

**TIPC-Monitoring Body
Resolution No. 8, Series of 2012.**

ILO Case No. 2745

**ADOPTING A TIPC-MONITORING BODY
RECOMMENDATION / COURSE OF ACTION
ON THE SEVENTEEN (17) CASES OF
VIOLATION OF TRADE UNION RIGHTS.**

X-----X

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, Kilusang Mayo Uno (KMU), in their communication addressed to the International Labour Organization dated 30 September 2009, reported the list of incidents that allegedly transpired within the economic zones;

WHEREAS, the seventeen (17) cases of violation of trade union rights are all classified as **Possibly Labor Related under ILO Convention No. 87**, given that the circumstances of the cases apparently constitute an infringement of the exercise of freedom of association and the right to organize;

			<ul style="list-style-type: none"> • The management contended that despite previous notice and commitment to render work on June 19, 2006, the SME employees deliberately, and with the intention to cripple the production of ENKEI, did not report for work on the said date which caused great and irreparable losses/damages to the company. • No case was filed with the CHR. The CHR Region 4 Office will be conducting a <i>motu proprio</i> investigation on the labor related human rights violation (HRV) aspect of the case.
6. Aniban Manggagawang Inaapi sa Hanjin Garments (AMIHAN-Ind.)	4A	<ul style="list-style-type: none"> • Illegal Dismissal • Interference of LGUs with Union Affairs • Assault Against Picketlines and Union Collective Actions • Criminalization 	<ul style="list-style-type: none"> • The case of Christopher Capistrano was also raised in ILO 2528 under harassment cases and is already covered by previous TIPC-MB Resolutions.
7. Golden Will Fashion Phils. Workers Organization – Independent	4A	<ul style="list-style-type: none"> • Illegal Dismissal • Company Closure • Interference of LGUs with Union Affairs • Criminalization 	<ul style="list-style-type: none"> • There had been alleged threat, harassment, and intervention of the Office of the Provincial Government (OPG) under the Cavite Industrial Peace Advisory Group (CIPAG) which constituted violations of trade union rights. • No case was filed with the CHR. The CHR NCR Office will be conducting a <i>motu proprio</i> investigation on the labor related HRV aspect of the case.
8. TPMA-Independent and PIMA-Independent <i>against</i> Asia Brewery	4A	<ul style="list-style-type: none"> • Illegal Dismissal • Served with Assumption of Jurisdiction Orders denying the right to strike • Assault • Criminalization • Militarization 	<ul style="list-style-type: none"> • Rodrigo Perez, together with 3 john does, was charged with Malicious Mischief when he and his companions smashed 2 plastic windows and punctured all the tires of a shuttle bus at the Asia Brewery on October 4, 2004. • Bonifacio Fenol, et al., were criminally charged for throwing stones on the group of policemen who tried to pacify them during the strike that transpired in front of Asia Brewery on Feb. 4, 2009. • No case was filed with the CHR. The CHR Region 4 Office will be conducting a <i>motu proprio</i> investigation on the labor related HRV aspect of the case.
9. Nagkakaisang Manggagawa sa Chong Won	4A	<ul style="list-style-type: none"> • Illegal Dismissal • Closure • Criminalization 	<ul style="list-style-type: none"> • CC-09 to 34, all criminal cases were dismissed in 2009. • Company closed in Feb. 2007 and filed insolvency case. Lawyer of the workers was appointed to distribute assets of the company.
10. Senuous Unified Labor Organization	4A	<ul style="list-style-type: none"> • Company Closure • Threat, Intimidation and Harassment • Criminalization 	<ul style="list-style-type: none"> • PNP of Calamba City, Laguna allegedly prevented workers from participating in strike vote on May 16, 2008 contrary to PNP report that there are no records of the incident at the Laguna PPO since the strike happened inside the Industrial Estates and under the control of the PEZA which has jurisdiction over the area. • No case was filed with the CHR. The CHR Region 4 Office will be conducting a <i>motu proprio</i> investigation on the Human Rights Violation (HRV) aspect of the case.

