

108th Session, Geneva, June 2019

Committee on the Application of Standards

Following the decisions made during the informal tripartite consultations on the working methods of the CAS in March 2019, governments appearing on the preliminary list of individual cases have now the opportunity, if they so wish, to supply on a purely voluntary basis, written information before the opening of the session of the Conference.

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

Philippines

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

Philippines (ratification: 1953). The Government has provided the following written information.

Civil Liberties and Trade Union Rights

1. Ongoing investigation by the Commission on Human Rights of a case of alleged harassment of several union officials and Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE) union activists.

In a report dated 19 March 2019, the Commission on Human Rights¹ - National Capital Region (CHR-NCR) stated that three (3) cases² involving COURAGE have been resolved while the rest are still pending investigation. The three (3) cases resolved by the CHR-NCR contain the same disposition upon finding that the rights of the complainants to life, privacy, security and organize, have been violated. However, resolved cases are similar in the sense that the real identity of the persons behind the harassment could not be established for lack of direct evidence. Having no conclusive evidence linking the suspects to State forces, the CHR-NCR ruled that the cases be closed without prejudice to their reopening when new evidence surfaces.

2. Assassination of two trade union leaders in 2016, one of whom was gunned down in front of the National Labor Relations Commission (NLRC) in Quezon City.

¹ The Commission of Human Rights (CHR) is an independent National Human Rights Institution created under the 1987 Philippine Constitution, established on 05 May 1987 by virtue of Executive Order No. 163, mandated to conduct investigations on human rights violations against marginalized and vulnerable sectors of the society, involving civil and political rights.

² The three (3) resolved cases are those involving: (1) Romeo C. Manilag, COURAGE staff and organizer; (2) Juan Alexander A. Reyes, COURAGE national organizer; and, (3) Roman M. Sanchez and Santiago Y. Dasmariñas, Jr., National Food Authority Employees Association (NFAEA) officers.

Edilberto Miralles, 65 years old, National President of Kaisahan ng mga Drivers sa R&E Union of Filipino Worker (KADRE-UFW), a local union of R&E Transport, was shot dead by unidentified motorcycle riding criminals on 23 September 2016 in front of the NLRC Building in Quezon City. The PNP Anti-Cyber Crime Group released the result of video enhancement of the forensic digital examination conducted on the submitted CCTV footage that captured the crime scene. However, it appears that the suspect could not be clearly identified for the reason that they were wearing face mask, ball cap and helmet respectively.

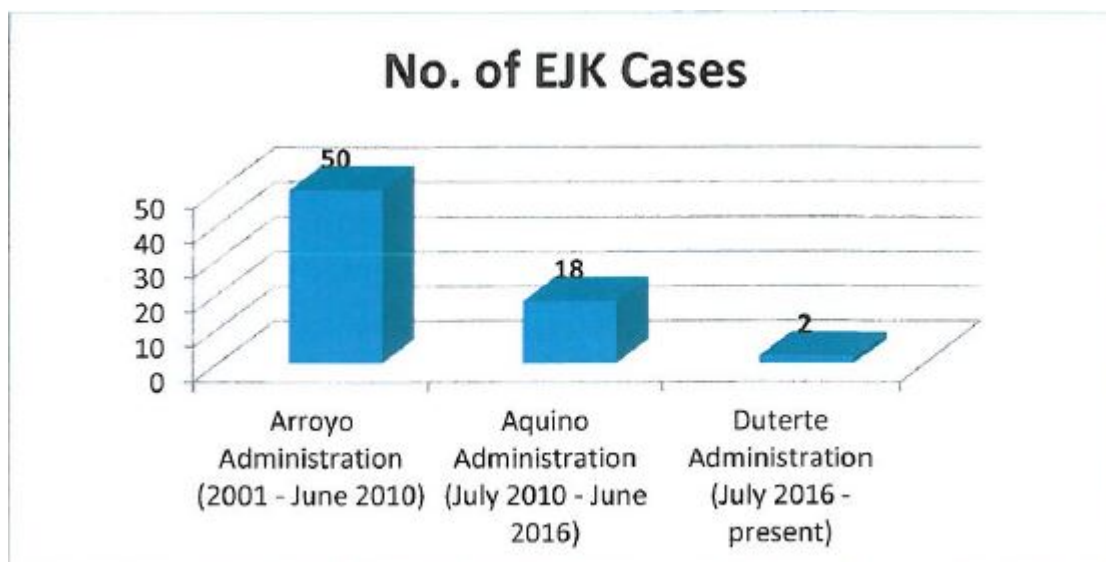
On 12 April 2019, the Investigator-on-Case PSSg Jerome Dollente proceeded to the place of incident for ocular investigation, but as per report, there is none who could give any relevant information about the incident. Nevertheless, the Philippine National Police - Directorate for Investigation and Detective Management (PNP-DIDM) directed the National Capital Region Police Office to conduct case review for the possible identification of suspects, and to proceed with continuous conduct of investigation to locate witnesses and identify the suspects.

