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**International Centre for Trade Union Rights**

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ICTUR was founded to  
defend and extend trade union rights and  
to raise awareness of these rights and their violations  
around the world

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**Attn:**

**Rodrigo Roa Duterte**

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**CC:**

Silvestre Bello III, Secretary, Department of Labor and Employment

Menardo Guevarra, Secretary, Department of Justice

Jose Luis Martin Gascon, Chairperson, Commission on Human Rights

Clément Nyaletsossi Voule, United Nations Special Rapporteur on the  
rights to freedom of peaceful assembly and of association

**August 2018**

Dear Mr President,

The International Centre for Trade Union Rights is writing to raise serious concerns about incidents of state violence and harassment levelled against trade unionists in recent months.

A number of grave cases of trade union rights violations have come to ITCUR's attention.

*Assassination attempt on Jessielou Cadungog*

ICTUR understands that on 30 July, Jessielou Cadungog, a vice president of the Trade Union Congress of the Philippines (TUCP), survived an assassination attempt in Cebu. It is understood that Cadungog's car was ambushed by two gunmen on a motorcycle. Cadungog's driver and bodyguard, William Macaslang, shot back in self defence, killing one of the assailants, who was later revealed to be a policeman. His accomplice was taken into custody. However the Philippine National Police in Cebu subsequently claimed the incident was a legitimate police operation against the drug trade. It is further understood that Cadungog and Macaslang are now under investigation for the murder of a policeman.

Cadungog has long been an active labour leader, who helped form the port workers union and to establish the Oriental Port and Allied Services Corporation (OPASCOR), one of the largest workers' enterprises in the country, of which he is the Vice-Chairman. Cadungog was recently elected as a Councillor of Barangay Tejero, Cebu.

*Strikers attacked and arrested*

ICTUR understands that in June and July striking workers at the company NutriAsia were violently dispersed by police and security forces. Workers are campaigning for regularisation as employees and for their right to form a union. In February, it is understood that the Department of Labor and Employment issued a compliance order directing NutriAsia to regularise over 900 of its employees, but the company has not complied. Workers report that the threat of dismissals and salary deductions continues.

Striking workers picketing the NutriAsia plant in Marilao, Bulacan were attacked by police and security forces on 14 June. Twenty-one workers, and several other protestors, were arrested. They were detained by police for one week and despite serious injuries, charged with multiple offences including illegal assembly. Most of the charges were later dropped. It is reported that when workers resumed the picket on 16 June, three truckloads of police arrived and threatened to shoot the workers and their supporters.

On 28 July, it is reported that the striking workers were again violently dispersed while they were participating in an ecumenical mass for workers and their supporters. Nineteen NutriAsia workers and supporters were arrested as police and security guards forced the picketers to disperse. Approximately 300 workers and supporters were sitting on the road when the security guards started pushing the workers using police shields. The police later alleged that one of those arrested at the picket was found in possession of a handgun and drugs. ICTUR understands however that the individual was not known to the striking workers and was not participating in the strike protest. Workers, supporters and five journalists arrested at the picket have been charged with causing physical injuries, illegal assembly, alarm and scandal.

In a separate incident on 3 July, it is reported that workers striking at the Middleby Philippines Inc. plant in Laguna were assaulted by replacement workers and seven strikers were arrested by police. Workers have also been campaigning for the regularization of their employment at the company since May.

*Arbitrary detention*

ICTUR further understands that Marklen Maojo Maga is still in detention. Maga is a trade union organiser of the Kilusang Mayo Uno (KMU) for workers in port, factory and transport sectors. On 22 February he was abducted by plainclothes police in a white van while he was playing basketball in San Mateo, Rizal. Maga was not informed why he was being taken or of any charges against him. Only after interrogation did Maga realise that he is being implicated in an alleged murder incident in Agusan del Sur, Mindanao. It is understood that he has had restricted access to a lawyer.

