

brothers and sisters are not living; they are existing." 40

### Labor Relations Practice

In light of the above, it is even more disturbing to discover that a significant proportion of Philippine firms do not pay even the legal minimum wage. A survey conducted by the Philippine Department of Labor and Employment itself revealed that more than half the firms in the Manila area employing at least 10 workers paid wages below the legal floor rate.<sup>41</sup>

Employers get away with this by making use of legal loopholes, by deceiving the authorities, or simply by ignoring the law. Workers generally accept substandard wages because their power to strike is limited, and because their only alternative may be unemployment. As one recent analysis noted, "It has become fairly common to hear tales of workers signing minimum wage payrolls despite receiving less." For example, one small company in the Bataan Export Processing Zone "has cashed in on the wave of shutdowns by hiring workers for as low as 14 pesos (US \$.70) daily."<sup>42</sup>

The government's lack of commitment to enforce its own wage laws is reflected in an enforcement staff and budget woefully inadequate to the needs. In 1984, there were only 50 Department of Labor personnel assigned to conduct inspections and enforce labor standards in an area surrounding Manila where there are 30,000 business establishments. The Aquino administration has so far failed to allocate greater resources to enforcement.

### WORKING CONDITIONS

#### Labor Law

International standards on occupational safety and health are fragmented and noncomprehensive. Philippine law is even more so. Some legal measures exist to protect workers from hazardous working conditions and standards for occupational safety and health have been developed to a certain extent. However, such protections are far from complete. Moreover, under the present labor code, workers are prohibited from striking over occupational health and safety conditions.

#### Labor Relations Practice

As often, some of the best documentation on violation of labor standards comes from the government itself--even though these findings fail to lead to stricter law enforcement. The Department of Labor and Employment recently found that "more than 40 percent of the total establishments inspected in 1987 were

found violating the general labor standards and health and safety regulations required by law."<sup>43</sup> According to statistics compiled the ILO, more than 4,000 persons are injured annually in industrial accidents.<sup>44</sup>

C13 ( Some industrial accidents result in death. For example, on January 29, 1989, the body of Romeo Manbat, a worker at Manila Paper Mills and an active member of the Association of Nationalist and Genuine Labor Organization, was found mutilated within a hydro-pulp machine. Manabat's coworkers say that his death was caused by work-related accident, since the work area is slippery and the machine has no guarding. Investigations by the non-governmental Institute for Occupational Health and Safety Development indicate poor safety and health conditions in the factory, and also revealed that three other work-related deaths have occurred in the plant.<sup>45</sup>

C14 Work-related illnesses and injuries are also a serious problem in many of the export industrial zones, as well as in large plantations. Workers are sometimes forced to work at an intense pace, and supervisors have been known to refuse to let them go to the bathroom, even when they are feeling ill. For example, in Dolefil Corporation, a pineapple plantation and cannery owned by the U.S.-based Castle and Cooke, a woman worker complained, "It is difficult to keep up with the [machine] ... We cannot take time to sit, or go to the comfort room, because the pineapples will pile up and the machine will get stuck." Cannery workers also suffer from chemical exposure to acids used to clean equipment, which cause headaches and skin burns. Field workers are forced to carry heavy loads in tropical heat; they often complain of skin diseases caused by exposure to herbicides and also of lung ailments.<sup>46</sup>

As with the wage laws, lax enforcement of health and safety laws is partly due to the Labor Department's inadequate staff and budget. The government's recent creation of a new occupational safety and health center and launching of health and safety training programs should be viewed as positive steps. However, the U.S. State Department noted earlier this year that enforcement of health and safety regulations is seriously lacking.

#### CONCLUSION

In conclusion, the Philippines is found in clear violation of four of the five labor standards included in the GSP legislation. Philippine workers' pursuit of their basic freedoms to associate, organize, and bargain collectively, as well as their demands for protection against exploitation and unsafe working conditions, has been seriously undermined both by legal restrictions and by rising repression from military, police, and

paramilitary forces. The reestablishment of democratic institutions has not, as a whole, led to meaningful progress in workers' exercise of their basic rights and or to improvements in their living conditions. Indeed, there is ample evidence to suggest that, in some respects, workers are even worse off than before the change in government in 1986.

In the face of these conditions, what action should the U.S. government take? The U.S. government often complains of unfair trade subsidies by foreign governments that give their goods unfair advantages in world markets. Labor repression of the magnitude practiced in the Philippines can only be judged as the most blatant form of unfair trade subsidy available. They are an affront to the rights and dignity of working people in the Philippines and in all other countries. Therefore, we recommend that GSP benefits be discontinued for the Philippines until the Philippine government demonstrates good faith efforts to protect and ensure workers' basic rights and to improve their living and working conditions.

In reviewing the arguments laid out in this document, we strongly urge the office of the USTR not to rely only on the Philippine government's assessment of labor rights violations. The government generally gives one of several responses to charges of labor rights violations. First, it may deny the charges outright or simply state that such charges have not been filed with the governmental Commission on Human Rights. Given the climate of mistrust between human and labor rights advocates and the governmental Commission, is not surprising that many charges have not been filed with the Commission. Even the ILO questions the effectiveness of the Commission and inquires about its proceedings in its response to recent complaints.

Second, as noted earlier, the government may seek to undermine the credibility of the charges by insinuating that they are motivated by "extremist" or "communist" views. We hope that the office of the USTR would not accept such claims without substantial evidence to support them. Or third, the government may claim that it is making progress toward reform. However welcome the latter statements are, we believe that the record speaks otherwise on this matter. Therefore, we encourage the USTR to take into consideration the substantial evidence and documentation that has been compiled by various non-governmental and international organizations, including the International Labor Organization, before reaching a judgment in this case.

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killed by members of armed independent groups operating in the Toboso region of Negros. [International Labor Office, Case 1426, November 1988]

February 1987. Three members of the NFSW-FGT in the towns of Sitio, Hilumunan, and Bavankalan were detained without charged by the 7th Infantry Battallion. [International Labor Office, Case 1426, November 1988]

April 12, 1987. NFSW-FGT members were arbitrarily arrested by the 11th Infantry Battalion and were released the next day after interrogation. [International Labor Office, Case 1426, November 1988]

April 28, 1987. A group of ten vigilantes entered the Lapanday Development Corporation Compound in Davao City, Mindanao. The vigilantes said they were looking for a number of trade union organizers whom they suspected of supporting the NPA. Peter Alderite, a member of the board of directors of the Lapanday Workers' Union (LWU), was the first they found. They hacked him to death with long knives in front of many witnesses, and left his body on the main road as a warning to others. [Amnesty International, July 1987; Lawyers Committee for Human Rights, 1988]

May 17, 1987. Two NFSW-FGT members, Francisco and Joseph Guillermo, suffered serious gunshot wounds when walking home in a sugar field in Magalona town. [International Labor Office, Case 1426, November 1988]

May 28, 1987. Nine NFSW-FGT members -- Jesus Quanteros, Narciso Malalay, Marly Malalay, Wilfredo Varuca, Nerissa Bautista, Carmen Malalay, Leopoldo Oliveras, Mondejar Dominado, and Mr. Antonio -- were arrested and detained by the 11th Infantry Battalion in Canlaon City, Negros, on suspicion of being members of the New Peoples Army. All except Nerissa Bautista were subsequently released. Bautista, who is 12 years old, was detained to perform household chores for the soldiers. To date, she has not been released. [International Labor Office, Case 1426, November 1988]

May 21, 1987. Antonio Jamilla "disappeared" in Antipolo, Rizal. He was affiliated with the Escala Garment Workers Union - the Labor Alliance for National Development. Witnesses said that he was last seen when two arresting officers asked him to come with them for questioning. The officers reportedly handcuffed him and jabbed his head with a 45 caliber pistol. [Cobourn, 1988; FIND, 1987-1988]

June 3, 1987. National Federation of Sugar Workers-Food and General Trades (NFSW-FGT) members Percy Moyong, Emmanuel Genovez, Edgardo Ostan, and Edgardo Ostan, Jr., were arrested by members

of the Philippine Army 11th Infantry Battalion in Negros Occidental. They were detained for 12 days at the La Castellana Army Detachment without having charges filed against them. On June 15, all but Genovez were released. Genovez was released later. [NFSW-FGT, July 29, 1987]

June 4, 1987. Approximately 40 armed vigilantes abducted Visayas labor organizer Mario Pogoy. As of October 1987, his whereabouts were unknown. [KMU, October 1987]

June 9, 1987. Arcadio Ramires, a labor organizer, was abducted from his Tondo, Manila home by a group of five armed men in civilian clothes whom witnesses believe to be members of the Western Police District. [Amnesty International, June 1987]

June 10, 1987. Eleven NFSW-FGT members were arrested in Negros Occidental by members of the Philippine Constabulary, the paramilitary Integrated Civilian Home Defense Forces and the Alsa Masa vigilante group. They were interrogated and manhandled for seven days before they were released. No charges were filed against them. [NFSW-FGT, July 29, 1987]

June 17, 1987. Porferio Maximo, Jr. "disappeared," after he was arrested by Civilian Home Defense Force members. His mother believes he was mistaken for his father, who is an active organizer for the sugar workers. [Amnesty International, August 1987]

June 17, 1987. Nine members of the NFSW-FGT union in Negros Occidental were arrested by the Philippine Army. They were detained at a local military detachment and on June 18, five were transferred to the 11th Infantry Battalion headquarters. During their detention they were manhandled and beaten and given lectures about "communism." They were released in groups, and on the condition that they would report every Sunday to the local Municipality. [NFSW-FGT, July 29, 1987]

June 21, 1987. Felipe Tariman, a worker at the ATLAS Consolidated Mining and Development Corporation and an officer of the United Atlas Workers Union, was threatened by local vigilantes for refusing to join their group. Fifteen of the vigilantes, in masks, with some police officers raided Tariman's house. Then members of the group strafed the house and challenged Tariman to a fight. After these incidents, Tariman and his family moved out of their house. [KMU, October 1987]

June 22, 1987. Four NFSW-FGT members were arrested by Philippine Army 7th Infantry Battalion soldiers and brought to the municipality military detachment for "investigation." One was manhandled before all four were released on conditions restricting them to the area and requiring them to report to the military detachment once a week. [NFSW-FGT, July 29, 1987]

No. 87. At the same time the Experts drew attention to certain provisions of the Labour Code the repeal or amendment of which has been requested for some time. The present Committee likewise criticised some of the legislative enactments listed in the present case in an earlier case, to which the KMU in fact refers (Case No. 1323, 241st Report, paragraphs 341-374, approved by the Governing Body in November 1985).