During the Regional Tripartite Monitoring Body - National Capital Region (RTMB- NCR) on 09 May 2019, the PNP representative reported that the investigation is still ongoing and they have focused first on the technical aspect of the investigation (i.e. ballistic examination). It was also reported that the result of the ballistic and cross matching examination on the recovered evidence, one (1) piece fired cartridge case of caliber 45 is not yet available.

Orlando Abangan, 35 years old, former organizer of Partido ng Manggagawa, was killed on 17 September 2016 at Sitio Lawis, Brgy. Maghaway, Talisay City, Cebu. In a report submitted by the PNP-DIDM on 03 April 2019, it was stated that Police Regional Office No. 7 was directed by the PNP Headquarters to conduct case review for possible filing of case, to convince the parents of minor witnesses and victim's relatives to testify, and to conduct background investigation or profiling of alleged suspect Julian Bonghanoy, Jr. Concurrently, the case was docketed in the Commission of Human Rights - Region VII (CHR-VII) as CHR-VII-2016-0784 (CEB) for Violation of the Right to Life. In its resolution, CHR-VII stated that in the conduct of investigation, it was found that the killing of Orlando Abangan is not related to his being a labor leader as the same is anchored on a personal grudge. It was discovered that the victim got the ire of Julian Bonghanoy, Jr., a private individual, when the former kept wearing a face mask and passing by the spot check of the latter in September 2016.

There is insufficient evidence on record to conclude that the death of Orlando Abangan constitutes an extra-judicial killing (EJK) pursuant to the criteria provided under A.O. 35. There is likewise no evidence that the killing is drug-related. Hence, CHR-VII ruled that his killing falls outside the jurisdiction of the CHR as it is an ordinary crime falling under the criminal investigation of the police. Verily, CHR-VII recommends that the investigation of the case be finally closed and terminated at the level of the CHR, and that assistance is extended to the law enforcement in the identification and prosecution of the killers of Orlando Abangan.

Out of the 70 cases inventoried and monitored by the National Tripartite Industrial Peace Council - Monitoring Body through its regional structures, 50 transpired under the 9-year Arroyo Administration, while 18 cases transpired under the Aquino Administration. The two (2) new cases of extrajudicial killings involving Edilberto Miralles and Orlando Abangan were recorded under the present administration.



The considerable decline in reported cases of EJK is attributed to the valuable efforts toward strengthening partnership between and among social partners. Social partnership and collaborative efforts have come a long way since the High Level Mission in 2009. The Government, in cooperation with our social partners, remains steadfast in its commitment to promote and protect the workers' constitutionally- guaranteed and fundamental rights and welfare, and all its efforts are consistently geared towards strengthened and improved application of core labor standards.