11. Nagkakaisang Manggagawa sa Hoffen Industries – Olalia	4A	<ul style="list-style-type: none"> • Interference of LGUs with union affairs 	<ul style="list-style-type: none"> • There was alleged interference of local government officials who tried convincing workers to stop union organizing in the factory in favor of business.
12. Samahan ng Manggagawa sa Mariwasa Siam Ceramics, Inc.- Independent	4A	<ul style="list-style-type: none"> • Interference of LGUs with union affairs • Threat, Intimidation, and Harassment 	<ul style="list-style-type: none"> • Members of the Philippine National Police Provincial Mobile Group (PNP-PMG) were stationed inside production lines and the whole factory compound during the process of petition for certification election.
13. Samahan ng Manggagawa sa EDS Mfg., Inc.- Independent	4A	<ul style="list-style-type: none"> • Interference of LGUs with union affairs 	<ul style="list-style-type: none"> • Alleged serious corruption of union funds due to the influence of the Office of the Provincial Governor (OPG) of Cavite. • Per PEZA report, the cases filed at the ILO involve inter/intra union disputes that do not involve the company.
14. AICHI Forging Company Employees Union - 1 Independent	4A	<ul style="list-style-type: none"> • Served with Assumption of Jurisdiction Order Denying the Right to Strike • Threat, Intimidation and Harassment 	<ul style="list-style-type: none"> • CBA was signed on 27 March 2010 putting an end to all issues between the parties.
15. Kaisahan ng Manggagawa sa Phils. Jeon Inc.	4A	<ul style="list-style-type: none"> • Threat, Intimidation, and Harassment • Abduction • Criminalization 	<ul style="list-style-type: none"> • The case of Galon and Afable was also raised in ILO 2528 and is already covered by previous TIPC-MB Resolutions.
16. Samahan ng mga Manggagawa sa EMI- Independent	4A	<ul style="list-style-type: none"> • Killings 	<ul style="list-style-type: none"> • The case of Cristobal and Servida was also raised in ILO 2528 and is already covered by previous TIPC-MB Resolutions.
17. Anita's Home Bakeshop Workers Union-ANGLO-KMU	7	<ul style="list-style-type: none"> • Illegal Dismissal • Vilification of Union Members 	<ul style="list-style-type: none"> • Workers are still presently waiting for the certification election after which the Preliminary Injunction Order filed by the management will expire or have a decision from the court. • There was no human rights violation (HRV) case filed with the CHR Region 7 Office but it still conducted a <i>motu proprio</i> investigation and submitted a Status Report.


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. request the **Court of Appeals** to expedite the case of **Goldilocks Ant-Bel Workers Association (GAWA)** pending before it;
2. refer the case of **Sun Everlight Labor Union – Independent (SELLUI)** to the **National Labor Relations Commission** for the immediate resolution of the pending motion for writ of execution of the reinstatement order issued on July 14, 2008;
3. refer the case of **Worker's Union of Daiho (Phil's.), Inc. – Independent** to the **Commission on Human Rights** for investigation of the labor-related human right aspect of the case and further validation of the report from Philippine Economic Zone Authority;

4. refer the case of **Samahang Manggagawa ng ENKEI** to the **Philippine Economic Zone Authority** and **DOLE Regional Office IV-A** for further investigation and verification of the parties' claims and thereafter provide detailed information with regard to the conduct and outcome of such an inquiry;
5. refer the cases of **Golden Will Fashion Phils. Workers Organization – Independent, Nagkakaisang Manggagawa sa Hoffen Industries – Olalia, Samahan ng Manggagawa sa Mariwasa Siam Ceramics, Inc.-Independent** and **Samahan ng Manggagawa sa EDS Mfg., Inc.-Independent** to the **Department of Interior and Local Government, Commission on Human Rights** and **DOLE Regional Office IV-A** for further investigation on the alleged interference of local government officials who tried to suppress union organizing in favor of the management, and validation of the Philippine Economic Zone Authority report;
6. refer the case of **TPMA-Independent and PIMA-Independent against Asia Brewery** to the **Supreme Court** and **Department of Justice** to ensure the speedy resolution of the criminal charges filed against Bonifacio Fenol, et al., and Rodrigo Perez, et al., before the Cabuyao Municipal Trial Court docketed as CC# 10061 and CC# 9338, respectively;
7. refer the case of **Nagkakaisang Manggagawa sa Chong Won** to **Philippine Economic Zone Authority** and **DOLE Regional Office IV-A** for the monitoring of the insolvency case filed by the company and of the distribution of assets of the company to workers;
8. refer the case of **Sensuous Unified Labor Organization** to **Commission on Human Rights** and **DOLE Regional Office IV-A** for in-depth investigation and validation of the PNP and PEZA reports, particularly on police involvement during the time of the incident, which resulted in harassment of the workers;
9. recommend the closure of the case of **AICHI Forging Company Employees Union - 1 Independent** on the ground that the union and management have already reached a settlement-agreement;
10. request the **Court of Appeals** to expedite the resolution of the case of **Anita's Home Bakeshop Workers Union-ANGLO-KMU** pending before it, and to the **Commission on Human Rights** for a copy of its Status Report and Complete Investigation Report on the *motu proprio* investigation it conducted.
11. 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 no substantial information such as case numbers are provided) and provide updates to the National TIPC Monitoring Body.

