

**TIPC-Monitoring Body  
Resolution No. 2, Series of 2010.**

CFA Case No. 2528

IN RE: COMPLAINT OF THE KILUSANG MAYO UNO  
LABOR CENTER AGAINST THE GOVERNMENT OF  
THE REPUBLIC OF THE PHILIPPINES FOR  
VIOLATION OF ILO CONVENTION NO. 87.

RECOMMENDING EXPEDITIOUS INVESTIGATION AND  
RESOLUTION BY THE APPROPRIATE GOVERNMENT  
BRANCH, BODIES OR AGENCIES WITH REQUEST FOR  
SPECIFIC TIMELINES AND CASE PROGRESS REPORT ON  
THE THIRTY-NINE (39) CASES OF ALLEGED EXTRA-  
JUDICIAL KILLINGS.

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**RESOLUTION**

**WHEREAS**, pursuant to the Tripartite Industrial Peace Council (TIPC) Resolution No. 1, the National Tripartite Industrial Peace Council (NTIPC) was constituted as the High Level Tripartite Monitoring Body on the Application of International Labor Standards, in particular International Labor Organization (ILO) Convention on Freedom of Association and Protection of the Right to Organize (No. 87);

**WHEREAS** as the High Level Tripartite Monitoring Body, the TIPC is mandated to (1) facilitate "out of the box solution" to long standing CFA cases; (2) monitor and report progress on active CFA cases; and (3) facilitate gathering of relevant information on complaints submitted to the ILO and evaluate and recommend appropriate action/s;

**WHEREAS**, in ILO Case No. 2528, a total of thirty-nine (39) cases of extrajudicial killings of trade union leaders, members, organizers and union supporters and informal workers were alleged;

**WHEREAS**, upon initial evaluation pursuant to the classification under TIPC-Monitoring Body Resolution No.1, series of 2010<sup>1</sup>, thirteen (13) out of the thirty-nine (39) cases appeared to be possibly labor-related killings under Convention No. 87 considering that the circumstances, if proved, would constitute an infringement of the exercise of freedom of association and the right to organize;

**WHEREAS**, the remaining twenty-six (26) cases are initially classified as possibly *not* labor-related killings under Convention No. 87 as the set facts available in each case, if

<sup>1</sup> Classifying ILO Convention No. 87 Cases with Allegation of Extrajudicial Killings, Harassments and Abduction into Possibly Labor-Related Under Convention 87 and Possibly Not Labor-Related Under Convention 87.

proved, would not constitute an infringement of the exercise of freedom of association and the right to organize;

WHEREAS, getting the complainant organization, the Kilusang Mayo Uno, to provide additional verifiable information or evidences on the cases through sectoral meetings or through other means convenient to them initially proved difficult<sup>2</sup>, but the recent informal meeting indicates a possibility of engagement under the present administration as they approved to endorse cases to the Commission on Human Rights, Department of Justice and the Supreme Court for in-depth investigation or expeditious resolution as indicated in this Resolution;

WHEREAS, of the thirty-nine (39) cases, thirty-one (31) are in various stages of investigation and/or prosecution, and only the following eight (8) cases have clear recommendation for closure<sup>3</sup> from Philippine National Police-Task Force Usig and/or Department of Justice Task Force 211:

NAME OF VICTIM /COMPANY/ UNION	REGION	STATUS	DATE OF DEATH	INITIAL CLASSIFICATION
1. Edwin Bargamento Iwagan; no company; NFSW-KMU	6	For closure. The wife of the victim voluntarily executed an affidavit against the filing of any civil, criminal or administrative case against the suspects.	4/13/05	Possibly labor-related under C87
2. Manuel Batolina Lentija; NFSW	6	For closure. The victim's widow and daughter refused to file criminal charges and voluntarily executed an affidavit against the filing of any civil, criminal or administrative case against the suspects.	6/13/05	Possibly labor-related under C87
3. Nenita Labordio; Footjoy Manufacturing, Samahang Manggagawa sa Footjoy Manufacturing-Independent	3	For closure. Criminal charge was filed against the suspect Erick Salvador before the Municipal Trial Court of Guiguinto, Bulacan but he was later acquitted.	12/2/02	Possibly labor-related under C87

<sup>2</sup> A total of three (3) communications were sent to the KMU. The first was a letter invitation for a sectoral meeting dated 24 February 2010, followed by a request for information or indication of preference on how to consult them on the cases dated 5 March 2010, and the last, was the notice for information with a form dated 24 May 2010 (the letters are attached).