3. **ITUC's concern that the recently declared war by the Armed Forces of the Philippines (AFP) against so-called "reds" is reminiscent of earlier years when union and labor organizers were harassed, arrested, jailed, abducted and murdered after being tagged as "reds" the military.**

In our previous reply to International Centre for Trade Union Rights (ICTUR), it was emphasized that in a DOLE Regional Tripartite Monitoring Body (RTMB) meeting on 12 March 2018, the information gathered from the representatives of the Armed Forces of the Philippines-Human Rights Office (AFP-HRO) revealed that the activities conducted in Compostela Valley, Mindanao were actually barangay visitations under the Community Support Program (CSP) of the AFP. The CSP is a community-oriented and issue-oriented operational concept employed in conflict affected areas and conflict-prone areas. It is a multi-stakeholder, community-based, and people oriented peace and development effort aimed to establish, develop and protect a conflict-resilient communities.

The visitations under the CSP were conducted by AFP as third-party facilitators together with barangay officials and other government agencies, to determine the gaps in the barangay's needs (i.e. health and education services). Furthermore, the AFP-HRO clarified that union members were not being discriminated or singled-out during these activities since all residents were included in the visitations.

Moreover, the DOLE, in multiple communications, has called on the AFP and PNP to ensure the observance of the Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers' Rights and Activities, which was developed and signed by the representatives and principals of the concerned government agencies, along with labor and employers' representatives. This was done to ensure that operations on the ground are conducted in accordance with the Guidelines.

Issued on 07 May 2012, the Guidelines aims to ensure the effective exercise of trade union rights and the prevention of violations of workers' rights, in a climate free from violence, pressure, fear and duress of any kind from any organization, and to resolve the issues of violence and impunity ensuing from the intervention of security and peace-keeping forces, particularly of the military, police, local chief executives and company security personnel during the exercise of workers' rights.

The Guidelines specifically states that labor disputes shall be under the primary and sole jurisdiction of DOLE and/or its appropriate agencies. Members of the AFP, PNP and other law enforcement agencies, including Barangay Tanod/BPSO and company security personnel/security guards shall not intervene in labor disputes.

The Guidelines also provided that the AFP may intervene only in the following cases:

- a) Expressly requested in writing either through mail, email, fax or any similar means by the DOLE, through its Regional Offices, or
- b) A criminal act has been committed, is being committed, or is about to be committed through overt acts in accordance with Rule 113 of the Revised Criminal Procedures whether or not it arises out of the labor dispute, or
- c) In cases of actual violence arising out of a labor dispute.

Under the Guidelines, "Actual Violence refers to an ongoing and intentional use of physical force or power, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death or destruction of or damage of property".

The Guidelines further provides that AFP units/personnel must not engage in labelling/tagging/red-baiting personalities/organizations unless these are based on accurate, verified, validated and confirmed reports and/or documentary evidence.

Consequently, the AFP-HRO issued directives and guidelines to all military units under the 10th Infantry Division (10ID) relative to the Labor Code and rights of workers. The 10ID likewise distributed to its ranks the Guidelines to serve as guide to AFP personnel during engagements with labor unions.

As part of the commitment of the AFP and PNP in integrating the Labor Code and the Guidelines to their education program, two (2) activities were already conducted in coordination with DOLE Regional Office XI and DOLE Compostela Valley Field Office, to wit:

- a. Lecture/Orientation on Labor Code, Labor Unions' Rights and other relevant topics concerning employment at the Headquarters of the 10ID, Brgy. Tuboran, Mawab, Compostela Valley Province on 01 February 2019, with 97 participants from AFP and PNP PRO 11 and 12
- b. Lecture/Orientation on Freedom of Association and Trade Unionism at Datu Dalunto Hall, Headquarters of 10ID, Brgy. Tuboran , Mawab, Compostela Valley Province on 07 May 2019, with participants from PNP PRO 11 and 12, Deputy Commanders of Infantry Brigades CSP Officers, Commanders and S3 of 10CMOBn, Division TRIAD Staff and ADC, 10ID.

4. Progress made by the Tripartite Validating Teams, the NTIPC-MB and other relevant bodies in ensuring the collection of the necessary information to bring the pending cases of violence to the courts and the outcome in this regard.

