

**TIPC-Monitoring Body
Resolution No. 2-A, Series of 2011.**

CFA Case No. 2528¹

**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 ELEVEN (11) CASES OF ABDUCTION IN ILO CASE
NO. 2528.**

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RESOLUTION

WHEREAS, pursuant to the mandate of the TIPC as the High Level Tripartite Monitoring Body², evaluation of the eleven (11) cases/incidents of abduction raised by the Kilusang Mayo Uno in ILO Case No. 2528 showed that ten (10) are possibly labor-related 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, while one (1) case is possibly not labor-related under Convention No. 87 based on the criteria set under TIPC-Monitoring Body Resolution No.1, series of 2010³;

WHEREAS, of the eleven (11) abduction cases/incidents raised, the Commission on Human Rights recommended the closure or archiving of the following seven (7) cases:

¹ A total of sixty-two (62) cases cited in ILO Case No. 2528. Thirty-nine (39) are extra-judicial killings; eleven (11) abductions; and twelve (12) are harassment cases.

² TIPC Resolution No. 1, Series of 2010, constituted the TIPC 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). The TIPC Monitoring Body 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,

³ 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.

WHEREAS, the remaining four (4) abduction cases/incidents are without clear recommendations or progress, these are:

NAME OF VICTIM /COMPANY/ UNION	RO	STATUS	DATE OF INCIDENT	INITIAL CLASS- IFICATION
1. Aurora Afable; Normelita Galon; Phil. Jeon Garments Inc., Phil. Jeon Garment, Cavite Export Processing Zone (CEPZ)	4-A	PNP investigation revealed that there are no records on file in the police station and police made an inquiry/coordination with PEZA police but yielded negative result. However, verification from the Municipal Trial Court (MTC) in Rosario, Cavite reveals that one Normelito Galon (not Normelita) and another Aurora Afable together with thirteen (13) others were respondents in Direct Assault cases filed by PEZA police led by P/Col Jose Joel Sarasua on 9 January 2009.	8/6/07	Possibly labor- related under C87
2. Rafael Tarroza; no info on company NAFLU-KMU	8	The CHR Region 8 certified that as of 16 September 2009, no complaint was filed before the said Office, nor there exists any reasonable ground to conduct a motu proprio investigation.	1/8/06	Possibly labor- related under C87
3. Leopoldo Ancheta; no company, KMU	3	The petition for the writ of Habeas Corpus filed with the CA was already dismissed on 10 June 2007. Since Carmen Ancheta, wife of the victim, resides in Tondo, Manila, CHR Region 3 recommended that this case be indorsed to the CHR-NCR Office to secure Mrs. Ancheta's sworn statement as well as the necessary documents required for possible grant of financial assistance.	6/24/06	Possibly labor- related under C87
4. Lourdes Rubrico A.K.A. "Nanay Ude"; Ugnayan ng mga Maralita sa Gawa at Adhika (UMAGA) ⁵ .	4-A	On 18 February 2010 – Notice of Judgment issued by SC En banc GR No. 183871 ordering the case back to the CA for the purpose of monitoring the investigations and the actions of AFP and PNP. Based on the resolution of the CHR –NCR Office dated 18 February 2008, respondents in the case filed by Lourdes Rubrico were held liable for human rights violation and recommended the filing of criminal and administrative cases with the Ombudsman for the Military. Verification with the Ombudsman disclosed that the case was docketed under OMB-P-C-070602. The case was already resolved but still subject to review by the concerned authorities.	4/3/07	Possibly labor- related under C87

WHEREAS, the TIPC-Monitoring Body, in deference to the independence and jurisdiction of the different branches of Government and/or agencies, requests that:

⁵ Federation of urban poor organization under the umbrella of KADAMAY.

EMPLOYERS' SECTOR



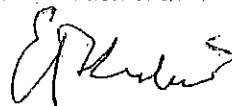
ANIANO G. BAGABALDO
Employers Confederation of the Philippines



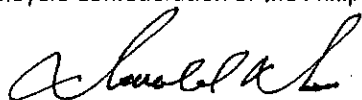
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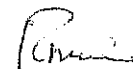
RENE E. CRISTOBAL
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EDUARDO T. RONDAIN
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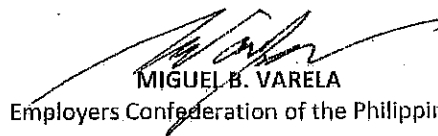
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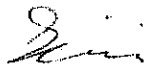
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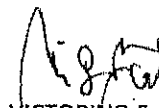


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LABOR SECTOR



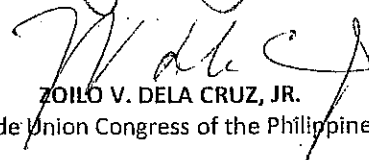
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