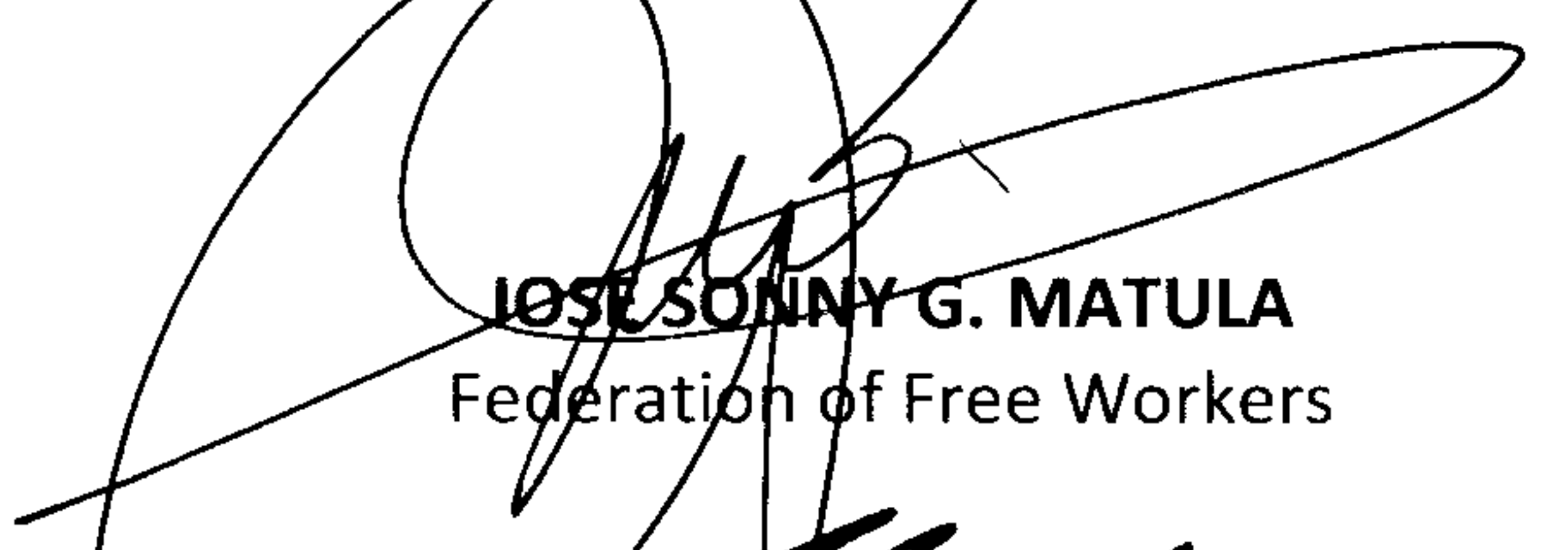
APPROVED this 15th day of February 2012, The Bayleaf, Intramuros, Manila, Philippines.