\* \* \*

**ICTUR is gravely concerned at the alarming deterioration of trade union rights in the Philippines.** In addition to the incidents cited above, the on-going militarization of unionised plantations in Mindanao – where trade unionists affiliated with the KMU have been pressured by security forces to surrender and labelled as supporters of the rebel New People’s Army – as well as the President's labelling of the KMU and other organisations as “communist fronts” continue to be of urgent concern. The Center for Trade Union and Human Rights (CTUHR) recently reported that in the two years up to March 2018:

- 28 trade unionists (primarily agricultural workers) were extra-judicially killed
- 3317 trade unionists suffered from arbitrary arrests, harassment, physical assault and false accusation of criminal charges
- 47 complaints were made involving 9919 workers over non-recognition of trade unions, union-busting, overt and covert state and employers’ interference in union affairs, prohibition of the right to strike and other forms of violence in the workplace
- 12 complaints were made concerning violations of Collective Bargaining Agreements and other CBA-related issues affecting 2372 workers

**ICTUR wishes to remind the government of the Philippines of its obligations under international law and in particular under the fundamental International Labour Organisation (ILO) Conventions, all of which the Philippines has ratified.**

The ILO’s Committee on Freedom of Association has stated clearly that fundamental rights – especially those relating to human life and personal safety – must be fully respected and in order to guarantee the principles of freedom of association, enshrined in Conventions 87 and 98. According to the Committee, **the rights of workers can only be ‘exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected’.** (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 42-45). The Committee has further noted that an independent judicial inquiry should be instituted immediately to investigate assaults on the physical or moral integrity of individuals, in order to determine responsibility, punish those responsible and prevent repetition (*ILO Digest*, paras. 46, 50, 184, 191). Failure to hold guilty parties to account creates a culture of impunity, ‘which reinforces the climate of violence and insecurity, and which is extremely damaging to the exercise of trade union rights’ (*ILO Digest*, para. 52).

The possible collusion of the Cebu police in the attempted murder of Jessielou Cadungog, a leading trade unionist, raises grave concerns about the administration of justice. ICTUR notes that the ILO's Committee on Freedom of Association's Interim Report on Case No 3185 (Report No 383, October 2017 - Complaint date: 05-FEB-16) last year raised a number of concerns about investigations into the extrajudicial killings in 2013 of three trade leaders (Antonio “Dodong” Petalcorin, Emilio Rivera and Kagi Alimudin Lucman). The Committee requested the Government to "take measures, if necessary of legislative nature, to ensure that crimes of such serious nature are investigated... [and] to take all necessary measures so as to ensure that the investigation and judicial examination of the alleged acts of extrajudicial killings, even if not committed by state actors, advance successfully and without delay so as to

identify, bring to trial and convict the perpetrators so as to prevent the repetition of such acts."

**ICTUR reiterates the need for a full impartial and independent investigation into the incidents, and notes that the Associated Labor Unions-Trade Union Congress of the Philippines (ALU-TUCP) have demanded that the National Bureau of Investigation assume jurisdiction of the case to ensure that such investigation can take place.**

ICTUR further recalls that the arrest and dismissal of striking workers also constitute serious violations of the principles of freedom of association, enshrined in the ILO Conventions 87 and 98. Following the interpretation of the Committee on Freedom of Association, "[t]he dismissal of workers because of a strike constitutes serious discrimination in employment on grounds of legitimate trade union activities and is contrary to Convention No. 98" (*ILO Digest*, para. 661). **The government is responsible for preventing all acts of anti-union discrimination, and for taking suitable measures to remedy such cases brought to their attention, including through reinstatement and the amendment of legislation where no such remedies are available** (*ILO Digest*, paras. 817, 835, 837-8). **Furthermore, it is "incumbent upon the government" to show that the arrest, detention and sentencing of a trade union official are "in no way occasioned by the trade union activities of the individual concerned"; "no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike"** (*ILO Digest*, paras. 94 and 672).

ICTUR calls on the government to undertake all necessary measures to ensure that it complies with the Philippines' international obligations, and to protect the fundamental freedoms of workers to join and form unions and take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director