

**TIPC-Monitoring Body
Resolution No. 6, Series of 2012.**

NEWLY REPORTED CASES

**ADOPTING A TIPC-MONITORING BODY
RECOMMENDATION / COURSE OF ACTION
ON THE SEVEN (7) NEWLY REPORTED CASES
OF ALLEGED VIOLATION OF TRADE UNION
RIGHTS.**

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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, 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 three (3) cases of alleged extrajudicial killings and seven (7) cases of harassment at picket lines and other violation of trade union rights;

WHEREAS, the TIPC-Monitoring Body notes that all three (3) cases of alleged extrajudicial killings reported by ITUC (Eduard Panganiban, Benjamin Bayles, and Carlo Rodriguez) are already being monitored by the RTMBs and are covered by a separate Resolution;

WHEREAS, the seven (7) cases of alleged violation of trade union rights are all classified as *Possibly Labor Related under ILO Convention No. 87*, and shall be taken cognizance by the TIPC-Monitoring Body given that the circumstances of the cases apparently constitute an infringement of the exercise of freedom of association and the right to organize;

WHEREAS, upon initial evaluation, the TIPC-Monitoring Body notes the following gathered information:

| NAME OF VICTIM/ COMPANY/ UNION | REGION | DATE OF INCIDENT | SIGNIFICANT INFORMATION NOTED BY THE MONITORING BODY |
|--|--------|---------------------|--|
| 1. Bukluran ng Independenteng Samahan na Itinatag sa Goldilocks (BISIG) | NCR | March 2010 | <ul style="list-style-type: none"> • Strike breakers filed a complaint against the BISIG picketers/strikers and is pending at the Mandaluyong City Prosecutor's Office for physical injury and serious threat. Case number is not identified. (get number from • There is a pending case before the Mandaluyong RTC docketed as INV. 10C-00380 relative to the loss of a single motorbike during the dispersal of the strikers. • 127 dismissed workers have already received their separation pay after conciliation-mediation proceedings administered by the NCMB. • On 6 December 2010, a certification election was conducted and BISIG was among the choices, despite the continuing objections of BUKLOD, OBRERO-GOLDIEA and KMG-KMM-KATIPUNAN. A Motion for Reconsideration filed by these contending unions, questioning the inclusion of BISIG in the certification election, is now pending resolution. |
| 2. 4D Employees Union | NCR | May 2010 | <ul style="list-style-type: none"> • Complaint for illegal dismissal, non-payment of separation pay and back wages was filed before the NLRC. Case number is not identified. • Information showed that an estafa case has also been filed before the Pasig RTC. However, it was not clearly established as to who are the complainants and the respondents in the said case. Case number is not identified as well. • The dispersal/demolition, allegedly conducted by the Pasig Action Line, resulted to employees incurring minor injuries. • No criminal complaint was filed or is pending relative to the incident. |
| 3. Phil Bless Workers Union – National Workers Brotherhood (PBIWU-NWB) | NCR | May 2010 | <ul style="list-style-type: none"> • Information showed that the Metro Manila Development Authority (MMDA) participated in the dismantling of the picket line and the strikers' encampment. • For verification whether there is a pending complaint before the City |

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|--|-----|----------------|---|
| | | | Prosecutor of Valenzuela. |
| 4. Bagong Pagkakaisa ng mga Manggagawa sa Triumph International (BPMTI) | NCR | May 2010 | <ul style="list-style-type: none"> Workers were evicted from the picket line by virtue of a temporary restraining order issued by RTC Branch 70, Pasig City. There were workers injured as a result thereof. No criminal complaint was filed or is pending relative thereto. In a conciliation conference, the union manifested its willingness to accept severance pay and lift/clear the picket. On 20 June 2010, the management informed the NCMB that it has already released the payment of separation pay of the remaining workers. According to the management, the total separation package of the 1,029 affected workers is more or less P418 million. |
| 5. Alta Mode Workers Union | 7 | March 2010 | <ul style="list-style-type: none"> After maintaining its picket camp for three months, AMWU settled with Alta Mode. Payment of separation package was made in two batches and the total amount paid was P2.32 million. Corresponding Certificates of Employment and PagIBIG & SSS remittances were also issued to union members. |
| 6. ABS-CBN Internal Job Market Workers' Union (IJMWU) | NCR | June 2010 | <ul style="list-style-type: none"> As a result of DOLE's ruling that IJMWU members are regular employees of ABS-CBN, the union sought for a certification election and the reinstatement of 114 members who were terminated by the company. The Court of Appeals promulgated a resolution granting the Preliminary Injunction filed by the management. Injunction has not been lifted as of yet, hence, certification election has not yet been conducted. |
| 7. Philippine Airlines Workers | | 2010 - present | <ul style="list-style-type: none"> PALEA has asked the Court of Appeals (CA GR No. 129077; 13th Division) to annul and set aside the resolution/decision of the Office of the President dated 15 December 2010. PALEA submitted results of its strike referendum indicating majority support for the conduct of a strike. On 01 May 2011, the Office of the Secretary issued an Order elevating the case to the National Labor Relations Commission (NLRC), for compulsory arbitration. On 9 September 2011, a notice of strike was filed by PAL FASAP before the NCMB because of outstanding and unresolved complaints of gender discrimination. An Order was issued by the DOLE Secretary on 6 October 2011, barring FASAP from striking. |

WHEREAS, considering the intricacies and dynamics of the cases involving ABS-CBN Internal Job Market Workers' Union (IJMWU) and the Philippine Airlines Workers, the same shall be considered in a separate Resolution;

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:

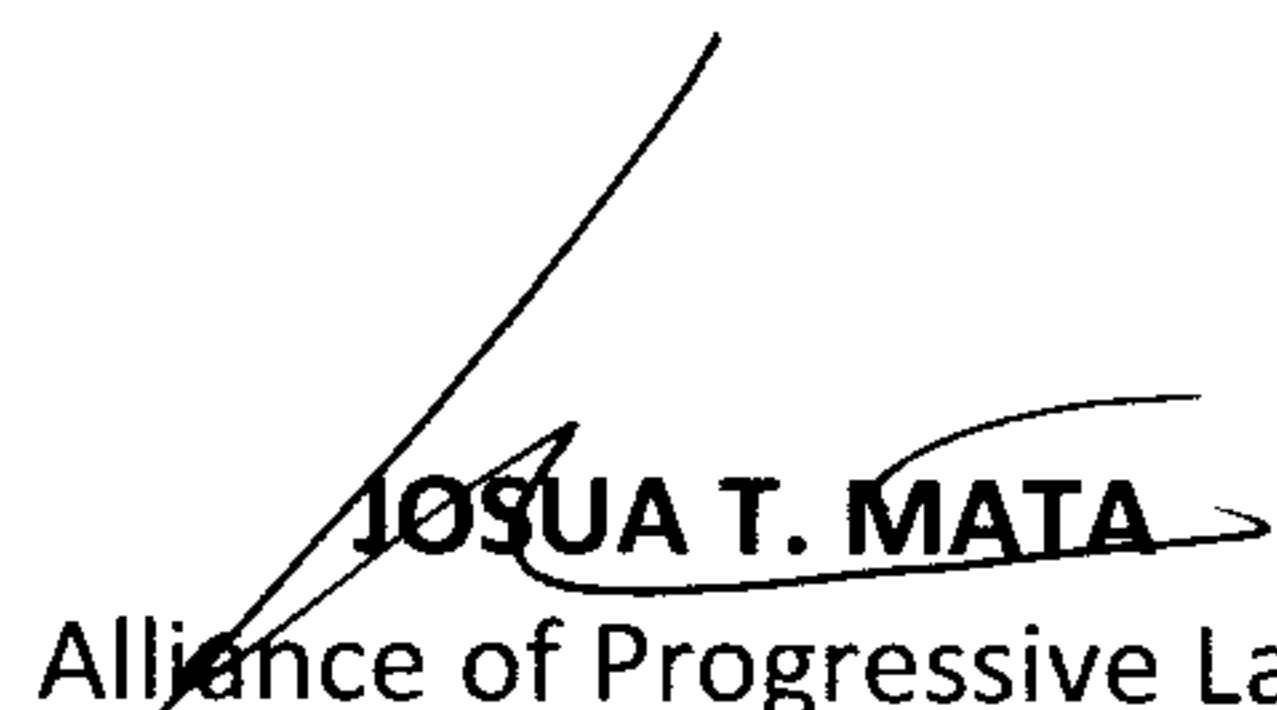
- 1) recommend the closure of the cases of **Bagong Pagkakaisa ng mga Manggagawa sa Triumph International (BPMTI)** and **Alta Mode Workers Union** on the ground that parties thereto have reached settlement/agreements as facilitated by the National Conciliation and Mediation Board;
- 2) request the **Department of Justice** to expediently resolve the criminal complaint involving the members of **Bukluran ng Independenteng Samahan na Itinatag sa Goldilocks (BISIG)** pending at the Mandaluyong City Prosecutors Office docketed as INV. 10C-00380;

- 3) refer the case of **4D Employees Union** to the **PNP-Task Force Usig** for further investigation to identify perpetrators and the possible filing of criminal cases, and to the **Regional Tripartite Monitoring Body – National Capital Region** to gather more information from the management and the union, especially on the cases filed at the NLRC and Pasig RTC, and report to the TIPC-Monitoring Body on the same within one (1) month;
- 4) request the **Department of Labor and Employment** to engage the Metro Manila Development Authority in 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 of labor rights so as complaints of harassment, as manifested in the case of **Phil Bless Workers Union – National Workers Brotherhood (PBIWU-NWB)**, shall be abated if not entirely eliminated;
- 5) request the **Department of Labor and Employment** and the **National Labor Relations Commission**, as the case may be, to exert efforts to resolve expeditiously the remaining issues in the labor disputes in **Goldilocks** and **4 Dimensions Sleep Product Manufacturing Corporation**, through the use of alternative dispute resolutions, social dialogues and/or voluntary and compulsory arbitration;
- 6) direct the concerned **Regional Tripartite Monitoring Bodies** to continuously monitor the movement of the cases, gather more information and provide updates to the National TIPC Monitoring Body.

