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Continuing Siege of the Philippine Trade Union Movement

2008 Yearend Report on the State of Workers Rights in the Philippines

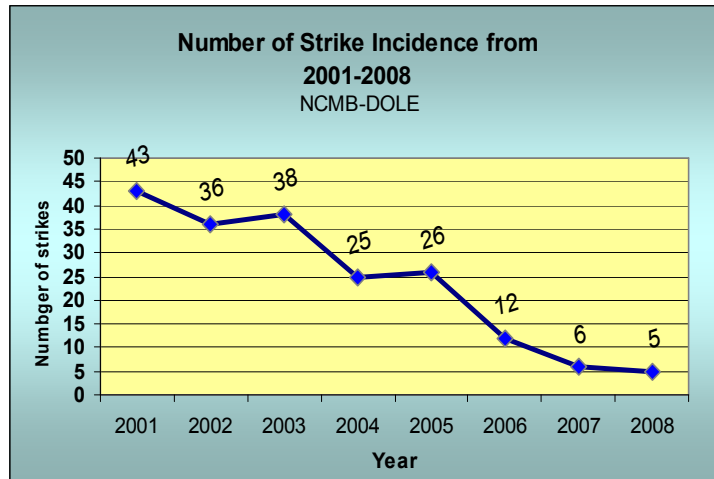
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Quezon city, Philippines



A Glimpse on Y2007

Former secretary of the Department of Labor and Employment (DOLE) and Supreme Court Associate Justice Arturo Brion, told in DOLE's annual report that 2007 was the most favorable and peaceful year for the industrial sector because the recorded strike was the lowest ever. Only six strikes were monitored, a sign which according to then Secretary Brion is a sign of workers' maturity and readiness to resolve dispute without resorting to a strike.

CTUHR research and documentation says otherwise. The drop in strike incidence in the country is not a sign of development in industrial relations but a quiet yet treacherous situation that push workers deeper into oppression and exploitation. For instance, the sharp decline in unionized workers and workers covered by Collective Bargaining Agreements (CBAs) engendered by combined attacks of globalization and Arroyo government's counter-insurgency program Oplan Bantay Laya I & II is a logical cause why workers could not go on strike. Only recognized unions are legally allowed to stage strikes.



In 2007, CTUHR also noted that cases of extrajudicial killings of union members, leaders, organizers and advocates had decreased but did not stop. The vilification campaign against militant trade unions and its leaders went full swing especially in places where the presence of foreign capital is high.

In the same manner, surveillances, harassments and threats continued and escalated targeting even the workers who were still attempting to organize or simply conducting protest actions to demand wage hike, benefits, right protection, job security and social services.

The decline in number of unions along with the attacks to their leaders and organizers virtually left the unorganized workers to defend their rights and livelihood on their own that are much weaker in effecting changes both inside and outside the workplaces.

Thus looking back, the year 2007, was not much a difference from the years previous, replete with hunger and poverty and majority of people admitting that as days passed, life became much harder. For those who were employed, the amount of goods their wages can buy become lesser and lesser and they are forced to cut on food expenses, to stop sending their children to school or transfer them into over-crowded public schools. This reality contradicts the government grandiose announcement that the country posted 7.5% GNP growth rate, a growth that the people could not identified with. Was Y2008 better?

The year 2008, an Overview

As 2008 ushered in however, this reality on the ground reduced the “*Ramdam ang Kaunlaran*” (Progress is ubiquitous) propaganda by radiantly smiling President Gloria Macapagal-Arroyo became the cruelest joke ever inflicted on more than 23 million Filipinos living in poverty.

Attacks right in the workers’ belly

Attacks right in the workers’ belly went in unprecedented way. Prices of oil, rice, and other basic commodities soared. From P25/kg price (US\$0.60) of commercial rice, the cost rose to P39-P40/kg making rice less affordable. The National Food Authority (NFA) whilst denying that there is rice shortage severely restricted the rice distribution, sending more panic to already hungry population. Thousands of people queue everyday in NFA outlets under scorching heat and punitive rains to buy cheaper (P18-P25/kg), soap-like taste rice. The poor is advised by the Arroyo government to further tighten their belts and be patient as government hands doles on food and electricity to a some poor families in the National Capital Region. Yes, there is crisis, except for head of government, underlings, retiring military generals who traveled on junkets with loads of Euros under the pretext of diplomatic relations.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS VIOLATIONS	Cases	No. of Workers per Violation	
		Total	Women Victims
Illegal Dismissal (violation of the right to job security)			
Retrenchment/ Downsizing/Closure	12	53,836	
Dismissal due to labor dispute	10	569	358
Unjust Suspension	3	83	
Excessive Working Hours	6	5,117	
Discrimination	5	445	
Unsafe Working Conditions	3	13,113	
Death due to Unsafe Working Conditions	9	21	
Excessive Penalization	1	39	
Violation of the right to receive fair/just wages	11	4778	1791
Violation of the right to social security and insurance	4	2401	800
Infringement of Benefits	3	2066	890
			No. of Affected Unions
Attacks on Workers/ Unions			
Prohibition of the right to strike	1		1
Violation of the Right to Freedom of Association (Harassments on unionsl, union busting)	11		11
CBA violations and issues,			
Non Implementation of CBA	4		4
Bargaining in Bad faith/Refusal to Bargain	4		4
Other ESCR violations			Total Victims
Demolition of shelters without due process	10		1609
Total ESCR Violations	109		68,222
TOTAL TUHR VIOLATIONS	218		68,829

Source: CENTER FOR TRADE UNION AND HUMAN RIGHTS

Note: this documentation is a partial one and mostly came from places where CTUHR has correspondents such as Metro Manila, Southern Tagalog, Cebu, Davao city, some parts of Central Luzon, CARAGA region, and Socskargen. The actual number of cases may be much

Even a poor Congressman who chose the path of righteousness was not spared by crisis, shaming (hopefully) those who feasted from windfalls of taxes. Anakpawis Partylist Rep. Crispin `Ka Bel` Beltran lived as a poor man and died as a poor man, when he fell off from the leaking roof he was fixing to shelter his family from rain. Ka Bel is sorely missed,

particularly in times when workers are given crumbs from the rich man's table and yet the government could still say, be patient, the economy is growing.

Crisis or no crisis, the Filipino workers and poor carry the brunt most. Workers' derisory wages become grossly insufficient to sustain their needs. Even the National Wages and Productivity Commission (NWPC) admitted that the workers' average daily minimum wage is a mere 34% of the



average family living wage (FLW)¹. In Metro Manila, the FLW is P871.00 (US\$ 19.35) but the minimum wage is only P382 (\$8.48) (43% of the FLW). A survey conducted by the economic-political think tank Ibon Foundation revealed that 71% of Filipinos are not earning enough for their daily needs. Still the government refuses to have a legislated national wage increase.

The impact of economic woes on workers is multi-edged. Whilst wages are frozen, there are nearly 4,000 firms that violate labour standards², including non-payment of minimum wages, and non-remittance of SSS³ and Philhealth contributions that are automatically deducted by companies from their workers' salaries.

To cope with the crisis, workers and urban poor were forced to stop the schooling of their children, involuntarily combine their breakfast and lunch, make another source of income such as vending of unnecessary beauty items and laundry work.⁴

Workers asserting their rights for better wages and working conditions through formation of unions, collective bargaining, holding protests are summarily dismissed either by closures or retrenchments. Companies with ongoing labour disputes such as in Nestle corporations, Toyota Motors, Nissan Motors, Footjoy Mftg, amongst others, are constantly watched by Army personnel deployed in the area as part of the Arroyo government counter-insurgency operations. Even unions making their stand known on political issues such as in the International Wiring System Workers union – an independent local union in Luisita Industrial Park are constantly harassed, its officers are threatened to stop their union activities by soldiers from 71st IB of Philippine Army.

