

Committee on the Application of Standards

Date: 20 May 2024

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2024.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Philippines (ratification: 1953)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Government has provided the following written information as well as copies of the Anti-Terrorist Council Official Statement dated 29 April 2024, the Anti-Terrorist Council Memorandum dated 30 April 2024, the Administrative Order No. 22 dated 8 May 2024 and Supreme Court Decisions Nos 254753 and 269249.

Progress in the implementation of Tripartite Roadmap on Freedom of Association

1. Actions of Executive Order No. 23 Inter-Agency Committee (EO 23-IAC)

Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties approved by the EO 23-IAC on 26 April 2024. The Guidelines consolidates, updates and strengthens two previous guidelines concerning freedom of association (FoA) issued in 2011 and 2012. The Guidelines were endorsed on 21 March 2024 by the National Tripartite Industrial Peace Council (NTIPC) after a thorough consultative process involving the Department of Labor and Employment (DOLE), other concerned agencies, and the labour and employer representatives. The Guidelines: (i) governs the conduct of government agencies, employers, and workers in the private sector in the workers' exercise of the right to organize, collectively bargain, and engage in peaceful concerted actions and other lawful trade union activities, including public assemblies; and (ii) delineates and updates stakeholders' responsibilities for better coordination in labour and employment education, maintaining peace and order, case prosecution, and protecting national sovereignty and integrity, consistent with their jurisdiction and mandates.

On speeding up investigation and prosecution, the EO 23-IAC closely monitored the killing of Alex Dolorosa, although the same clearly appears not to be union-related. The alleged perpetrator, a private individual, has been accused of homicide in October 2023 at the Bacolod City RTC. The accused was arraigned on February 2024. The court has also set trial dates.

Following EO 23-IAC directives, related or member-agencies of the IAC took the following actions:

- Anti-Terrorist Council (ATC) Official Statement dated 29 April 2024 (in relation to indiscriminate labelling, including red tagging. This affirms its sole and exclusive authority to designate individuals or groups as terrorists under the Anti-Terrorism Act of 2020 (ATA). Cognizant of concerns of trade unions and their members about being labelled as or linked to terrorists without basis and due process, the ATC reminds the public that no other government body, agency, officer, or employee has the authority to label individuals or groups in a manner that can be construed as designation of terrorists under the ATA. Designation must always be exercised with utmost diligence, in accordance with existing laws, rules and regulations to ensure that fundamental rights and due process are respected and protected.
- ATC Memorandum dated 30 April 2024 against indiscriminate labelling instructing all ATC members and support agencies to abide by the procedures and guidelines for designation of terrorists, and to monitor and report to the ATC incidents of non-compliance, unauthorized designations, or other related issues.

2. Strengthening tripartite monitoring bodies and promotion of FoA

DOLE RO XI multisectoral dialogue between 23 Center of United and Progressive Workers (SENTRO)-affiliated federations and Southern Mindanao Federation of Labor and law enforcement agencies, 4 March 2024, where they agreed to develop a social accord for the protection of trade union rights. Colonel Osmalik Tayaban of the 10th Infantry Division of the Philippine Army, provided his personal contact number and urged the participants to directly report to him any irregularities involving military personnel in the region.

DOLE strategic workshop, 8 March 2024, where DOLE regional offices: (i) formulated their respective calendar of activities to implement the strategies concerning tripartism and freedom of association; and (ii) developed a training design for the implementation of labour education for different sectors, including law enforcement agencies.

DOLE RO VIII resolution reconstituting the Regional Tripartite Monitoring Body (RTMB) and reorientation for RTMB members, 20 March 2024, focusing on its role in validating and monitoring alleged violations of freedom of association.

First paralegal training organized and conducted by DOLE and the University of the Philippines (UP) Law Workers and Employees Program pursuant to the DOLE-UP MOA, 20 April 2024. Thirty-nine trade unionists, including representatives from SENTRO, completed the six-day training on employers' and workers' rights and obligations, available criminal, civil, and administrative remedies in case of violations, practical skills, including affidavit writing and case build-up.

Developments in promoting whole-of-government approach to address FoA-related issues

Administrative Order No. 22 dated 8 May 2024 issued by President Marcos establishing a Special Committee on Human Rights Coordination to enhance existing mechanisms for the promotion and protection of human rights, particularly to sustain initiatives on investigation and accountability, data-gathering on alleged human rights violations by law enforcement agencies, and expanded civil space and engagement.

Supreme Court Decisions:

- Deduro v. Vinoya, G.R. No. 254753, 4 July 2023, declaring that red-tagging, vilification, labelling, and guilt by association constitutes threats to a person's right to life, liberty, or security justifies issuance of a writ of *amparo*.
- Castro and Tamano v. Dela Cruz, G.R. No. 269249, 24 October 2023, granting the writs of protection, habeas data and *amparo* in favour of Castro and Tamano, who were abducted by State agents allegedly for their environmental advocacies.

Concluding note

All allegations of killing and harassment of trade unions or their members subsumed under Case No. 3185 happened between 2013 to 2021 but were reported to the ILO only in 2016, 2019, and 2021. Regular monitoring by the RTMBs and now by the EO 23-IAC shows that concrete actions have been taken by the concerned authorities in cases where witnesses are available; some cases have turned out to be clearly not union-related; and in some, even family members themselves have desisted from pursuing the cases.

The Government points out that allegations are “extremely serious” in nature only if proven true based on verified information. The Government does not question the Committee’s authority to determine what should or should not fall under the scope of its mandate. Nevertheless, it urges the Committee to ensure verification of all allegations, and to provide clear and reasonable parameters in the exercise of its mandate. The Government has shown an unprecedented level of cooperation with the ILO’s supervisory bodies in the last two years. Its good faith should not be undermined by its continuing inclusion in the list of countries to be placed under examination.