<sup>3</sup> The criminal justice system in the Philippines rested on five pillars: community, investigation, prosecution, judiciary, and correction. The Philippine National Police and the National Bureau for Investigations (NBI) handle investigations, not the prosecution authorities (the Department of Justice). Prosecution evaluates investigation findings or complaints, and files the corresponding information. The procedure relies heavily on testimonial evidence, rather than forensic evidence. Thus, although killing or murder is a crime against public order, witnesses' retraction, and/or waiver or desistance by the victim's relative to prosecute the case will result to its dismissal unless there are other witnesses or the evidence is strong to convict the suspect beyond reasonable doubt.

4. Alberto Teredaño; no company, BAYAN MUNA <sup>4</sup>	CAR	For closure. The case was dropped and closed due to the death of the suspects. The suspects were killed during a shoot-out with SPO1 Michael Laureta Briosio, PO2 Marlon Laureta Briosio and PO1 Rainier Tugadi. Death certificates were obtained.	11/29/05	Possibly NOT labor- related under C87
5. Federico de Leon; no company, BCODA-PISTON- KMU <sup>5</sup>	3	For closure. The son of the victim executed an affidavit stating that his mother went back to their province and is no longer interested to pursue the case. DOJ Task Force 211 wrote a letter to the Anakpawis party-list representative in Congress for any information that could help in resolving the case. To date, no reply was made on the request.	10/26/05	Possibly NOT labor- related under C87
6. Nilo Bayas Legaspi; no company, Samahan ng Mag- uuling sa Bulacan & ANAKPAWIS <sup>6</sup>	3	For closure. Follow-up investigation conducted disclosed that Mrs. Evelyn Bayas, widow of the victim, said that the primary suspect was already dead and she is not interested in pursuing the case due to non-availability of witnesses.	7/17/05	Possibly NOT labor- related under C87
7. Mario Fernandez Ursula; no company, NFSW	6	For closure. The suspects to the killing were already dead and DOJ-TF 211 obtained the death certificates of Gerardo Morillo Dela Cruz and Morito Malabago Dela Cruz. Regie Dela Cruz and Gerardo Dela Cruz refer to one person, and Nonoy Artuz and Morito Dela Cruz also points to the same person.	6/20/05	Possibly NOT labor- related under C87
8. Felipe Lapa; Milagros Farms, Milagros Farms Workers Union- NAFLU-KMU	4-A	For closure. Victim's widow, Mrs. Juanita Lapa, voluntarily executed an affidavit stating that she is no longer interested in filing a criminal complaint against the perpetrators.	10/25/01	Possibly NOT labor- related under C87

WHEREAS, relative to the thirty-one (31) cases, in deference to the independence and jurisdiction of the different branches of Government and/or agencies, the TIPC-Monitoring Body officially requests:

1. The Supreme Court, which has earlier instructed all courts to prioritize pending extra-judicial killings cases, and the Department of Justice-Task Force 211, that the following six (6) cases long pending before the different prosecutors' office and/or courts be prioritized for prosecution and/or resolution:

<sup>4</sup> BAYAN MUNA Party-list is one of the many national political parties in the Philippines.

<sup>5</sup> PISTON, a confederation of transport owners/operators and drivers with membership nationwide, is allied with the Kilusang Mayo Uno (KMU).

<sup>6</sup> ANAKPAWIS Party-List is the political party of the Kilusang Mayo Uno (KMU).