Despite heavy criticisms, the military is not changing its tack in pursuing suspected insurgents. They [AFP] continue to hounds members and leaders of militant unions and community organizations and tag them as communist fronts.

¹FLW-- the amount of wage needed by a worker to sustain the needs of six family members.

² Bureau of Working Conditions, Dept of Labor and Employment, July 2008

³ SSS or Social Security Systems contributions for workers and employers are mandatory as the name implies, to provide some security to the workers for emergencies and retirement.

⁴ CTUHR Research, July 2008

Global Financial Crisis and growth in Unemployment

As the 3rd quarter of the year came to end, the Philippines like the rest of the world was aghast at the financial meltdown in the US-- the world's center of capitalism and democracy. As a country dependent on financial and military support from the US, and from OFWs working in the US, the country's economy immediately shook particularly with news reports that an estimated 3,000 Overseas Filipino Workers were forced to return home because of job-loss in the US and some other exporting countries to the US like Taiwan while thousands more are facing threats of joblessness especially in the construction, electronics sectors, and even domestic work. The current financial crisis is estimated to slash down another 20 million jobs worldwide.⁵ The National Economic Development Authority (NEDA) estimates that the crisis will push the local unemployment from 8% to 11 % this year.

Increase in the Number of Human Rights Violations

From January to December 2008, CTUHR has documented **218 new cases of Trade Union and Human Rights Violations** against **68, 829** individuals. This specifically covered areas where unions or workers organizations exist and that CTUHR has active contacts and correspondents.

The figure is **26.15% higher** than the documented **161 cases** last year (2007) that are yet to be served justice. Out of the total number, **50% or 109** are Civil and Political Rights Violation, majority **or 32 or 14.67%** are different forms of harassment, threats and surveillances on union leaders, organizers and advocates. Half of the documented violations or **109 cases** are Economic, Social and Cultural Rights Violations accounting for **68, 222 worker victims**.

CIVIL & POLITICAL RIGHTS VIOLATIONS AFFECTING THE LABOUR SECTOR			
January-December 2008			
Case Title	No. of Cases	No. of Victims per Violation	
		Total	Women Victims
Killing	3	3	
Frustrated Killing	1	2	
Abduction (includes forced disappearance)	1	1	
Physical Assault/ Injury (includes mauling)	11	73	22
Threat, Harassment, Intimidation (includes surveillance and other forms)	32	479	329
Arbitrary Arrest/ Detention	13	37	2
Torture	1	1	
Sexual Harassment	2	3	3
Grave Threat	3	8	1
Filing of Criminal Charges due to political acts/belief or labor dispute	6	45	4
Violation of domicile	1	1	
Coercion	5	102	2
Illegal Search and Seizure	2	2	1
Divestment of Property	1	1	
Destruction of Property	2	3	
Vilification (Red Baiting/ Red Tagging)	6	54	7
Political Persecution	8	33	3
Food Blockade	1	23	19
Assault on the Picket Line	3	234	161
Breaking up/ Violent Dispersals of workers' concerted actions	6	1,125	490
Total CPR Violations	109	1625	612

Center for Trade Union and Human Rights, Dec 2008

⁵ International Labor Organization, October 2008

Shift in tactics to immobilize activists

In June, the Philippines was elected as the Vice President of the United Nations Human Rights Council (UNHRC), an event that the Arroyo government called as vindication. Thus capitalizing on what it calls a victory over critics of her administration, her government asked for more financial support on supposed human rights education for the police and military. Perhaps thinking that the international community has loosened its pressure, the Arroyo government, launched a new wave attack— i.e the use of legal machinery, including the courts— to immobilize activists. This is an apparent shift from the much criticized and condemned extrajudicial killings and enforced disappearances of unionists, peasant leaders, human rights defenders and activists. The tactics are apparently a handiwork of the **Inter-Agency Legal Action Group (IALAG)** formed in 2006. **IALAG** members came from various agencies strategically chosen by Malacañang to plan and complement military's counter insurgency measures to rid of suspected insurgents and their sympathizers.

IALAG's counts on launching legal offensive, that is filing rebellion charges against leaders, members and suspected members of the Communist Party, the National Democratic Front, NPA and the military's suspected front organizations. According to National Security Adviser Norberto Gonzales, the legal offensive is necessary to put an end to the communist movement which has bugged the country for the last 20 years.⁶

In 2006, Philippine Information Agency press release quoted Gonzales saying: "'This rebellion case is actually the basis of the arrest that we effected against Crispin Beltran who is now in jail but has been transferred to the Philippine Heart Center and five (5) party-list representatives who are now under the custody of the Sgt.-at-Arms of Congress,"⁷

The late Anakpawis Partylist Representative Crispin Beltran was detained for 16 months was only released when the Supreme Court dismissed the charges and castigated the government for prostituting the law for political motives.

Perhaps learning from the Supreme Court ruling, while continuing its offensive, **IALAG** shifted from filing rebellion charges to filing of murder and other criminal charges against activists, trade union leaders and human rights defenders.

Killing an attempt to unseat the Presidenting

Malacañang knows well that the country's leadership is in crisis and vulnerable to attempts to unseat the President. Thus in a suspicious twist, Malacañang encouraged and supported a weak impeachment complaint against the President to bar the opposition from filing a more substantial complaint. The early expose of such plan and the obvious inadequacy of the complaint did not get enough signatures even from Malacanang's loyal supporters in Congress, But the Malacañang's planners never run-out of alternative. It gunned its attention to the Senate and for months worked up a coup d' etat to oust its president Manuel Villar. The move was calculated as clamor for investigation on various scandals involving the First Family heats up. So were the unease of the senators, not because they are concerned about the people's money squandered somewhere but every Senate investigation is an occasion for grandstanding. After the successful coup in the Senate, the lower killed

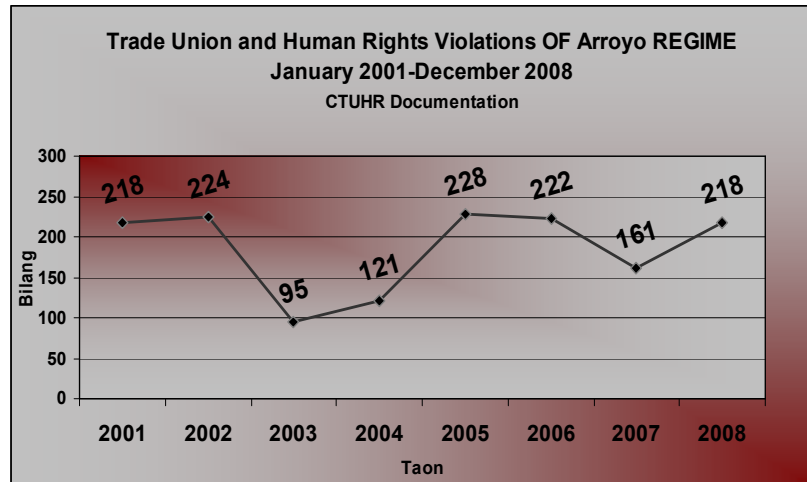
⁶ Philippine Information Agency, Press Release, 04 May 2006

⁷ Ibid..

another attempt of impeachment by sheer number and raised the necessity of changing the constitution (Cha-Cha), under the pretext of preparing the Philippines for the global economic recession. The ulterior motive however is to extend Arroyo's term beyond 2010.

