

REQUEST FOR REVIEW OF
THE GSP STATUS OF THE REPUBLIC OF THE PHILIPPINES
FOR VIOLATIONS OF WORKER RIGHTS

Submitted to:

The Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 20058

Submitted on Behalf of:

Amalgamated Transit Union (ATU)
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
American Federation of Teachers (AFT)
American Postal Workers Union (APWU)
Communications Workers of America (CWA)
International Brotherhood of Teamsters (IBT)
Service Employees International Union (SEIU)
International Union, United Automobile, Aerospace and Agricultural Implement
Workers of America (UAW)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and
Service Workers International Union (USW)
United Electrical, Radio and Machine Workers of America (UE)
Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)
Council of Global Unions – Pilipinas (CGUP) (Philippines)
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National Congress of Unions in the Sugar Industry in the Philippines (NACUSIP)
National Union of Bank Employees (NUBE) (Philippines)
Nagkakaisa Labor Coalition (NLC) (Philippines)
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Request for Review of the Republic of the Philippines's Eligibility under the Generalized System of Preferences Program *

I. Introduction.

The Amalgamated Transit Union (ATU), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the American Federation of Teachers, (AFT), the American Postal Workers Union (APWU), the Communication Workers of America (CWA), the International Brotherhood of Teamsters (IBT), the Service Employees International Union (SEIU), the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), the United Electrical, Radio and Machine Workers of America (UE), the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW), Global Labor Justice-International Labor Rights Forum (GLJ-ILRF), Council of Global Unions – Pilipinas (CGUP), Kilusang Mayo Uno (KMU), the Nagkaisa Labor Coalition (NLC), National Congress of Unions in the Sugar Industry in the Philippines (NACUSIP), the National Union of Bank Employees (NUBE), Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO), the Philippine Airlines Employees Association (PALEA), the Public Services Labor Independent Confederation (PSLINK), and the Unified Filipino Service Workers (UFSW) present this petition pursuant to 15 C.F.R. § 2007(b) to request a review of the Republic of the Philippines's designation as a beneficiary developing country under the Trade Act of 1974, Generalized System of Preferences (GSP), 19 U.S.C. § 2461 *et seq.*, as amended. The Government of the Republic of the Philippines (GRP) has failed to take steps to afford workers in its territory their "internationally recognized worker rights" as required under 19 U.S.C. § 2462(b)(2)(G) & (c)(7) and defined in 19 U.S.C. § 2467(4). Specifically, the government has not taken and is not taking steps to stop the killing, arbitrary arrest, intimidation, and harassment that follow Philippine workers who exercise their rights to associate, organize, and collectively bargain, contrary to the dictates of 19 U.S.C. § 2467(4)(a) and (b). In fact, the GRP is actively engaged in a violent campaign to prevent workers from exercising these rights, which are already withering under a labor-and-employment system incapable of securing workers' rights.

Providing neither evidence of its charges nor process to the accused, GRP officials have publicly alleged that numerous labor organizations are fronts for terrorist groups and trade unionists are terrorists. Tarrred as criminals by the state, trade unionists have been the victims of a wave of extrajudicial killings, committed with near complete impunity, and arbitrary arrests. The GRP's purported anti-terror policy has provided cover for a multifaceted attack on labor unions, chiefly perpetrated by state security forces. This anti-union campaign encompasses forced disaffiliations, interference in certification elections, and retaliation against labor protests, among many other forms of harassment. With increasing regularity, public employers disregard the rights of trade unions as a matter of

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policy, while private employers take advantage of official anti-union hostility to justify their dismissal of labor rights.

Not only has the apparatus of the state attacked trade union rights, but the GRP continues to administer a legal regime completely incapable securing basic labor rights. Because of misclassification and formal legal exclusion, perhaps most Philippine workers are barred from collective bargaining by law. Workers who assert their rights through collective protest face prison terms of up to three years, even for peaceful actions only rendered illegal by defective notices.

Under the guise of an anti-terror campaign, the administration of GRP President Rodrigo Roa Duterte has launched a multipronged assault on trade unionism in the Philippines. Trade unions and trade unionists have been publicly vilified by high GRP officials, who baselessly assert that the Communist Party of the Philippines and its New People's Army (CPP-NPA), a terrorist entity under Philippine law,¹ control large portions of the Philippine labor movement.² These public accusations, known as red-tagging or terror-tagging, chill the exercise of labor rights through intimidation. The state security forces, employers, and others have taken advantage of this climate of official anti-union hostility to disregard workers' and unions' rights.

Blacklisted as terrorists by the state, trade unionists in the Philippines can have no confidence that their basic rights—including their rights to life and due process—will be protected by the GRP. State security forces, and others encouraged by the GRP's violent rhetoric, have extrajudicially killed trade unionists. Far from stopping these attacks, the GRP has granted impunity to the perpetrators. No one has been prosecuted for the extrajudicial killing of trade unionists under the Duterte Administration. While the near complete absence of investigation hinders assessment of the motives behind these killings, many of the victims appear to have been targeted because of their trade union activities. The Philippine authorities have also imprisoned numerous trade unionists—including leaders in ongoing strikes—on trumped-up charges of weapons possession, further chilling the exercise of internationally recognized worker rights.

The GRP has institutionalized interference with workers' right to associate, organize, and bargain. As part of its anti-terror campaign, the GRP is conducting an ongoing series of "orientations" and "seminars," held at security force bases and worksites, that aim to force workers and their organizations to disaffiliate from disfavored labor groups. This effort has been accompanied by home visits by security forces personnel that purport to advance anti-terror objectives but are in fact vehicles for anti-union intimidation. In the public sphere, as well, the GRP has used varied propaganda tools to tar the reputations of trade unions and deter workers from exercising their rights. The Duterte

¹ Anti-Terrorism Council, Resolution No. 12: Designating the Communist Party of the Philippines and the New People's Army Also Known as Bagong Hukbong Bayan (CPP/NPA) as Terrorist Organizations, Associations, and/or Groups of Persons (2020) (<https://www.officialgazette.gov.ph/downloads/2020/12dec/20201209-ATC-12-RRD.pdf>).

² See e.g., Priam Nepomuceno, *CPP-NPA Anti-Family, Esperon Says*, Philippine News Agency (Aug. 22, 2021) (<https://www.pna.gov.ph/articles/1151235>).

Administration has gone so far as to use helicopters to distribute pamphlets claiming that certain union leaders were more dangerous than COVID-19.³

The dysfunctional labor and employment system of the Philippines has proven unable to afford workers the right to associate, organize, and bargain. Employers have adopted unlawful but pervasive contractual structures that make organization prohibitively costly and risky: As much as 38% of the Philippine workforce is employed through contractual forms that effectively deny workers their internationally recognized rights—particularly their right to bargain.⁴ Large numbers of workers are explicitly denied the right to bargain by law because of their job titles. Workers who seek to organize unions must often fight a years-long succession of legal battles to exercise their rights, working through a slow and underpowered system of labor dispute resolution. As workers slog their way through official channels, little stands in the way of employer efforts to break unions through force, intimidation, and harassment.

As legal channels offer scarce relief, workers’ resort to self-help is frequently met with harsh reprisal. Participants in peaceful strikes later deemed illegal may be arrested, imprisoned for up to three years, fined, and dismissed; they also face the risk of trumped-up charges.⁵ When workers do decide to strike, the Labor Code of the Philippines allows the executive branch to assume jurisdiction, halt the action, and order compulsory arbitration.⁶ Both the penal sanctions for peaceful strikers and the executive’s authority to halt strikes are in contravention of international labor standards, as the International Labor Organization (ILO) has repeatedly reminded the GRP.⁷

The GRP’s anti-union campaigns and its failing labor system have fueled the collapse of collective bargaining in the Philippines. Over the course of the Duterte Administration, the number of collective bargaining agreements in force in the Philippines dropped from 1,084 in June 2016 to 808 in June 2021, covering only 187,638 people out of a Philippine workforce of approximately 45,075,000 people. In 2005, prior to another wave of assaults which petitioner brought to the Trade Representative’s attention,⁸ 571,176 workers were covered by collective bargaining agreements. Collective bargaining has declined even as workers’ interest in unionization has grown explosively, another indication of the collapse of the legal apparatus for labor relations. While there were

³ Council of Global Unions – Pilipinas, Annex-D4 [hereinafter CGU Report].

⁴ European Commission, *Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance (‘GSP+’) Assessment of the Philippines Covering the Period 2018-2019*, at 11 (Oct. 10 2020).

⁵ Labor Code of the Republic of the Philippines art. 287.

⁶ Committee of Experts on the Application of Conventions and Recommendations, International Labor Organization, *Observation on Convention No. 87 in the Philippines* (adopted 2020, pub’d 109th ILC session 2021).

⁷ *Id.*; Freedom of Association Committee, Case No. 2716, Report No. 358 (November 2010).

⁸ International Labor Rights Forum, *Request for Review of the GSP Status of the Republic of the Philippines for Violations of Workers Rights* (June 22, 2007) (<https://laborrights.org/publications/gsp-philippines-petition>).

approximately 1,910,000 workers in unions and workers associations in 2005, membership had risen to 4,789,496 by June 2021.⁹

This petition raises issues similar to those discussed in International Labor Rights Forum's 2007 petition for review of the Philippines status under the GSP, closed in November 2015, but provides substantial new information concerning a new time frame: the administration of President Rodrigo Roa Duterte. Under the Duterte Administration, the volume of anti-union violence has skyrocketed. The GRP has made far more extensive use of red-tagging to attack activists, trade unionists, and trade unions. With the passage of the Anti-Terror Act of 2020 (Republic Act No. 11479), the legal import of red-tagging has also transformed, and the Duterte Administration has obtained new powers to prosecute and persecute those it deems to be terrorists.

II. GSP Overview and Background

The Philippines is one of the highest-volume users of the GSP-A program for beneficiary developing countries. The customs value of Philippine GSP-A imports to the U.S. was \$1,905,743,116 in 2019, the fourth-highest value among GSP-A importers, and \$1,564,240,228 in 2020, or fifth-highest. Electrical machinery (25.7%), leather and leather articles (20.5%), rubber and rubber articles (8.7%), optical and medical instruments (5.6%), and furniture (4.6%) constituted almost two-thirds (65%) of Philippine GSP-A imports by value in 2020. In 2019 and 2020, the GSP utilization rate for GSP-eligible Philippine exports was 74%, according to the Philippine government.¹⁰

Overall, the U.S. Trade Representative estimated that the Philippines exported \$18.5 billion in goods and services to the U.S. in 2019, while importing \$12.1 billion of the same from the U.S.¹¹ GSP exports accounted for around 15% of total Philippine exports for consumption to the U.S. in 2019 and 2020.¹²

The Philippine economy has grown rapidly, if unequally, over the twenty-first century. GDP per capita has almost doubled over the last twenty years.¹³ Despite growing overall prosperity, however, the Philippines remains one of the most unequal nations in

⁹ Bureau of Labor Relations, Department of Labor and Employment, *Statistical Reports* (<https://blr.dole.gov.ph/2014/12/11/statistical-reports/>); Marie E. Aganon, Melisa R. Serrano, and Ramon A. Certeza, *Union Revitalization and Social Movement Unionism in the Philippines: A Handbook 5* (2009).

¹⁰ Department of Trade and Industry, *Generalized System of Preferences* (Accessed Oct. 6, 2021) (<https://www.dti.gov.ph/generalized-system-of-preferences/>).

¹¹ Office of the United States Trade Representative, *Philippines Country Report* (Accessed Oct. 6, 2021) (<https://ustr.gov/countries-regions/southeast-asia-pacific/philippines>).

¹² United States International Trade Commission, Interactive Tariff and Trade Dataweb (Accessed Oct. 6, 2021) (<http://dataweb.usitc.gov/>).

¹³ World Bank, Constant GDP per capita for the Philippines [NYGDPPCAPKDPHL], retrieved from Federal Reserve Bank of St. Louis (Oct. 6, 2021) (<https://fred.stlouisfed.org/series/NYGDPPCAPKDPHL>).

Southeast Asia according to measurements of income inequality and social mobility.¹⁴ The UNDP reported a human development index (HDI) of 0.718 for the Philippines in 2019, indicating high human development, but the nation’s inequality-adjusted HDI was 0.587, indicating medium human development.¹⁵

III. The GRP’s Attacks on the Rights to Associate, Organize, and Bargain.

Far from taking steps to afford workers their internationally recognized rights, the GRP has moved decisively to obstruct their exercise. The Duterte Administration has used its anti-terror authority and institutions to persecute trade unionists and attack trade unionism. The GRP’s anti-union rhetoric and action has inspired employers to launch their own assaults on workers’ rights, including their right to life. As a result, the rights to associate, organize, and bargain are out of reach for many workers in the Philippines.

Workers in the Philippines cannot rely on the GRP to respect and protect their right to life, a basic prerequisite for the exercise of trade union rights. Trade unionists have been killed by the state in anti-terror operations and by unidentified armed men, often riding motorcycles. Many of these victims were red-tagged and harassed by GRP agents and others before their deaths. The killings of several trade unionists appear to be in direct retaliation for the victims’ union activities. However, the GRP’s near complete failure to investigate these crimes makes the assignment of motive difficult. No perpetrators have been prosecuted or publicly disciplined for the extrajudicial killing of trade unionists. This impunity, along with the GRP’s encouragement of anti-union violence, ensures that attacks on trade unionists will continue.¹⁶

The Duterte Administration has institutionalized its anti-union efforts through two major programs. Established in December 2018, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has mobilized the machinery of the federal government—including the police and military—to attack trade unions. NTF-ELCAC, under the banner of its “whole of the nation” anti-insurgency strategy, has become a font

¹⁴ Philip Arnold Tuaño, Jerik Cruz, *Structural Inequality in the Philippines: Oligarchy, (Im)mobility and Economic Transformation*, 36 *Journal of Southeast Asian Economies* 304 (2019) (noting poor economic mobility in Philippines relative to other Southeast Asian nations) (<https://muse.jhu.edu/article/743622>); Ralf Rivas, *In Charts: Rich Philippine Regions Get Richer, Poor Ones Barely Improve*, Rappler (May 30, 2019) (<https://www.rappler.com/business/charts-regions-get-richer-poor-ones-barely-improve-philippines>); Peter J. Morgan and Long Q. Trinh, *Impacts of COVID-19 on Households in ASEAN Countries and their Implications for Human Capital Development*, Asian Development Bank Institute Working Paper No. 1226, at 8 (March 2021) (noting disparate impact of COVID-19 recession on low-income Filipinos) (<https://www.adb.org/publications/impacts-covid-19-households-asean-countries>).

¹⁵ United Nations Development Programme, *Philippines: Briefing Note for Countries on the 2020 Human Development Report* (Accessed Oct. 6, 2021) (<http://hdr.undp.org/en/countries/profiles/PHL#>).

¹⁶ International Labor Organization, *Compilation of Decisions of the Committee on Freedom of Association* [hereinafter ILO Digest] ¶ 90 (“Acts of intimidation and physical violence against trade unionists constitute a grave violation of the principles of freedom of association and the failure to protect against such acts amounts to a de facto impunity, which can only reinforce a climate of fear and uncertainty highly detrimental to the exercise of trade union rights.”).

of reckless and baseless terror-tagging.¹⁷ This anti-terror campaign has provided cover for the killing, arbitrary arrest, harassment of trade unionists, and widespread violation of trade union rights. In support of NTF-ELCAC, the Philippine National Police (PNP) and the Philippine Economic Zone Authority established the Joint Industrial Peace Concerns Office (JIPCO) under the slogan “Together, we drive the force of our country’s global competitiveness and foreign preference as an investment destination.”¹⁸ This ill-disguised effort to keep organized labor out of special economic zones involves the establishment of permanent PNP operations to act as “the first line of defense from radical labor infiltration of the labor force and the industrial zones in support of [NTF-ELCAC].”¹⁹ JIPCO has since been renamed the Alliance for Industrial Peace and Program Office,²⁰ but the GRP’s efforts to stamp out the exercise of workers’ rights in special economic zones have not slackened.²¹

A. The State’s Campaign Against Trade Unionism.

The highest officials of the GRP have publicly stated that they consider large swathes of the trade union to be no better than criminals, worthy of the same violent treatment that made the Duterte Administration’s drug war notorious.²² Their rhetoric chills the exercise of labor rights and provides a ready-made excuse for those employers who wish to disregard their obligations to workers and unions.²³

¹⁷ Executive Order No. 70, *Institutionalizing the Whole of the Nation Approach in Attaining a Inclusive and Sustainable Peace, Creating a National Task Force to End Local Communist Armed Conflict, and Directing the Adoption of a National Peace Framework* (Dec. 4, 2018) (<https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>).

¹⁸ Press Release, PEZA, PNP Sign Implementing Rules and Regulations of Joint Industrial Peace and Concern Office (JIPCO) at Camp Crame for Safe Ecozones, Industrial Peace (Feb. 16, 2021) (<http://www.peza.gov.ph/index.php/press-release/169-peza-pnp-sign-implementing-rules-and-regulations-of-joint-industrial-peace-and-concern-office-jipco-at-camp-crame-for-safe-ecozones-industrial-peace>); Samuel P. Medenilla, *Dole Keeping Jurisdiction Over Ecozone Labor Disputes*, Business Mirror (Sept. 20, 2021) (<https://businessmirror.com.ph/2021/09/20/dole-keeping-jurisdiction-over-ecozone-labor-disputes/>).

¹⁹ *PNP Claims Bulacan Factory Unions Infiltrated by NPA*, Philippine Daily Inquirer (Feb. 29, 2020) (<https://newsinfo.inquirer.net/1235056/pnp-claims-bulacan-factory-unions-infiltrated-by-npa>).

²⁰ *Proposed PNP, PEZA Industrial Peace Office Bucked*, Philippine Daily Inquirer (Sept. 20, 2021) (<https://newsinfo.inquirer.net/1489958/proposed-pnp-peza-industrial-peace-office-bucked>).

²¹ United States Department of State, *2020 Country Reports on Human Rights Practices: Philippines*, at 39 (2020) (<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines/>).

²² International Criminal Court, *Statement of the Prosecutor, Fatou Bensouda, on her Request to Open an Investigation of the Situation in the Philippines* (June 14, 2021) (<https://www.icc-cpi.int/Pages/item.aspx?name=210614-prosecutor-statement-philippines>); International Criminal Court, Press Release:, *Situation in the Philippines: ICC Pre-Trial Chamber I Authorizes the Opening of an Investigation* (Sept. 15, 2021) (<https://www.icc-cpi.int/Pages/item.aspx?name=PR1610>).

²³ ILO Digest ¶ 85 (2018) (“It is important to take strong measures to prevent threats, statements of incitement to hatred and the looting of property, all of which are harmful to individuals and organizations

Baseless accusations that trade unionists are terrorists and trade unions terrorist organizations have flowed from the top of the Philippine government. On April 7, 2021, for example, presidential spokeswoman Lorraine Marie Badoy published an article through the GRP's official news agency alleging that the presidents of the unions for employees of the Philippine judiciary and senate "are operatives of the CPP-NPA-[National Democratic Front]." The spokeswoman further alleged that Confederation for Unity Recognition and Advancement of Government Employees (COURAGE), a federation of public sector trade unions, "is a front of the CPP-NPA-NDF" and "a recruitment agency of the CPP-NPA-NDF and [the union presidents] the illegal recruiters."²⁴ This campaign against public sector unions, the spokeswoman said, was part of an effort to make a government "free of communist vermin."²⁵ The Anti-Terror Act of 2020 established a twelve-year prison term for those found guilty of recruiting members to a terrorist organization.²⁶

GRP officials have not limited their slanders to the above-mentioned unions but have leveled charges of terrorism against broad swathes of the labor movement with abandon. On March 29, 2019, alone, NTF-ELCAC Vice Chairman and National Security Advisor Hermogenes Esperon labelled the Alliance of Concerned Teachers (ACT), the Alliance of Health Workers, and the Kilusang Mayo Uno (KMU) federation the legal fronts of the CPP-NPA.²⁷

Official red-tagging is pervasive, and the security forces play a leading role in spreading these dangerous lies. Facebook accounts operated by officials of the PNP and of the Armed Forces of the Philippines (AFP) have regularly thrown accusations of terrorism at trade unionists.²⁸ The PNP Caraga Facebook account, for example, baselessly claimed that the secretary general of ACT Region XIII, Rosanilla B. Consad, was a member of the CPP-NPA and involved in the shooting of two members of an infantry battalion.²⁹

The GRP compliments its blatant, official terror-tagging with pervasive covert efforts to propagate the same anti-union libel in the public sphere. In September 2020, Facebook discovered and disabled a network of state-sponsored accounts, pages, and

that are legitimately defending their interests under Conventions Nos. 87 and 98, which have been ratified by the State in question. The rights of workers' and employers' organizations can only be exercised in a climate free from violence, intimidation and fear, as such situations of insecurity are incompatible with the requirements of Convention No. 87."); *id.* ¶ 93 ("Blanket linkages of trade unions to an insurgency have a stigmatizing effect and often place union leaders and members in a situation of extreme insecurity.")

²⁴ Lorraine Marie Badoy, *On the Defense of COURAGE by Government Workers*, Philippine News Agency (April 7, 2021) (<https://www.pna.gov.ph/opinion/pieces/417-on-the-defense-of-courage-by-government-workers>).

²⁵ *Id.*

²⁶ The Anti-Terrorism Act of 2020 § 10 (Republic Act No. 11479).

²⁷ *Palace Backs NSA Filing of Initial Data vs. 'CPP Front Groups'*, Philippine News Agency (Mar. 29, 2019) (<https://www.pna.gov.ph/articles/1066008>).

²⁸ Aika Rey, *Workers also Red-Tagged in Duterte's Aggressive Crackdown vs Activists*, Rappler (Mar. 17, 2021) (<https://www.rappler.com/nation/workers-red-tagged-duterte-crackdown-activists>).

²⁹ CGU Report Annex D-2.

groups dedicated to harassing the Duterte Administration’s chosen targets. One post, for example, labeled an activist a communist virus.³⁰ On April 30, 2021, just as trade unions prepared for May Day, large tarps that identified several union leaders³¹ as communist terrorists were hung in prominent places in Quezon City. Although the tarps were signed by “Patriotic Filipinos of Quezon City,” the GRP’s role was barely disguised. The tarps were hung on government-controlled premises, namely the Metropolitan Waterworks and Sewage System facility on Katipunan Road and the Department of Agrarian Reform on Quezon City Circle.³² As explained below, similar tarps attributed to unknown citizen groups appeared on public school property during ACT’s campaign to organize education workers in Central Luzon.

These public accusations of terrorism are reflected in the internal policy of government agencies, which make little distinction between union activism and violent terrorism. On March 10, 2021, Alexander Macario, assistant secretary of the Department of Interior and Local Government, issued a memorandum ordering all regional directors to collect the names of all government employees who belong to ACT or COURAGE. The memo “advised further, to fend off and discourage existing employees’ association or organization in your office to affiliate with the known CTG [communist terror group] organization,” referring to ACT and COURAGE. On March 15, 2021, DILG Officer-in-Charge Bernardo Florence Jr. charged, in a press statement, that ACT and COURAGE were controlled by the CPP-NPA. On March 16, DILG spokesperson Jonathan Malaya defended the memo. He claimed that those identified as ACT and COURAGE members will only be encouraged to “disaffiliate themselves” from the organizations. As described below, the campaign to force workers and their organizations to disaffiliate from ACT, COURAGE, and other unions through intimidation is in full swing.³³

Labelling individuals and trade unions as associates of banned communist groups chills the exercise of labor rights. These charges operate as justifications for the use of armed force against the accused and incite others—including paramilitary and private security forces—to attack, while simultaneously deterring workers from associating with unions for fear of similar violence and persecution. Members and potential members of trade unions have been coerced into disassociating from unions through the efforts of the anti-insurgency campaigns. Trade union leaders killed or arrested in raids by the security

³⁰ Nathaniel Gleicher, *Removing Coordinated Inauthentic Behavior*, Facebook Newsroom (Sept. 22, 2020) (<https://about.fb.com/news/2020/09/removing-coordinated-inauthentic-behavior-china-philippines/>).

³¹ The persons identified as communist terrorists included Vlademir Quetua, President of the Alliance of Concerned Teachers – National Capital Region. CGU Report Annex D-9.

³² CGU Report Annex D-7

³³ CGU Report Annex D-8

forces are slandered with implausible allegations that the victims were in fact plotting to overthrow the Duterte Administration.³⁴

The GRP's charges of association with terrorism have profound legal significance for trade unions and those workers who would associate them. The Anti-Terror Act of 2020 defines terrorism with sweeping breadth and extends heavy criminal liability to those who associate with individuals and groups deemed to be terrorists.³⁵ Not only does the law shear away procedural protections from trade unionists asserted to be terrorists, but it also exposes them, the workers they organize, and the communities that assist them to charges that bear sentences of life imprisonment without parole.

B. Extrajudicial Killing of Trade Unionists.

The extrajudicial killings of trade unionists are the most glaring obstacle to the realization of the rights to associate, organize, and bargain in the Philippines.³⁶ The killings, and the impunity that protects perpetrators, disrupt union activities and chill worker activism. State security forces have committed some of these killings, although firmer attribution is impossible given the GRP's utter failure to investigate the slayings. Whoever the perpetrators are, they have found encouragement in the GRP's rhetoric and policy. These deaths send a powerful, chilling signal to workers who would seek to exercise their rights to associate, organize, and bargain. The killings often follow strikes, protests, and other labor activism, an indication of the anti-union motives of the perpetrators.