NAME OF VICTIM/ COMPANY/ UNION	REGION	STATUS	DATE OF DEATH	INITIAL CLASS- IFICATION
1. Teotimo Dante Daulo; Schneider Packaging Corp.	NCR	On trial. The prosecution is now presenting its evidence and the last known scheduled hearing was on 16 June 2010.	9/13/04	Possibly labor-related under C87
2. Ricardo Ramos Salvador; CATLU	3	On trial. The scheduled hearings on 26 March 2010 and 30 April 2010 were reset to another date.	10/26/04	Possibly labor-related under C87
3. John Jun David, Jesus V. Laza, Juancho C. Sanchez, Jhai-Vie Basilio, Jaime B. Pastidio, Adriano R. Caballero and Jessie M. Valdez; Central Azucarera de Tarlac, ULWU & CATLU	3	On trial. Victims are all represented by Mr. Rene L. Galang, ULWU President, except for Mr. Adriano R. Caballero Jr., as his parents are not interested to be included in the case.	11/16/04	Possibly labor-related under C87
4. Samuel Bandilla; no company, KMU	8	A petition for review was filed and is pending before the Department of Justice.	5/4/04	Possibly labor-related under C87
5. Antonio Pantonial Telebrico; no company, NFSW-KMU	6	On trial. Next scheduled hearing is on 11 August 2010; Calatrava-Toboso MTC; CC# 6163-C	7/6/05	Possibly NOT labor-related under C87
6. Fr. William Tadena; no company, no union	3	On trial. Last scheduled hearing was on 18 June 2010; Tarlac City RTC 64; CC# 7947 and 7957-05	3/13/05	Possibly NOT labor-related under C87

2. The Department of Justice-Task Force 211, in the absence of additional documentation or evidence from the complainant organization, to expedite the investigation it is currently undertaking on the following eleven (11) cases, and/or immediately effect the arrest of the suspect/s, if applicable:

NAME OF VICTIM /COMPANY/ UNION	REGION	RELEVANT INFORMATION	DATE OF DEATH	INITIAL CLASS- IFICATION
1. Leodegario Punzal; no company, ANAKPAWIS <sup>7</sup>	3	Several follow-ups from the PNP head office as well as case conferences were made in order to establish the identity of the perpetrators but to no avail. Task Force 211 wrote a letter to Anakpawis party-list representative and is waiting for response.	9/13/05	Possibly NOT labor- related under C87
7. Samuel Dote Berdaje; no company, no union	8	Mrs. Mary Dote, wife of the victim is no longer residing at Barangay Canlapwas, Catbalogan City. The family and other witnesses in the shooting incident moved to an undisclosed place in Metro Manila. For further evaluation and/or investigation.	4/11/05	Possibly NOT labor- related under C87
3. Paquito Pax Diaz; no company, COURAGE <sup>8</sup> -Eastern Visayas	8	The case, I.S.# 2008-208, before the Tacloban City Prosecutors' Office was dismissed for insufficiency of evidence. Follow-up investigation was made by Task Force 211, but the group was informed that nobody wants to testify in the killing. Even the victim's relatives refuse to cooperate. TF 211 will look for other ways to get more information on the incident.	7/6/06	Possibly NOT labor- related under C87
4. Victoria Samonte; Andres Soriano College, Andres Soriano College Employees Union	13	Case docketed as SSB 2005 203 was provisionally dismissed. Task Force 211 sent a team to look for other possible witnesses in the case.	9/30/05	Possibly NOT labor- related under C87
5. Tirso Cruz Masiglat; Hacienda Luisita. ULWU	3	The case, I.S.# 06-576, before the Tarlac City Prosecutors' Office was dismissed. Ma. Elizabeth Morano-Cruz, the victim's widow, is no longer interested in pursuing the case because she remarried two years ago. TF 211 to document loss of interest.	3/17/06	Possibly NOT labor- related under C87
6. Abelardo Ladera Rosal; no company, BAYAN MUNA	3	The case, I.S.# 05-609, before the Tarlac City Prosecutors' Office was dismissed. Task Force 211 wrote a letter to the Bayan Muna representatives in Congress to provide any information that could help in resolving the case. To date, no reply has been made on the request.	3/3/05	Possibly NOT labor- related under C87
7. Ronald Andrada; no company, no union	NCR	The case before the Parañaque City Regional Trial Court Branch 257 docketed as CC# 06-0175, was provisionally dismissed. The widow agreed to civil settlement. TF211 will coordinate with prosecutor for the possibility of reviving the case.	9/24/05	Possibly NOT labor- related under C87

<sup>7</sup> Ibid., 6.

