National Labor Relations Commission (NLRC) that drags four to ten years for rather simple cases such as illegal dismissal to finish. NLRC earned a monicker as graveyard of labor cases.

The second type is the filing of criminal cases such as murder, frustrated murder, arson etcetera to leaders and human rights defenders in connection with the government's anti-insurgency program. This was used in the cases of ST 72 which imprisoned Atty. Saladero and other leaders from Southern Tagalog in 2008.

This plot was first used by Inter-Agency Legal Action Group or IALAG to Ka Crispin Beltran whom the former charged with cases of rebellion and inciting to sedition in 2006. This was followed by cases against the Batasan 5 which IALAG failed to implement massively after the Supreme Court junked all the rebellion cases filed against the six. Cases of rebellion are said to be difficult to prove in courts most especially when the people accused were not captured in actual encounters as well as unarmed. Thus, such cases are relatively easier to junk.

This is the probably the reason why the Ampatuans were charged with rebellion instead of multiple murder after the massacre of 57 people.

Last April 11, 2007, Vincent Ka Bebot Borja, coordinator of KMU in Eastern Visayas and Anakpawis Partylist coordinator was also arrested and put behind bars because of trumped-up murder cases. He was first detained at the Provincial Jail in Ormoc City and after a year was transferred to Tacloban City where he remains imprisoned up to now.



Vincent "KA BEBOT" Borja
Coordinator, KMU Eastern Visayas and a
victim of criminalization

G CALCULATED MOVES TO BUST EMERGING UNIONS

Dismissal of leaders and active members of emerging unions, suspension of leaders and discrimination of union members if not temporary closure of factories are the common forms of this scheme. In this line of attack, the process of union organizing no longer reaches the certification election (CE) as officers are terminated en masse. Consequently, it pushes the union to launch an early strike in defense which makes it more difficult if not impossible to win. This is what happened to DIFTI in Davao, Unijewel and Altamode in Cebu, Sunever Lights in Southern Tagalog, Papertech in Pasig among many others.

If the union ever gets through with the CE, most are unable to go on with the CBA before the fight is reduced to a protracted legal battle, until the gains in winning the elections gradually diminishes because of failure to ink a collective bargaining agreement like what happened to Advan workers.

This reality is also true in economic zones where there is an intensified implementation of No Union and No Strike Policy. Not only are members of budding unions retrenched, they are also blacklisted like the case in Cavite Export Processing Zone (CEPZ). These tactics are accompanied by increased deployment of military inside and outside the enclaves.

Despite the passage of RA 9481 in 2008 which is supposed to hasten union formation through charter certificate of federations and removal of requirement to immediately publicize the names of union officers and members, the law still miserably failed to provide in actual, a more conducive environment for organizing. This is because, the union is still obliged to submit its list of officers before the CE.

On the other hand, existing unions are coerced or intimidated further by capitalists by the latter's refusal to implement check-offs for union dues and union funds as in the cases of San Miguel Corporation (IBM) and Dolefil Philippines

IV REVERSAL OF THE GAINS OF INDEPENDENT, PROGRESSIVE, AND MILITANT UNIONISM

Evidently, it is the progressive section of workers' movement, the KMU, as well as its affiliates and allies which took the heavy brunt of these comprehensive attacks. In an attempt to weed out militant unions and to weaken the labour movement that it sees as detrimental to the state and investors interest, the government no longer distinguishes official affiliation. Thus, even independent and moderate unions at the local levels who are forced to fight against these policies become immediate targets of these attacks.

In CTUHR partial documentation in the last nine years, more than 50 000 union members, most of which are from KMU and its allies were lost due to closures or retrenchment at the height of labor disputes. This sly tactic (of intentional closure) is one of the reasons used and is still being exploited by capitalists and the state to attack KMU as causes of company closures, when in fact, closures were deliberately done to bust unions.

But in essence, it is not only the KMU who has been the victim of this war rather it is the entire workers' movement. The impact of this war on union movement is clearly reflected on

the swift and dramatic decline of union membership and the weakening of its foundations on the ground. It cannot be denied that the workers' movement is weak, it is in the defensive if not on the retreat, thus its struggle to uplift the workers from dire poverty becomes more difficult as it has to pursue it while in itself it is also struggling for its survival.