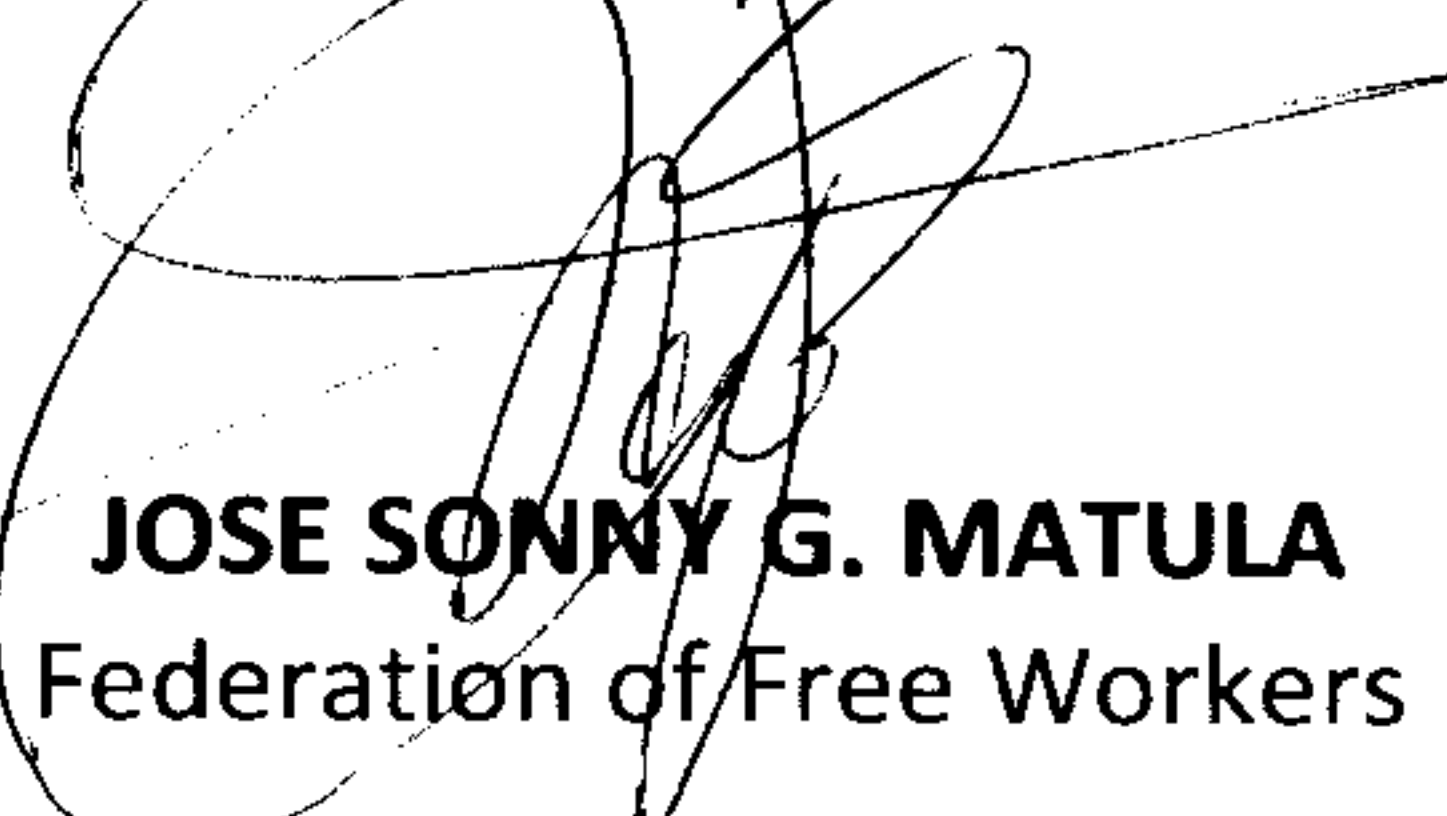
APPROVED this 15th day of February 2012, The Bayleaf, Intramuros, Manila, Philippines.