On March 7, 2021, Emanuel Asuncion was killed by PNP agents at the office of the Workers' Assistance Center in Dasmariñas, in the province of Cavite. Police forcibly separated Asuncion from his wife and fatally shot him six times.³⁷ Asuncion was a longtime labor organizer and was coordinator of Bagong Alyansang Makabayan, a pro-labor political party, in Cavite. The government later claimed that the police had killed Asuncion in self-defense.³⁸ Asuncion was one of nine activists killed in police operations on Sunday, March 7, 2021, two days after President Rodrigo Duterte urged the military and the police to kill communist insurgents, "finish them off if they are alive," and "forget

³⁴ Frances Mangosing, *AFP Says Sagay Killings Part of NPA Plot to Oust Duterte*, Philippine Daily Inquirer (Oct. 24, 2018) (<https://newsinfo.inquirer.net/1046509/afp-says-sagay-killings-part-of-npa-plot-to-oust-duterte>); ILO Digest ¶ 80 ("Allegations of criminal conduct should not be used to harass trade unionists by reason of their union membership or activities.").

³⁵ The Anti-Terrorism Act of 2020 (Republic Act No. 11479) § 4.

³⁶ ILO Digest ¶ 82 ("Freedom of association can only be exercised in conditions in which fundamental rights, and in particular those relating to human life and personal safety, are fully respected and guaranteed.").

³⁷ Jairo Bolledo and Rambo Talabong, *Leaders Lost: The 9 Activists Killed by Duterte Gov't on 'Bloody Sunday'*, Rappler (Mar. 8, 2021) (<https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021>).

³⁸ Vince Nonato, *Who Were Killed on 'Bloody Sunday'? Labor Leader, Fisherfolk, Housing Rights Activists, Dumagat Men*, OneNews Network (Mar. 10, 2021) (<https://www.onenews.ph/articles/who-were-killed-on-bloody-sunday-labor-leader-fisherfolk-housing-rights-activists-dumagat-men>).

about human rights.”³⁹ The victims had previously been red-tagged by the government.⁴⁰ In all nine cases, the government claimed that the killings resulted from the police defending themselves.⁴¹

On February 7, 2021, Leonardo Escala was fatally shot outside his residence by two unidentified assailants riding on a motorcycle in Manila. Escala’s four-year-old niece was also shot in the back. Escala was the president of a labor union representing the employees of International Container Terminal Services Incorporated, a port operator in Manila, and he had received death threats in connection with his work.⁴²

On February 2, 2021, Antonio “Cano” Arellano was fatally shot by four unidentified individuals in Escalante City. Arellano was the chairman of Paghiliusa sa Mangunguma a Sitio Binabono, an agricultural workers’ organization affiliated with the National Federation of Sugar Workers (NFSW).⁴³

On August 17, 2020, Zara Alvarez was fatally shot by an unidentified assailant in Bacolod City. Alvarez was a coordinator for the Alliance of Concerned Teachers and a human rights activist. Alvarez was red-tagged by the Department of Justice in a February 2018 court filing.⁴⁴

On June 3, 2020, Jose Jerry Catologo, an officer of a local farmers association affiliated with the NFSW, was fatally shot at his worksite in Escalante City. The unidentified perpetrators shot Catologo in the back and in the head at a hacienda where Catologo had been hired to harvest sugar cane.⁴⁵

On November 4, 2019, Reynaldo Malaborbor was fatally shot by an unidentified gunman in front of his house in Cabuyao City. On the day of his killing, Malaborbor had asked the Cabuyao City Council to intervene to release workers arrested during the

³⁹ Ted Regencia, *‘Kill Them’: Duterte Wants to ‘Finish Off’ Communist Rebels*, Al Jazeera (Mar. 6, 2021) (<https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>); Jason Gutierrez, *Philippine Security Forces are Accused of Killing 9 Activists*, New York Times (Mar. 7, 2021) (<https://www.nytimes.com/2021/03/07/world/asia/philippines-raids-killings.html>).

⁴⁰ *Philippines: Killings Highlight Need for International Action*, Human Rights Watch (Mar. 10, 2021) (<https://www.hrw.org/news/2021/03/10/philippines-killings-highlight-need-international-action#>).

⁴¹ CGU Report Annex B-1(A); Vince Nonato, *Who Were Killed on ‘Bloody Sunday’? Labor Leader, Fisherfolk, Housing Rights Activists, Dumagat Men*, OneNews Network (Mar. 10, 2021) (<https://www.onenews.ph/articles/who-were-killed-on-bloody-sunday-labor-leader-fisherfolk-housing-rights-activists-dumagat-men>).

⁴² Aika Rey, *ICTSI Labor Union Leader Shot Dead in Manila*, Rappler (Feb. 8, 2021) (<https://www.rappler.com/nation/international-container-terminal-services-union-leader-leonardo-escala-shot-dead-manila>).

⁴³ CGU Report Annex B-1(F).

⁴⁴ Marchel P. Espina, *Human Rights Activist Shot Dead in Bacolod City*, Rappler (Aug. 17, 2020) (<https://www.rappler.com/nation/activist-zara-alvarez-shot-dead-august-17-2020>).

⁴⁵ CGU Report Annex B-1(D).

Nutriasia Laguna strike.⁴⁶ A former union president, Malaborbor was a staff member for a farmworkers' union called Pagkakaisa at Ugnayan ng Magsasaka sa Laguna. Malaborbor had previously been red-tagged and detained by the government on charges that were only dismissed after a lengthy imprisonment.⁴⁷

On June 27, 2019, Lito Itao was shot by two motorcycle-riding assailants in Guihulngan City. Itao was the auditor of the Guihulngan City Habal-Habal United Operators and Drivers Association, an organization of workers who operate passenger motorcycles.⁴⁸

On June 7, 2019, 65-year-old Felipe Dacal-Dacal was fatally shot at his residence in Escalante City. He died the following day. Dacal-Dacal was a member of the NFSW and a land-reform advocate. Prior to his death, Dacal-Dacal had been visited by soldiers several times. They sought to convince him to cease his participation in labor rallies. Karapatan, a Philippine human rights group, identified the assailant as a military agent.⁴⁹

On June 2, 2019, Leonides “Dennis” Sequeña was fatally shot in Tanza, Cavite. Sequeña was leading a seminar on basic trade union rights for workers employed in the Cavite Export Processing Zone when an unidentified assailant shot him five times and fled on a motorcycle. Sequeña was a labor organizer and vice-chair of the Partido Manggagawa (PM or Labor Party) in Cavite. Sequeña was also an active member of the Freedom of Association Committee of the Nagkaisa Labor Coalition and, since 2018, the Department of Labor and Employment-Nagkaisa Technical Working Group on Freedom of Association. Sequeña had been instrumental in organizing the Rosario Workers Association and the United Cavite Workers Association.⁵⁰ Sequeña’s party, PM, had been involved in the EU GSP+ Monitoring Project of the Philippine Alliance of Human Rights Activists, which produced an in-depth study of violations of workers’ rights.

On November 27, 2018, Linus Cubol was fatally shot in his furniture store in Santiago, Agusan del Norte, by two unidentified assailants on a motorcycle. Cubol was once the president of the union of Manila Mining Corporation employees and vice-chair of the Caraga branch of the trade union federation KMU. He served as an adviser to labor groups at the time of his death. According to Karapatan, Cubol had been harassed in the

⁴⁶ CGU Report Annex B-1(E).

⁴⁷ CGU Report Annex B-1(F).

⁴⁸ Nestor P. Burgos, Jr., *Killing of Transport Leader, Arrest of Nine Others on Negros Island Slammed*, Philippine Daily Inquirer (July 6, 2019) (<https://newsinfo.inquirer.net/1138537/killing-of-transport-leader-arrest-of-9-others-on-negros-island-slammed#ixzz74a82MfDv>).

⁴⁹ CGU Report Annex B-1(C); *61-Year-Old Journalist Arrested in Mindanao, 65-Year Old Peasant Leader Killed in Negros as Spate of Attacks Continue*, Karapatan (June 10, 2019) (<https://www.karapatan.org/61-year-old-journalist-arrested-in-mindanao-65-year-old-peasant-leader-killed-in-negros-as-spate-of-attacks-continue>).

⁵⁰ CGU Report Annex F; Jovic Yee, *Group Urges Congress to Probe Killing of Labor Leaders*, Philippine Daily Inquirer (June 2, 2019) (<https://newsinfo.inquirer.net/1125929/group-urges-congress-to-probe-killing-of-labor-leaders>).

weeks before his death by intelligence agents of AFP's 29th Infantry Battalion who sought to prevent Cubol's labor advocacy.⁵¹

On October 31, 2018, Danny Boy Bautista was fatally shot by an unidentified assailant in Compostela town. Bautista worked at Sumifru Philippines Packing Pant 340 as a harvester where he helped lead his union, Nagkahiusang Mamumuo sa Suyapa Farm (NAMASUFA), in a strike begun on October 1, 2018 over Sumifru's failure to regularize its employees. Striking NAMASUFA members had been brutally attacked by AFP and PNP agents on October 3rd, 8th, 11th, and 18th, resulting numerous arrests of and injuries to union members.⁵²

On October 20, 2018, nine members of the NFSW were fatally shot by around forty armed men at Hacienda Nene, a large sugar plantation. The unemployed farmworkers occupied the land after the harvest had concluded to protest the slow pace of land reform. The NFSW members were resting in tents when the armed men opened fire. The bodies of three female victims were burned. Only four protesters survived.⁵³

About ten days later, President Rodrigo Duterte insinuated that the NFSW members were communists and stated "[m]y orders to the police and the soldiers, shoot them. If they resist violently, shoot them. If they die, I do not care."⁵⁴ The AFP's 303rd Infantry Brigade had previously issued statements claiming that the farmers were working for the insurgency. After the killing, the Chief Superintendent on Western Visayas PNP, John Bulalacao, said that the NFSW was a legal front for the NPA and claimed that the NPA may have perpetrated the killings.⁵⁵ Members of the NFSW were later accused of the killings, which the PNP alleged had been part of a plot to oust President Duterte.⁵⁶

On August 8, 2018, labor organizer Butch Rosales was fatally shot by an unidentified assailant while riding a jeepney in Punta Engaño. Rosales had long been involved in organizing workers in the Mactan Economic Zone, where he had faced surveillance and intimidation. A former employee of the Center for Trade Union and Human Rights, he had helped document human rights violations in Cebu Province's electronics factories in 2013 and 2016. Before his death, Rosales had been working with

⁵¹ Bobby Lagsa, *Labor Leader in Agusan del Norte Shot Dead*, Rappler (Nov. 29, 2018) (<https://www.rappler.com/nation/labor-leader-agusan-del-norte-killed-november-27-2018>).

⁵² International Trade Union Confederation (ITUC), *Survey of Violations of Trade Union Rights*, Entry of October 31, 2018.

⁵³ Jason Gutierrez, *Ambush in Philippines Kills Farmers Occupying Plantation Land*, New York Times (Oct. 21, 2018) (<https://www.nytimes.com/2018/10/21/world/asia/philippines-attack-farmers.html>).

⁵⁴ Gaea Katreena Cabico, *State Forces to Arrest, Shoot Groups Occupying Land, Duterte Warns*, The Philippine Star (Oct. 29, 2018) (<https://www.philstar.com/headlines/2018/10/29/1864201/state-forces-arrest-shoot-groups-occupying-land-duterte-warns>).

⁵⁵ *PNP Eyes 4 Groups in Killing of 9 Sugar Farmers in Sagay*, Philippine Daily Inquirer (Oct. 23, 2018) (<https://newsinfo.inquirer.net/1045819/npn-eyes-4-groups-in-killing-of-9-sugar-farmers-in-sagay>).

⁵⁶ Rambo Talabong, *Negros Farmers' Recruiter 'Left Them' Before the Bloodbath*, Rappler (Oct. 22, 2018) (<https://www.rappler.com/nation/negros-farmers-recruiter-left-before-massacre>).

Rise Up for Life and Rights, an organization of the families of victims of extrajudicial killings committed during the drug war.⁵⁷

On June 27, 2018, Julius Broce Barcellano, chair of the Hacienda Medina Farmworkers Association, was fatally shot by motorcycle-riding assailants while entering his house in Sitio CotCot. The Farmworkers Association had been engaged in a long-running legal dispute over land with the owner of Hacienda Medina.⁵⁸

On May 17, 2018, Ariel Maquiran was fatally shot in Panabo City by an assailant who fled on a motorbike. Maquiran was a 33-year-old banana plantation worker, Bayan Muna (People First) party list member, and a well-known advocate for the rights of workers. Maquiran had been repeatedly harassed by agents of the military who alleged that he was involved in NPA operations. Maquiran was killed in the context of a long-running land dispute with Lapanday Foods Corporation, a banana firm owned by the family of former Secretary of Agriculture Luiz Lorenzo.⁵⁹ The corporation repeatedly resisted government efforts to transfer the land to farmers under land reform laws.⁶⁰

On March 16, 2018, in Malabon City, Jerry Adolfo was fatally shot in his jeepney by an assailant posing as a passenger. Adolpho was president of the Sangandaan, Panghulo, Polo Jeepney Operators and Drivers Association, an organization of jeepney drivers then engaged in a dispute with the government about a proposed jeepney modernization program.⁶¹

On February 23, 2018, four sugarcane workers (Jessebel Abayle, 34; Carmelina Amantillo, 57; Consolacion Cadevida, 66; and Felimon Molero, 66) were killed in Siaton town. A fourth victim, Lito Prudencia de Jesus, 28, was wounded. The workers were harvesting sugarcane they had planted on a field they believed to be open to them under the Comprehensive Agrarian Reform Program. Five armed security guards were charged

⁵⁷ *Human Rights Defender Butch Rosales Shot and Killed in Cebu*, Front Line Defenders (Aug. 14, 2018) (<https://www.frontlinedefenders.org/en/case/human-rights-defender-butch-rosales-shot-and-killed-cebu>).

⁵⁸ *CEGP Condemns Killing of Farmer-Radio Reporter in Negros Oriental*, College Editors Guild of the Philippines (June 27, 2018) (<https://cegphils.medium.com/cegp-condemns-killing-of-farmer-radio-reporter-in-negros-occidental-cd213c901943>).

⁵⁹ Antonio L. Colina IV, *Farmers to Get Titles on Land Reclaimed from Lapanday in Tagum*, MindaNews (Jan. 29, 2018) (<https://www.mindanews.com/top-stories/2018/01/farmers-to-get-titles-on-land-reclaimed-from-lapanday-in-tagum/>).

⁶⁰ Patty Pasion, *Farmers Finally Occupy Parts of Lapanday-Managed Farm*, Rappler (May 18, 2017) (<https://www.rappler.com/nation/farmers-installed-lapanday-farm-davao-norte>); Patty Pasion, *DAR Issues Cease and Desist Order vs Lapanday Foods*, Rappler (Dec. 16, 2016) (<https://www.rappler.com/nation/agrarian-reform-cease-desist-order-lapanday-foods>).

⁶¹ Jing Villamente, *Leader of Jeepney Drivers' Group Killed*, The Manila Times (Mar. 18, 2018) (<https://www.manilatimes.net/2018/03/18/news/top-stories/leader-of-jeepney-drivers-group-killed/386976>).

with the murders, which were committed with firearms and a hand grenade. The security guards had been hired by a farm owner.⁶²

On February 22, 2018, in Sagay City, NFSW member Ronald Manlanat was fatally shot in the head with an assault rifle while he worked in the fields. Prior to his killing, Manlanat had received threats for participating in efforts to promote agrarian reform.⁶³

On December 21, 2017, Flora Gemola, chair of the NFSW chapter in Sagay City, was stabbed to death at her farm lot near Hacienda Susana.⁶⁴ A fact-finding mission led by a diverse group of human rights organizations determined that the likely perpetrators were members of a paramilitary group called the Special Civilian Auxiliary Army, which is controlled by Sagay City local government and often acts as a security force for the hacienda.⁶⁵

On November 25, 2017, Apolonio Maranan was fatally shot by motorcycle-riding assailants near his home in Barangay Mandug. Maranan was an activist in Anakpawkis, a political and labor organization that supports workers' rights throughout the Philippines.⁶⁶

On October 25, 2017, Edwin Pura was killed by two men suspected to be members of state security forces in Paradijon village. Pura noticed he was being followed and entered a restaurant-bar, but the suspects followed him inside and fatally shot him. Pura worked for the National Union of Peoples' Lawyers as a paralegal. He was involved with transport industry worker organizing as a leader in Pinagkaisang Samahan ng mga Tsuper at Operators Nationwide (PISTON) and was a former leader in Bagong Alyansang Makabayan, a political party.⁶⁷

On September 18, 2017, Reneboy Magayano was fatally shot while shopping in the market in the village of Poblacion. Magayano was a plantation worker and chair of the

⁶² Benjie Talisic, *5 Guards Face Murder Raps for Killing 4 Farmers, Wounding Another*, Philippine Daily Inquirer (Feb. 22, 2018) (<https://newsinfo.inquirer.net/970615/5-guards-face-murder-raps-for-killing-4-farmers-wounding-another>); Mary Judaline Partlow, *4 Farmers Shot Dead as they Harvest Sugarcane in Negros Plantation*, Philippine News Agency (Feb. 21, 2018) (<https://www.pna.gov.ph/articles/1026049>).

⁶³ *Sugarcane Laborer, an NFSW Member, Gunned Down in Sagay City*, InterAksyon (Feb. 22, 2018) (<https://interaksyon.philstar.com/breaking-news/2018/02/22/120901/sugarcane-laborer-an-nfsw-member-gunned-down-in-sagay-city/>).

⁶⁴ *Sugar Workers' Leader Stabbed Dead in Negros*, InterAkyson (Dec. 23, 2017) (<https://interaksyon.philstar.com/breaking-news/2017/12/23/114344/sugar-workers-leader-stabbed-dead-in-negros/>).

⁶⁵ *Investigate Role of Local Gov't Officials, Private Armies in Sagay 9 Massacre*, Karapatan (Oct. 26, 2018) (<http://chrp.org.uk/2018/karapatan-investigate-role-of-local-govt-officials-private-armies-in-sagay-9-massacre/>).

⁶⁶ Zea Io Ming C. Capistrano, *Labor Organizer Killed by 'Riding-in-Tandem' in Davao City*, Davao Today (Nov. 27, 2017) (<http://davaotoday.com/main/human-rights/labor-organizer-killed-by-riding-in-tandem-in-davao-city/>).

⁶⁷ *Transport Leader Gunned Down in Sorgoson*, The Manila Times (Oct. 26, 2017) (<https://www.manilatimes.net/2017/10/26/regions/at-a-glance-regions/transport-leader-gunned-sorsogon/358887>).

Maragusan Workers' Association. Karapatan, a human rights group, alleged that military agents tied to the 66th Infantry Battalion of the AFP killed Magayano.⁶⁸

C. Arbitrary Arrest of Trade Unionists.

Many trade unionists have been arrested on trumped-up charges by PNP officers. Typically, the trade unionists have been charged with illegal possession of firearms and explosives, charges also wielded frequently during the Duterte Administration's drug war. These charges often follow periods of labor protest and advocacy, suggesting that the arrests constitute retaliation against trade union activism. These charges fall apart under external scrutiny. When the United Nations Office of the High Commissioner for Human Rights (OHCHR) was allowed to examine police reports regarding the arrests of 45 people between August 2016 and June 2017, the signs of planted evidence were impossible to ignore. In the police reports, "OHCHR identified seven handguns with unique serial numbers. Each handgun appeared in at least two separate crime scenes, while two reappeared in five different crime scenes."⁶⁹

Ramon Rescovilla is a vice president of PISTON, a national federation of jeepney drivers, and deputy secretary general of CONDOR-PISTOL BICOL, a regional chapter of PISTON. Rescovilla led protests calling for aid to jeepney drivers during the pandemic and transport strikes to oppose the government's proposed phase-out of jeepneys. On September 7, 2021, in Daraga City, Albay, Bicol, PNP agents arrested, assaulted, and tortured Rescovilla. Rescovilla, who had been a victim of red-tagging, was charged with murder and illegal possession of firearms.⁷⁰

Florentino "Pol" Viuya Jr. is a member of the National Council of KMU and the chairperson of the KMU-affiliated Workers Alliance in Region III (Central Luzon). Posters identifying Viuya as a communist proliferated in the region. On March 30, 2021, in Bamban, Tarlac, the PNP raided Viuya's house, seized his laptop and cell phones, and arrested Viuya. Viuya was charged with illegal possession of firearms and explosives. He remains detained.⁷¹

Esteban "Steve" Mendoza is Executive Vice President of the Organized Labor Association in Line Industries and Agriculture (OLALIA), a labor organization affiliated with KMU. He was formerly the president of the Philsteel Workers' Union, which he led in a strike, and had been the victim of red-tagging. On March 7, 2021, in Cabuyao, Laguna, Mendoza's home was raided and Mendoza was arrested on false charges of illegal possession of firearms and explosives.

⁶⁸ *Attacks vs Left: 49th Victim Dead Under Duterte*, Philippine Daily Inquirer (Oct. 3, 2017) (<https://newsinfo.inquirer.net/935067/attacks-vs-left-49th-victim-dead-under-duterte>); <http://www.humanrights.asia/news/forwarded-news/AHRC-FST-020-2017/>

⁶⁹ United Nations High Commissioner for Human Rights, *Report on the Situation of Human Rights in the Philippines*, ¶ 24 (June 29, 2020).

⁷⁰ CGU Report Annex B-2(J).

⁷¹ CGU Report Annex B-2(B).

Elizabeth “Mags” Camoral is the former president of the F. Tech Workers Union-OLALIA-KMU, which Camoral led in a strike. On March 7, 2021, in Cabuyao, Laguna, Camoral’s home was raided by PNP officers. She was charged with illegal possession of firearms and was bailed.⁷²

Eugene Eugenio is the president of the Advancement of Rights and Responsibilities of Organized Workers (ARROWS), a union of government employees in Antipolo City Hall that is affiliated with COURAGE. On March 7, 2021, in Antipolo City, Rizal, Calabarzon, Eugenio’s home as raided by PNP officers. He now faces charges of illegal possession of firearms. Eugenio had previously been the victim of red-tagging.⁷³

Arnedo “Nedo” Lagunias is the former secretary of the Honda Car Workers Union, Lakas Manggagawang Nagkakaisa sa Honda Cars-OLALIA-KMU. Lagunias led workers’ protest of the sudden closure of Honda Cars Philippines main plant in Binan, Laguna in 2019. The closure led to the discharge of 300 employees. On March 4, 2021, in Binan, Laguna, PNP officials raided Lagunias’s home and arrested him. The former union president was subsequently charged with illegal possession of firearms and explosives. Lagunias had previously been harassed by agents of the NTF-ELCAC and filed a complaint, along with other union officers, with the Commission on Human Rights in November 2020⁷⁴

Ramir Corcolon is the president of the San Pablo City Water District Employees Association (SPCWDEA) and the secretary-general of the Water System Employees Response (WATER). Corcolon had been a leader in a campaign to oppose the privatization of Philippine water districts. On March 4, 2021, in San Pablo City, Laguna, Corcolon’s home was raided and Corcolon was arrested. He was charged with illegal possession of firearms and explosives.⁷⁵

Romina Astudillo, Mark Ryan Cruz, and Jaymie Gregorio were elected officers of KMU Metro Manila in November 2020. Shortly after their election, on December 10, 2020, in Mother Ignacia, Quezon City, the new officers’ homes were raided, and the officers were charged with illegal possession of firearms and explosives. The three were also victims of red-tagging.⁷⁶

Jose A. Bernardino is a long-time organizer of transport and industrial workers in Pampanga City, working with the KMU-affiliated Workers Alliance in Region III (Central Luzon). On December 4, 2020, in Angeles City, Pampanga, Bernardino was arrested and

⁷² CGU Report Annex B-2(C).

⁷³ CGU Report Annex B-2(D).

⁷⁴ CGU Report Annex B-2(E).

⁷⁵ CGU Report Annex B-2(F).

⁷⁶ CGU Report Annex B-2(G).

charged with illegal possession of firearms, ammunition, and explosives. Bernardino was also charged with rebellion.⁷⁷

Dennise Velasco is a member of Defend Jobs Philippines, a worker-advocacy organization formed in the wake of the 2009 lay-off of over 1,600 employees of Triumph International (Philippines), Inc. On December 10, 2020, Velasco's home was raided by PNP officers. She was arrested and charged with illegal possession of firearms and explosives.⁷⁸

Noli Rosales is a member of KMU's National Council. On October 31, 2019, in Bacolod City, Rosales was meeting with twenty-one bus workers at the KMU-Negros Office about their unjust dismissal from a bus company when PNP agents arrested her along with the bus workers. Rosales was charged with illegal possession of firearms and explosives, but the search warrant supporting the raid was quashed and the charges later dismissed.⁷⁹

Mary Anne Krueger is an organizer for Bacolod chapter of the Business Process Outsourcing (BPO) Employees Network, known as BIEN. On October 31, 2019, in Bacolod City, Negros Occidental, PNP agents raided Krueger's home, which is co-located with the offices of the Gabriela Party, a political party dedicated to advancing the interests of Philippine women. Krueger was charged with illegal possession of firearms.⁸⁰

Marklen Maojo Maga is an organizer with KMU. On June 3, 2019, in San Mateo, Rizal, Calabarzon, Maga was arrested by PNP agents and subsequently charged with illegal possession of firearms and murder.⁸¹ At the time of his arrest, Maga was actively participating in work supporting the strikes of the transport workers federation, PISTON.

Eugen Garcia, president of the union at Pioneer Float Glass Manufacturing Inc., came home on March 19, 2019, to find PNP officers inside searching his home. The officers alleged that they had found a pistol inside the home and charged Garcia with illegal possession of firearms. At the time of his arrest, Garcia was leading his union's pending case against Pioneer Float Glass before the National Conciliation and Mediation Board. In fact, he had been attending a board hearing when his home was searched.⁸²

On February 27, 2019, three officers of the Musahamat Workers Labour Union-KMU were taken to AFP bases and forced to sign confessions falsely stating that they were members of the NPA. Two union officers, president Esperidion Cabaltera and vice president Richard Genabe, were taken to the Tenth Infantry Division camp in Mawab, Compostela Valley. Secretary Ronald Rosales was taken to the 71st Infantry Battalion's

⁷⁷ CGU Report Annex B-2(I).