Patterns of Human Rights Violations in the Labour Sector

The economic, social, cultural, civil and political rights in a society begin in the enjoyment of basic needs of every individual. The international instruments like International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), ILO Conventions and the 1987 Philippine Constitution guarantee these rights of workers.



However, since the Arroyo regime took power in 2001, such agreements remains only in paper. The violations of rights which at first were considered as one of the regime's weaknesses have become systematic and a matter of policy. The graph showing these violations continues to climb and the effects on the people become deeper.

I. Killings did not stop, 3 union leaders and an organizer were gunned down

Similar to 2007, three union leaders and a labour organizer were killed, out of the **38 cases** involving **43 total number of victims** documented this year.⁸ This places the total number of victims of extra-judicial killings in the labor sector to 90, none of them had given justice until now.

The first case of killing this year was the ambush of Gerardo "Gerry" Cristobal, 39 years old, former president and full-time organizer of Samahan ng Manggagawa sa EMI Yazaki – Independent (SM-EMI-Ind.) on March 10.

Cristobal was driving along Aguinaldo Highway in Imus, Cavite in his Mitsubishi Lancer when he was shot by volley of fires from unknown men armed with M14 and M16 rifles. He sustained six (6) gunshot wounds and instantly died. The perpetrators escaped without hitch as the road was clear in an often traffic heavy highway.

In less than 30 minutes after the ambush, Imus police and Imus SOCO (Scene of the Crime Operatives) efficiently and quickly removed Cristobal's body, cleaned the area leaving

⁸ KARAPATAN Monitor, Oct. 2008.

no trace of the bloody incident. Cristobal's body was sent to a distant funeral homes and was dumped in a morgue until his wife and colleagues arrived. Few hours after the crime, the police announced in radios and newspapers⁹ that Cristobal was killed in a traffic altercation, which SM-EMI-Independent, the workers' union in EMI-Yazaki strongly refute..

Prior to the murder, Cristobal was ambushed thrice. On April 28, 2006 he narrowly escaped death when a group of intelligence officers from PNP, one of them was known as SPO1 Romeo Lara ambushed him.

On June 6, Armando Dolorosa, 45 years old and Vice President of the National Federation of Sugar Workers (NFSW) in Manapla, Negros Occidental was gunned down in front of his son by men wearing masks. Police statements pointed to the New People's Army or members of the NPA break-away groups Revolutionary Proletarian Army as behind the killings. Dolorosa's wife said in a statement that she was not inclined to believe that NPAs were behind the killing. The police formed an investigation team to look into the killing but until this writing, no report has been made.

Apart from his union activities, Dolorosa was also active in a campaign for land reform in his town.

The two other victims were from Compostela Valley, Mindanao. On July 19, three unknown men shot Maximo Baranda, 47 years old, former chairperson of Compostela Workers Association (CWA) and an ally of Kilusang Mayo Uno local chapter in Purok 5, Riverside Quarry, San Jose, Compostela Valley. Baranda sustained seven gunshot wounds in different parts of his body. Prior to the murder, Baranda served as an adviser of CWA in a negotiation for a collective bargaining agreement with the management.

On November 10, 2008, Rolando Antolihao, 39, was shot dead inside his house by two unknown men who pretended as his neighbors. Antolihao was a worker of Global Fruits/Lapanday Food Corp- a non-unionized banana packaging plant. He left a two-year old daughter and a six-month pregnant wife. He sustained seven gunshot wounds from a .45 caliber pistol in his shoulder, jaw, and other parts of his body.

Rolando Antolihao was a coordinator of Bayan Muna, a community and union organizer and active workers rights' advocate in their place. According to the witnesses, prior to his murder, Antolihao and his wife already noticed that some elements of 60th Infantry Battalion of Philippine Army roamed at their house since November 8 and had not left the area until after few days of Antolihao's murder.¹⁰

Attempted killing of union organizer

Meanwhile, Arnold Cerdo, full-time organizer of Cabuyao Workers Alliance (CAWAL) and vice-president of Sensuous United Labor Organization (SULO-Independent), miraculously escaped the bullets fired by two unknown assailants while he was having a conversation inside his brother-in-law's house on November 10, at 9:30 in the evening. The bullets missed the target and hissed at the face of Cerdo.

⁹ PDI, March 11, 2008.

¹⁰ Nonoy Librado Development Foundation, Davao city, 10 Nov 2008

The two men were both wearing bonnets, one of them was stout, 5'5" in height, wearing a fatigue jacket and closed shoes while the other one, was lean and was wearing slippers.

According to Cerdo, a man came near them while another man was standing in a nearby site. When the former abruptly shot his gun, Cerdo managed to shun and saw the bullet passed in front of him. They immediately ran inside the house, closed the door and turned off the light. After few minutes, they looked at windows and saw the assailants running away.

One was abducted and tortured to pretend as NPA returnee

On January 4 of this year, Melvin Yares was abducted by seven agents of Intelligence Service of the Armed Forces of the Philippines (ISAFP). Yares is the president of *Kahugpungan sa Kabus sa Basak (KAKABAS)*, a group of informal workers in Lapu-Lapu City, Cebu. While walking at the Carbon Public Market, he was forcibly carried in a white L300 van and was allegedly blindfolded.

Yares was carried in a place where he was tortured while undergoing tactical interrogation and was forced to admit that he has a connection to NPA rebels.

Yares narrated that the military told him to cooperate if he wants to live. They wanted him to pretend as former rebel and speak in a press conference to attack ANAKPAWIS, KADAMAY, and other progressive organizations as communist fronts.

However, before the press conference was held, he got a chance to escape. On January 6 at 2:00 o'clock in the morning, while he was being beaten-up in a dark street beside the Sitio Timpolok, Barangay Gun-ob, Lapu-Lapu City, Cebu (Visayas Island) he managed to run and hurriedly cross to the adjacent street while a vehicle approached. Surprised, his abductors were unable to pursue him, thus Yares successfully escaped to tell his harrowing experience to his colleagues.

II. Abuse of law, regulations, and courts to suppress individual freedom and security or the legal offensive to decimate mass organizations

2.1 filing of multiple fabricated criminal charges against trade union leaders, labor lawyer and human rights defenders

In the last quarter of the year, the Arroyo government launched a renewed wave of legal offensive to suppress the progressive organizations. The Canadian Trade Union Mission in the Philippines (CTUMP) which visited the country in November call the abuse of law by

Arroyo government as a substitute to extra-judicial killings in its attempt to decimate the progressive movement and suppress the critics of administration.¹¹

Reports gathered by CTUHR for instance, noted 13 cases of unjustifiable arrests of trade unionists and human rights advocates, eight (8) of them happened between October and December..

Atty Remigio Saladero Jr's case

This September, the labor movement was alarmed when a copy of an arson case filed Regional Trial Court in Batangas City against 27 activists, trade union leaders and human rights workers including labor lawyer Remigio Saladero Jr. Atty Saladero Jr. got hold of the copy, after the supposedly completion of the preliminary investigation that none of the accused was aware of. The arson, destruction of property and conspiracy to commit rebellion were filed against them in connection with burning of the Globe Telecom cell site by NPA in Lemery, Batangas (province South of Manila) on August 3, 2008.