303. While conscious of the care any government must employ when attempting a major revision of labour legislation, the Committee would nevertheless urge the Government to do its utmost to facilitate the rapid enactment of the proposals already agreed upon by the tripartite committee described above and to give particular attention to the points raised by the Experts over the past several years so that full conformity between the labour legislation and the requirements of Convention No. 87 can be achieved. The Committee refrains from commenting on the composition of the tripartite committee since it appears that the complainant was able to present its views therein.

304. The Committee notes that the KMU's second basic allegation centres on repression of strike action through administrative decisions or judicial injunctions and that the Government replies that proposals are currently before the legislature to tighten procedures for the issuing by the NLRC of temporary injunctions in strike situations. As for the role of the Secretary of Labour (who can assume jurisdiction over a labour dispute likely to affect the national interest), the Committee would recall that it is precisely this provision in the Labour Code (section 264(g)) which has been criticised by the Committee of Experts for many years as being too broad.

305. It accordingly repeats the principles of the ILO supervisory bodies on this matter, namely that strike action may be banned or limited only in the public service or essential services in the strict sense of the term, i.e. those whose interruption would endanger the life, personal safety or health of the whole or part of the population [see General Survey of the Committee of Experts on the Application of Conventions and Recommendations, 1983, para. 214 and Digest of Decisions and Principles of the Committee on Freedom of Association, 1985, paras. 387 and 394]. Like the Committee of Experts in its most recent observation of the Philippines' observance of Convention No. 87, the present Committee requests the Government to amend section 264(g) so as to restrict the imposition of compulsory arbitration to strikes in essential services as fall within this definition.

306. The Committee notes that the Government makes no comment on the alleged abuse of Department of Justice Circular No. 10 which, since July 1987, has meant that many accused strikers cannot raise bail, or on the alleged problems and delays in the regular court system. It accordingly requests the Government to send its observations on this aspect of the case as soon as possible.

307. As regards the alleged direct repression of strikers and union members and officials by the police, military, paramilitary or employer-backed gangsters, as well as by vigilante groups, the Committee notes that it has already examined similar allegations in a recent KMU complaint concerning, in particular, Negros Province (Case No. 1426, 259th Report, paragraphs 564-588, approved by the Governing Body in November 1988). It observes that the Government's reply concerning the involvement of the military and vigilante groups (e.g. the October 1987 guide-lines, the creation of the Civilian Auxiliary Force Geographical Unit, and inter-departmental co-operation through committees and accords in investigating complaints) repeats the information supplied in that previous case, as do the indications supplied on the investigatory role played by the Philippines Commission on Human Rights.

(f) The Committee refers the legislative aspects of this case to the Committee of Experts.

ANNEX

UNIONISTS ALLEGEDLY MASSACRED ON 22 JANUARY 1987

<u>Name/age</u>	<u>Factory/employer/union organisation</u>
1. Bernardo Laguindanum (27)	Pilsyn/Laguna City/OLALIA
2. Angelito Gu'tierrez (21)	San Miguel Cor /NDP
3. Danilo Ar : (31)	Rural Worker/A O
4. Rodrigo Grampa (25)	Peking Foam/Malibon District/ADLO
5. Vicente Campomanes (32)	"
6. Leopoldo Alonzo (30)	"

Geneva, 23 February 1989.

Roberto Ago,  
Chairman.


question were arrested and sentenced for criminal offences without specifying the nature of the offences, the Committee requests the Government to indicate the precise charges brought against Mr. Al Kassab and to supply a copy of the judgement sentencing him to five years' imprisonment, with the reasons adduced.

562. The Committee also requests the complainant to provide all complementary information at its disposal in this case.

#### The Committee's recommendation

563. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendation:

Taking into account the contradiction existing between the versions of the complainant and the Government concerning the arrest and detention on 13 July 1986 of the President of the General Committee of Bahrain Workers in the ALBA Aluminium Company, Mr. Al Kassab, the Committee, in order to be able to reach conclusions on this matter in full knowledge of the facts, requests the Government to specify the facts which gave rise to the arrest of this person, to communicate the charges brought against him, to indicate the section of the Penal Code under which he was sentenced and to supply a copy of the judgement concerning this person (Case No. 1987/State Security 1/36), with the reasons adduced therefor. It also requests the complainant to provide all complementary information at its disposal in this case.



#### COMPLAINT AGAINST THE GOVERNMENT OF THE PHILIPPINES PRESENTED BY THE INTERNATIONAL UNION OF FOOD AND ALLIED WORKERS' ASSOCIATIONS

564. The International Union of Food and Allied Workers' Associations (IUF) presented allegations of violations of trade union rights against the Government of the Philippines in a communication dated 12 October 1987. It presented further information in letters of 5 April and 20 September 1988. The Government supplied its observations on the allegations in communications of 14 April and 13 May 1988.

565. The Philippines have ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Rural Workers' Organisations Convention, 1975 (No. 141).



### A. The complainant's allegations

566. In its communication of 12 October 1987, the IUF alleges that, on 4 July 1987, Mr. Amado Cayao, chapter president of the IUF's local affiliate, the National Federation of Sugar Workers - Food and General Trades (NFSW-FGT), was murdered near his home. It claims that this assassination is a part of the continuing violence, intimidation and harassment exercised against members and officials of the NFSW-FGT, apparently by units of the Philippine armed forces and various para-military organisations.

567. The IUF supplies a report prepared by its affiliate describing repression of rural workers on Negros Island. According to this document, three workers, active NFSW-FGT organisers in Northern Negros were ruthlessly killed by armed groups believed to be supported by some miller-planters and the military. Those murdered were: Uldarico Antojado, Anecito Emalay and Moreto Pastidio. Messrs. Antojado and Emalay were leaders of the 17-day strike in April 1986 and the former was allegedly picked up by several armed men; his mutilated corpse was later found in a sugarcane field. Mr. Emalay was allegedly attacked and shot dead in front of several passengers when riding a bus to San Carlos City. Mr. Pastidio was allegedly killed by members of an armed band for no reason other than belonging to the NFSW-FGT.

568. According to the document, despite eye-witness accounts, the armed groups responsible for these 1986 killings remain free and terrorise organised sugar workers with impunity. It claims that the current Government's enunciation of human rights as a cornerstone of social policy has not affected the Philippine countryside. In Negros, organised workers who criticise the unjust social structures and political repression are branded as communists and suffer other adverse propaganda, notably from the landlords. The document lists brutalities suffered in 1987 by other NFSW-FGT members: Rodrigo Villacuatro was killed by members of the armed independent groups operating in the Toboso region; in February three further members in the towns of Sitio, Hilumunan and Kabankalan were detained without charges by the 7th Infantry Battalion; in April 12 members were arbitrarily arrested by the 11th Infantry Battalion in connection with a guerilla ambush of government troops and were released the next day after interrogation; on 17 May two organisers, Francisco and Joseph Guillermo, suffered serious gunshot wounds when walking home in a sugar field in Magalona town; on 28 May nine members (Jesus Quanteros, Narciso Malalay, Marly Malalay, Wilfredo Baruca, Nerissa Bautista, Carmen Malalay all from the Longga plantation, and Leopoldo Oliveras, Mondejar Dominado and Mr. Antonio from the Mandaya plantation) were arrested and detained by the 11th Infantry Battalion in Canlaon City on suspicion of being members of the New Peoples Army (NPA) and all except Nerissa Bautista (12 years old, detained at La Castellana to do household chores for the soldiers) were subsequently released; on 3 June four members (Persie Moyong, Emmanuel Genoves, Edgar Ostan and Eduardo Ostan Snr.) were arrested by the 11th Battalion in Camansi and all except Mr. Genoves were released after intervention by the NFSW lawyer with the battalion commander; on 22 June Mrs. Prima Balaud, widow of union organiser Tito Balaud, and four other NFSW members (Belinda Balaud, Mariano Yunson, Arguiles Yunson and Rebecca Yunson) were arrested by the 7th Infantry Battalion and later released after interrogation on condition that they report weekly to the detachment at Kabankalan; on 25 June the union Vice-President Romeo Bulina and four other union officers (Romeo Tenessa, Rod Tenessa, Clarita Salde and Joel Estrella) were roused from their sleep by soldiers accusing them of being rebel supporters and are still in military detention; on 28 June three members (Arturo Mandiruya, Ruby Sane and Virgilio Sardon) were held briefly by the 6th Infantry Battalion in Isabela town. It gives details of the slaying on 4 July of chapter president Amado Cayao whose body was found riddled with

bullets beside a canefield near his house. Eye witnesses allegedly saw eight armed men in camouflaged uniforms strafing nearby workers' houses.

569. The document also describes harassment of rural workers over the same period in an effort to coerce them not to join the NFSW. It claims that in negotiations with government and military representatives over violence on Negros Island, the issue of human rights violations was diverted by the military who referred to anti-communist and anti-insurgency measures.

570. The complainant also attaches a list entitled "Victims of military operations" detailing physical damage to residents and their property (particularly burning and strafing of their houses and theft of water buffalos and livestock) in the following townships: Binalbagan, Himamaylan, La Castellana, La Carlota City and Pontevedra.