⁷⁸ CGU Report Annex B-2(H).

⁷⁹ CGU Report Annex B-2(K).

⁸⁰ CGU Report Annex B-2(L).

⁸¹ CGU Report Annex B-2(M).

⁸² ITUC Survey of Violations of Trade Union Rights, Entry of March 19, 2019.

camp in Barangay Lahi, Pantukan. The three officers had been pursuing complaints against their Kuwait-based employer for unfair labor practices since March 2016.⁸³

1. Rosanilla “Lai” B. Consad’s Arrest and Presentation.

The experience of Rosanilla “Lai” B. Consad, secretary general of ACT Region XIII and an assistant principal at San Vicente National High School in Butuan City, indicates the extremes of intimidation and slander the GRP will resort to in its efforts to discredit trade unions and trade unionists.

On March 17, 2021, at around 4:00pm, in Butuan City, Agusan del Norte, two plainclothes police officers approached Consad at Weegol’s Grill Haus. The officers informed Consad that she was under arrest for attempted homicide. She was brought to PNP Regional Office 13 where her belongings were searched and her two cell phones confiscated. Consad was not allowed a phone call to notify her family or request legal assistance. An officer interrogated Consad about ACT and her activities in the union. The officer alleged that ACT is a communist terrorist group and that Consad had been seen together with Loida Magpatoc, who the officer called a high-ranking NPA officer. The officer never questioned Consad about the attempted homicide—the charge on which she had been arrested.⁸⁴

Consad was detained overnight at the Butuan City Police Station 1. In the morning, she was again taken to PNP Regional Office 13. There, Brigadier General Romeo M. Caramat Jr., director of the office, presented her to the media along with Jefferey Celiz, an NTF-ELCAC asset who claims to be a former NPA member. Celiz told the media that Consad is a member of organizations belonging to the CPP-NPA.⁸⁵

More interrogations followed Consad’s surprise presentation to the media. New questioners from the Regional Intelligence Unit, representing NTF-ELCAC, questioned and berated Consad for an hour. They alleged that Consad was recruited her students into the NPA and told Consad to leave Caraga.⁸⁶

The harassment continued the following day with a post on the PNP Caraga Facebook page. The post asserted that Consad is an “urban party committee member” of the CPP-NPA-Northeastern Committee in Caraga and that she was involved in the shooting of two members of the military on November 21, 2020. Consad denies any involvement in this violence. Consad still faces an attempted homicide charge.⁸⁷

⁸³ ITUC Survey of Violations of Trade Union Rights, Entry of February 27, 2019.

⁸⁴ CGU Report Annex D-2.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*; see also Jairo Bolledo, *Police Arrest, Red-Tag Assistant Principal in Butuan City*, Rappler (Mar. 19, 2021) (<https://www.rappler.com/nation/police-arrest-red-tag-assistant-principal-school-butuan-city>).

D. Interference with the Rights to Associate, Organize, and Bargain.

Under the banner of its anti-terror campaign, agents of the GRP have deeply interfered with the exercise of trade union rights. Through “seminars,” “orientations,” and house visits, GRP officials have tried to bully workers and unions into disaffiliating from disfavored labor groups through intimidation and misinformation. In one instance described below, 604 teachers were brought together by NTF-ELCAC, forced to sign papers signifying their disaffiliation from ACT, and take an oath pledging loyalty to the government.⁸⁸ Similar methods of intimidation and misinformation have been used to influence workers’ choices in certification elections, most notably during a drive to organize education workers in Central Luzon. Accusations that unions are linked to terrorist activities have also been wielded by employers, especially public employers, as grounds for disregarding the rights of trade unions and their members.

1. Intimidation and Forced Disaffiliation.

On August 7, 2021, agents of NTF-ELCAC visited the vice president of Nagkakaisang Manggagawa ng Buong Lohistika at Distribusyon ng Coca-Cola (NMLDCC)-Federation of Coca Cola Unions (FCCU)-SENTRO at his residence. The agents invited the vice president to attend an NTF-ELCAC orientation and claimed that the FCCU national president Alfredo Marañon is a former member of CPP-NPA, as part of an effort to force the union to disaffiliate from FCCU or to remove its national president.⁸⁹

On May 6, 2021, at Agusan National High School in Butuan City, Agusan del Norte, 604 public school teachers were forced to attend a seminar by their employer, the Department of Education-Caraga, and agents of NTF-ELCAC. The seminar was entitled *Seminar on National Security Concern and Disaffiliation from ACT*. At the seminar, the attending teachers were forced to pledge their loyalty to the government and sign a tarpaulin to signify their disaffiliation from ACT. Days later, on May 9, the 4th Infantry Division of the AFP website posted an article hailing the teachers who allegedly withdrew their support for ACT through a “Pledge and Signing Commitment Ceremony.”⁹⁰

The residences of thirty-five members and officers of NXP Workers Union-National Federation of Labor Unions (NAFLU)-KMU were repeatedly visited by agents of NTF-ELCAC (Region IV-A). The agents interrogated the NXP members and officers about union activities, dues, and their affiliation with KMU. The agents attempted to force members and officers to disaffiliate from KMU. These repeated home visits happened in Cabuyao and Canlubang, both in Laguna, during two periods: first in May to November of 2020, and then again in May to August of 2021.⁹¹

On May 4, 2021, in Ilagan City, Isabela, agents of NTF-ELCAC visited the home of Merlina Mendoza, president of the Ilagan Coca-Cola Monthly Employees Association

⁸⁸ CGU Report Annex D-1.

⁸⁹ CGU Report Annex C-1.

⁹⁰ CGU Report Annex D-1.

⁹¹ CGU Report Annex B-3(A).

(ICCMEA-FCCU). The NTF-ELCAC agents invited her to attend an “orientation” at an armed forces base. The agents attempted to coerce Merlina into disaffiliating from FCCU, which NTF-ELCAC has red-tagged as a legal front for the CPP-NPA.⁹²

The residences of 15 members and leaders of the Wyeth Philippines Progressive Workers Union—Drug and Food Alliance—KMU were visited by agents of NTF-ELCAC (Region IV-A). The agents interrogated the union members and officers about union activities, dues, and their affiliation with KMU. The agents attempted to force members and officers to disaffiliate from KMU. These repeated home visits happened in Calabarzon during two periods: first in November and December of 2020, and then again in February to August of 2021.⁹³

Dante Encinas is the president of the supervisory union at Sorsogon 2 Electric Cooperative, Inc. known as Matatag at Aktibong Samahan sa Manahemiente ng SORECO 2 (MASNAMAS). Encinas is also the sectoral representative representing labor at the Regional Tripartite Body of DOLE Region V (Bicol). On February 3, 2021, after repeated harassment, Encinas appealed to the AFP and PNP to refrain from red-tagging his and other labor unions. In response, Encinas was brought in for several meetings with AFP intelligence. In a meeting with Encinas, AFP First Lieutenant Margie Liloc said that NPA officials had been collecting money from the offices of the union.⁹⁴

The PNP extended treatment similar to that afforded to Rosanilla Consad to thirty workers at Coca Cola Bottling’s Parañaque Distribution Center. They were invited to the PNP’s Camp Bagong Diwa for an orientation on January 26, 2021. On arriving, the workers were presented to the media as “NPA surrenderees.” In a statement, the PNP claimed that “All of them play an important part in advancing their communist interests and armed struggle to bring down the government.” The following day, the PNP described the thirty workers as “balik-loob” or former rebels now returned to society.⁹⁵

Beginning on January 23, 2021 and continuing up to the present, SENTRO union members—mostly logistics drivers—have been asked by agents of NTF-ELCAC to attend orientations at security force bases. The members were invited to attend to “clear their names,” or prove that they were not supporters or members of the CPP-NPA. The workers were visited at Coca Cola distribution centers in Parañaque and Antipolo.⁹⁶

In August 2020, in Barangaya Gulang-gulng, Irosin, Sorsogon, a group of uniformed agents of the PNP and AFP visited the office of Nagkakisang Manggagawa ng

⁹² CGU Report Annex C-8.

⁹³ CGU Report Annex B-3(B).

⁹⁴ CGU Report Annex C-3.

⁹⁵ CGU Report 9 & Annex C-1; Delfin T. Mallari, Jr., *PNP Southern Luzon Says Fight vs Reds a Success with Surrender of 75 Calabarzon Rebels*, Philippine Daily Inquirer (Jan. 26, 2021) (<https://newsinfo.inquirer.net/1388649/pnp-southern-luzon-says-fight-vs-reds-a-success-with-surrender-of-75-calabarzon-rebels>).

⁹⁶ CGU Report Annex C-1.

SORECO I (NAMAS), a union of workers at the Sorgoson 1 Electric Cooperative, Inc., seeking out officers of the union. The agents interrogated Emil Habitan, an officer of the union, asking him whether his union was affiliated with KMU and whether the union supported the NPA. Habitan responded that his union was neither affiliated with KMU nor a supporter of the NPA. The agents asked for the names of all union officers, which Habitan refused to provide.⁹⁷

In August 2020, in Barangay Gulang-gulng, Irosin, Sorsogon, unidentified armed persons visited the homes of three officers of the NAMAS union. The men rode a motorcycle with no license plate. They asked for the whereabouts of the union officers, who were not at home. The men purported to be seeking the officers to invite them to a government office, but they refused to identify themselves.⁹⁸

The residences of two union officers of the Optodev Workers Union-NAFLU-KMU were visited by agents of NTF-ELCAC (Region IV-A). The agents interrogated the union members and officers about union activities, dues, and their affiliation with KMU. The agents attempted to force members and officers to disaffiliate from KMU. These repeated home visits happened in Binan and Santa Rosa, Laguna, during the period of December 2019 to March 2020.⁹⁹

The residence of the Alcohil Workers Union-ANGLO-KMU president was visited by agents of NTF-ELCAC (Region IV-A) on several occasions. The agents interrogated the union president about union activities, dues, and the union's affiliation with KMU. The agents attempted to force members and officers to disaffiliate from KMU. These repeated home visits happened in Calabarzon during two periods: first in May to August of 2020 and also during January to November of 2021.¹⁰⁰

On October 5, 2019, management of the Coca Cola plant in Bacolod City held a meeting for all employees. Plant security personnel, accompanied by police officers, introduced Ka Tom Mateo, who described himself as part of President Duterte's intelligence services. Mateo denounced the union as a subversive organization and encouraged employees to disaffiliate from FCCU and SENTRO. Weeks later, on October 17, 2019, two men identifying themselves as AFP officers visited the home of an elected official of the Bacolod City Coca Cola union who worked at the plant and counseled him to replace the local union president.¹⁰¹

2. Interference with Certification Elections.

During efforts to certify ACT as the representative of public-school employees in Region III (Central Luzon) through an election, the GRP repeatedly interfered with the

⁹⁷ CGU Report Annex C-2.

⁹⁸ CGU Report Annex C-2.

⁹⁹ CGU Report Annex B-3(C).

¹⁰⁰ CGU Report Annex B-3(D).

¹⁰¹ ITUC Survey of Violations of Trade Union Rights, Entry of October 10, 2019.

workers freedom of association through intimidation and harassment. On October 11, 2019, a bogus organization called “PEACE-CL” raised a tarpaulin in voting precincts that urged workers to vote no, called ACT the “ALLIANCE OF COMMUNIST TEACHERS,” and displayed a number of other derogatory pictures and slogans. Similar derogatory tarpaulins were hung inside the Guiguinto Central School in Bulacan during the election period; those posters identified ACT Bulacan Coordinator, Digna Mateo, as a communist terrorist. Another tarpaulin was seen hanging at the Cristo Rey High School in Capas, Tarlac, on May 8, 2020. That posting identified ACT Region III Coordinator and other ACT leaders as communist terrorists.¹⁰²

On May 4 and 5, 2020, state forces used a helicopter to drop slanderous pamphlets in Zimbales. The papers contained information about the COVID-19 pandemic, but also contained pictures of ACT Region III Coordinator and other ACT leaders. The pamphlet described those traded union leaders as more dangerous than COVID because they are communist terrorists.¹⁰³

Shortly before the election, National Intelligence Coordinating Agency (NICA) Region III Director Rolando Asuncion named ACT and its Region III coordinator as fronts for the CPP-NPA to dissuade teachers from voting in favor of the union. NICA also conducted a one-day lecture on October 25, 2019, on Security Awareness and Orientation for Government Executives in the Department of Education, Tarlac Division. Again, ACT was identified as a front of the CPP-NPA and attendees were urged to vote against the union. During the election, on November 15, 2019, armed PNP officers monitored polling stations and took pictures of ACT poll monitors at the Pura Central School in Tarlac. PNP officers in full battle gear were deployed at polling precincts elsewhere in Tarlac as well, especially in Paniqui, La Paz, and Concepcion.¹⁰⁴

3. Disregard of Trade Union Rights.

The GRP has used allegations of terrorism as a justification for disregarding the rights of trade unions and circumventing legal processes of negotiation. The GRP’s contempt for trade union rights is clearest when it acts as an employer to public workers, as it does in the following examples.

The efforts of PNP management to avoid negotiating a collective negotiation agreement¹⁰⁵ with the union for its non-uniform employees illustrate the ways in which the terror-tagging of unions runs together with the GRP’s disregard of trade union rights. At first, PNP management refused to reply to the collective negotiation agreement proposals offered by the union, the PNP Non-Uniformed Personnel Inc (PNP NUPAI), an affiliate of the Public Services Labor Independent Confederation (PSLINK). In response to the

¹⁰² CGU Report Annex D-4.

¹⁰³ CGU Report Annex D-4.

¹⁰⁴ *Id.*

¹⁰⁵ Public sector collective bargaining agreements are called collective negotiation agreements in the Philippines.

union's social media campaign urging the PNP to bargain, management retaliated with social media posts red-tagging the union. PNP Chief Diebold Sinas not only red-tagged the union president, Sarah Lerum, but also began visiting regional offices spreading similar anti-union claims. As a result of baseless charges filed by management against union president Lerum, she was separated from the service; she is now appealing her discharge. The efforts of PNP management to discredit the union and intimidate its workforce were successful in leading many members to withdraw their support from the union.¹⁰⁶

On March 6, 2020, the Regional Director of the Department of Education for Region VII, Salaustiano T. Jimenez, certified the Regional Federation of Teachers Association as the bargaining representative of teachers in the region. The director's action was a statement of disregard of the rights of ACT, the accredited union for the teachers concerned, and an announcement of intent to blow off the impending negotiation of a new collective agreement with ACT.¹⁰⁷

4. Retaliation for Labor Protest.

On November 30, 2020, in the Mactan Export Processing Zone (MEPZ) in Lapu-Lapu City, SENTRO staged a rally at Gate 1 of the MEPZ to protest the termination of 300 workers of First Glory Phils, Inc. PNP officers quickly intervened. They began harassing the protesters and demanding they disperse. Then, the PNP officers arrested the organizers of the demonstration: Dennis Derige, Joksan Branzuela, Jonel Labrador, Myra Opada, and Crisito Pangan, all members of SENTRO or PM. Opada and Pangan were released on November 30, 2020, while the other three were jailed for one day.¹⁰⁸

On May 8, 2020, in the City of San Fernando, Pampanga, Coca Cola Beverage Philippines, Inc. dismissed three officers of the San Fernando Coca-Cola Rank and File Union (SACORU-FCCU-SENTRO-IUF) in retaliation for staging a peaceful rally in front of the San Fernando Plant to protest against unsafe conditions at the height of the pandemic. The dismissed individuals included Alfredo Marañon, president of the union. Management brought charges of economic sabotage against seven union officers, including Marañon.¹⁰⁹ On June 9, 2020, picketers were arrested by PNP personnel and detained. While the case was dismissed a prosecutor for lack of probable cause, PNP personnel continued to surveil Marañon. It later emerged that PNP personnel had colluded with Coca Cola security officers to arrange the arrest of the picketers.¹¹⁰

On March 5, 2019, at the Holcim Davao Plant in Bunawan, Davao City, workers affiliated with the Davao Holcim Employees and Workers Union (DAHEWU)-SENTRO began a strike. They protested Holcim, Inc.'s failure to regularize contract workers, its dismissal of 100 contract workers, and a host of other unfair labor practices. The picket

¹⁰⁶ CGU Report Annex E-1 & E-2.

¹⁰⁷ CGU Report Annex D-5.

¹⁰⁸ CGU Report Annex C-4.

¹⁰⁹ ITUC Survey of Violations of Trade Union Rights, Entry of June 8, 2020.

¹¹⁰ CGU Report Annex C-7.

line was attacked by armed men on five occasions: May 1, 2019; November 30, 2019; April 22, 2020; November 30, 2020; and February 10, 2021. After each attack, the union reported the incident to the police but no investigation ensued.¹¹¹

Amidst the physical attacks, the workers of DAHEWU suffered an equally dangerous rhetorical assault. Beginning on April 2019, a network of Facebook accounts began slandering the union and defending Holcim against the union's accusations. The accounts claimed that SENTRO was a legal front for the CPP-NPA and issued death threats against DAHEWU leaders. The accounts threatened union officers and members, urging them to cease their protest and accept the severance deal offered by Holcim.¹¹²

On August 19, 2019, PNP officers dispersed a picket line of workers demanding regularization of their employment status at Peerless Products Manufacturing Corporation in Calamba, Laguna. The officers arrested the workers and detained them overnight, without notifying the workers of the charges against them. These arrests were preceded by violent attacks on the striking workers by unidentified individuals.¹¹³ On June 28, 2019, at the same factory, the striking workers were attacked with batons, water canons, and thrown stones, leaving a number of workers with head injuries.¹¹⁴

On July 6, 2019, seventeen workers at the NutriAsia factory in Cabuyao City, Laguna were charged with a string of offenses after PNP agents and company security officers violently dispersed the protesting workers. The Department of Labor and Employment (DOLE) had ordered NutriAsia to put 714 contract workers on regular employment contracts in July 2017, and NutriAsia had simply ignored the order, giving rise to the workers' protest.¹¹⁵

IV. The Failure of Philippine Law to Facilitate Association, Organization, and Bargaining.

The law of the GRP does not afford workers in the Philippines their internationally recognized rights. Widespread misclassification prevents many workers from exercising their right to bargain collectively, as the Labor Code of the Philippines requires a specific kind of employer-employee relationship—one that employers now evade with impunity—to allow collective bargaining. Other workers are simply denied the right to bargain collectively because of their occupational category. Workers who do seek to assert their power through collective action, strikes, and other forms of protest must navigate a regime that allows the government to arbitrarily terminate strike actions and to throw peaceful strikers in jail for up to three years. Because of the Philippine law's broad definition of a strike, many forms of collective action may incur these penalties and are therefore chilled.

¹¹¹ CGU Report Annex C-6.

¹¹² *Id.*

¹¹³ ITUC Survey of Violations of Trade Union Rights, Entry of August 19, 2019.

¹¹⁴ ITUC Survey of Violations of Trade Union Rights, Entry of June 28, 2019.

¹¹⁵ ITUC Survey of Violations of Trade Union Rights, Entry of June 7, 2019.

ILO bodies have repeatedly urged the GRP to bring its labor laws in line with international standards, but the GRP has spurned every opportunity to do so.

A. Misclassification and Legal Exclusions Prevent Collective Bargaining.

Large numbers of Philippine workers cannot bargain collectively, in contravention of international standards. As a matter of law, the Labor Code of the Philippines and associated executive regulations forbid many workers from bargaining collectively.¹¹⁶ More importantly, however, widespread unlawful misclassification has allowed employers to evade the regular employment relationship that is the foundation of the Philippines's enterprise-based labor system. For the most part, these excluded and misclassified workers may only join workers associations, which cannot bargain collectively. Despite over a decade of prodding by the ILO, the GRP has failed to fix this fundamental failure to afford workers their internationally recognized rights. Indeed, the Duterte Administration turned away its chance to correct this failure by vetoing a 2019 reform bill.¹¹⁷

The Philippine labor code and associated case law create five categories of workers, but only one kind of worker can create organizations capable of collective bargaining: regular employees.¹¹⁸ Project-based, seasonal, casual, and fixed-term workers may join workers associations, which, unlike labor unions, are prohibited from engaging in collective bargaining.¹¹⁹ The right to bargain collectively aside, regular employees are entitled to a variety of social benefits under the Philippine constitution and labor code. In particular, regular employees benefit from statutes implementing the constitutional right to security of job tenure, which provides workers protection against anti-union discharges and thereby shelters union activities.¹²⁰

Formally, the Philippine labor law prohibits most of the obvious paths for evading regular employment relationships. Regular employees are those who have “been engaged to perform activities which are usually necessary or desirable in the usual business or trade of the employer.”¹²¹ If consistently rehired every season, the law considers seasonal employees to be regular employees on paid leaves of absence during the off season. Project employees, if rehired on successive contracts to do the same work, are also considered regular employees.¹²² Casual employees who are continuously hired by the same employer

¹¹⁶ Executive Order No. 180, § 4 (1987).

¹¹⁷ Darryl John Esguerra, *It's Official: Duterte Vetoes Security of Tenure Bill*, Philippine Daily Inquirer (July 26, 2019) (<https://www.rappler.com/nation/police-arrest-red-tag-assistant-principal-school-butuan-city>).

¹¹⁸ Labor Code art. 295.

¹¹⁹ Department of Labor and Employment Department Order No. 40-03, § 1(ff) (2003); *see also* ITUC, *Precarious Work in the Asia Pacific Region* 57 (2014).

¹²⁰ *See e.g.*, Labor Code art. 294.

¹²¹ Labor Code art. 295.

¹²² ITUC, *Precarious Work in the Asia Pacific Region* 58 (2014).

for the same task are likewise deemed regular employees, provided that the tasks are vital, necessary, and indispensable to the usual business or trade of the employer.¹²³

In practice, however, misclassification is rampant, with the result that workers who ought to be considered regular employees able to bargain are denied that right—among many others. The two most common methods employers use to disrupt the foundations of collective bargaining are hiring through intermediaries and using “endo” contracts, both of which are unlawful forms of long-term employment. Labor-only contracting allows employers to avoid the employer-employee relationship, a prerequisite to collective bargaining, by hiring through a manpower agency. Businesses can then resist unionization and bargaining drives by insisting that the intermediary is the proper employer with which to bargain, even though the intermediary has no control over the work. Other employers use “endo” schemes—short for end of contract—to deny workers their rights. Endo schemes involve the consistent renewal of five-month contracts. Under this arrangement, employers treat their workers as casual employees who are not entitled to unionize or as probationary employees who lack job security protections.¹²⁴ In either case, the arrangements keep workers in a state of precarity that chills the exercise of internationally recognized worker rights.

Labor-only contracting and endo employment are legally prohibited, yet legal remedies for misclassification provide insufficient protection.¹²⁵ The risk of adverse employment action and the cost of legal proceedings in resources and time make suits for regularization a hazardous prospect. Most Philippine workers lack the time and resources to wage these battles, which can drag on for years, during which time employers might retaliate. When workers protest and strike to attempt to regularize their employment status, they have faced not only discharge from employment but also physical assault by company security and others.¹²⁶

Other employees are denied the right to bargain collectively due to formal legal exclusions, rather than the pervasive practice of misclassification. Managerial workers, firefighters, and prison guards may only join workers associations, which cannot bargain collectively. Foreign nationals may only join unions if their home country allows overseas Filipino workers to join unions.¹²⁷ Workers with access to confidential information also may not bargain collectively.¹²⁸ Employers have used this prohibition to obstruct the

¹²³ Labor Code art. 295.

¹²⁴ Labor Code art. 296.

¹²⁵ Labor Code art. 295; Department of Labor and Employment, Departmental Order No. 174 §§ 4–5 (2017) (<https://blr.dole.gov.ph/news/department-order-no-174-series-of-2017-rules-implementing-articles-106-to-109-of-the-labor-code-as-amended/>).

¹²⁶ See e.g., ITUC Survey of Violations of Trade Union Rights in the Philippines, Entry of December 12, 2019.

¹²⁷ Labor Code art. 284.

¹²⁸ *San Miguel Supervisors and Exempt Employees Union v. Laguesma*, G.R. No. 110399 (Aug. 15, 1997) (Phil.) (https://lawphil.net/judjuris/juri1997/aug1997/gr_110399_1997.html).

unionization of large numbers of employees in informational technology and BPO services, a large and fast-growing segment of the Philippine economy.

B. State Interference in and Punishment for Labor Action.

In contravention of international standards, the GRP unlawfully restricts workers' right to protest and to strike, both of which are core components of the freedom of association. Again, in contravention of international standards, the GRP subjects peaceful strikers to criminal sanctions for minor violations of notice requirements, in addition to forfeiture of employment. Yet Philippine law discourages and punishes a far broader set of concerted actions than those typically associated with the term strike. The definition of a strike is so broad, under Philippine case law, that almost any concerted protest action exposes workers to these steep penalties, deeply chilling the exercise of workers' rights.

As the ILO's Freedom of Association Committee has observed, "[t]he right to strike is an intrinsic corollary to the right to organize protected by Convention No. 87." As a result, prohibitions on strikes in the private sector are only acceptable when applied to "workers in essential services in the strict sense of the term, i.e. services whose interruption could endanger the life, personal safety or health of the whole or part of the population."¹²⁹

In the Philippines, the right to strike may be taken away at the pleasure of the executive branch. The Labor Code of the Philippines only accords the right to engage in strikes that are "consistent with the national interest."¹³⁰ The code further provides that "President of the Philippines shall not be precluded from determining the industries that, in his opinion, are indispensable to the national interest, and from intervening at any time and assuming jurisdiction over any such labor dispute in order to settle or terminate the same."¹³¹ Once the President of the Philippines or the Secretary of the Department of Labor and Employment assumes jurisdiction, employees must "immediately return to work" and further strike action is deemed illegal.¹³²

As a result, the GRP president has the unilateral authority to terminate strikes, deem further strike action illegal, and to order the underlying labor disputes to compulsory arbitration. The President thus has authority to end private-sector strikes even where "essential services" are not implicated, thereby violating workers' right to associate.