LABOR SECTOR

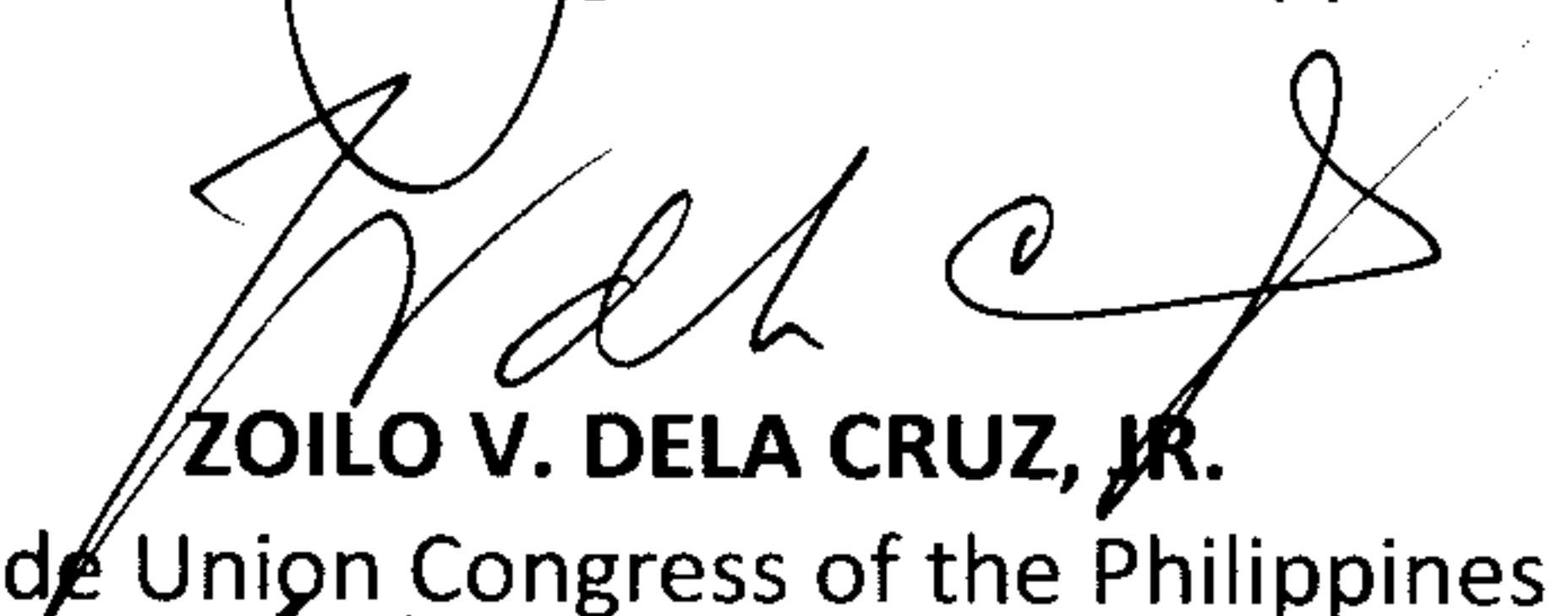

DANIEL L. EDRALIN
 Alliance of Progressive Labor

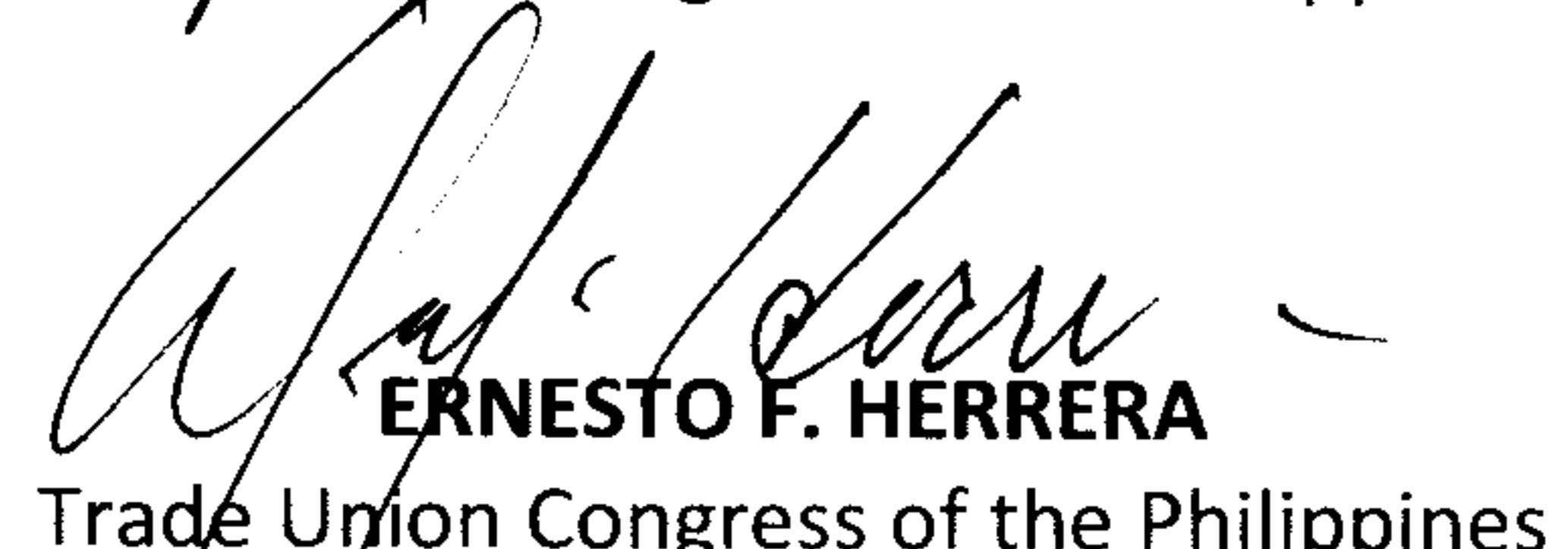

JOSUA T. MATA
 Alliance of Progressive Labor



ANGELITO P. CALDERON
 Alliance of Filipino Workers

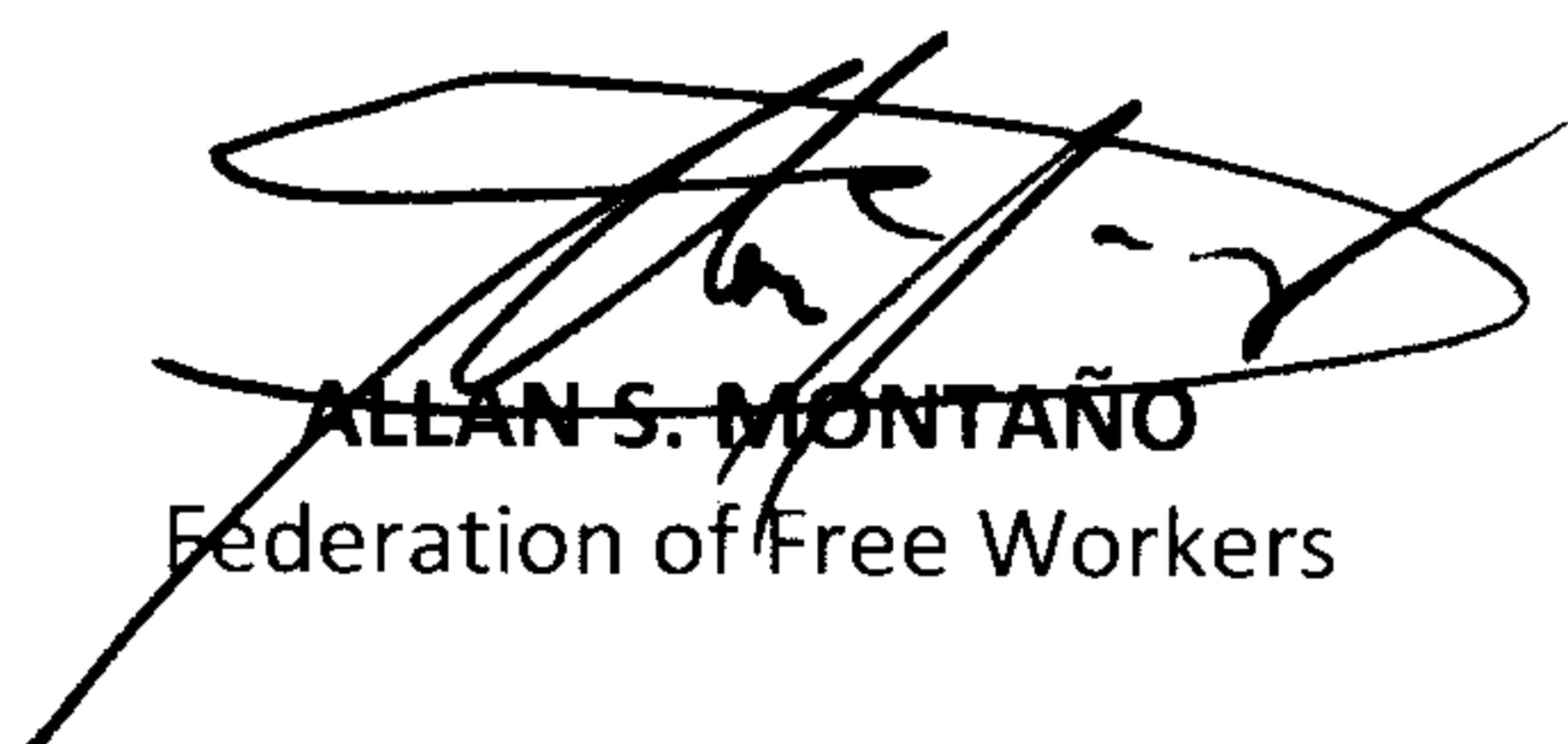

JOSE SONNY G. MATULA
 Federation of Free Workers


VICTORINO F. BALAIS
 Trade Union Congress of the Philippines

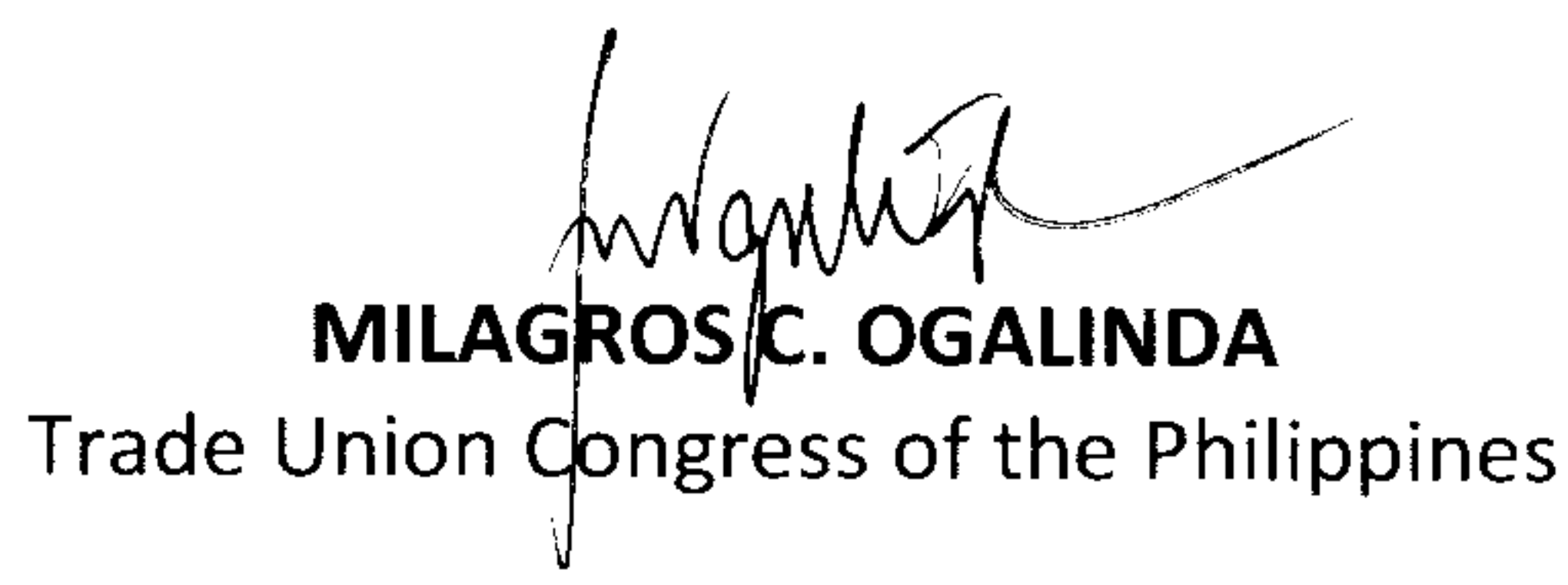

ZOILO V. DELA CRUZ, JR.
