

**TIPC-Monitoring Body**  
**Resolution No. 11, Series of 2012.**

**IN RE: CASES OF ALLEGED VIOLATIONS OF  
TRADE UNION RIGHTS INVOLVING  
THE METRO MANILA DEVELOPMENT  
AUTHORITY (MMDA) AND LOCAL  
GOVERNMENT UNITS (LGUs).**

**RECOMMENDING OBSERVANCE OF THE  
PRINCIPLE OF NON-INTERFERENCE IN THE  
EXERCISE OF THE RIGHT TO SELF-  
ORGANIZATION AND DEVELOPMENT OF A  
DOLE-MMDA-LGU MEMORANDUM OF  
AGREEMENT ON THE CONDUCT OF MMDA  
DURING LABOR DISPUTES.**

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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**, included in the case calendar of the Monitoring Body are the following cases of alleged violations of trade union rights, specifically the interference to the right to self-organization, involving Local Government Units (LGUs) and the Metro Manila Development Authority (MMDA):

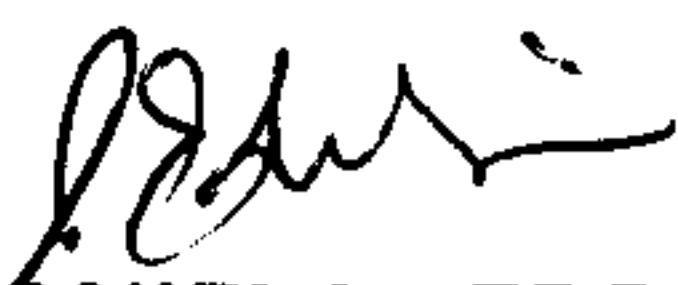
NAME OF VICTIM/ COMPANY/ UNION	REGION	DATE OF INCIDENT	SIGNIFICANT INFORMATION NOTED BY THE MONITORING BODY
1. 4D Employees Union	NCR	May 2010	<ul style="list-style-type: none"> <li>Information from the DOLE-National Capital Region shows that there is truth to the dispersal of the picket line of the 4D Employees Union within the vicinity of 4 Dimension Sleeping Products, Inc., located at San Miguel, Pasig City.</li> <li>The dispersal/demolition, which resulted to minor injuries to some of the employees, was allegedly executed by the Pasig Action Line (PAL) of the City of Pasig.</li> </ul>
2. Phil Bless Workers Union – National Workers Brotherhood (PBIWU-NWB)	NCR	May - October 2010	<ul style="list-style-type: none"> <li>ITUC allegation states that PBIWU-NWB went on strike against Phil Bless, Inc., over the company's persistent unfair labor practices. On 15 October 2010, personnel from the MMDA allegedly rammed the picket line and destroyed the strikers' encampments.</li> <li>A representative from the NWB states that the MMDA demolished/dismantled a structure within the picket line which housed a sari-sari store owned by a striker's relative.</li> </ul>
3. Sun Everlight Labor Union – Independent (SELLUI)	4A	Nov. – Dec. 2004	<ul style="list-style-type: none"> <li>KMU allegation states that the Philippine Economic Zone Authority (PEZA) and the municipal government sent units of the Philippine National Police (PNP) to intimidate and disperse workers' protest actions.</li> <li>Information from PEZA shows that the company requested assistance from the Ecozone Developer who asked the LIPAG to monitor peace &amp; order during the 3-day strike. Workers refused to leave the premises. They were allowed to stay but were refused re-entry once they got out of the gates.</li> </ul>
4. Aniban Manggagawang Inaapi sa Hanjin Garments (AMIHAN-Ind.)	4A	Dec. 2007- Feb. 2008	<ul style="list-style-type: none"> <li>KMU allegation states that the Laguna LGU ordered the PNP to enforce food blockade, and intimidation and dispersal of workers on strike. AMIHAN likewise states that the food blockade and series of dispersals at Hanjin Garments were approved by the Cabuyao Municipal Government. On January 31, 2008, the Cabuyao Mayor imposed a curfew from 11:00 pm until 4:00 a.m. which was a move to indirectly discourage workers from staying in their protest camp outside the company gates.</li> </ul>
5. Golden Will Fashion Phils. Workers Organization – Independent	4A	---	<ul style="list-style-type: none"> <li>KMU allegation states that right after the union was registered with DOLE, local government officials came to the factory and campaigned against union organizing and pushed for labor-management council (LMC) instead.</li> <li>The management admitted that they invited Governor Maliksi for a peaceful dialogue with the union.</li> </ul>
6. Nagkakaisang Manggagawa sa Hoffen Industries – Olalia	4A	August 2007	<ul style="list-style-type: none"> <li>KMU allegation states that the local government officials at different levels tried convincing workers to stop union organizing in the factory, in favor of business. Information from the Nagkakaisang Manggagawa sa Hoffen Industries likewise states that in August 2007, at the early stage of union organizing, local government officials immediately acted to stop the union formation. The Identified worker-leaders were invited by Dasmariñas Municipal Mayor Jenny Barzaga and Cavite 2<sup>nd</sup> District Congressman Elpidio Barzaga telling them to stop union organizing. During the meetings, a personnel from the Office of the Provincial Government (OPG) is present explaining that workers should understand the situation of the company and stop union organizing. Even the Municipal Mayor of Carmona, has visited the factory and spoke to the workers about union's negative effect to business.</li> </ul>
7. Samahan ng Manggagawa sa Mariwasa Siam Ceramics, Inc.-Independent	4A	---	<ul style="list-style-type: none"> <li>KMU allegation states that local village officers convinced union members to withdraw support from the union.</li> </ul>
8. Samahan ng Manggagawa sa EDS Mfg., Inc.-Independent	4A	---	<ul style="list-style-type: none"> <li>KMU allegation states that there was a serious corruption of union funds involving former union leaders who are allegedly influenced by the Office of the Provincial Governor (OPG) of Cavite. When a new set of union leaders and members tried to rebuild the union, their efforts were prevented by OPG and its controlled union leaders.</li> </ul>