Atty. Remigio Saladero Jr. is the chief legal counsel of Kilusang Mayo Uno, chairperson of Prolabor Legal Assistance Center (PLACE) and partner of CTUHR in its human rights and paralegal trainings since 2001. His law office handles about 700 labour, administrative, civil and criminal cases often on pro bono basis.

Trade unions, labour rights and human rights organizations condemned the filing of fabricated charges and consider this as new wave of attacks to silence the critics of administration. The surfacing of the charges also came at the heels when KMU discovered that its name was listed on a high school textbook along with labeled illegal and terrorist groups like the Moro Islamic Liberation Front (MILF), New Peoples Army (NPA) and Abu Sayyaf.

On October 15, Atty Saladero along with various trade unions and labour rights organizations held a press conference to condemn the filing of arson case and the military's implicating him in alleged NPA activities. At the same conference, Atty Saladero announced his plan of filing his counter-affidavit at the end of October.

However, he was not given the chance to personally file his counter-affidavit. Atty. Remigio Saladero Jr. was abducted from their house in Antipolo City, Rizal on October 23 and had disappeared for several hours before he was allowed by his abductors to communicate with his wife.

The circumstances of his so-called arrest were replete of force and threats. When his wife Maricel Saladero arrived at



¹¹ Statement of Canadian Trade Union Mission in the Philippines, November 25, 2008. The CTUMP was organized by CTUHR, WAC, NCPWR-ST and COURAGE to directly see the human rights situation in the Philippines from November 14-25, 2008.

their house, she noticed the muddy footprints of boots, the gate and door of the house were ajar, the laptop computer and CPU (Central Processing Unit) of a desktop computer were missing. Atty. Saladero was missing and cannot be contacted through his cellphone.

After few hours of disappearance, Atty. Saladero was allowed to call his wife and it was only then that she and the QRT learned that he was brought by members of Rizal PNP (Philippine National Police) and Regional Mobile Group (RMG) to Camp Vicente Lim in Calamba, Laguna to undergo tactical interrogation.

The QRT that searched Atty Saladero later discovered a defective warrant of arrest (both the address and the spelling of name were incorrect) was issued to Saladero by Judge Tomas Leynes of Regional Trial Court Branch 40, Calapan City, Oriental Mindoro. He was allegedly involved in the rebel ambush that led to murder of two policemen and a civilian and frustrated murder of their three other colleagues on March 3, 2006 in Puerto Galera.

On the early morning of October 24, Atty. Saladero was brought to Oriental Mindoro, and there, the QRT which followed him was aghast to find the he was not alone in the trumped up cases. There are 71 other leaders of progressive organizations, most are based on Southern Tagalog in the list including the 27 leaders earlier charged with arson and destruction of property in Batangas city. They all have standing warrant of arrest. Thirteen (13) out of the 72 are labor-leaders, unionists, and labor advocates.

The day Atty. Saladero was brought to Mindoro, another leader of transport group PISTON-Rizal, Nestor San Jose was arrested and on October 27, the arrest of Bayan Muna coordinator Crispin Zapanta (also an employee of a councilor in Rizal) followed on the same charges.

On November 3, Rogelio Galit, 51, was also arrested in Cavite. Galit is a peasant leader and a farm worker in Cavite, has a diabetes, and bed-ridden for almost a year. On November 6, Arnaldo Seminiano, 44, married, and organizer of IBM-KMU (Ilaw at Buklod-Manggagawa-Kilusang Mayo Uno) was also arrested in an outlet of LBC courier service in General Trias, Cavite, while sending letter and money to his family in the province. Seminiano was a former worker of Magnolia Corporation - a member of San Miguel group of companies.

On November 13, Emmanuel Dioneda, Executive Director of LEADERS (Labor Education Advocacy Development Response Services, Inc.)- a labor NGO -- was also arrested in Cabuyao, Laguna. Dioneda is a polio victim since his childhood and had difficulty walking and thus his inclusion in the case is absurd. With his physical condition, it is hardly believable that he participated in a purported rebel ambush.

Atty Saladero, San Jose, Zapanta, Galit, Seminiano, and Dioneda are all detained in Mindoro Provincial Jail. In first week of December, Judge Tomas Leynes, inhibited from handling the case allegedly due to pressures.

Other unionists and labor activists included in the list are being pursued, largely immobilized to do their union and labour organizing activities and thus forced to go into hiding. Included in them are Romeo Legaspi and Luz Baculo,-PAMANTIK -KMU (Pagkakaisa ng Manggagawa sa Timog Katagalugan) President and General Secretary respectively, Romeo Revilla, Magnolia Corp. worker and union officer, Henry Halawig,

OLALIA-KMU paralegal staff, Garizaldy Constantino, Anakpawis campaign officer and former KMU campaign officer and Emmanuel Asuncion, former chair of Solidarity of Cavite Workers (SCW).

Urban poor rights defender tagged as NPA

On October 17, at 11:00 in the morning, Charlito Cerra, Anakpawis coordinator, was arrested by six Quezon City policemen while having a negotiation to stop the demolition in Molave St. Brgy. Payatas, Quezon city. According to the police, Cerra should not engage in the problem of the local residents because he is not living in the area. The police accused him of being an NPA. Accompanied by more than 20 members of demolition team, they beat up Cerra and forcibly carried to the Quezon City Police Precinct where he was interrogated. The police insisted his affiliation to the NPA and told him that they already prepared the case that they were going to file against him.

The CTUHR-led Quick Response Team (QRT) dispatched to look into the incident found Cerra in the precinct, angry and frustrated at the police insistence that he is an NPA and that charges are being prepared. Following hours of negotiation and pressure exerted by the members of the QRT and representative from CHR (Commission on Human Rights) that the QRT invited, the police withdrew their plan to file the case and released Cerra.

Legal offensive as new tactic of counter-insurgency operation: Armed Forces of the Philippines (AFP) admits

In the CTUMP dialogue with the CHR Chairperson Leila de Lima on October 25, the latter revealed that AFP and PNP admitted that the accusations and issuance of warrants of arrest to these leaders as the new tactics of counter-insurgency operations. She added that the AFP admitted that the much criticized military Order of Battle was already dispensed with and what exists today is a watch list of targets. Except for the name, both lists do not differ in function and purpose.

In the same dialogue, Chairperson de Lima also noted that the abuse of prosecution seemed to substitute the extra-judicial killings in hounding activists and so-called leftist leaders. This she contends is very alarming and has to be closely monitored.

2.2. filing of an illegal strike case against the union for a strike that did not happen to bust unions

In spite of deep frustration to the existing legal system, both organized and unorganized workers continue to air grievances and seek justice through the law. However, in recent years, the state and capitalists have shrewdly use the law and prosecution to undermine the workers organizations that they continue to consider as stumbling blocks to economic growth and industrial peace.

These are the experiences of workers at Papertech Corp in Pasig city and Kowloon House restaurant in Quezon city, both in Metro Manila.

Workers at Papertech Corp had just established their union, but the company refused to recognize it. Union members were forced to engage in noise barrage, protest ribbon wearing to push for the union certification election. The company declared the workers' action as illegal and filed an illegal strike case at the Department of Labor and Employment (DOLE).. The union then filed a complaint to counter the management allegations. But while the case was slowly being heard, the 17 union officers were dismissed, deprived of their livelihood and the struggling union was decisively weakened. The only thing the dismissed workers can do is strive to maintain their 24-hour picket beside the factory gate without knowing if a favorable decision will be handed to them.

Papertech Corp manufactures and supplies tissue papers, napkin and other paper products for SM (Shoemart Inc) - one of the country's biggest department stores and supermarkets.

