

**TIPC-Monitoring Body  
Resolution No. 5, Series of 2012.**

**NEWLY REPORTED CASES**

**ADOPTING A TIPC-MONITORING BODY  
RECOMMENDATION / COURSE OF ACTION  
ON THE NINE (9) NEWLY REPORTED CASES  
OF EXTRAJUDICIAL KILLINGS THAT ARE  
BEING MONITORED BY THE REGIONAL  
TRIPARTITE MONITORING BODIES.**

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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**, on 25 June 2010, TIPC Monitoring Body Resolution No. 1, series of 2010, classified ILO Convention No. 87 cases with allegation of extrajudicial killings, harassments, and abduction into **possibly labor-related** under ILO Convention No. 87 if the circumstances of the case would constitute an infringement of the exercise of freedom of association and the right to organize, and **possibly not labor-related cases** under ILO Convention No. 87 if the circumstances of the case would not constitute an infringement of the exercise of freedom of association and the right to organize, based on the following criteria on the admissibility of cases/complaints:

- a) The alleged facts, if proved, would not constitute an infringement of the exercise of trade union rights; or
- b) That the allegations made are so basically or obviously political in character that it is undesirable to pursue the matter further; or
- c) That the allegations made are too vague to permit a consideration of the case on its merits; or
- d) That the complainant has not offered sufficient evidence to justify the allegations on the matter.

**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**, aside from the cases that are already raised before the ILO, nine (9) cases of extrajudicial killing are now being monitored by the RTMBs;

**WHEREAS**, seven (7) of the nine (9) alleged EJKs occurred under the present administration (July 2011 – Present);

**WHEREAS**, upon deliberation on the circumstances of the cases, the TIPC-Monitoring Body classified the following nine (9) cases of extrajudicial killing as follows:

NAME OF VICTIM/ COMPANY/ UNION	REGION	DATE OF INCIDENT	ALLEGED PERPETRATOR	INITIAL CLASSIFICATION	CIRCUMSTANCES LEADING TO THE CLASSIFICATION
<b>1. Edward Panganiban (Killed)</b> Secretary of Samahang Lakas ng Manggagawa sa Takata Philippines - Salamat-Independent (United Strength of Workers in Takata or SALAMAT- Independent)	4A	6/2/10	2 Unidentified suspects	<b>Possibly Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>• There was an ongoing labor dispute at Takata Philippines during the time of the incident.</li> <li>• Panganiban was the Secretary of the picketing union.</li> </ul>
<b>2. Benjamin Bayles (Killed)</b> National Federation of Sugar Workers (NFSW) organizer	6	6/14/10	Roger Bajon Ronnie Caurino (Arrested on 8/14/10)	<b>Possibly Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>• Victim was an organizer of NFSW.</li> </ul>
<b>3. Carlo Rodriguez (Killed)</b> President of the Nagkakaisang Lakas ng Manggagawa ng Calamba Water District (Water District Union) - COURAGE	4A	11/12/10	2 Unidentified suspects	<b>Possibly Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>• Rodriguez was the President of the Calamba Water District union.</li> <li>• Though there was no labor dispute between the union and the employer at the Calamba Water District, one angle of the case involves an internal rift between the victim and the other faction within their organization.</li> </ul>
<b>4. Celito Baccay (Killed)</b> Board Member of MAGIKWO (Maeno-Giken Workers Organization)	4A	3/8/11	Unidentified suspect/s	<b>Possibly Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>• Though verification from NCMB do not establish a connection to any labor dispute between the union and the management during the time of the incident, the victim was supposedly involved in a heated argument with the wife of a management official who allegedly hounded union activists.</li> </ul>
<b>5. Rudy &amp; Roderick Dejos (Killed)</b> Farmer and Chieftain of the B'laan tribe, and vice-Chairperson of Zone-1Farmers Association (ZOFA), affiliated to the KMP	11	2/27/11	Militia men identified as Ka Arman, Ka Jojo, Ka Hasim and Ka Salim	<b>Possibly Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>• Though investigation connects the killing to the victims' rift with the NPA, it was alleged that one of the victims (Rudy) was threatened by a military intelligence agent for forming the Zone-1 Farmers Association.</li> </ul>
<b>6. Bonifacio Labasan (Killed)</b> A farmer and an active member of the Union of Peasants in Cagayan Valley (DAGAMI), part of the Peasant Movement of the Philippines (KMP)	2	3/9/11	2 Unidentified suspects	<b>Possibly Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>• Allegedly, the victim is active in campaigns against a bio-ethanol project in Isabela Province which would supposedly displace thousands of farmers.</li> </ul>

7. <b>Santos Manrique (Killed)</b> President of the Federation of Miners Association of Pantukan (FEDMAP)	11	4/12/11	2 Unidentified suspects	<b>Possibly Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>Though the possible motive of the killing was the victim's active campaign against illegal activities in his barangay, Manrique was also allegedly in opposition to the entry of a mining company into areas of small-scale miners in the villages of Boringot, Biasong and Diat.</li> </ul>
8. <b>Rodel Estrellado (Killed)</b> Farmer and a member of Bayan Muna in Sorsogon, Albay	5	Feb. 2011	Major Danilo G. Ambe, et al.	<b>Possibly NOT Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>Circumstances of the case do not establish a connection to any labor dispute.</li> </ul>
9. <b>Kenneth Reyes (Killed)</b> Barangay Chairperson, Chair of the New Patriotic Alliance(BAYAN) for Batangas Province, Secretary General of the People First Coalition and Municipal Coordinator for the Bayan Muna Partylist	4A	4/11/11	2 Unidentified suspects	<b>Possibly NOT Labor Related under ILO Convention No. 87</b>	<ul style="list-style-type: none"> <li>Reyes was not affiliated with any labor organization, rather he was affiliated with political organizations.</li> <li>Circumstances of the case do not establish a connection to any labor dispute.</li> <li>Killing is possibly connected to the victim's campaign against illegal drug activities.</li> </ul>

**WHEREAS**, the TIPC-Monitoring Body shall take cognizance of the seven (7) cases that are classified as **Possibly Labor Related under ILO Convention No. 87**. Upon initial evaluation, the Monitoring Body notes the following gathered information:

