

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City

4
5 EIGHTEENTH CONGRESS
6 Third Regular Session

7
8 HOUSE RESOLUTION No. 2226
9



10 Introduced by

11 BAYAN MUNA Representatives FERDINAND R. GAITE,
12 CARLOS ISAGANI T. ZARATE and EUFEMIA C. CULLAMAT,
13 GABRIELA Women's Party Representative ARLENE D. BROSAS,
14 ACT TEACHERS Party-list Representative FRANCE L. CASTRO,
15 and KABATAAN Party-list Representative SARAH JANE I. ELAGO

16
17 **RESOLUTION**

18 **URGING THE HOUSE OF REPRESENTATIVES, THROUGH THE COMMITTEE ON**
19 **LABOR AND EMPLOYMENT AND THE COMMITTEE ON HUMAN RIGHTS, TO**
20 **CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE REPORTED**
21 **CASES OF VIOLATIONS OF THE WORKERS' RIGHT TO FREEDOM OF ASSOCIATION**
22 **AND RIGHT TO FORM, JOIN, OR ASSIST LOCAL UNIONS, FEDERATIONS AND/OR**
23 **NATIONAL UNIONS PERPETRATED BY THE NATIONAL TASK FORCE TO END**
24 **LOCAL COMMUNIST ARMED CONFLICT (NTF-ELCAC)**

25
26 **WHEREAS**, Article 3, Chapter I of the Labor Code states that: "The State shall afford protection to
27 labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and
28 regulate the relations between workers and employers. The State shall assure the rights of workers to
29 self-organization, collective bargaining, security of tenure, and just and humane conditions of work";
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31 **WHEREAS**, Article 211 (b), Chapter I, Book Five of the Labor Code likewise states that: "It is the
32 policy of the State to promote free trade unionism as an instrument for the enhancement of democracy
33 and the promotion of social justice and development";
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35 **WHEREAS**, Article 246, Title V, Book Five of the Labor Code further states that: "It shall be unlawful
36 for any person to restrain, coerce, discriminate against or unduly interfere with employees and workers
37 in their exercise of the right to self-organization. Such right shall include the right to form, join, or assist
38 labor organizations for the purpose of collective bargaining through representatives of their own
39 choosing and to engage in lawful concerted activities for the same purpose for their mutual aid and
40 protection, subject to the provisions of Article 264 of this Code";

41 **WHEREAS**, in the past 4 years, the Philippines has been included in the International Trade Union
42 Confederation (ITUC) list of Top 10 Worst Countries for Workers. This is marked by arbitrary arrests,
43 violence, and state repression;
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45 **WHEREAS**, from 2019 to the present, the Philippine affiliates of the Council of Global Unions have
46 documented twelve (12) cases of forced disaffiliation, state interference with the right to self-
47 organization, through threats, harassments, and intimidation;
48

49 **WHEREAS**, the following are the unions who have been subjected to such attacks: (1) Nexperia
50 Philippines Inc. Workers Union (NPIWU); (2) Wyeth Philippines Progressive Workers Union
51 (WPPWU); (3) Optodev Workers Union; (4) Alcophil Workers Union; (5) The RedSystem Company
52 Inc. Employees Association (TRCIEA); (6) TMA Group Philippines; (7) Filipinas Palm Oil Plantation
53 Workers Union; (8) United Workers of Mindanao Agriculture Inc.; (9) Sta. Rosa Coca-Cola Plant
54 Employees Union (SRCCPEU), Liga na Pinalakas ng Manggagawa ng Coca-Cola Sta. Rosa

1 (LPMCCFP); (10) Nagkakaisang Manggagawa ng Supreme (NMS); (11) Alliance of Concerned
2 Teachers Union (ACT)-Caraga region; and (12) Alliance of Concerned Teachers Union (ACT)-Region
3 III;

4
5 **WHEREAS**, the aforementioned unions are part of established industry-wide federations, namely:
6 National Federation of Labor Unions (NAFLU), Alliance of Nationalist and Genuine Labor
7 Organizations (ANGLO), Drug, Food and Allied Industries Unions (DFA), and Federation and
8 Cooperation of Cola, Beverage, and Allied Industry Unions (FCCU). These federations are affiliated
9 with national labor centers such as Kilusang Mayo Uno (KMU), Federation of Free Workers (FFW),
10 and Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO). Public sector unions like the
11 Alliance of Concerned Teachers (ACT) and the Confederation for Unity, Recognition and
12 Advancement of Government Employees (COURAGE) are also being subjected to various forms of
13 attacks;

14
15 **WHEREAS**, due to continuous and intense harassment, intimidation and threats, at least four unions
16 yielded and disaffiliated from their federation, National Federation of Labor Unions-Kilusang Mayo
17 Uno (NAFLU-KMU), namely: (1) Musahamat Workers Union (disaffiliated in March 2018); (2)
18 Filipinas Palm Oil Plantation Inc. Workers Union (disaffiliated in July 2019); (3) Hinatuan Mining
19 Corporation (disaffiliated in 2019); and, most recently, (4) Nagkakaisang Manggagawa ng Supreme
20 (disaffiliated last June 2021);