V RESISTANCE

But despite the ebbing tide of the strike movement, the workers did not cease to fight. In fact, the brutal reaction to protests and strikes launched as well as the assent of industrial relations to counter-insurgency programs indicate that the progressive section remains a formidable threat to the maintenance of the status quo and the policies of neoliberal globalization.

There are significant victories that unions have gained in their struggle to improve working conditions that are worth noting. Collective bargaining agreements were successfully concluded by unions in EMI-Yazaki in Cavite, International Wiring System in Tarlac, Palm Plantation Workers Union in Agusan del Sur, Jardine Schindler Elevators and Maynilad Water Services amongst others. The negotiations were long and painstaking but at the end, workers collective resolve carried them through victories. Except that often these victories were glossed over by anti-union propaganda both in the local and national levels.

In the campaign against repression, the workers are triumphant in seeing Atty. Saladero and six others who were detained in Mindoro walked to freedom on February 5, 2009. This was followed by the dismissal of two other fabricated cases of arson and murder charges against them.

At the international level, the Arroyo administration was deeply isolated due to her notorious human rights record. She had been criticized severely not just by human rights organizations but even foreign governments and businesses especially when the Philippines ranked second most dangerous country for unionists. The criticisms were heightened right after the Maguindanao massacre last November 23, 2009, when the Philippines became the most dangerous country in the world for journalists. It must be noted that this concern from international communities has been instrumental in pressuring the Arroyo government to accept the visit of UN Special Rapporteur on Extrajudicial Killings, Prof Philip Alston in 2007, the ILO High level Mission and large extent the decline in killings at least in 2007.

In particular, the labor sector considerably contributed to the broad campaign on Stop the Killings – though did not stop – momentarily dropped. What makes the campaign that sector vigorously carried out was highlighting that those victims of extrajudicial killings were not only political activists, they were workers and trade unionists whose urgent and basic demands when they were killed were decent wages, shelter, job security, agrarian reform and freedom to organize and to assemble, They were far from being rebels contrary to the government propaganda that those unionists were also communists and thus they were legitimate targets of military operations, short of saying, that indeed the military killed them because they were communists. The demands of those victims were basic, that failure of the government to provide them was covered with cold murders and antiquated propaganda.

This means that whilst the government acceded to some demands for civil liberties (like

the promulgation of the writ of Amparo and writ of habeas data), these will all be rendered insignificant if poverty remains unsolved and continue to foment struggle and resistance. Where there is resistance, there is repression.

The ILO High level mission in the Philippines last September 21-29 which investigated violations against right to freedom of association and civil liberties of workers and trade unionists is a victory for the trade union movement. This was the first in the entire history of labor movement in the Philippines, and recognition that trade union rights violations are prevalent. Though it may not have real impact on the ground right now, but the fact that the government was forced to accept it, was an indication that they can no longer avoid the charges against it. To date, the HLM has yet to release its conclusion which is expected to be out by March 2010.

Parallel with these are the complaints filed at the US Trade Representative which pressured the government to welcome the ILO HLM. This is the complaint concerning the review of the trade privileges given by the US to the Philippines under the Generalized System of Preferences (GSP) on account of massive trade union rights violations. The complaint can cause a reduction if not a withdrawal of economic benefits from the Philippines.

In the UN, the conclusions and recommendations of Philip Alston, Special Rapporteur on Extrajudicial Killings after his visit last 2007 was a nightmare to the Arroyo administration. His recommendations were reiterated in the subsequent recommendations by the UN Convention Against Torture and Committee on Economic, Social, and Cultural Rights. Unfortunately, it will require a lot of education and information campaign at the grassroots level to optimize these recommendations in pursuit of other demands.

VI CONCLUSION AND PERSPECTIVE

In the last nine years, the workers and trade union conditions worsened as a result of anti-workers and anti-union policies integral to neo-liberal globalization.

This was further aggravated by ruthless and relentless implementation of the counter-insurgency program, Oplan Bantay Laya 1 and 2, the worst counter insurgency programs ever implemented by the government since Marcos. Unlike in the previous regimes, counter-insurgency programs were directed to armed insurgents both in paper and in practice. Where there were casualties, there were not as alarming as today. OBL (Oplan Freedom Watch) is completely different, it targets, both in paper and in practice legal and democratic peoples organizations, administration critics regardless of sectors which are perceived or tagged by the government as supportive, front or part of the communist movement. The main problem is that all government critics and activists are considered enemies of the state and are treated equally as those with armed insurgents.