NAME OF VICTIM/ COMPANY/ UNION	REGION	DATE OF INCIDENT	ALLEGED PERPETRATOR	SIGNIFICANT INFORMATION NOTED BY THE MONITORING BODY
1. <b>Edward Panganiban</b> Secretary of Samahang Lakas ng Manggagawa sa Takata Philippines - Salamat-Independent (United Strength of Workers in Takata or SALAMAT- Independent)	4A	6/2/10	2 Unidentified suspects	<ul style="list-style-type: none"> <li>Based on the complaint, some union officers were visited by agents of the Intelligence Services of the Armed Forces of the Philippines (ISAFP) to dissuade them from pursuing their union activities.</li> <li>The perpetrators, as well as the motive, of the killing have not been identified.</li> </ul>
2. <b>Benjamin Bayles</b> National Federation of Sugar Workers (NFSW) organizer	6	6/14/10	Roger Bajon, Ronnie Caurino (Arrested on June 14, 2010)	<ul style="list-style-type: none"> <li>A case of Murder was filed before the Himamaylan City Provincial Prosecutors Office, Negros Occidental docketed under IS No. VI-09-INO-10F-00016 against suspects Roger Bajon y Mareza and Ronnie Caurino y Lizasa.</li> <li>Likewise, a case of Murder was already filed before RTC Branch 55, Himamaylan City, Negros Occidental docketed under CC# 2474. Case is still on trial and the next hearing is set on 16 February 2012 for the presentation of the 8<sup>th</sup> witness.</li> </ul>
3. <b>Carlo Rodriguez</b> President of the Nagkakaisang Lakas ng Manggagawa ng Calamba Water District (Water District Union) - COURAGE	4A	11/12/10	2 Unidentified suspects	<ul style="list-style-type: none"> <li>Consanguinity between Alberto M. Cervancia [<i>assumed to be part of the management</i>] and the victim should not be considered as a basis to conclude that the case is not labor related.</li> <li>There appears to be various angles that may be considered as motives to the killing: 1) internal rift within the union; 2) victim's filing of administrative suit against co-employee Amor Manguiat; and 3) victim's involvement to several married women.</li> </ul>



				<ul style="list-style-type: none"> <li>• A person named EMELITO DE LUNA initially admitted that the ex-police husband of Manguiat offered for the assassination of Rodriguez, which he turned down. However, De Luna later refused to act as witness to the case.</li> </ul>
<b>4. Celito Baccay</b> Board Member of MAGIKWO (Maeno-Giken Workers Organization)	4A	3/8/11	Unidentified suspect/s	<ul style="list-style-type: none"> <li>• Under investigation by the PNP.</li> </ul>
<b>5. Rudy &amp; Roderick Dejos</b> Farmer and Chieftain of the B'laan tribe, and vice-Chairperson of Zone-1 Farmers Association (ZOFA), affiliated to the KMP	11	2/27/11	Militia men identified as Ka Arman, Ka Jojo, Ka Hasim and Ka Salim	<ul style="list-style-type: none"> <li>• After the dismissal of the Murder Case that has been filed against Robert Castillote before RTC Branch 20, Davao del Sur, a Double Murder Case was re-filed and referred to Prosecutor Artemio A. Tajon of Davao del Sur Provincial Prosecutors Office docketed as IS# XI-04-INV-111-00412 on 6 September 2011.</li> </ul>
<b>6. Bonifacio Labasan</b> A farmer and an active member of the Union of Peasants in Cagayan Valley (DAGAMI), part of the Peasant Movement of the Philippines (KMP)	2	3/9/11	2 Unidentified suspects	<ul style="list-style-type: none"> <li>• Based on PNP's investigation, a possible motive to the killing involves Land Dispute. However, it was not clearly established as to why said motive is being considered by the PNP.</li> </ul>
<b>7. Santos Manrique</b> President of the Federation of Miners Association of Pantukan (FEDMAP)	11	4/12/11	2 Unidentified suspects	<ul style="list-style-type: none"> <li>• Under investigation by the PNP. Possible motive to the killing is his campaign against illegal activities in his barangay. Allegedly, he was very dedicated and active in busting criminalities and illegal drug operators in their area.</li> </ul>

**NOW THEREFORE**, taking into consideration the foregoing facts, **BE IT RESOLVED AS IT IS HEREBY RESOLVED**, that the TIPC-Monitoring Body adopts the following courses of action:

- 1) drop the cases of **Kenneth Reyes** and **Rodel Estrellado** from the case calendar of the TIPC-Monitoring Body considering that the alleged facts would not constitute an infringement of the exercise of freedom of association and the right to organize, and refer the same to the **Department of Labor and Employment** for continuous monitoring and for referral to appropriate government agencies, and for the same to provide regular update to the TIPC Monitoring Body;
- 2) refer the case of **Edward Panganiban** to the **Commission on Human Rights, Department of Justice Special Task Force** and **PNP-Task Force Usig** for in-depth investigation, and request the **Armed Forces of the Philippines** to comment within one (1) month from receipt, on the allegation that agents of the Intelligence Services of the Armed Forces of the Philippines (ISAFP) dissuaded Takata union officers from pursuing union activities and to submit the same to the TIPC Monitoring Body;
- 3) refer the case of **Benjamin Bayles** to the **Department of Justice and Supreme Court of the Philippines**, to ensure the speedy resolution of the Murder Case filed before RTC Branch 55, Himamaylan City, Negros Occidental docketed under CC# 2474 and call on the **Department of National Defense/Armed Forces of the Philippines** to

furnish the Monitoring Body records of any appropriate actions taken against the named personnel of the 61<sup>st</sup> Infantry Battalion of the 3<sup>rd</sup> Infantry Division;