**NOW THEREFORE, BE IT RESOLVED, AS WE HEREBY RESOLVE,** that the TIPC-Monitoring Body recommends a dialogue with the Metro Manila Development Authority (MMDA), the Department of Interior and Local Government (DILG), and the DOLE to ensure that the MMDA and/or other LGU personnel should not be mobilized in labor cases and should their presence be necessary in workplaces where national security threats are imminent, clear terms of reference through a Memorandum of Understanding/Agreement should be ensured to prevent commission of acts inconsistent with the principles of non-interference and non-infringement of the workers' right to self-organization and freedom of association.


**RESOLVED FURTHER,** that the DOLE be requested to engage the DILG and MMDA through social dialogues such as meetings, summits, seminars and other means necessary in order for them to fully understand the concept of freedom of association, self-organization and collective bargaining, and instill an attitude of respect for labor rights.

**APPROVED** this 15<sup>th</sup> day of February 2012, The Bayleaf, Intramuros, Manila, Philippines.

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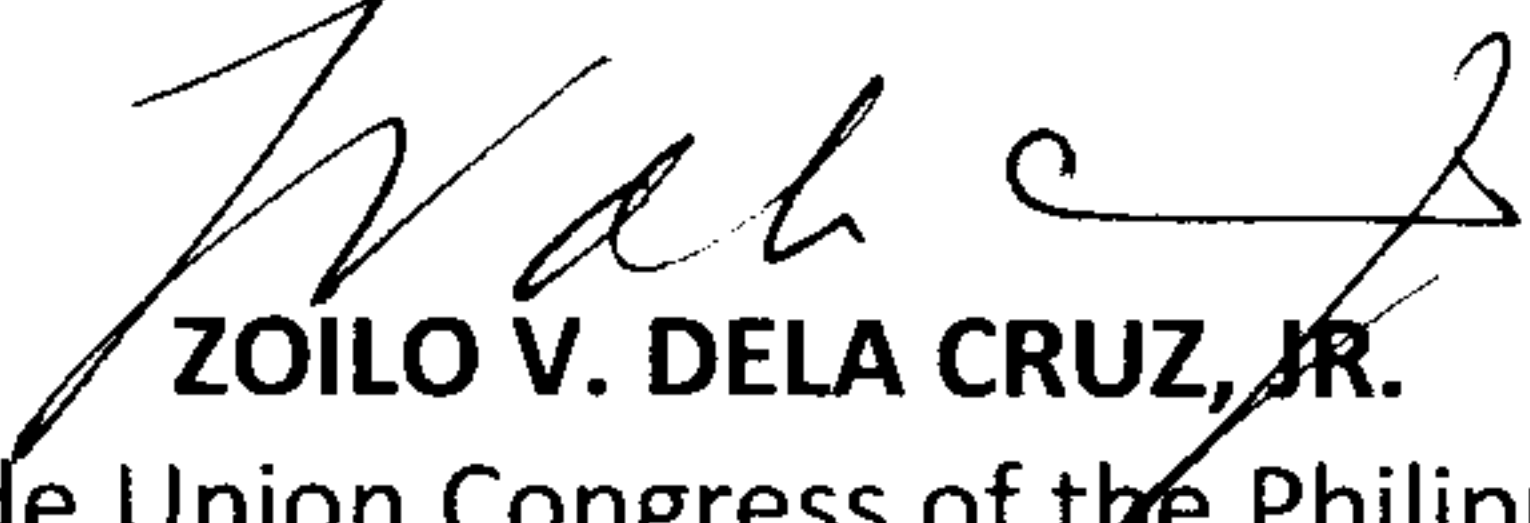
  