Human rights violations against workers are widespread, precise and systematic sending the workers movement to grappling for existence.

To merely say that the Mrs. Arroyo is guilty of these violations is a compromise and an understatement. The Arroyo administration is not only guilty; its accountability to the workers and the union movement is enormous and deep. The workers must not forget that

this administration is accountable for the 95 victims of political killings, four abductions and disappearances and five workers who remain detained up to now, who are still crying for justice.

Most especially, the workers and people must always remember the policies and schemes that the Arroyo administration has put in place, especially OBL, the program that virtually transferred power to military to directly participate in governance from Malacañang down to the village levels.

This program must be stopped. Alongside this, military forces must be immediately pulled out from factories and workplaces. Laws such as EO 546, which legalized surveillance and harassment of activists and their sympathizers in cities and which paved the way for the massive formation of paramilitary units and private armies must be repealed. This program failed to stop the insurgency. Instead it militarized the bureaucracy and has wreaked immeasurable havoc on people's lives.

Even the so-called economic programs by the Arroyo administration miserably failed to alleviate the workers and the people from dire poverty and hunger, despite the so called economy growth as indicated by supposedly increasing GNP. On the contrary, the administration's excessive dependence on foreign debts and capital as well as export of raw products and labour, inflicted serious blows to the local economy and Filipino families. This kind of economy proved to be vulnerable to the vagaries of world capital and market and thus it is not surprising that with the wave of crises in the global scale, factories in the country immediately shut down causing massive retrenchment of local and migrant Filipino workers alike. Thanks to the ever growing remittances from overseas Filipino workers that keep the economy afloat, and is now considered key indicator of how the local economy reacts to crisis.

No amount of foreign investor can lift the majority of Filipinos out of poverty. It is still the implementation of genuine agrarian reform and the development of local economy that can best build a strong foundation of the economy that will create jobs inside the country and reduce if not totally eradicate Philippine dependence on commodity and labor export. What the people and the economy need is a program that will generate decent jobs – jobs that will contribute to society's progress and not menial jobs generated by BPOs, call centers or emergency employment.

But the workers movement is rather weak for it to thoroughly and effectively respond. The movement will be required to overcome its difficulties, weaknesses and failings in the past years. For example, it was unprepared or evidently struggling to cope with if not respond to the burgeoning labor flexibilization which already started to intensify in the early half of the 1990s. It had limited itself to organizing its traditional base, the permanent or regular workers that keep shrinking in numbers. In comparison to the sector's relatively active response to the killings, picket line dispersals among others, where it was able to launch mobilizations, though hardly be considered huge, the sector's response to the ballooning contractualization and the diminishing number of regular workers, which is the base of unions, is almost imperceptible.

Thus the greatest challenge in the short and even medium term is how to reach out to and

mobilize the biggest number of contractual workers as well as workers in the informal sector. This would require thorough, aggressive, creative and dynamic methodologies in order to organize this subsection of workers and eventually mobilize them in order to put forth programs that will bring about decent living conditions and social justice.

Another challenge is to forge principled solidarity and cooperation amongst workers and unions, local and abroad to set up a broader movement for the defense of trade union rights amidst attacks of neoliberal globalization.#