- 4) refer the case of **Carlo Rodriguez** to the **Commission on Human Rights** and **PNP-Task Force Usig** to conduct in-depth investigation to identify the real motive to the killing considering that there are several motives that have emerged;
- 5) refer the case of **Celito Baccay** to the **Commission on Human Rights** and the **PNP-Task Force Usig** to conduct an in-depth investigation to determine the perpetrators and motive to the killing, and request the **Regional Tripartite Monitoring Body No. IV-A** to gather information relative to existence and/or non-existence of labor dispute and submit a report thereof to the TIPC Monitoring Body within one (1) month;
- 6) refer the case of **Rudy & Roderick Dejos** to the **Regional Tripartite Monitoring Body No. XI** to verify the involvement of the Armed Forces of the Philippines, and to the **Department of Justice** for a request to expedite the resolution of the Double Murder Case that was re-filed and referred to Prosecutor Artemio A. Tajon of Davao del Sur Provincial Prosecutors Office docketed as IS# XI-04-INV-11I-00412;
- 7) refer the case of **Bonifacio Labasan** to the **Regional Tripartite Monitoring Body No. II** to gather more information, including coordinating with the **Department of Agriculture/Department of Environment and Natural Resources** to establish the existence and/non-existence of labor dispute and determine the nature of the reported land dispute, and to submit report to the TIPC Monitoring Body on the same within one (1) month;
- 8) refer the case of **Santos Manrique** to the **Regional Tripartite Monitoring Body No. XI** to gather information on the nature of operations of the Federation of Miners Association of Pantukan (FEDMAP) and determine the involvement of Santos Manrique whether as a miner or financier of small scale miners, and submit report to the TIPC Monitoring Body on the same within one (1) month;
- 9) direct the concerned **Regional Tripartite Monitoring Bodies** to continuously monitor the movement of the cases, gather more information (especially on those cases wherein there have been reports of cases filed in judicial and quasi-judicial bodies but without substantial information, such as case numbers) and provide updates to the National TIPC Monitoring Body.