 Trade Union Congress of the Philippines


ERNESTO F. HERRERA
 Trade Union Congress of the Philippines

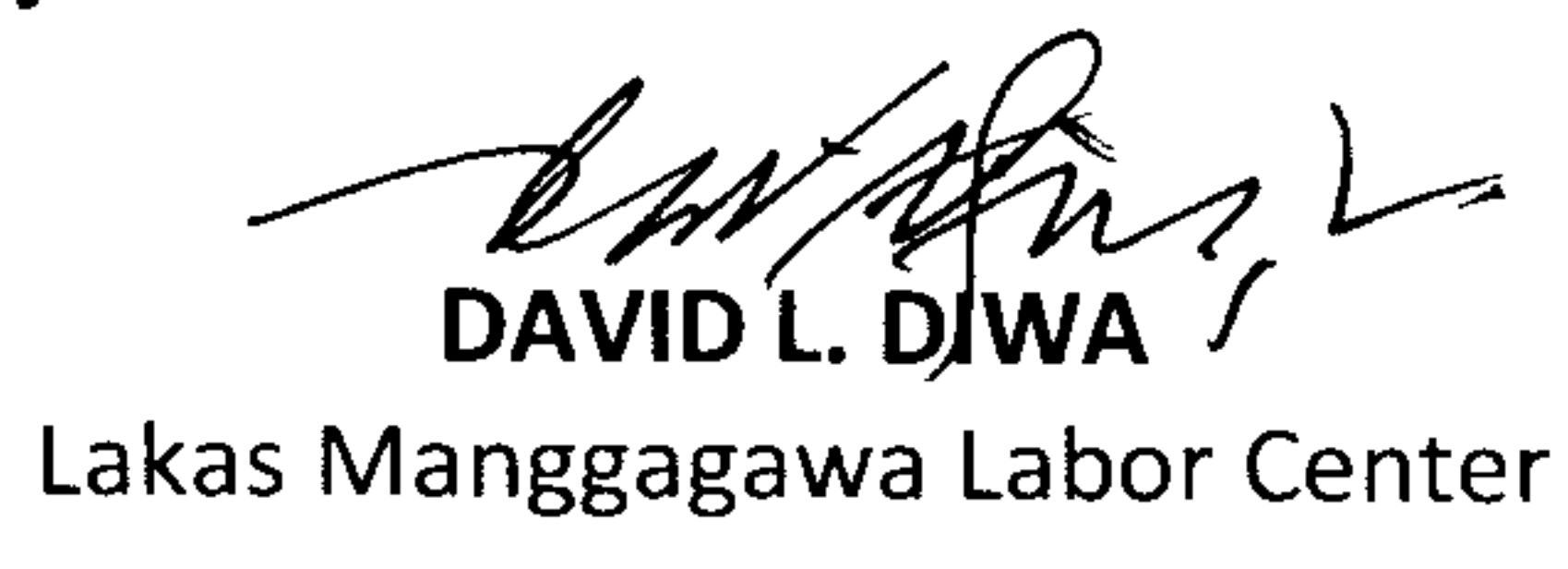

ESPERANZA S. OCAMPO
 Trade Union Congress of the Philippines



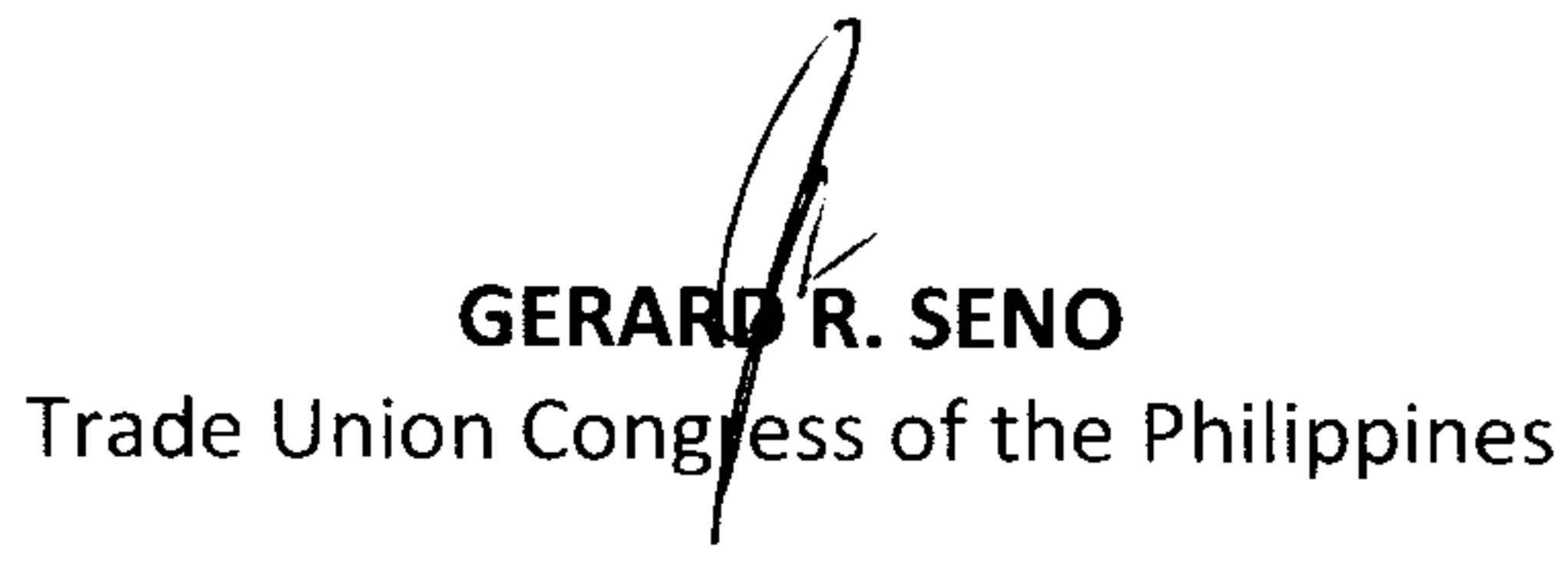
ALLAN S. MONTAÑO
Federation of Free Workers



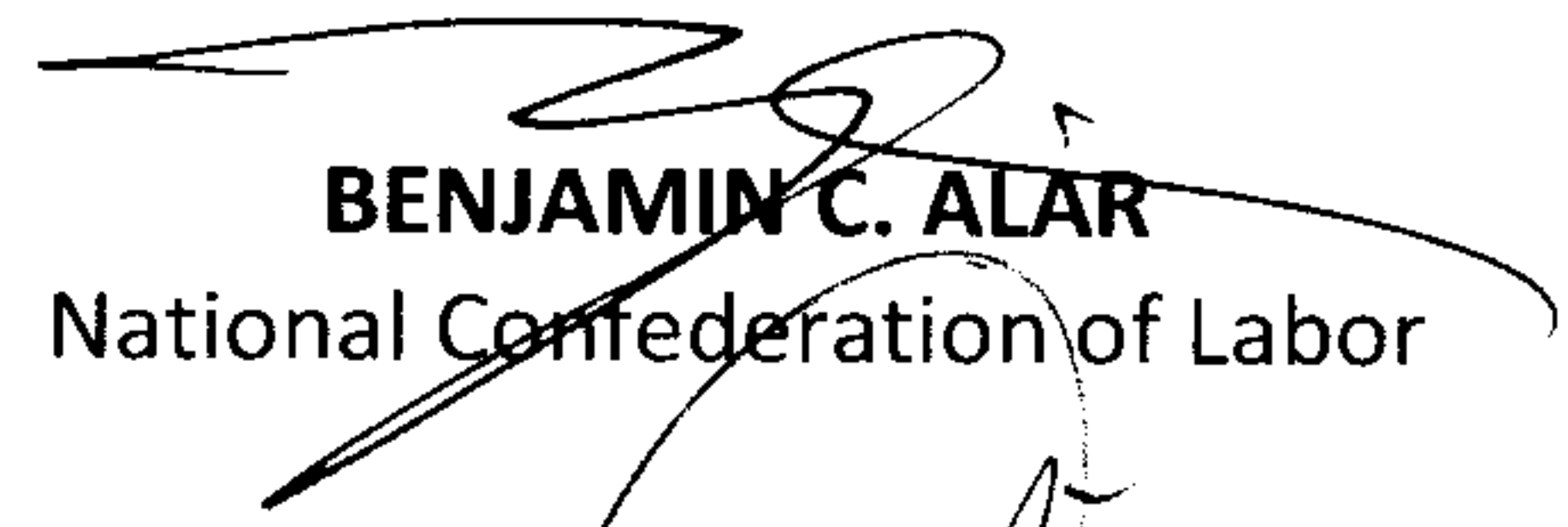
MILAGROS C. OGALINDA
Trade Union Congress of the Philippines



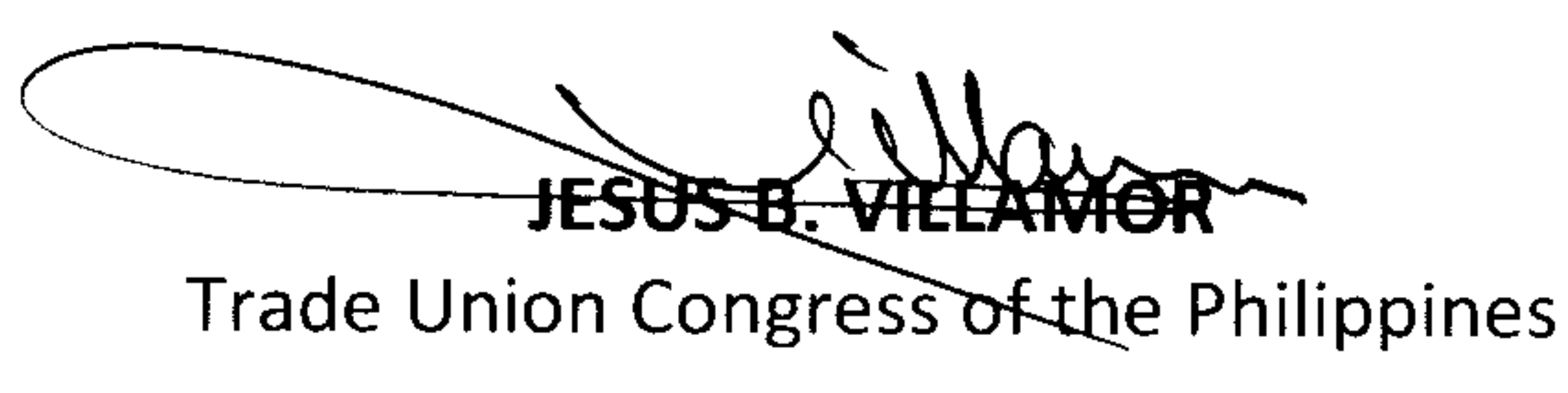
DAVID L. DIWA
Lakas Manggagawa Labor Center