Additionally, the right to strike may be deprived by the Secretary of the Department of Labor and Employment, whose authority is not limited to "essential services in the strict sense of the term," as the freedom of association requires. Under Departmental Order 40-H-13, the hospital sector, electric power industry, water supply services (excluding small water supply services such as bottling and refilling stations), and air traffic control services are all deemed "indispensable to the national interest." Additionally, the National

¹²⁹ International Labor Organization, *Compilation of Decisions of the Committee on Freedom of Association* ¶779 (6th ed. 2018).

¹³⁰ Labor Code art. 219(o).

¹³¹ Labor Code art. 278(g).

¹³² *Id.*

Tripartite Industrial Peace Council—a body whose membership is appointed by the executive¹³³—may recommend further industries worthy of the same treatment. Therefore the right to strike in the Philippines may only be exercised subject to the GRP’s unconstrained power to order the dispute to compulsory arbitration and declare further action illegal.

The broad definition of striking employed by Philippine courts means that nearly any labor protest runs the risk of being deemed a strike, with the result that workers may face harsh sanctions. The letter of Philippine law defines strike in line with international standards. A “‘strike’ means any temporary stoppage of work by the concerted action of employees as a result of an industrial or labor dispute,” according to article 219(o) of the Labor Code of the Philippines.¹³⁴

In practice, however, the Philippine courts have taken the view that a strike does not require any stoppage of work, as shown by the Supreme Court’s decision in the Dusit Hotel case. After a bargaining deadlock of over a year, a number of male hotel workers shaved their heads to protest their employer’s inaction. Management, claiming a violation of the hotel’s grooming standards, refused to allow them to work and claimed that the protest constituted an illegal strike because of the action did not comply with notice requirements. The Second Division of the Supreme Court held that the employees’ act of cutting their hair constituted a strike. The Court reasoned that because the employees were trying to influence their employer through an alleged violation of company policies, their action was an illegal strike committed knowingly, thus justifying the discharge of 29 union officers. In a case subsequently filed by the unions, “[t]he [ILO’s Freedom of Association] Committee consider[ed] that equating the mere expression of discontent, peacefully and lawfully exercised, with a strike per se results in a violation of the freedom of association and expression.”¹³⁵

The penal sanctions applicable to participants in peaceful strikes later deemed illegal makes the amorphous definition of a strike far more chilling to the exercise of core labor rights. Under Articles 279 and 287 of the Labor Code of the Philippines, peaceful strikers may be sentenced to up to three years in prison. According to several complaints submitted by labor organizations to the ILO, these legislative provisions have been used to target union officers and strike leaders with dismissal. ILO bodies have repeatedly urged the GRP to amend these rules to bring them into compliance with international labor standards, but no progress has been made.¹³⁶

¹³³ Labor Code art. 290.

¹³⁴ International Labor Organization Freedom of Association Committee, Case No. 2716, Report No. 358 (November 2010).

¹³⁵ *Id.*

¹³⁶ Committee of Experts on the Application of Conventions and Recommendations, International Labor Organization, *Observation on Convention No. 87 in the Philippines* (adopted 2020, pub’d 109th ILC session 2021).

V. Conclusion.

Under the Duterte Administration, the GRP has taken few, if any, steps to secure trade union rights and many steps to restrict them. The GRP's rhetoric has created a climate of violent anti-unionism in which the rights to associate, organize, and bargain can only be exercised at great personal risk. Trade unionists have been the victims of extrajudicial killings, which the GRP has encouraged through its rhetoric and investigative inaction. The price of labor protest and advocacy is all too frequently arbitrary and retaliatory arrest and public denunciation by military and police authorities. The GRP has made a practice of interfering with the exercise of basic trade union rights and retaliating against those who exercise them. Indeed, many workers lack basic labor rights, such as the non-regular workers who cannot bargain collectively. Employers have taken advantage of official state hostility with aggressive moves to break unions.

As the GRP has failed to afford workers in its territory the rights to associate, organize, and bargain, its designation as a beneficiary country under the GSP program should be suspended pursuant to 19 U.S.C. §2461 et seq.

The Philippines must take substantial steps to afford workers their internationally recognized workers' rights and establish its eligibility to participate in the GSP. The following actions would represent important steps toward that goal.

Internationally recognized workers rights cannot be exercised until the GRP takes steps to prevent the extrajudicial killing of trade unionists and to investigate the killings that have occurred. In particular, the GRP must reactivate the Inter-Agency Committee on Extrajudicial Killings. That body has remained dormant even as the police forces of the GRP continue to refer cases to it. The GRP must adequately fund the National Tripartite Peace Council-Monitoring Body and its regional affiliates, the Regional Tripartite Monitoring Bodies, to allow trade unions and other civil society groups the ability to ensure that extrajudicial killings are being investigated. To ensure that investigations may obtain all necessary information, the GRP must also invest in witness protection programs.

The GRP must deeply alter its labor code to allow workers to realize their internationally recognized rights. Most importantly, the GRP must end "Endo"—the pervasive and illegal misclassification that erects almost insurmountable barriers to the rights to organize and bargain. The GRP can do so by passing the recently vetoed Tenure of Security Bill, repealing DOLE department order No. 174 (2017), and codifying existing case law that adopts the control test for determining whether an employer-employee relationship exists. Employee contracting would be, under this legislation, limited to work done for clients by firms with specialized technical knowledge not within the competence of the principal employer.

The GRP must allow workers their right to strike, a core component of the international recognized right to freedom of association. The executive's authority to order compulsory arbitration of labor disputes and thereby end strikes must be limited to essential services, narrowly defined. The labor code should be clarified to ensure that no non-violent strike actions result in penal sanctions for strikers. Further, the labor code must prohibit the dismissal of striking union officers unless they have perpetrated violent acts in the course

of strikes. The ban on strikes for public workers must also end; as the above has shown, public workers are direly in need of a means to counteract government persecution.

The GRP must lower bureaucratic barriers to the exercise of the rights to associate and to organize. The number of employees required to establish an independent union should be reduced from twenty percent to five percent, and the number of affiliates required to form a federation or national union should be reduced to five. Labor organizations should be permitted to register online with same-day effect, as proposed by Senate Bill 714, to give young unions the legal personality needed to protect themselves.

The GRP must empower its labor authorities to protect workers from retaliation for exercising their international recognize rights. As proposed in House Bill 4446, the National Labor Relations Commission should be empowered to issue status quo injunctions pending review of unfair labor practice cases to retaliation against workers seeking to assert their rights.

The GRP must also work to undo the effects of its anti-labor policies, particularly in areas under the control of the Philippines Economic Zone Authority, and to inform workers of their rights. To that end, the GRP must undertake a public relations campaign informing workers of their labor rights, providing a means for reporting violations of those rights, and clarifying that those rights exist in PEZA's jurisdiction as well as elsewhere. JIPCO, AIPPO, and other institutions for militarizing labor relations in the special economic zones must be abolished and not replaced to enable workers to exercise their rights and ensure that the labor code is enforced in the zones as it is elsewhere.

To confirm progress and avoid backsliding, the GRP must also permit a high-level tripartite mission from the ILO to physically visit the country.

APPENDIX



Council of Global Unions - Pilipinas

Report on the Continued Violation of Trade Union Rights
particularly ILO Convention No. 87 in the Philippines

6 September 2021

Council of Global Unions - Pilipinas

Report on the Continued Violation of Trade Union Rights particularly ILO Convention No. 87 in the Philippines

6 September 2021

The following report is an update for the Council of Global Unions (CGU) concerning continuous violation of ILO Convention No.87 in the Philippines.

I. Introduction / Context

In June 2019 **serious violations of ILO Convention No. 87 in the Philippines were reported to the Committee on the Application of Standards (CAS)** in the International Labour Conference. This led the 2019 Conference Committee to request that the Philippine Government receive a **high-level tripartite mission (HLTM)**. Unfortunately the government dragged its feet and opted not to extend an invitation to the ILO High level Mission until April of 2020 when the COVID-19 pandemic continued to impose travel restrictions on international travel.

In the meantime the situation has deteriorated in the Philippines, with **continued killings of trade unionists**, violence and threats of violence, and the use of false allegations of ties with armed insurgency ("**red-tagging**" or "**terrorist tagging**") to intimidate, threaten, and harass workers involved in union organizing. This environment of fear has undermined the ability of workers to exercise the rights protected by ILO Convention No. 87. As the ILO Committee on Freedom of Association has determined in the past as recorded in the digest of decisions (2018) regarding an environment of fear:

The rights of workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected.

The violations contained in this report, all of which occurred subsequent to the period covered by the June 2019 report, are **clearly substantiated**. Failure on the part of the Philippine government to address these issues in a timely and effective manner will further lead to other violations that are yet again irreparable in nature, obviously including the killings of even more trade unionists.

II. The Philippine Government failed to comply with any of the recommendations contained in the 2019 Committee on Application Standards Report.

The Committee on the Application of Standards stated in its Conclusions (108th Session, Geneva, June 2019) that

The Committee noted with concern the numerous allegations of murders of trade unionists and anti-union violence as well as the allegations regarding the lack of investigation in relation to these allegations.

Taking into account the discussion of the case, the Committee requests the Government to:

- *take effective measures to prevent violence in relation to the exercise of workers' and employers' organizations legitimate activities;*
- *immediately and effectively undertake investigations into the allegations of violence in relation to members of workers' organizations with a view to establishing the facts, determining culpability and punishing the perpetrators; 26 ILC108-PVCCL.3-(Conclusions and adoption outcome)-CApp-NORME-190611-18-EFS.docx*
- *operationalize the monitoring bodies, including by providing adequate resources, and provide regular information on these mechanisms and on progress on the cases assigned to them; and*
- *ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention.*

The CAS further states that:

“The Committee calls on the Government to accept a high-level tripartite mission before the next International Labour Conference and to elaborate in consultation with the most representative workers' and employers' organizations, a report on progress made for the transmission to the Committee of Experts by 1 September 2019.”

With respect to the Observation (CEACR) - adopted 2020, published 109th ILC session (2021) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) Philippines (Ratification: 1953) it was mentioned that -

*“The Committee notes that, in its supplementary report, the **Government indicates that it addressed the points raised by the Conference Committee in its 2019 report, that it continues to make reforms and to take measures with the social partners to ensure conformity with ratified labour standards and that it stands ready to accept an ILO mission in the coming years but requires further clarification as to what constitutes “effective measures” to prevent violence against workers; what constitutes “immediate and effective investigation” that would ensure compliance with the Convention; and what measures the Government should take to satisfy the Conference Committee’s request to ensure workers’ right to self-organization.**”* (underscoring ours)

Instead of addressing the issues, the Government mentioned above that it "requires further clarification as to what constitutes 'effective measures' to prevent violence against workers; what constitutes 'immediate and effective investigation' that would ensure compliance with the Convention; and what measures the Government should take to satisfy the Conference Committee's request to ensure workers' right to self-organization."¹

It is clear that the Philippine Government was simply feigning ignorance as regards the appropriate measures and courses of action it needs to take to comply with Conv. 87 since there is ample jurisprudence on this matter:

101. All allegations of violence against workers who are organizing or otherwise defending workers' interests should be thoroughly investigated and full consideration should be given to any possible direct or indirect relation that the violent act may have with trade union activity. (See 356th Report, Case No. 2528, para. 1143.)

114. A climate of violence, coercion and threats of any type aimed at trade union leaders and their families does not encourage the free exercise and full enjoyment of the rights and freedoms set out in Conventions Nos. 87 and 98. All States have the undeniable duty to promote and defend a social climate where respect of the law reigns as the only way of guaranteeing respect for and protection of life. (See the 2006 Digest, para. 58; 342nd Report, Case No. 2441, para. 627; 346th Report, Case No. 2528, para. 1459; 349th Report, Case No. 2561, para. 381; 351st Report, Case No. 2528, para. 1226; 356th Report, Case No. 2669, para. 1253; and 378th Report, Case No. 2254, para. 842.)

116. The environment of fear induced by threats to the life of trade unionists has inevitable repercussions on the exercise of trade union activities, and the exercise of these activities is possible only in a context of respect for basic human rights and in an atmosphere free of violence, pressure and threats of any kind. (See the 2006 Digest, para. 60; 367th Report, Case No. 2853, para. 482; and 378th Report, Case No. 3119, para. 668.)

Despite the clear guidance provided by jurisprudence, the Government simply failed to take serious and meaningful actions meant to comply with the CAS Recommendations. The Philippine Government's inaction encouraged the intensification of attacks, red-tagging, intimidation, and harassment of trade unionists, as outlined in Section **III and the Annexes**.

From 2019 to the present, the Philippine affiliates of Council of Global Unions have documented seven (7) killings of trade unionists, sixteen (16) cases of arrests and detention, twelve (12) cases of forced disaffiliation, state interference with the right to self-organization, through threats, harassment and intimidation, seventeen (17) cases of red-tagging/terrorist-tagging/intimidation/harassment and two (2) cases of other anti-union activities.

¹ Observation (CEACR) - adopted 2020, published 109th ILC session (2021) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Philippines (Ratification: 1953).

III. Specific cases of killings of trade unionists: the gravest and most immediate concern

In the following cases we document the assassination of trade unionists and the climate of fear and violence that has been allowed to persist unchallenged since June 2019. These cases all constitute violations of ILO Convention No.87 that must be addressed urgently at international and national level.

At the same time, while it is imperative that the Philippine Government comply with ILO Conventions, we hope that the Philippine Government will eventually realise that this matter is much more important than simply violations of Convention 87; we are talking here about individuals being killed, families being left behind, terrified and traumatized colleagues having to continue the work left by behind be their friends and colleagues

Allow us to highlight just some of the instances of assassination of trade unionists.

1. Emmanuel “Manny” Asuncion

Manny, a union leader in Enlin Steel Philippines, organized workers in the Cavite Export Processing Zone (CEPZ) and eventually served as secretary-general of the labor alliance, Solidarity of Cavite Workers (SCW), and coordinator for Bagong Alyansang Makabayan in Cavite Province. He was brutally murdered on March 7, 2021 at the Workers Assistance Center (WAC) in Dasmariñas, Cavite (Region IV-A) by elements of the Philippine National Police-Region IV-A. He sustained six gunshot wounds. He was a long-time trade union organizer with the Workers Assistance Center as well as a workers’ leader in Cavite, in cooperation with OLALIA-KMU

The PNP alleged that the victim “fought back”.

The case was referred to the Inter-Agency Committee (IAC) on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons, an agency created under Administrative Order 35.

2. Dandy Miguel

Dandy Miguel was the President of the Lakas ng Nagkakaisang Manggagawa sa Fuji Electric Philippines-OLALIA-KMU (Power of United Workers of Fuji Electric Philippines.) Dandy Miguel was also the Vice Chairperson of the Pagkakaisa ng Manggagawa sa Timog Katagalugan (PAMANTIK; Solidarity of Workers in Southern Tagalog), the regional chapter of Kilusang Mayo Uno in Region IV-A, and National Council Member of KMU.

In the evening of March 28, 2021, Dandy Miguel, 35 years old, was riding his motorcycle on his way home after a meeting with union leaders in Calamba, Laguna, when he was cornered by two motorcycles and was shot multiple times by unknown assailants. He died from eight gunshot wounds. It is apparent that the motive was his trade union leadership. He was a KMU National leader, in fact the main trade union leader of CALABARZON Region, which is home to the biggest industrial parks in the country. He led the filing of complaints of trade union rights violations against union leaders and members

in CALABARZON since 2019, including the Bloody Sunday cases of March 7, 2021, where a total of nine (9) activists were killed and nine (9) were arrested.

3. Leonides "Dennis" Sequeña

Leonides "Dennis" Sequeña, a labor organizer/educator from Partido Manggagawa (Workers Party) was assassinated on June 2, 2019 while giving a seminar to workers. According to accounts, one of the participants in the seminar told him that there was someone looking for him just outside the seminar room. He then stepped out to speak to the visitor but was instead shot as soon as he stepped out.

No case has been filed before the court on his murder because police investigators have so far failed to identify any of the perpetrators. But due to extensive media coverage, the Department of Justice, invoking AO 35, formed a task force and ordered a probe into Dennis Sequeña's killing. Unfortunately, no official report/update has ever come out of this case up to this moment..

4. Leonardo Escala

Leonardo Escala ("Ka Esca), union president of the Manila port operator, International Container Terminal Services Incorporated (ICTSI), was shot dead on February 7, 2021 in Manila. According to the police report, Escala, 59, was with his niece, 4, when unidentified assailants shot them multiple times before speeding off aboard a scooter at around 7:20 pm. The police also mentioned that he had received death threats in relation to his work as ICTSI union president. A high official of the National Federation of Labor Unions (NAFLU), where Mr. Escala's union is affiliated with, stated that nothing came out of the investigations of the Philippine National Police and the National Bureau of Investigation, which is an agency under the Department of Justice.

The Unions in the Philippines are not aware of any conviction of the perpetrators of these dastardly crimes.

IV. Weaponization of the law and abuse of institutions in order to weaken trade unions through red-tagging, the Anti-terror law, and other forms of harassment.

The most devastating way of killing freedom of association is through the rampant use of "red-tagging" or "terror-tagging". Red/terror-tagging is the practice of the State in making the baseless accusation that specific labor unions and identified union activists are members of so-called "communist-terrorist organizations". This accusation is enough for trade union leaders, organizers or members to be detained and questioned by the military and police. It needs no evidence. Just the accusation. What makes red-tagging even more insidious is that these accusations are not necessarily made through official, verifiable channels. Anyone from the security forces, police or military, with or without uniforms, in military bases or police stations, or in the street or in workers' homes, can tag a trade union leader or organizer as "red". This adds to the uncertainty and heightens the fear.

The multiplier effect occurs when workers hear of these allegations and – out of fear of also being tagged as red – withdraw their support from the union. They change their minds and vote "no" to being represented by a union, quit their union, or join another union that pledge allegiance to the government and are thereby declared politically acceptable by the armed forces.

This also creates opportunities for employers, as they can rid their workplaces of trade unions they don't like. Workers end up joining only those unions deemed politically safe by the security forces and acceptable by employers. In some cases employers have invited the security forces to visit the workplace to instill this fear.

As a consequence workers in the Philippines can no longer exercise their internationally recognized right to freedom of association. They are not free to form or join trade unions of their own choosing. Any choice they make is determined by the security forces and – in several cases – employers. They are told who they cannot and should not support. They come to understand that choosing a trade union is no longer based on whether that union can defend and advance their rights and interests. It is instead based on the likelihood of being targeted as a supporter of the armed insurgency. It's no longer about rights, but risks. At this point national laws guaranteeing the right to freely join a union become utterly meaningless.

Here are some blatant examples:

1. Public School Teachers in CARAGA and Davao

Members of the Alliance of Concerned Teachers were asked to disaffiliate from their union and "pledge allegiance to the Government".

The ACT Union Caraga region is part of the Alliance of Concerned Teachers. ACT Unions have been organizing teachers across the country since 1982.

On 06 May 2021, 604 public school teachers from the Butuan City division were made to attend the "SEMINAR ON NATIONAL SECURITY CONCERN AND DISAFFILIATION

FROM ACT” co-organized by the National Task Force to End Local Communist Armed Conflict and the Department of Education - Caraga.

Teachers in attendance were made to sign a tarpaulin to signify their disaffiliation from ACT and to take an oath pledging their loyalty to the government. Besides committing an outright violation of teachers’ freedom of association, DepEd-Caraga also subjugated teachers to a physical activity where infection risk is high. DepEd violated its own order on the prohibition of military operations and interference within the agency.

The affected parties are the teachers affiliated with and supportive of ACT Union Caraga.

The 4th Infantry Division of the Philippine Army posted on its website an article on May 09 describing the event and hailing the 604 public school teachers from Butuan City who allegedly withdrew their support for ACT through a ‘Pledge and Signing Commitment Ceremony.’ In conjunction with the NTF-ELCAC-DepEd seminar, military personnel have initiated a campaign of disaffiliation from ACT among public school teachers. ACT leaders have been visited in their homes and schools and were asked to sign a document that declared their withdrawal of membership from ACT.

In Butuan City, the 604 teachers who were made to attend a convergence organized by the RTF-ELCAC and DepEd-Caraga were also made to take a ‘pledge of loyalty’ to the government and sign a tarpaulin to signify their disaffiliation from ACT. ACT leaders also reported being threatened with inclusion of their names in “the next set of warrants” to be released against activists in the locale.

ACT released a press release and statement regarding the matter, which demanded an immediate investigation on the matter. DepEd Caraga did not address their violation of teachers’ freedom to organize and unionize.

Ms. Pilar Barredo, Secretary-General Alliance of Concerned Teachers (ACT) Union – Davao Region is also a victim of red-tagging. On July 22, 2020, Ms. Pilar Barredo learned that “WANTED” posters with her name and photograph and those of 8 other activists were posted along the streets of Barangay Ma-a, Davao City. The Wanted poster labelled them as “TERRORIST RECRUITERS.” On July 23, 2020, some of her friends, her family and even former students informed her that they saw the same posters in several places, including the vicinity of Assumption College of Davao (ACD) and near the Philippine Statistics Authority (PSA) along Cabaguio Avenue, Barangay Agdao, Davao City. It caused her anguish, and she said, “I was put to shame and felt morally damaged, and I have never been more worried for my life and my family since then.”

As Secretary-General of ACT Davao Region, she has the responsibility to effectuate the organizational programs and commitments regarding teachers’ rights and privileges, conduct teacher seminars and orientations, join multisectoral and sectoral mobilizations, participate in media interviews whenever called for and facilitate teachers’ concerns during collective bargaining agreement (CBA) and collective negotiation agreement (CNA) sessions.

2. Coca Cola Workers

The NTF-ELCAC has been trying to erode workers' confidence in the Federation and Cooperation of Cola, Beverage, and Allied Industry Unions (FCCU-SENTRO-IUF), attempting to convince them to disaffiliate from the organization. The NTF-ELCAC has repeatedly tagged the FCCU as a front organization of the country's communist insurgency.

Among the tactics employed to deceive and intimidate workers are house visits by persons claiming to be military/police and part of the NTF-ELCAC, orientations tagging FCCU-SENTRO leaders and organizers as "reds" (some of these in town hall meetings convened by corporate management, others are orientations hosted by local government units), police harassment of union elections and meetings, as well as the urging of workers to support "non-radical" unions, which almost always mean company unions. From 2019 to 2021, these incidences of red-tagging were documented in the National Capital Region, Ilagan (Isabela), San Fernando (Pampanga), Bacolod, Davao, Tagum, and General Santos.

Last January 26 2021, 30 workers of the CCBI Parañaque Distribution Center were invited to the PNP's Camp Bagong Diwa for an orientation, only to end up being presented as "NPA surrenderees", later changed to "balik-loob", by the PNP the next day.

Other examples of red-tagging abound among the workers of Coca-Cola Philippines. On November 1, 2020 a certain Captain Jacobo gave an "orientation" to Coca Cola workers of the Davao Distribution Center. He claimed that the FCCU and its national President Alfredo Marañon are members of Kilusang Mayo Uno (KMU) and supporters of the New People's Army. Moreover, Captain Jacobo encouraged workers to vote for the SOMINCOCBLU union instead of the FCCU for their certification election.

Since January 23, 2021 union members of the Nagkakaisang Manggagawa ng Buong Lohistika at Distribusyon ng Coca-Cola (NMLDCC-FCCU-SENTRO), mostly logistic drivers of Coke warehouses in the Greater Manila Area (Antipolo, Malabon, and Parañaque Distribution Centers) are being pressured to attend "orientation events" by a certain Col. Lambert Suerte in the PNP's Bagong Diwa Camp. They are told that participation in these events is an opportunity for them to "clean or clear their names" by stating that they are not involved in, support, or form part of the Communist Party of the Philippines-New People's Army (CPP-NPA).

On August 17, 2021 two (2) persons in civilian clothes and riding a single motorcycle visited the house of the NMLDCC-FCCU-SENTRO union's vice president. One of them introduced himself as Roy Lim Jacinto, and claimed to be part of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).

The NTF-ELCAC personnel tried to convince him to replace the union president, Alfredo Marañon, alleging that he was a former member of a leftist organization. They expressed interest in knowing more about the FCCU. They also convinced the union officer to invite their president to attend a meeting with NTF-ELCAC personnel.

As this reports in being prepared, agents of NTF-ELCAC continue to conduct "visits" among members of NXP Workers Union-NAFLU-KMU and Wyeth Philippines Progressive

Workers Union-DFA-KMU, intimidating them into divulging information about their union officers, union activities and even about their union dues, threatening them with ‘trouble’ and even arrest if they do not disaffiliate with their federations and KMU. The Joint Industrial Peace Coordinating Office or JIPCO mobilized police forces in Bulacan to red-terrorist tag the union in Supreme Steel Pipe Corp., and interfere in its affairs such as meetings and local elections, leading to installing a management union.

3. Civilian Employees of the Philippine National Police (PNP)

The officers and members of the PNP-NUPAI-PSLINK, a public sector union whose members are civilian employees of the Philippine National Police, were the victims of "red-tagging", even as no less than the then Chief of the PNP categorically stated that he is opposed to any negotiation with regard to the Collective Negotiation Agreement proposal submitted by the Union.

