

**TIPC-Monitoring Body  
Resolution No. 7, Series of 2012.**

**ADDITIONAL CASES UNDER ILO 2528**

**ADOPTING A TIPC-MONITORING BODY RECOMMENDATION / COURSE OF ACTION ON THE NINE (9) CASES OF EXTRAJUDICIAL KILLINGS AND ATTEMPTED MURDERS, ONE (1) CASE OF ABDUCTION, AND TWENTY-ONE (21) CASES OF HARASSMENT AND INTIMIDATION UNDER THE ADDITIONAL CASES IN ILO 2528.**

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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**, in a communication dated 31 October 2006, the Kilusang Mayo Uno (KMU) reported thirty-nine (39) cases of extrajudicial killings, eleven (11) cases of abduction, and twelve (12) cases of harassment, to the International Labor Organization (ILO). Said

cases have been looked into by the TIPC-Monitoring Body and actions taken therein are embodied in previous TIPC-Monitoring Body Resolutions;

**WHEREAS**, the KMU, in their communications dated 30 September 2009 and 10 December 2009, reported additional list of incidents to the ILO involving thirteen (13) cases of extrajudicial killings and attempted murders, two (2) cases of abduction, and twenty-three (23) cases of harassment and intimidation, which the ILO included under **ILO Case No. 2528** herein referred to as **Additional Cases**;

**WHEREAS**, the TIPC-Monitoring Body notes that courses of actions were already recommended in the following cases of Extrajudicial Killings – **Jerson Lastimoso, Gerardo Cristobal, and Jesus Butch Servida**; Abduction – **Jaime Rosios**; and Harassment and Intimidation – **Vicente Barrios and Vincent Borja**; as contained in TIPC-Monitoring Body Resolution No. 2, series of 2010, issued on 25 June 2010, and TIPC-Monitoring Body Resolution Nos. 2A and 2B, series of 2011, issued on 24 May 2011;

**WHEREAS**, the Extrajudicial Killing of **Edward Panganiban** is already included in the list of **New Cases** which form part of the items of the present case calendar of the TIPC-Monitoring Body and is covered under another TIPC-Monitoring Body Resolution;

**WHEREAS**, the thirty-one (31) remaining **2528 Additional Cases** were evaluated for appropriate action and/or recommendation;

**WHEREAS**, upon deliberation on the circumstances of the cases, the TIPC-Monitoring Body classified one (1) case of extrajudicial killing and one (1) case of harassment and intimidation, as **Possibly NOT Labor Related under ILO Convention No. 87** considering that the alleged facts would not constitute an infringement of the exercise of freedom of association and the right to organize:

NAME OF VICTIM/ COMPANY/ UNION	REGION	DATE OF INCIDENT	ALLEGED PERPETRATOR	CIRCUMSTANCES LEADING TO THE CLASSIFICATION
1. <b>Maximo Barranda (Killed)</b> Victim has no affiliation.	11	7/19/08	Bienvenido Estopan @ Loloy 3 John Does	<ul style="list-style-type: none"> <li>Investigation revealed that days prior to the incident, the victim received several death threats from an unknown person.</li> <li>Suspects were identified as Bienvenido Estopan a.k.a. Loloy and three (3) John Does. Case of Murder was referred to the Compostela Valley Provincial Prosecutors' Office docketed as NPS# XI-01-INV-11F-00163 on 13 June 2011.</li> <li>Investigation showed that the victim was not affiliated with any organization.</li> <li>Facts of the case do not establish a connection to any labor dispute.</li> </ul>
2. <b>Farm workers in the Cagayan Valley, Bukidnon and Davao del Sur (Harassed/Intimidated)</b>	10	---	Military elements	<ul style="list-style-type: none"> <li>Facts of the case do not establish a connection to any labor dispute, but to anti-insurgency campaign.</li> </ul>

WHEREAS, the following cases are classified as **Possibly Labor Related under ILO Convention No. 87** considering that the alleged facts apparently constitute an infringement of the exercise of freedom of association and the right to organize:

Extrajudicial Killings and Attempted Murders

NAME OF VICTIM/ COMPANY/ UNION	REGION	DATE OF INCIDENT	ALLEGED PERPETRATOR	CIRCUMSTANCES LEADING TO THE CLASSIFICATION	SIGNIFICANT INFORMATION NOTED BY THE MONITORING BODY
1. <b>Sabina Ariola (Killed)</b> Chairperson of People of Santa Rosa for Welfare, Development and Peace for a Better Society	4-A	3/23/09	Unidentified suspect	<ul style="list-style-type: none"> <li>Although the victim is not affiliated with any union, she was on her way to attend a rally at the town proper at the time of incident.</li> </ul>	<ul style="list-style-type: none"> <li>Son of the victim promised to personally convince their witnesses to provide information on the incident.</li> </ul>
2. <b>Gil Gojol (Killed)</b> Lead Counsel of Assoc. of the Democratic Labor Org.-KMU	5	12/12/06	Mario Fortun @ Omar Edar Calag @ PAT 2 John Does	<ul style="list-style-type: none"> <li>Victim was the lead counsel of ADLO-KMU.</li> </ul>	<ul style="list-style-type: none"> <li>Real motive of the killing has not yet been established. There are 3 motives to the killing that are being considered: 1) killing was allegedly political in reason; 2) cockfight derby issue; and 3) groups targeting Gojol's fellow human rights lawyers.</li> <li>Case of Double Murder filed before Sorsogon PPO under IS # 2007-1411 was provisionally dismissed on February 21, 2007 for failure of witness to identify the suspects. Entire records were forwarded to PNP for further investigation.</li> </ul>
3. <b>Carlito Dacudao (Killed)</b> Organizer of Negros Federation of Sugarcane Workers	6	8/21/09	Ka Maitan Casiple 5 John Does (Members of RPA-ABB)	<ul style="list-style-type: none"> <li>Victim was an organizer of NFSW.</li> </ul>	<ul style="list-style-type: none"> <li>CHR archived the case due to lack of evidence and witnesses.</li> </ul>
4. <b>Joel Ascutia (Survived)</b> Deputy Secretary of PISTON President of Condor Piston-Bikol	5	7/13/09	2 Unidentified suspects	<ul style="list-style-type: none"> <li>The attempted murder happened during a nationwide transport strike.</li> </ul>	<ul style="list-style-type: none"> <li>Per DOJ info, no case has yet been filed.</li> <li>Investigation of PNP Daraga is ongoing.</li> </ul>
5. <b>Arnold Cerdo (Survived)</b> Vice President of Sensuous Union Labor Organization-Independent and Staff Member of the Cabuyao Workers Alliance	4-A	11/5/08	2 Unidentified suspects	<ul style="list-style-type: none"> <li>Victim was affiliated with several labor organizations.</li> </ul>	<ul style="list-style-type: none"> <li>None of the victim's family members appeared before the police station to give concrete statements on the incident.</li> <li>Victim is no longer residing in his known address and is living together with his wife somewhere in Binan, Laguna.</li> </ul>
6. <b>Armando Dolorosa (Killed)</b> Vice-President, NFSW	6	6/6/08	Hermes Ostan @ Tol (Killed by members of CPP/NPA)	<ul style="list-style-type: none"> <li>Victim was the VP of NFSW.</li> </ul>	<ul style="list-style-type: none"> <li>Information shows that witnesses are hesitant to give statement against the suspects who are believed to be members of the</li> </ul>

					<p>CPP/NPA for fear of reprisal.</p> <ul style="list-style-type: none"> <li>Filing of criminal charges against Hermes Ostan (suspect) did not materialize as he was killed by the CPP/NPA.</li> <li>Family of the victim is not cooperating.</li> </ul>
<p>7. <b>Liza Alo (Survived)</b> President of Packing Plant 92 Workers' Union</p>	11	5/16/09	3 Unidentified suspects	<ul style="list-style-type: none"> <li>Alo is a union president.</li> <li>She was also an alleged victim of harassment classified as possibly labor related, in the initial list of ILO 2528 cases.</li> </ul>	<ul style="list-style-type: none"> <li>No case was filed against the persons responsible for threat and harassment.</li> <li>Victim allegedly continues to receive threat and harassment.</li> </ul>
<p>8. <b>Vicente Barrios (Survived)</b> President of NAMASUFA-NAFLU-KMU</p>	11	12/10/06	Unidentified suspects	<ul style="list-style-type: none"> <li>Barrios is a union president.</li> <li>He was also an alleged victim of harassment classified as possibly labor related, in the initial list of ILO 2528 cases.</li> </ul>	<ul style="list-style-type: none"> <li>One of those who survived in the killing of Gerson Lastimo, included in the initial list of ILO 2528 cases.</li> <li>Case for murder and attempted murder remains archived for lack of evidence.</li> <li>Continues to receive threats and harassment. Two incidents of failed assassination within the vicinity of Packing Plant 90 were reported to PNP Compostela.</li> </ul>