571. In its communication of 5 April 1988, the IUF alleges further repression in January and February 1988 of members of its affiliated union, the NFSW-FGT: Carmelina Cornelio of New Escalante was harassed and strafed by police on 6 January. In addition it states that 32 named persons were arbitrarily arrested and/or detained by police detachments (see Annex).

572. In its letter of 20 September 1988, the IUF alleges that on 3 July 1988 José "Joe" Tampinco, member of the executive board and head of the education committee of the NFSW, was murdered while participating at a gathering in Bacolod. It expresses its serious concern at the deterioration of the situation in the Philippines and states that the Government is unable to comply with Conventions Nos. 87 and 98 which it has ratified. Newspaper clippings attached to the letter report that Mr. Tampinco was gunned down by suspected New People's Army "Sparrow" gunmen.

#### B. The Government's reply

573. In its letter of 14 April 1988, the Government states that the Department of Labor and Employment has inquired into the specific cases of human rights violations presented by the IUF, but had some difficulties in securing information from the various agencies involved because of ongoing reorganisation within the military and the Government itself.

574. It states that the Philippines Commission on Human Rights had received complaints from only two of the alleged victims mentioned in the NFSW-FGT document, namely Aldarico Antojado and Mrs. Balaud. The former's case has been evaluated by the Commission and a formal complaint is now pending before the regional trial court of San Carlos City. The military personnel allegedly involved in the case of Mrs. Balaud have already been identified and placed under restrictions at the Philippine constabulary headquarters in Camp Delgado, Iloilo City for investigation and appropriate legal action that may result therefrom. The cases of the other victims, in particular the alleged murder of Amado Cayao, whose lawyers or family did not file any formal complaints are none the less being investigated by the Commission's regional office. There are about 30 cases from Negros Occidental docketed in the Philippines Commission on Human Rights concerning alleged human rights violations of farm workers in the areas of Kabankalan, Himamaylan, La Castellana, La Carlota City, Pontevedra and Binalbagan; but the names of the complainants are not those listed in the present case, or similar to them. These cases are being investigated by the Commission.

Government states that it has instructed the Labor Department's (which has jurisdiction over the area where the alleged assault took place) to conduct its own investigation into the matter. It is now in the process of gathering documentary evidence by the matter. Initial reactions received from the Philippine provincial command indicate that some of the NFSW officers and involved in insurgency activities. It has been alleged that some pathisers but are party members of the Communist Party of the Government also undertakes to raise the specific complaints to argue with the military provincial commanders in the affected areas. Complaints will also be placed on the agenda of the Regional Council meeting in the affected areas.

alleged involvement of armed groups or the so-called likewise being investigated. According to the Government, an alarming increase in the number of insurgent, unprovoked violent incidents which have caused the spontaneous formation of civilian volunteer organisations for community self-defence and other lawless elements. In order that respect for the rights is observed by these volunteer organisations, guide-lines and functions were issued on 30 October 1987. The guide-lines provide, inter alia that: (1) that volunteer organisations shall be formed on a voluntary basis and thoroughly screened to eliminate criminal elements; (2) membership shall be open to any member who commits any offence punishable by law shall be prohibited. They are also not allowed to operate against any person or organisation except in the exercise of the right of self-defence. A code of conduct has likewise been set up so that the guide-lines and regulations be carried out. According to the Government, the guide-lines stipulate that civilian volunteer self-defence organisations do not engage in any activity contrary to the law and that victims or complainants will receive justice and be investigated and charged in court when warranted. The Government also issues a copy of the guide-lines.

The Department of Labor and Employment is now co-ordinating with the Department of National Defence, the Department of Local Governments and Provincial Government, and the relevant units in the military regarding the investigation, harassment and disappearance of the other persons named in the report. It will inform the Committee of developments in this matter.

The Government stresses that it is committed to improve the lot of the people and to protect and uphold their rights to self-organisation and development. It explains that the Philippines Constitution of 1986, drafted by 70 per cent of the Filipino people, expressly afforded the right to labour, local and overseas, organised and unorganised. It states that even before the promulgation of the said Constitution, the Government issued Executive Order No. 111 which amended or repealed the Labour Code that tended to repress the rights of workers and unions. A review of the labour laws is currently being conducted in accordance with the mandate of the new Constitution and the aims of the programmes to promote the economic and social well-being of the people.

In conclusion, the Government states that it is likewise committed to the protection and respecting civil liberties and human rights. For example, after the installation of the new Government in 1986, the Human Rights Committee on Human Rights was created. The Committee was created to investigate cases of unexplained or forced disappearances, killings, massacres, torture, food blockades and other human rights violations.

575. The Government states that it has instructed the Labor Department's regional office (which has jurisdiction over the area where the alleged killings and harassment took place) to conduct its own investigation into the NFSW-FGT report. It is now in the process of gathering documentary evidence that would clarify the matter. Initial reactions received from the Philippine Constabulary provincial command indicate that some of the NFSW officers and members are involved in insurgency activities. It has been alleged that some are not only sympathisers but are party members of the Communist Party of the Philippines. The Government also undertakes to raise the specific complaints during the dialogue with the military provincial commanders in the affected areas. These complaints will also be placed on the agenda of the Regional Labor-Management Council meeting in the affected areas.

576. The alleged involvement of armed groups or the so-called "vigilantes" is likewise being investigated. According to the Government, there has been an alarming increase in the number of insurgent, terrorist-instigated violent incidents which have caused the spontaneous proliferation of civilian volunteer organisations for community self-defence against criminals and other lawless elements. In order that respect for the law and human rights is observed by these volunteer organisations, guide-lines on their formation and functions were issued on 30 October 1987. The guide-lines provide, inter alia that: (1) that volunteer organisations shall exclusively be for self-defence and protection; (2) membership shall be purely on a voluntary basis and thoroughly screened to eliminate criminal elements; (3) such organisations shall not engage in any activity contrary to the law and any member who commits any offence punishable by law shall be prosecuted accordingly. They are also not allowed to operate against any threatening group except in the exercise of the right of self-defence. A monitoring mechanism has likewise been set up so that the guide-lines and safeguards can be carried out. According to the Government, the guide-lines seek to ensure that civilian volunteer self-defence organisations do not commit any abuses and that victims or complainants will receive justice and the abusers be investigated and charged in court when warranted. The Government supplies a copy of the guide-lines.

577. The Department of Labor and Employment is now co-ordinating with the Department of National Defence, the Department of Local Governments and Community Development, and the relevant units in the military regarding the alleged detention, harassment and disappearance of the other persons named in the complaint. It will inform the Committee of developments in this matter.

578. The Government stresses that it is committed to improve the lot of workers and to protect and uphold their rights to self-organisation and collective bargaining. It explains that the Philippines Constitution of 1986, which was ratified by 70 per cent of the Filipino people, expressly afforded full protection to labour, local and overseas, organised and unorganised. It points out that even before the promulgation of the said Constitution, President Aquino issued Executive Order No. 111 which amended or repealed provisions of the Labour Code that tended to repress the rights of workers and their trade unions. A review of the labour laws is currently being conducted so as to align them with the mandate of the new Constitution and the aims of government programmes to promote the economic and social well-being of the people.

579. In conclusion, the Government states that it is likewise committed to upholding and respecting civil liberties and human rights. For example, barely a month after the installation of the new Government in 1986, the Presidential Committee on Human Rights was created. The Committee was mandated to investigate cases of unexplained or forced disappearances, extra-judicial killings, massacres, torture, food blockades and other

violations of human rights, as well as to propose procedures and safeguards to ensure that human rights are not violated by officers or agents of the Government or by persons acting on their behalf or under their orders. The 1986 Constitution created an independent constitutional office called the Commission on Human Rights (CHR) to investigate, on its own initiative or on complaint by any party, all aspects of human rights. The Government supplies a copy of sections 17 to 19 of the Constitution describing the CHR. The Government reiterates its adherence to the principle of free trade unionism and its commitment to protect and uphold workers' rights. It observes that it has taken the country two years to establish the institutions of democracy: a President, a Supreme Court and Congress and states that it will take several more years to restore democracy in every Filipino's way of life.

580. The Government's communication of 13 May 1988 advises that according to the records of the CHR neither the NFSW nor the relatives of Amado Cayao has filed any complaint against the alleged perpetrators of his murder from the military ranks. Notwithstanding this, the Commission has on its own accord conducted an investigation into this case. The Department of Labor is co-ordinating closely with this body and has also requested the military commander of Bacolod Province to inquire into the same case. It undertakes to inform the Committee of the outcome of these investigations as soon as these are available.

### C. The Committee's conclusions

581. The Committee notes that this case involves serious allegations of military or para-military repression of members of the complainant's local affiliate in their efforts to function in Negros province. These allegations include: (1) violent murders of union leaders and unionists (in 1986 Uldarico Antojado, Anecito Emalay, Moreto Pastidio; in 1987 Rodrigo Villacuatro and Amado Cayao; in 1988 José "Joe" Tampinco); (2) woundings (on 17 May 1987 Francisco and Joseph Guillermo); (3) arbitrary arrests and detentions (Jesus Quanteros, Narciso Malalay, Marly Malalay, Wilfredo Baruca, Nerissa Bautista, Carmen Malalay, Leopoldo Oliveras, Mondejar Dominado, Mr. Antonio, Perse Moyang, Emmanuel Genoves, Edgar Ostan, Eduardo Ostan Sr., Prima Balaud, Belinda Balaud, Mariano Yunson, Arguiles Yunson, Rebecca Yunson, Romeo Bulina, Romeo Tenessa, Rod Tenessa, Clarita Salde, Joel Estrella, Arturo Mandiruya, Ruby Sanse, Virgilio Sardon), seven of whom remain in detention (12-year-old Nerissa Bautista, Emmanuel Genoves, Romeo Bulina, Romeo and Rod Teresa, Clarita Salde, Joel Estrella).