The PNP Management led by former Chief Debold Sinas committed Unfair Labor Practices and red tagging against the PNP NUPAI particularly Sarah Lerum, the union president. The PNP management issued a response opposing the PNP NUPAI’s Collective Negotiation Agreement (CNA) proposal - and only after the latter made follow ups.

When the union initiated a social media campaign in support of the CNA, its officers and members became the subject of threats, harassment and red-tagging by the PNP Management. False information linking PNP NUPAI and PSLINK to communists were spread.

Former PNP Chief Sinas made anti-union pronouncements during his visits to regional offices creating fear among PNP civilian employees and violating their freedom of association. Known union leaders and members as well as new employees were discouraged from participating in or supporting the union. Management has also filed 2 baseless cases against Lerum in an effort to further undermine the union and instill fear among its members. The cases have caused her separation from service and is currently under appeal.

The actions undertaken by the PNP Management led to a significant number of members withdrawing their membership to the union.

4. Criminalization of Unionization

Criminalization includes the filing of trumped-up criminal charges against trade union activists, using baseless search warrants and warrants of arrest, in order to carry out arbitrary arrest and detain them indefinitely. In the case of the simultaneous raids on December 10, 2020, seven activists were rounded up in different parts of Metro Manila using search warrants issued by Executive Judge Cecilyn Burgos-Villavert. Those arrested on this day are now known as the Human Rights Day 7. Five of them are trade union activists, who are now facing charges of illegal possession of firearms and explosives, while the two others were released after a local court ruled that the search warrant was invalid and instantly dismissed the case. In June 3, 2019, the first trade union activist arrested by the Duterte Administration, Maoj Maga, was convicted by a local trial court on mere allegations of illegal possession of firearms -a crime he did not commit and had no

factual basis at all. (Cases of Illegal Arrests in Annex) There is also institutional failure when the courts are being used against trade unionists. The Duterte Administration has weaponized the law to wield it against organized workers and people, critics and dissenters.

Attached are the following Annexes that document yet more cases of "red-terrorist-tagging, threats, harassment and intimidation:

Annex	Name of Victim/ Organization	Date	Brief description
Killings of Trade Unionist			
B-1 (A)	1. Emmanuel Asuncion	March 7, 2021	Secretary General of Solidarity of Cavite Workers killed when police served search warrant at office of the Workers Assistance Center
B-1 (B)	2. Dandy Miguel	March 28, 2021	President of Fuji Electric union cornered by two motorcycles and was shot multiple times by his assailants
B-1 (C)	3. Felipe Dacal-Dacal	June 7, 2019	Active member of NFSW shot repeatedly by one Marlon "Astro" Fajardo of Toboso while having dinner at home
B-1 (D)	4. Jose Jerry Catalogo	June 3, 2020	Officer of a local affiliate of NFSW found dead with two gunshot wounds in the head
B-1 (E)	5. Antonio Arellano	February 2, 2021	Chairman of agri workers organization affiliated with NFSW shot dead by 4 unidentified assassins
B-1 (F)	6. Rey Malaborbor	November 4, 2019	Pioneer member of PAMANTI-KMU repeatedly shot in the head by an unidentified man while walking with his wife near their residence
F	7. Leonides "Dennis" Sequeña	June 2, 2019	Gunned down after conducting a Basic Trade Union Rights seminar for ecozone workers inside a Daycare Center in Workers Ville, Brgy. Bunga in Tanza, Cavite
Arrests and detention of trade unionist			
B-2 (A)	1. Florentino "Pol" Viuya Jr	March 30, 2021	Chairman of Workers Alliance in Region III (WAR III-KMU) charged with illegal possession of firearms and explosives; Still

			detained and cannot avail of pretrial remedies
B-2 (B)	2.Esteban “Steve” Mendoza	March 7, 2021	EVP of OLALIA-KMU charged with illegal possession of firearms and ammunitions and illegal possession of explosives
B-2 (C)	3.Elizabeth Camoral	March 7, 2021	Former president of F.Tech Workers Union facing charges of illegal possession of firearms
B-2 (D)	4.Eugene Eugenio	March 7, 2021	President of ARROWS, a union of Antipolo City Hall employees facing charges of illegal possession of firearms
B-2 (E)	5.Arned Lagunias	March 4, 2021	Former secretary of union at Honda Cars facing charges of illegal possession of firearms and explosives
B-2 (F)	6.Ramir Corcolon	March 4, 2021	President of SPCWDEA and Secretary-General of WATER facing charges of illegal possession of firearms and explosives
B-2 (G)	7.Romina Astudillo, Mark Ryan Cruz, Jaymie Gregorio	December 10, 2020	Recently-elected KMU-NCR officers facing charges of illegal possession of firearms and explosives
B-2 (H)	8.Dennise Velasco	December 10, 2020	Member of Defend Jobs Philippines facing charges of illegal possession of firearms and explosives
B-2 (I)	9.Jose Bernardino	December 4, 2020	Member of WAR III-KMU facing charges of rebellion and illegal possession of firearms and ammunition and illegal possession of explosives
B-2 (J)	10. Ramon Rescovilla	September 7, 2021	Vice President of PISTON and Deputy Secretary General of CONDOR-PISTON BICOL charged will illegal possession of firearms and murder
B-2 (K)	11. Noli Rosales and 21 Ceres Bus Worker	October 31, 2019	Arrested during simultaneous police-led raids in Bacolod City along with twenty-one bus workers having a consultation meeting with Rosales at the KMU-Negors Office

B-2 (L)	12. Mary Anne Krueger	October 31, 2019	Arrested during simultaneous police-led raids in Bacolod City and facing charges of illegal possession of firearms
B-2 (M)	13. Marklen Maojo Maga	June 3, 2019	PISTON-KMU member convicted of illegal possession of firearms and murder which is under appeal before the Court of Appeals
C-4	14. Dennis Derige, Joksan Branzuela, Jonel Labrador, Myra Opada and Cristito Pangan	November 30, 2020	Arrested during a protest action at the MEPZ on the issue of the dismissal of 300 workers at the First Glory, Phils.
D-2	15. Rosanilla “Lai” B. Consad	March 17, 2021	Secretary General of ACT Region XIII arrested for attempted homicide and red-tagged in a press conference of held by state security officials
C-7	16. Alfredo R. Marañon	May 8, 2019; June 9, 2020	Union president of San Fernando Coca-Cola Rank and File Union (SACORU-FCCU-SENTRO-IUF) red-tagged and arrested for leading peaceful protest actions against illegal dismissal

Forced disaffiliation, state interference with the right to self-organization, through threats, harassment and intimidation

A	1. The RedSystem Company Inc., Employees Association – Federation of Free Workers (TRCIEA-FFW)	June 2019	A certain Master Sargeant Omar Maranon Fernandez talked to several union members and invited them to a seminar to form a new union.
B-3 (A)	2. NXP Workers Union	May 7, 2020; May – August, 2021	Agents of the NTF ELCAC in Region IV A “visited” the residences of workers in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU
B-3 (B)	3. Wyeth Philippines Progressive Workers Union	November and December 2020;	Agents of the NTF ELCAC in Region IV A “visited” the residences of workers in various instances, threatening them and asking them to “cooperate” with the NTF,

		February – August 2021	interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU
B-3 (C)	4. Optodev Workers Union	December - March 2020	Agents of the NTF ELCAC in Region IV A “visited” the residences of workers in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU
B-3 (D)	5. Alcophil Workers Union -NAFLU-KMU	May - August 15, 2020; January - November 2021	Agents of the NTF ELCAC in Region IV A “visited” the residences of workers in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU
B-3 (E)	6. TMA Group Philippines	October and November 2020	Agents of the NTF ELCAC in Region IV A “visited” the residences of workers in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU
B-3 (F)	7. Filipinas Palm Oil Plantation Workers Union	July 2, 2019	The Union submitted NAFLU-KMU a letter declaring its disaffiliation from the Federation citing red-tagging and harassment of members by the 75th IBPA as the main reason for their disaffiliation.
B-3 (G)	8. United Workers of Mindanao Agriculture Inc	September 23, 2019	During the period of union elections, members of the Union spotted posters and flyers vilifying the union and its federation, NAFLU, around the plantation
B-3 (H)	9. Sta. Rosa Coca-Cola Plant Employees Union (SRCCPEU), Liga na Pinalakas ng Manggagawa ng Coca-Cola Sta. Rosa (LPMCCFP)	May 7, 2020	Forced disaffiliation

B-3 (I)	10. Nagkakaisang Manggagawa ng Supreme (NMS-NAFLU-KMU)	January-November 2020	Setting up of JIPCO
D-1	11. Alliance of Concerned Teachers Union (ACT) – Caraga region	May 6, 2021	604 public school teachers from the Butuan City division were made to attend the “SEMINAR ON NATIONAL SECURITY CONCERN AND DISAFFILIATION FROM ACT” co-organized by the National Task Force to End Local Communist Armed Conflict and the Department of Education - Caraga. At the event of the program, teachers were made to sign a tarpaulin to signify their disaffiliation from ACT
D-4	12. Alliance of Concerned Teachers Union (ACT) – Region III	October 5, 2018 to present	Red-tagging and vilification campaign against ACT during the certification election and after
Red-tagging/terrorist-tagging/intimidation/harassment			
B-4 (A)	1.Elmer Labog	June 8, 2021	Proliferation of posters and social media posts red-terrorist tagging Labog, the KMU Chairperson
B-4 (B)	2.Jerome Adonis	June-September 2021	Red-tagging of KMU Secretary General, Adonis, on social media pages and accounts
B-4 (C)	3.Eleanor de Guzman	March 19, 2021	De Guzman, KMU national officer, subjected to red/terrorist tagging as well as threats, harassment and intimidation
B-4 (D)	4.Lean Porquia	October 26, 2020	KMU Public Information Officer subjected to red-baiting and vilification by state agents
C-1	5.NMLDCC-FCCU-SENTRO	January 23, 2021-present; August 17, 2021	Efforts by the NTF-ELCAC to erode FCCU influence by establishing its presence among union members and convincing them to disaffiliate from FCCU which the NTF-ELCAC has tagged as a front organization of the communist insurgents. NTF-ELCAC personnel

			contacted some leaders and workers to attend an orientation and report to PNP headquarter to clean their names.
C-2	6. Emil Habitan; Dianna Grace Fermanes; and 2 other union officers of NAMAS	August 2020	PNP and AFP personnel visited the office of the union and the houses of some union leaders asking the union president and some union officers if they were supporting the NPA or if they were organized by the KMU.
C-3	7. Dante Encinas	Feb. 3 and Mar. 13, 2021	Encinas came under suspicion as an NPA supporter after he reported the red-tagging and intimidation of NAMAS union officers to the Regional Development Council of Region V.
C-6	8. 60 striking union members at Holcim Davao Plant	April 2019 to the present	Fake FB accounts created to attack/threaten/red-tag union officers. Repeated attacks on the picket line of striking workers,
D-3	9. Alliance of Concerned Teachers	March 10, 2021; April 17, 2021; April 30, 2021	Large scale profiling of ACT as one of the communist terrorist groups by the DILG; DepEd asked teachers to indicate in a Google form whether they are members of ACT or TDC
D-6	10. Pilar Barredo	22 July 2020	“WANTED” posters with her name and photograph posted along the streets of Barangay Ma-a, Davao City. with the label “TERRORIST RECRUITERS.”
D-7	11. Raymond Basilio	30 April 2021	Poster tagging Basilio as communist terrorist were hung at public places around Quezon City
D-8	12. Alliance of Concerned Teachers	10 March 2021	A Memorandum of the DILG ordered all regional directors to list the names of employees who are members of ACT and COURAGE which were tagged as communist terrorist groups {CTG}
D-9	13. Vlademir Quetua	30 April 2021	Poster tagging Queta as communist terrorist were hung at public places in Quezon City

E-2	14. Sarah Lerum and other union leaders/members	January 2021-present	False information linking PNP NUPAI and PSLINK to communists were spread in social media
C-8	15. Merlina Mendoza	May 4, 2021, May 31, 2021	ICCMEA-FCCU union president invited by the National Task Force to End Local Communist Armed Conflict to an "orientation" in an armed forces base
C-9	16. Reynante Lisbo	August 26, 2019	Search warrant served at the house of Taganito HPAL Labor Assn President in an improper and intimidating way
C-10	17. NIWO-FCCU-SENTRO union officers and members	September-November 2019	Union president at Coca Cola Bacolod Plant vilified. FCCU and Sentro red-tagged
Other Anti-Union Activities			
D-5	1. Alliance of Concerned Teachers Region VII	March 6, 2020	Non-recognition of an accredited union
E-1	2. Edlyn D. Manicat, Dr. Noel L. Lansang and Dr. Annie Enriquez Geron	January 2021	Reassignment/transfer of the Quezon City University union president and two Board member

Each of these cases constitute a clear violation of ILO Convention No.87 in which the Government has failed to protect workers involved in organizing or defending workers' rights from violence or threats of violence - despite the institutional reforms and the alleged actions taken with respect to individual cases.

Moreover, the Government has allowed these acts of violence to continue with impunity by failing to conduct an immediate and thorough investigation into this violence and its link to trade union activities. The obligation of the government is clear in the previous decisions of the ILO Committee on Freedom of Association which determined that:

*The rights of workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected.*²

² See the 2006 Digest, para. 44; 340th Report, Case No. 1787, para. 607, Case No. 2393, para. 1062, Case No. 2268, para. 1090; 342nd Report, Case No. 2298, para. 548, Case No. 2323, para. 695; 343rd Report, Case No. 1787, para. 418, Case No. 2445, para. 896, Case No. 2313, para. 1167; 344th Report, Case No. 2169, para. 140, Case No. 2486, para. 1213; 346th Report, Case No. 2528, para. 1437; 348th Report, Case No. 1787, para. 274, Case No. 2516, para. 684, Case No. 2540, para. 813, Case No. 2254, para. 1323; 349th Report, Case No. 2486, para. 1242; 350th Report, Case No. 2554, para. 504; 351st Report, Case No. 2540, para. 894, Case No. 2268, para. 1037; 353rd Report, Case No. 1787, para. 507, Case No. 2619, para. 580;

V. Analysis of the Government Response

The cases cited by the Unions are sufficiently substantiated and warrant further investigation by the Government.

They all point to the fact that this is no less than a matter of life and death, there being grave and imminent violations of fundamental human rights, especially the right to be free from assassinations and other forms of physical harm. Clearly, any delay will cause yet even more deaths and other irreparable damages.

We are not aware of any information filed in court by the DOJ since 2019, much less any conviction. We are under the impression that the Government is just going through the motions of "referring cases" to the AO 35 mechanism, the police, the Department of Justice.

As mentioned above, counter-insurgency efforts in fact make matters even worse as trade unionists and entire unions are being accused of being members of rebel organizations. The government not only fails to comply with 87, but actively tries to harass, intimidate, jail, kill, activists, including unionists.

Not only has the Philippine Government failed to address the issues, especially killings of labour activists, it has even taken a couple of initiatives that are making matters even worse:

1. National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has thus far committed infractions against trade unions and trade unionists, as mentioned above and in the Annexes to this report.
2. On creation of the Joint Industrial Peace and Concern Office (JIPCO) prompted the Spokesperson of the Commission on Human to say in a Statement:

On 22 January 2020, the Philippine National Police and Philippine Economic Zone Authority launched the creation of the Joint Industrial Peace and Concern Office (JIPCO)—a government-private sector mechanism that intends to address security issues and promote industrial peace in the economic zones in Region III.

354th Report, Case No. 2068, para. 57; 355th Report, Case No. 2609, para. 863; 356th Report, Case No. 1787, para. 554, Case No. 2669, para. 1253; 357th Report, Case No. 2382, para. 25, Case No. 2713, para. 1102; 358th Report, Case No. 2723, para. 555, Case No. 2735, para. 609; 359th Report, Case No. 2445, para. 571, Case No. 2609, para. 628; 362nd Report, Case No. 2723, para. 834; 363rd Report, Case No. 2761, para. 427, Case No. 2768, para. 636, Case No. 2850, para. 873; 364th Report, Case No. 2859, para. 551; 367th Report, Case No. 2761, para. 443, Case No. 2923, para. 710, Case No. 2913, para. 806; 368th Report, Case No. 2609, para. 458, Case No. 2959, para. 505, Case No. 2978, para. 519; 370th Report, Case No. 2957, para. 411, Case No. 2723, para. 441; 371st Report, Case No. 2982, para. 700; 372nd Report, Case No. 3018, para. 494; 374th Report, Case No. 3050, para. 468; 376th Report, Case No. 3067, para. 953, Case No. 3113, para. 987; and 378th Report, Case No. 2609, para. 300, Case No. 3119, para. 668 and Case No. 2254, para. 848.

The Commission on Human Rights has received information from concerned labour groups expressing alarm regarding the operationalisation of JIPCO, noting that it may lead to intensified union busting in export processing zones. JIPCO was launched in line with the government's implementation of National Task Force to End Local Communist Armed Conflict through Executive Order 70. While the Commission recognises the need to maintain security and uninterrupted economic activity in the area, the CHR reminds the government that such mechanism should never be used to launch any attack or harassment against militant and progressive labour organisations."

(<https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-creation-of-the-joint-industrial-peace-and-concern-office-in-central-luzon-industrial-zones/>)

3. Republic Act 11479, the Anti-Terrorism Act of 2020

The Philippine Government had also, on a number of occasions, accused legitimate unions, such as COURAGE (public sector union), of being terrorist organizations. The Anti-Terrorism Act has become a convenient pretext for throwing utterly baseless accusations, even as the Government could not specifically cite specific acts which constitute violations of the provisions of the ATL. By making vague references to the Anti-Terrorism law, albeit without citing specific acts which constitute violation of said law, the Government has accused labour unions, such as COURAGE, of being terrorist organizations.

For example, during a webinar of the NTF-ELCAC, reference was made to a DILG Memorandum citing COURAGE and ACT as terrorist organizations.

At this point, it is pertinent to mention the observation of the Council of Global Unions:

We register alarm over the passage of Republic Act 11479 or the Anti- Terrorism Act of 2020. This law could easily be abused. While human security, the supposed aim of the anti-Terrorism Act, is a real concern, the same should not be pursued through undemocratic means. The Act undermines due process as it empowers the Executive Branch to identify "terrorist" individuals or groups and to conduct warrantless arrests for at least fourteen (14) days. With its deplorable record of human rights violations in the past four years in its "war on drugs", the Philippines does not need another legal instrument to legitimize illegal arrests and extrajudicial killings. (<https://www.ituc-csi.org/council-of-global-unions-statement-philippines?lang=en>)

4. Abuse of Search Warrants

Because of the indiscriminate issuance by the Executive Judges of Manila and Quezon City in order to search houses and offices located as far away as **Bacolod City, etc.**, the Supreme Court issued A.M. No. 21-06-08-SC, Rule 3, Sec. 2 (2) which provides that -

"The Executive Judges and Vice-Executive Judges concerned shall issue warrants, if justified, which may be served in places outside the territorial jurisdiction, but within the judicial regions of these courts."

Institutional Failure

Clearly, there is an institutional failure on the part of the Philippine Government, thus exacerbating even further the culture of impunity that facilitates the killings of trade unionist and the baseless accusations by the government that certain trade unions and trade unionists are communist-terrorists. The NTF-ELCAC is being used, apparently often in connivance with employers in order to destroy legitimate unions or at least hamper their attempts to exercise their rights under Conv. 87.

The Government is likewise guilty of weaponizing the law and the courts in order to prevent the exercise of the rights under Conv. 87

VI. Recommendations

Philippine trade unions, particularly those affiliated with the global unions within the Council of Global Unions, demand immediate and concrete Executive Action from the Philippine government to address the alarming increase in red-tagging/terror-tagging, harassment, violence and, most especially, the killings of trade unionists. We also urge the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) to immediately look into the situation in the Philippines and to urge the Philippine government to avail itself of the technical assistance offered by the ILO "to elaborate a plan of action, together with trade union movement, detailing progressive steps to be taken to achieve full compliance" with Convention No. 87.

Such a plan of action should include the following:

1. For the Philippine government to immediately investigate all cases submitted to the ILO in 2019 and those subsequently presented in the Virtual Exchange arranged by the ILO;
2. For the Department of Labor and Employment (DOLE) to strengthen the NTIPC's High-Level Monitoring Body and the Regional Monitoring Bodies by providing it with the necessary staffing, budget and power to investigate FOA violations based on the CAS recommendation in 2019;
3. For the Philippine government to meaningfully operationalize the *Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP, and PNP Relative to the Exercise of Workers' Rights and Activities* issued on 12 May 2012 and elevate these Guidelines into an Executive Order of the President of the Philippines. Such an Executive Order must also include the Civil Service Commission (CSC), which is obligated to adhere to measures to protect trade union rights of public sector employees;
4. For the Office of the President and the Department of Justice to fully operationalize the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons as provided

in Office of the President's Administrative Order No. 35 series of 2012 with meaningful trade union representation and renewed mandate;

5. For the Philippine government to take effective measures to protect labor rights in Special Economic Zones as guaranteed by RA 7916 as amended by, among others, emphasizing that all labor laws and jurisprudence shall be fully enforced in SEZs, abolishing the Joint Industrial Peace and Concern Office (JIPCO) without replacing it with similar entities that restrict the exercise of labor rights within the ecozones as well as ensuring labor representation in ecozone advisory bodies as provided for in Sec 38 of the aforementioned PEZA law;
6. Rescind the EO 70 to abolish the National Task Force to End Local Communist Armed Conflict (NTF ELCAC) that is being used for wholesale red-tagging and terrorist-tagging even of trade unions and other labor organizations.

Annex A

Report of the Federation of Free Workers (FFW): Harassment of Union Leaders at The Redsystems Company

Summary Information

- Name of trade union victim: John Benedict Peneyra (Union President), John Reinier Francisco (Union Secretary) and other union members and officers
- Name of trade union organization/Affiliation of victim: The RedSystem Company Inc., Employees Association – Federation of Free Workers (TRCIEA-FFW)
- Trade union position: Union President, Union Secretary
- Company (sector): The RedSystems Company Inc now merged with Coca-Cola Beverages Phils. Inc.
- Type of attack/violation: Threats and harassment; Interference towards the right to self-organization,
- Date of event: June 2019
- Location of event: Daet, Camarines Sur; Misamis Oriental; Antipolo City
- Details (Brief description of the violation): Please see attached Sworn Statement of Ismael Alaon
- Trade union link (is there a direct link between the trade union activities of the victim and the perceived motive of the attack): Yes, alleged member of the Armed Forces talking with various workers and inviting them to a seminar to form a new union
- Police/armed forces involvement (is there anything pointing specifically to state involvement or employer involvement?). A certain Master Sergeant Omar Maranon Fernandez talked to several union members and invited them to a seminar to form a new union.
- Attitude/approach of State security officials to investigations and quest for justice: FFW informed DOLE Secretary Silvestre Bello the alleged interference but up to now there is no positive response as to the matter.
- Status of the case before law enforcement mechanisms: There is a pending labor dispute filed in the Office of the Secretary and the NLRC.

Additional Information for purposes of updating the ITUC research/report

1. TRCIEA-FFW was the sole and exclusive bargaining agent for The Red Systems Company Inc. (TRCI), nationwide in scope. It has an existing CBA valid until September 2021.

2. However, TRCI entered into a merger with Coca-Cola Beverages Philippines, Inc (CCBPI) sometime on August 2019 and the national scope representation of TRCIEA-FFW was suddenly abolished. The merger between TRCI and CCBPI came as a surprise because it was kept secret to the Union until TRCI employees were absorbed by CCBPI thus rendering the national representation of TRCIEA-FFW nugatory.
3. Due to the fact that employees of TRCI was absorbed by CCBPI, TRCIEA-FFW deemed it proper to change its name to National Organization of Workers at Coca Cola Logistics Union-FFW (NOWCokeLog-FFW). As of the moment, NOWCokeLog-FFW has a pending Petition for Extraordinary Remedies with the Secretary of Labor so that CCBPI will recognize the Union.