### Abduction

NAME OF VICTIM/ COMPANY/ UNION	REGION	DATE OF INCIDENT	ALLEGED PERPETRATOR	CIRCUMSTANCES LEADING TO THE CLASSIFICATION	SIGNIFICANT INFORMATION NOTED BY THE MONITORING BODY
<p>1. <b>Roy Velez</b> Chairperson of KMU-NCR</p>	NCR	5/20/07	Suspected military agents	<ul style="list-style-type: none"> <li>No substantial information provided but the victim's chairmanship of KMU-NCR shall not be overlooked.</li> </ul>	<ul style="list-style-type: none"> <li>Very limited information available.</li> </ul>

### Harassment and Intimidation

NAME OF VICTIM/ COMPANY/ UNION	REGION	DATE OF INCIDENT	ALLEGED PERPETRATOR	CIRCUMSTANCES LEADING TO THE CLASSIFICATION	SIGNIFICANT INFORMATION NOTED BY THE MONITORING BODY
<p>1. <b>Rene Galang</b> President of ULWU and UMA</p>	3	---	Military elements	<ul style="list-style-type: none"> <li>He was involved in the Luisita strike in 2005.</li> </ul>	<ul style="list-style-type: none"> <li>Information shows that Galang has been in hiding after being accused by the military of being a member of the NPA.</li> </ul>

