



Republic of the Philippines
Department of the Interior and Local Government
National Police Commission

NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT
Camp Crame, Quezon City



MEMORANDUM

TO : See Distribution

FROM : TADIDM/ TF USIG Commander

SUBJECT : **Parameters in Determining Labor-Related Killing (LRK) Cases**

DATE : JUL 08 2013

1. References:
 - a. LOI TASK FORCE USIG;
 - b. Memorandum from TDIDM/ TF USIG Commander dated July 14, 2008 re Inclusion of Labor-Related Killings and Enforced Disappearances as TF USIG concerns; and
 - c. Tripartite Industrial Peace Council (TIPC) – Monitoring Body Resolution No.1 dated June 25, 2010.
2. In connection with the above references, here under are the parameters to be considered by the PNP Investigators in determining LRK cases:
 - a. A person was killed;
 - b. Said person was a trade union leader or trade union worker/member; and
 - c. Said person was killed by reason or in furtherance of their legally recognized labor rights or in occasion under the following circumstances:
 - 1) There is an existing labor dispute between the management and the union; or
 - 2) There is an existing trade union campaign, rallies, pickets or demonstration.
3. For your guidance and compliance.

FRANCISCO DON C. MONTENEGRO, Ph.D.
Police Chief Superintendent

Distribution:
All RDs, PROs
Dirs, NOSUs

Cc:
Command Group
D-Staff
P-Staff



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NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT
Camp Crame, Quezon City



TF USIG_07_09

MEMORANDUM

TO : All RDs, PRO 1-13, ARMM and COR
(Attn: DRDAs and C, RIDMD)

FROM : TDIDM/TF USIG Commander

SUBJECT : Labor Related Killings and Enforced Disappearances:
Inclusion as TF USIG Special Concerns

DATE : JUL 14 2008

1. References:

- a) LOI TF USIG;
- b) Letter from the C, PNP to SILG dated March 14, 2008 re expansion of TF USIG Mandate;
- c) Visitations of Mr. Thomas Gibbons, Counselor for Political Affairs, US State Department, with TDIDM/TF USIG Commander on February 11, 2008 and June 3, 2008.

2. SITUATION:

There is a pending Petition for Review of the General System of Preferences (GSP) of the Republic of the Philippines filed by the International Labor Rights Fund (ILRF) on June 22, 2007 before the International Labor Organization (ILO) and the Office of the United States Trade Representatives (USTR) for alleged violations of Worker Rights. This Petition calls for the suspension of the GSP privileges under the US Trade Act of 1974 wherein, under this program, Philippine products can enter US market duty-free since 1989. In 2006 alone, our country earned a total of \$ 1.14 billion under this program. Indeed, GSP plays a monumental role in the sustainable growth of our economy.

The ILRF Petition concluded that the Government of the Republic of the Philippines (GRP) has created a climate of impunity in which union leaders and workers are targets of extra-judicial killings, abductions, threats and harassments. It further stated that the GRP does not have the political will to end the killings and to seek justice for the victims.

On August 31, 2007, and January 15, 2008, upon the request of the Honorable Secretary Arturo D Brion of the Department of Labor and Employment (DOLE), the PNP, particularly Task Force USIG provided fact sheets and recent updates on the individual cases listed in the Petition to answer the allegations. It is worthwhile to note that the thirty nine (39) alleged killings contained in the Petition were also included in the list of victims being claimed by KARAPATAN of which twelve (12) fall under TF USIG mandate.

On February 11, 2008, Mr Thomas B Gibbons, United States Counselor for Political Affairs conveyed his country's appreciation for the resolute efforts of the PNP/TF USIG in addressing the issues of political killings, other human rights violations and the resultant tangible decline over the claimed figures. He also raised his concern over the reported killings of trade union leaders and workers which translate to suppression of labor freedom in our country. On this note, he suggested that the PNP must likewise give this preferential attention to avoid anticipated adverse sanctions from ILO and USTR.