Annex B
Report of the Kilusang Mayo Uno (KMU)
May First Movement

Annex B-1

Killings of Trade Union Leaders of the KMU and Allied Unions

A. Killing of Emmanuel “Manny” Asuncion

1. Name of trade union victim: Emmanuel “Manny” Asuncion
2. Trade Union Organization or Affiliation: Manny was a union leader in Enlin Steel Philippines, and organized workers in the Cavite Export Processing Zone (CEPZ) until he served as secretary-general of labor alliance Solidarity of Cavite Workers (SCW) and coordinator for Bagong Alyansang Makabayan in Cavite province.
3. Date of event: March 7, 2021
4. Location of event: Dasmariñas, Cavite
5. Description of Violation: Manny Asuncion was killed on March 7, 2021, at the Workers Assistance Center (WAC) in Dasmariñas, Cavite (Region IV-A, Philippines) by elements of the Philippine National Police-Region IV-A serving a search warrant. Manny Asuncion sustained six gunshots which led to his bloody death.
6. Trade Union Link/Motive: Long-time trade union organizer with the Workers Assistance Center, workers’ leader in Cavite in cooperation with OLALIA-KMU
7. Police/Armed Forces Involvement: PNP Region IV-A, serving a search warrant
8. Attitude of State Security Officials: Police argues that victim “fought back” (“nanlaban” as in the drug war)
9. Status of the Case: Referred to the Inter-agency Task Force created under AO35. Under investigation by Special Investigation Team

B. Killing of Dandy Miguel

1. Name of trade union victim: Dandy Miguel
2. Trade Union Organization or Affiliation: Lakas ng Nagkakaisang Manggagawa sa Fuji Electric Philippines-OLALIA-KMU
3. Trade union position:
 - President of the Lakas ng Nagkakaisang Manggagawa sa Fuji Electric Philippines-OLALIA-KMU (Power of United Workers of Fuji Electric Philippines).
 - Vice Chairperson of the Pagkakaisa ng Manggagawa sa Timog Katagalugan (PAMANTIK; Solidarity of Workers in Southern Tagalog), the regional chapter of Kilusang Mayo Uno in Region IV-A,
 - National Council Member of KMU.
4. Date of Event: March 28, 2021

5. Location of Event: Calamba, Laguna
6. Brief description of violation: In the evening of March 28, 2021, Dandy Miguel, 35 years old, was riding his motorcycle on his way home after a meeting with union leaders in Calamba, Laguna. He was cornered by two motorcycles and was shot multiple times by his assailants. He sustained eight gunshot wounds which led to his death.
7. Trade Union Link/Motive: KMU National Leader, main trade union leader of CALABARZON Region which is home to biggest industrial parks in the country, He led the filing of complaints of trade union rights violations among union leaders and members in CALABARZON since 2019, including the Bloody Sunday cases of March 7, 2021
8. Attitude of State Security Officials: Quick to dismiss that the killing as non-labor-related and claims that the state security forces have nothing to do with it
9. Police/Armed Forces Involvement: State security forces and/or agents suspected of involvement
10. Status of the Case: Referred to the Inter-agency Task Force created under AO35. Under preliminary investigation by the DOJ, pending special investigating team

C. Killing of Felipe Dacal-Dacal

1. Name of trade union victim: Felipe Dacal-Dacal
2. Trade Union Organization/Position: Dacal-dacal was an active member of the National Federation of Sugar Worker (NFSW) in Escalante, Negros Occidental
3. Date of event: June 7, 2019
4. Location of event: Barangay Pinapugasan, Escalante, Neg. Occ.
5. Suspected Perpetrator: a certain Marlon “Astro” Fajardo
6. Brief Description of the violation: The victim was having dinner at home when Marlon “Astro” Fajardo of Toboso town arrived and approached him. The suspect then repeatedly shot him and fled afterwards. Sometime before the incident, soldiers had been trying to convince Dacal-Dacal three times to stop joining rallies but he did not follow. He was shot in his home on June 7, 2019 and died on June 8.

D. Killing of Jose Jerry Catalogo

1. Name of trade union victim: Jose Jerry Catalogo
2. Trade union organization/Position: Officer of a local farmers association under the National Federation of the Sugar Workers (NFSW).
3. Date of event: June 3, 2020
4. Location of event: Barangay Paitan, Escalante City, Negros Occidental
5. Perpetrators: unidentified.

6. Brief description of the violation: At around 5:00 in the morning, Jose Jerry Catalogo went to a nearby hacienda for a sugar cane harvesting job. At around 5:30 to 6:00 am, Catalogo was found lying face down on the ground with two gunshots wound in the head and his back. Days before the incident, Jose told his companions that he was being followed by unidentified individuals.

E. Killing of Antonio "Cano" Arellano

1. Name of trade union victim: Antonio Arellano
2. Trade Union Organization: Paghiliusa sa Mangunguma sa Sitio Binabono (PMSB) in Brgy. Jonob-jonob, Escalante City, an agricultural workers' organization under the National Federation of Sugar Workers or NFSW.
3. Trade union position: Chairman
4. Date of event: February 2, 2021
5. Location of event: Escalante City
6. Perpetrators: 4 unidentified suspects
7. Brief description of the violation: Around 6 am of February 2, 2021, Antonio "Cano" Arellano was shot dead by 4 unidentified suspects.

F. Killing of Rey Malaborbor

1. Name of trade union victim: Rey Malaborbor
2. Trade Union Organization: Pagkakaisa ng Manggagawa sa Timog Katagalugan-Kilusang Mayo Uno (PAMANTIK- KMU)
3. Trade union position: Pioneer member
4. Date of event: November 4, 2019
5. Location of event: Cabuyao, Laguna
6. Brief description of the violation: Reynaldo Malaborbor was repeatedly shot in the head by an unidentified man while walking with his wife near their residence at 9:30 pm in Barangay Banay-banay. The killing happened on the day Malaborbor asked the assistance of the Cabuyao City Council for legal remedies for the release of detained strikers of Nutriasia Laguna

Annex B-2

Arrests and detentions of Trade Union Leaders of the KMU and Allied Unions

A. Arrest of Florentino “Pol” Viuya Jr.

1. Name of trade union victim:: Florentino “Pol” Viuya Jr
2. Name of trade union organization: Workers Alliance in Region III (WAR III-KMU)
3. Trade union position: Chairperson of WAR III and National Council Member of KMU
4. Date of event: March 30, 2021
5. Location of event: Bamban, Tarlac, Region III
6. Type of attack/violation: Illegal arrest and detention on trumped-up charges, Threat, Harassment and Intimidation , Red-Tagging, Violation of domicile, Illegal search, Divestment of Properties (laptop and cellphones), Prior to this, posters tagging him as communist-terrorist proliferated in the Region
7. Trade Union Link/Motive: He is the main workers’ leader in Region III, a long-time KMU leader coordinating unions in industrial enclaves in various provinces in Region III
8. Attitude of State Security Officials: Police officials are pursuing the case and is desirous of prolonging his detention
9. Police/Armed Forces Involvement: PNP-Region III, CIDG
10. Status of the Case: Viuya is still detained and cannot avail of pretrial remedies because he is being charged with illegal possession of firearms and explosives

B. Arrest of Esteban “Steve” Mendoza

1. Name of trade union victim: Esteban Mendoza
2. Name of trade union organization: Organized Labor Association in Line Industries and Agriculture (OLALIA)-a labor federation affiliated with KMU
3. Trade union position: Executive Vice President
4. Date of event: March 7, 2021
5. Location of event: Cabuyao, Laguna
6. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
7. Trade Union Link/Motive: Executive Vice President of labor federation OLALIA-KMU, and former Union President of the Philsteel Workers’ Union-OLALIA-KMU. He led Philsteel workers in a labor strike.

8. Attitude of State Security Officials: Pressed criminal charges
9. Police/Armed Forces Involvement: PNP-CIDG RFU 4A
10. Status of the Case: Mendoza is facing false charges of illegal possession of firearms and ammunitions and illegal possession of explosives.

C. Arrest of Elizabeth “Mags” Camoral

1. Name of trade union victim: Elizabeth Camoral
2. Name of trade union organization: F.Tech Workers Union-OLALIA-KMU
3. Trade union position: former President
4. Date of event: March 7, 2021
5. Location of event: Cabuyao, Laguna
6. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
7. Trade Union Link: As President of the F.Tech Workers Union, she led her fellow unionists in workers’ struggles and strikes, solidarity with other workers in Laguna
8. Attitude of State Security Officials: Pressed charges and trial
9. Police/Armed Forces Involvement: PNP-CIDG RFU 4A
10. Status of the Case: Released on bail but still faces charges of illegal possession of firearms.

D. Arrest of Eugene Eugenio

1. Name of trade union victim: Eugene Eugenio
2. Name of trade union organization: Advancement of Rights and Responsibilities of Organized Workers (ARROWS), a union of government employees in Antipolo City Hall affiliated with Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE)
3. Date of event: March 7, 2021
4. Location of event: Antipolo City, Rizal, CALABARZON
5. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
6. Trade Union Link/Motive: Eugene Eugenio is president ARROWS, the union of government employees in Antipolo City Hall.
7. Attitude of State Security Officials: Pressed charges and trial
8. Police/Armed Forces Involvement: PNP-CIDG RFU 4A

9. Status of the Case: Facing charges of illegal possession of firearms.

E. Arrest of Arnedo “Nedo” Lagunias

1. Name of trade union victim: Arned Lagunias
2. Name of trade union organization: Honda Cars Workers Union (Lakas Manggagawang Nagkakaisa sa Honda Cars-OLALIA-KMU)
3. Trade union position: former Secretary
4. Date of event: March 4, 2021
5. Location of event: Binan, Laguna
6. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
7. Trade Union Link/Motive: Lagunias led the workers’ protest of Honda Cars when Honda Cars Philippines suddenly announced closure of its main plant in Binan, Laguna in 2019, resulting in the retrenchment of 300 employees. Lagunias was also a victim of threat, harassment and intimidation by the NTF-ELCAC. He with other union officers filed complaints with the Commission on Human Rights in November 2020.
8. Attitude of State Security Officials: Pressed criminal charges
9. Police/Armed Forces Involvement: PNP Region IVA, AFP, NTF-ELCAC
10. Status of the Case: charges of illegal possession of firearms and explosives filed

F. Arrest of Ramir Corcolon

1. Name of trade union victim: RAMIR CORCOLON
2. Name of trade union organization San Pablo City Water District Employees Association (SPCWDEA) and the Water System Employees Response (WATER),
3. Trade union position: President of SPCWDEA and Secretary-General of WATER
4. Date of event: March 4, 2021
5. Location of event: San Pablo City, Laguna
6. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
7. Trade Union Link/Motive: As a leader of WATER and SPCWDEA, he is active in the campaign opposing the wholesale privatization of water districts across the country
8. Attitude of State Security Officials: Pressed false criminal charges
9. Police/Armed Forces Involvement: 50 operatives of PNP-CIDG
10. Status of the Case: Charges of illegal possession of firearms and explosives filed

G. Arrests of Romina Astudillo, Mark Ryan Cruz, Jaymie Gregorio

1. Name of trade union victims: Romina Astudillo, Mark Ryan Cruz, Jaymie Gregorio
2. Name of trade union organization: Kilusang Mayo Uno-Metro Manila
3. Date of event: December 10, 2020
4. Location of event: Mother Ignacia, Quezon City
5. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
6. Trade Union Link/Motive: new officers of KMU Metro Manila elected in recent Congress in November 2020
7. Attitude of State Security Officials: Pressed charges
8. Police/Armed Forces Involvement: PNP, CIDG-NCR
9. Status of the Case: Victims filed a petition to quash warrant but was denied. Currently facing charges of illegal possession of firearms and explosives

H. Arrest of Dennise Velasco

1. Name of trade union victim: Dennise Velasco
2. Name of trade union organization: Defend Jobs Philippines
3. Date of event: December 10, 2020
4. Location of event: Quezon City, Metro Manila
5. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
6. Attitude of State Security Officials: Pressed charges for trial
7. Police/Armed Forces Involvement: Quezon City Police District SWAT, PNP Station 4, and PNP-CIDG
8. Status of the Case: pretrial, facing charges of illegal possession of firearms and explosives

I. Arrest of Jose A. Bernardino

1. Name of trade union victim: Jose Bernardino
2. Name of trade union organization: WAR III-KMU
3. Date of event: December 4, 2020
4. Location of event: Angeles City, Pampanga

5. Type of attack/violation: abduction, Illegal arrest and detention, trumped-up charges
6. Trade Union Link/Motive: long-time organizer of transport workers and industrial workers in Pampanga City
7. Attitude of State Security Officials: persecution, pressed false criminal charges
8. Police/Armed Forces Involvement: PNP Region III
9. Status of the Case: false charges of illegal possession of firearms and ammunition and illegal possession of explosives, rebellion

J. Arrest of Ramon Rescovilla

1. Name of trade union victim: Ramon Rescovilla
2. Name of trade union organization: PISTON -a national transport federation of jeepney drivers; CONDOR-PISTON BICOL, regional chapter of PISTON.
3. Trade union position: : Vice President of PISTON and Deputy Secretary General of CONDOR-PISTON BICOL
4. Date of event: September 7, 2021
5. Location of event: Daraga City, Albay, Bicol
6. Type of attack/violation: abduction by police operatives, interrogation and physical assault/torture by intelligence agents; Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging
7. Trade Union Link/Motive: Victim ed drivers protest calling for aid and return-to-trip for drivers' livelihood during the pandemic, led transport strikes opposed to jeepney phase outs due to so-called PUV modernization program
8. Attitude of State Security Officials: Pressed criminal charges
9. Police/Armed Forces Involvement: PNP Operatives, army intelligence agents
10. Status of the Case: charged will illegal possession of firearms, murder

K. Arrest of Noli Rosales and 21 Ceres Bus Workers

1. Name of trade union victim: NOLI ROSALES,
2. Name of trade union organization: Kilusang Mayo Uno-Negros,
3. Trade Union Position: KMU National Council member
4. Date of event: October 31, 2019
5. Location of event: Bacolod City, Negros Occidental
6. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure

7. Brief description of the violation: Arrested during simultaneous police-led raids of offices of people's organizations in Bacolod City, Negros Occidental. Twenty-one bus workers were also arrested along with Rosales at the KMU-Negros Office while having a consultation meeting with the KMU leader on their illegal dismissal case with the bus company.
8. Trade Union Link/Motive: organizing bus workers to form unions, organizing other working people in Bacolod City to form unions or associations
9. Attitude of State Security Officials: persecution, pressed charges
10. Police/Armed Forces Involvement: PNP Bacolod City
11. Status of the Case: search warrant used in the raids was quashed and charges of illegal possession of firearms and explosives were dismissed

L. Arrest of Mary Anne Krueger

1. Name of trade union victim: Mary Anne Krueger
2. Name of trade union organization: BPO Industry Employees Network, BIEN-Bacolod Chapter Organizer
3. Trade union position: Organizer
4. Date of event: October 31, 2019
5. Location of event: Bacolod City, Negros Occidental
6. Type of attack/violation: Illegal arrest and detention, Threat, harassment and intimidation - trumped-up charges; red-tagging, Violation of domicile, illegal search and seizure
7. Trade Union Link/Motive: organizing BPO employees into associations, community journalist
8. Attitude of State Security Officials: Pressed charges based on planted evidence
9. Police/Armed Forces Involvement: PNP Bacolod City
10. Status of the Case: pending petition to quash warrant, released on bail on charges of illegal possession of firearms

M. Arrest of Maoj Maga

1. Name of trade union victim: Marklen Maojo Maga
2. Name of trade union organization: Kilusang Mayo Uno, PISTON-KMU
3. Date of event: June 3, 2019
4. Location of event: San Mateo, Rizal, CALBARZON
5. Description of Violation: unjust conviction on the basis of mere allegation, planted evidence, supposed regularity of police operations and valid warrant of arrest, first trade

union activist convicted on manufactured criminal charges; Illegal arrest and detention, trumped-up charges; red-tagging

6. Trade Union Link: Around the time of his arrest, Maoj Maga was involved in organizing transport strikes with transport federation PISTON. He also organized unions with KMU in Metro Manila and industrial zones in Central Luzon/Region III.
7. Attitude of State Security Officials: Filed multiple manufactured criminal charges
8. Police/Armed Forces Involvement: PNP-CIDG-NCR, Intelligence agents
9. Status of the Case: both false charges of illegal possession of firearms and murder are under appeal before the Court of Appeals

Annex B-3

Forced Disaffiliation, Interference in Union Affairs and Union Busting through Threats, Harassment and Intimidation

A. NXP Workers Union

1. Name of trade union victim: 35 Union officers and members
2. Name of trade union organization: NXP Workers Union – NAFLU – KMU
3. Dates of event: November - May 7, 2020 | May – August, 2021
4. Location of event: Cabuyao, Laguna, Canlubang, Laguna, Philippines
5. Type of attack/violation: Forced disaffiliation through threats, harassment and intimidation
6. Brief description of the violation: Agents of the National Task Force in Region IV A “visited” the residences of victims in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU

B. Wyeth Philippines Progressive Workers Union

1. Name of trade union victim: 15 Union Leaders and Members
2. Name of trade union organization: Wyeth Philippines Progressive Workers Union – Drug and Food Alliance – KMU
3. Dates of event: November and December 2020; February – August 2021
4. Type of attack/violation: Forced disaffiliation through threats, harassment and intimidation
5. Brief description of the violation: Agents of the National Task Force in Region IV A “visited” the residences of victims in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU

C. Optodev Workers Union

1. Name of trade union victim: 2 Union Officers
2. Name of trade union organization: Optodev Workers Union-NAFLU-KMU
3. Dates of event: December - March 2020
4. Location of event: Binan, Laguna and Sta. Rosa, Laguna
5. Type of attack/violation: Forced disaffiliation through threats, harassment and intimidation

6. Brief description of the violation: Agents of the National Task Force in Region IV A “visited” the residences of victims in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU

D. Alcophil Workers Union -NAFLU-KMU

1. Name of trade union organization: Alcophil Workers Union – ANGLO-KMU
2. Trade union position of victim: Union President
3. Dates of event: May - August 15, 2020; January - November 2021
4. Type of attack/violation: Forced disaffiliation through threats, harassment and intimidation
5. Brief description of the violation: Agents of the National Task Force in Region IV A “visited” the residences of victims in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU

E. TMA Group Philippines

1. Name of trade union organization:
2. Trade union position of victim: Union officer
3. Dates of event: October and November 2020
4. Location of event: Sta. Rosa, Laguna
5. Type of attack/violation: Forced disaffiliation through threats, harassment and intimidation
6. Brief description of the violation: Agents of the National Task Force in Region IV A “visited” the residences of victims in various instances, threatening them and asking them to “cooperate” with the NTF, interrogating them about union activities and dues, affiliation with the KMU and forcing them to disaffiliate from KMU

F. Filipinas Palm Oil Plantation Workers Union

1. Name of trade union organization: Filipinas Palm Oil Plantation Workers Union
2. Date of event: July 2, 2019
3. Type of attack/violation: Forced disaffiliation through threats, harassment and intimidation
4. Brief description of the violation: On July 2, 2019, the president of Filipinas Palm Oil

Plantation Workers Union submitted to the leadership of the National Federation of Labor Unions (NAFLU-KMU) a letter declaring its disaffiliation from the Federation after consulting union members in a general assembly. The Union President cited red-tagging and harassment of members by the 75th IBPA as the main reason for their disaffiliation.

G. United Workers of Mindanao Agriculture Inc.

1. Name of trade union organization: United Workers of Mindanao Agriculture Inc.
2. Date of event: September 23, 2019
3. Type of attack/violation: Interference in union affairs
4. Brief description of the violation: On September 23, 2019, during the period of union elections, members of the United Workers of Mindanao Agriculture Inc. spotted posters and flyers vilifying the union and its federation NAFLU around the plantation

H. Coca Cola Workers in Sta. Rosa.

1. Trade union victim: 10 Union Members
2. Name of trade union organization: Sta. Rosa Coca-Cola Plant Employees Union (SRCCPEU), Liga na Pinalakas ng Manggagawa ng Coca-Cola Sta. Rosa (LPMCCFP)
3. Type of attack/violation: Forced disaffiliation
4. Date of event: February - May 7, 2020
5. Location of event: Sta. Rosa, Laguna

I. Supreme Steel, Bulacan

1. Name of trade union organization: Nagkakaisang Manggagawa ng Supreme (NMS-NAFLU-KMU)
2. Date of event: January-November 2020
3. Brief description of the violation: Launching of Joint Industrial Peace and Concern Office (JIPCO), Bulacan

Annex B-4

Red-Tagging/Terrorist-Tagging of KMU Leaders

A. Red-tagging/Terrorist-tagging of Elmer Labog

1. Name of trade union victim: Elmer Labog
2. Name of trade union organization: Kilusang Mayo Uno
3. Trade union position: Chairperson
4. Date of event: June 8, 2021
5. Location of event: premises of KMU National Office, Quezon City
6. Type of attack/violation: Red-Tagging/Terrorist-Tagging
7. Description of Violation: proliferation of posters red-terrorist tagging KMU Chairperson, Red-terrorist-tagging on social media pages and accounts
8. Trade Union Link: national leader of Kilusang Mayo Uno
9. Police/Armed Forces Involvement: PNP FB Pages used as platform
10. Status of the Case: Filed complaint with the National Bureau of Investigation

B. Red-tagging/Terrorist-tagging of Jerome Adonis

1. Name of trade union victim: Jerome Adonis
2. Name of trade union organization: Kilusang Mayo Uno
3. Trade union position: Secretary-General
4. Date of event: June-September 2021
5. Location of event: Social Media pages
6. Type of attack/violation: Red-Tagging/Terrorist-Tagging
7. Description of Violation: Red-tagging on social media pages and accounts
8. Trade Union Link: main spokesperson and leader of KMU
9. Police/Armed Forces Involvement: PNP FB Pages used as platform
10. Status of the Case: Filed complaint with the National Bureau of Investigation

C. Red-tagging/Terrorist-tagging of Eleanor de Guzman

1. Name of trade union victim: Eleanor de Guzman and KMU Staff (name withheld)
2. Name of trade union organization: Kilusang Mayo Uno Human Rights Director
3. Date of event: March 19, 2021
4. Location of event: San Mateo, Rizal
5. Type of attack/violation: Red-Tagging/Terrorist-Tagging, harassment, intimidation, threat of arrest
6. Trade Union Link: national officer of KMU, in-charge of filing complaints vs erring security forces
7. Police/Armed Forces Involvement: PNP-CIDG
8. Status of the Case: Filed Complaint with the Commission on Human Rights, CHR investigated, Counsel letter-complaint to the Department of Justice

D. Red-tagging/Terrorist-tagging of Lean Porquia

1. Name of trade union victim: Lean Porquia
2. Name of trade union organization: Kilusang Mayo Uno
3. Trade union position: Public Information Department member
4. Date of event: October 26, 2020
5. Location of event: Manila City
6. Description of Violation: red-baiting, vilification, harassment
7. Trade Union Link: active in social media,
8. Attitude of State Security Officials: vilification
9. Police/Armed Forces Involvement: state agent, professional witness of AFP
10. Status of the Case: filed complaint with the CHR

Annex C
Report of the
Sentro ng mga Nagkakaisa at Progresibong Manggagawa
(SENTRO)

Annex C-1

Intimidation/Red-tagging of Coca Cola Workers in Greater Manila Area (Parañaque, Antipolo, Malabon Distribution center Logistic)

1. Name of trade union victim: NMLDCC-FCCU union members
2. Trade union organization or affiliation of victim: Nagkakaisang Manggagawa ng Buong Lohistika at Distribusyon ng Coca-Coca (NMLDCC-FCCU-SENTRO)
3. Trade union position: Union officers and members
4. Company (sector): Coca-Cola Beverage Philippines Inc. (CCBPI) Beverage Manufacturing
5. Type of attack – Intimidation (red tagging)
6. Date of event: January 23, 2021-present; August 17, 2021
7. Location of event: Greater Manila Area (Parañaque, Antipolo, Malabon Distribution center Logistic)
8. Brief description of violations:
 - From January 23, 2021 up to the present, union members, particularly in Parañaque Distribution Center (Coke warehouse) and Antipolo Distribution Center (coke warehouse), mostly logistic drivers were invited to attend an orientation and in order to clear their names and prove that they are not supporters or members of CPP-NPA
 - On August 17, 2021, the union vice president was visited elements of the NTF-ELCAC in his house in order to convince him to prepare to replace the union president claiming that FCCU's National President Alfredo Marañon is former member the leftist organization. They tried to convince him to invite the union president to attend a meeting with NTF-ELCAC.
 - Union members and leaders were invited by the state organ, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), for anti-communism orientation at the PNP Headquarter
9. Trade union link: The NTF-ELCAC has been trying to erode FCCU influence by establishing its presence among union members and convincing them to disaffiliate from FCCU which the NTF-ELCAC has tagged as a front organization of the communist insurgents. NTF-ELCAC personnel contacted some leaders and workers to attend and report to PNP headquarter to clear their names.
10. Police/armed forces involvement: NCRPO PNP Headquarter Bagong Diwa
11. Action taken: Quest for justice was done through DOLE. It was also safer to course this through DOLE because direct engagement with state forces is risky and dangerous, especially given the current national situation.
12. Status of the case before law enforcement mechanisms: pending

Annex C-2

Red-Tagging and Intimidation of Union Officers in SORECO I in Irosin, Sorsogon

- Name of trade union victim: Emil Habitan; Dianna Grace Fermanes; and 2 other union officers
- Trade union organization or affiliation of victim: Nagkakaisang Manggagawa ng SORECO I (NAMAS)
- Trade union position: President; Secretary; and 2 union officers respectively
- Company (sector): Sorsogon 1 Electric Cooperative, Inc. (SORECO I)
- Type of attack –Red tagging and harassment
- Date of event: August 2020
- Location of event: Barangay Gulang-gulang, Irosin, Sorsogon, Philippines
- Brief description of violations:
 - Last August 2020, after the passages of Anti-Terror Law, a group of uniformed Philippine National Police (PNP) and Philippine Army (PA) visited SORECO I main office in Brgy. Gulang-gulang, Irosin, Sorsogon. The local authorities are looking for the union officers of NAMAS. According to Emil Habitan, the authorities escorted by SORECO I security guard proceeded to the Office of Mr. Habitan to talk to him. He was asked if they were organized by Kilusang Mayo Uno (KMU); if their union activities are against the government; if they're supporting the New People Army (NPA). Mr. Habitan emphasized that they don't have any connection with the local insurgent's armed group (NPA). The PNP/AFP were asking the name of all the union officers, but Mr. Habitan refused.
 - Three (3) union officers were visited at their houses by unidentified armed persons, wearing bonnet, riding a motorcycle with no plate number. The unidentified armed men asked the whereabouts of the union officers (who were then at work} and inviting them to their office. The armed men refused to identify themselves and left when family members refused to give them information. and deny the person (union officer) whom they are looking for. And the unidentified
- Police/armed forces involvement: Allegedly the Philippine National Police (PNP) at Irosin, Sorsogon and the Philippine Army (PA) based at Irosin, Sorsogon, Philippines
- Action taken: The red-tagging and harassment was reported by the labor sector representative in the Regional Development Council (RDC) at Region V, Legaspi City, Albay, Philippines

Annex C-3

Red-Tagging and Intimidation of Union Officers in SORECO II in Sorsogon City

- Name of trade union victim: Dante Encinas
- Trade union organization or affiliation of victim: Matatag at Aktibong Samahan sa Manahemiente ng SORECO 2 (MASNAMAS) an affiliate of POWER-SENTRO
- Trade union position: President of the supervisory union (MASNAMAS) and Sectoral representative representing the labor at the Regional Tripartite Body of the Department of Labor and Employment (DOLE) Region 5
- Company (sector): Sorsogon 2 Electric Cooperative, Inc. (SORECO 2)
- Type of attack –Red tagging and harassment
- Date of event: Feb. 3 and Mar. 13, 2021
- Location of event: Sorsogon City, Sorsogon province, Philippines
- Brief description of violations:
 - Mr. Dante Encinas, Private Sector Representative for Labor at the Regional Development Council (RDC), Region V appealed to the PNP and AFP to refrain from red-tagging of the labor unions. The military promised to investigate the incidents. A few weeks after, the PNP called Mr. Encinas that they are still confirming said investigators from their unit stationed at Sorsogon. A certain 1LT Basigsig of the Philippine Army also called Mr. Encinas asking some questions. A supervisory union member, Mr. Ricky Pontero. called Mr. Encinas that his friend who is an army intelligence officer wants to meet him for he was one being red tagged by the Army. Several meetings happened between Mr. Encinas and the army intelligence.
 - On Mar. 12, 2021 at 1:00PM a clarificatory meeting was held with the Civil Military Organization (CMO) headed 1LT. Margie Liloc, PA and with Mr. Encinas. According to 1LT. Lilac it was their unit that is conducting the investigation to the SORECO I, Irosin, Sorsogon union leaders. He said that the information was from the confession of a former rebel returnee of the New Peoples' Army (NPA). According to the information, there was a former member of the SORECO I Union who collected money from their office.
 - That, on Mar. 13, 2021, an intelligence report was sent to Mr. Encinas stating the following: “VI. Comment: The Nagkakaisang Manggagawa ng SORECO-I (NAMAS) officers and members was approached by the intelligence operatives of this unit to validate the information if the said labor organization was infiltrated by the Kilusang Mayo Uno (KMU) and be targeted for the conduct of CDP-WA if found organized by the said legitimate labor organization (LLO). That, the issue on harassment to the officers and members of NAMAS-SORECO-I by the intelligence operatives of this unit and the issue of alleged red-tagging was resolved between the officers of SORECO-II

headed by Mr. Dante Encinas, Supervisor of Employees Union and this unit during the scheduled meeting of both parties on 121300 March 2021 at SORECO-II Office in Sorsogon City.”