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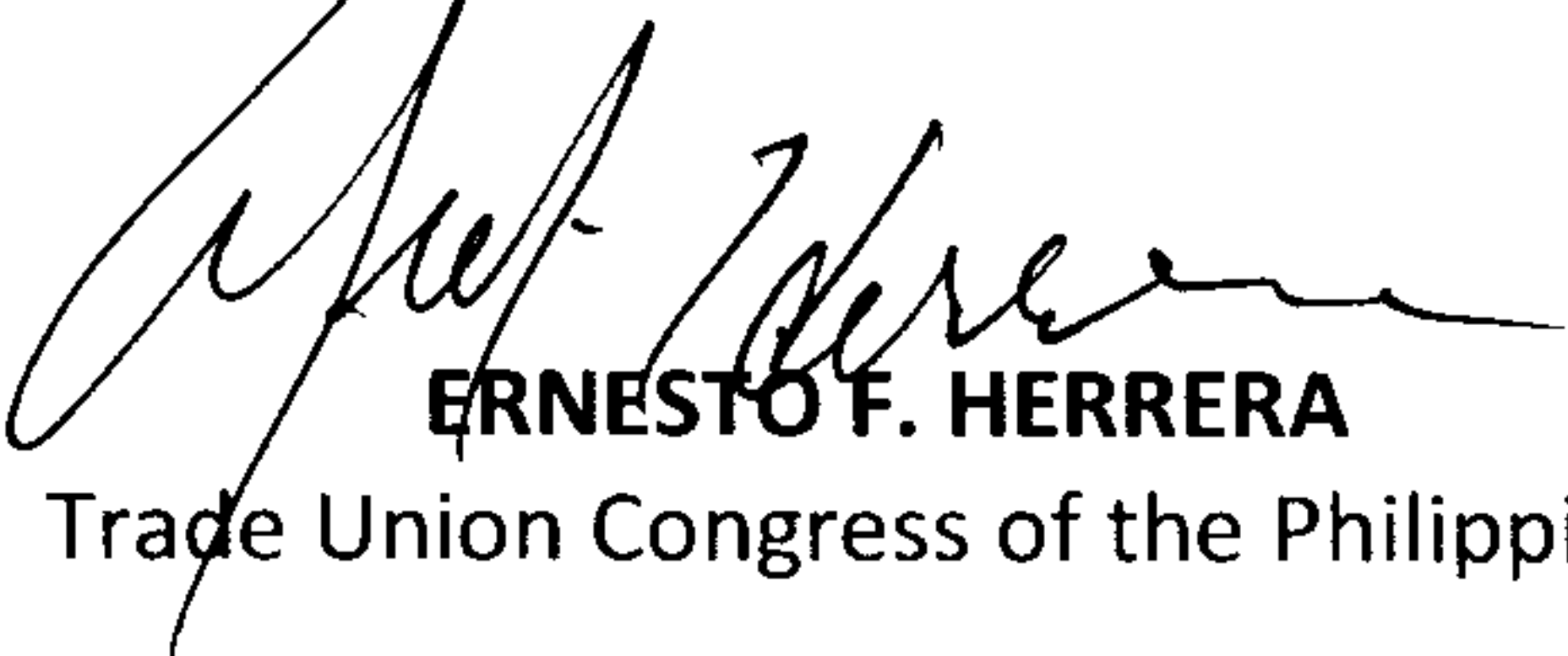
  
