

TIPC-Monitoring Body
Resolution No. 10, Series of 2012.

**IN RE: COMPLAINT RAISED BY THE
INTERNATIONAL TRADE UNION
CONGRESS (ITUC) ON BEHALF OF
PHILIPPINE AIRLINES EMPLOYEES
ASSOCIATION (PALEA)**

**RECOMMENDING EXPEDITIOUS RESOLUTION
OF THE CASE.**

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RESOLUTION

WHEREAS, on 20 January 2010, the National Tripartite Industrial Peace Council approved TIPC Resolution No. 1, series of 2010, constituting the National TIPC as the High Level Tripartite Monitoring Body on the Application of International Labor Standards, in particular ILO Convention on Freedom of Association and Protection on the Right to Organize (No. 87), that shall: (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 and evaluate and recommend appropriate action/s;

WHEREAS, the Regional Tripartite Monitoring Bodies (RTMBs), created pursuant to DOLE Administrative Order No. 263, series of 2011, directing the establishment of the same in all Regional TIPC, have been instrumental and diligent in its pursuit of its functions, as: (a) to ensure the application and implementation of International Labour Standards in the region; (b) to verify and/or document allegations of threats, intimidation and harassments of trade unionists in the region; (c) to conduct monitoring and evaluation of complaints; (d) to gather relevant information from regional authorities and/or Courts, including comments from the social partners; and, (e) to prepare Case / Complaint Profiles to be submitted to the National TIPC Monitoring Body, as necessary;

WHEREAS, in a communication dated 4 August 2011, the International Trade Union Confederation (ITUC) submitted before the International Labor Organization (ILO) observations on the application by the Philippines of Freedom of Association and Protection of the Right to Organize and Collective Bargaining, where ITUC reported several cases of alleged extrajudicial killings, harassment at picket lines, and other violation of trade union rights;

WHEREAS, included in the list of cases of alleged violations of trade union rights presented by the ITUC is the case of Philippine Airlines Employees Association (PALEA);

WHEREAS, allegations from the complaint state that on 19 April 2009, Philippine Airlines (PAL) announced plans to outsource its non-core operations to third-party service providers;

WHEREAS, in response to the PAL announcement, PALEA President Gerry Rivera declared that the union would file a notice of strike against PAL as it allegedly aimed to outsource some of its operations to companies where workers are unorganized and receive cheaper wages, fewer benefits and no employment security;

WHEREAS, on 15 June 2010, then DOLE Acting Secretary Romeo C. Lagman issued a decision holding that: (1) the intended closure of PAL's In-Flight Catering Operations, Airport Services Operations and Call Center Reservation Operations and the consequent severance from employment of all affected employees and contracting out of said operations are based on lawful grounds and a valid exercise of management prerogative; (2) charges of unfair labor practice lack merit; and (3) payment of separation pay equivalent to one month salary for every year of service to all affected employees is in order;

WHEREAS, on 29 October 2010, the Secretary of Labor issued a resolution denying the Motion for Reconsideration filed by PALEA thereby affirming the 15 June 2010 Decision of then DOLE Acting Secretary Lagman;

WHEREAS, PALEA filed an appeal from the 15 June 2010 Decision and 29 October 2010 Resolution before the Office of the President which was dismissed on 15 December 2010, affirming the decision of the Secretary of Labor;

WHEREAS, pending before the 13th Division of the Court of Appeals is a petition for certiorari under Rule 65 of the Revised Civil Procedure filed by PALEA docketed as CA GR No. 129077 to annul and set aside the resolution/decision of the Office of the President that upheld DOLE's ruling;


WHEREAS, on 01 April 2011, the Office of the Secretary of Labor issued an order elevating the labor dispute at PAL to the National Labor Relations Commission (NLRC) for compulsory arbitration;

NOW THEREFORE, BE IT RESOLVED, AS WE HEREBY RESOLVE, that the TIPC-Monitoring Body adopts the following courses of action:

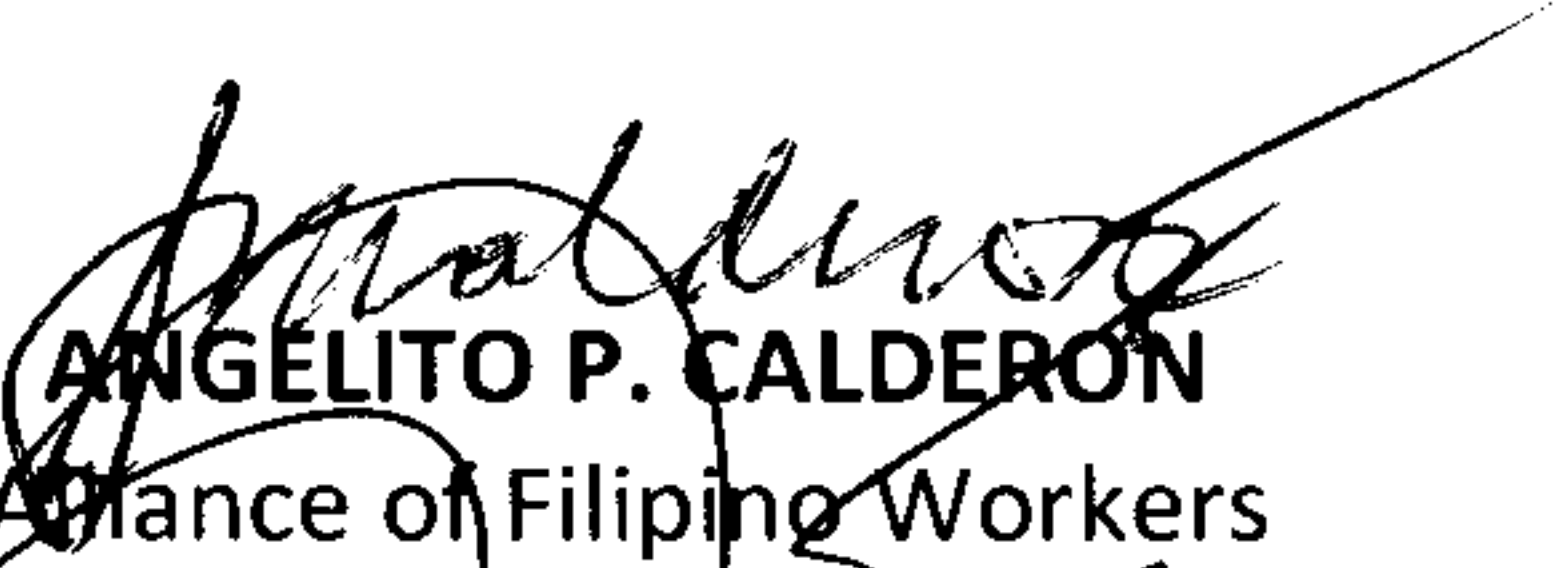
1. request the 13th Division of the Court of Appeals to expedite the disposition of the petition filed by PALEA; and
2. request the NLRC to expedite efforts to resolve the remaining issues, particularly on the pending compulsory arbitration case, in the labor dispute.

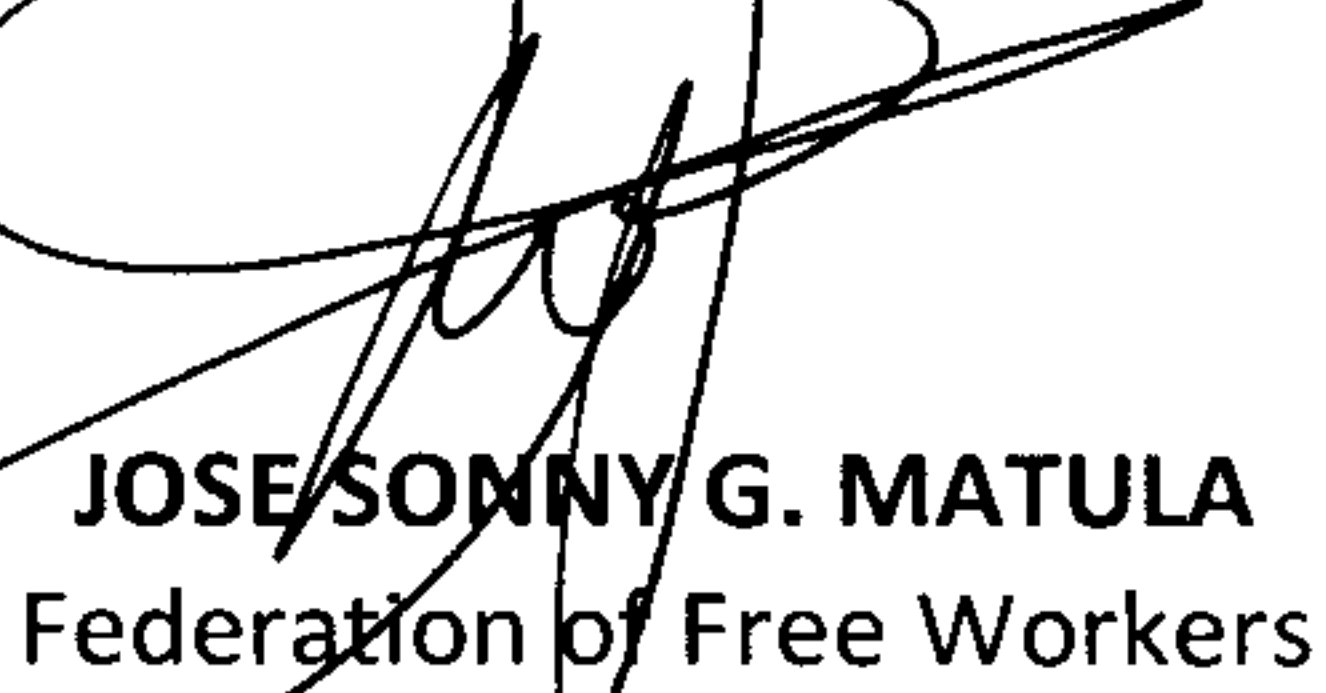
APPROVED this 15th day of February 2012, The Bayleaf, Intramuros, Manila, Philippines.