- Police/armed forces involvement: The Philippine National Police (PNP) stationed at Irosin, Sorsogon and the Philippine Army (PA) based at Sorsogon province

Annex C-4

Arrest of Protesting Trade Unionist at the Mactan EPZ

- Name of trade union victim: Dennis Derige, Joksan Branzuela, Jonel Labrador, Myra Opada and Cristito Pangan
- Trade union organization or affiliation of victim: Sentro ng mga Nagkakaisang at Progresibong Manggagawa (SENTRO) and Partido Manggagawa (PM)
- Trade union position: Union officers
- Company (sector): First Glory Phils
- Type of attack – Arrest of protesting workers
- Date of event: November 30, 2020
- Location of event: Mactan Export Processing Zone Gate 1, Lapu-Lapu City
- Brief description of violations: As a result of the termination of 300 workers of First Glory Phils., the Union launched a protest action on November 30, 2020 at the gate of the MEPZ. The police intervened and harassed the protest telling the protesting workers to disperse. The workers stood their ground and that's when the police arrested the leaders and organizers of the protest namely: Dennis Derige, Joksan Branzuela, Jonel Labrador, Myra Opada and Cristito Pangan.
- Police/armed forces involvement: Philippine National Police (PNP)
- Status of the case: Myra Opada and Cristito Pangan were released and the remaining three were detained in jail for 1 day.

Annex C-5

Picket Line Attacks, Red Tagging of Striking Workers of Holcim Davao Plant

1. Name of trade union victim: 60 striking union members at Holcim Davao Plant
2. Trade union organization or affiliation of victim: Davao Holcim Employees and Workers Union (DAHEWU).
3. Trade union position: Union officers
4. Company (sector): Holcim Philippines, Inc. Davao Plant
5. Type of attack – Red tagging of SENTRO and union members and officers; repeated attacks on the picket line of striking workers
6. Date of event: April 2019 to the present
7. Location of event: Holcim Davao Plant at Bunawan, Davao City
8. Brief description of violations:
 - Workers struck on the issue of non-regularization of contractual workers and the dismissal of more than 150 non-regular workers. On March 5, 2019, 100 dismissed contractual workers established a picket line in front of gate of the Holcim Davao plant. PNP and AFP personnel repeatedly intervened whenever the striking workers held union actions. From April 2019 onwards, various fake FB Accounts were created defending Holcim's unfair labor practices and attacking and red-tagging the union as well as issuing death threats against its leaders. The attacks were anchored on the fictitious narrative that SENTRO and its leaders as well as its organizers are legal fronts of the 'communist-terrorist armed group, the CPP-NPA. These FB accounts were also used in communicating and threatening union to stop its protests and accept the separation offers of the Holcim.
 - The picket line was attacked six times by armed men: on May 1, 2019, November 30, 2019, April 22, 2020, November 30, 2020 and February 10, 2021. Every time the picket line was attacked, the union reported the incidence to the police but the police refused to investigate the incidents.
9. Police/armed forces involvement: Union leaders suspect the agents of the NTF-ELCAC are involved in red-tagging.

Annex C-6

Red-tagging and Arrest of Coca Cola Union President in San Fernando, Pampanga

1. Name of trade union victim: Alfredo R. Marañon
2. Trade union organization or affiliation of victim: San Fernando Coca-Cola Rank and File Union (SACORU-FCCU-SENTRO-IUF)
3. Trade union position: Union President
4. Company (sector): Coca-Cola Beverage Philippines Inc. (CCBPI) Beverage Manufacturing
5. Type of attack – Arrests, Red-tagging, intimidation and harassment
6. Date of event: series of event
7. Location of event: City of San Fernando, Pampanga
8. Brief description of violations:
 - In May 8, 2019 at the height of covid 19 pandemic, the victim together with two(2) union officers were unfairly dismissed for asserting their rights to safe workplace. Because of their unfair dismissal the union staged a series of peaceful picket protest in front of CCBPI San Fernando Plant observing properly the Covid 19 health protocols at all times.
 - In June 9, 2020 when the union staged their picket protest, they were arrested by Phil. National Police (PNP) personnel without warrant and detained at the City of San Fernando Police Headquarters. However, their case was dismissed by Inquest Prosecutor Shierma F. Ocampo -Patawaran for Lack of Probable. Later upon inquiry it was found out that CCBPI San Fernando Plant Chief Security Mr. Reggie Ruña colluded with PNP personnel to arrest the protesters. Since then, PNP personnel are always monitoring the whereabouts of the victim.
 - The victim was also informed also by personnel of National Conciliation Mediation Board that they were also visited by PNP personnel several times and was asked if the victim attend conciliations/hearings on the Notice of Strike filed by victim union. Prior to those incidents, sometime in March 2021 the nephew of the victim verified from the office of the Armed Forces of the Phil Headquarters G-2 Department where NTF-ELCAC (National Task Force to End Local Communist Conflict) office is also located and he was informed that base on their info about leaders of Targeted Mass Organizations on 4th quarter of 2020, a certain Alfredo Marañon the President of SACORU(San Fernando Coca-Cola Rank and File Union) in San Fernando Pampanga is included.
9. Police/armed forces involvement: The PNP personnel intervened to break a legitimate concerted action of the union by threatening and arresting union leaders and members.

Annex C-7

Intimidation of Coca Cola Union President in Ilagan, Isabela

1. Name of trade union victim: Merlina Mendoza
2. Trade union organization or affiliation of victim: Ilagan Coca-Cola Monthly Employees Association (ICCMEA-FCCU)
3. Trade union position: Union President
4. Company (sector): Coca-Cola Beverage Philippines Inc. (CCBPI) Beverage Manufacturing
5. Type of attack – Intimidation
6. Date of event: May 4, 2021, May 31, 2021
7. Location of event: Ilagan City, Isabela
8. Brief description of violations: Invited by the National Task Force to End Local Communist Armed Conflict to an "orientation" in an armed forces base.
9. Trade union link: The NTF-ELCAC has been trying to erode FCCU influence by establishing its presence among unions and convincing them to disaffiliate from FCCU which the NTF-ELCAC has tagged as a front organization of the communist insurgents. This is another attempt to raid an FCCU union affiliate
10. Police/armed forces involvement: Philippine Air Force (Tactical Operation Wing Northern Luzon Group 2) LTC SADIRI R. TABUTOL PAF (GSC)
11. Attitude/approach of State security officials to investigations and quest for justice: Quest for justice was done through DOLE as this is the proper channel. It was also safer to course this through DOLE because direct engagement with state forces is risky and dangerous, especially given the current national situation.

Annex C-8

Intimidation Union President at Taganito HPAL Nickel Corp.

1. Name of trade union victim: Reynante Lisbo
2. Trade union organization or affiliation of victim: Taganito HPAL Labor Association, a partner organization of Sentro ng mga Nagkakaisa at Progresibong Manggagawa.
3. Trade union position: Union President
4. Company (sector): Taganito HPAL Nickel Corporation located at Taganito Special Economic Zone, Taganito, Claver, Surigao del Norte
5. Type of attack – Red tagging, Harassment and intimidation
6. Date of event: August 26, 2019
7. Location of event: Taganito, Claver, Surigao del Norte
8. Brief description of violations:
 - Operatives from the Criminal Investigation and Detection Group (CIDG) besieged the house of Mr. Lisbo at between 5:00 a.m. and 6:00 a.m. purportedly to serve a search warrant and order issued by the Regional Trial Court (RTC) of Surigao City under R.A. No. 10591 (An Act Providing for a Comprehensive Law on Firearms and Ammunitions).
 - CIDG conducted the search that was threatening to Mr. Lisbo's family with around twenty uniformed personnel and an unidentified number of non-uniformed personnel wanting to be involved in the search. Eventually, only two personnel entered the house. CIDG first insisted that the occupants leave the premises while they are conducting the search. Fortunately, when Mr. Lisbo insisted that they had the right witness the search, CIDG relented and allowed their presence
 - CIDG's "threatening" manner was apparently relaxed only after the Union's legal counsel called a certain high-ranking police officer in Surigao del Norte, informing him that the Union believed the search to be tainted with malicious intent. This high-ranking officer, in turn, began inquiring into the unit implementing the search warrant. It is possible that the word of these inquiries reached the officers conducting the search, which prompted them to observe procedure more carefully and treat Mr. Lisbo more respectfully. Certain material annexes of the search warrant were notably missing. In particular, the search warrant makes reference to a "sketch map" and "pictures of the house." However, no such annexes were provided to Mr. Lisbo when the warrant was served, making it impossible to ascertain whether or not the house searched was the same house described in the search warrant
 - Though the search found nothing incrimination, the non-uniformed armed persons who assisted in conducting the search were heard saying: "*Panghanap mo ug exit, hanapa! Ug hanapa asa ta dapit makaduho!*" (Go find the exit! Look for ways we can hand it)
 - It must also be emphasized (1) that Mr. Lisbo is the SOLE witness in a pending labor dispute between the THPAL and the Union; (2) that, if successful, the labor dispute would

cause THPAL to lose almost Three Million Pesos (PhP 3,000,000.00) in backwages and secure the continued existence of the Union's closed shop agreement; (3) that several days prior to the incident, particularly on August 16, 2019, the Union served unto THPAL its Position Paper and, more importantly, the Judicial Affidavit of Mr. Lisbo; and (4) that the sudden disappearance or arrest of Mr. Lisbo, whether legally or illegally, would cause the Union to lose its one and only witness in the labor dispute, severely crippling its case. With the foregoing in mind, it seems highly suspicious that the unfounded search would be made only a few days after THPAL realized that Mr. Lisbo's testimony is crucial in the labor dispute

9. Trade union link: Mr. Reynante V. Lisbo ("Lisbo") is President of the THPAL Labor Association (the "Union"), the sole and exclusive bargaining agent of the Taganito HPAL Nickel Corporation located at Taganito Special Economic Zone, Brgy. Taganito, Claver, Surigao del Norte. Mr. Lisbo is also Vice Chair for the Labor Sector of the CARAGA Mining Industry Tripartite Council (CMITC), a member of the CARAGA Regional Tripartite Industry Peace Council (CRTIPC), a social partner inspector of the Department of Labor and Employment (DOLE) and a member of the CARAGA Regional Technical Education and Skills Development Committee (RTESDC). Since 2017, the Union has experienced a series of acts of harassment perpetrated by the company THPAL. The military too has interfered into disputes between the union and the management. This has been reported to the DOLE Regional Office, particularly through an Incident Report submitted to the Regional Director Chona M. Mantilla, CESO III via email on August 18, 2018.
10. Police/armed forces involvement: Criminal Investigation and Detection Group (CIDG)
11. Attitude/approach of State security officials to investigations and quest for justice: SENTRO the national labor center reported the incident to Department of Labor and Employment and Regional Tripartite Monitoring Body. During the dialogue PNP said that they will investigate the said incident and encourage union to file case. However up to this date the union did not hear any investigation from PNP.

Annex C-9

Red-Tagging and Intimidation of Union Officers at Coca Cola Bacolod Plant

1. Name of trade union victim: NIWO-FCCU-SENTRO union officers and members
2. Trade union organization or affiliation of victim: New Independent Workers Organization (NIWO) an affiliate of Federation and Cooperation of Cola, Beverages and Allied Industry Union-Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SAMACoke-FCCU-SENTRO)..
3. Trade union position: Union officers and members
4. Company (sector): Coca-Cola Bottlers Philippines Inc. Manufacturing Bacolod Pant
5. Type of attack – Red tagging, Harassment and intimidation
6. Date of event: September 18, 2019, October 5 and 17, 2019, November 8, 2019
7. Location of event: Bacolod City
8. Brief description of violations:
 - On September 18, 2019- Request letter of Romeo A. Balleros Police Colonel Provincial Director Negros occidental to conduct Information Operation and Symposium against recruitment activities of left leaning organizations to Mr. Bernardino Engada Bacolod Plant Manager CCBPI Bacolod Plant,
 - On October 5,2019 - CCBPI Bacolod plant management organized a town hall meeting inside the company premises and after the town hall meeting management permitted the PNP to conduct a symposium about the government anti-communist recruitment program. A certain Ka. Tom, a former New People’s Army or NPA, accompanied 2 uniformed policemen and a plainclothes policeman. Ka Tom called upon NIWO to disaffiliate from FCCU-SENTRO labelling it as a radical organization. He also sowed intrigues and distrust against the union officers in the management of union funds and CBA benefits.
 - On October 17,2019 around 6 to 7pm, 2 persons with civilian clothes and riding in a single motorcycle visited the house of the vice president of NIWO-FCCU-SENTRO. A certain Boy Dalisay introduced themselves as from the military and tried to him to replace the union president and disaffiliate from FCCU because the National President Alfredo Marañon is a former member the leftist organization. They also questioned the trip of NIWO union president to Atlanta, USA (The Coca-Cola Headquarter).
 - On November 8, 2019: Union President and Vice President filed a complaint of Threat/ Unjust Vexation at PNP Station 7, Bacolod City. Same persons harassed NIWO-FCCU-SENTRO union continue to conduct harassment/ red tagging/ anti-union to the union officers and members

9. Trade union link: NIWO-FCCU-SENTRO President is part of FCCU-SENTRO national leadership. NIWO-FCCU-SENTRO president also represent actively engage in organizing work among food and beverage in Bacolod Alliance.
10. Police/armed forces involvement: Philippine National Police (PNP)

Annex D
Report of the
Alliance of Concerned Teachers

Annex D-1

Forced Disaffiliation of ACT-Caraga Region

Name of trade union victim	Alliance of Concerned Teachers Union (ACT) – Caraga region
Trade union organization or affiliation of victim	ACT Union, a progressive, militant and nationalist organization of teachers, academic non-teaching personnel and non-academic non-teaching personnel.
Trade union position	Various
Company	Public schools in the CARAGA Region
Type of attack	Forced disaffiliation of members
Date of event	May 6, 2021
Location of event	Agusan National High School, Butuan City, Agusan del Norte
Brief description of the violation	<p>On 06 May 2021, 604 public school teachers from the Butuan City division were made to attend the “SEMINAR ON NATIONAL SECURITY CONCERN AND DISAFFILIATION FROM ACT” co-organized by the National Task Force to End Local Communist Armed Conflict and the Department of Education - Caraga.</p> <p>At the event of the program, teachers in attendance were made to sign a tarpaulin to signify their disaffiliation from ACT and to take an oath pledging their loyalty to the government.</p> <p>Besides committing an outright violation of teachers’ freedom of association, DepEd-Caraga also subjugated teachers to a physical activity where infection risk is high. DepEd violated its own order on the prohibition of military operations and interference within the agency.</p>
Trade union link	The affected parties are the teachers affiliated with and supportive of ACT Union Caraga
Police/armed forces involvement	<p>The 4th Infantry Division of the Philippine Army posted on its website an article on May 09 describing the event and hailing the 604 public school teachers from Butuan City who allegedly withdrew their support for ACT through a ‘Pledge and Signing Commitment Ceremony.’ (See: https://thediamentroopers.com/2021/05/09/604-teachers-in-butuan-city-disaffiliate-withdraw-support-from-act-commit-to-prevent-ctg-youth-recruitment/).</p>
Attitude/approach of State security officials to investigations and quest for justice	In conjunction with the NTF-ELCAC-DepEd seminar, military personnel have initiated a campaign for disaffiliation from ACT among public school teachers. ACT leaders have been visited in their homes and schools and asked to sign a document that declared their withdrawal of membership from ACT.

	<p>In Butuan City, the 604 teachers who were made to attend a convergence organized by the RTF-ELCAC and DepEd-Caraga were also made to take a ‘pledge of loyalty’ to the government and sign a tarpaulin to signify their disaffiliation from ACT. ACT leaders also reported being threatened with inclusion of their names in “the next set of warrants” to be released against activists in the locale.</p>
<p>Status of the case</p>	<p>ACT released a press release and statement regarding the matter, which demanded an immediate investigation on the matter. DepEd Caraga did not address their violation of teachers’ freedom to organize and unionize. Name of trade union victim: NMLDCC-FCCU union members</p>

Annex D-2

Arrest of Rosanilla “Lai” B. Consad

Name of trade union victim	Rosanilla “Lai” B. Consad
Trade union organization or affiliation of victim	Alliance of Concerned Teachers (ACT) Region XIII
Trade union position	Secretary General
Company	Rosanilla “Lai” B. Consad is the assistant principal of San Vicente National High School in Butuan City
Type of attack	Arbitrary arrest and detention, mental or psychological torture, Trumped-up charges, Threats, harassment, and intimidation, Red-tagging and terrorist-tagging
Date of event	March 17, 2021 to present
Location of event	Butuan City
Brief description of the violation	<p>At around 4:00 p.m. on March 17, 2021 two police officers in plainclothes approached Consad at Weegol’s Grill Haus, Montilla Blvd., Butuan City, Agusan del Norte. They told her that a warrant of arrest for attempted homicide has been issued against her and that they are placing her under arrest. Consad said that she is not aware of any case, as she has not received any subpoena.</p> <p>Consad was taken to the Regional Intelligence Division (RID) of the PNP Regional Office 13 (PRO13). All of her personal belongings, including every page of her passbook, were searched and photographed. Her two cellphones were also confiscated. Consad pleaded to be permitted to call her daughter, who was at the time at home alone, but she was not allowed to do so.</p> <p>A female police officer from the Women’s Desk interrogated Consad about ACT. She was asked about her activities and if she joins rallies and knows a certain “Eric Almendras,” who claims to know her. She said she does not know him. She was told that ACT is a CTG or a “communist terrorist group” and that she was once seen together with Loida Magpatoc, an alleged high-ranking NPA officer. Notably, she was never questioned about the incident subject of her criminal case. She was later detained at the Butuan City Police Station (CPS) 1.</p> <p>The following morning, the same police officers from the RID took her to the PRO13 office. To her shock, she was presented before the media by Brig. Gen. Romeo M. Caramat Jr., director of the PRO13, and Jeffrey Celiz, an NTF-ELCAC asset. Celiz, who has been publicly claiming to be a former NPA member</p>

	<p>with the nom de guerre “Ka Eric Almendras,” told the media that Consad is a member of Katipunan ng Gurong Makabayan (Kaguma), one of the underground member organizations of the National Democratic Front (NDF). He further said that she is also an active member of the Regional White Area Committee (RWAC) of the NPA's North Eastern Mindanao Regional Committee (NEMRC). A photo taken during the press conference is attached below.</p> <p>After the press conference, another set of investigators from the Regional Intelligence Unit (RIU) interrogated Consad about ACT. After about an hour, a man asked the RIU investigators to talk to Consad alone. The man angrily accused her of recruiting children and students to the NPA. When Consad denied the accusation, the man said that one of her former students had already surrendered and informed on her. He said: “Kami sa ELCAC, kabisado na namin ang modus ninyo!” (“We in ELCAC, we know your modus operandi!”) and said that had they been the ones who arrested her, she would have been killed already. He then told her to leave Caraga and go to Manila where there are a lot of ACT members.</p> <p>On the day of her arrest, the PNP Caraga published a post in its Facebook page saying that Consad is an “urban party committee member” of the CPP-NPA-Northeastern Committee in Caraga and that she was involved in the shooting of PFC. Junrel Cornelio and CAFGU Active Auxiliary Emiliano Sajol, Jr., members of the 29th IB PA who were conducting a combat patrol operation at Sitio Manhupaw, Brgy. Poblacion 2, Santiago, Agusan del Norte on November 21, 2020.</p> <p>Consad, however, asserts that she is a public school teacher and not a member of the NPA. She also has no knowledge of or any involvement in the alleged attack against the military.</p>
Trade union link	<p>The attacks against Consad seek to persecute Consad for exercising her right to self-organization and to repress the work and advocacies of ACT. They are part of the government’s continuing suppression of civil liberties and fundamental freedoms in the guise of counterinsurgency or counterterrorism.</p>
Police/armed forces involvement	<p>PRO13 Regional Director Brig. Gen. Romeo M. Caramat Jr., elements of the PRO13 Regional Intelligence Division (RID) and Regional Intelligence Unit (RIU), unidentified officer of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), NTF-ELCAC asset Jeffrey Celiz; Dr. Rogelio Sultan of DepEd Butuan City and a certain Raymond Mendoza from the Office of the Presidential Adviser on the Peace Process (OPAPP).</p>
Attitude/approach of State security officials to	<p>Consad has been a victim of tailing, harassment from military and police officers, and relentless red-tagging since 2019.</p>

investigations and quest for justice	During her detention, she was subjected to interrogations without her legal counsel and was presented before a press conference as a “high ranking CPP-NPA official.”
Status of the case before law enforcement mechanisms	<p>On March 23, 2021, she filed an Urgent Motion for Reinvestigation, arguing that the Poblacion 2, Santiago, Agusan del Sur address to which the OPP of Agusan del Sur sent the subpoena is totally unknown to her. She attached a Barangay Certificate stating that she is a bona fide resident of Brgy. Tungao, Butuan City, and her Service Record disclosing that she has worked as a public school teacher for almost two decades before she was appointed assistant principal. In a resolution dated March 29, 2021, the trial granted the motion and remanded the case to the Office of the Provincial Prosecutor for reinvestigation.</p> <p>Consad is still facing a charge for attempted homicide before the Tubay-Santiago 2nd Municipal Circuit Trial Court (Crim. Case No. 3197).</p>
Civil society assistance	<p>On April 23, 2021, ACT, together with Alliance of Health Workers and Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE) filed a complaint with the Commission on Human Rights (CHR) on their relentless red-tagging by members of the NTF-ELCAC. The complainants said that the emotional toll of being constantly vilified is demoralizing their ranks at a time when the pandemic has exacerbated their struggles, especially those in the health sector.</p> <p>On April 25, 2021, representatives of Bayan Muna Party-List, ACT Teachers Party-List, Gabriela Women’s Party, and Kabataan Party-List filed House Resolution No. 1683 entitled “RESOLUTION CONDEMNING THE ARREST, TRUMPED-UP CHARGES, TORTURE, AND OTHER HUMAN RIGHTS VIOLATIONS COMMITTED AGAINST ROSANILLA “LAI” CONSAD, ASSISTANT PRINCIPAL OF SAN VICENTE NATIONAL HIGH SCHOOL AND SECRETARY OF ALLIANCE OF CONCERNED TEACHERS REGION XIII UNION, AND URGING THE HOUSE COMMITTEES ON HUMAN RIGHTS AND JUSTICE TO CONDUCT AN IMMEDIATE INVESTIGATION IN AID OF LEGISLATION INTO THE SAME.”</p>

Annex D-3

Large-scale Profiling and Red-Tagging of ACT

Name of trade union victim	
Trade union organization or affiliation of victim	Alliance of Concerned Teachers
Trade union position	
Company	
Type of attack	Red-tagging, terrorist-tagging, other forms of vilification Profiling, de facto designation as a terrorist organization
Date of event	March 10, 2021; April 17, 2021; April 30, 2021
Location of event	DILG NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City; 2nd Floor DepEd Building, Meralco Avenue, Pasig City; Regions I, III, IV-A, IV-B, VI, VII, X, XI, XIII, and CAR; Overpass in front of the Metropolitan Waterworks and Sewage System (MWSS), Katipunan Road, Balara, Quezon City; Department of Agricultural Reform and Agricultural Training Institute (ATI), Quezon City Circle, Diliman, Quezon City
Brief description of the violation	<p>On March 10, 2021, DILG Asec. Alexander Macario issued a Memorandum ordering all regional directors and the BARMM regional secretary to investigate and list the names of government employees belonging to ACT and the Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE). The DILG further said, “(i)t is advised further, to fend off and discourage existing employees' association or organization in your office to affiliate with the known CTG organization,” referring to ACT and COURAGE.</p> <p>On March 15, 2021, DILG Officer-in-Charge Bernardo Florece, Jr. issued a statement saying that “it was Communist Party of the Philippines (CPP) founder Jose Maria Sison himself who ‘red-tagged’ or identified the organizations that they have infiltrated and now control in a video which was shown in the Senate.” The following day, DILG spokesperson Jonathan Malaya defended the Memorandum, saying that once identified, those verified to be members of ACT and COURAGE will only be encouraged to “disaffiliate themselves” from the said organizations.</p> <p>In a statement assailing the Memorandum ACT said: “Profiling and pushing for disaffiliation blatantly violate our members’ right to privacy, to be presumed innocent, and our freedom to</p>

associate. This adds to the injustice already suffered by teachers and students under the crisis-ridden educational system.” A screenshot of the memorandum posted at the LGU vs. COVID website, which has been taken down and no longer available. On April 17, 2021, the national office of ACT received reports from ACT union leaders in Regions I, III, IV-A, IV-B, VI, X, XI, XIII, and CAR that DepEd division officials are collecting the contact numbers of members of ACT and the Teachers’ Dignity Coalition (TDC) in their locality as per order of Usec. Revsee Escobedo of the DepEd. For this purpose, a Google form titled “Data on the Number of Teachers’ Dignity Coalition and Alliance of Concerned Teachers” was disseminated online. It required teachers to input their full names and email addresses and to indicate whether they are members of ACT, TDC, or both.