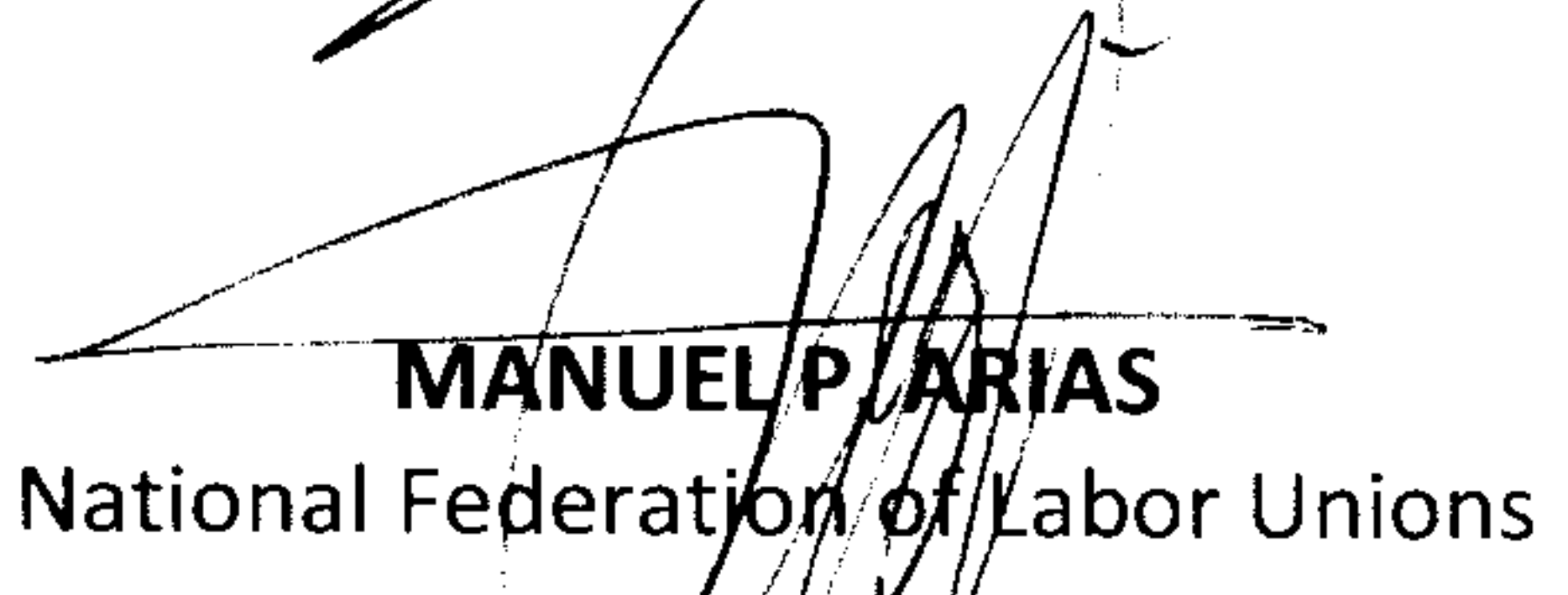
GERARD R. SENO
Trade Union Congress of the Philippines



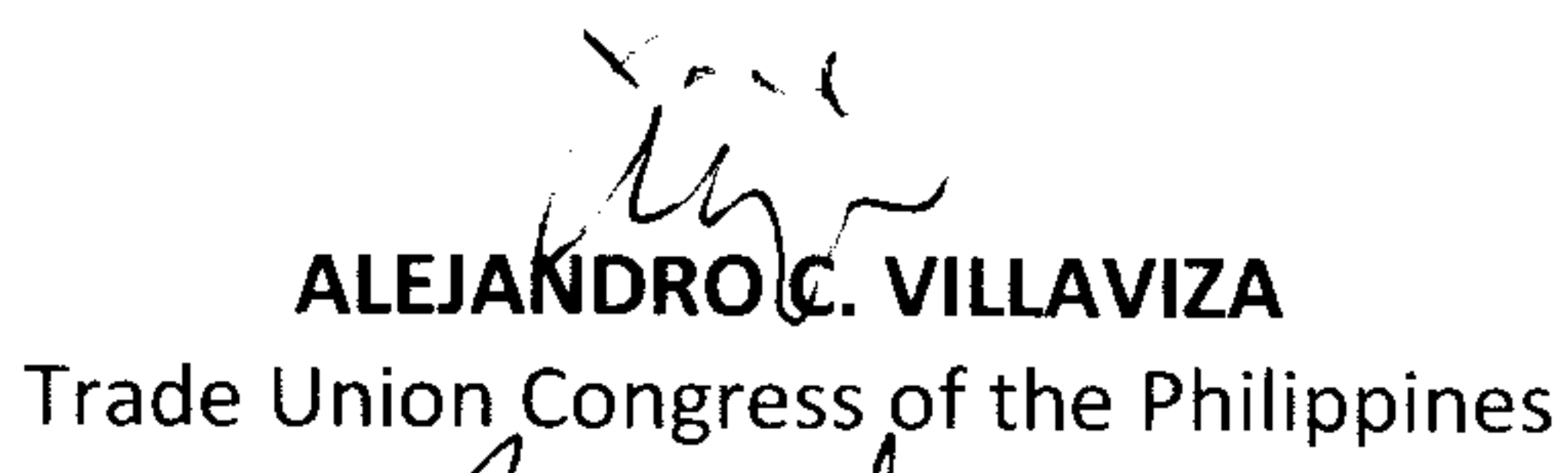
BENJAMIN C. ALAR
National Confederation of Labor



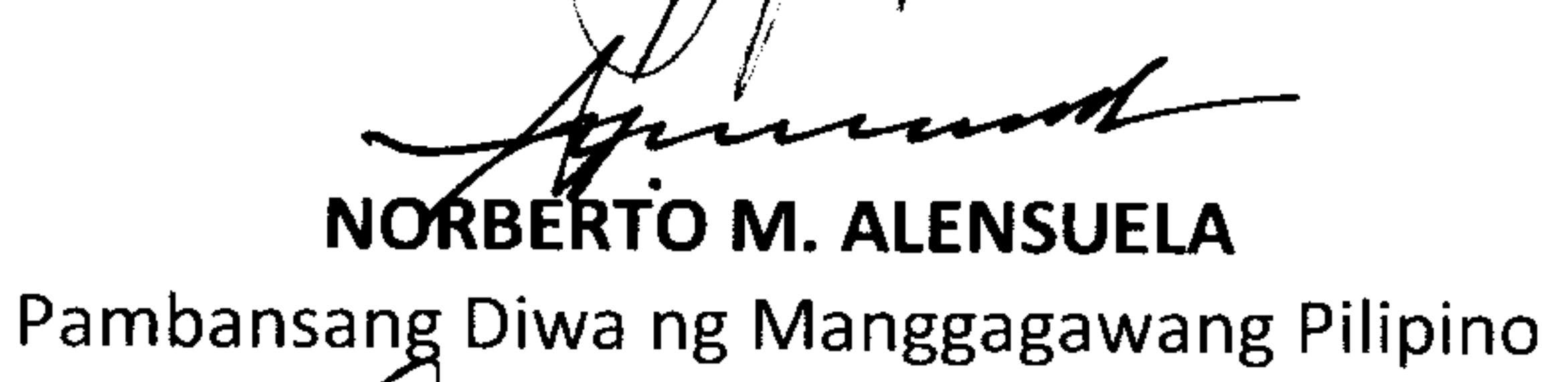
JESUS B. VILLAMOR
Trade Union Congress of the Philippines



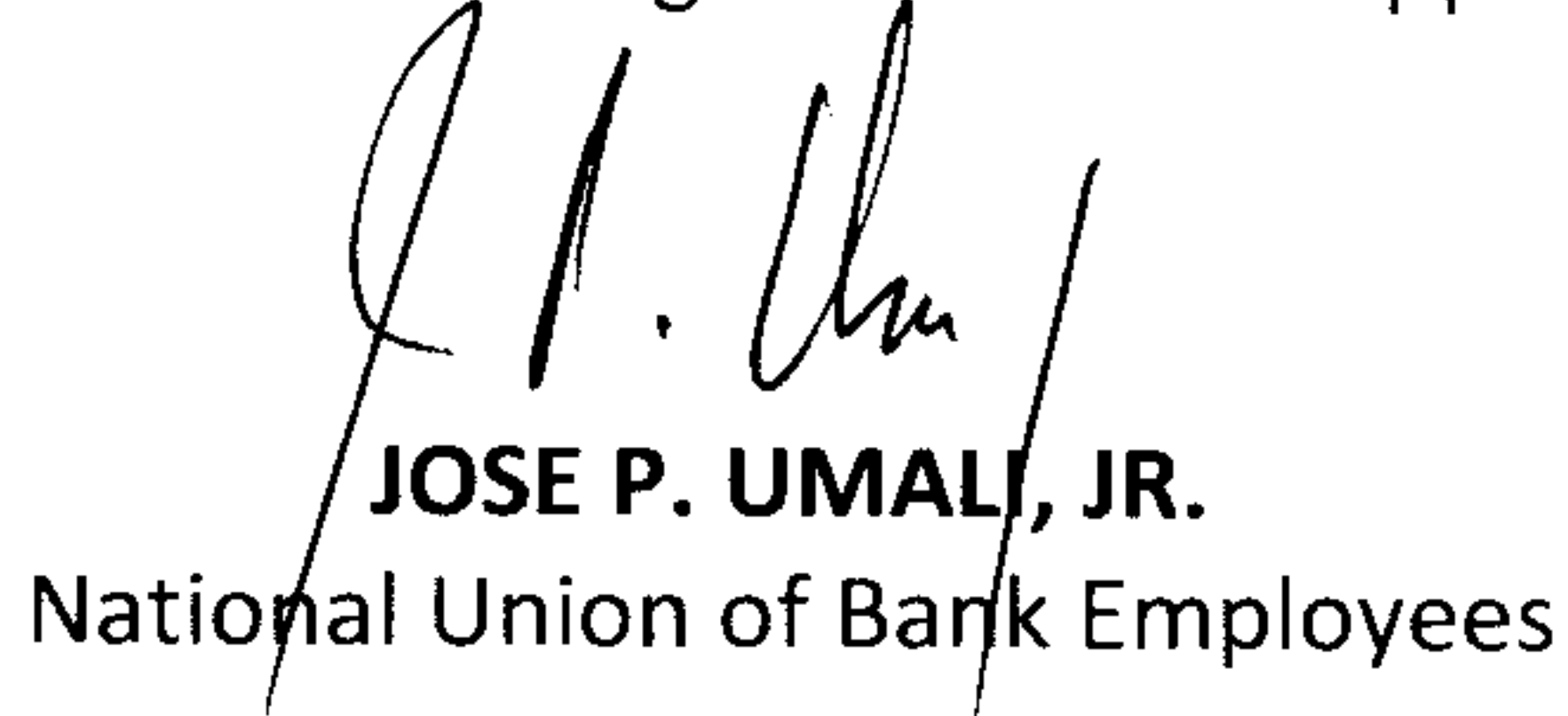
MANUEL P. ARIAS
National Federation of Labor Unions