<sup>8</sup> COURAGE is a confederation of public sector unions.

8. Angelito Mabansag Abit; no company, BAYAN MUNA & KADAMAY <sup>9</sup>	NCR	The case before the Manila Regional Trial Court Branch 9 docketed as CC# 05-240741-42 was provisionally dismissed. TF211 will coordinate with the prosecutor for the possibility of reviving the case.	9/28/03	Possibly NOT labor-related under C87
9. Rolando Mariano, TARELCO Employees Union & BAYAN MUNA	3	The case, I.S.# 06-1540, before the Tarlac City Prosecutors' Office was dismissed for lack of probable cause. TF 211 visited the victim's daughter for any information on the incident. However, she executed a handwritten affidavit that she is "temporarily waiving her right to pursue the investigation" of the case.	10/7/05	Possibly NOT labor-related under C87
10. Noel Garay de Guzman; WL Food Products, WL Food Workers Association	NCR	The case, I.S.# V-08-898, before the Valenzuela City Prosecutors' Office was archived pending the arrest of the suspect. A tracker team was created to locate the accused. <sup>10</sup>	12/25/05	Possibly NOT labor-related under C87
11. Ramon Namuro; no company, AJODOM-PISTON-KMU	NCR	The case before Calocan City Regional Trial Court Branch 128 docketed as CC# C-76753 was archived pending the service of warrant of arrest. A tracker team was created to locate the accused. <sup>11</sup>	10/15/05	Possibly NOT labor-related under C87

3. The Commission on Human Rights (CHR) to conduct an in-depth investigation on the circumstances of the following fourteen (14) cases or conduct a "final pass" on those that it has already investigated or has been investigated by the PNP-Task Force Usig and/or DOJ-Task Force 211, with a view to accord justice to the victims and their families at the soonest possible time:

<sup>9</sup> KADAMAY is a national alliance of urban poor associations and community-based associations or organizations.

<sup>10</sup> A case is archived whenever there is a finding that the proceedings cannot continue for a valid cause. The proceedings is held in abeyance and in the meantime the records of the case are placed in the archive. The case however, is not dismissed or closed. It is merely kept within the jurisdiction of the forum (court, quasi-judicial body, or investigating agency) and whenever the archived case is ready for further proceedings, it will be reinstated or revived. Examples of a valid cause warranting the archiving of cases are: valid prejudicial question; incident in the case is elevated to and is pending resolution/decision for an indefinite period before a higher court; the accused appears to be suffering from an unsound mental condition; failure to acquire jurisdiction over the person of the accused or the defendant (Administrative Circular No. 7-A-92, 21 June 1993, Establishing The Guidelines In The Archiving Of Court Cases). In other government agencies, one of the justifiable causes is failure to obtain material evidence.

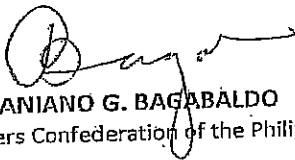
Archived cases with a pending warrant of arrest are for further investigation by DOJ-Task Force 211 as tracker teams to serve the warrant were formed.


<sup>11</sup> Ibid., 10.