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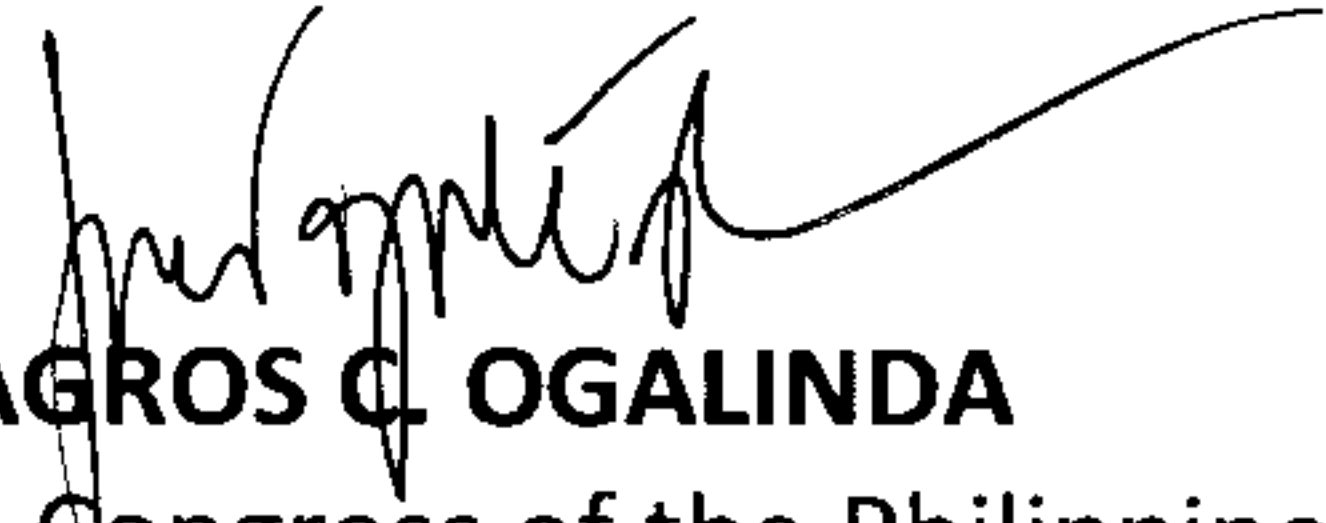
  
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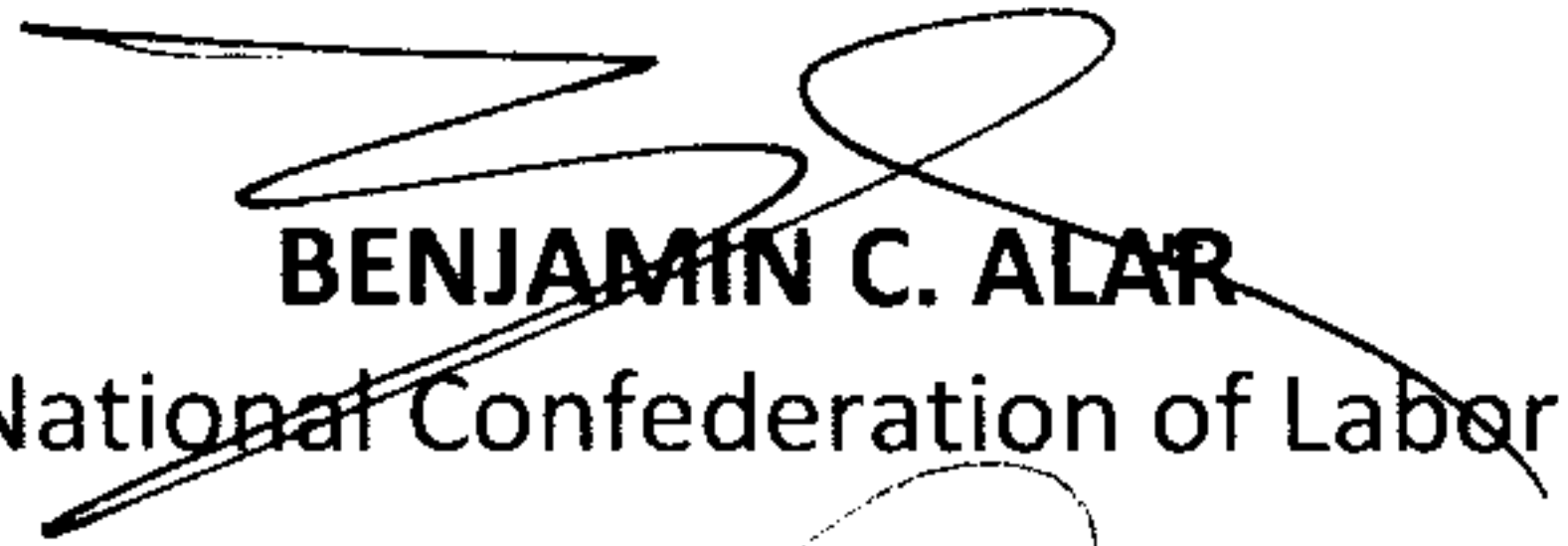
  