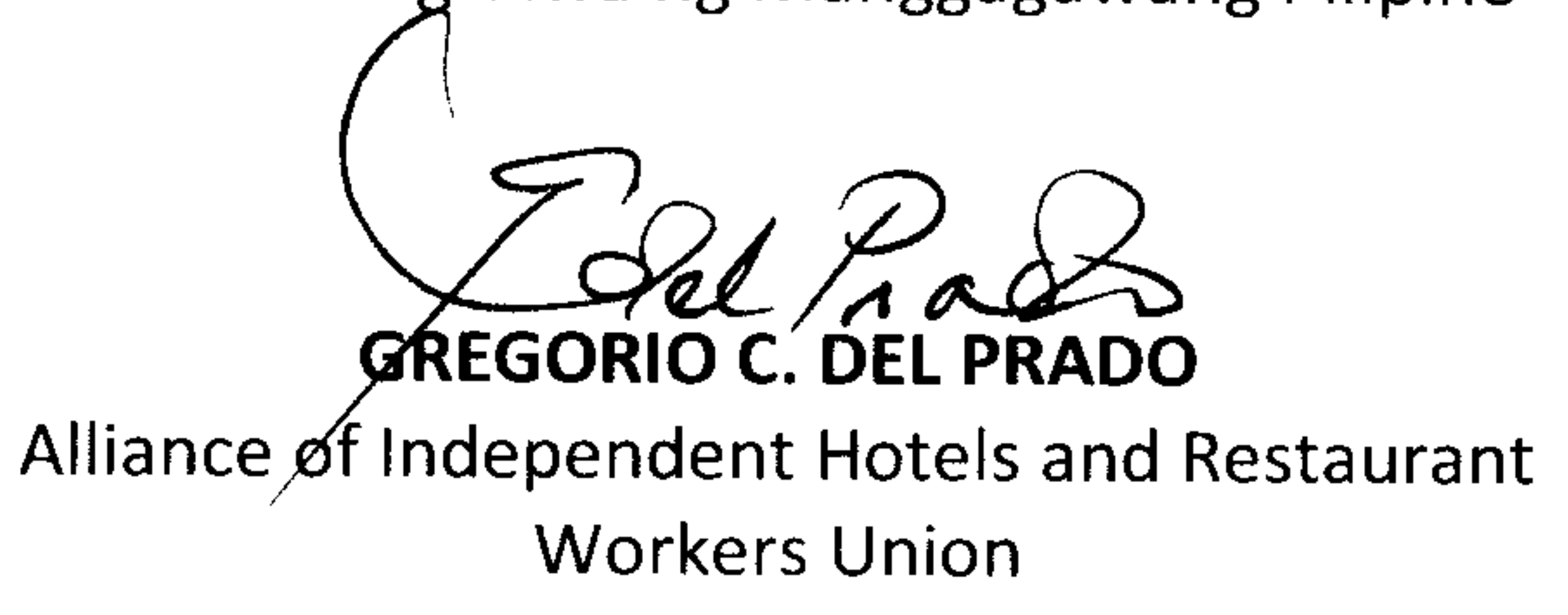
ALEJANDRO C. VILLAVIZA
Trade Union Congress of the Philippines



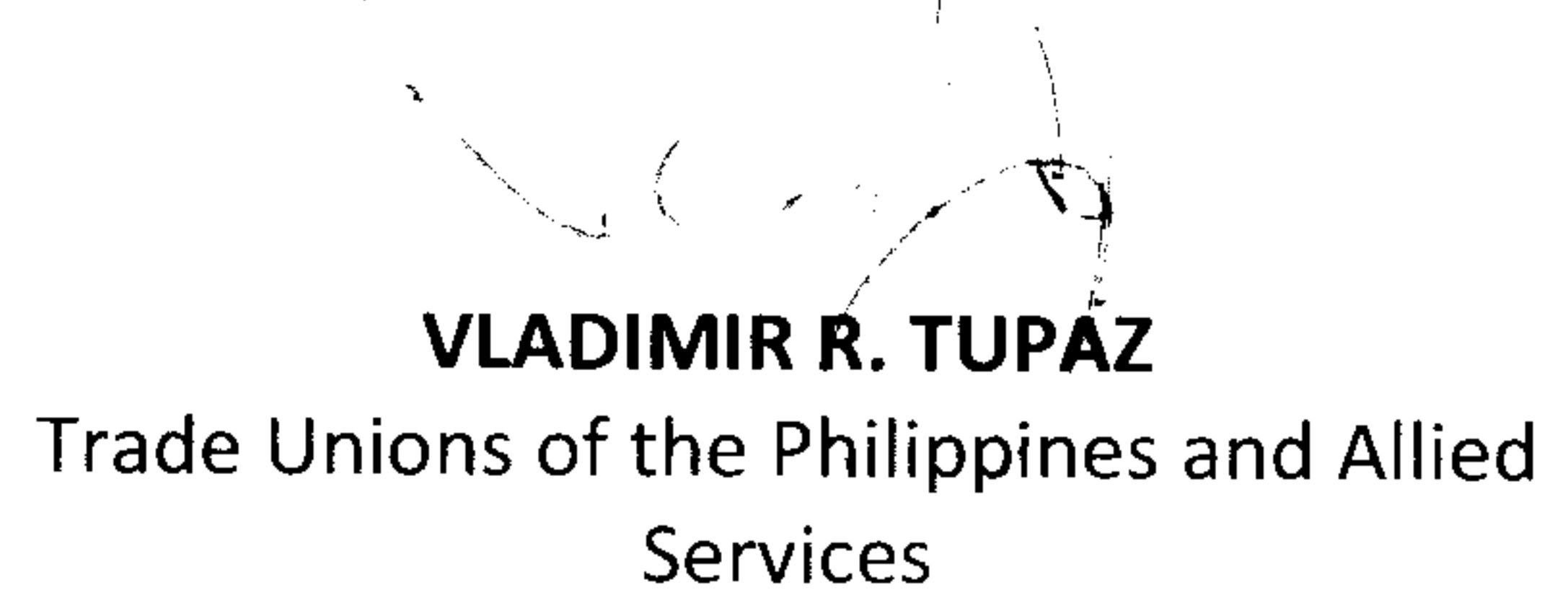
NORBERTO M. ALENSUELA
Pambansang Diwa ng Manggagawang Pilipino