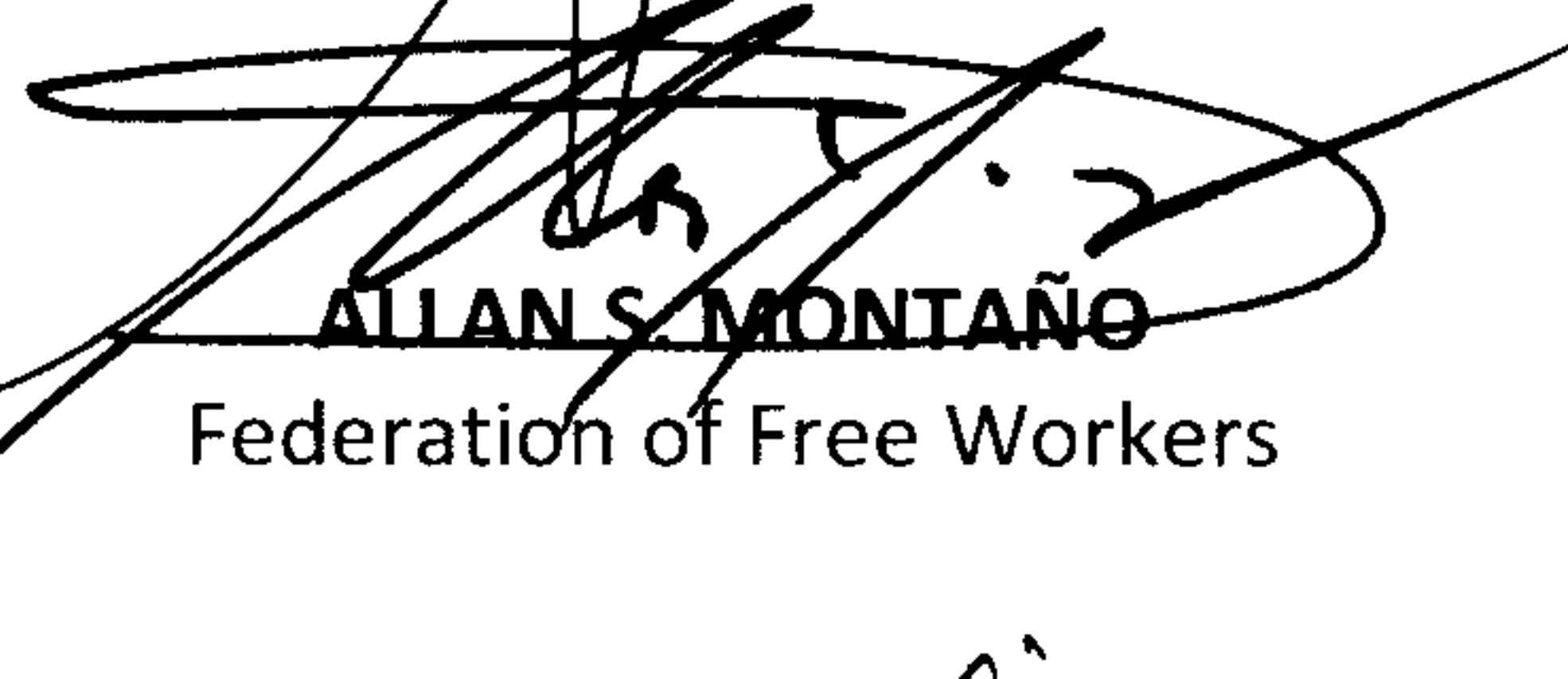
LABOR SECTOR



DANIEL L. EDRALIN
Alliance of Progressive Labor


JOSUA T. MATA
Alliance of Progressive Labor

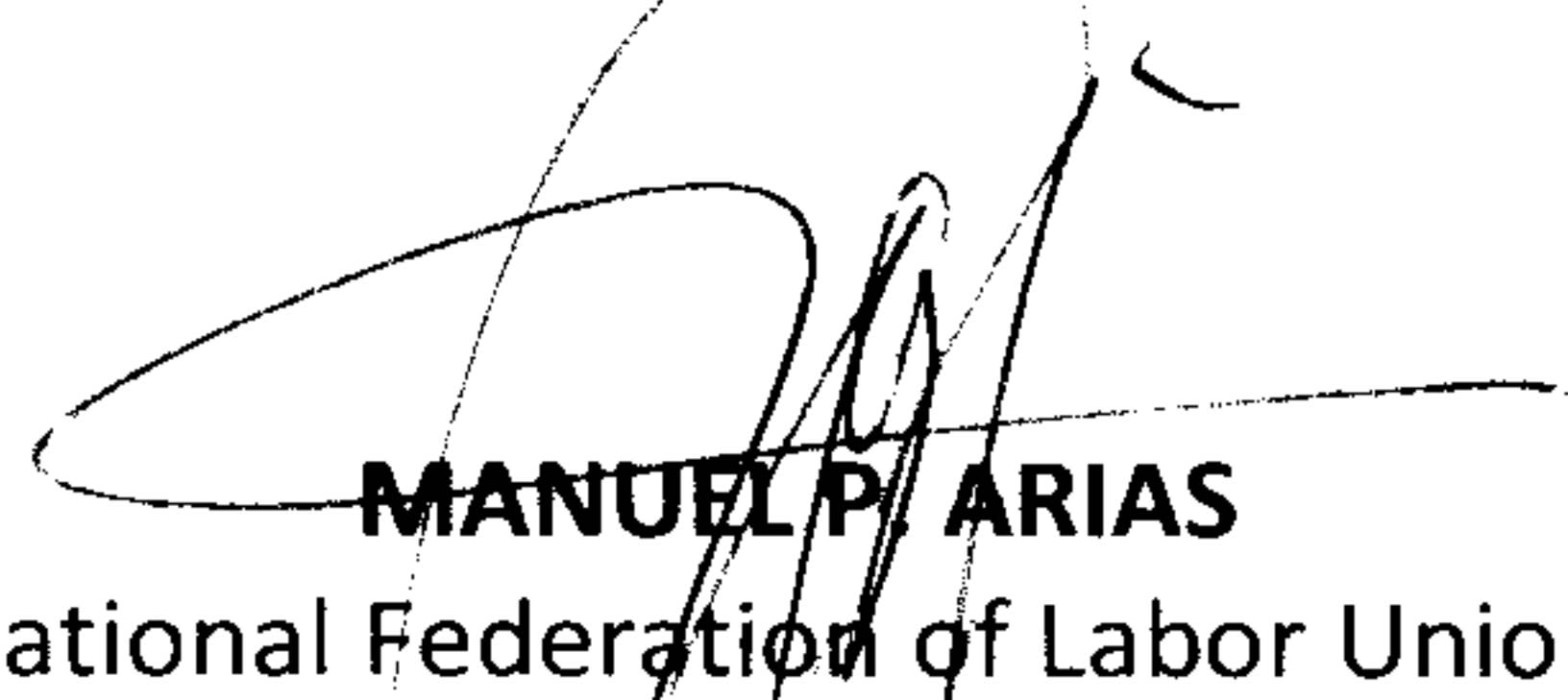

ANGELITO P. CALDERON
Alliance of Filipino Workers