Albeit the approval on the funding and the designation of labor and employers' representatives who will compose the said Tripartite Validating Teams, this initiative has yet to sail in view of the risks involved particularly with the team members' security during operations. The designated sectoral representatives reconsidered the gravity of the functions and the dangers attending the conduct of field interviews, investigation, and first-hand data gathering.

Nevertheless, with the issuance of the previously mentioned Administrative Order No. 32, series of 2018, on the RTMB Operational Guidelines, the creation of Tripartite Validating Teams has been further institutionalized and strengthened. Security concerns of members were likewise addressed through the provision that the Tripartite Validating Team may request security assistance from the PNP and the AFP if so warranted.

Furthermore, the Government strictly reiterates that the cases are progressing under regular criminal procedures with the constant efforts of the tripartite partners. The availability of reports relies heavily on police investigations and regular court proceedings, the progress of which may be affected by lack of material witnesses. The Government, in cooperation with its social partners, continue to monitor and fast-track all cases, in line with upholding the constitutional rights to speedy trial and due process. These extensive efforts are evidenced by all the previous reports and replies by the Government to ail requests forwarded by both international and domestic bodies/organizations.

5. Reforms towards providing sufficient witness protection and building the capacity of prosecutors, enforcers and other relevant actors, especially in the conduct of forensic investigations.

Part of the DOLE-ILO-EU GSP+ Project are activities and initiatives that aim to enhance the knowledge and capacities of concerned state actors, including the police, military, and local chief executives, as well as the social partners on the principles and application of ILO Convention Nos. 87 and 98.

On 14-16 November 2018, a Multisectoral Trainers' Training on Freedom of Association and Collective Bargaining was held at Quest Hotel in Clark, Pampanga. The said activity, which was attended by 32 representatives from different government agencies (i.e.: Philippine Economic Zone Authority, Department of Interior and Local Government, Department of National Defense, Department of Justice, Armed Forces of the Philippines, Philippine National Police, and Commission on Human Rights) and from the labor and management sectors, aimed to inculcate among the various stakeholders and social partners common understanding and interpretation on International Labor Standards, specifically on the right to freedom of association and collective bargaining, as well as on the roles, functions and mechanisms that need to be observed relative to the exercise of workers' rights and activities (i.e.: Joint DOLE-PNP-PEZA Guidelines in the Conduct of PNP Personnel, Economic Zone Police and Security Guards, Company Security Guards and Similar Personnel During Labor Disputes; and the Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers' Rights and Activities).

The capacitated social partners and stakeholders may now be tapped as resource persons and advocates of Freedom of Association (FOA) and Collective Bargaining (CB), delivering lectures and/or learning sessions particularly on existing Guidelines governing the engagement of various

social partners and stakeholders during labor disputes vis-à-vis the principles of FOA and CB, as it may be applied in their respective organizations.

Parallel with this undertaking is the development of sector-specific tools --- (a) a "*Workers Training Manual on Freedom of Association*" which is intended to enhance capacities of workers representatives to participate in existing monitoring mechanisms on violations on workers' civil liberties and trade union rights to organize; and (b) a "*Diagnostics of Compliance with Labor Standards: A Checklist for Small Enterprises*" which is an employers' tool for diagnosing the level of compliance to labour standards among small enterprises and for providing concrete remedies to address compliance issues.

On the other hand, the DILG, together with the Local Government Academy, is now working with the LO Country Office and the DOLE to explore the possible incorporation of International Labor Standards, particularly freedom of association and collective bargaining, and the Guidelines in the regular orientations and/or trainings of local chief executives. The Commission on Human Rights (CHR), with the help of a consultant engaged by the ILO Country Office, is also in the process of formulating and finalizing its own FOA Training Module.

Apart from these agency and sector-specific tools and modules, a FOA e-Learning Module is now being finalized as part of the DOLE's Labor and Employment Education Services (LEES). Building upon existing documents and materials from previous FOA and CB initiatives, the e-Learning Module includes topics on:

- International Labor Standards and Labor Rights
- International Labor Standards
- ILO Principles on Freedom of Association and Collective Bargaining
- The Philippine Context: Right to Self-Organization
- Tripartite Monitoring Bodies on the Application of International Labor Standards and Other Related Investigative and Monitoring Mechanisms
- Guidelines Relative to the Exercise of Workers' Rights, Particularly the Right to Freedom of Association and Collective Bargaining

The Guidelines governing the conduct that must be observed during the exercise of workers' rights and activities are also being reviewed for amendments and/or updating.