Workers and union members of Kowloon House Restaurant in West Avenue, Quezon City—a popular chain of Chinese restaurants-- have since 2007 been asking the company to implement the two Wage Orders by the Regional Tripartite Wages and Productivity Board (RTWPB) mandating all companies paying their workers the minimum wage to raise their workers' salaries by P62.00 (US\$1.37) per day. Kowloon House however did not comply, and despite more than 20 years in service, its workers received P297 (US\$6.6) amount way below the P382.00 or US\$ 8.48 prescribed minimum wage per day. According to Edmund Navarosa, union president, they are not even asking amount more than what the law mandates, they are only asking for company's compliance to the law.

On June 20-21, in an attempt to pressurize the management to comply with the law, the union members who were off-duty picketed the restaurant, without affecting the operations.. During the short picketing, unionists told CTUHR that they saw the company guards taking their photographs.

Few days after, the management filed an illegal strike case against the union. After three successive hearings, of which one was not communicated to the union, the arbiter ruled on the case. On September 11 in the afternoon, the union was aghast when they received the National Labor Relations Commission (NLRC) Arbiter Aleman Mangandog ruling that the union committed an illegal strike. On September 12, riding on the decision, the management fired 72 regular workers and union members and were effectively barred from entering the restaurant.

The union assailed the decision and decried what they called as clear connivance between the NLRC and Kowloon House management to bust their union and replace the regular workers with contractual ones to save on labor cost.

On September 13, the union was forced to declare the strike. For few days, they had paralyzed the operations, but after a week and company increasing the number of guards, the restaurant resumed operations and strikers were prevented from blocking the entrance.

Kowloon House workers union is one of the oldest, and its members saw through the company's growth in good and bad times. But the company proved ungrateful and dispensed its regular workers with fury.

CTUHR sent a letter to the DOLE Secretary, Marianito Roque requesting to investigate the case of underpayment and alleged hasty decision of the NLRC Arbitrator. In a reply however, Secretary Roque says that the case of Kowloon House was unfortunate but we shall let the law take its course since the cases are already filed at the NLRC.

2.3 naked defiance and subversion of Supreme Court Orders

In a democratic country, Supreme Court's —the highest court of the land—decisions are held inviolable and everyone including the President is expected to abide or implement the decisions in the most speedy manner to ensure that justice is served. The Philippines however, continue to present a paradox that nakedly undermines the power of the court and the entire justice system.

A classic example is the case of Nestle workers union. The Supreme Court has reaffirmed several times its rulings and order directing both the Nestle Philippines at UFE-DFA-KMU, (workers union at Nestle) to go back to the negotiating table to discuss the CBA. The Supreme Court upheld its ruling in 1991 that retirement benefits are matters of collective bargaining and thus should be included in CBA negotiation.

Nestle Philippines could not be bothered by the decision and simply ignored them. The Supreme Court directed the DOLE to implement its decision, a move that is an anathema to workers long years of seeking justice through the highest court. The DOLE did not implement the decision but instead asked both parties to submit (again) their position papers concerning the Supreme Court decision, a process that will take another 4-5 years to complete, a long wait that will slowly kill the workers.

It could be recalled that Nestle workers went on strike on January 14, 2002 in protest against company's refusal to include the retirement pay in the CBA negotiation. Workers had been working for the company for an average of 20 years before the strike. In the course of the strike, 11 workers have already died of several illnesses which according to the strikers could have been prevented had the company abide the law and government did not favor the interest of multinational corporations. In 2005, the union president, Diosdado Fortuna was murdered, and had not been given justice until today. On December 11, Noel Alemania, union acting president was arrested and detained when striking union members picketed the entrance of the company's gate 1 in Cabuyao, Laguna. He was later charged with alarm and scandal but released pending preliminary investigation.

III. Vilification, Military threats and surveillance work worsened and became more prevalent inside and outside the workplaces

In the past years, the military's campaign against unions and leaders of progressive organizations in the country became more systematic and intensified. Since 2001, CTUHR documented **199** cases of surveillance works and harassments against unions in different regions. In the year under review alone, **31** cases of threats to union leaders, organizers and workers were noted.

On June 30, leaders from IWSWU (International Wiring System Workers Union) inside the Luisita Industrial Park and Special Export Processing Zone in Tarlac province reported the alarming visits of elements of NOLCOM (Northern Luzon Command) of the Philippine Army in their houses.

Ricardo Sosa, chairperson of the Union Board of Directors complained that on March 6, a certain 2nd Lt. Agcaoli together with another soldier came to visit him at their house. They invited Sosa to attend the anti-insurgency forum that they were organizing in Balete Barangay Hall. After several 'unsolicited visits' Sosa attended the forum, and there was appalled that the activity focused on the IWSWU and its alleged support to the communists. They were also told not to ask more in the next round of the CBA negotiation because the company will close down. The soldiers then ordered the union to discontinue their support and threatened them that if they did not stop their activities, their lives and of their family will be put in danger.

The threats to IWSWU President Dexter Datu were more ominous. On June 7, Datu was visited by unknown men who was then wearing fatigue shorts and pants and were on board a motorcycle. Two of them came closer to Datu and told him that they will help him with their problems in their union and that he should stop their support to the communists if he still wanted to be with his family. Despite Datu's protests, one of the soldiers shouted in Pilipino "This is Dexter Datu, he uses the union fund to support the communists."

More than half of IWSWU officers also experienced similar harassments causing fear and anxiety to their families. In few encounters with other union officers, the military bluntly admitted that they are going to pursue other leaders because IWSWU is the only remaining union not only in Tarlac province but in the entire Central Luzon region.

Apart from regular visits and threats, the military and intelligence agents conducted forums in different barangays inside Hacienda Luisita where most IWS workers reside to vilify the union and accuse the leaders and members as NPA supporters.

As deterrent to worst thing possible, IWSWU brought their complaints to several authorities including the ILO. In October, the ILO Committee on Freedom of Association accepted the complaint as an urgent case. In October and November, the military laid low in visits but this month (December), CTUHR received reports that visits to houses by a different team and alarming text messages to officers, resume.

IWS Corp has around 6,000 workers, more than 4,000 of whom are regular and members of the union. It manufactures and supplies wiring harness to nearly all Japanese major automakers.

In Compostela Valley in Southern Mindanao Region, leaders of unions of agricultural workers such as Solidarity of Workers in Osmena (NAMAOS), Solidarity of Workers in Suyafa Farms (NAMASUFA) and NAMASAN echoed similar experiences with the IWSWU. Members of the 66th IB of Philippine Army have been visiting leaders in their houses, asking them about the union activities and inviting them to attend the anti-communist forums in the area. The unsolicited visits have caused tremendous fear amongst the leaders, notably from NAMAOS who is a woman.

In November 2008, workers fear was heightened when the 66th IB formed the Workers for Industrial Peace and Economic Reforms or WIPER led by certain Aaron Varona. WIPER organizes all the anti-communist forums and discussions zeroing on what the workers called demonizing the KMU and have been hounding union members. Above unions are KMU allies. It could be recalled that on December 15 2006, 8 union leaders of NAMASUFA were ambushed by motorcycle riding men in black jackets and bonnets on their way to work. Jerson Lastimoso died of multiple gunshot wounds and the union President, Vicente Barrios sustained fatal wounds. The union officers had been threatened to stop their union activities in the area and dissociate themselves from KMU, lest men in black jacket will hound them.

Spying on organizers in Manila's urban jungle continues

In Manila, workers and communities along the pier suffered from fear since military deployment in 2007.