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

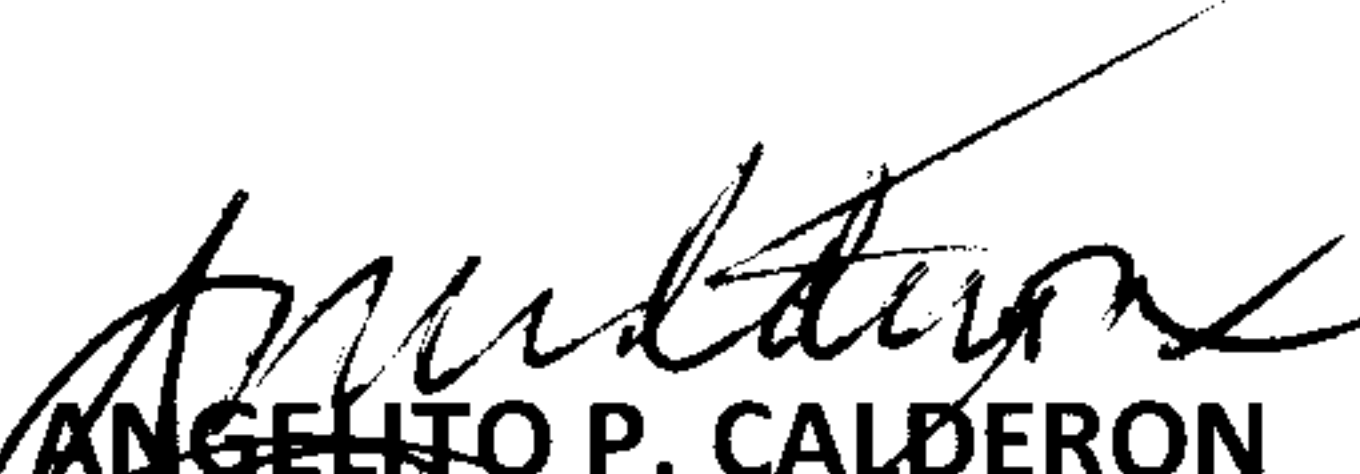
LABOR SECTOR



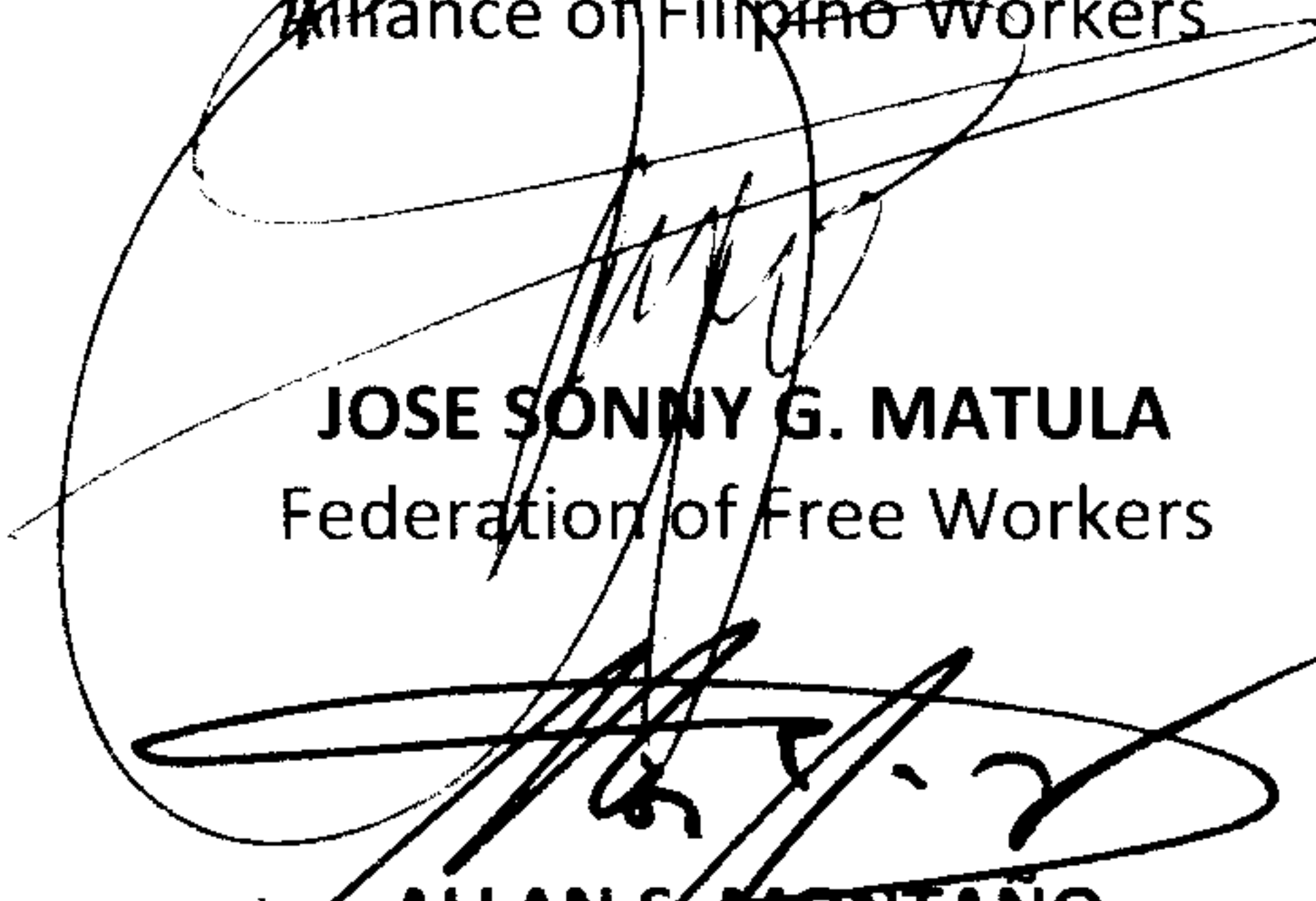
**DANIEL L. EDRALIN**  
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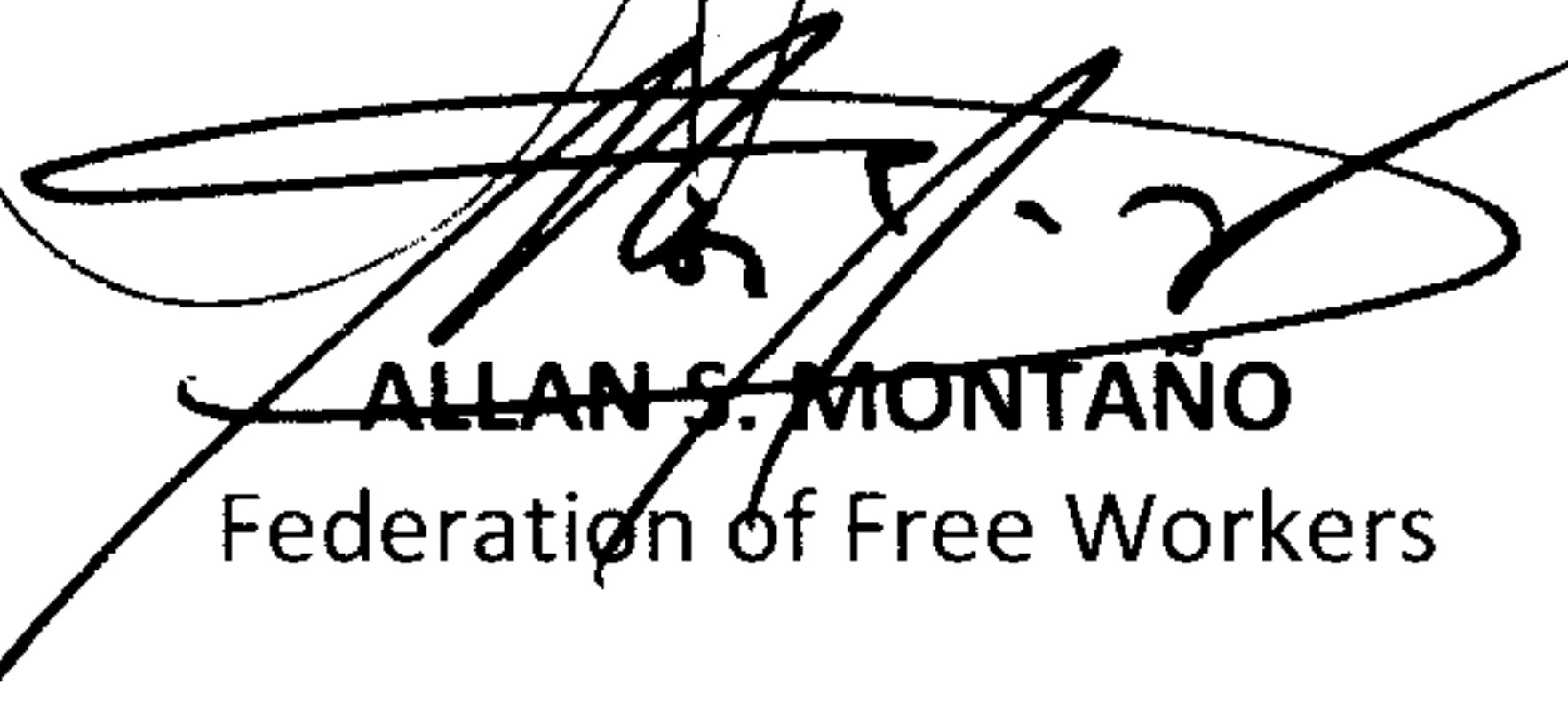
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**ANGELITO P. CALDERON**  