6. Progress on the cases of Rolando Pango, Florencio "Bong" Romano and Victoriano Embang

On the case of Rolando Pango, the Philippine National Police - Directorate for Investigation and Detective Management (PNP-DIDM) finds that the incident is related to agrarian issue/dispute. There are no existing trade union campaigns, rallies, pickets or demonstrations at the time of the incident. Nevertheless, the PNP DIDM directed Police Regional Office No. 6 to conduct case review for the possible re-filing of the case.

On the case of Florencio "Bong" Romano, a follow-up team went to the house of Benny Dimailig in Brgy. Loddod, Lipa City to conduct interview, but failed to gather information on the incident. The PNP DIDM directed the Police Regional Office No. 4A to conduct case review for the possible identification of the suspects and re-filing of the case, and to exert more efforts in the investigation to locate the witnesses. A035 IAC is yet to deliberate on the Romano Case considering that the Committee has not yet reconvened. The release of the family's claims with SSS have already been facilitated through the RTMB in Region 4-A.

As to the case of Victoriano Embang, based on the foregoing investigation and with the cooperation of some witnesses and result of examinations on the evidences recovered, a case of MURDER was filed against the suspects Ramoncito Isona alias "Ramon" and Ryan Yana alias "Ryan" docketed under CC No. 4480 with No Bail Recommended. Moreover, a Warrant of Arrest has already been issued. The Criminal Investigation and Detection Group (CIDG) was directed to create a Tracker Team for the manhunt operation against the at-large suspects and for the coordination with BID for the Watch List/Wanted List of the suspects.

As was stated in previous reports, the Government herein reiterates that all of the aforesaid cases are currently being handled and investigated through the regular process of criminal investigation and prosecution. Hence, the availability of reports relies heavily on police investigations and regular court proceedings, the progress of which may be affected by a number of circumstances such as the lack of material witnesses.

The burden of proof required to support conviction in a criminal case is proof beyond reasonable doubt. Hence, criminal prosecutions rely heavily upon proving beyond reasonable doubt the existence of the elements of the crime charged. Evidence must be established to support criminal prosecution and conviction, as required by the constitutional precept on due process of law.

7. Progress of the Legislative Agenda

The Government, in coordination with its social partners, has been consistent in its efforts to address emerging labor, economic and social concerns affecting workers' rights and exercise thereof, amidst the emerging forms of evolving employment relationships brought by globalization and trade liberalization. Significantly, the Government's initiatives to promote freedom of association and collective bargaining are anchored on the thrust towards securing employment and addressing various issues and concerns brought about by the increasing forms of non-standard work arrangements and the huge diversity of workers whose jobs are outside the standard employment relationship.

Standard employment relationship is described as: (a) full-time work; (b) under a contract of employment for unlimited duration; (c) with a single employer; and (d) protected against unjustified dismissal. This leads to a precarious work formula incorporating any or all of the following elements: (a) work of no guaranteed/specified/ regular hours; (b) fixed, limited duration of contract; (c) multiple or disguised employers; and (d) no protection against dismissal. Precarious work does not involve stability and security in the workplace.

Hence, numerous reforms were pursued based on a clear understanding that **"secured employment is the best enabling environment for freedom of association"**.

The following initiatives and reforms are products of tripartite efforts - labor, management, and government - and are geared towards the attainment and sustainment of decent work and industrial peace based on the principles of inclusive growth and social justice.