On the morning of March 13 of this year, two unidentified men, military hair cut, wearing white shirt, about 5'5 and 5'8 tall, lean ,with dark brown skin and with cal.45 tucked on their waists went up at Sulpicio Lines Workers Union, in the 3rd floor at Limpio Bldg in Moriones Street, Tondo, Manila. They asked the caretaker, is this the KMU union office in Pilipino? The caretaker replied no, this is the Sulpicio workers union cooperative office. The two men hurriedly left.

At around 4:o'clock in the afternoon of the same day, three men in civilian clothes and armed with caliber. 45 came. They were not the same as those who `visited' the office in the morning. They all sport military hair cut, the two men are about 5'8 in height, one lean and one heavily-built the other about 5'4, wearing a *maong* jacket. They asked the same questions as those in the morning but with variations. *Dumating na ba sila?* (Have they arrived?)The same caretaker met them, told the same and added in Pilipino, who are they? No one came. The three men left.

The caretaker was alarmed and never felt safe since the two visits of `uninvited guests'. The incidents were followed by more reports to CTUHR.

Francisco Garcia, full-time organizer of National Federation of Workers Union, narrated how he was followed by unknown men on on March 18. After leaving the cooperative office of Sulpicio Lines Inc workers union in Tondo Manila, on board his bicycle, he noticed that two suspicious men on board a car without plate number were following him. Garcia felt nervous, when the car move closer to him everywhere he would go even if he was able to bike for a good distance, about 30 km. from Tondo to another city. He only managed to lose the car when he lifted his bicycle and entered a circuitous alley inside a community and cross to another street.

On April 4, the members of SMP (Samahan ng Manggagawa sa Pantalan or Association of Port Workers) found a range of mixture of cables laid out in the ceiling of their union office which was proven to be a bugging device.

The Army is involved in demolishing picketline

On March 26 at 11:00 in the evening, more than ten soldiers destroyed the picket line of the workers and members of SMART (*Samahan ng Manggagawa sa Ren Transport*) in Tandang Sora, Quezon City and confiscated the streamers and other belongings inside the picket line while Mario Corrado, one of the workers, and his family were resting inside. Workers took what were left of the picketline and resurrected it.

On April 7, the union officers conducted a mass trooping to ask the barangay captain to allow them and maintain their picket line. The barangay captain rejected their request, and with the CMO (Army Civil Military Operations) elements, dismantled the makeshift picketline, and arrested the 10 leaders. The QRT was dispatched and after hours of negotiation, the workers were released as there was no case filed against them.

The workers of Ren Transport held their strike on August 2006 after the management refused to negotiate for the new CBA. Some of the union officers were suspended and as the case was running in the DOLE, the company formed a new union which it recognized as the new bargaining unit. The Tandang Sora picketline served as home for Corrado's family, while other union officers lived a life on the run as the Army soldiers pester them for continuing the strike. The picketline demolition wiped out the last vestiges of the strike and left Corrado's family, an internal migrant, homeless.

It could be recalled that on November 2006, soldiers were sighted roving around the communities of Metro Manila. Armed Forces of the Philippines (AFP) confirmed later that they have indeed deployed 260 troops in 26 urban poor areas in Metro Manila. The number of barangays (villages) were military are deployed increased to 46 despite the recommendations by Melo Commission and the CHR to withdraw the troops from Metro Manila as they cause human rights violations.

The troops' deployment was part of "an existing understanding with the Armed Forces of the Philippines [AFP] based on Executive Order 546," which allows the PNP to participate in counterinsurgency operations. [inquirer.net 3/23/07] The main objective is allegedly to deny the rebels their foothold in urban areas.

E.O.No. 546, was issued by President Gloria Arroyo on July 14, 2006 to institutionalize the government counter-insurgency program. The Order makes the PNP a co-equal partner of the military in fighting insurgency and other security threats; this mandate also authorizes the use of *barangay tanods* (village police) as force multipliers in the campaign to wipe out threats of terrorism and insurgency.[PIA 11/14/2006] This order, however, was not publicly discussed and its full text, unlike other EOs is mysteriously absent in the list of Executive Orders issued by Malacañang in the Office of the President's website.

No let up in vilification campaign

Despite the findings of the UN Special Rapporteur Philip Alston that the government's counter-insurgency program is responsible for numerous extra-judicial killings and hounding of activists and so-called leftists, the Arroyo government did not lift a finger to end the program. Whilst the number of killings may drop, vilification campaign against organizations and its leaders, which is a prelude to various forms of attacks never ceased.

After a full-length movie in a CD distributed and shown publicly by the military alleging the KMU links with the NPA, the Kilusang Mayo Uno raised its anger when it sees its name in a high school textbook listed and tagged as terrorist groups along with the MILF, NPA, MNLF and Abu Sayyaf. Elmer Labor, KMU chairperson underscored the military's deliberate attempt to decimate his organization and sow fear amongst workers to dissuade them from associating with KMU. The KMU had already filed a complaint at the ILO in 2006 and the latter recommended to send a high level mission to the Philippines, but the Arroyo government incessantly refused.

This ominous tagging also affected the local unions that are affiliated to federations under the KMU, such as Anitas Home Bakeshop, the buns supplier to McDonalds chain of restaurants in Visayas islands. Pictures of the union officers with tags as terrorists were posted in the company's bulletin board after being dismissed in their job. The union was still in the infancy stage and dismissal of union officers has almost killed the organization as well as the workers hope to receive the mandated minimum wages.

IV. Conditions in picket lines remain cruel and dangerous

Workers who have mustered enough courage to assert their rights are still confronted by a cruel situation in the picketline. This year, the CTUHR noted three incidents of violent attacks in picket lines.

Workers at Hanjin Garments in Cabuyao, Laguna were compelled to set up their picket line on January 23 in protest against the dismissal of almost 200 workers and union members. Police from Cabuyao and LIPPAG (Laguna Industrial Park Police Assistance Group) violently dispersed the protesting workers. Food, water, and supporters were barred from entering the Industrial Subdivision until January 25.

On January 25, the supporters insisted on bringing foods for the striking workers. This resulted to a violent dispersal and injured 21 workers and supporters. The LIPPAG and



Cabuyao police also ordered the workers to bend their knees while being insulted by the owner of the company. After this incident, the workers then encountered successive dispersals until it led to the arrest of four workers on February 6.

On June 20, the company allowed the holding of union election, excluding all the dismissed workers. Union members who were admitted back to work after the strike and other union sympathizers were coerced to vote for a No Union. The move gave the company an overwhelming victory for a No union. After the election, union members who voted Yes to the union were dismissed and some of those who voted no were promoted to regular status.

Union members and officers at Hanjin had been working for the company for three to 12 years remain contractual in status and was only paid a measly P160 or US\$3.55 for 12 hours work. They were also maltreated by the Korean company owners.

The protesting Hanjin workers were simply asking for their regularization at work, union recognition, and implementation of minimum wage.

V. Violent attacks against the workers' peaceful demonstrations persist

CTUHR documented five violent attacks on 1,025 individual workers while they were having their demonstrations. These resulted to the death of one worker, detention of 10 workers (one of them is a female), and 58 seriously injured.

The cruelest incident was the brutal dispersal of the demonstration of about 400 workers, unionists, and their supporters from Southern Tagalog Region on March 6 in front of DOLE office in Intramuros, Manila.