Though there is no truth behind this allegation, still there exists the necessity to convince the ILO, USTR and other labor groups, domestic or foreign, that labor rights and freedom and the life and security of those invoking it, are respected and protected in our country.

On July 3, 2008, Mr Gibbons again paid a visit. The progress on the inclusion of Labor Related Killings (LRK) within the mandate of TF USIG was one among the concerns discussed. The undersigned informed him that the matter is already for the approval of HEPGMA as endorsed by the C, PNP thru SILG.

There are pending House Bills on Involuntary or Enforced Disappearances (IEDs) being deliberated upon in Congress. As per the Bills, IEDs are defined to be purportedly committed by State Agents against any person, to distinguish the same from kidnapping or abduction as penalized in the Revised Penal Code. With the passage of this law, it is anticipated that PNP personnel may be charged considering that there are provisions on Command Responsibility on these legislations. There are reported cases of IEDs before various international human rights groups and the media. Some of these were subjects of Amparo petitions which the Amparo courts outrightly dismissed considering that the supposed victims were active CPP/NPA members desiring to return to the folds of the law. The IED issue is being exploited by certain groups to malign the government aside from other human rights issues such as extra legal killings, LRK, threats, harassments, torture and internal displacements and other forms of HR violations and abuse.

3. Pursuant to the above premises, please consider the following incidents as **TF USIG SPECIAL CONCERNS**, to wit:

a) **Labor Related Killings (LRK)** of trade union leaders or members/workers, or by reason or in furtherance of their legally recognized labor rights or in occasion thereof;

b) **Involuntary or Enforced Disappearance (IED).**

4. The above paragraph notwithstanding, shall not be construed to expand the existing mandate of TF USIG which covers slaying incidents of militant party list members/leftist activists and media practitioners, without the final approval of HEPGMA. Interim, TF USIG will give preferential attention on the investigation and monitoring of cases of this nature and that a **separate listing** shall be maintained without officially including the same in the TF USIG Statistics.

We earnestly appreciate your resolute efforts in attending to all our cases. Due to the numerous requests for data and reports by the United Nations Commission on Human Rights, various international human rights groups as endorsed by the Department of Foreign Affairs and from other organizations, it is in this line that we solicit your perseverance and patience on the investigation phase particularly on cases which merit the attention of human rights advocates, locally and overseas.

5. In view hereof, kindly revisit all cases classified to be falling under your Special Concerns, consolidate the status and its updates for submission to TF USIG Secretariat (Telefax 7249916).

6. For your guidance and appropriate action.

ATTY JEFFERSON P. SORIANO PhD/CEO VI
Police Director (DSC)

TIPC-Monitoring Body
Resolution No. 1, Series of 2010.

CLASSIFYING ILO CONVENTION NO. 87 CASES WITH
ALLEGATION OF EXTRAJUDICIAL KILLINGS,
HARASSMENTS AND ABDUCTION INTO POSSIBLY
LABOR-RELATED AND POSSIBLY NOT LABOR-RELATED
CASES.

x-----x

RESOLUTION

WHEREAS, pursuant to the Tripartite Industrial Peace Council (TIPC) Resolution No. 1, Series of 2010, the National Tripartite Industrial Peace Council is constituted as the High Level Tripartite Monitoring Body on the Application of International Labor Standards, in particular ILO Convention on Freedom of Association and Protection of the Right to Organize (No. 87);

WHEREAS, as a High Level Tripartite Monitoring Body, the TIPC 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 submitted to the ILO and evaluate and recommend appropriate action/s;

WHEREAS, the Operational Guidelines of TIPC-Monitoring Body provides, as guide for the TIPC-Tripartite Executive Committee's evaluation/review ILO cases/complaints (pending/active and new), the following ILO 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, pursuant to Criteria (a), the following classifications are adopted in the evaluation of the cases/complaints:

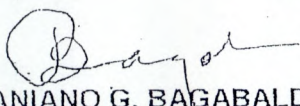
- a) Possibly labor-related under ILO Convention No. 87 if the circumstances of the case would constitute an infringement of the exercise of freedom of association and the right to organize.
- b) Possibly not labor-related under ILO Convention No. 87 if the circumstances of the case would not constitute an infringement of the exercise of freedom of association and the right to organize.