2.	<b>Gaudencio Garcia</b> President of the Universal Robina Corporation Employees' Union	4-A	---	Military elements	<ul style="list-style-type: none"> <li>Victim is a union president.</li> </ul>	<ul style="list-style-type: none"> <li>CHR is currently conducting <i>motu proprio</i> investigation on the Human Rights Violation aspect of the case.</li> </ul>
3.	<b>Luz Fortuna</b>	4-A	---	Military elements	<ul style="list-style-type: none"> <li>Victim is the wife of Diosdado Fortuna, included in the initial list of EJK cases under ILO 2528.</li> </ul>	<ul style="list-style-type: none"> <li>No substantial information available.</li> </ul>
4.	<b>Jason Hega</b> <b>Emmanuel Deonida</b> <b>Jay Abhan</b> PAMANTIK-KMU	4-A	3/6/08	Elements of PNP	<ul style="list-style-type: none"> <li>They were involved in a strike conducted outside the DOLE Office.</li> </ul>	<ul style="list-style-type: none"> <li>Per DOJ info, the case docketed as UA No. 08C-02358 is pending before the Office of Assistant Prosecutor Cecilia Parallag. However, after verification with OCP Manila records show that the case does not exist.</li> </ul>
5.	<b>Belen Navarro Rodriguez</b> Wife of Ariel Rodriguez (active member of the Pacific Cordage Workers' Association)	5	7/13/09	Soldiers	<ul style="list-style-type: none"> <li>Wife of an active union member.</li> </ul>	<ul style="list-style-type: none"> <li>Very limited information available.</li> </ul>
6.	<b>Leo Caballero</b> Spokesperson for KMU-Bicol	5	---	Military elements	<ul style="list-style-type: none"> <li>Affiliated with KMU.</li> </ul>	<ul style="list-style-type: none"> <li>Very limited information available.</li> </ul>
7.	<b>Romualdo Basilio</b> <b>Omar Bantayan</b> <b>Cong. Joel Maglungod</b> Officers/Former Officer of KMU-SMR	11	---	10 <sup>th</sup> ID of the AFP	<ul style="list-style-type: none"> <li>Affiliated with KMU.</li> </ul>	<ul style="list-style-type: none"> <li>No case filed before the court.</li> <li>Basilio stated that he continues to receive death threats due to the impending suspension of 24 Maragusan United Workers' Union (MUWU) members.</li> </ul>
8.	<b>Arman R. Blasé</b> Board member of NAMAOS and spokesperson of KMU-SMR	11	2008	Military elements	<ul style="list-style-type: none"> <li>Former union member and affiliate of KMU.</li> </ul>	<ul style="list-style-type: none"> <li>No case filed before the court.</li> <li>Resigned from his work and is no longer connected with KMU.</li> </ul>
9.	<b>Workers of Tritran Union-Ind.</b>	4-A	---	Suspected military agents	<ul style="list-style-type: none"> <li>Involves union members/officers.</li> </ul>	<ul style="list-style-type: none"> <li>Very limited information available.</li> </ul>
10.	<b>Universal Robina Corporation Employees' Union – Farm Division</b>	4-A	Sept. 2009	Military elements	<ul style="list-style-type: none"> <li>Involves union members/officers.</li> </ul>	<ul style="list-style-type: none"> <li>According to the management, there is no military installation inside the workplace.</li> </ul>
11.	<b>Worker communities near Pacific Cordage Corp.</b>	5	---	Military elements	<ul style="list-style-type: none"> <li>Involves workers.</li> </ul>	<ul style="list-style-type: none"> <li>No substantial information as to the presence of the Military in the communities.</li> </ul>