The protesters who came from a long march, were planning to have a vigil as a condemnation to Labor Secretary Marianito D. Roque's failure to securing the workers from unfair labor practices. As they began to settle down, members of Manila Police District (MPD) under the command of Gen. Rosales abruptly attacked and mercilessly assaulted the workers. Seventeen (17) were seriously injured and 10 were arrested and detained at the WPD Headquarters in UN Avenue Manila.

Six of the arrested were charged with illegal assembly but were released on March 7 while the case was still under investigation. Few weeks after the incident, a member of Kadamay died due to blood clot on his head that was not attended immediately after the dispersal. The demonstrators filed a case at the CHR but until the time of this writing, nothing was heard from the commission.

VI. The Harrowing Implications of massive trade union rights violations

6.1 absence of humane conditions at work becomes a commonplace and workers are unable to change them

For a century, workers in the country are pushed to organize unions to counter the sub-humane conditions in the workplace. Until 10 years ago, the trade union movement had to a large extent successful in reducing the exploitative and oppressive conditions at work, at least in companies outside the free trade zones. All the gains of militant and independent trade unionism, are continually reversed by combination of state and capitalists systematic violations of trade union rights. The implications on workers are harrowing and deep.

CTUHR monitoring in places where it has correspondents, revealed **58 cases** of inhumane conditions at work. This is **62%** higher than the figure recorded in the same period last year.

A case of dollars over safety of local workers

In HHIC or Hanjin Heavy Industries Corp.- a Korean-owned shipbuilding and real estate company in a former US military base in Subic Bay, Zambales, the series of workers deaths while at work present an alarming trend. Since Hanjin's operation in 2006, **15** workers were reported to have accidentally died, **6** of whom died this year.

The last victim was Philip Mendoza, 40 years old, from Castillejos, Zambales. Mendoza died on November 20 when a large steel block loaded at the back of dump truck fell on his head while working at 5:00 o'clock in the morning. He sustained fatal injuries on his head and other body parts and was declared dead on arrival at St. Jude Hospital in Olongapo City. Three other workers were also injured in the same incident.

In July, DOLE (*Department of Labor and Employment*) was forced to investigate following the series of work-related deaths. To the public disgust, DOLE did not find any violations by the company and in fact cleared Hanjin of any liability for the death of a worker who fell off from scaffolding. DOLE attributed the incident to force majeure.

The SBMA or Subic Bay Metropolitan Authority conducted its own investigation every time a worker died. Nothing has changed and workers continue to face the same dangers as their fallen colleagues. Until today, there is no clear comprehensive policy about Hanjin to guarantee the safety of around 13, 000 Hanjin workforce.

What is clear at the moment is the government apparent choice of dollars over the safety and dignity of Filipino workers. HHIC is the biggest single foreign investor in the country at present and is considered by the Arroyo government as a prized investment.

The company is not unionized and organizing proved not only difficult but close to impossible as the whole area is guarded by the military and non-workers entry to secluded part of the construction site is prohibited. Despite the fortress like obstacles, workers are beginning to organize themselves in a most discreet and creative ways possible.

14 years of sexual abuse in the hands of employer

Representatives of two hundred five workers from BMMC or Bleustar Manufacturing and Marketing Corp. – a local factory producing Advan branded shoes and rainboots went to CTUHR to report the 14 years of sexual abuse they endured under the hands of their employer- Jimmy Ong, a Filipino Chinese. They have narrated that every time their employer report to work drunk, he chose a female worker that he liked and asked her to touch his private parts. Their employers also touched the women's



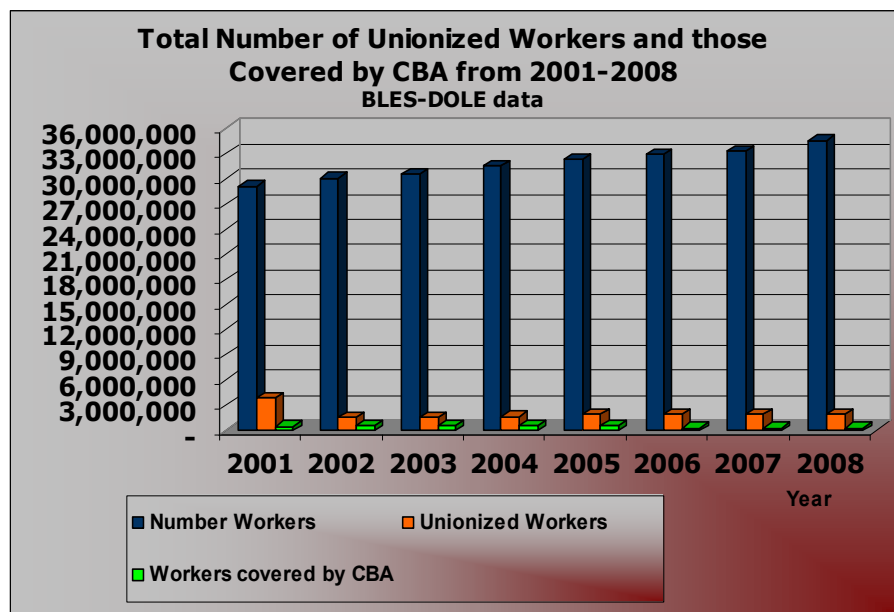
sensitive body parts and on occasions made indecent proposal. Despite the revolt seething inside them, the fear of job dismissals reduced them into silence. Most of the workers, 85% are women have BMMC as their first jobs and never known other work outside the company. Apart from sexual abuses, the company underpaid them, forced them to go on leave of absence and did not pay correct overtime, night differential at holiday pay.

The conditions prompted them to organize a union and the current BMMC Labor Union – Independent is their fourth attempt to unionize.

6.2 rapid and dramatic decline in unionized workers and weakening of power of the trade union movement

The biggest casualty in this dis(order) is the trade union organizations whose number is declining rapidly. From **30.7%** unionization rate in 1982, the number dropped to **10.54% or 1, 927, 000** this year. The number of workers covered by the Collective Bargaining Agreements is comparatively much smaller that stands only at **219, 000 or 11.365%** of the organized workers.

CTUHR *partial* record for instance shows that **11** unions were busted this year whilst others are facing imminent threats of breaking-up due to various factors, including those mentioned above, as well as closures and employment of massive flexible workers that drastically shrinks the traditional base of unionism in the country—the regular workforce.



Thus, it is only logical that from January to October of this year, the National Conciliation and Mediation Board – DOLE recorded only five (5) actual strikes that according to DOLE is a positive sign of continuing industrial peace and creation of goods and services for the country's economic growth.

One of the unions that were busted was PLMFEIGI-NAFLU-KMU (*Pinagisang Lakas ng Manggagawa or United Strength of Workers in Far Eastern International Garments Inc.*), a 22-year old union with 500 members in Far Eastern International Garments Inc., located at Las Piñas City, Metro Manila. According to the company's Personnel Manager Corazon Villanueva, the company's decision to close down was prompted by high costs of production and the lack of orders from buyers overseas particularly the US.

The union felt otherwise. According to Salvador Carranza, union president, the ultimate objective of the closure was to destroy the union and replace them with contractual workers. He underlined that the company in fact bought new machines last year and has increased the number of newly hired contractual workers. He also noted that the company did not inform the union nor implement any cost-cutting method if indeed it was losing. Gilda Sumilang, union secretary added that the company did not provide the union any documentation to prove that they are losing. The company insisted that the workers accept separation pay and refused to talk about possible reinstatement when the company resumed operations.

Until now, more than 162 union members remain in picketline and insist on reinstatement. FEIGI is an American –owned company producing branded clothes mainly for export to the US.