On April 18, 2021, Usec. Escobedo, responding to queries on the online survey, said that the DepEd is merely identifying organizations with which to initiate dialogues on issues like salary increases.

In a press statement on the same day, ACT said that Usec. Escobedo’s explanation “makes no sense” as ACT, being the sole and exclusive agent of teachers in five regions and is duly accredited in 11 others, already has the right to represent their constituents in matters affecting their welfare. ACT said that profiling is related to the “ongoing systematic attack on individuals and organizations openly critical of DepEd and the entire Duterte administration” and challenged Usec. Escobedo to respond to ACT’s multiple unanswered requests for dialogue. Usec. Escobedo, however, dismissed ACT’s concerns as an “overreaction.”

On April 19, 2021, during a Palace press briefing, Sec. Leonor Briones addressed criticisms on the profiling directive, saying that these are standard requirements necessary for any negotiations with the DepEd. She also said that as these organizations collect membership fees, DepEd needs to know the names of teachers from whose salaries to deduct the fees.

On April 30, 2021, posters claiming ACT and three of its leaders — ACT NCR Union President Vladimer Quetua, ACT Teachers Partylist Representative France Castro, and ACT Secretary General Raymond Basilio — as “ALYADO NG TERRORISTANG CPP-NPA-NDF” were found in an overpass located outside of the MWSS in Katipunan and outside DAR along the Quezon City Circle. The posters also called to avoid the three leaders, alleging them to be “MANLOLOKO AT RECRUITER NG ATING MGA TEACHERS,” while a large tarpaulin tagging Bagong Alyansang Makabayan (BAYAN), of

	<p>which ACT is an affiliate, and other progressive organizations as “MGA SUGO NG TERORISTANG CPP-NPA-NDF” was found outside the ATI located in Visayas Ave. corner Quezon City Circle. The tarpaulin was signed by so-called “Patriotic Filipinos of Quezon City.”</p>
Trade union link	<p>These measures, violates the right to self-organization, freedom of expression and right to information privacy, seek to stigmatize ACT’s work, repress its advocacies, and restrict civic space from teachers and education workers who are critical of the government</p>
Police/armed forces involvement	<p>State officials and agents were involved in these attacks. These include: Department of Interior and Local Government (DILG) Assistant Secretary Alexander Macario for public safety and security, DILG Officer-in-Charge Bernardo Florece, Jr., DILG spokesperson Jonathan Malaya, Department of Education (DepEd) Secretary Leonor Briones, DepEd Undersecretary Revsee Escobedo, and members of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).</p>
Attitude/approach of State security officials to investigations and quest for justice	<p>On January 17, 2019, ACT filed a Petition for Prohibition with the Court of Appeals (CA) assailing the large-scale profiling being conducted by the police for violating the constitutional right to freedom of association and expression and the right to information privacy under Republic Act No. 10173 or the Data Privacy Act of 2012. The respondents to the case were PNP chief Director General Oscar Albayalde, Secretary Eduardo Año of the DILG, and local police officials whose names appeared on the profiling directives obtained by ACT. The case was docketed as CA-S.P. No. 159141.</p> <p>On April 23, 2021, ACT, together with Alliance of Health Workers and COURAGE filed a complaint with the Commission on Human Rights (CHR). The complainants said that the emotional toll of being constantly vilified is demoralizing their ranks at a time when the pandemic has exacerbated their struggles, especially those in the health sector.</p> <p>On January 30, 2021, ACT filed its Submission to the United Nations Office of the High Commissioner for Human Rights (UN OHCHR) for the UN Human Rights Council (HRC) Report 41/2. In the Submission, ACT reported the forms of repression that its members have been experiencing under the Duterte administration, namely, profiling, threats and intimidation, red-tagging and cyber bullying, and trumped-up charges and incarceration. ACT called on the UN HRC to adopt a resolution for the conduct of an independent fact-finding mission and/or the initiation of a Commission on Inquiry regarding the human rights situation in the country.</p>

Status of the case	The CA dismissed ACT's Petition, Supplemental Petition and their subsequent Motion for Reconsideration on grounds of technical infirmities, specifically, ACT's failure to submit a certified true copy of the police memoranda, which, in the first place, were only leaked. ACT included in its pleadings its correspondences to the PNP requesting a certified copy of the leaked directives that the latter never replied to. ACT further urged the court to give primacy and importance on substantive rights over technicalities. On appeal, however, the Supreme Court (SC) on September 17, 2019 affirmed the denial (G.R. No. 248523).
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Annex D-4

Red-Tagging and Interference of State Forces in the Certification Election in Public Schools in Region III

Name of trade union victim	Maria Aurora Santiago, Perla Garcia, and Romly N. Clemente
Trade union organization or affiliation of victim	Alliance of Concerned Teachers Region III (ACT Region III)
Trade union position	Santiago is the Regional Coordinator of ACT Region III. Garcia is a member of the Regional Executive Board and President ACT-Tarlac. Clemente is the President of ACT Region III.
Company	Public schools in Central Luzon
Type of attack	Interference with union matters, threats, harassments, intimidations, and red-tagging
Date of event	October 5, 2018 to present
Location of event	Central Luzon
Brief description of the violation	<p>On October 11, 2019, during the certification election involving ACT Region III held in Aurora province, Maria Aurora Santiago and another staff tasked to conduct CE monitoring in the various voting precincts—personally saw with their own eyes tarpaulin authored by a bogus organization called “PEACE-CL” which contained derogatory pictures and slogans red-tagging the ACT as the “ALLIANCE OF COMMUNIST TEACHERS” along with other statements portraying ACT as allegedly having link with the Communist Party of the Philippines. The propaganda poster also contained the call of “No to Union Tayo” (“We are against the Union”).</p> <p>A few days before the date of certification election, the NICA reportedly initiated a meeting of DepEd-Aurora officials, during which the NICA Region III Director, Rolando Asuncion, labelled ACT and also named Maria Aurora Santiago as alleged fronts of the CPP-NPA-NDF to dissuade the teachers from voting ACT.</p> <p>National Intelligence Coordinating Agency (NICA) also conducted a one-day lecture on Security Awareness and Orientation for Government Executives in the DepEd Division of Tarlac. In this one-day NICA lecture on October 25, 2019, the said intelligence agency again red-tagged the ACT Region III Union as alleged front of the CPP-NPA-NDF and urged the attendees not to support our said Union. This was confirmed personally to us by Imelda P. Macaspac, a DepEd official during our courtesy call with her.</p>

	<p>On November 15, 2019, at around 12:00 noon, while Maria Aurora Santiago and Perla Garcia, ACT-Tarlac President, were monitoring the conduct of the certification election in Pura Central School, Pura, Tarlac, two (2) fully armed PNP officers arrived and took pictures on us. We later learned that many police officers, in full battle gear, were also deployed in several polling precincts in Tarlac during that day, especially in Paniqui, La Paz and Concepcion.</p> <p>PSDS Ortega broached the rumored links of ACT as communist fronts, claiming that this has been the subject matter of orientation meetings and forums by the NICA. Clemente and her team denied this accusation pointblank.</p> <p>In the same visit to Bulacan, the team also chanced upon a tarpaulin poster hanged in the wall of the Guiguinto Central School, Guiguinto, Bulacan, containing malicious and derogatory black propaganda with picture of ACT Bulacan Coordinator, Digna Mateo, who was being vilified as alleged “NPA NOON ACT COORDINATOR NGAYON!” The same material also contained pictures of Jose Maria Sison and alleged NPAs as well as preposterous slogans “Alliance of Concerned Teachers, ang tunay na tinig ng mga KOMUNISTANG TERORISTANG CPP-NPA sa mga paaralan at Kongreso, HUWAG IBOTO ANG ACT!”</p> <p>On that same day, the team, also found similar malicious propaganda material posted in the wall of a school in Malolos City.</p> <p>On November 29, 2019, when Romly Clemente acted as poll watcher for ACT Region III in the election held at San Rafael Central School, San Rafael, Bulacan, a fully armed PNP personnel approached her team as she was having a talk with the school’s Principal. The PNP personnel inquired about the result of the election, but when asked why he wanted to know, he replied that it is upon order of his superior officers. Romly Clemente and her team declined to give the PNP personnel any information.</p> <p>From May 4 to 5, 2020, state forces employed a helicopter to drop malicious reading materials in Zambales supposedly containing only Covid-19 pandemic information, but also contained the picture of Maria Aurora Santiago and some other sectoral leaders of the region as more deadly than Covid-19 because they are alleged Communist Terrorists.</p> <p>On May 8, 2020, a tarpaulin was seen hanging at Cristo Rey High School in Cristo Rey, Capas, Tarlac that shows a picture of Maria Aurora Santiago and the logo of ACT Region III and some other sectoral leaders of the region and their organizations as alleged Communist Terrorists.</p>
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	<p>In the same month, the same tarpaulin was also seen hanging at the fence of Sto. Rosario Parish and Holy Family Academy in Angeles, Pampanga.</p> <p>On May 26, 2020, in the public program of UNTV network, a certain Alexander Viernes claiming to be a former rebel and a member of PAMANA, a local people’s organization in Aurora province, tried to link Maria Aurora Santiago to the rebel group and to acts of terrorism.</p> <p>On the same date, after the interview, PNP personnel from Camp Ravina, Sabang, Baler, Aurora visited the sibling of Maria Aurora Santiago. The interrogation’s primary goal was to get information on the whereabouts of Maria Aurora Santiago. The PNP personnel tried to vilify ACT Region III alleging that it is a front of the rebel group or of the CPP-NPA.</p> <p>From June 7 to 8, 2020, Similar tarpaulins as was posted in May, 2020 but with different regional leaders, but it also showed the face of Maria Aurora Santiago and the logo of ACT Region III alleging the links to terrorism. NICA also initiated a forum in the very hometown of Maria Aurora Santiago, vilifying her in front of the entire community which includes her clan—children, siblings, relatives, neighbors, former classmates, and friends. They insist their allegations that Maria Aurora Santiago is a communist terrorist masquerading as legal leaders of a union (ACT Region III) that is allegedly only a front of the CPP NPA.</p>
Trade union link	<p>The red-tagging and anti-union acts of the so-called PEACE-CL are directly connected to the orchestrated red-tagging and vilification activities perpetrated by the National Intelligence Coordinating Agency (NICA}</p> <p>As a result of unwarranted district-sponsored activity, as in the case in Bulacan, many of the eligible voters were unceremoniously deprived of their right to vote, thus defeating the spirit and intent of the certification election as well as the DepEd Regional Memorandum on the matter.</p>
Police/armed forces involvement	National Intelligence Coordinating Agency (NICA} and PNP personnel
Civil society assistance	Karapatan Central Luzon, and National Union of People’s Lawyers Central Luzon (NUPL-CL) also helped in the recording and monitoring of the incidents and the ensuing campaign against state attack

Annex D-5

Non-Recognition of Accredited Union in Region VII

Name of trade union victim	Antonia Maamo-Lim
Trade union organization or affiliation of victim	Alliance of Concerned Teachers (ACT) Union – Region VII
Trade union position	President of the ACT Union – Region VII
Company	Public schools in Region VII
Type of attack	Non-recognition of an accredited union
Date of event	March 6, 2020
Location of event	Cebu City, Region VII, Central Visayas
Brief description of the violation	On March 6, 2020, the Regional Director of DepEd Region VII, Dir. Salustiano T. Jimenez has issued a certification to Regional Federation of Teachers Association (RFTA) recognizing it as the teachers association of DepEd Region VII. The issuance of recognition to RFTA despite the impending Collective Negotiation Agreement discussions with ACT Region VII Union is a clear attempt to disregard the existence of ACT that has been known for being vocal in advancing the defending teachers' rights and welfare
Attitude/approach of State security officials to investigations and quest for justice	This action of non-recognition was facilitated by the Regional Director of DepEd Region VII, Dir. Salustiano T. Jimenez

Annex D-6

Red-Tagging/Terror-Tagging of ACT Officer in Davao Region

Name of trade union victim	Pilar Barredo
Trade union organization or affiliation of victim	Alliance of Concerned Teachers (ACT) Union – Davao Region
Trade union position	Secretary-General
Company	Public schools in Davao Region
Type of attack	Red Tagging, Terror-tagging, Vilification
Date of event	22 July 2020
Location of event	Barangay Ma-a, Davao City
Brief description of the violation	<p>On July 22, 2020, Ms. Barredo learned that “WANTED” posters with her name and photo photograph and those of 8 other activists are posted along the streets of Barangay Ma-a, Davao City. The Wanted poster labelled them as “TERRORIST RECRUITERS.”</p> <p>On July 23, 2020, some of her friends, her family and even former students informed her that they saw the same posters in several places, including the vicinity of Assumption College of Davao (ACD) and near Philippine Statistics Authority (PSA) along Cabaguio Avenue, Barangay Agdao, Davao City. It caused her anguish, and she said, “I was put to shame and felt morally damaged, and I have never been more worried for my life and my family since then.”</p>
Trade union link	As Secretary-General of ACT Davao Region, her responsibility to effectuate our organizational programs and commitments regarding teachers’ rights and privileges, conduct teacher seminars and orientations, joining multisectoral and sectoral mobilizations, accept media interviews whenever called for and facilitate teachers’ concerns during collective bargaining agreement (CBA) and collective negotiation agreement (CNA) sessions.
Status of the case	Filed a sworn affidavit

Annex D-7

Red-Tagging/Terror-Tagging of ACT National Secretary General

Name of trade union victim	Raymond Basilio
Trade union organization or affiliation of victim	Alliance of Concerned Teachers (ACT) Union
Trade union position	National Secretary-General
Company	Public schools in Davao Region
Type of attack	Red Tagging, Terror-tagging, Vilification
Date of event	30 April 2021
Location of event	Quezon City
Brief description of the violation	Poster tagging Basilio as communist terrorist were hung at the overpass in front of the Metropolitan Waterworks and Sewage System (MWSS), Katipunan Road, Balara, Quezon City; Department of Agricultural Reform and Agricultural Training Institute (ATI), Quezon City Circle, Diliman, Quezon City.
Trade union link	Raymond Basilio, a known national leader of ACT leading up to the May 1, 2021 labor day protests is being tagged obviously to discourage participation in the protests. The motivation behind the attack was to outrightly tag Raymond Basilio as what the Philippine Government would call “Communist Terrorist” and link him to the Communist Party of the Philippines. Ultimately, this is to discourage affiliation with the Alliance of Concerned Teachers and their activities for two reasons. First, conspicuously placed in areas around Quezon City, it is obviously meant to publicly smear the organization. Second, the timing of the release of such posters, a day before the May 1, 2021 Labor Day protests obviously to maliciously tag the activity and discourage participation from teachers and the general public outside of the disingenuous claims to public health and safety amid the COVID-19 pandemic.
Police/armed forces involvement	The tarpaulin was signed by so-called “Patriotic Filipinos of Quezon City.” but conspicuous placement on the offices of the Metropolitan Waterworks and Sewerage System (MWSS) a Government-Owned and Controlled Corporation (GOCC) and the Department of Agrarian Reform (DAR) a government agency belie the perpetrators of this act. Furthermore, these offices made no active efforts to remove such posters
Attitude/approach of State security officials to investigations and quest for justice	The offices on which the tarpaulins were placed, made no efforts to remove these

Annex D-8

Red-Tagging/Terror-Tagging of ACT National Secretary General

Name of trade union victim	
Trade union organization or affiliation of victim	Alliance of Concerned Teachers (ACT)
Trade union position	
Company	Public schools
Type of attack	Red Tagging, Terror-tagging, Vilification
Date of event	10 March 2021
Location of event	Nationwide
Brief description of the violation	On March 10, 2021, Alexander L. Macario issued a memorandum addressed to “all DILG regional directors, regional secretary, BARMM” with the subject: MEMBERSHIP OF EMPLOYEES OF THE DEPARTMENT IN THE CONFEDERATION FOR UNITY RECOGNITION AND ADVANCEMENT OF GOVERNMENT EMPLOYEES (COURAGE). In the said document, the Alliance of Concerned Teachers was identified as among the “known Communist Terrorist Group (CTG) front organizations” that have infiltrated several agencies of the government “in private and public schools and DEPED.” The document further stated that ACT and COURAGE’s infiltration of government agencies were discussed “during the undisclosed and confidential meeting in which the Department participated.’
Trade union link	
Police/armed forces involvement	The Department of Interior and Local Government which has direct control and supervision over the Philippine National Police.
Attitude/approach of State security officials to investigations and quest for justice	On March 16, 2021 DILG spokesperson Jonathan Malaya admits to the memorandum
Status of the case	Case filed before the Supreme Court of the Philippines. Supreme Court petition with G.R. No. 253018 (UP Faculty Regent Dr. Ramon Guillermo et al. v. Duterte et al.) for a STATUS QUO ANTE ORDER and/or a TEMPORARY RESTRAINING ORDER.

Annex D-9

Red-Tagging/Terror-Tagging of ACT National Secretary General

Name of trade union victim	Vladimir Quetua
Trade union organization or affiliation of victim	Alliance of Concerned Teachers - National Capital Region (NCR)
Trade union position	President
Company	Public schools
Type of attack	Red Tagging, Terror-tagging, Vilification
Date of event	30 April 2021
Location of event	Quezon City
Brief description of the violation	Poster tagging Queta as communist terrorist were hung at the Overpass in front of the Metropolitan Waterworks and Sewage System (MWSS), Katipunan Road, Balara, Quezon City; Department of Agricultural Reform and Agricultural Training Institute (ATI), Quezon City Circle, Diliman, Quezon City.
Trade union link	Vladimir Quetua, a known national leader of ACT Union-NCR leading up to the May 1, 2021 labor day protests is being tagged obviously to discourage participation in the protests. The motivation behind the attack was to outrightly tag Vladimir Quetua as what the Philippine Government would call “Communist Terrorist” and link him to the Communist Party of the Philippines. Ultimately, this is to discourage affiliation with the Alliance of Concerned Teachers and their activities for two reasons. First, conspicuously placed in areas around Quezon City, it is obviously meant to publicly smear the organization. Second, the timing of the release of such posters, a day before the May 1, 2021 Labor Day protests obviously to maliciously tag the activity and discourage participation from teachers and the general public outside of the disingenuous claims to public health and safety amid the COVID-19 pandemic.
Police/armed forces involvement	The tarpaulin was signed by so-called “Patriotic Filipinos of Quezon City.” but conspicuous placement on the offices of the Metropolitan Waterworks and Sewerage System (MWSS) a Government-Owned and Controlled Corporation (GOCC) and the Department of Agrarian Reform (DAR) a government agency belie the perpetrators of this act. Furthermore, these offices made no active efforts to remove such poster
Attitude/approach of State security officials to investigations and quest for justice	The offices on which the tarpaulins were placed, made no efforts to remove these.

Annex E
Report of the
Public Services Labor Independent Confederation (PSLINK)

Annex E-1

Union Busting and Intimidation through Transfers/Reassignments at QCU

Name of trade union victim	Edlyn D. Manicat, Dr. Noel L. Lansang and Dr. Annie Enriquez Geron
Trade union organization or affiliation of victim	Samahang Malaya at Nagkakaisang Kawani ng Quezon City University (SAMAKA-QCU) affiliated with the Public Services Labor Independent Confederation (PSLINK)
Trade union position	Edlyn D. Manicat is President while Dr. Noel L. Lansang and Dr. Annie Enriquez are Board of Directors of the union
Company	Quezon City University
Type of attack	Union-busting, Intimidation
Date of event	The transfer orders were issued on January 6, 2021. The reassignment order was issued on January 12, 2021
Location of event	NCR
Brief description of the violation	<p>QCU President Atienza recommended to Quezon City Mayor Joy Belmonte the reassignment of EDLYN D. MANICAT (President), and Board of Directors DR. NOEL L. LANSANG AND DR. ANNIE ENRIQUEZ GERON outside of the University. The reassignment order signed by Mayor Joy Belmonte was issued on January 12, 2021. Before the reassignment order, and in a span of less than a week Dr. Atienza issued a series of Special Orders dated January 6, transferring among others Ms. Manicat from Registrar to Guidance and Counseling, Dr. Geron from Research, Extension Services & Development to Guidance & Counseling and Dr. Lansang from Office of Vice President for Administration to Batasan Campus and then to Resource Generation unit. The transfer and reassignment orders clearly targeted SAMAKA-QCU officers and were issued by the management without consultation nor prior information. These orders were meant to deprive the elected officers from fulfilling their mandates, weaken the association and stifle freedom of association. Moreover, the university president has refused to negotiate with the union and has also filed a complaint for unjust vexation against union BOD Dr. Geron for posting information on facebook regarding unfair labor practices and union busting by the management.</p>
Trade union link	All the victims are current top officials of the union
Police/armed forces involvement	None

Status of the case	SAMAKA QCU has filed a complaint with the Public Sector Labor Management Council for Unfair Labor Practice and complaint with the Civil Service Commission for constructive dismissal of union officers Manicat, Dr. Geron and Dr. Lansang.
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Annex E-2

Intimidation, Red-Tagging and Union Busting against Union of Non-uniformed Personnel of the PNP

Name of trade union victim	Sarah Lerum and other union leaders/members
Trade union organization or affiliation of victim	Philippine National Police Non-Uniformed Personnel Inc (PNP NUPAI), an affiliate of the Public Services Labor Independent Confederation (PSLINK)
Trade union position	President
Company	(Philippine National Police – PNP
Type of attack	Intimidation, Red tagging, Union-busting
Date of event	January 2021 - present
Location of event	NCR
Brief description of the violation	The PNP Management led by former Chief Debold Sinas committed Unfair Labor Practices and red tagging against the PNP NUPAI particularly Sarah Lerum, the union president. The PNP management only issued a response opposing the PNP NUPAI's Collective Negotiation Agreement (CNA) proposal after the latter made follow ups. When the union initiated a social media campaign in support of the CNA, its officers and members became the subject of threats, harassment and red tagging by the PNP Management. False information linking PNP NUPAI and PSLINK to communists were spread. Former PNP Chief Sinas made anti-union pronouncements during his visits to regional offices creating fear among PNP civilian employees and violating their freedom of association. Known union leaders/members as well as new employees were discouraged to participate in or support the union. Management has also filed 2 baseless cases against Lerum in an effort to further undermine the union and instill fear among its members. The cases have caused her separation from service which is now currently under appeal. Consequently, the actions undertaken by the PNP Management led to a significant number of members withdrawing their membership to the union.
Trade union link	Being the head of PNP NUPAI, Lerum became the main target of red tagging, harassment and threats by the PNP management
Police/armed forces involvement	In this case, the management of the PNP is directly involved as employer.
Attitude/approach of State security officials to	The PNP management led by former Chief Sinas has expressed his opposition to the union and has shown vindictiveness to PNP NUPAI leaders especially its president Lerum.

investigations and quest for justice	
Status of the case before law enforcement mechanisms	PNP NUPAI has filed a complaint with the Public Sector Labor Management Council (PSLMC).

Annex F
Report of the Partido Manggagawa on the Killing of
Leonides “Dennis” Sequeña,

Summary Information

1. Name of trade union victim: Leonides “Dennis” Sequeña
2. Name of trade union organization/Affiliation of victim: Partido Manggagawa
3. Trade union position: Organizer
4. Date of event: June 2, 2019.
5. Location of event: Workers Ville, Brgy. Bunga in Tanza, Cavite
6. Details (Brief description of the violation): Leonides “Dennis” Sequeña was gunned down around 11:00AM of June 2, 2019. He, at that time, was conducting a Basic Trade Union Rights seminar for ecozone workers inside a Daycare Center in Workers Ville, Brgy. Bunga in Tanza, Cavite when the assassin approached and shot him five times in the body. The killer, with undetermined number of companions, fled the crime scene using motorcycles. No case has been filed before the court on his murder because police investigators failed to identify any of the perpetrators. But due to extensive media coverage, the Department of Justice, invoking AO 35, formed a task force and ordered probe into Dennis Sequeña’s killing as reported in the media. Unfortunately, no official report/update has ever come out of this case up to this moment.
7. Trade union link: He was instrumental in the organizing of the Rosario Workers Association (RWA) and the United Cavite Workers Association (UCWA). RWA and UCWA are both duly registered labor organizations for mutual aid and protection of workers in the Cavite Economic Zone and other ecozones within the province of Cavite.