APPENDIX LIST OF TRADE UNION KILLINGS AND MASSACRE*

January 2001-December 2009

NAME	DATE KILLED	ORGANIZATION AND POSITION
1. Philip Lapa	25-Oct-01	Leader, Milagros Farm Workers' Union
2. Angelita Labordio	27-Oct-02	Worker, Footjoy Company
3. Angelito Mabansag	28-Sep-03	Community organizer, KADAMAY, Manila
4. Melita Carvajal	27-Aug-04	KADAMAY, Laguna
5. Samuel Bandilla	15-Oct-04	TU organizer, Leyte Metropolitan Water-works District Employees Association
6. Jhaivie Basilio	16-Nov-04	Hacienda Luisita, Inc
7. Adriano Caballero	16-Nov-04	Hacienda Luisita, Inc
8. Jung David	16-Nov-04	Hacienda Luisita, Inc
9. Jesus Laza	16-Nov-04	Hacienda Luisita, Inc
10. Jaime Pastidio	16-Nov-04	Hacienda Luisita, Inc
11. Juancho Sanchez	16-Nov-04	Hacienda Luisita, Inc
12. Jessie Valdez	16-Nov-04	Hacienda Luisita, Inc
13. Ronnie Almoete	5-Feb-05	Member, Bayan Muna/Urban Poor sector
14. Abelardo Ladera	3-Mar-05	Councilor – Tarlac City; Member, Bayan Muna/Convenor, Kapitbisig support campaign for the families and victims of Hacienda Luisita Massacre
15. Fr. William Tadena	13-Mar-05	Parish priest and head of the human rights desk of Iglesia Filipina Independiente (IF) - Diocese of Tarlac; Member, Pro-motion of Church People's Response (PCPR)
16. Joel T. Reyes	16-Mar-05	Member, Anakpawis - Camarines Norte
17. Samuel Dote	11-Apr-05	Member, Municipal Association of Catbalogan Employees affiliated with the Confederation for Unity, Recognition and Advancement of Government Employees-Western Samar(COURAGE-WS)
18. Manuel "Edwin" Bargamento	13-Apr-05	Organizer-Negros Federation of Sugar Workers (NFSW)
19. Mario Fernandez	10-Jun-05	NFSW-FGT Organizer
20. Manuel Batolina	13-Jun-05	NFSW-FGT Organizer and Local Federation President of NFSW in Haciendas Navidad, Candelaria and Begonia
21. Antonio Pantonial	6-Jul-05	member of the NFSW
22. Nilo Bayas	17-Jul-05	Vice-Chairman, Samahan ng Mag-uuling sa Sapang Bulak, Dona Remedios Trinidad, Bulacan, Provincial Health Office Employee in Malolos, Bulacan under Malaria Control Program
23. Ryan Cabrigas	1-Sep-05	Employee, Samar Electric Cooperative II
24. Benedicto Gabon	1-Sep-05	Employee, Samar Electric Cooperative II
25. Engr. Dalmacio Cepeda	1-Sep-05	Employee, Samar Electric Cooperative II
26. Leodegario M. Punzal	13-Sep-05	Local Leader of Anakpawis, Norzagaray Bulacan/vendor
27. Dante Teotino	13-Sep-05	Worker /Union member
28. Diosdado Fortuna	22-Sep-05	President of the Nestle Employees Union
29. Ronald Andrada	24-Sep-05	Member, KADAMAY

30.Victoria P. Samonte	30-Sep-05	Regional Vice Chair- KMU CARAGA President, Andres Soriano College Employees Union
31.Rolando Mariano	7-Oct-05	Former President, TARELCO 1 Employees Union
32.Jimmy Legaspi	1-Oct-05	Union President, BOD Sierra Madre Bus Line Co.
33.Edmer Rufino	1-Oct-05	Driver of the Chartered vehicle of the Fact finding mission
34.Florante Collantes	15-Oct-05	Secretary General-Bayan Muna-Tarlac
35.Ramon Namuro	15-Oct-05	Staff, AJODOM-PISTON
36.Ricardo Ramos	25-Oct-05	CATLU President
37.Federico de Leon	26-Oct-05	President, PISTON-Bulacan & Provincial Coordinator, ANAKPAWIS
38.Errol Sending	19-Nov-05	Kadamay Pampanga
39.Rommel Arcilla	21-Nov-05	Member, Bagong Alyansang Makabayan Community Relations Officer, Pampanga Electric Cooperative II
40.Albert Terredaño	29-Nov-05	President, Department of Agrarian Reform Employees Association (DAREA); Convenor of the Provincial Organizing Committee of COURAGE-ABRA
41.Junico Halem	6-Dec-05	Bayan Muna Municipal Coordinator
42.Jess Alcantara	16-Dec-05	Former Municipal Coordinator and Former Secretary of the TODA
43.Noel Daray	25-Dec-05	Member, an association of workers in WL Food Inc
44.Armando Leabres	10-Jan-06	Worker-NECO, Bayan Muna-Penaranda, Nueva Ecija
45.Gilbert Judabar	1-Jan-06	
46.Apolonio Mendoza	25-Jan-06	
47.Roberto dela Cruz	26-Jan-06	President, Tritran Workers Union
48.Michael Milanay	1-Feb-06	Worker/ Caretaker, CV Tamayo Farms
49.Melchor Cardinal	1-Feb-06	Worker/ Caretaker, CV Tamayo Farms
50.Manuel Avila	1-Feb-06	Worker/ Caretaker, CV Tamayo Farms
51. Ricardo Valmocina	1-Feb-06	Worker/ Caretaker, CV Tamayo Farms
52. Rodel Valmocina	1-Feb-06	Worker/ Caretaker, CV Tamayo Farms
53. Joan Lingkuran	18-Feb-06	Teacher, worker
54.Narciso Senon	23-Feb-06	
55.Napoleon Pornasdoro	27-Feb-06	Public school teacher, member, ACT
56.Jensen Cristobal	18-Feb-06	member-Bayan Muna partylist, former staff of Bayan Bagong Alyansang Makabayan-Sec. Gen, Bayan Muna member, Malolos Bulacan
57.Crisanto Teodoro	9-Mar-06	worker, ULWU Director, Coordinator-AP
58.Tirso Cruz	17-Mar-06	
59. Joel Balla	27-Mar-06	
60. Rogelio Lagaro	2-Jun-06	
61. Paquito Diaz	6-Jul-06	Officer, COURAGE
62.Gilbert Hamile	10-Aug-06	Worker, Stork Company
63.Rodolfo Paglinawan	24-Aug-06	Lawyer, Purefoods Hormel Labor Union