582. There are also allegations concerning destruction of or damage to rural workers' houses and household property and arbitrary arrests and detentions of 32 persons connected to the NFSW-FGT without specifying if these acts were related to trade union activities.

583. The Committee's first observation is that the Government's reply itself indicates that, in some cases, the arrests of NFSW officers and members had nothing to do with their trade union functions, but were linked to alleged insurgency activities and membership of banned rebel or political organisations. Allegations of such a nature do not fall within the competence of the Committee [Digest of decisions and principles of the Freedom of Association Committee, 1985, para. 201.] On the other hand, the Committee has always been careful in such situations to note that measures which although of a political nature and not intended to restrict trade union rights as such may, nevertheless, be applied in such a manner as to affect the Committee's interest. [para. 197]. The Committee would therefore

request more details from the Government as to the reasons for the arrests of the persons listed by the complainant and the specific charges laid against the seven who remain in detention.

584. The Committee welcomes the fact that an independent, high-level body - the Philippines Commission on Human Rights (CHR) - is investigating the cases of human rights violations alleged in the complaint, in particular the murder of Amado Cayao. The Committee notes in this connection that two of the events listed by the complainant had already been the subject of inquiry by the CHR, leading in the case of Mr. Antojado's death, to a trial before the San Carlos City court and, in the case of Ms. Balaud's arrest, to charges against certain military personnel. The Committee looks forward to receiving from the Government the final court decisions in the Antojado and Balaud cases, as well as information on developments in the CHR's own inquiries into the NFSW-FGT's allegations of deaths, woundings and arbitrary arrests and detentions of union officials and members in Negros Province.

585. At the same time, the Committee would appreciate receiving clarification from the Government as to the CHR's proceedings and effectiveness. For example, it is clear from the Constitution that the CHR can request assistance from any department or agency in the performance of its functions, but there is no explanation of its relationship to the National Bureau of Investigation and the ordinary criminal or military courts, or whether police investigations are suspended during the CHR's inquiries. The Committee would recall in this connection that detained trade unionists, like anyone else, should benefit from normal judicial proceedings and have the right to due process, in particular, the right to be informed of the charges brought against them, the right to have adequate time and facilities for the preparation of their defence and to communicate freely with counsel of their own choosing and the right to a prompt trial by an impartial and independent judicial authority [Digest, para. 110], the Committee has in fact emphasised the importance of prompt and fair trial by an independent and impartial judiciary in all cases, including cases where trade unionists are charged with political or criminal offences which the Government might consider as having no relation to their trade union functions. [Digest, para. 113.]

586. As regards the alleged role of vigilante groups in the harassment and repression of trade unionists in rural areas of Negros Province, the Committee takes note of the Government's detailed guide-lines issued in October 1987 in an effort to limit their activities to non-aggressive self-defence and to avoid lawlessness. From the copy of the guide-lines supplied, it appears that, in addition to a regular monthly report to the Armed Forces Chief of Staff listing the leaders, locations and firearms-carrying members of such groups, there is an Inter-Agency Subcommittee having regional monitoring subcommittees which can investigate complaints against abuses by such groups. The Government's reply is silent as to whether any of the incidents detailed by the complainant have been reported to this supervisory body, but refers to co-ordinated inquiries by the Departments of Labor and Employment, National Defence, Local Governments and Community Development and the relevant units of the military. The Committee requests the Government to inform it of the outcome of these inquiries, including details as to whether members of civilian volunteer self-defence groups are in fact identified as perpetrators of the violence to persons and to property in Negros Province as listed by the complainant, as well as details on any charges brought and trials completed.

587. The Committee takes due note of the Government's commitment to the protection of workers' rights and trusts that it is this spirit which will ensure timely and fair investigations by all parties concerned into the

complainant's allegations so that the Committee will have full particulars before it to allow a thorough examination of the case.

The Committee's recommendations

588. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:

- (a) As regards the murders, woundings and arbitrary arrests and detentions allegedly perpetrated by the military against trade union leaders and members in rural areas of Negros Province, the Committee requests the Government to inform it of the outcome of the trials in the Antojado and Balaud cases, as well as of the results of the Philippines Commission on Human Rights' investigations into the other incidents listed by the complainant; moreover, the Committee requests the Government to provide more details on the reasons for the arrests of the persons listed by the complainant and the specific charges laid against the seven who remain in detention.
- (b) It requests the Government to supply its observations on the complainant's most recent allegation of the murder of a trade union leader on 3 July 1988 in Bacolod, during a union gathering.
- (c) As regards the violent harassment allegedly perpetrated by para-military groups in these rural areas, the Committee requests the Government to supply information on the co-ordinated inquiries by various government departments and the military into this allegation, including any use made of the monitoring provisions of the guide-lines on civilian volunteer self-defence groups in this connection.
- (d) More generally, the Committee requests the Government to clarify the proceedings of the recently established Philippines Commission on Human Rights and on the follow-up procedures.

ANNEX

NATIONAL FEDERATION OF SUGAR WORKERS - FOOD AND GENERAL TRADES  
ALLEGATIONS CONCERNING POLICE ARRESTS AND DETENTIONS IN  
JANUARY AND FEBRUARY 1988

1. Martin Monarca, Consuelo, La Carlota City (released 14.1.1988).
2. Rolando Villamor, Sitio Biernesan, Pinapugasan, New Escalante.
3. Perlito Mahilom, Sitio Biernesan, Pinapugasan, New Escalante.
4. Andie Velasco, Maria Jose Farm, Magalona (released 12.1.1988).
5. Edwin Bargamento, Emma Farm, Manapla (released 12.1.1988).
6. Bienvenido Sagal, Sitio Biernesan, Pinapugasan, New Escalante.
7. Larry Durimon, Sitio Biernesan, Pinapugasan, New Escalante.
8. Dionesio Guinsatao, Pontevedra (missing as of 13.2.1988).
9. Romulo Lauriano.
10. Edwin Jacosalem.
11. Joseph Bentic.
12. Fred Guillema.

## A D D E N D U M

Following is a partial listing of cases throughout the past three years where Philippine workers, trade unionists, and labor activists have been victims of labor and human rights violations for reasons believed to be related to their labor activity. While we have focused primarily on killings of workers and trade unionists, we have also included selected cases of arbitrary arrests and detention, disappearances, harassment, violence at the picketline and health and safety violations. In most cases, we have tried to include relevant details regarding the date and circumstances of the incident, and identity of the victims as well as the perpetrators; in some cases these details were unavailable. The source of the information is briefly listed in brackets following each listing and a full listing of references can be found at the end of the document. The facts are accurate to the best of our knowledge; however, we remind the USTR that it is the responsibility of its office to verify the accuracy of any or all of the information listed below.

November 13, 1986. Rolando Olalia, the popular head of the Kilusang Mayo Uno (KMU) trade union federation, and his aide Leonor Alay-ay were severely tortured and slain. Preliminary government investigations linked the murder to the military, but the investigation did not proceed and so far no prosecutions have been brought in the case. [Amnesty International, March 1988]

Summer 1986. Three workers and active organizers of the National Federation of Sugar Workers - Food and General Trades (NFSW-FGT) in northern Negros were ruthlessly killed by armed groups believed to be supported by some sugar planters-millers and the military. Those murdered were Uldarico Antojado, Anecito Emalay and Moreto Pastidio. Antojado, were together with Emalay had been a leader of a 17-day strike in April 1986, was picked up by several armed men; his mutilated corpse was later found in a sugarcane field. Mr. Emalay was attacked and shot dead in front of several passengers when riding a bus to San Carlos. Pastidio was killed by members for no reason other than belonging to the NFSW. Despite eyewitness accounts, the armed groups remain free and continue to terrorize sugar workers. [International Labor Office, Case 1426, November 1988]

December 10, 1986. Members of the vigilante group Alsa Masa killed Federico Fuentes, leader of the United Workers of Southern Mindanao, at a December 10, 1986 rally to mark international human rights day and the first day of the cease-fire between the Philippine government and the insurgent New People's Army (NPA). [Clark, et.al., 1987]

(Month unknown) 1987 NFSW-FGT member Rodrigo Villacuatro was



35. Franklin Drilon. "The Art of Tightrope Walking." Midweek, June 1, 1988.
36. U.S. Department of State. Country Reports on Human Rights Practices for 1988. Washington, D.C., February 1989.
37. Statistics from a September 1988 survey conducted by the Social Weather Station, Ateneo University; Philippines National Statistics Office, cited in "Wage Indicator," Labor Bulletin (Quezon City: Center for Applied Research and Library Services), April 1988; and the Food and Nutrition Institute, cited in Midweek, October 29, 1987.
38. U.S. Department of State. Country Reports on Human Rights Practices for 1988, Washington, D.C., February 1989.
39. Washington Post, "Labor Strife Damaging to Aquino," October 15, 1987.
40. Senator Wiberto Tanada. "Labor and Our Continuing Quest for National Independence." Speech delivered May 1, 1988 (mimeographed).
41. "A Matter of Survival," Midweek, (Manila, Philippines) October 28, 1987.
42. Sibal, et. al. "The Uneased Pains of Labor." Diliman Review. (Manila) 1987.
43. Government of the Philippines, Department of Labor and Employment. "Philippine Labor Situation (1985-1988)" (Manila) 1988.
44. International Labor Organization. Yearbook of Labor Statistics. 1987.
45. Maristela Presto-Abenojar. "Work-Related Deaths and Accidents: Who is to Blame?" Press release. Institute for Occupational Health and Safety Development. February 10, 1989.
46. "Women of Dole." Women News. (Davao City, Philippines: Women Studies and Resource Center). January-March 1986.