12.	<b>Maragusan United Workers' Union (MUWU); NAMAOS; NAMASUFA; Nagkahiusang Mamumuo sa San Jose (NAMASAN); Packing Plant 92 Workers Union Rotto Freshmax Workers Union</b>	11	Since Sept. 2008	66 <sup>th</sup> IB of the AFP	<ul style="list-style-type: none"> <li>Involves union members/officers.</li> </ul>	<ul style="list-style-type: none"> <li>The 66<sup>th</sup> Infantry Battalion (IB) of the AFP has already been transferred to another area of assignment.</li> </ul>
13.	<b>Romeo Legaspi</b> PAMANTIK-KMU Chairman	4-A	---		<ul style="list-style-type: none"> <li>Affiliated with KMU.</li> </ul>	<ul style="list-style-type: none"> <li>No substantial information.</li> </ul>
14.	<b>Remigio Saladero, Jr.</b> Chief Legal Counsel of KMU	4-A	---		<ul style="list-style-type: none"> <li>Victim was the lead counsel for the</li> </ul>	<ul style="list-style-type: none"> <li>Arrested by virtue of Warrant of Arrest (WOA)</li> </ul>

				family of murdered union leader Diosdado "Ka Fort" Fortuna and the employees of the Nestle Cabuyao factory who have been on strike for four years.	issued by Hon. Judge Tomas C. Leynes, RTC Branch 40, Calapan City, Oriental Mindoro for Multiple Murder and Multiple Frustrated Murder docketed under CC# 06-8525. <ul style="list-style-type: none"> <li>• Case of Multiple Murder and Multiple Frustrated Murder were dismissed on February 5, 2009 by Judge Manuel C. Luna, Jr.</li> <li>• No complaints filed against PNP and military personnel responsible in the arrest of Remigio Saladero.</li> </ul>
<b>15. Union of Filipro Employees</b> Nestle Cabuyao union	4-A	Since January 2002	Elements of PNP and Military	<ul style="list-style-type: none"> <li>• Involves union members/officers.</li> <li>• Incident happened during the conduct of a concerted activity.</li> </ul>	<ul style="list-style-type: none"> <li>• Information shows that the illegal assemblies transformed into actual assaults on the factory premises. These incidents inflicted injuries on members of the private security agency as well as members of the PNP who filed criminal complaints against those who attacked them.</li> <li>• Allegedly, about 250 workers of Nestlé Cabuyao were charged with an average of 37 criminal cases each before the Municipal Trial Court–Cabuyao (MTC–Cabuyao) and Regional Trial Court–Biñan (RTC–Biñan).</li> </ul>
<b>16. AMADO KADENA-NAFLU-KMU</b>	12	---	Military elements	<ul style="list-style-type: none"> <li>• Involves union members/officers.</li> <li>• Existence of representation issue.</li> </ul>	<ul style="list-style-type: none"> <li>• Case is still pending with the Commission on Human Rights XII (CHR).</li> </ul>
<b>17. ULWU Leaders</b>	3	---	71 <sup>st</sup> , 48 <sup>th</sup> and 69 <sup>th</sup> IB of the AFP	<ul style="list-style-type: none"> <li>• Involves union members/officers.</li> <li>• Military elements were allegedly conducting anti-union meetings with film screenings in the barangays.</li> </ul>	<ul style="list-style-type: none"> <li>• No substantial information provided.</li> </ul>
<b>18. Workers of Sumitomo Fruits Corporation</b> NAMAOS	11	Since Nov. 2008	66 <sup>th</sup> IB of the AFP	<ul style="list-style-type: none"> <li>• Involves union members/officers.</li> <li>• Military elements allegedly entered company premises during the period of the union's CBA negotiation with the management to conduct daily forums.</li> </ul>	<ul style="list-style-type: none"> <li>• The 66<sup>th</sup> Infantry Battalion (IB) of the AFP has already been transferred to other area of assignment.</li> <li>• The group called WIPER is no longer "operating" in the area.</li> </ul>