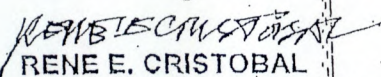
- Union member/leader
- there is an existing labor dispute bet. the
management by union
- there is a trade union campaign/rallyet/
picket/demonstration

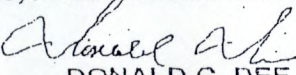
NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the TIPC-Monitoring Body adopts the classification of cases/complaints brought before the ILO with allegations of extra-judicial killings, harassments and abductions into possibly labor-related under ILO Convention No. 87 or possibly not labor-related under ILO Convention No. 87.

APPROVED this 25th day of June 2010 at Ilustrado, Intramuros, Manila, Philippines.

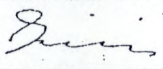
EMPLOYERS' SECTOR


ANIANO G. BAGABALDO
Employers Confederation of the Philippines



RENE E. CRISTOBAL
Employers Confederation of the Philippines

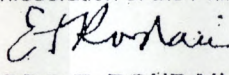

DONALD G. DEE
Employers Confederation of the Philippines

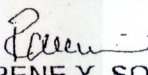

VICENTE LEOGARDO JR.
Employers Confederation of the Philippines

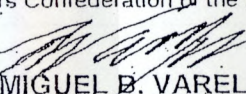

ERNESTO O. CECILIA
Employers Confederation of the Philippines

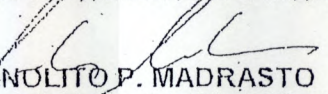

SERGIO R. ORTIZ-LUIS, JR.
Employers Confederation of the Philippines

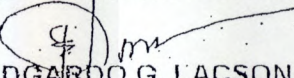

RANULFO P. PAYOS
Employers Confederation of the Philippines


EDUARDO T. RONDAIN
Employers Confederation of the Philippines



RENE Y. SORIANO
Employers Confederation of the Philippines

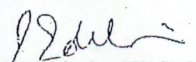

MIGUEL B. VARELA
Employers Confederation of the Philippines



MANOLITO P. MADRASTO
Employers Confederation of the Philippines

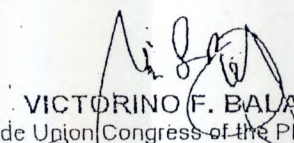

EDGARDO G. LACSON
Employers Confederation of the Philippines

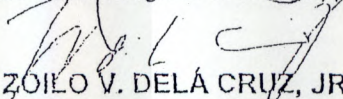
LABOR SECTOR

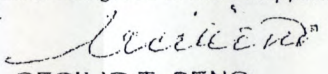

ANGELITO P. CALDERON
Alliance of Filipino Workers

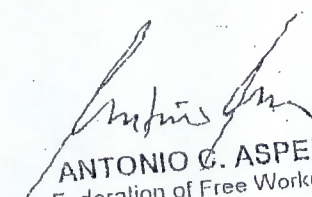

DANIEL L. EDRALIN
Alliance of Progressive Labor


ALLAN S. MONTANO
Federation of Free Workers

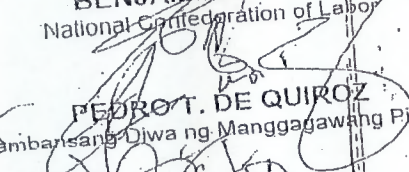

VICTORINO F. BALAIS
Trade Union Congress of the Philippines