June 23, 1987. NFSW-FGT member Rafael Olage was arrested by members of the Philippine Army 11th Infantry Battalion. He was detained several days before his release. No charges were filed. [NFSW-FGT, July 29, 1987]

June 25, 1987. Five NFSW-FGT members, Romeo Tenasca, Rod Tenasca, Clarita Salde, Romeo Balina, and Joel Estrella, were arrested by members of the 11th Infantry Battalion. During their detention they were interrogated and manhandled. They were subsequently released, but no charges were ever filed. [NFSW-FGT, July 29, 1987]

July 4, 1987. Rodrigo Navarro, president of the local Sombrero Food Products union and Secretary General of United Workers of Mandaue (in Cebu), was abducted from a picketline by armed men who identified themselves as members of a local vigilante group. Navarro was tortured and dynamite was put in his mouth. He was forced to sign a statement retracting his unions' strike. After pressure by coworkers on the company owner, Navarro was released. [KMU, October 1987]

July 4, 1987. Amado Cayao was shot dead in the early morning about ten meters from his house. Cayao was the president of a local NFSW-FGT chapter. There were reports that soldiers who may have been involved in the killing were members of the 339th Company of the Philippine Constabulary. The Philippine government has informed the International Labor Organization that it is investigating this case, but nearly two years after the murder, the investigation has produced no outcome. [Amnesty International, March 1988; NFSW-FGT, July 29, 1987]

July 5, 1987. After the killing of Amado Cayao, a group of military personnel approached local residents to ask the whereabouts of the vice-president of the local NFSW-FGT chapter. Reportedly, the soldiers said that the soldiers in the area the previous day were their companions. [Amnesty International, October 1987]

July 6, 1987. NFSW-FGT members Laureano, Marina and Erlinda Cualba were arrested and detained at Philippine Constabulary headquarters for four days without charges filed against them. [NFSW-FGT, July 29, 1987]

July 7, 1987. NFSW-FGT local vice-president Romulo Javier was arrested by members of the 11th Infantry Battalion of the Philippine Army. He was detained for 12 days, during which time he was beaten and tortured. He was released on July 19 with the order to convince local union members to "surrender" to the military within three days or face mass arrest. Union members went to the NFSW-FGT national office for assistance. Romulo Javier left the union and his home for Manila, to avoid the

military. [NFSW-FGT, July 29, 1987]

July 12, 1987. Pablo Eleccion, a worker at the ATLAS Consolidated Mining and Development Corporation and member of the United Atlas Workers' Union, was shot to death by members of a local vigilante group in front of his 10-year-old son. [KMU, October 1987]

July 13, 1987. Members of the paramilitary Philippine Constabulary Forward Command forcibly entered the home of NFSW-FGT member Marjorie Silva and her husband Maximo. They then interrogated the Maximos for more than an hour about their attendance at a local union meeting and other union activities. They also warned them about continuing their affiliation with the union and threatened them by reminding them of the murder of Amado Cayao (see above July 4, 1987). [NFSW-FGT, July 29, 1987]

July 17, 1987. Three NFSW-FGT union organizers, Carlito Dumdum, Dandy Egay, and Sam Alerton Salvan, were arrested by the police and Integrated Civilian Home Defense Force. Dumdum was released the same day because one of the police officers knew him. The other two were detained, tortured, beaten, deprived of food and transferred to three different prisons. They were released July 23, 1987. [NFSW-FGT, July 29, 1987]

July 17, 1987. Norberto Roquero, an NFSW-FGT member, was arrested by Integrated Civilian Home Defense Force members and detained for one night for "investigation." He was questioned about his union activities. [NFSW-FGT, July 29, 1987]

July 17, 1987. Two NFSW-FGT members, Eterlita Tetong and Merly Lumogdang, were arrested by Philippine Army 6th Infantry Battalion members. They were interrogated about their union activities and released on the afternoon of July 17. [NFSW-FGT, July 29, 1987]

July 17, 1987. NFSW-FGT member Rodrigo Villar was picked up by unidentified men while he was selling dried fish. His money was stolen, he was manhandled and he was detained until the following day. [NFSW-FGT, July 29, 1987]

July 27, 1987. Around eighty members of the Philippine Army 57th Infantry Battalion and the Scout Rangers entered and ransacked the house of Mr. Hernani Nobles. Mr. Robles and his wife Rosemarie are both members of the NFSW-FGT. [NFSW-FGT, September 7, 1987]

July 29, 1987. Rizalde Aguilar, a NFSW-FGT member, was arrested by a vigilante group for the alleged possession of a handgun. The vigilantes took him to several Philippine Constabulary detachments where he was interrogated and manhandled. He was released the following morning, with no charges ever filed

against him. [NFSW-FGT, September 7, 1987]

July 31, 1987. Armando Portajada, chair of the People's Service Specialist Workers Union, was abducted by eight unidentified armed men in front of the Makati (Manila) Coca-Cola warehouse at around 11:30 a.m. [FIND, 1987-1988]

August 5, 1987. Tomas Alcala, a NFSW-FGT member and Elma Alcala, a union officer, were arrested, brought to the Regional Special Action Company Detachment, transferred to the 11th Infantry Battalion Detachment and detained for ten days at the main headquarters. They were released with the stipulation that they report every weekend to the military camp. [NFSW-FGT, September 7, 1987]

August 5, 1987. Alfonso Palabrica, a worker at Purefoods Corporation and members of the United Workers Organization, was killed when soldiers from CAPCOM led by Captain Luis Calivara, opened fire on workers picketing in front of the factory. The soldiers had come with a court order to disperse the picketers, who had been on strike since July in protest over the management's refusal to grant a wage demand and its subsequent dismissal of the union president. At least 15 other workers were wounded in the encounter, some of them seriously, and five were arrested. [Commission on Trade Union and Human Rights, 1987; Worker's Advocate, 1988]

August 7, 1987. Pastor Sesbrinio, a local NFSW-FGT president, was arrested by members of the Philippine Constabulary Forward Command. He was interrogated and manhandled, then released with the warning not to report the incident to the police or the media or he would be "finished off." [NFSW-FGT, September 7, 1987]

August 10, 1987. Loreto Alba, a local NFSW-FGT secretary in Bacolod City, was abducted from his home by a group of military men at around 3:00 a.m. He was then detained by the Philippine Constabulary headquarters until August 13, 1987. No charges were filed. [NFSW-FGT, September 7, 1987]

August 12, 1987. Dionisio Macahilig, a NFSW-FGT member, was arrested by members of the 6th Special Forces Company (Airborne) and the Integrated Civilian Home Defense Forces. He was interrogated and manhandled during the 24 hours of his detention. On his release he was told to bring a letter, an "invitation for a dialogue with the military units' commanding officer," to neighbors and fellow union members. [NFSW-FGT, September 7, 1987]

August 15, 1987. NFSW-FGT member Lorna Patricio was arrested by Philippine Army 11th Infantry Battalion members after they illegally searched her house, looking for her husband, a chapter president of NFSW. She was released on August 19, 1987. No charges were filed against her. She was told that if the military

were to find her husband they would arrest him and shoot him if he would "resist the arrest." [NFSW-FGT, September 7, 1987]

August 21, 1987. NFSW-FGT member Antonio Limbaga was arrested by the paramilitary Philippine Constabulary Forward Command. He was detained at the 334th Philippine Constabulary headquarters and no charges were filed against him. He was released September 1, 1987. [NFSW-FGT, September 7, 1987]

September/October 1987. On the nights of September 10, 1987 and October 20, 1987 the house of Nestor Panilog, an officer of a local affiliate of the Southern Philippines Federation of Labor (SPFL) was strafed. In the second attack, Panilog's 49-year-old mother was killed. Also in September and October, Victor Castillon, an SPFL steward, was killed and the house of Hermie Pagalan, a SPFL board member, was strafed. Members of a Cebu vigilante group are believed responsible for the attacks. [Lawyers Committee for Human Rights, 1988]

November 5, 1987. Mario Villar was shot dead in his car by unidentified gunmen in Manila. Villar organized jeepney drivers since the early 1970s. In 1981 he was one of the founding members of the United Drivers Organization. He served as a driver for his brother Leto Villar who is the Executive Vice-Chairman of the Kilusang Mayo Uno (KMU) trade union federation. Mario Villar was on his way to pick up his brother when he was shot; it is suspected that the murder was an attempt on his brother's life. [Commission on Trade Union and Human Rights, December 1987]

November 14, 1987. Edgardo Estojero, affiliated with the San Roque Labor Center, "disappeared" from his home after an unidentified man spoke with him on the evening of November 14, 1987. [FIND, 1987-1988]

December 10, 1987. Cesar Dalupan Buenaventura, Acting Secretary General and Deputy Director for Education of the General Milling Corporation Employees Union, "disappeared" in Bingangonan, Rizal. He was last seen when he left a union meeting at about 10:00 p.m. [FIND, 1987-1988]

(Month unknown) 1988. Workers at the Century Park Sheraton hotel affiliated with the National Union of Workers in Hotels, Restaurants and Allied Industries (NUWHRAIN) were injured when police and security guards dispersed a peaceful picketline. Union officers for NUWHRAIN as well as for the Genuine Labor Organization of Workers in Hotels Restaurants report that the military regularly circumvents the policy of maintaining a 50-meter distance from picketlines agreed to by police and military forces and the Department of Labor. [Workers' Advocate, December 1988]

(Month unknown) 1988. Workers at the Tagum Agricultural Development Company affiliated with the Union of Filipino Workers of the Lakas Manggagawa Labor Center (LMLC) were harassed by pro-management armed groups during their 1988 certification election campaign. [Worker's Advocate, December 1988]

January 1988. Police in Cebu arrested and detained without charge 10 workers striking at the Cebu Plaza Hotel. The workers were released three days later, then rearrested on charges of "grave coercion."