21
22 **WHEREAS**, as can be learned from the victims' accounts, there is an apparent pattern in the series of
23 attacks perpetrated by state forces against these unions, specifically: (1) suspected state agents
24 (sometimes disguised as delivery riders) visiting factories asking information about the union like its
25 officers and activities; (2) suspected state agents stationing themselves outside the homes of union
26 officers/members in what seems to be an act to confirm the residence of their targets; (3) uniformed
27 police/military personnel (who purposely identify themselves as agents of the NTF-ELCAC)
28 conducting house visits to union officers/members asking information about the union, their officers,
29 their activities, and the whereabouts of their union dues, followed by an explanation that the purpose of
30 their visit is for an awareness campaign to warn workers to stay away from certain organizations
31 because it is allegedly a "front organization" of the CPP-NPA; and (4) workers being told (forced) to
32 quit their unions or to disaffiliate their unions from their federations after being threatened that they
33 may lose their jobs or face charges in violation of the Anti-Terror Act of 2020;

34
35 **WHEREAS**, these labor organizations have been at the forefront of the struggle for workers' rights
36 and welfare against exploitative employers and state repression. It is for this reason that their
37 organizations have been subjected to innumerable attacks over the years. According to them, despite
38 having filed numerous cases and appeals before the courts and government institutions, union members
39 and officers continue to experience attacks. They describe it as systemic and systematic as they point
40 to the State, who in their view are defenders of a system which favors big businesses and the ruling
41 elite, as the main perpetrators;

42
43 **WHEREAS**, even before the passage of the Anti-Terror Act in 2020, scores of workers, as well as
44 supporters and advocates, have been at the receiving end of numerous forms of attacks. President
45 Duterte issued Executive Order No. 70 in 2018 which paved the way for the creation of the National
46 Task Force to End Local Communist Armed Conflict (NTF-ELCAC). Workers groups point to NTF-
47 ELCAC as the mastermind behind continued efforts to label, brand, vilify, and harass individuals and
48 organizations as state enemies and subversives. They said these acts have put their lives in danger as
49 many of their fellow unionists and advocates had been violently attacked, arrested or killed after being
50 red-baited, or tagged as communist rebels or supporters;

51
52 **WHEREAS**, the end goal of the perpetrators is to bust the unions to render them powerless against
53 whatever the management throws at them. Unions are the weapons of the workers for them to
54 collectively assert for better working conditions. Without unions, workers are powerless against
55 exploitative labor practices;

1 **WHEREAS**, there is clearly a concerted effort by the powers that be against the working class to try to
2 disunite the workers and weaken their resolve in advancing and gaining victories with regard to
3 workers' rights and welfare, because it runs contrary to the interests of the ruling few;
4

5 **WHEREAS**, as a consequence, workers can no longer exercise their internationally recognized right
6 to freedom of association. They are not free to form or join trade unions of their own choosing. Any
7 choice they make is determined by the security forces and – in several cases – employers. They are told
8 who they cannot and should not support. They come to understand that choosing a trade union is no
9 longer based on whether that union can defend and advance their rights and interests. It is instead based
10 on the likelihood of being targeted as a supporter of the armed insurgency. It's no longer about rights,
11 but risks. At this point, national laws guaranteeing the right to freely join a union become utterly
12 meaningless;
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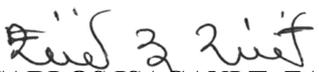
14 **WHEREAS**, based on victims' accounts, it is the State that is behind these acts. As such, there is a
15 need to review and put to light State policies mandating such (whether explicitly or implicitly), and
16 move to rescind such policies that endangers the lives and infringes upon the rights of workers, and
17 moreover, prosecute the perpetrators behind such acts;
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19 **WHEREAS**, it is imperative that workers' rights and welfare be recognized and protected, especially
20 in the middle of a public health emergency and socio-economic crisis;
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22 **THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, that the House of
23 Representatives, through the Committee on Labor and Employment and the Committee on Human
24 Rights, conduct an investigation, in aid of legislation, on the reported cases of violations of the workers'
25 right to freedom of association and right to form, join, or assist local unions, federations and/or national
26 unions perpetrated by the National Task Force to End Local Communist Armed Conflict (NTF-
27 ELCAC).
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29 *Adopted,*
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35 **REP. FERDINAND R. GAITE**
36 *Bayan Muna Party-list*
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40 **REP. CARLOS ISAGANI T. ZARATE**
41 *Bayan Muna Party-list*
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45 **REP. EUFEMIA C. CULLAMAT**
46 *Bayan Muna Party-list*
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50 **REP. ARLENE D. BROSAS**
51 *GABRIELA Women's Party*
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55 **REP. FRANCE L. CASTRO**
ACT Teachers Party-list

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58 **REP. SARAH JANE I. ELAGO**
59 *KABATAAN Party-list*
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