LABOR SECTOR



DANIEL L. EDRALIN
Alliance of Progressive Labor

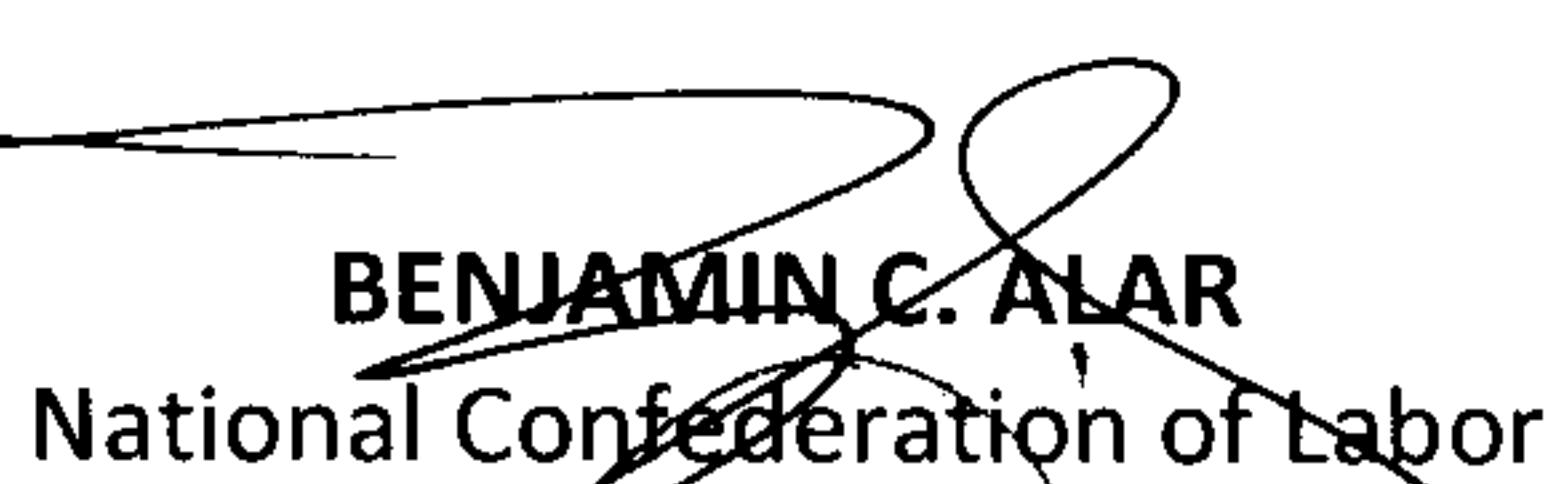

JOSUA T. MATA
Alliance of Progressive Labor

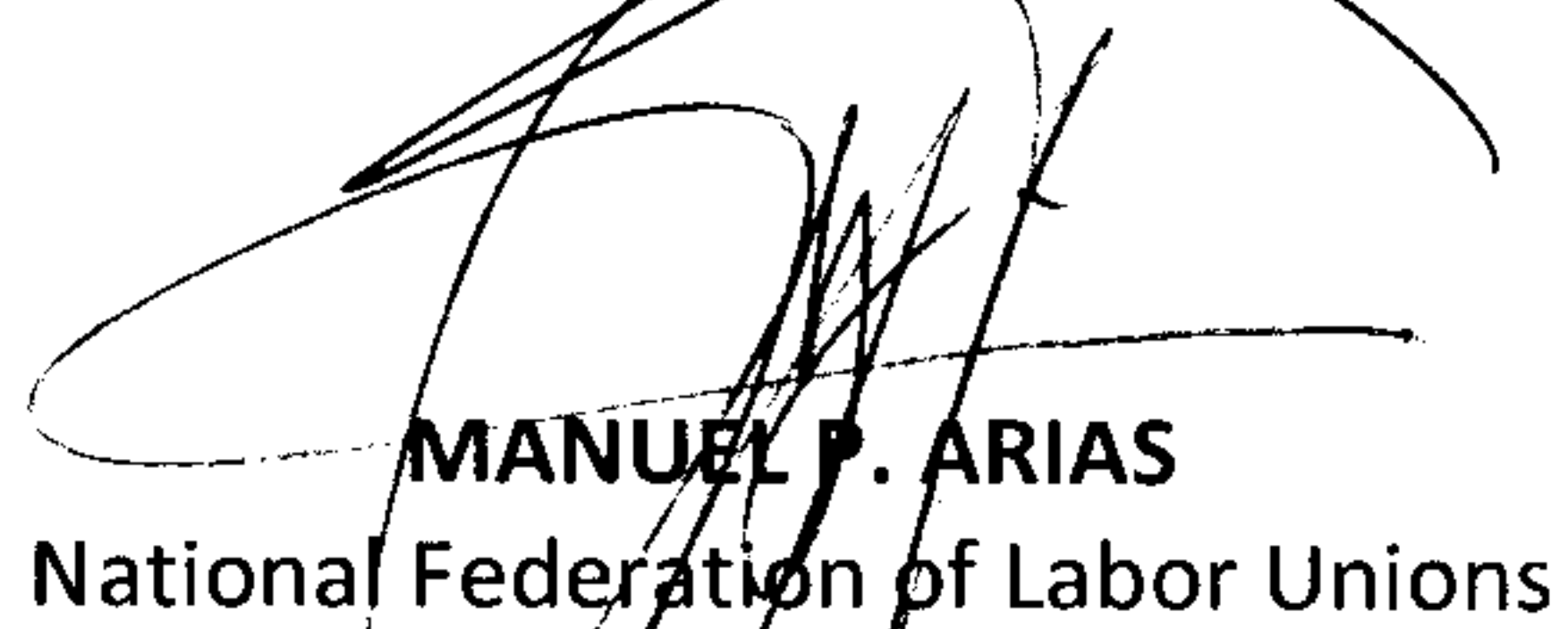

