

**TIPC-Monitoring Body
Resolution No. 1, Series of 2011.**

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.**

**ADOPTING THE RECOMMENDED CLOSURE OF CASES IN
THE TIPC-MONITORING BODY RESOLUTION NO. 2,
S.2010 AND BY THE COMMISSION ON HUMAN RIGHTS
(CHR), AND RECOMMENDING THE GRANT OF
FINANCIAL ASSISTANCE TO THE IMMEDIATE
DEPENDENTS OF THE VICTIMS OF EXTRAJUDICIAL
KILLINGS.**

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RESOLUTION

WHEREAS, TIPC-Monitoring Body Resolution No. 2, Series of 2010, adopted the recommended closure of the following eight (8) cases of extra-judicial killings due to desistance, refusal to file a case or death of the suspect/s¹:

NAME OF VICTIM /COMPANY/ UNION	REGION	STATUS	DATE OF DEATH	INITIAL CLASS- IFICATION
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, Samahan ng Manggagawa sa Footjoy Manufacturing- Independent	3	For closure. Criminal charge was filed against the suspect Erick Salvador before the Municipal Trial Court of Guigulnto, Bulacan but he was later acquitted.	12/2/02	Possibly labor- related under C87

¹ 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.

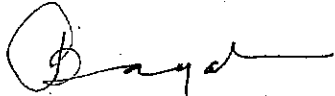
the PNP-Task Force Usig and/or DOJ-Task Force 211, with a view to accord justice to the victims and their families at the soonest possible time;

WHEREAS, of the fourteen (14) cases referred to the CHR, the Commission recommended the closure of the following ten (10) cases:

NAME OF VICTIMS/COMPANY/ UNION	REGION	STATUS WITH THE CHR	DATE OF DEATH	CHR RECOMMENDATION
1. Diosdado Fortuna; Nestle Phils., UFENP	4-A	In its Resolution dated December 21, 2005, it was recommended by the CHR Region 4 Office that the case be temporarily closed without prejudice to its reopening when material evidence shall have been gathered. To this date, no new evidence has been gathered. The case is a human rights violation and categorized as Extrajudicial Killing. Financial assistance was granted to the wife of the victim.	9/22/05	For closure
2. Renato Pacaide Torrecampo; Nakayama Corp., NAMADS	11	Case archived due to unwillingness of the vital witness to cooperate with the CHR.	10/2/07	For closure
3. Antonio Mercado Panilagan; no company, NFSW-FGT-KMU	6	The case was archived due to lack of witnesses and the assailants are unknown. The case is a human rights violation and categorized as Extrajudicial Killing. Financial assistance was granted to the wife of the victim.	10/13/07	For closure
4. Charlie Solayao; no company, KAGUMA ⁵ and KADAMAY	8	The case was archived because the identities of the assailants are still unknown and no witnesses could shed light on the circumstances of the case.	7/17/07	For closure
5. Crisanto Teodoro; no company, ADLO-KMU	3	CHR Region 3 resolved to archive the case due to non-availability of witnesses who could identify the assailants. The case is a human rights violation and categorized as Extrajudicial Killing. Financial assistance was granted to the wife of the victim.	3/9/06	For closure
6. Engr. Dalmasio Cepeda; SAMELCO, no union	8	The case was archived due to lack of leads to identify the suspects.	9/1/05	For closure

⁵ 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
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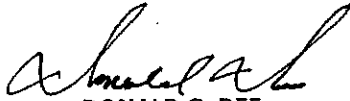
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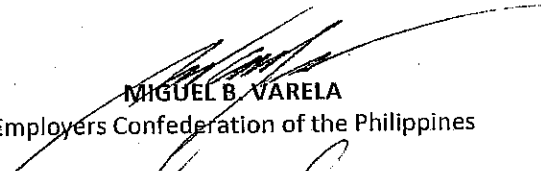
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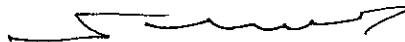
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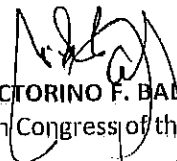


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LABOR SECTOR



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