- a. Security of Tenure Bill. The Security of Tenure Bill has been approved by the House of Representatives on 29 January 2018 and has been transmitted to and received by the Senate on 31 January 2018. The President of the Philippines certified the bill as urgent on 21 September 2018, and is now nearing passage after it has passed Third Reading in the Senate on 22 May 2019. The Bill is now set for a bicameral conference between the House and the Senate. It could be noted that the provisions of the Bill are in harmony with the thrust of the

Executive Order No. 51, and that it is among the Legislative-Executive Development Advisory Council (LEDAC) priority measures as its passage is expected to have a positive impact to the exercise of workers' rights particularly of freedom of association and collective bargaining.

- b. Executive Order No. 51, series of 2018. The President signed on 01 May 2018 the Executive Order No. 51, series of 2018, implementing Article 106 of the Labor Code of the Philippines, as amended, to Protect the Right to Security of Tenure of Ali Workers based on Social Justice in the 1987 Philippine Constitution. EO 51 expressly declares that contracting or subcontracting, when undertaken to circumvent the workers' right to security of tenure, self-organization and collective bargaining, and peaceful concerted activities pursuant to the 1987 Philippine Constitution, is strictly prohibited.

The EO further states that the Secretary of Labor and Employment may, by appropriate issuances, in consultation with the National Tripartite Industrial Peace Council under Art. 290(c) of the Labor Code, as amended, declare activities which may be contracted out.

- c. DOLE Department Order No. 174, series of 2017. DOLE issued on 16 March 2017 Department Order No. 174, series of 2017, which is the new implementing rules and regulations of the Labor Code provisions governing contracting or subcontracting in the Philippines. It was published last 18 March 2017, and took effect on 03 April 2017.

DO 174-17 is a product of comprehensive and inclusive area-wide consultations involving all sectors (i.e. formal, informal, public, migrant, women, and youth). There had been five (5) Focus Group Discussions, three (3) area-wide Labor Summits, and 17 sectoral meetings. Also, this had been discussed by the National Tripartite Industrial Peace Council which convened on 7 March 2017.

The continuous engagements and intensive consultations with the concerned sectors that are being conducted facilitate the formulation of responsive policies and measures that will ensure full respect of labor standards and the fundamental principles and rights at work, in view of the prevalence of short-term or fixed-term work arrangements which have posed challenges undermining the workers' right to security of tenure. As the Government now sets the place for genuine reforms on flexibility and job security, it simultaneously fosters a climate conducive to the unhampered exercise of workers' rights to freedom of association and collective bargaining.

Updates on proposed legislative measures aimed to ensure that any individual residing in the territory of a State, whether or not they have a residence or a working permit, benefit from the trade union rights provided by the Convention

House Bill No. 4448, "An Act Allowing Aliens to Exercise their Right to Self-Organization and Withdrawing Regulation of Foreign Assistance to Trade Unions, amending for the purpose Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines" was filed before the 17th Congress on 16 November 2016. This bill: (a) Extends the right to self-organization to aliens in the Philippines; and (b) Withdraws the prohibition of foreign trade union organizations to engage in trade union activities and the regulation of foreign assistance to Philippine trade unions.

House Bill No. 1354, "An Act Allowing Foreign Individuals or Organizations to Engage in Trade Union Activities and to Provide Assistance to Labor Organizations or Groups of Workers, amending for the purpose Articles 269 and 270 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines" was filed on 11 July 2016. This bill

proposes to amend the Labor Code by: (a) Allowing foreign individuals and foreign organizations to engage in trade union activities in the Philippines; and (b) Allowing the extension of foreign assistance to labor organizations and workers groups.

With the closing of the 17th Congress, these bills are expected to be re-filed in the 18th Congress.

Measures taken to ensure that all workers, without distinction whatsoever, are able to form and join the organizations of their own choosing

House Bill No. 8767, "An Act Strengthening the Constitutional Rights of Government Employees to Self-Organization, Collective Negotiation and Peaceful Concerted Activities and Use of Voluntary Modes of Dispute Settlement" was filed on 11 December 2018. It was with the Committee on Civil Service and Professional Regulation since 12 December 2018. This proposed measure is intended to address the gaps in public sector labor relations particularly on the protection of the right to organize, facilities to be afforded to public sector employees' organizations, procedures for determining the terms and conditions of employment, civil and political rights, and settlement of disputes arising or in connection with the determination of terms and conditions of employment. This provides that all public sector employees including those under different forms of public service work arrangements such as job order, contract of service, on memorandum of understanding, or casual, are eligible to join or assist an employees' organization in the organizational unit.