ANGELITO P. CALDERON
Alliance of Filipino Workers



JOSE SONNY G. MATULA
Federation of Free Workers

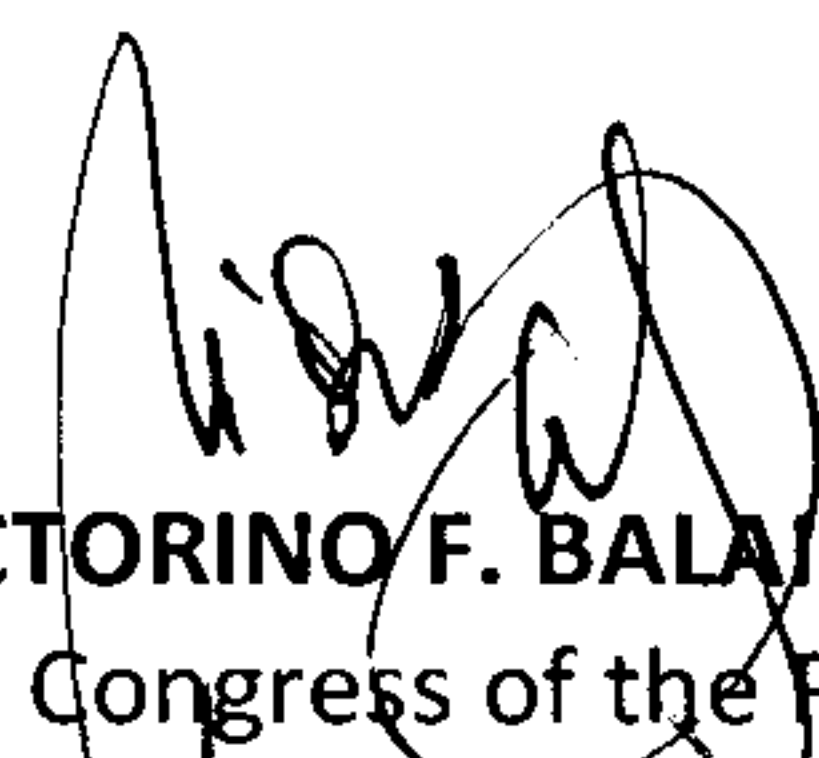

ALLAN S. MONTAÑO