January 6, 1988. Members of the paramilitary Philippine Constabulary Forward Command and the Philippine Constabulary strafed a neighborhood in New Escalante, wounding National Federation of Sugar Workers member Carmelina Cornelio on the left arm. [Committee on People's Organization, June 1, 1988]

January 7, 1988. Martin Monarca, a union organizer for the National Federation of Sugar Workers, was arrested in La Carlota by members of the paramilitary Philippine Constabulary Forward Command (PCFC) and turned over to the military. He was interrogated day and night; PCFC interrogators threw stones at him and forced him to dance naked in front of them. Monarca was released July 14, never having been officially charged. The Lawyers Committee for Human Rights believes that the arrest and detention of Monarca is typical of the pattern of coordinated activities between the PCFC, and local military personnel. [Lawyers Committee for Human Rights, 1988; Committee on People's Organization, June 1, 1988]

January 10, 1988. NFSW-FGT members Rolando Villamor and Perlito Mahilom were arrested by members of local paramilitary forces on suspicion that they were responsible for burning a local hacienda. Villamor and Mahilom were severely beaten by their captors. [Committee on People's Organization, June 1, 1988]

January 12, 1988. NFSW-FGT organizers Audie Velasco, E.B. Magalona and Edwin Bargamento were arbitrarily arrested by unidentified armed men. The three were released the same day. [Committee on People's Organization, June 1, 1988]

January 12, 1988. Members of a paramilitary group arrested NFSW-FGT members Bienvenido Sagal and Larry Durimon on suspicion of involvement in the burning of a local hacienda. [Committee on People's Organization, June 1, 1988]

January 20, 1988. Dionesio Quinsatao and two others, all NFSW members, were arrested by paramilitary members while they were in a store in La Carlota City. [Committee on People's Organization, June 1, 1988]

January 28, 1988. NFSW-FGT members Fred Guillema, Agustin

Jovenes, Romulo Lauriano, Edwin Jacosalem and Joseph Bentic were arrested by 54 armed men of the Philippine military airborne unit and detained by the Airborne Unit Detachment in Patikwi, Hinigaran. They were released on January 30. [Committee on People's Organization, June 1, 1988]

February 4, 1988. Paramilitary forces on board two vehicles raided the Hacienda Luisita sugar plantation in Negros (owned by President Aquino's family) and picked up 18 NFSW members from their homes. Those arrested were brought to the local Philippine Constabulary headquarters. They were released the following day. [Committee on People's Organization, June 1, 1988]

February 5, 1988. Southern Philippines Federation of Labor member Cesar Balasuto was shot by vigilantes in Cebu. He was struck by three bullets in the neck and spinal column. However, he survived the attack. [Lawyers Committee for Human Rights, 1988]

February 9, 1988. Gualberto Salazar, Jr. III, a staff member of the NFSW-FGT Murcia, Negros Occidental office, was picked up by two police officers and several civilians. He was searched at gunpoint and then taken to the Murcia police station where he was interrogated for almost two hours and then released. [Committee on People's Organization, June 1, 1988]

February 17, 1988 to June 1988. "A company-sized contingent" of the Philippine military conducted harassment campaigns in some communities and unions in Valenzuela, Metro Manila. The military threatened officials of unions affiliated with the KMU and accused them of being communists. The military also urged workers to disassociate themselves from KMU and threatened those who refused. Those who refused were also forced to report weekly to neighborhood officials. The office of the KMU affiliate, the Alyansa ng Manggagawa sa Valenzuela, (AMVA) was under surveillance and known leaders were questioned on the activities of AMVA. [Committee on People's Organization, June 1, 1988]

February 25, 1988. At about 9 p.m NFSW-NGT member Samuel de la Pena was aroused from his sleep by paramilitary members. He was blindfolded and beaten and his house was searched. A neighbor and fellow union member Rogelio Deo heard his cries for help and came to his assistance but he was also beaten. The two were then brought to the Philippine Constabulary headquarters. They sustained cigarette burns on their necks and chests and contusions all over their bodies. They were later charged with arson, for allegedly burning a neighboring landlord's truck.

February 28, 1988. Tatau Siao, an organizer with Associated Labor Unions in Davao, and his companion Gerry Tanlag, were abducted by the military while stopping to eat. The two were taken to an undisclosed location and, according to Tanlag, Siao was shot

after being separated from his companion. Siao had been a vocal organizer at the North Cotabato Transportation Corporation. [AFL-CIO, Bulletin of the Department of International Affairs, January 1989]

March 24, 1988. Francisco Luniza, a NFSW-FGT member, was "disappeared", allegedly by members of the 7th Infantry Battalion and local Integrated Civilian Home Defense Force members. [Committee on People's Organization, June 1, 1988]

March 25, 1988. Carlos Fajardo, president of the Universal Textile Mills Workers in Marikina, Manila, and board member of the Associated Labor Unions, was shot by three unidentified gunmen while boarding his car. [AFL-CIO, Bulletin of the Department of International Affairs, January 1989]

May 1, 1988. Soldiers from the 224th Philippine Constabulary under the leadership of Captain Reynaldo Lanada in Laguna province opened fire at 7,000 workers celebrating Labor Day. Four workers suffered gunshot wounds while 200 were injured. Jaime Pabula, a worker from Sunripe, Inc. in Laguna, was in serious condition and underwent major surgery. The workers had previously obtained an official permit from the town mayor for their rally, and thus were acting in full observance of the law.

May 11, 1988. At approximately 11:00 p.m. about 30 armed men raided the Manila home of KMU organizer Gerry Fernandez. The armed men forced Fernandez's wife, Elizabeth, to go to the upstairs of the house and then they forcibly took Fernandez. The following day, five men came to the neighborhood; neighbors reported that they were looking for Elizabeth. [FIND, 1987-1988]

July 3, 1988. Jose Tampinco, member of the executive board of NFSW-FGT, was murdered while participating in a union gathering in Bacolod. [International Labor Office, Case 1426, November 1988]

July 17, 1988. Marianiti Burnea, organizer and board member of the National Association of Free Trade Unions Local 156, was killed on his way home from a union meeting by unidentified gunmen. [AFL-CIO, Bulletin of the Department of International Affairs, January 1989]

July 31, 1988. Benjamin Clutario, a member of the Public Information Bureau of the national trade union center KMU who also assisted the Labor Advisory Consultative Commission, disappeared after being dropped off at his home. He is still missing. [International Labor Office, Case no. 1444, March 1989].

August 10, 1988. Strikers affiliated with the Federation of Free Workers holding peaceful picketlines at three insurance companies



-- the American underwriters International Insurance Corporation, the American Homes Assurance Company, and American Insurance general company -- were violently dismantled by police and security guards. The union believes that the National Labor Relations Commission arbitrarily issued a temporary restraining order in this case. [Worker's Advocate, December 1988]

August 26, 1988. Simplicio Anino, Jr, and Raul Quiros, two union organizers with ANGLO, were abducted by six armed vigilantes en route to a meeting with striking restaurant workers in Angeles City. Quiros was the general secretary of the Union of Workers in Pampanga province. [Philippine Labor Alert, September 1988-January 1989]

August 28, 1988. Veliculo Bayer, Jr., president of the United Free Workers Union of the Zamboanga del Norte Electric Cooperative (ZANECO), died when a gunman attacked the union picketline. The gunman was allegedly the brother-in-law of ZANECO's general manager. [Philippine Labor Alert, September 1988-January 1989].

September 8, 1989. Danilo Martinez, leader of the Lapanday Callawa Workers Union at the banana plantation Lapanday Agricultural Development Corporation, was assassinated in the evening while preparing for dinner. His wife identified the gunmen as the firm's security guards, who have previously identified themselves as "special forces" and are believed to have ties to vigilante groups known as Alsa Masa and Tadtad. Hired in August, the security guards were armed with M-16 and M-14 rifles and given radio handsets. Workers had also been ordered by their supervisor to attend "dialogues" with members of the military and Jun Alcover, head of notorious vigilante group KADRE, who threatened workers not to continue their association with the union. Workers staged a series of protest actions including work slowdowns to condemn the killing of Martinez, prompting management to file charges of illegal strike against the union. [Carlos Zarate, October 15, 1988; Awi Cayon, October 31, 1988]

September 22, 1988. Buenaventura Carreon, president of the Solidbank Employees Union, was abducted by armed men while riding a bus. Before his disappearance, Carreon had been discussing with members the additional benefits they were going to ask from management. [AFL-CIO, Bulletin of the Department of International Affairs, January 1989].

October 10, 1988. Oscar Bantayan, Deputy Secretary-General of the National Federation of Labor and a national council member of the KMU, was assassinated on his way home in Davao City by suspected military-backed vigilantes. His companion, Romeo Davalos, an NFL organizer, was left in critical condition. [International Labor Office, Case no. 1444, March 1989; Kilusang

Mayo Uno, Action Alert, October 12, 1988].