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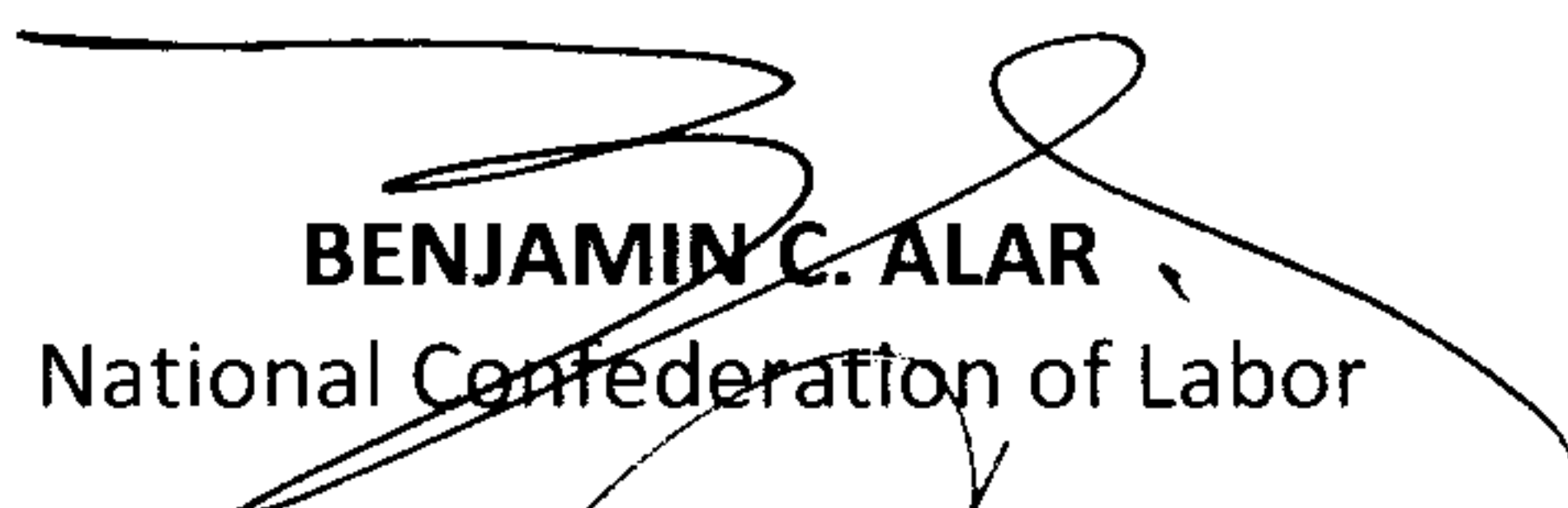
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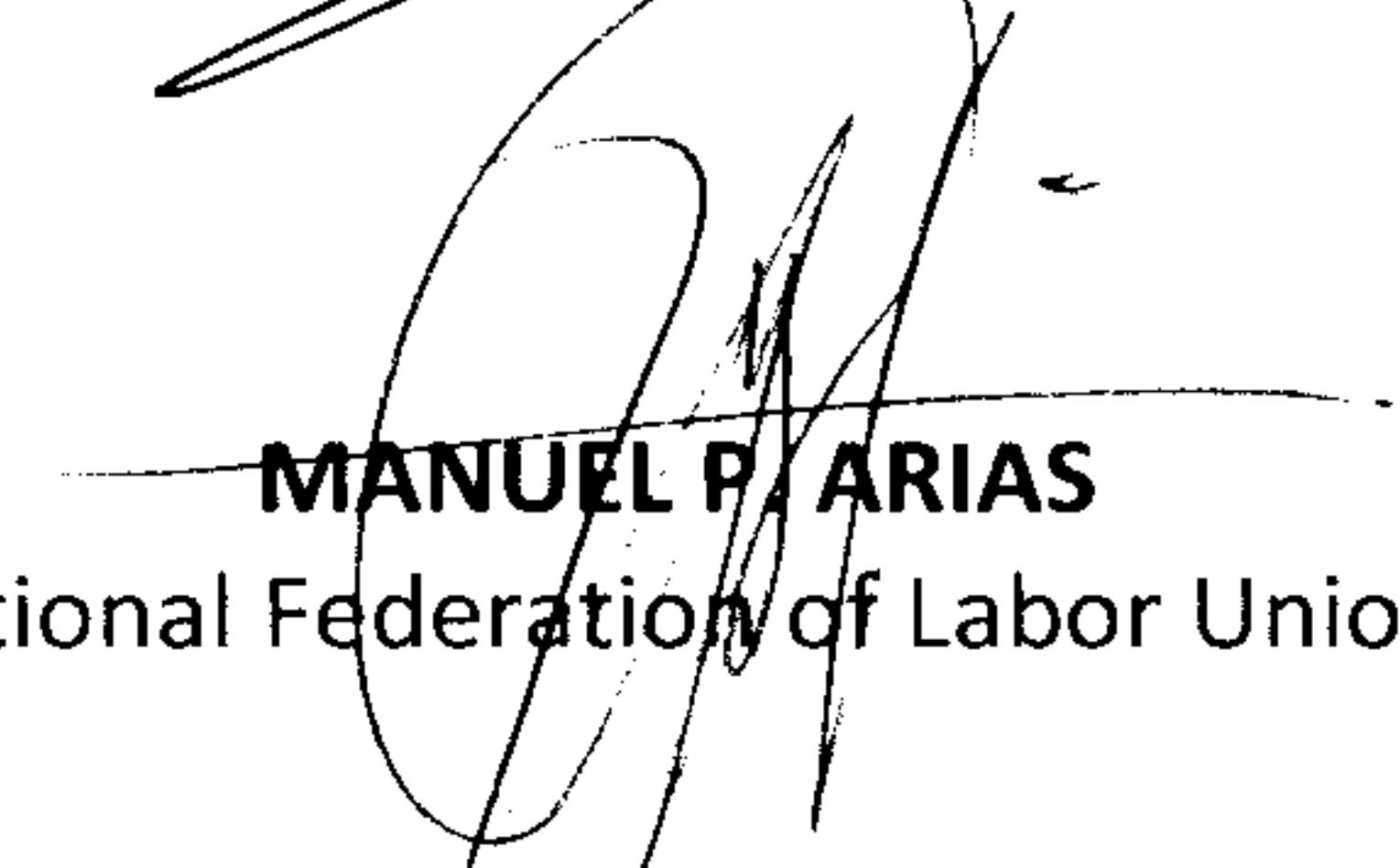
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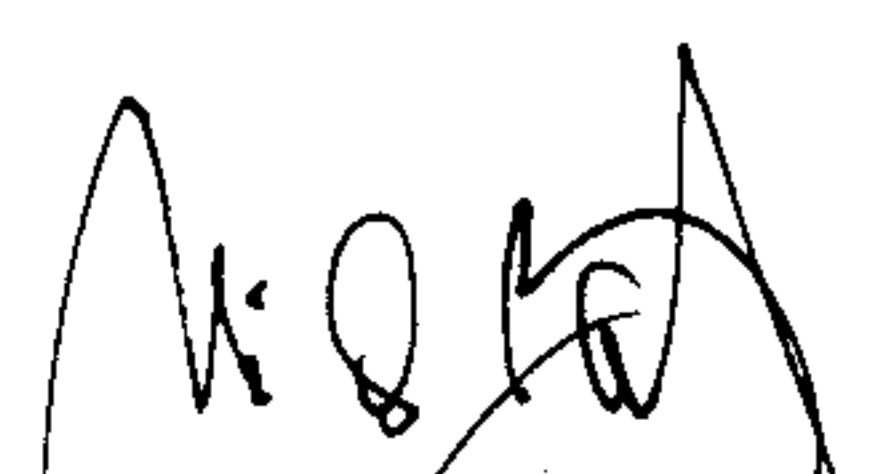