Federation of Free Workers

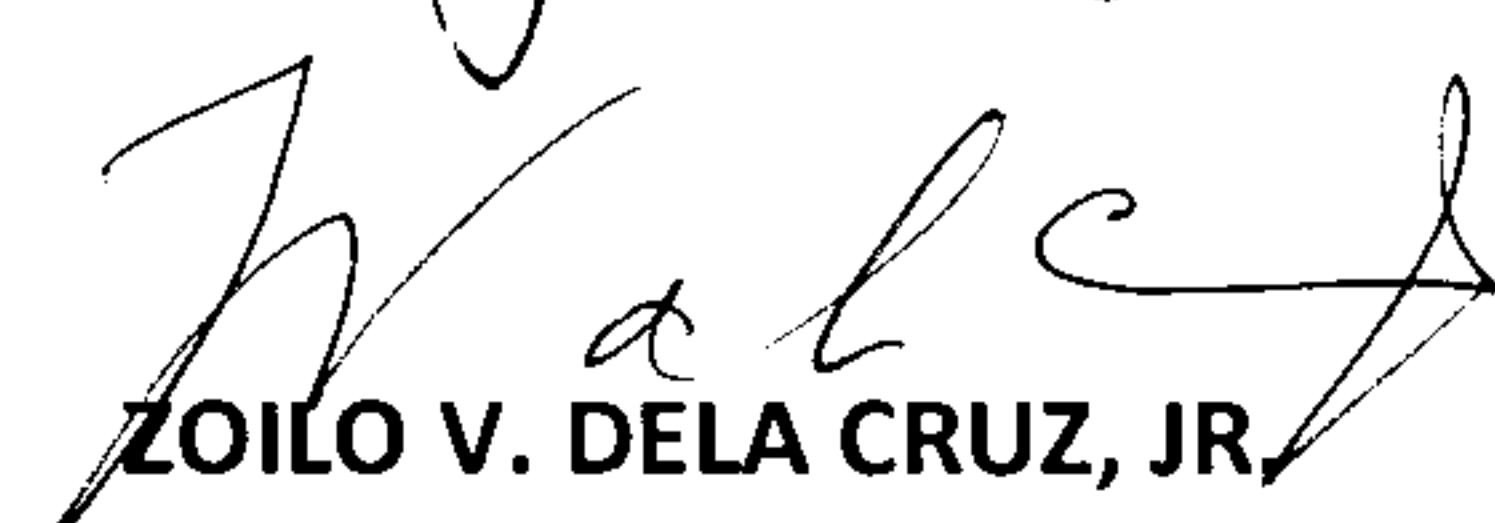

DAVID L. DIWA
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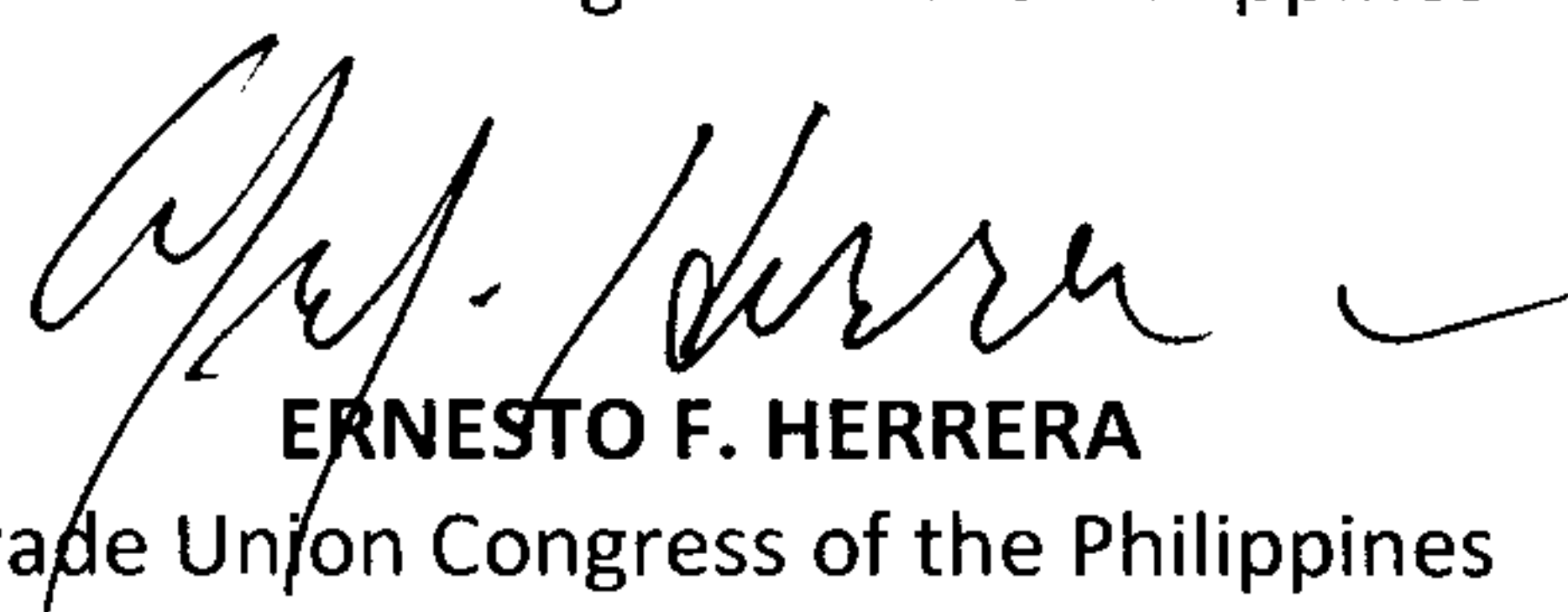