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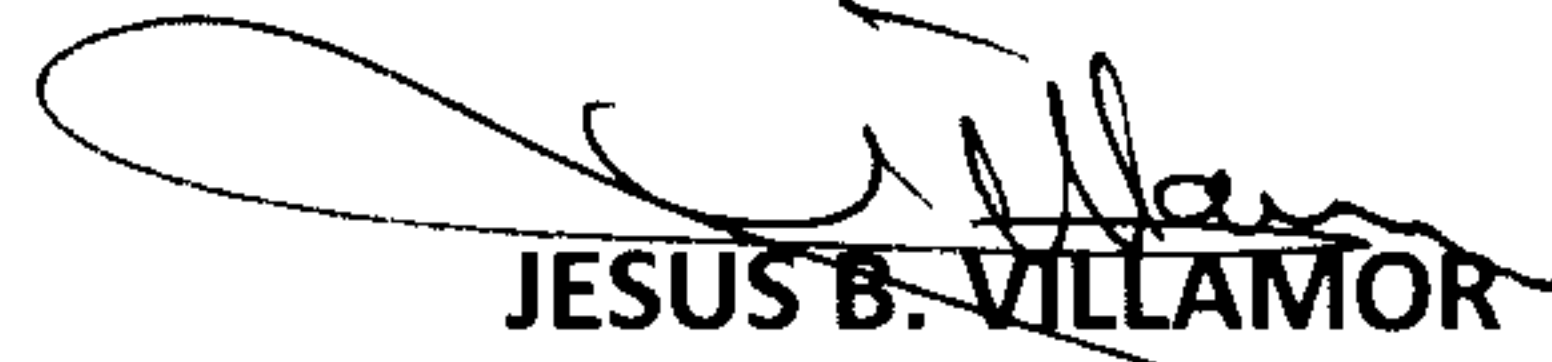
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