October 14, 1988. Ernesto Sarias, an organizer with ANGLO trade union, was abducted by members of the Philippines Constabulary Investigation Service under the direction of Major Ruben Zacarias. Sarias was tortured and held for two weeks at the military's Camp Crame, and reportedly was made to confess to attacks against the military that he did not commit. [Kilusang Mayo Uno, complaint filed with the International Labor Office, March 1, 1989]

November 6, 1988. Armed members of the Northern Police District in Manila attacked strikers on the picketline at Johannesburg Packing Corporation, injuring scores of workers. Rather than being given immediate medical attention, the strikers were jailed for 3 to 50 days without charges. [Kilusang Mayo Uno, complaint filed with the International Labor Office, March 1, 1989]

November 21 and 23, 1988. Medardo Roda and Deogracias Espiritu, two "jeepney" drivers (a Philippine-style taxi) and leaders of PISTON, an alliance of jeepney drivers which led a November transportation strike, were arrested by members of the Western Police District in Manila and charged with sedition. The transport strike was called in protest over rising fuel prices as well as rising costs of repair and maintenance. In 1987, Roda had been arrested without warrant for a similar transportation action by PISTON. After the arrest the police attempted to legalize its acts by filing a case of Inciting to Sedition against Roda and secured a warrant of arrest. The Supreme Court ignored the legal question of the constitutionality of issuing a warrant after an arrest and allowed the release of Roda on reduced bail. [Kilusang Mayo Uno, complaint filed with the International Labor Office, March 1, 1989]

July 1986 through January 1989. A total of 52 cases of repression have been documented against members of the Panaghiusa sa Manumua sa Atlas (PAMA) union at the Atlas Consolidated Mining and Development Corporation copper mines in Toledo City, Philippines. Of the 52 cases, ten have been killed, five wounded in murder attempts and the remainder subject to strafing and death threats. According to numerous documented reports and signed affidavits, armed vigilante and paramilitary groups are responsible for this campaign of violence and intimidation. The most notorious of these groups, known as KADRE, is directed supported by the 347th unit of the Philippine Constabulary based in Toledo City, Philippines. Ten workers at Atlas mines who are known members of KADRE were granted leave with pay by the company management for military training, at the request of Captain Lani Nierez of the 347th Philippine Constabulary headquarters. Its members bear .38 caliber revolvers and high-powered rifles and reportedly carry out spontaneous arrests, handing victims over to the military. There has been no effort to apprehend the

perpetrators, despite the fact that many have been specifically identified by the victims. [Rev. Nathaniel Orteza, et. al, October 23-24, 1988; Philippine Daily Inquirer, February 28, 1989; signed affidavits]

**\*\* NOTE:** We are able to make available to the office of the U.S. Trade Representative copies of signed affidavits as well as fact-finding mission reports detailing the facts of the individual cases of killings, shootings, death threats, and harassment of PAMA members and their families, as well as facts of the complicity in KADRE activities of both the military and the company management. Rather than repeat those here, we will briefly cite only those cases which have occurred over the past year:

- o July 30, 1988. Active union member Rodrigo Binigagan, was stabbed to death by four KADRE members on his way to work.
- o August 9, 1988. KADRE members led by Jun Alcover, Ricardo Mendoza and Rudy Villaneuva harassed officers and members of the union while they were conducting a meeting in the union office. Alcover reportedly fired his gun twice at union president Antonio Cuizon, but his gun misfired. The attackers withdrew but returned later with more armed members; they strafed the office, wounding worker Michael Kamlon.
- o September 1, 1988. Joebert Baritua, a member of PAMA's Board of Directors and a worker at Atlas Mine's power station department, was stabbed by two members of KADRE when leaving work at about 7:15 p.m. The victim identified the assailants as the bodyguards of Florante Galleous, a superintendent at the power station and a company official. The victim had previously received death threats from KADRE.
- o October 12, 1988. Nelson Patalingung, a volunteer worker at a cooperative sponsored by the union, was threatened by armed vigilante Berto Sanches in Toledo City.
- o October 25, 1988. Union officer Petro Poblador was arrested at gunpoint by eight armed vigilantes led by a certain Nelson Tarbadillo. He was forcibly brought to the headquarters of the 347th Philippine Constabulary, where he was subjected to extensive interrogation about the killing of a KADRE member.
- o October 25, 1988. Christian Nabella, son of an active union supporter, was issued a death threat by armed vigilante Rolando Cabacang and later harassed by armed vigilante Julius Billena.
- o October 27, 1988. A group of workers and members of the union cooperative were stopped and interrogated by Captain Dalino Nierez of the 347th PC command.

- o October 29, 1988. Union officer Jesus Villacampa was issued a death threat by armed vigilante Jun Alcover.
- o November 3, 1988. Armed vigilantes burned union streamers and openly warned the death of active union officers and members following the burial of KADRE member Rudy Villaneuva.
- o November 9, 1988. Union officer Joebirth Bariua, was surrounded by armed vigilantes led by Guillermo Bable.
- o November 14, 1988. Union officer Gomersindo "Roque" Cuevas was shot in the neck by armed vigilantes Roland Rabacang and Julius Billena outside the Atlas Mine main gate.
- o November 15, 1988. Artemio Lucero, a shop steward at the Altas foundry, was shot by KADRE vigilantes and died.
- o November 21, 1988. Shop steward Johnny Laput and pipefitter Francisco Maasin were gunned down by vigilantes in Toledo City and died.
- o February 14, 1989. Attorney Winifredo Orcullo, vice president of the Southern Philippines Federation of Labor and legal counsel to the PAMA union, was arrested by military intelligence at the union office. His arrest, which shortly preceded the union election, was believed intended to harass the union in its bid for reelection.
- o April 14, 1989. Diosdad Tagbar, an active union member, was shot dead by suspected vigilantes on his way home from the mine's Sangi Power station.
- o April 15, 1989. Carlito Arias, a shop steward of the PAMA union and newly elected councilman in the village, was stabbed five times by suspected vigilantes on his way home. Arias had made strong calls for the disbandment of vigilante groups.

January 17, 1989. Rodrigo Francisco, a union organizer of the NFSW-FGT, and Nestor Barros, a local NFSW union president, were killed by members of the CAFGU and soldiers in Negros. Francisco was awakened from his sleep by armed men and shot dead in front of his wife; Barros was abducted from his workplace and his body was found in a field the following day. In December, Barros had been arrested by a Philippine Constabulary Forward Command for allegedly being a member of the NPA. [International Labor Office, Case no. 1444, March 1989, and National Federation of Sugar Workers, February 26, 1989].

January 20, 1989. Meliton Roxas, the president of the United Filipro Employees union at a Nestle factory in Cabayo, was shot dead outside the factory by suspected vigilantes. His death came while the Nestle union was involved in a dispute with the

management over unfair labor practices, especially the dismissal of more than 70 union leaders for leading a strike against Nestle management in September 1987. [International Labor Office, Case no. 1444, March 1989; Drug, Food and Allied Workers, 1989].

January 26, 1989. Ernesto Taliao, vice president of the Samahan ng Managgagawa sa Hayahay union in the Valenzuela district of Manila, was killed by suspected company guards. Taliao's death was discovered when he failed to return home after five company security guards invited Taliao for a drink. He had been quite vocal and active in mobilizing members to oppose the company's non-implementation of labor standards. [Kilusang Mayo Uno, complaint filed with the International Labor Office, March 1, 1989]

January 29, 1989. The body of Romeo Manbat, a worker at Manila Paper Mills and an active member of the Association of Nationalist and Genuine Labor Organization, was found mutilated within a hydromachine. Manbat's coworkers say that his death was caused by work-related accident, since the work area is slippery and the machine has no guarding. Investigations by the non-governmental Occupational Health and Safety Development indicated poor safety and health conditions in the factory, and also revealed that three other work-related deaths have occurred in the plant. [Correspondence, February-March 1989]

February 9, 1989. Justiniano Apolonio, a local president of the NFSW-FGT, was traveling by a stopped by a Philippine constabulary officer Alex Sumido while traveling by a military detachment. Apolonio was physically manhandled for approximately 30 minutes by three members of the 603rd Regional Special Army Command because of his refusal to admit being a member of the New People's Army. The following day he was transferred to the 331st Philippine Constabulary headquarters and released on February 11 only after he agreed to sign papers stating he was humanely treated. [National Federation of Sugar Workers, February 26, 1989].

February 12, 1989. Leonila Sermona, Berdito Riol and other members of the NFSW-FGT who worked in Hacienda Iling-Iling were ordered by Lt. Yabo and about 35 other members of the 6th Infantry Battalion to assemble in a Hacienda Benedicto. The workers were forced to sign a document withdrawing their membership in NFSW-FGT or face arrest. The workers signed out of fear. [National Federation of Sugar Workers, February 26, 1989]

February 17, 1989. Members of the Regional Special Army Command visited Hacienda Esmeralda in northern Negros, shot guns into the air, ordered the residents to assemble, and demanded to know the members of the NFSW-FGT. A local NFSW organizer, Eduardo Lorenzo, was shot dead while five other members (Leodovico Panes, Roqua Porras, Rolando Lambusan, Ricardo Las Pinas, and Tesesa

Lacson) were mauled and beaten. [National Federation of Sugar Workers, February 26, 1989; Sugar World, March 1989]

February 17, 1989. Oscar Fernandez, chairperson of the Alliance of United Drivers in Cebu province and provincial council member of the Workers Alliance in Cebu, was shot in a Cebu restaurant by two men believed to be soldiers. He died later while being hospitalized. Fernandez had led a series of successful transport strikes in Cebu, leading a local military official Major Cabunay to brand him as "communist." [Correspondence, April 1989]

February 20, 1989. Pedro Maguad, a local NFWS president and resident of Murcia, Negros, was shot to death by unidentified armed men wearing masks. The men approached the victim, asking him if he were Pedro Maguad. When Maguad replied "yes," he was immediately killed. [National Federation of Sugar Workers, February 26, 1989]

February 27, 1989. Seventeen workers at Destileria Limtauco, a liquor distillery in Manila, were injured when more than 150 police and security guards assaulted picketing workers. Police and security guards led by Captain Navarette beat the workers with clubs. The workers were protesting management's delay of a certification election, which was due to occur last September, as well as the illegal dismissal of union leaders, and other unfair labor practices. [Correspondence, April 1989]

March 14, 1989. Five workers were seriously wounded and 80 more injured when company guards attacked the picketline on three subsequent days of the Greenfield Worker's Union. The 2,000 workers of Greenfield, a U.S. garment subsidiary of Playknits, USA, went on strike after management illegally dismissed 30 union officers. One worker, Pol Sevilla, was shot in the face, causing him to lose an eye and possibly lose sight in the other. According to latest reports, shop steward Rosendo Edilo was still fighting for his life. [Correspondence, April 1989.]