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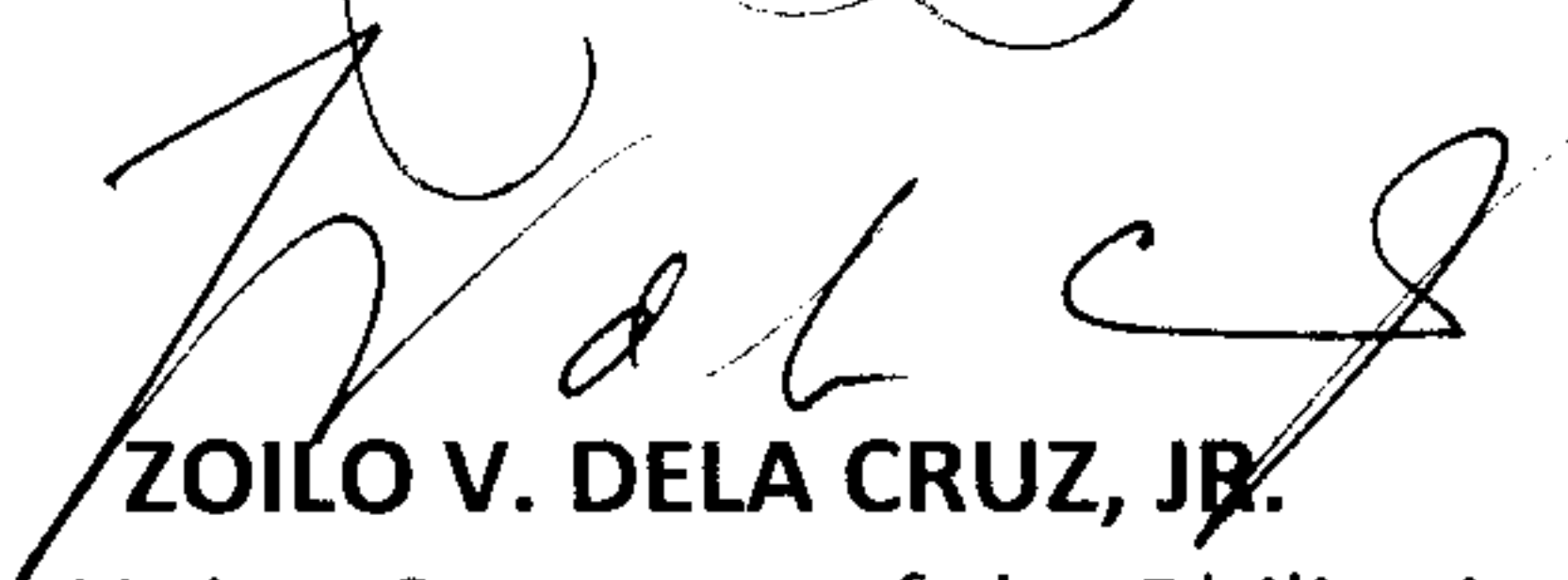
**MANUEL P. ARIAS**  
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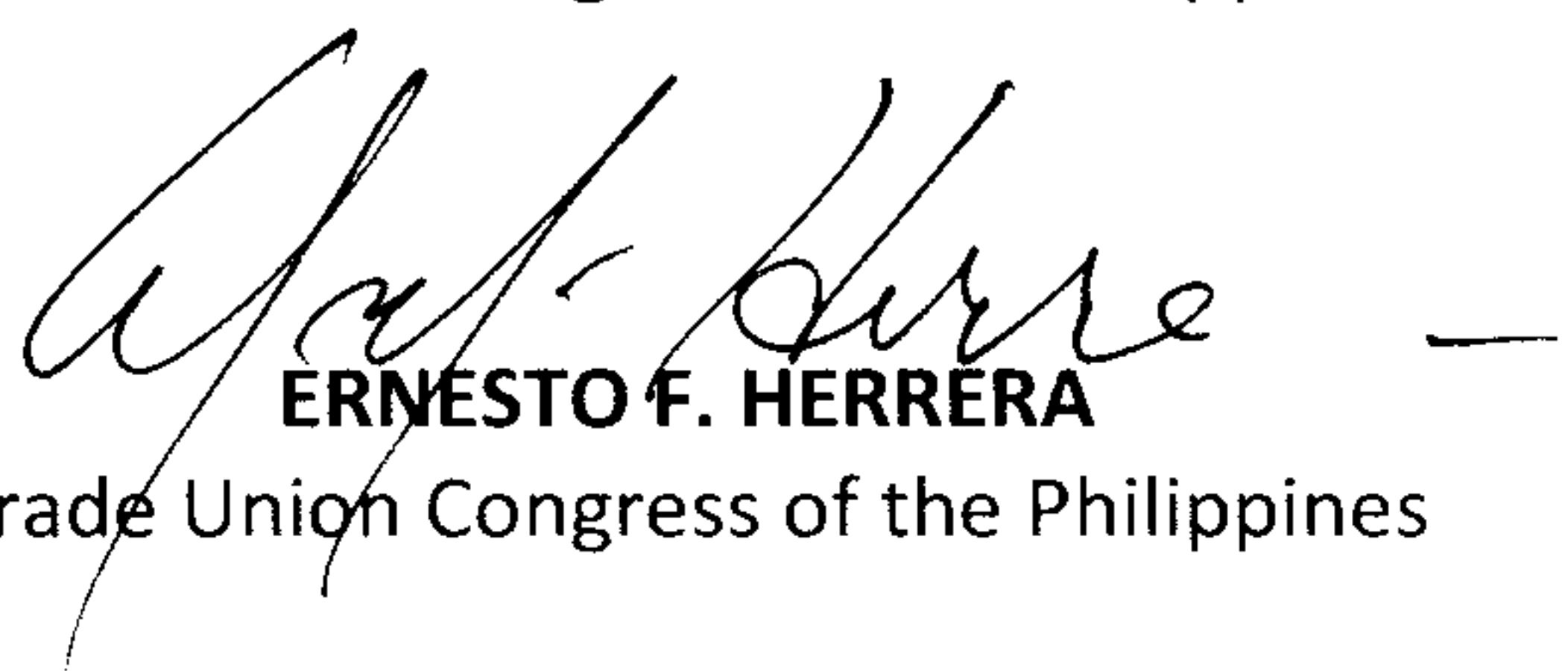
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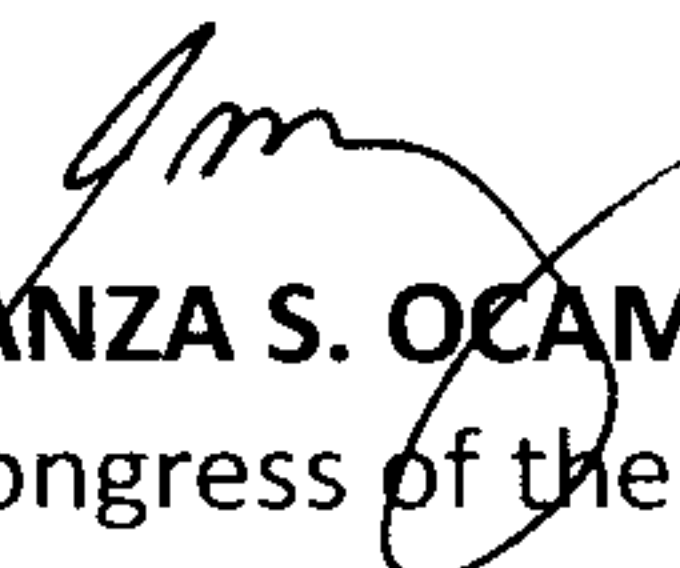