House Bill Nos. 4553 and 5477, "An Act Establishing a Civil Service Code of the Philippines and For Other Purposes" are pending with the House Committee on Civil Service and Professional Regulation. On the other hand, Senate Bill No. 641, "An Act Establishing the Philippine Civil Service Reform Code and For Other Purposes" is pending with the Senate Committee on Civil Service, Government Reorganization and Professional Regulation. These bills seek to codify all laws and relevant issuances governing the civil service into a single, comprehensive statute, and to address relevant concerns which include among others government employees' rights to self-organization and security of tenure.

With the closing of the 17th Congress, these bills are expected to be re-filed in the 18th Congress.

Updates on the proposed legislative measures aimed to reduce the minimum membership requirements or to lower excessive/y high requirement f or registration

House Bill No. 1355, "An Act Reducing the Minimum Membership Requirement for Registration of Unions or Federations and Streamlining the Process of Registration, amending for this purpose Articles 234, 235, 236 and 237 of Presidential Decree no. 442, as amended, otherwise known as the Labor Code of the Philippines" was filed on 11 July 2016. This bill seeks to modify the restrictions imposed on the process of union formation by introducing amendments to the Labor Code, as follows: (a) Lower the minimum membership requirement from 20% to 10%; (b) Reduce the number of affiliated local chapters required for purposes of registration as a federation from ten (10) to five (5); and, (c) Develop a system of online union registration of unions.

House Bill No. 4446, "An Act Establishing an Efficient System to Strengthen Workers' Right to Self-Organization and Collective Bargaining, amending for the purpose Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines" was filed on 16 November 2016. This bill aims to: (a) Remove the requirements for the registration of local chapters, upholding the principle that the registration of unions is only ministerial on the part of the Department of Labor and Employment (DOLE); (b) Promote "employee free choice" by making it easier for workers to join and/or establish unions through "majority signup"; (c)

Strengthen enforcement through an injunctive relief provision which levels the playing field with management by giving employees equal access to such measure, and imposition of fine and criminal liability of employer charged with unfair labor practice; and (d) Prevent management intervention and refusal to bargain through "first contract mediation and arbitration".

Senate Bill No. 1169, "An Act Further Strengthening Workers' Right to Self-Organization by amending for this purpose Articles 240[234](C), 242[235], 243[236], 244[237] and 285 [270] of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended" was filed on 22 September 2016. This bill aims to ease the minimum membership requirements for registration of independent unions from 20% to 5%, and for federations from 10 to 5 duly recognized bargaining agent/local chapters. It also seeks to institutionalize online registration, decentralization or registration process to DOLE Provincial or Field Offices and the one-day process cycle time. Moreover, the bill aims to remove the "prior authority" requirement on foreign assistance to local trade union activities.

With the closing of the 17th Congress, these bills are expected to be re-filed in the 18th Congress.

Updates on proposed legislative measures aimed to ensure that government intervention leading to compulsory arbitration is limited to essential service in the strict sense of the term

House Bill No. 175, 711 and 1908, "An Act Rationalizing Government Interventions in Labor Disputes by Adopting the Essential Services Criteria in the Exercise of the Assumption or Certification Power of the Secretary of Labor and Employment, and Decriminalizing Violations Thereof, Amending for this purpose Articles 263, 264 and 272 of Presidential Decree 442, otherwise known as the Labor Code of the Philippines, as amended and for other purposes" were filed on 30 June 2016. As the title suggests, these bills seek to rationalize government interventions in labor disputes by adopting the Essential Services Criteria in the exercise of the assumption or certification power of the Secretary of Labor and Employment, providing conditions in its exercise, and to decriminalize violations thereof. The counterpart of these bills in the Senate is Senate Bill No. 1221, "An Act Rationalizing Government Interventions in Labor Disputes by Adopting the Essential Services Criteria in the Exercise of the Assumption or Certification Power of the Secretary of Labor and Employment, and Decriminalizing Violations Thereof, amending for this purpose Articles 278[263], 279[264] and 287[272] of Presidential Decree 442, otherwise known as the Labor Code of the Philippines, as amended and for other purposes" which was filed on 25 October 2016.