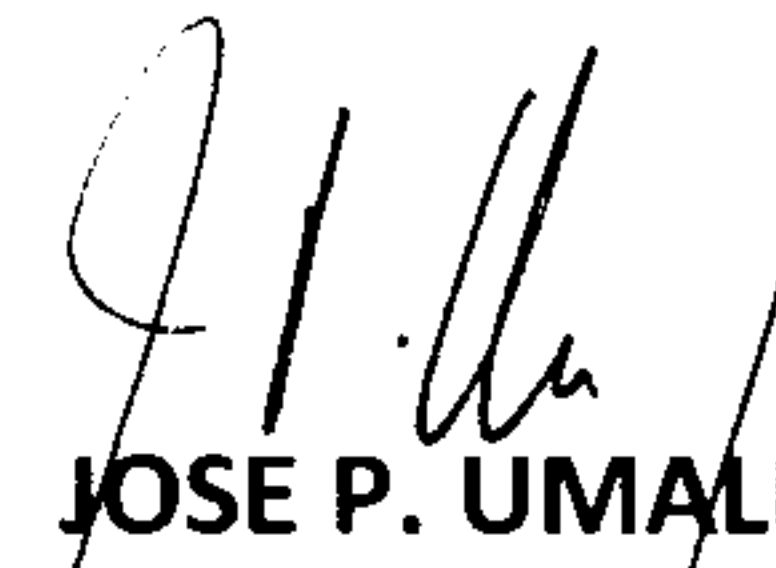
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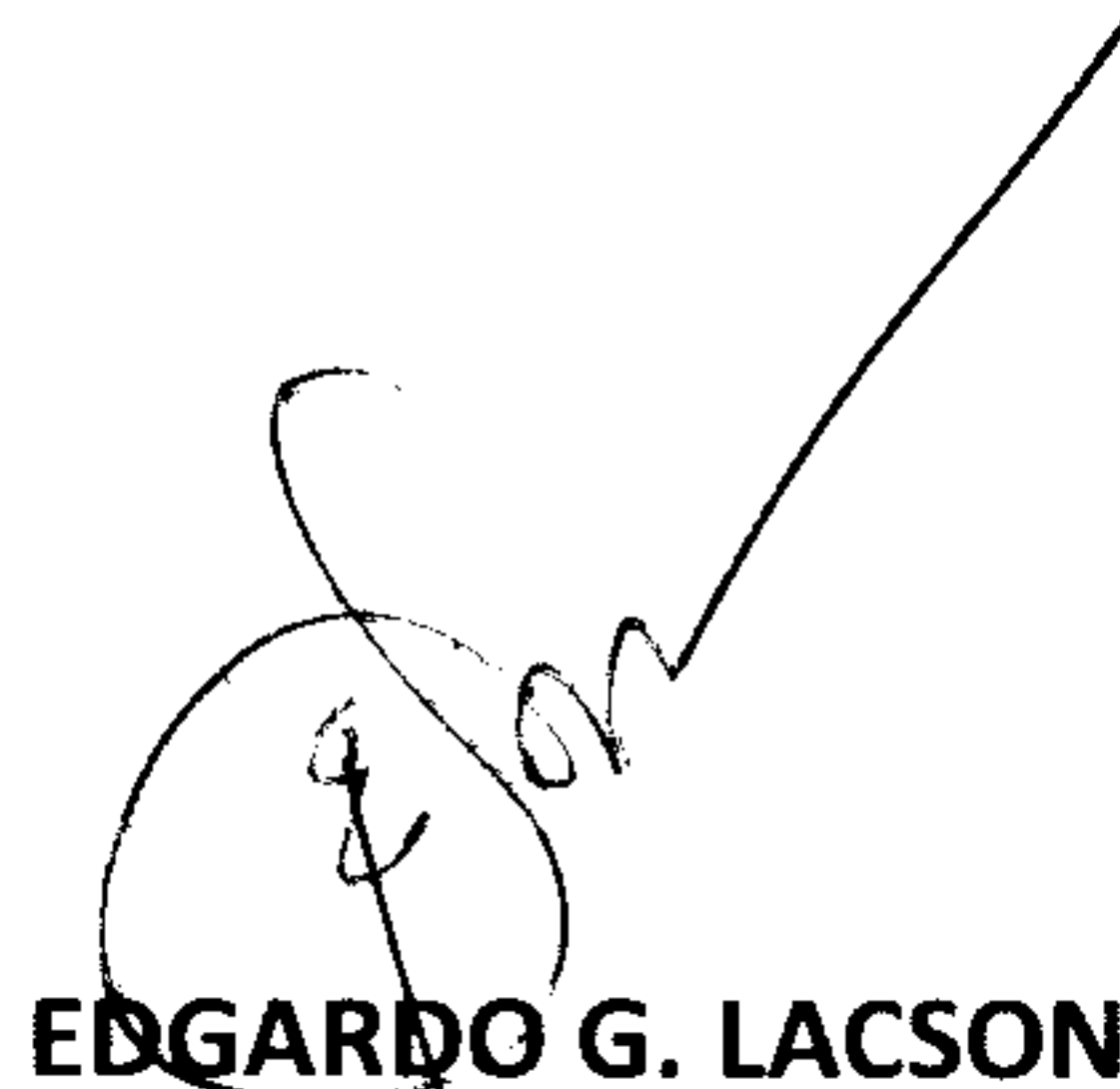