BENJAMIN C. ALAR
National Confederation of Labor



MANUEL P. ARIAS
National Federation of Labor Unions


NORBERTO M. ALENSUELA, Sr.
Pambansang Diwa ng Manggagawang Pilipino


VICTORINO F. BALAIS
Trade Union Congress of the Philippines



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

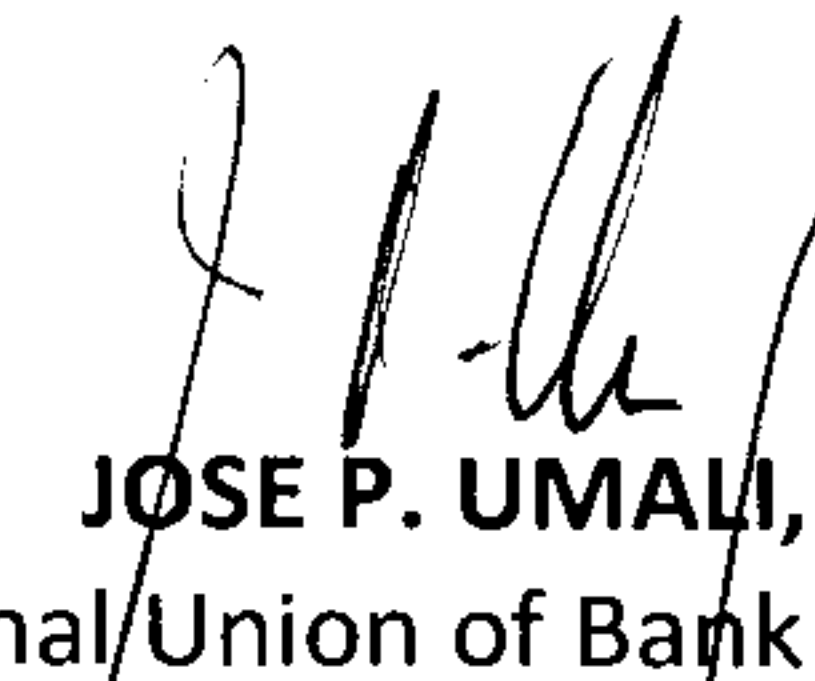

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Workers Union



VLADIMIR R. TUPAZ

Trade Unions of the Philippines and Allied
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EMPLOYERS' SECTOR