**VICTORINO F. BALAIS**  
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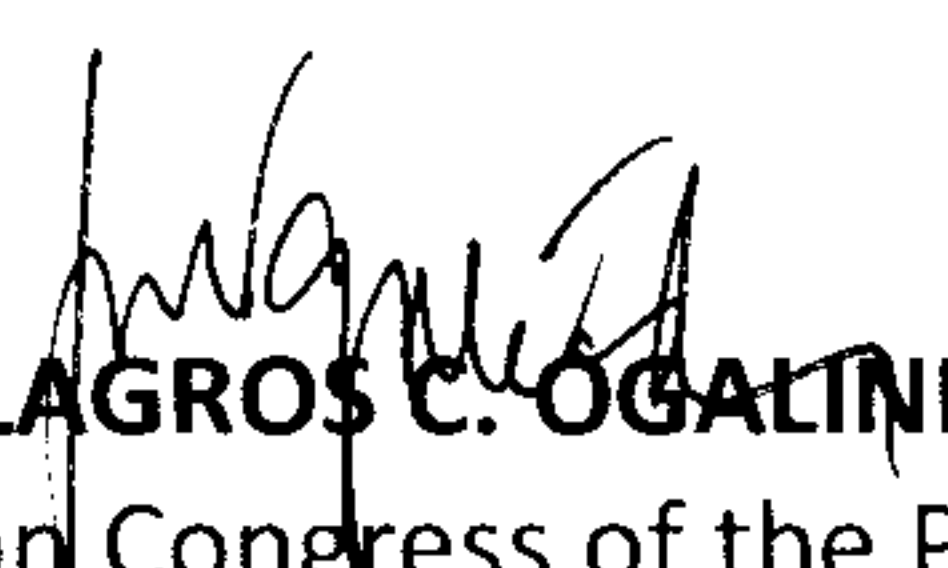
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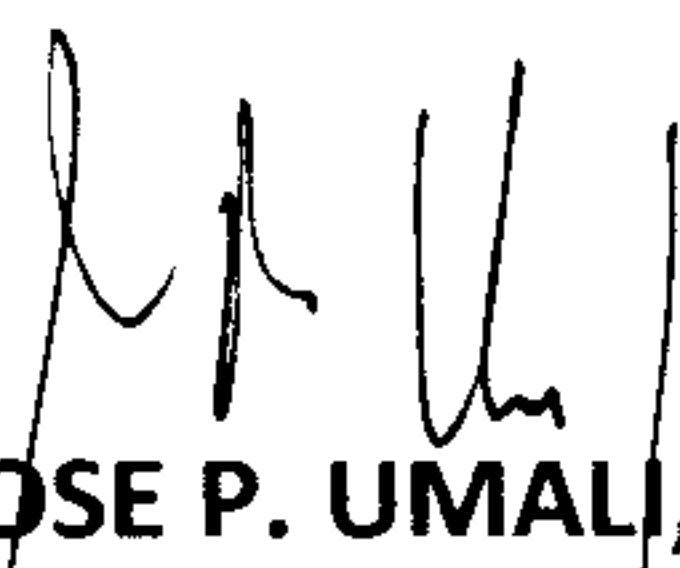
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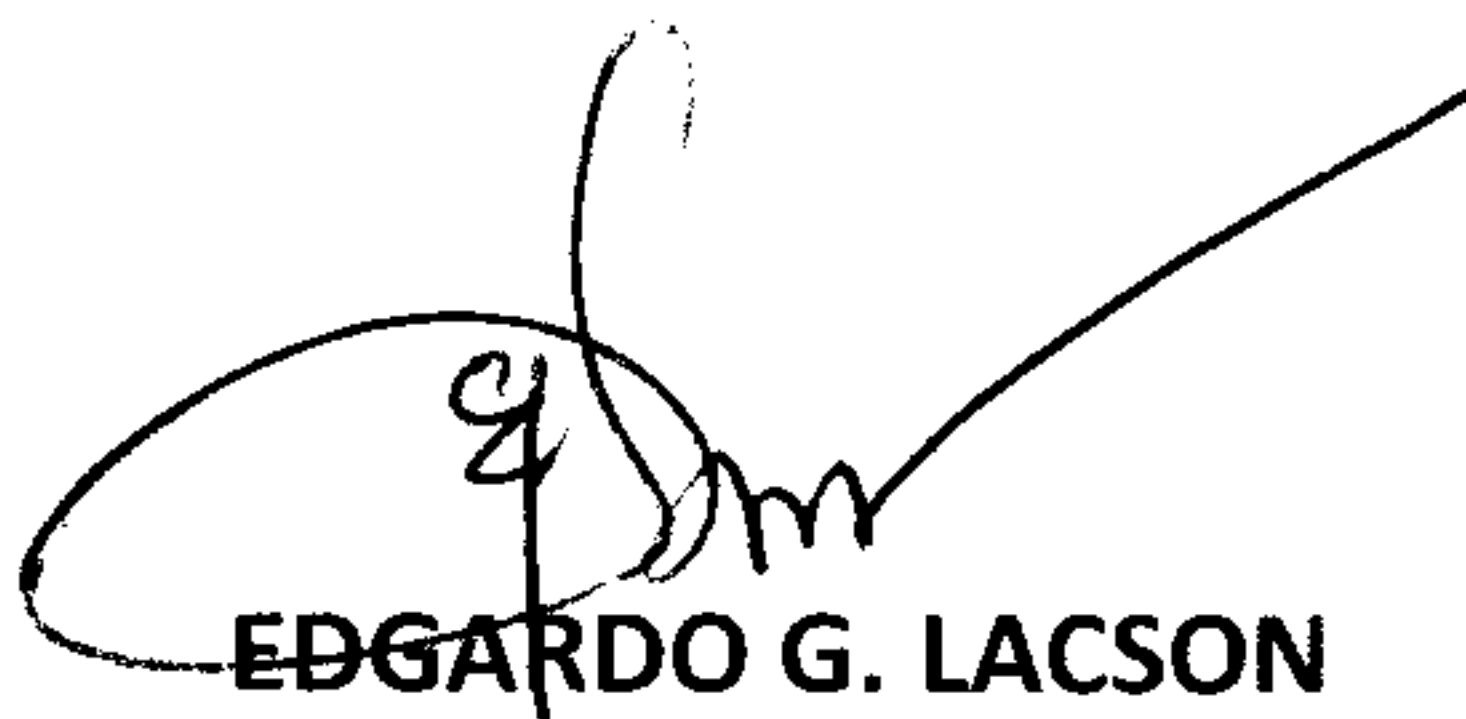
Alliance of Independent Hotels and Restaurant  