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## APPENDICES



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MANILA

Réf BIT/ILO n° TUR 1-84-9

(Philippines)

Votre réf n°

16 MARS 1989

Dear Sir,

At its meeting in February 1989, the Committee on Freedom of Association examined the complaint submitted by your organisation of infringements of trade union rights in the Philippines (Case No. 1444).

7  
I am sending you under separate cover a copy of the 262nd Report of the Committee, which was approved by the Governing Body at its 242nd Session (Geneva, February-March 1989). The Committee's examination of this case is set out in paragraphs 268 to 309 of the said Report. The recommendations of the Committee are contained in paragraph 310.

Yours faithfully,

For the Director-General:

Bernard Gernigon  
Chief of the Freedom of Association Branch,  
International Labour Standards Department.

Case No. 1444

COMPLAINTS AGAINST THE GOVERNMENT OF THE PHILIPPINES  
PRESENTED BY  
- THE KILUSANG MAYO UNO AND  
- THE WORLD FEDERATION OF TRADE UNIONS

268. The Kilusang Mayo Uno (KMU) presented a complaint of alleged violations of trade union rights against the Government of the Philippines in an initial communication of 25 February 1988. It sent additional information on 28 May and 21 November 1988, and 24 January 1989. The World Federation of Trade Unions (WFTU) also presented a complaint concerning the same matters in a letter dated 8 November 1988.

269. The Government supplied its observations on the case in communications dated 9 January and 10 February 1989.

270. The Philippines have ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Rural Workers' Organisations Convention, 1975 (No. 141).

A. The complainants' allegations

271. In its lengthy communication of 25 February 1988, the KMU alleges rampant and continuous violations of Conventions Nos. 87, 98 and 105 by means of trade union repression and the formation of at least 142 vigilante groups engaged in anti-worker activities. It refers to previous cases against the Philippines (Nos. 1192 and 1323 which it lodged in 1982 and 1985 respectively) and alleges that the present Government has done little to improve the political and economic conditions of Filipino workers. It alleges in fact that from March 1986 the Government has used both indirect means and direct police action and court or administrative orders to repress labour organisations, including the KMU, its leaders and members.

272. As examples of indirect repression, the KMU refers to: the misuse of President Aquino's popularity (May Day Speech whose promises have not been fulfilled); the use of extremist groups' threats to justify irrational government policies (e.g. rightist coup attempts or red-scare tactics); claims of inherited general economic problems even after two years in power; alleged union rivalries; the replacement of a pro-labour Minister of Labour by the former Vice-President of the Employers' Confederation of the Philippines; bias in the appointment of labour delegates to the 1986 Constitutional Commission; the proposal to enact a National Internal Security Act providing for arrest and detention without warrant on the ground of a danger to national security; the creation of false hopes through the adoption of unsound recovery and reform programmes. The KMU alleges the collusion of the media in misleading and intimidating the workers.

Secretary of Labour has exercised his discretion under section 264(g) of the Labour Code either to assume jurisdiction over a strike or to certify a labour dispute to the National Labour Relations Commission (NLRC) for compulsory arbitration; once either action is taken, the union is prevented from declaring a strike and strikers are compelled to return to work. Moreover, according to the complainant, when an order is made in such circumstances, it does not resolve the grievance in dispute. For example, it claims that in compulsory arbitrations the NLRC regularly issues injunctions based on the provisions of sections 218(e) and 265 of the Labour Code (to stop strikes or slow-downs), without due notice and hearings, and using the police and military to implement them. Employers allegedly then hire gangsters to join in the violent dispersal of strikers at picket lines. The KMU cites statistics for January to December 1987 during which period eight strikers were killed, 190 injured, 12 reported missing and 509 arrested after such picket-line violence.

278. As for the regular courts, the KMU claims they issue ex parte injunctions despite lack of authority to do so. This prompted the KMU to protest to and seek dialogue with the Chief Justice of the Supreme Court on 13 August 1986, a request that went unheeded. In addition, appeals from the Department of Labour decisions to the Supreme Court take years to be heard and, in any case, the Supreme Court has consistently upheld the validity of the past regime's anti-labour laws. The KMU also criticises the provisions of Department of Justice Circular No. 10, enforced by the courts since 3 July 1987, which substantially increases the amount of bail for provisional release of accused persons; inability to raise the bail means that strikers may spend weeks in prison.

279. In summary, the KMU notes that as early as August 1986 its General Secretary appealed to the President to stop trade union repression in the form of an 11-point demand, none of which was acted on. Although the President released from military detention several political and trade union detainees, human rights violations continue unabated: in this regard the KMU attaches copies of its numerous protests and detailed collations of events (including photographs and press clippings), in particular concerning atrocities in Visayas and Mindanao. One of the detailed lists supplied is dated 28 September 1987 and was addressed to the Regional Director of the Department of Labour in Bacolod City (capital of Negros) by the National Federation of Sugar Workers/Food and General Trades (NFSW/FGT) pursuant to a Presidential Directive asking the Department to take appropriate action on complaints filed

by human rights groups. Another list, 19 pages long dated 12 February 1988 and entitled "Human Rights Violations", goes into great detail about the date and place of over 120 incidents, the names and addresses of the victims, the methods used (stabblings, illegal searches, punching during interrogations, etc.), the perpetrators (from specifically named military officers to descriptions such as "unidentified men in fatigue uniform") and the reasons (covering union membership and "suspected New People's Army (NPA) member" or even "unknown"). It also annexes a copy of the Task Force Detainees of the Philippines (TFDP) "Statistical report on human rights violations for the period 1 January to 31 December 1986" and information on the murder, wounding, disappearances or arrests of members of non-KMU labour organisations.

officially registered and claim more membership. It thus stresses that the KMU does not have the sole right to speak on behalf of the Philippine labour force, but it does not dispute the KMU's right to be heard. The Government also takes exception to certain expressions used by the KMU implying, in particular, a conspiracy on the part of members of the Government and its officials to commit the acts complained of in this case.

286. As regards the allegations themselves, the Government points out that the KMU has made several general statements, e.g., that "the respondents are suppressing democratic trade unionism in the Philippines and repressing trade union rights of the Filipino workers, their labour organisations and their leaders". It considers that it is not necessary to reply to every general statement so made, and in this connection puts forward a general reply that the Government and the officials named in the complaint have no intention of committing or sanctioning any act which is inimical to the interest of each Filipino worker. On the contrary, as public officials, it is their sworn duty to protect and defend the Constitution, which provides in article XIII, section 3:

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

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

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth.

287. In addition, the Government points out that the KMU makes allegations which stem from the continuing rivalry among labour groups, e.g. "appointing a TUCP official to the Constitutional Commission and the New Congress of the Philippines". It likewise refrains from making comments on allegations of this nature, and states that it can only make comments on those allegations which may be considered as allegations of fact and specific and germane enough to warrant such comments.

288. Turning to the specific alleged violations of trade union rights, the Government notes that the KMU refers to repression through continued implementation of anti-worker and anti-union laws, citing 15 pieces of legislation all enacted under the previous administration. The Government replies that it is morally impossible to dismantle overnight an allegedly oppressive machinery built up over a 14-year period by a totalitarian regime,

Department of Labour assumes jurisdiction only in cases where the dispute is likely to affect adversely the national interest, such as disputes involving public utilities and companies engaged in the generation or transmission of energy.

In regard to the alleged worsening of economic conditions over the past few years, the Government refers to the following facts: it is now in the process of implementing a comprehensive agrarian reform programme; the annual GNP growth was negative, but grew by 1.5 per cent in 1987 and 6.7 per cent in 1988; prior to 1986, in a span of five years, the value of the Philippine peso depreciated by as much as 160 per cent; since 1986, notwithstanding various internal and external pressures, the peso has been stable. It adds that the present administration has enacted various laws to improve the lot of workers, for example, to remove the 13th month pay from the cost-of-living index; to integrate the cost-of-living index into the basic wage; to grant wage increases, particularly for low

regarding alleged direct repression through the police, military and paramilitary units, the Government states categorically that the rule of law and the Government do not tolerate any form of trade union repression. Anyone who does so is subject to criminal prosecution. There have been incidents where members of the police or military have committed acts of murder, kidnapping, etc., but such crimes were the result of individual acts, for which they too will be held liable. To prevent such acts from occurring, an accord between the military, organised labour and the Department of Labour and Employment was reached on 21 September 1988. The accord is not only expected to ease the apprehension of workers when they are served, but to ensure the co-ordination between the Department of Labour and Employment in facilitating the investigation of cases against trade union leaders and vigilante groups.

On the other hand, states the Government, there have been incidents where workers have resorted to methods which were not peaceful and which are not in conformity with the community is granted under Philippine law, as in the laws of other countries, for those who, in the guise of exercising their rights, infringe on the rights of others. It supplies statistics for the last six months: the number of labour organisations cancelled or registered, the number of collective bargaining agreements filed and the number of workers

responsible for the alleged creation of vigilante groups. The Government states categorically that the administration and the law do not tolerate any person or group of persons who take the law into their own hands. Any person or group is subject to criminal prosecution under the law. It acknowledges, however, that there has been an alarming increase in the number of insurgent terrorist-instigated violent incidents which have caused the spontaneous proliferation of civilian volunteer organisations for community self-defence against criminals and other lawless elements. In order that respect for the law and human rights is maintained, the Government has issued, on 30 October 1987, the following guide-lines for their operations: (1) such organisations shall exclusively be for self-defence and (2) membership shall be purely on a voluntary basis and shall be weeded out to weed out criminal elements; (3) such organisations shall engage in any activity contrary to the law and any member who infringes shall be prosecuted. Furthermore, such organisations are prohibited from operating offensively against the right of self-defence.

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