19. Union in Suyapa Farm	11	2006	28 <sup>th</sup> IB of the AFP	<ul style="list-style-type: none"> <li>• Involves union members/officers.</li> <li>• Military elements were allegedly deployed in the vicinity of Suyapa Farm to watch over the union.</li> </ul>	<ul style="list-style-type: none"> <li>• The 28<sup>th</sup> Infantry Battalion (IB) of the AFP has already been transferred to other area of assignment.</li> </ul>
20. 20 workers of Karnation Industries	4-A	Since May 2007		<ul style="list-style-type: none"> <li>• Involves workers.</li> <li>• Incident happened during the conduct of a concerted activity.</li> </ul>	<ul style="list-style-type: none"> <li>• A case for Serious Illegal Detention filed against the 20 strikers docketed as CC# 07-34053 is ongoing trial before RTC Branch 80 of Morong, Rizal. A continuation of presentation of prosecution's evidence is set on February 21, 2012.</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 extrajudicial killing involving **Maximo Barranda**, and the alleged harassment of **Farm Workers in the Cagayan Valley, Bukidnon and Davao del Sur**, which are all classified as **Possibly NOT Labor Related under ILO Convention No. 87**, from the case calendar of the TIPC-Monitoring Body 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) recommend the closure of the harassment/intimidation case involving **Remigio Saladero, Jr.** considering that the criminal charges against him were already dismissed;
- 3) refer the extrajudicial killing of **Sabina Ariola** to the **Commission on Human Rights** and **PNP-Task Force Usig** for in-depth investigation;
- 4) refer the extrajudicial killing of **Gil Gojol** to the **Commission on Human Rights** and **PNP-Task Force Usig** for in-depth investigation to identify the real motive to the crime and to establish whether or not Gojol's work as the lead counsel of a KMU-affiliated organization is connected to the killing;
- 5) refer the case of attempted murder involving **Joel Ascutia** to the **Commission on Human Rights** and **PNP-Task Force Usig** for in-depth investigation to identify the perpetrators and the possible filing of criminal complaints;
- 6) refer the case of attempted murder involving **Liza Alo** to the **Commission on Human Rights** and **PNP-Task Force Usig** for in-depth investigation to determine the nature

and veracity of alleged continuing threats, to identify the perpetrators, and the possible filing of criminal complaints;