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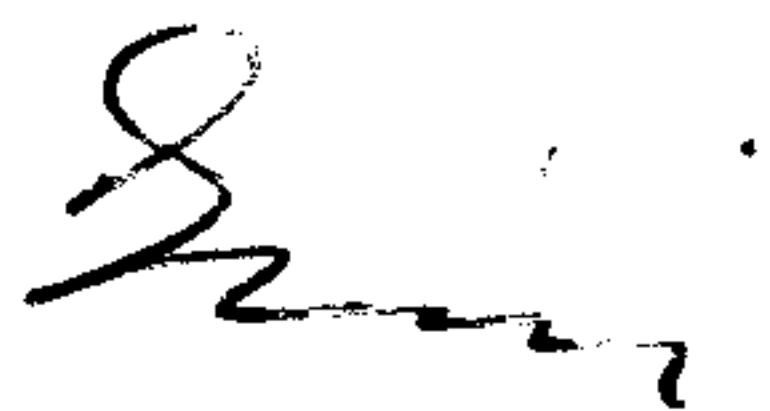
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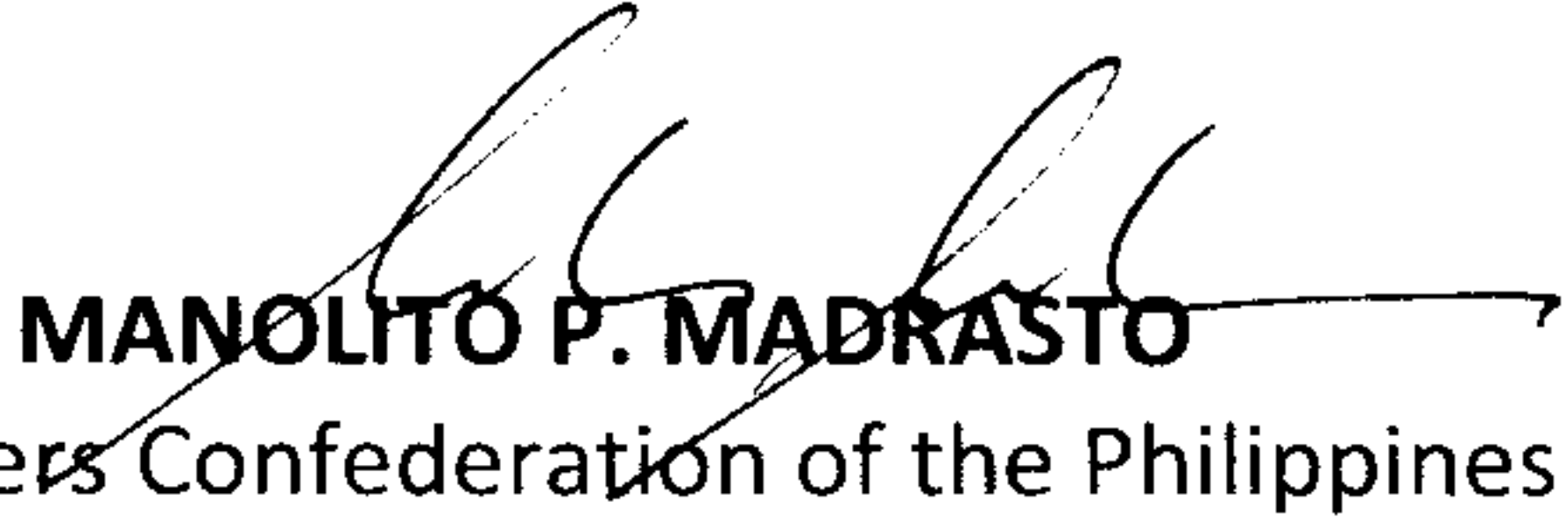