JOSE P. UMALI, JR.
National Union of Bank Employees

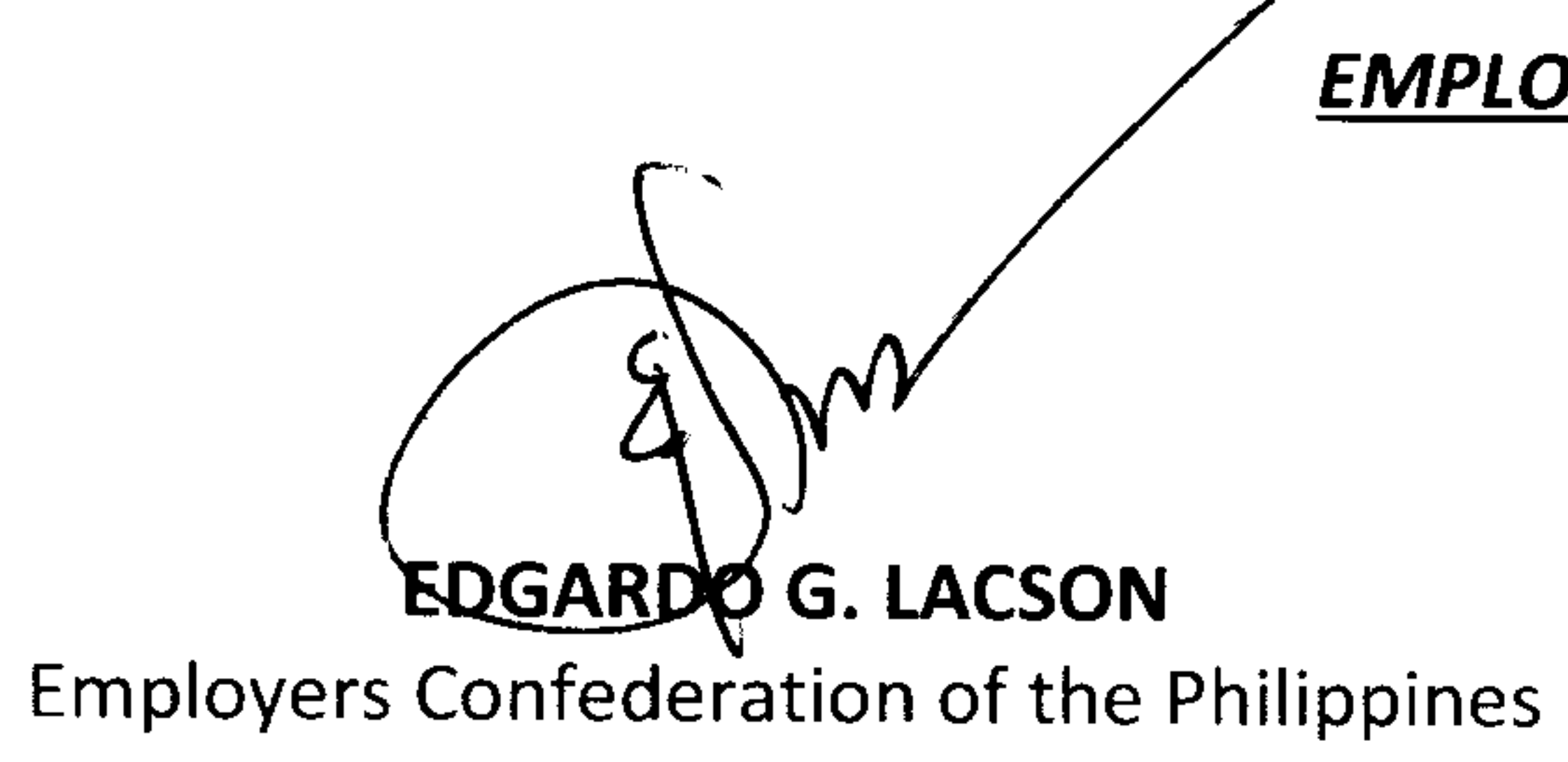


GREGORIO C. DEL PRADO
Alliance of Independent Hotels and Restaurant Workers Union

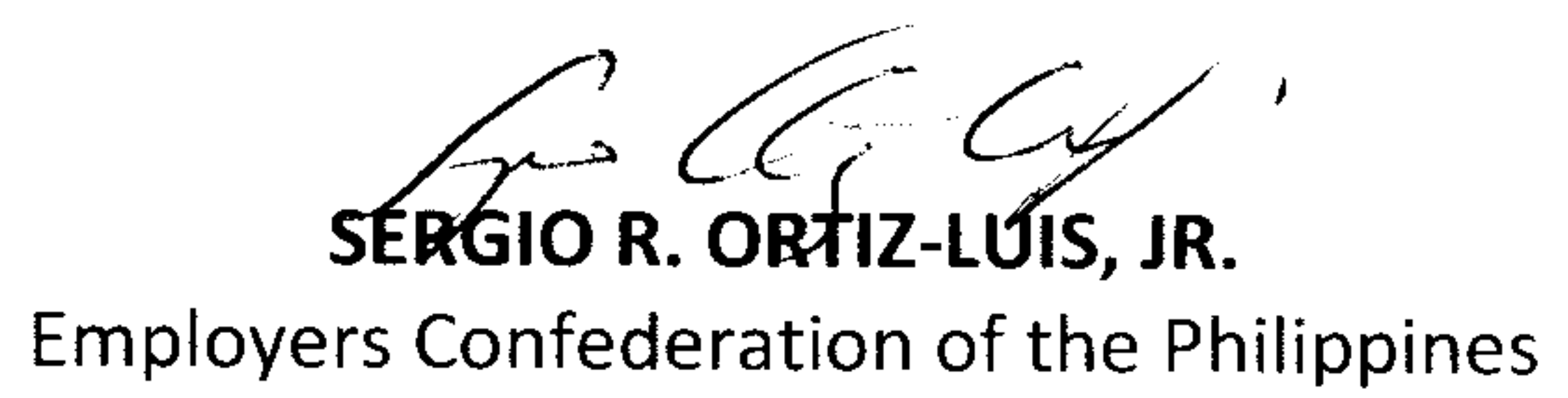


VLADIMIR R. TUPAZ
Trade Unions of the Philippines and Allied Services

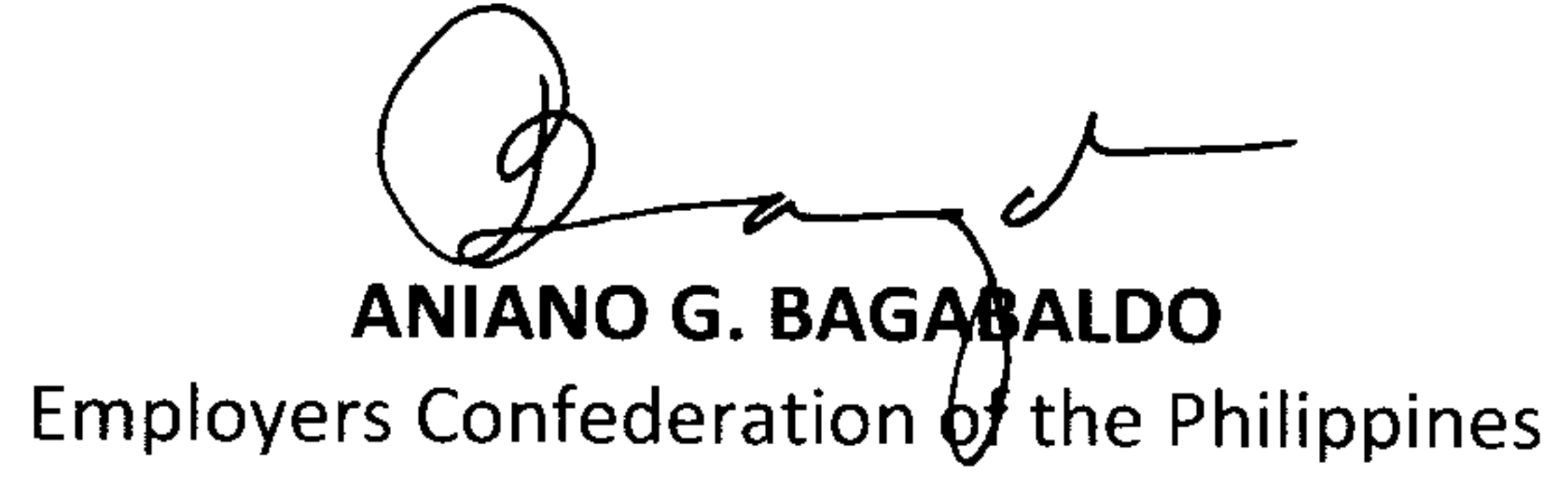
EMPLOYERS' SECTOR



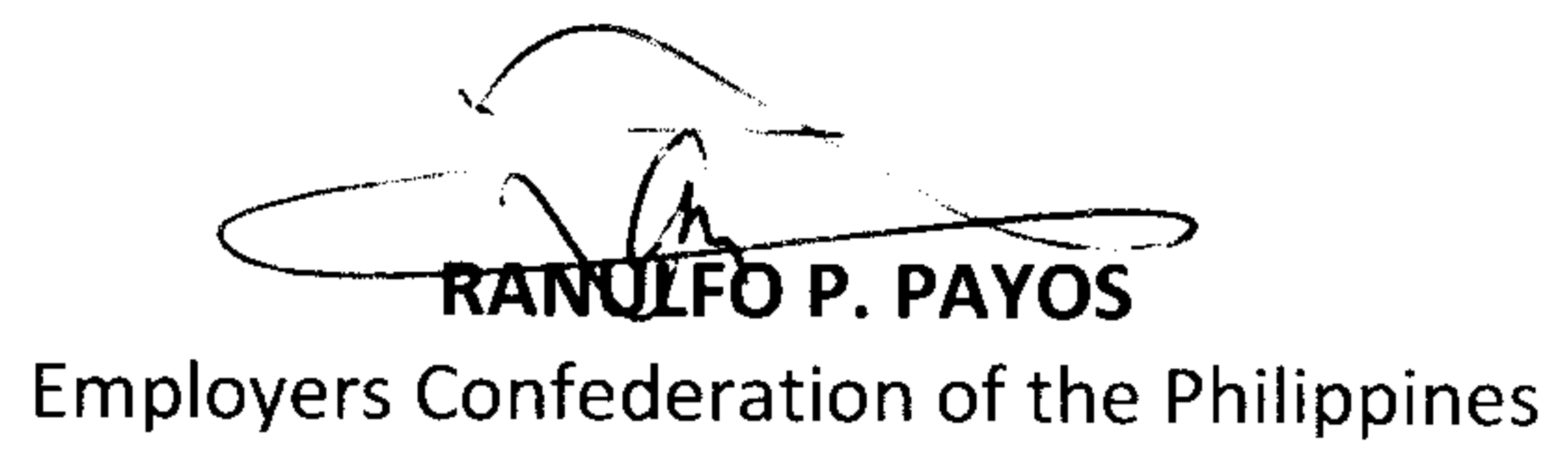
EDGARDO G. LACSON
Employers Confederation of the Philippines