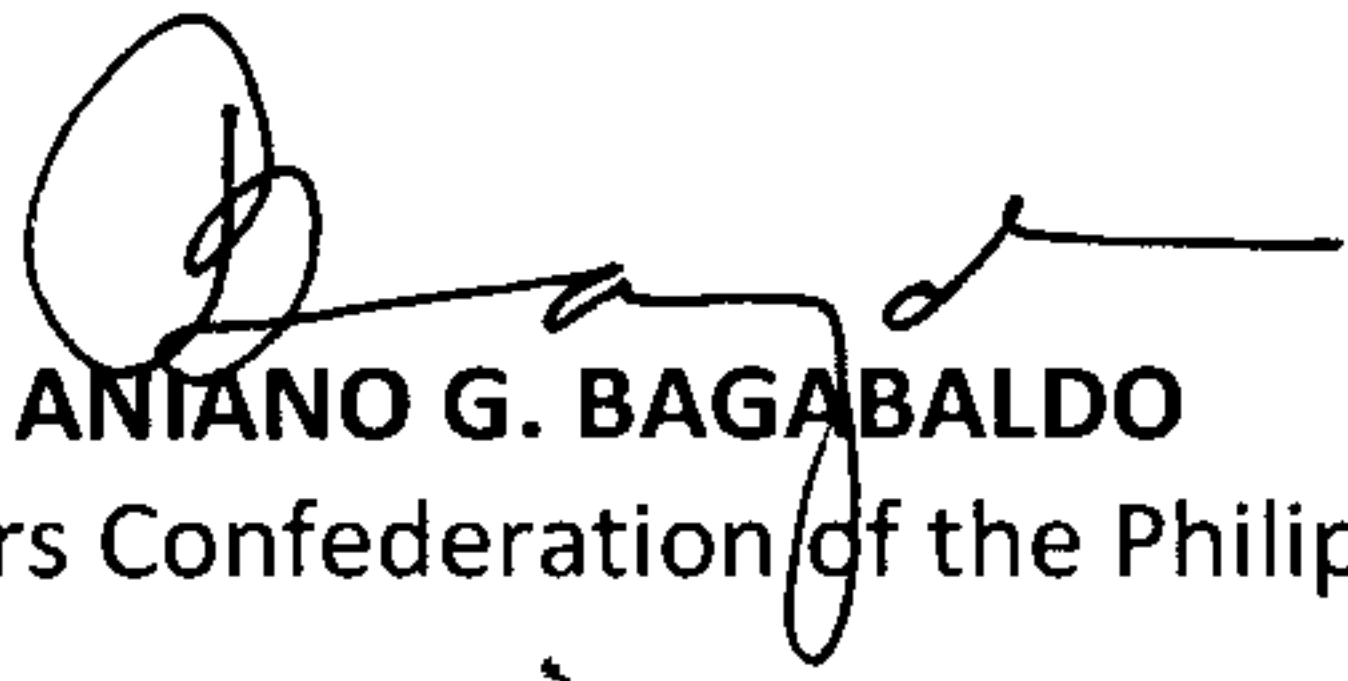
EDGARDO G. LACSON

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ANCHETA K. TAN

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MANOLITO P. MADRASTO

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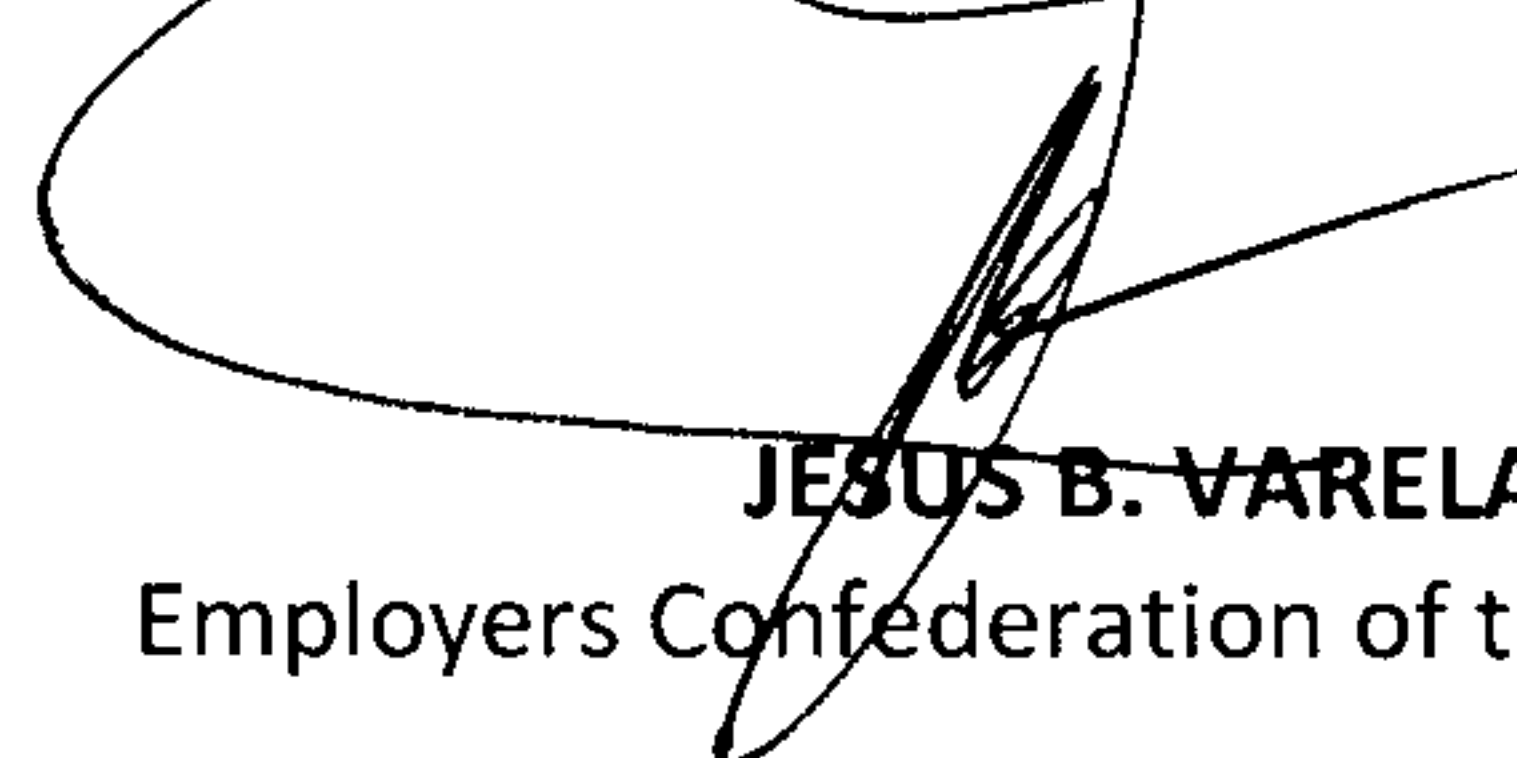
FELICIANO L. TORRES