- 7) refer the case of attempted murder involving **Arnold Cerdo** to the **Commission on Human Rights** and **PNP-Task Force Usig** for in-depth investigation to locate the whereabouts of Cerdo so as to shed light to the incident and the possible filing of criminal complaint;
- 8) refer the extrajudicial killing cases of **Carlito Dacudao** and **Armando Dolorosa**, and harassment/intimidation cases involving **Rene Galang**, **Gaudencio Garcia**, **Romualdo Basilio, et al.**, and **Arman Blasé**, to the **Commission on Human Rights** and **PNP-Task Force Usig** for in-depth investigation;
- 9) refer the case of attempted murder involving **Vicente Barrios** to the **PNP-Task Force Usig** for an expeditious and thorough investigation to identify the suspects and effect the issued Warrant of Arrest, and to determine the nature and veracity of the alleged continuing threats;
- 10) refer the harassment/intimidation case involving **Jason Hega, et al.** to the **DOLE-Legal Service** with a request to provide relevant information on the said case;
- 11) refer the harassment/intimidation case involving **AMADO KADENA-NAFLU-KMU** to the **Commission on Human Rights** with a request to ensure the speedy resolution of the pending case;
- 12) refer the harassment/intimidation case involving **20 Workers of Karnation Industries** to the **Supreme Court of the Philippines** and request the said Court to ensure the speedy resolution of the Serious Illegal Detention Case filed before RTC Branch 80, Morong, Rizal docketed under CC# 07-34053;
- 13) request the **Department of Labor and Employment** to conduct spot audit relative to the cases involving the **Universal Robina Corporation Employees' Union – Farm Division**, **Worker communities near Pacific Cordage Corporation**, **Maragusan United Workers' Union**, et al., **AMADO KADENA-NAFLU-KMU**, **ULWU Leaders**, **Workers of Sumitomo Fruits Corporation**, and **Union in Suyapa Farm**;
- 14) refer the twenty (20) cases of harassment and intimidation to the **Armed Forces of the Philippines** and to the **Philippine National Police**, as the case may be, to comment on the allegations made by the complainants within one (1) month;
- 15) request the **Department of Labor and Employment** to continuously engage the **Armed Forces of the Philippines** and the **Philippine National Police** 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 shall be abated if not eliminated entirely;



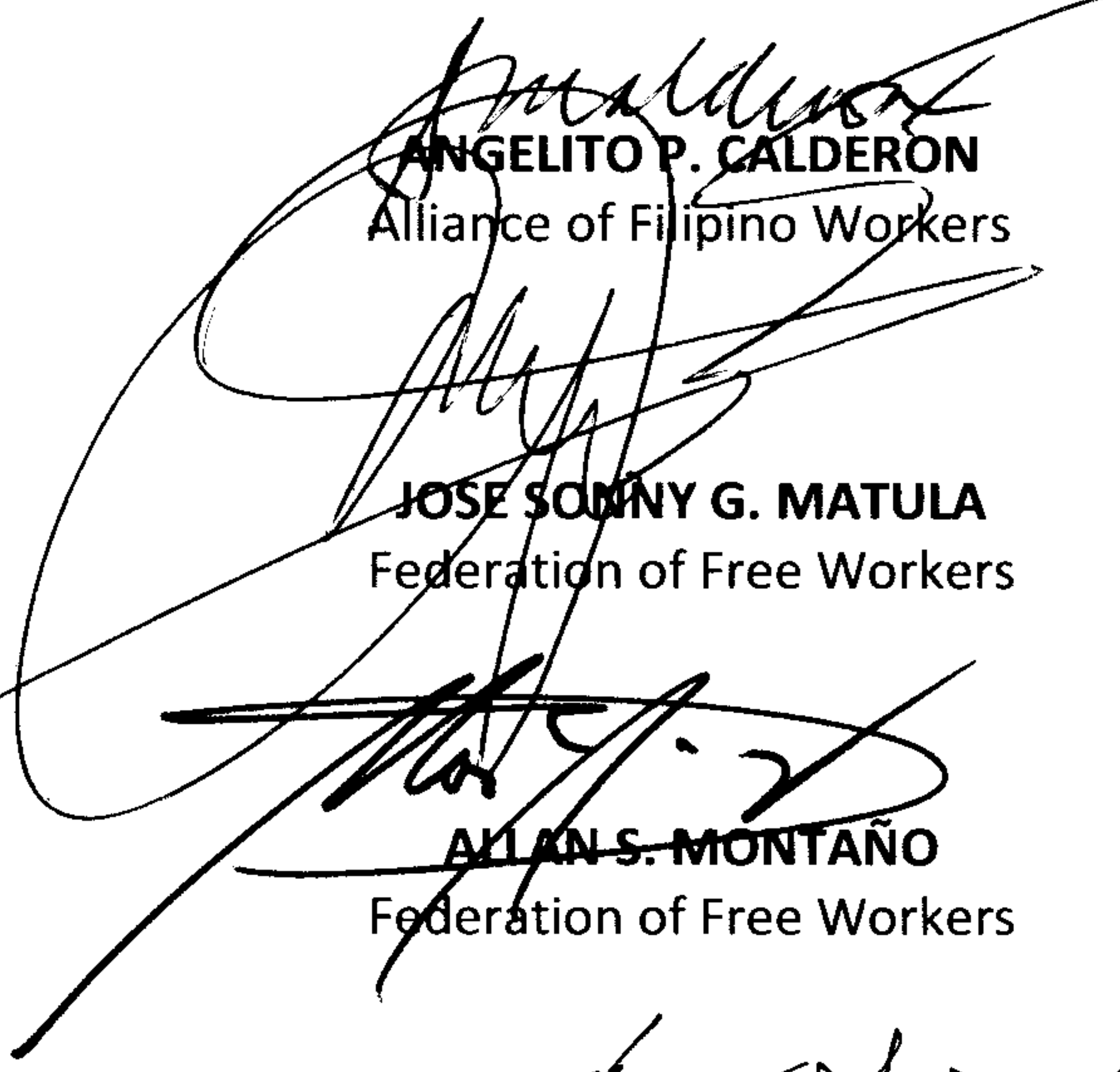
16) direct the concerned **Regional Tripartite Monitoring Bodies** to continuously monitor the movement of the cases, gather more information especially on those cases wherein: 1) there have been reports of cases filed in judicial and quasi-judicial bodies but no substantial information such as case numbers are provided; and 2) cases where there are limited or no substantial information provided. The RTMBs shall 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**  
Alliance of Progressive Labor