JOSE SONNY G. MATULA
Federation of Free Workers


ALLAN S. MONTAÑO
Federation of Free Workers


DAVID L. DIWA
Lakas Manggagawa Labor Center

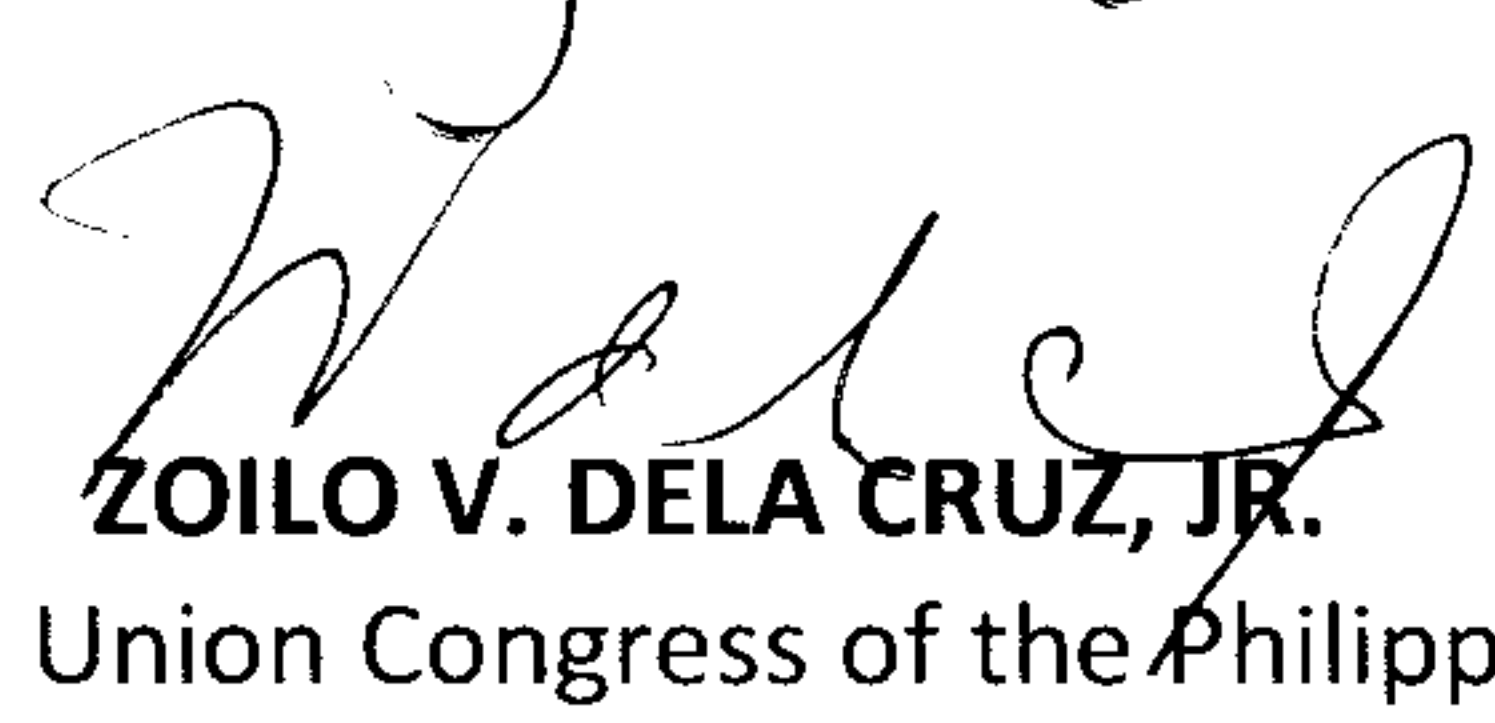

BENJAMIN C. ALAR
National Confederation of Labor



MANUEL P. ARIAS