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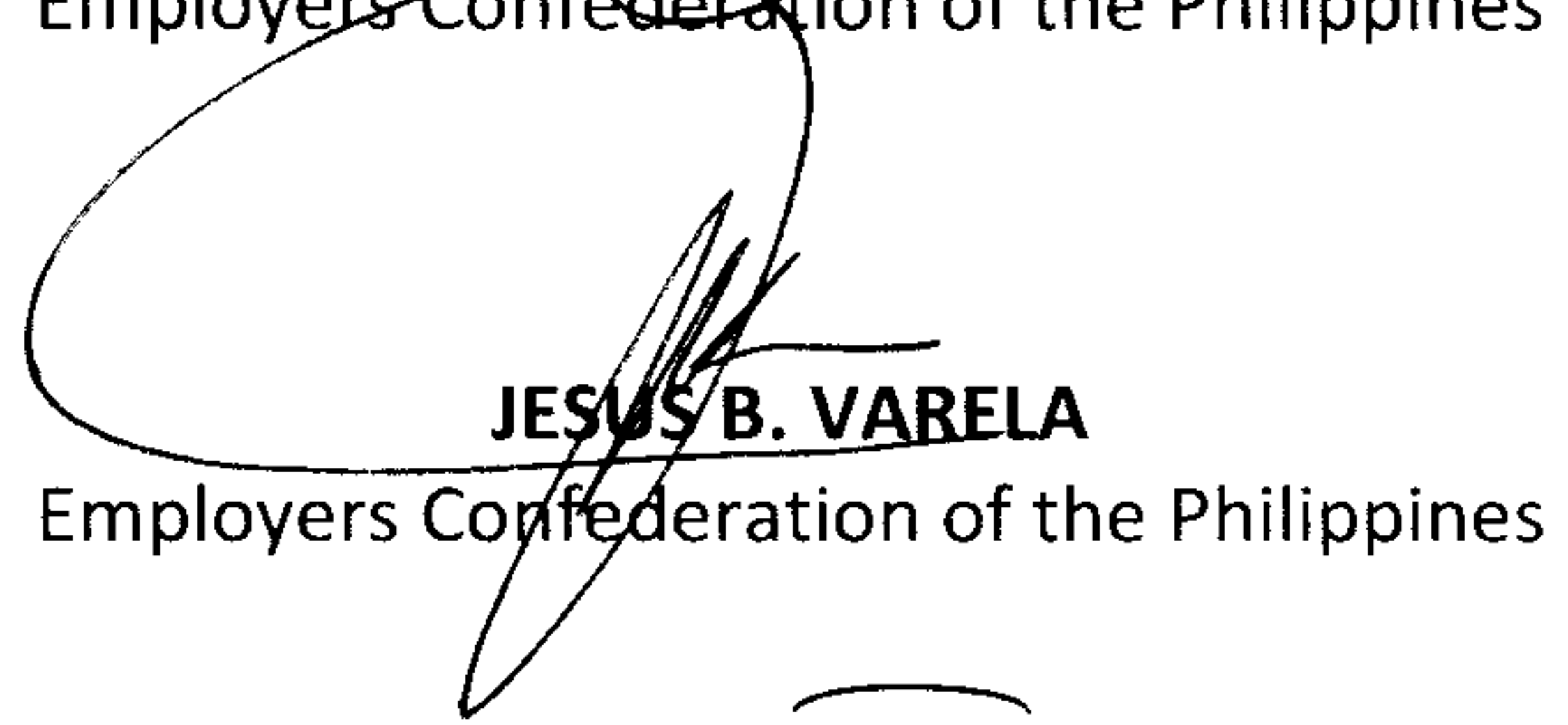
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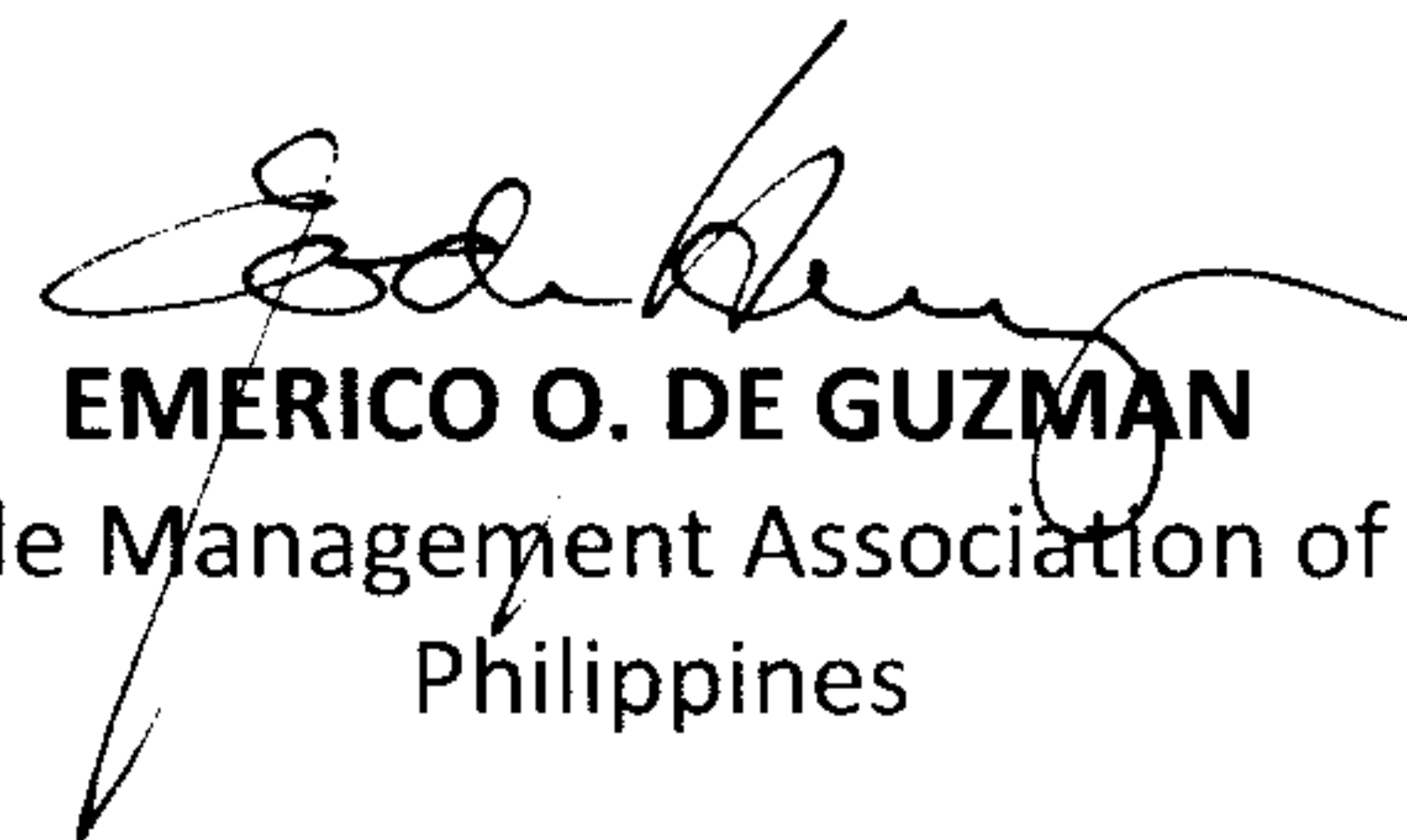


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