The same reality mirrors the experiences of workers’ unions at Laws Textile, in Taguig city and Hanjin Garments in Laguna.

VII. The Philippines remains under the watchful eye of the international community

In June, the Philippines was elected Vice President of the United Nations Human Rights Council. Malacañang called the election as vindication on what it called as allegations of gross human rights violations. The people think otherwise. The election will put the Philippines in the spotlight giving more pressure to improve its human rights record lest it face a more embarrassing position in the human rights body. It will give more reasons to UN member countries to critically monitor the Philippines if its policies, laws and practices comply with internationally accepted standards.



In reaction to the Philippine government report in the Universal Periodic Review (UPR), smaller countries like Slovenia emphasized that the government has not exerted enough efforts to stop the extra-judicial killings as no one has ever been prosecuted.

The ILO has also re-affirmed its recommendation to the Philippine government to accept the high level mission to the country.¹² The US Trade Representative endorsed the ILO recommendation and at the same time recommend to review and to amend the provision in the Labor Code concerning Assumption of Jurisdiction power of DOLE Secretary in

¹² ILO Conference, June 2008

accordance with the international standards. The pressure on the Arroyo government increases when the Washington-based International Labor Rights Forum (ILRF) filed a new petition against Dole Philippines request to gain broader market access in the United States.¹³

In March, Union Network International (UNI) Fact Finding Mission, that CTUHR assisted also expressed alarm over the killings of trade unionists and organizers and pledged its support to the ILO high level mission.

The recently concluded Canadian Trade Union Mission in the Philippines strongly criticized the weakness of the legal system and the use of law for the interest of multinational corporations. The Mission reiterated that it will mobilize the Canadian unions to demand the immediate release of Atty Saladero and five others and will press for the dropping of fabricated charges. The group also assured their Filipino counterparts that all their observations and findings will be brought to the attention of the broader Canadian trade union movement and human rights organizations.¹⁴

Meanwhile, hundreds of protest letters and condemnation from various international organizations poured in concerned government authorities regarding the abduction and subsequent detention of Atty Saladero in his second day inside the jail. Protesters underscored the Arroyo government legal offensive to suppress the administration critics. CHR Chair Leila de Lima admitted that the Commission has been receiving hundreds of protest letters concerning Atty Saladero's detention, pushing them to place his case as priority.



Not only does the international community strongly criticize the extra-judicial killings, abduction and enforced disappearances, but also the government policy to export its own workers as a stable source of dollars and as an employment program. These are the object of massive protests led by migrant workers themselves under the International Assembly of Migrants and Refugees o IAMR last October 28-30, 2008, in Manila¹⁵ simultaneous to holding the Global Forum on Migration and Development (GFMD).

VIII. Workers and the trade union movement continue to resist

The continuing onslaught on workers rights and lives may have deeply affected the workers and the movement, but the latter is not taking these attacks quietly.

Women workers regaining their strength at the shopfloor

¹³ ILRF GSP Petition on Dole Philippines, July 2008, at Post hearing Brief, Oct 2008

¹⁴ CTUMP Press statement, published on the PDI online at Manila Bulletin, 26 November 2008,

¹⁵ IAMR Documentation, Oct 2008

The successful strike of members of Bleustar Manufacturing and Marketing Corp Workers Union (BMMCWU) for instance, is proof that years of silence against sexual abuses and maltreatment have its end. Despite the company's organized efforts and DOLE's unhelping hands to weaken the workers' resolve to win the union election and the strike, union members were not deterred by rain, heat and hunger and had endured for three months to win their battle. With outpouring of support from various sectors, the company was obliged to recognize the union in November, take back all the dismissed workers with full backwages, pay the minimum wage and benefits and agree to commence the CBA negotiation this coming March. Workers particularly the women subdued for more than a decade had found strength, regained their dignity and emerged victorious as women and trade union leaders.

Around 900 union members at Truimph International- a multinational giant producing undergarments, had also successfully inked their new CBA after more than four months of negotiation. Union officers noted that key to gains they achieved was mass leave and walk-out of 700 women workers who marched on the streets in October to condemn the Assumption of Jurisdiction Order issued by DOLE to pre-empt their strike

Atty Saladero et al Coalition and DEFEND ST launched

To coordinate the campaign for the release and dropping of charges of Atty Saladero and 71 others, the Free Atty Saladero et al Coalition (FASC) was launched on November 13 initially led by KMU, CTUHR and PLACE, together with the United Church of Christ in the Philippines (UCCP) through Bishop Gabriel Garol. This was followed by the establishment of DEFEND ST on November 22.



Intensity of attacks signifies state recognition of the formidable challenge the trade union movement presents against anti-people and anti worker state policies and measures

The Oplan Bantay Laya II or OBL (Operation Plan Freedom Watch) counter-insurgency program and economic crisis may have weakened the workers organizations and trade union movement but it has failed to crush them, the way the OBL intends. The country's history has taught the workers and the poor very good lessons; that the intensity of state and capital's attacks on the workers movement signifies the state recognition in the strength and formidable challenge that the trade union movement presents in struggling against anti-worker and anti people policies and measures by the government.

The next few months of the coming year are particularly significant, for existing unions to gather their strength and consolidate their membership to prepare them in confronting major issues. Foremost is the government attempt to change the Constitution to perpetuate itself in power beyond 2010 and plan to allow foreign entities and individuals to own the land in the country. In a current set up where multinational corporations and their local partners control the economy and even politics, the plan will complete wholesaling the Philippines to whoever has the money, leaving the Filipinos as squatters in their homeland and refugees in other countries.

Accompanying this is the global economic recession that will definitely affect the country's economy.. There are already around 3,000 overseas Filipino workers (OFWs) who returned to the Philippines due to early termination of contracts and sudden joblessness. For many years, our economy has been dependent on remittances by OFWs and product exports, primarily in the US that is now experiencing recession. Locally, the employers' organizations particularly in the electronic sector have already announced that they are contemplating either to undertake wage cuts or mass termination to survive. Manufacturing sector particularly for export will slow down, pushing unemployment to rise.

The workers may be initially scared to take any action, to preserve their jobs and meager earnings. But this fear maybe temporary and could be turned into an advantage if the trade unions could patiently and ably explain the whole thing and the urgent need for workers to be in solidarity to act and defend their livelihood.

But the workers and the progressive movement should not forget the lessons of the earlier years of this administration. This year, 2009, is the election year, and as the ruling class compete with each other and the Arroyo government's isolation become more pronounced, the state will wage another wave of repression targeting the militant organizations to prevent them from winning more seats in Congress at the local level. It could be recalled that the spate of extra judicial killings occurred in the peak of campaign to oust Mrs Arroyo from office in 2005 and 2006 as election preparation for 2007. Most of the victims were members, leaders and organizers of militant partylist organizations like Anakpawis, Bayan Muna and Gabriela.

The new wave of legal offensive against activists, labor rights defenders and union leaders has just started. It's tentacles are long and broad, far -reaching and do not discriminate. It will persist simultaneous to intensifying the so-called anti-terror war. In the midst of all these, the workers and the movement have to contend with more belt tightening as hunger will further deepen. But as we say in Pilipino, in difficulties, we often find the inspiration to confront all these challenges with strength and confidence.

The Filipino workers will only have to remember that in times of fear and anxiety, they only have to review the victorious experiences of the movement so that the workers will find the inspiration to renew their faith in themselves and in struggle inside and outside the workplaces to enable them to reclaim the decisive role of the working class, here and abroad to effect substantial and meaningful social change. #