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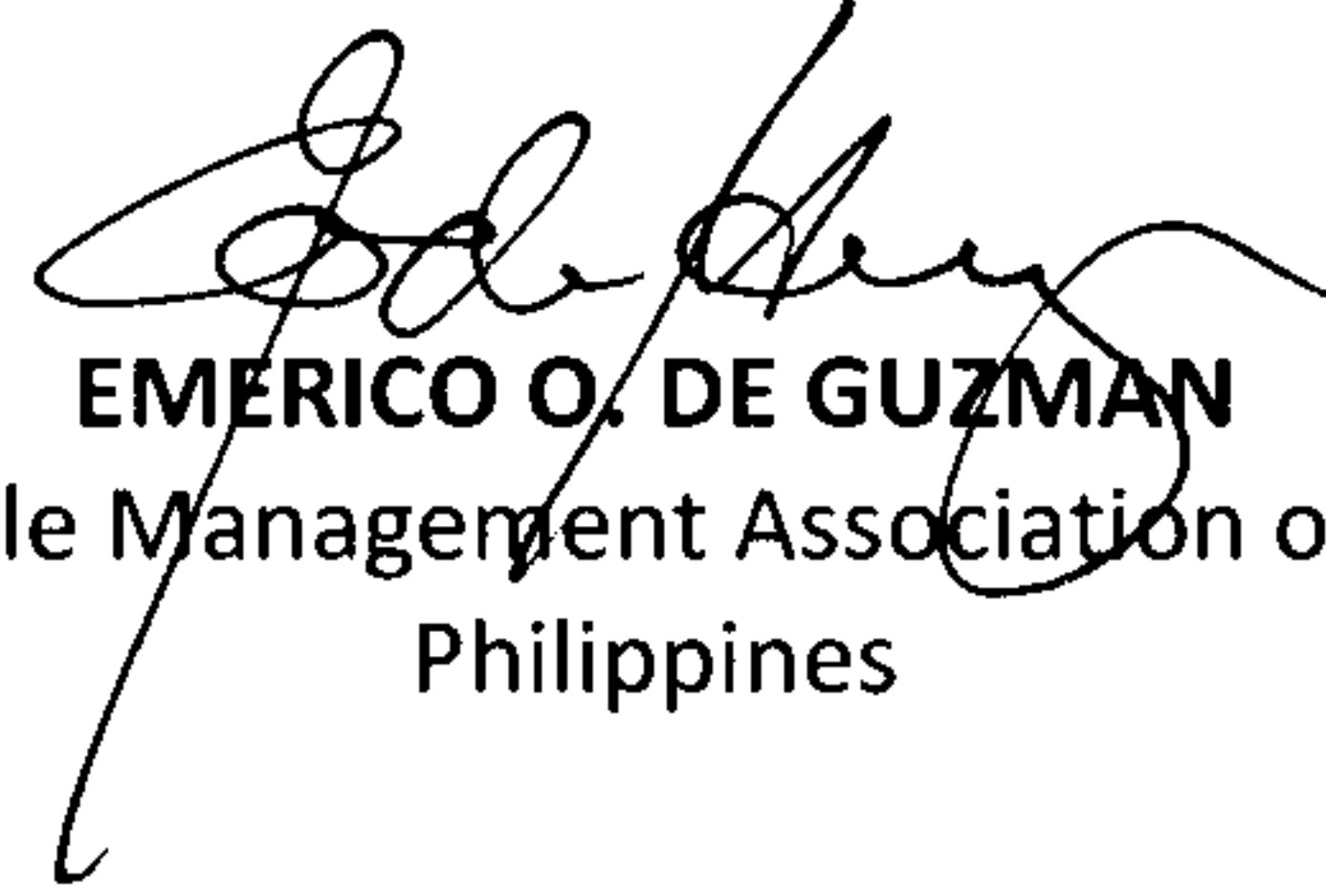
ARTHUR LUIS P. FLORENTIN, FPM

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MARY G. NG

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GOVERNMENT SECTOR



ROSALINDA DIMAPILIS-BALDOZ

Secretary

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