House Bill No. 4447, "An Act Strengthening the Workers' Right to Strike, Amending for the purpose Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines" was filed on 16 November 2016. This bill seeks to modify the penalty for violation of orders, prohibitions or injunctions issued by the Secretary of Labor and direct participation in illegal strike, from dismissal or imprisonment, to disciplinary measure of payment of fine.

With the closing of the 17th Congress, these bills are expected to be re-filed in the 18th Congress.

Updates on proposed legislative measures aimed to ensure that no penal sanctions are imposed against a worker for having carried out a peaceful strike, even if non-compliant with bargaining or notice requirements

This concern is likewise addressed by the afore-cited proposed measures namely, House Bill Nos. 175, 711, 1908 and 4447. With the closing of the 17th Congress, these bills are expected to be re-filed in the 18th Congress.

Updates on proposed legislative amendments removing the need for government permission for foreign assistance to trade unions

House Bill No. 4448, "An Act Allowing Aliens to Exercise their Right to Self-Organization and Withdrawing Regulation of Foreign Assistance to Trade Unions, amending for the purpose Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines" was filed on 16 November 2016. This bill: (a) Extends the right to self-organization to aliens in the Philippines; and (b) Withdraws the prohibition of foreign trade union organizations to engage in trade union activities and the regulation of foreign assistance to Philippine trade unions.

House Bill No. 1354, "An Act Allowing Foreign Individuals or Organizations to Engage in Trade Union Activities and to Provide Assistance to Labor Organizations or Groups of Workers, amending for the purpose Articles 269 and 270 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines" was filed on 11 July 2016. This bill proposes to amend the Labor Code by: (a) Allowing foreign individuals and foreign organizations to engage in trade union activities in the Philippines; and (b) Allowing the extension of foreign assistance to labor organizations and workers groups.

With the closing of the 17th Congress, these bills are expected to be re-filed in the 18th Congress.

8. Review and updating of the operational guidelines of the investigating and monitoring bodies in order to further strengthen and improve their operationalization as well as coordination and interplay.

Previously reported was the Development Cooperation Project of the DOLE, the ILO and the EU Generalized System of Preferences Plus (EU GSP+) that aims to improve the capacity of labor, employers and the Government towards better implementation and application of the right to freedom of association and collective bargaining. One of the Project's concrete outputs is the review of the existing mechanisms in addressing cases of violations on workers' civil liberties and trade union rights. The study reviews the operational guidelines and process-structures of the three investigative, prosecutorial, and/or monitoring mechanisms addressing cases of violations on freedom of association principles in the Philippines --- the DOLE-led NTIPC- Monitoring Body and Regional Tripartite Monitoring Bodies (RTMB); the DOJ-led A035 Inter-Agency Committee; and the CHR-led National Monitoring Mechanisms.

After reviewing existing policies and guidelines, and gathering insights and views from key people (i.e.: members of public and private sector unions, focal persons from concerned agencies/organizations, etc.), gaps and issues in the operationalization of these mechanisms have been identified, as well as problem areas encountered by investigative agencies such as the Philippine National Police (PNP), Commission on Human Rights (CHR), and to some extent, the Armed Forces of the Philippines - Human Rights Office (AFP-HRO). Recommendations were then enumerated to help address the gaps or blockades in obtaining substantial progress specific to labor- related cases of extrajudicial killing or violations of ILO Convention Nos. 87 and 98, taking note of the findings and recommendations raised by the ILO Direct Contact Mission to the Philippines back in 2017. These recommendations shall be taken up by concerned agencies/organizations for consideration and possible implementation.