National Federation of Labor Unions

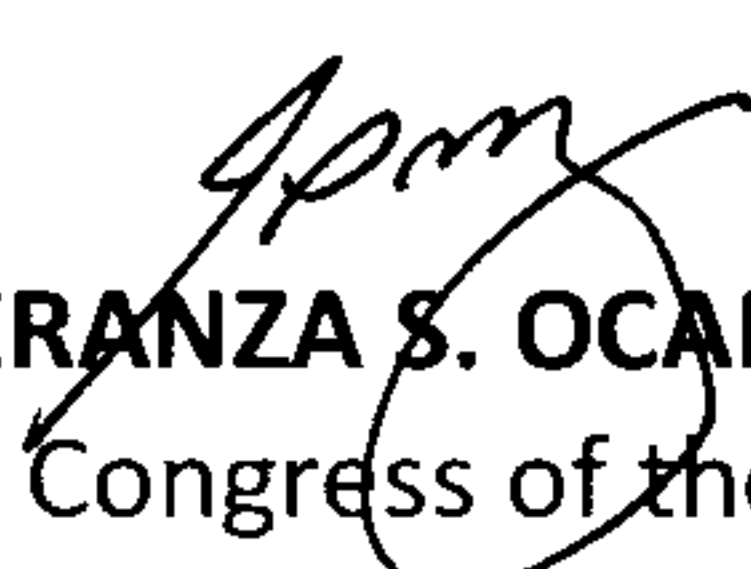

NORBERTO M. ALENSUELAS
Pambansang Diwa ng Manggagawang Pilipino

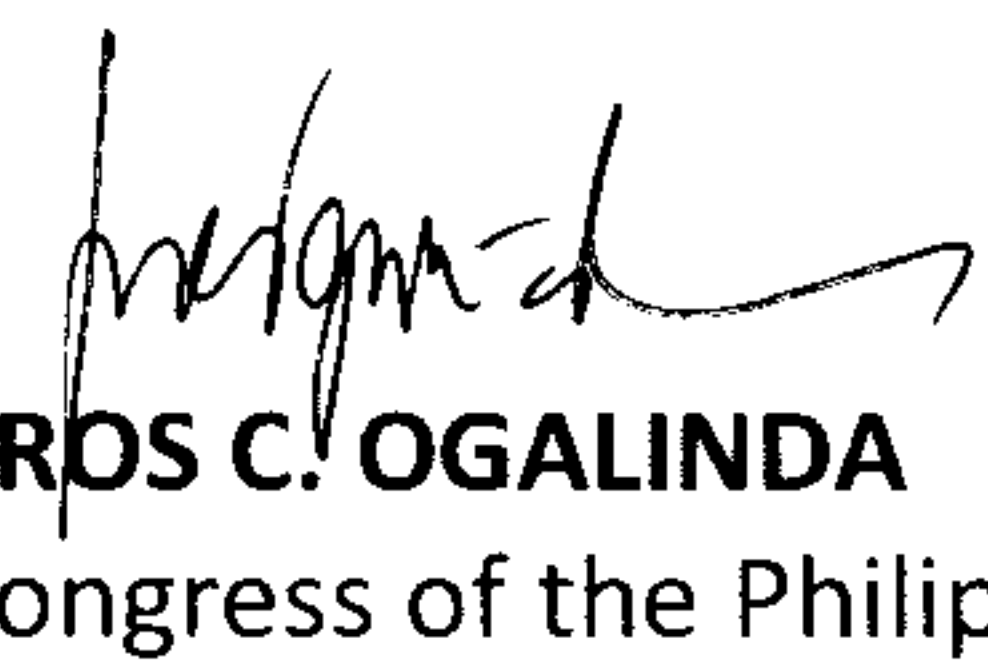

GREGORIO C. DEL PRADO
Alliance of Independent Hotels and Restaurant
Workers Union