  
**JOSUA T. MATA**  
Alliance of Progressive Labor

  
**ANGELITO P. CALDERON**  
Alliance of Filipino Workers

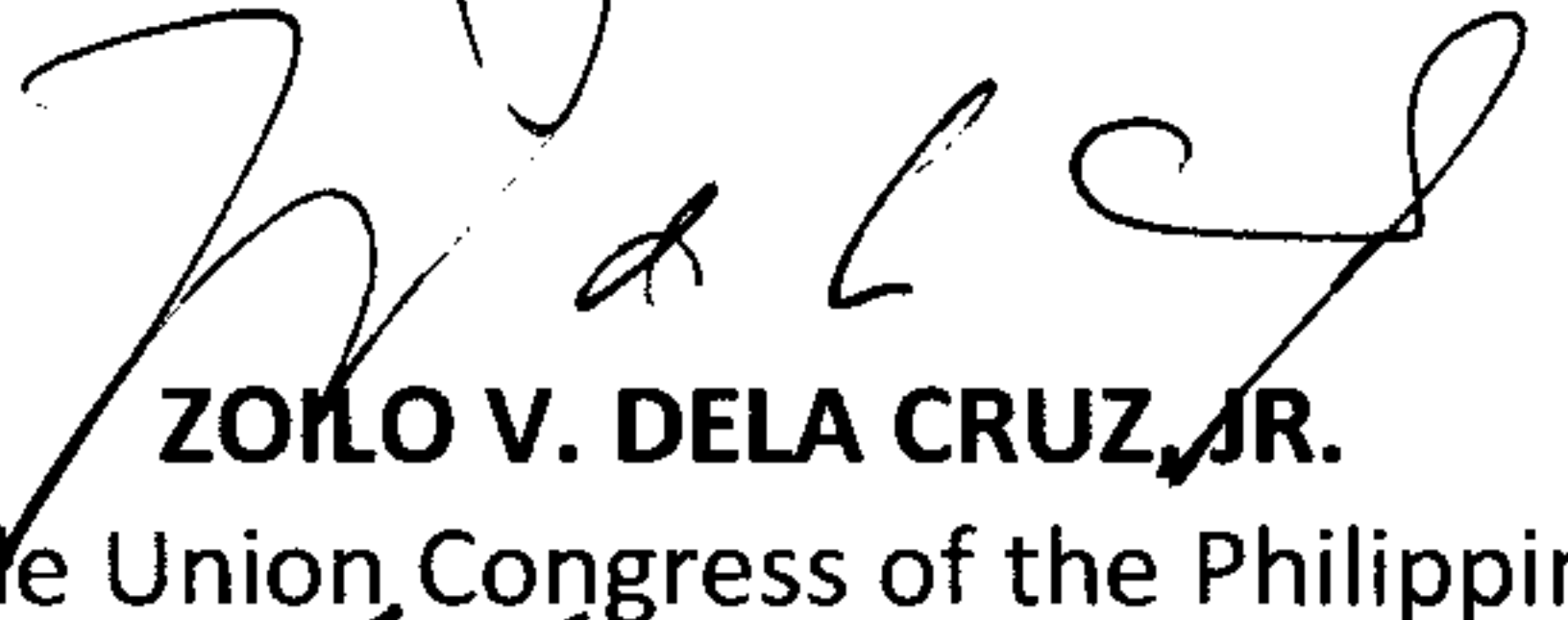
  
**JOSE SONNY G. MATULA**  
Federation of Free Workers


  
**ALLAN S. MONTAÑO**  
Federation of Free Workers

  
**DAVID L. DIWA**  
Lakas Manggagawa Labor Center


  
**BENJAMIN C. ALAR**  
National Confederation of Labor


  
**VICTORINO F. BALAIS**  
Trade Union Congress of the Philippines

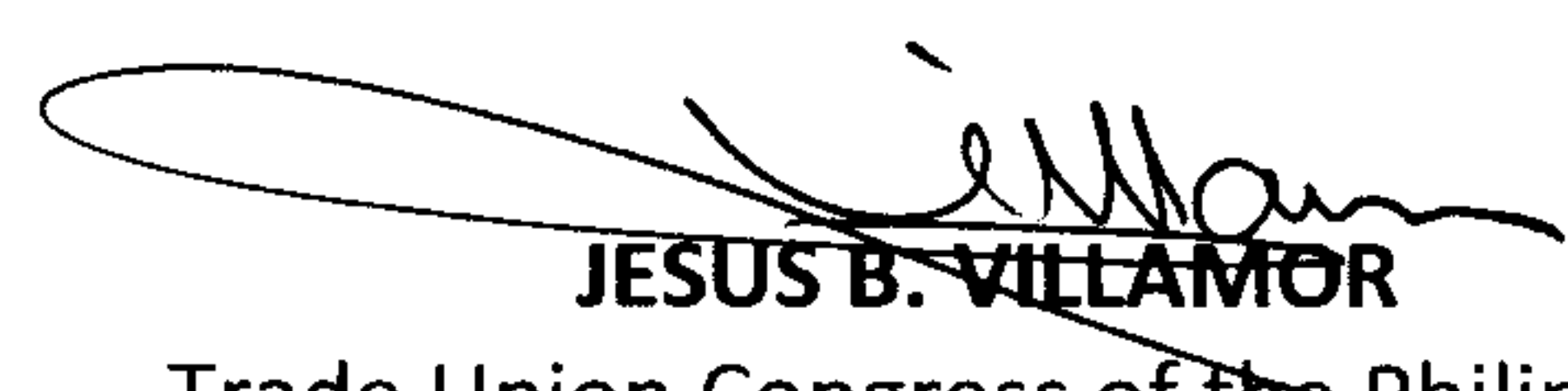
  
**ZOILO V. DELA CRUZ, JR.**  
Trade Union Congress of the Philippines

  
**ERNESTO F. HERRERA**  
Trade Union Congress of the Philippines

  
**ESPERANZA S. OCAMPO**  
Trade Union Congress of the Philippines

  
**MILAGROS C. LOGALINDA**  
Trade Union Congress of the Philippines

  
**GERARD R. SENO**  
Trade Union Congress of the Philippines

  
**JESUS B. VILLAMOR**  
Trade Union Congress 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 P. 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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