NAME OF VICTIMS/COMPANY/ UNION	REGION	RELEVANT INFORMATION	DATE OF DEATH	INITIAL CLASSIFICATION
1. Diosdado Fortuna; Nestle Phils., UFENP	4-A	Financial assistance of Php10,000.00 has been granted to Luzviminda Fortuna. Both CHR-NCR Office and CHR-Region 4 Office investigated the case and recommended to archive the case for lack of witnesses who could identify the assailants.	9/22/05	Possibly labor-related under C87
2. Jesus Butch Servida; EMI Yazaki Corp., KMU	4-A	Task Force 211 wrote the victim's organization to request assistance in obtaining information which could help in the conduct of evaluation and/or investigation. To date, no reply was made on the request.	12/11/06	Possibly labor-related under C87
3. Gerson Lastimoso; Suyapa Farms Packaging Plant, NAMASUFA	11	Task Force 211 wrote the victim's organization to request assistance in obtaining information which could help in the conduct of evaluation and/or investigation. To date, no reply was made on the request.	12/16/06	Possibly labor-related under C87
4. Renato Pacaide Torrecampo; Nakayama Corp., NAMADS	11	Efforts to get a statement from Michelle Pacaide-Gecalye, daughter of the victim, proved futile as she can no longer be located.	10/2/07	Possibly labor-related under C87
5. Antonio Mercado Panilagan; no company, NFSW-FGT-KMU	6	On 24 August 2009, upon verification by the PNP Regional Office 6, the victim was not an active member of the NFSW. Court records show that no case was filed on the incident.	10/13/07	Possibly labor-related under C87
6. Gerardo Cristobal Olivarez; EMI Yazaki; SM-EMI-Independent	4-A	Court records also show that no case was filed on the incident.	3/10/08	Possibly labor-related under C87
7. Armando Leabres Pallarca; no company	3	For further evaluation and/or investigation.	n/a	Possibly NOT labor-related under C87
8. Charlie Solayao; no company, KAGUMA <sup>12</sup> and KADAMAY		For further evaluation and/or investigation.	7/17/07	Possibly NOT labor-related under C87
9. Crisanto Teodoro; no	3	Information from the Philippine National Police indicated that the victim had disassociated from	3/9/06	Possibly NOT labor-

<sup>12</sup> KAGUMA is allegedly one of the National Democratic Front's 16 allied organizations. It was founded as a legal organization of teachers in several colleges and elementary schools.

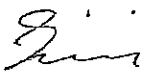
EMPLOYERS' SECTOR


  
ANIANO G. BAGABALDO  
Employers Confederation of the Philippines


  
RENE E. CRISTOBAL  
Employers Confederation of the Philippines


  
DONALD G. DEE  
Employers Confederation of the Philippines

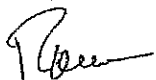
  
VICENTE LEOGARDO JR.  
Employers Confederation of the Philippines

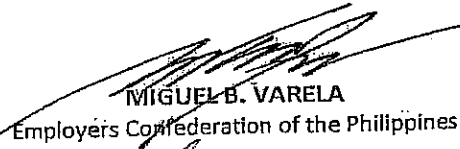
  
ERNESTO O. CECILIA  
Employers Confederation of the Philippines

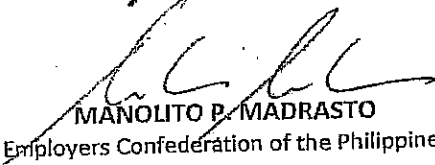
  
SERGIO R. ORTIZ-LUIS, JR.  
Employers Confederation of the Philippines


  
RANULFO P. PAYOS  
Employers Confederation of the Philippines

  
EDUARDO T. RONDAIN  
Employers Confederation of the Philippines

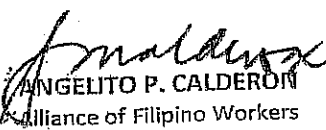
  
RENE Y. SORIANO  
Employers Confederation of the Philippines

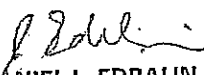
  
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Employers Confederation of the Philippines

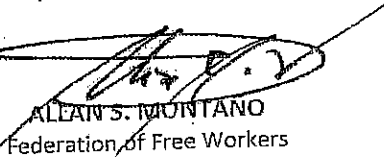
  
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Employers Confederation of the Philippines