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

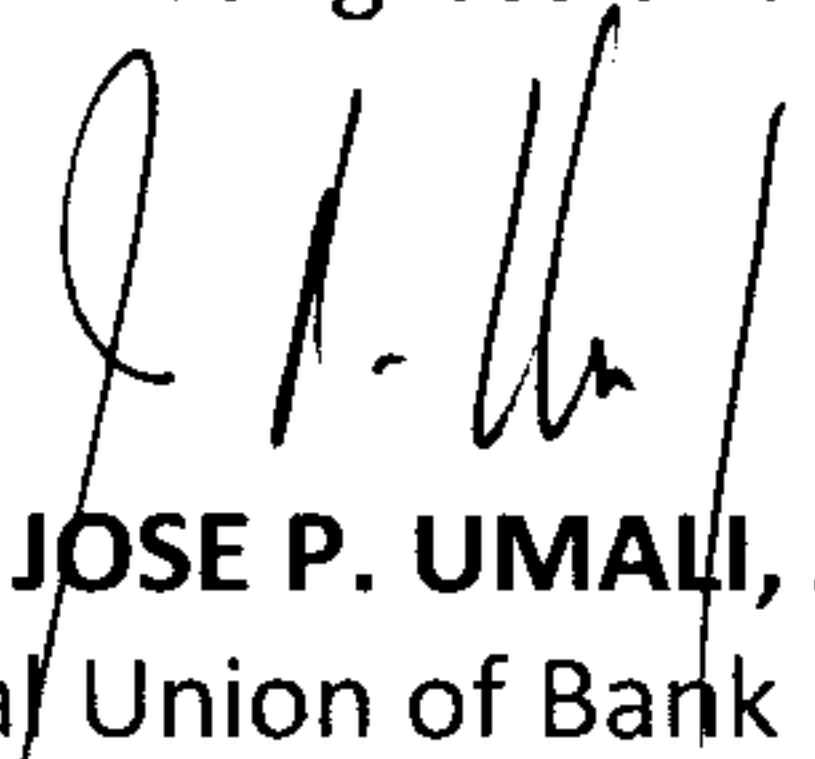

ESPERANZA S. OCAMPO
Trade Union Congress of the Philippines



MILAGROS C. OGALINDA
Trade Union Congress of the Philippines


GERARD R. SENO
Trade Union Congress of the Philippines

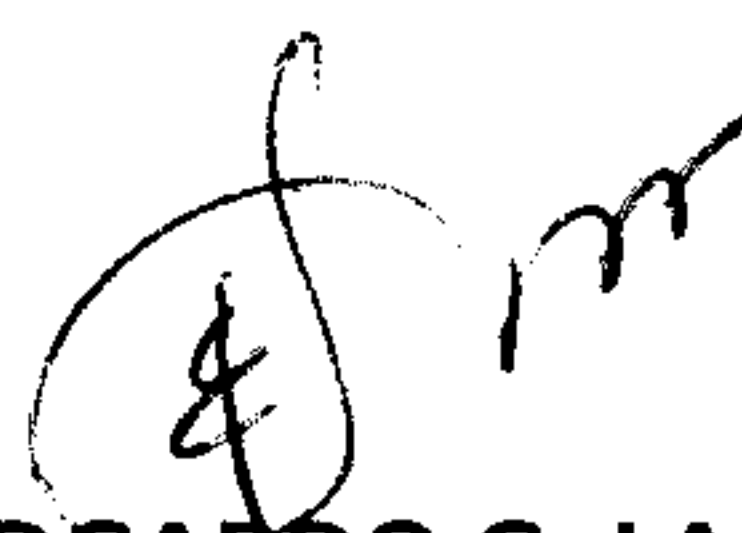

JESUS B. VILLAMOR
Trade Union Congress of the Philippines


ALEJANDRO C. VILLAVIZA
Trade Union Congress of the Philippines


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


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

EMPLOYERS' SECTOR



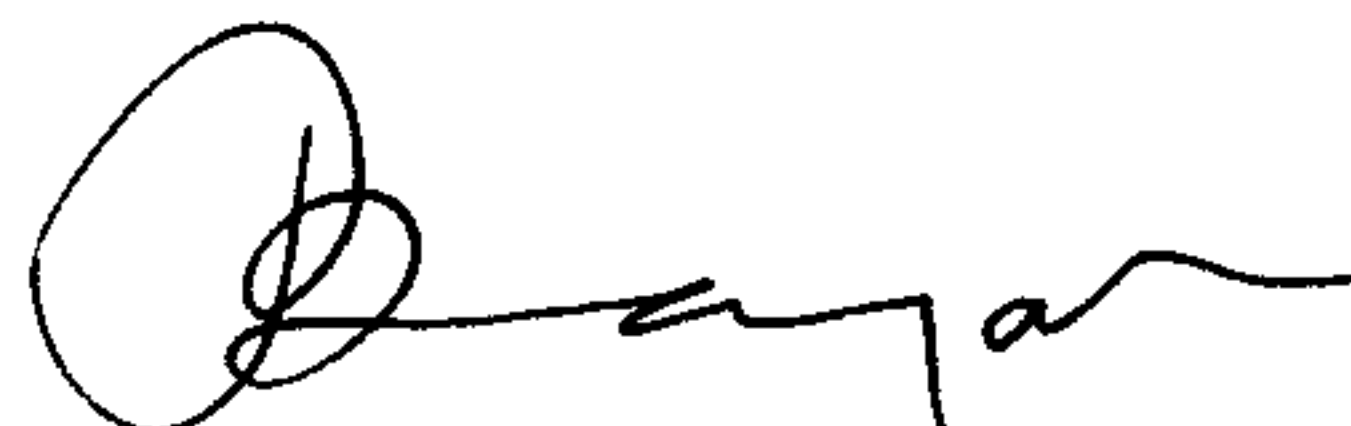
EDGARDO G. LACSON

Employers Confederation of the Philippines



SERGIO R. ORTIZ-LUIS, JR.