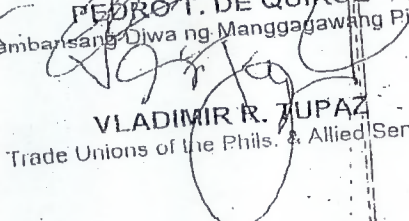

ZOILO V. DELA CRUZ, JR.
Trade Union Congress of the Philippines

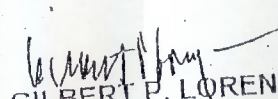

CECILIO T. SENO
Trade Union Congress of the Philippines

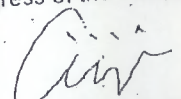

ANTONIO C. ASPER
Federation of Free Workers



BENJAMINO C. ALAR
National Confederation of Labor

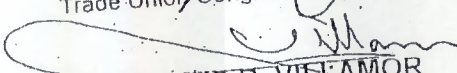

PEDRO T. DE QUIROZ
Pambansang Unyon ng Manggagawang Pilipino


VLADIMIR R. ZUPAZ
Trade Unions of the Phils. & Allied Services

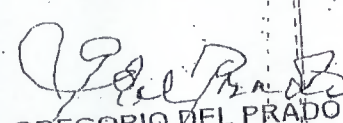

GILBERT P. LORENZO
Trade Union Congress of the Philippines

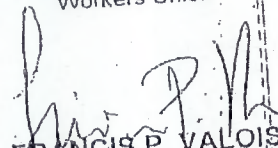

ALEJANDRO C. VILLAVIZA
Trade Union Congress of the Philippines

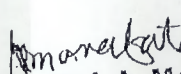

ESPERANZA S. OCAMPO
Trade Union Congress of the Philippines

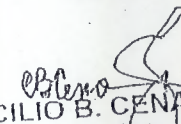

JESUS B. VILLAMOR
Trade Union Congress of the Philippines

OTHER INVITEES/REPRESENTATIVES

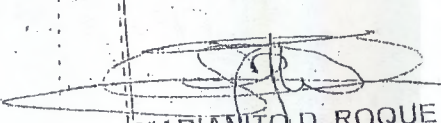

GREGORIO DEL PRADO
Alliance of Independent Hotel and Restaurant
Workers Union


FRANCIS P. VALOIS
Associated Labor Unions-Trade Union Congress
of the Philippines


ROSALINDA A. MANABAT
Philippine Transport and General Workers
Organization-Trade Union Congress of the
Philippines


CECILIO B. CENA, JR.
Philippine Government Employees Association-
Trade Union Congress of the Philippines

GOVERNMENT SECTOR


MARIANO D. ROQUE
Secretary
Department of Labor and Employment

SUBJECT:

DATE: JUL 09 2013

PROs

PRO 1

SPOT GARCIA RD

PRO 2

Uauja 7/9/13

PRO 3

PO1 PHUQU 7/11/13

PRO 4A

PO2 ARIAS, R.C 7-10-13

PRO 4B

SPOT GARCIA 7/10/13 0200

PRO 5

PO3 GONZALEZ, A. III 07/09/13 ~~AMM~~

PRO 6

PO4 EUGIO, R.C 7/9/13

PRO 7

EX: NUP VALENTIN SANDERADA 10:00 AM

PRO 8

NUP ~~VALENTIN~~

PRO 9

PO1 IMPERIAL, ROBERTO JR 9 July 2013

PRO 10

NUP ~~VALENTIN~~ 7/9/13

PRO 11

NUP T. LAURET 7/9/13

PRO 12

PO2 GONZALEZ ~~VALENTIN~~ 7/9/13

PRO 13

NUP ~~VALENTIN~~ 7/9/13

PROARM

PO1 PC SANTOS 7/9/13

PROCOR

PO3 ~~VALENTIN~~ 7/9/13

NCRPO

NUP ~~VALENTIN~~ 7/9/13

SAE - ~~VALENTIN~~ 10/17/13

AGG NUP ROBERT BAUER 7/45/13

WTH