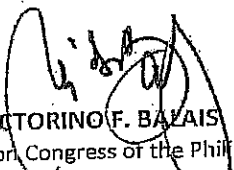
  
EDGARDO G. LACSON  
Employers Confederation of the Philippines

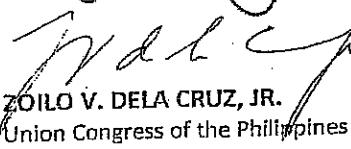
LABOR SECTOR

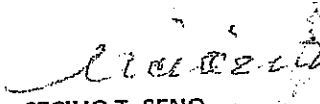
  
ANGELITO P. CALDERON  
Alliance of Filipino Workers

  
DANIEL L. EDRALIN  
Alliance of Progressive Labor

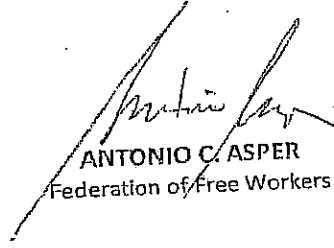
  
ALLAN S. MONTANO  
Federation of Free Workers

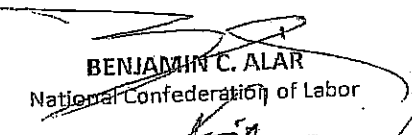
  
VICTORINO F. BALAIS  
Trade Union Congress of the Philippines

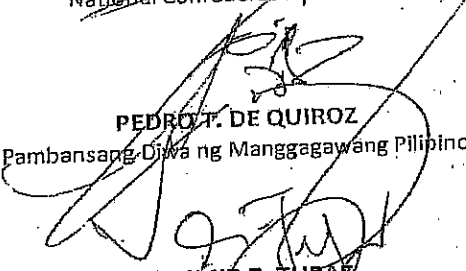
  
ZOILO V. DELA CRUZ, JR.  
Trade Union Congress of the Philippines

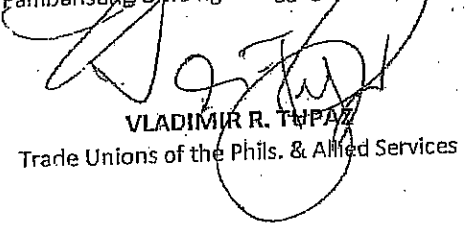
  
CECILIO T. SENO  
Trade Union Congress of the Philippines

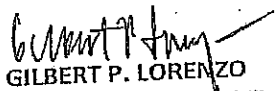



  
**ANTONIO C. ASPER**  
Federation of Free Workers

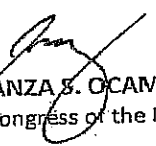
  
**BENJAMIN C. ALAR**  
National Confederation of Labor


  
**PEDRO T. DE QUIROZ**  
Pambansang Diwa ng Manggagawang Pilipino

  
**VLADIMIR R. TUPA**  
Trade Unions of the Phils. & Allied Services

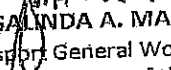
  
**GILBERT P. LORENZO**  
Trade Union Congress of the Philippines

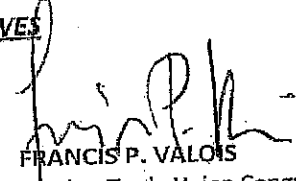
  
**ALEJANDRO C. VILLAVIZA**  
Trade Union Congress of the Philippines

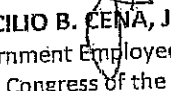
  
**ESPERANZA S. OCAMPO**  
Trade Union Congress of the Philippines


  
**JESUS B. VILLAMOR**  
Trade Union Congress of the Philippines

**OTHER INVITEES/REPRESENTATIVES**

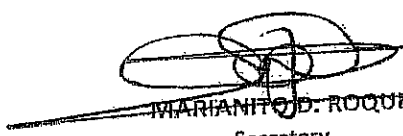
  
**ROSALINDA A. MANABAT**  
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Trade Union Congress of the Philippines

  
**FRANCIS P. VALOIS**  
Associated Labor Union-Trade Union Congress of the  
Philippines

  
**CECILIO B. CENA, JR.**  
Philippine Government Employees Association-  
Trade Union Congress of the Philippines

  
**GREGORIO C. DEL PRADO**  
Alliance of Independent Hotel and Restaurant  
Workers Union

**GOVERNMENT SECTOR**

  
**MARIANITO D. ROQUE**  
Secretary  
Department of Labor and Employment