Employers Confederation of the Philippines



ANIANO G. BAGABALDO

Employers Confederation of the Philippines



RANULFO P. PAYOS

Employers Confederation of the Philippines



ERNESTO O. CECILIA

Employers Confederation of the Philippines

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



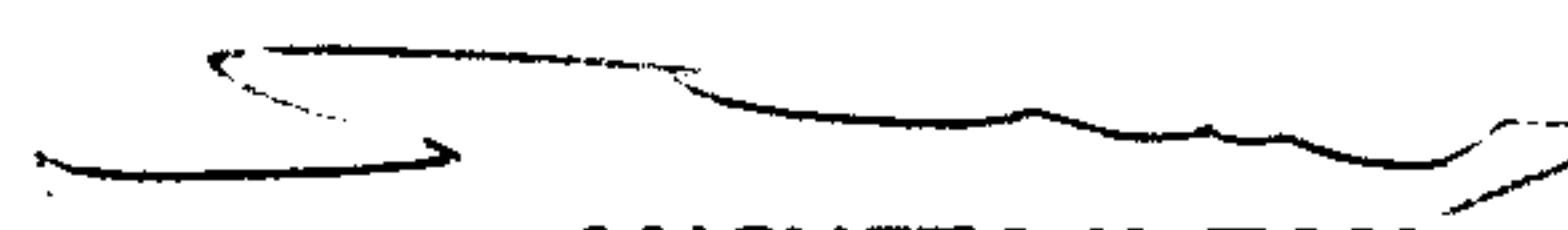
RENE Y. SORIANO

Employers Confederation of the Philippines



VICENTE LEGARDO, JR.

Employers Confederation of the Philippines




ANCHETA K. TAN

Employers Confederation of the Philippines



MANOLITO P. MADRASTO

Employers Confederation of the Philippines



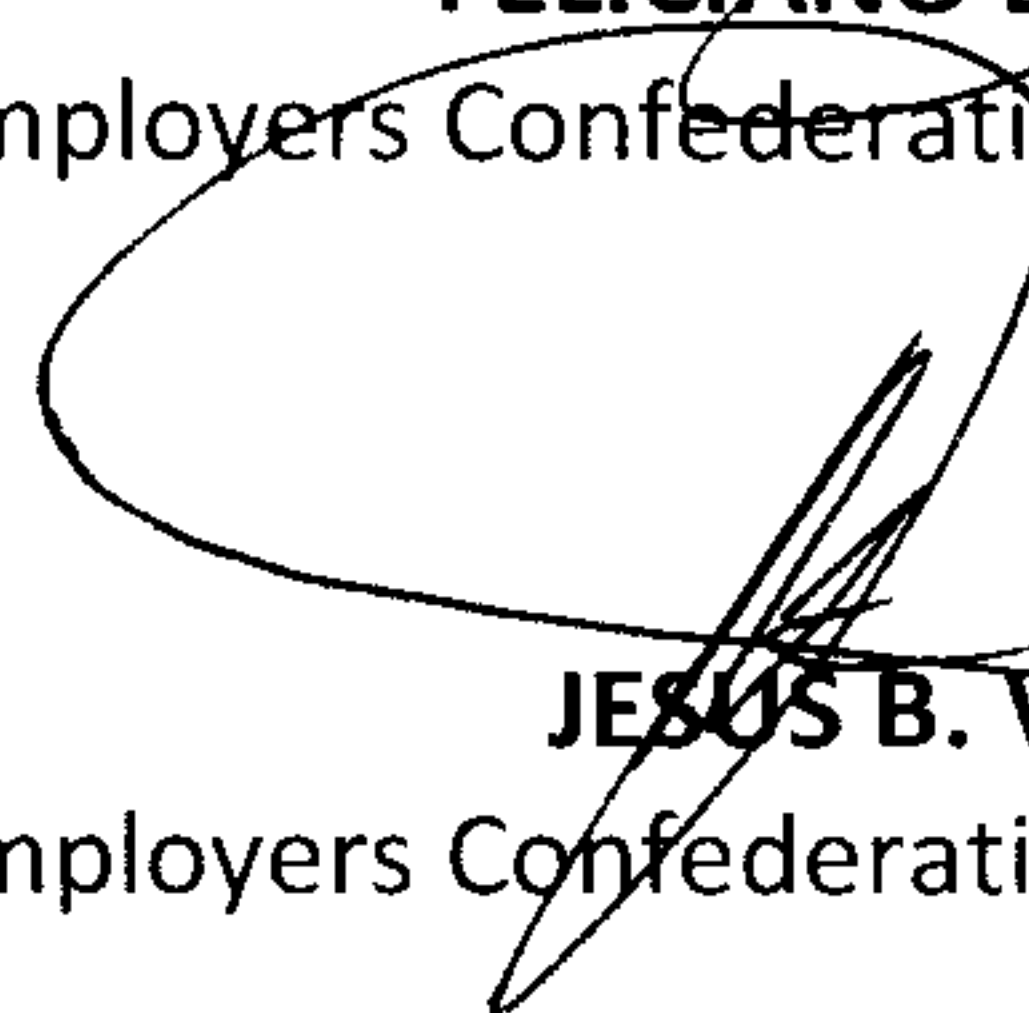
FELICIANO L. TORRES

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 P. FLORENTIN, FPM
People Management Association of the
Philippines

444
MARY G. NG

Employers Confederation of the Philippines

Edessa
EMERICO O. DE GUZMAN

People Management Association of the
Philippines

GOVERNMENT SECTOR

Rosalinda
ROSALINDA DIMAPILIS-BALDOZ

Secretary
Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary

per *[Signature]*