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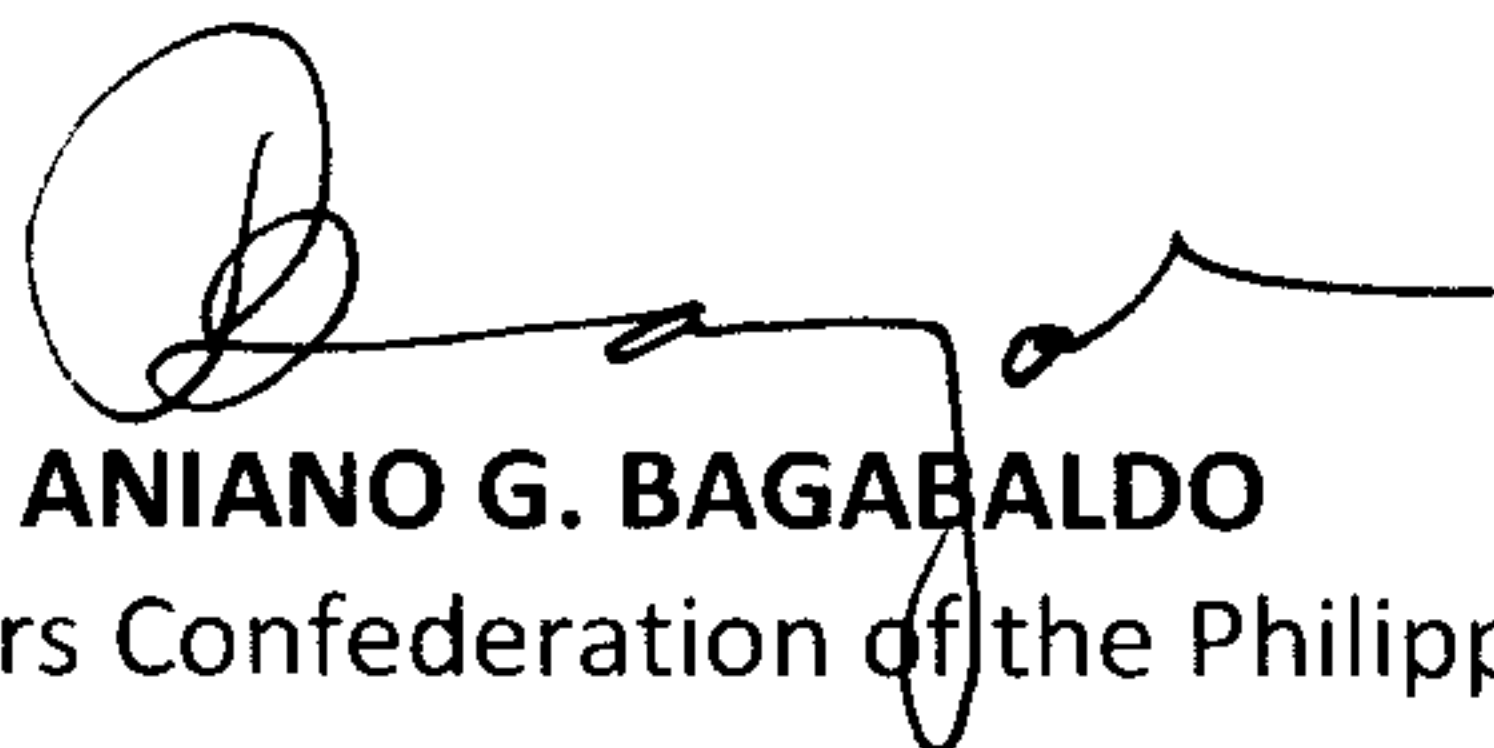
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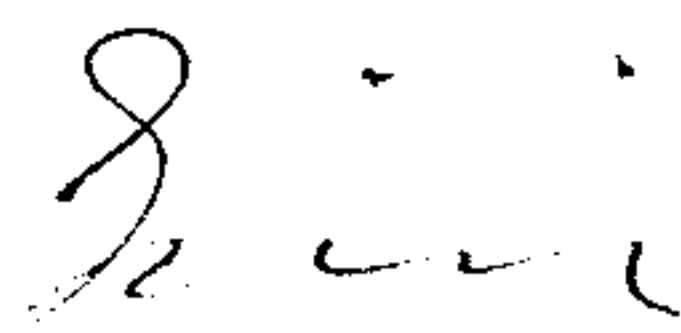
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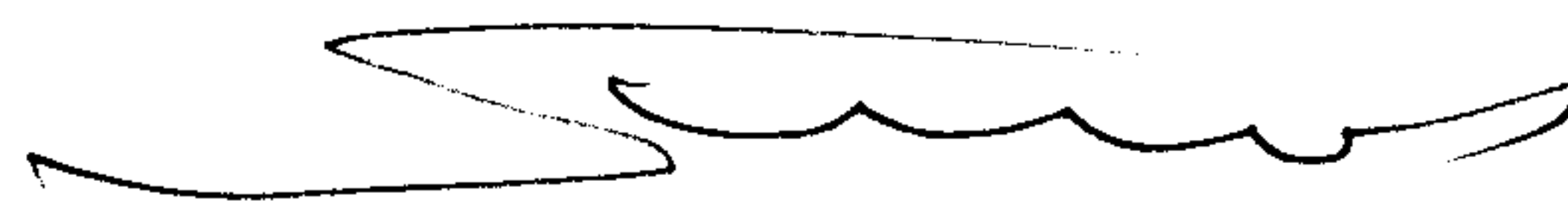
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