SERGIO R. ORTIZ-LUIS, JR.
Employers Confederation of the Philippines



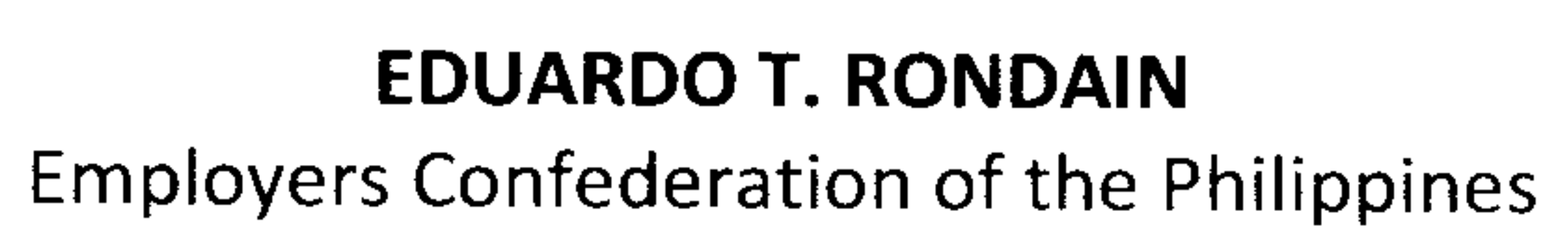
ANIANO G. BAGABALDO
Employers Confederation of the Philippines



RANOLFO P. PAYOS
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ERNESTO O. CECILIA
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EDUARDO T. RONDAIN
Employers Confederation of the Philippines


RENE E. CRISTOBAL

Employers Confederation of the Philippines



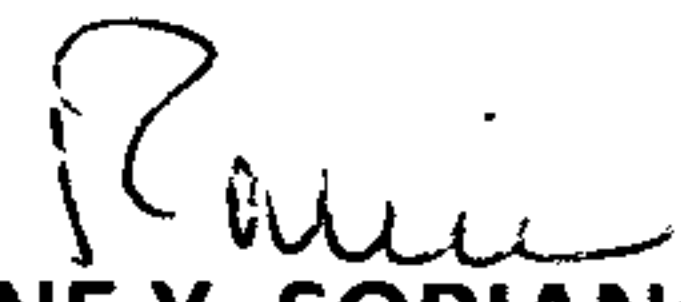
ANTON L. SAYO

Employers Confederation of the Philippines



FRANCISCO R. FLORO

Employers Confederation of the Philippines



RENE Y. SORIANO

Employers Confederation of the Philippines



VICENTE LEOGARDO, JR.

Employers Confederation of the Philippines




ANCHETA K. TAN

Employers Confederation of the Philippines



MANOLITO P. MADRASTO

Employers Confederation of the Philippines



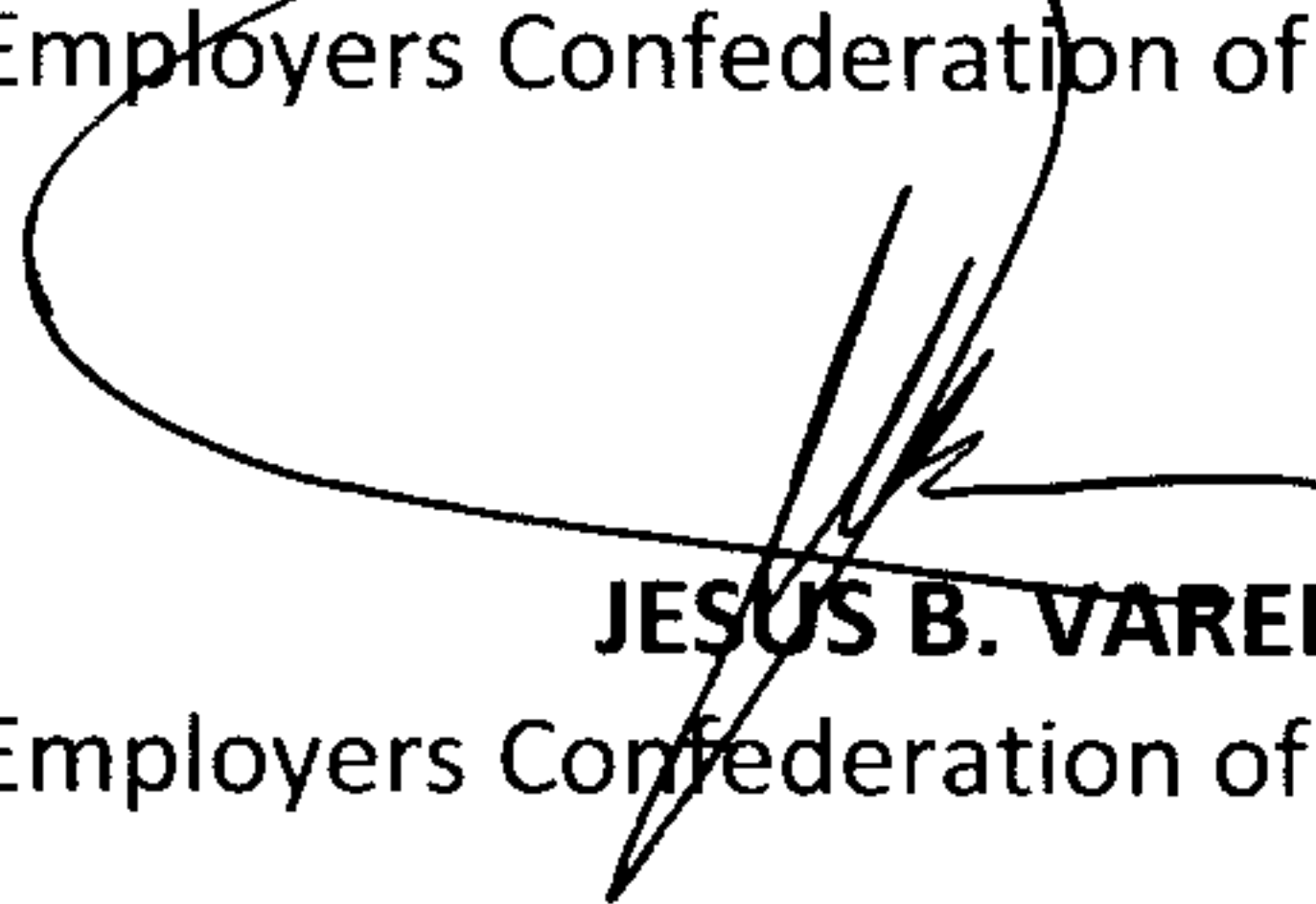
FELICIANO L. TORRES

Employers Confederation of the Philippines



CESAR MARIO O. MAMON

Employers Confederation of the Philippines



JESUS B. VARELA

Employers Confederation of the Philippines



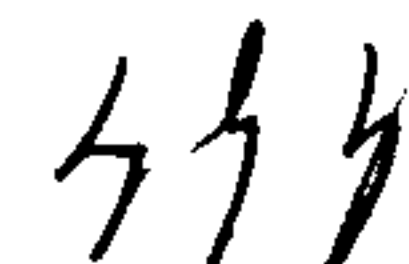
JORGE T. MENDIOLA

Employers Confederation of the Philippines



ARTHUR LUIS F. FLORENTIN, FPM

People Management Association of the
Philippines



MARY G. NG

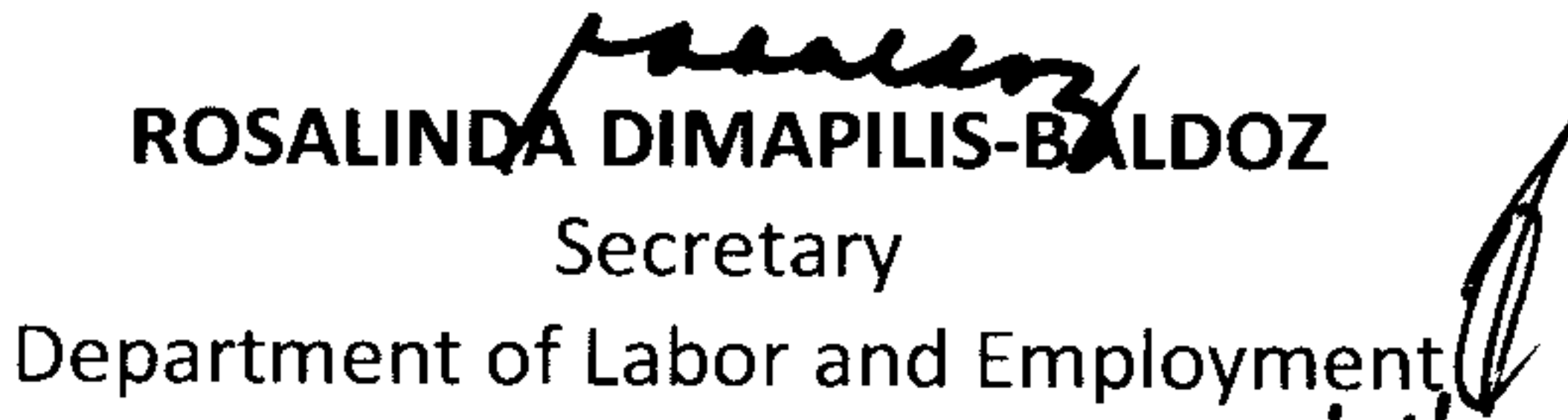
Employers Confederation of the Philippines



EMERICO O. DE GUZMAN

People Management Association of the
Philippines

GOVERNMENT SECTOR


ROSALINDA DIMAPILIS-BALDOZ
Secretary
Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary



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