64. Sanito Bargamento	1-Sep-06	Member, NFSW
65. Nemesio Aquino	12-Sep-06	acting president, JAM Liner Employees Union
66. Ramon Villanueva	30-Sep-06	Workers of Ken Dragon Inc
67. Arthur Cadorna	30-Sep-06	Workers of Ken Dragon Inc
68. Jun Asuero	30-Sep-06	Workers of Ken Dragon Inc
69. Jefferson Agapina	30-Sep-06	Workers of Ken Dragon Inc
70. Remy Ponteros	30-Sep-06	Workers of Ken Dragon Inc
71. Judril Meguiso	30-Sep-06	Workers of Ken Dragon Inc
72. Eduardo Millares	18-Oct-06	KADAMAY organizer and leader of Samahan ng Mamamayan sa Tabing Riles-San Pablo, Laguna. SMTR is protesting the demolition of communities to pave the way for the govt's development SouthRail project
73. Roderick Aspili	20-Nov-06	Organizer, Nagkahiusang Mamumuo sa Surigao del Norte
74. Alex Inosa	21-Nov-06	President, Alaska Labor Union; Chairperson, PM- Laguna
75. Jesus Buth Servida	11-Dec-06	Acting President, Yasaki - EMI Labor Union
76. Jerson Lastimoso	15-Dec-06	Member, NAMASUFA
77. Renato Pacaide	2-Mar-07	Union Organizer, Nakayama Corp., Digos City, Davao Del Sur
78. Charlie Solayao	17-Jul-07	Vice chairman, KADAMAY Tacloban, Leyte
79. Antonio Mercado	13-Oct-07	Chairperson, NFSW Negros Occidental
80. Gerardo Cristobal	10-Mar-08	Union organizer, former union president, SM-EMI-Ind.
81. Armando Dolorosa	6-Jun-08	Vice chairperson, NFSW-Hacienda Marian, Manapla, Negros Occidental Chapter
82. Maximo Baranda	19-Jul-08	Former Chairperson, Compostela Workers Association/labor organizer
83. Rolando Antolihao	10-Nov-08	worker, Global--Lapanday Fruits Corp., Compostela Valley
84. Sabina Ariola	23-Mar-09	President, MSRK3-Kadamay
85. Edwin Oyeman	10-Aug-09	Member, NFSW-Victorias City, Negros Occidental
86. Carlito Dacudao	21-Aug-09	Member, NFSW-Victorias City, Negros Occidental
87. Reynaldo Bucaling	04-10-09	Member, NFSW-Toboso, Negros Occidental
88. Danilo Belano	25-11-09	organizer, Filipino Seafarers Movement-Migrante and former KMU organizer

*Note: Seven other victims of Hacienda Luisita massacre on November 16, 2004 were unnamed.



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.

CENTER FOR TRADE UNION AND HUMAN RIGHTS

25 YEARS
of defending and
protecting workers' rights
and dignity

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