

1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Quezon City

4
5 **EIGHTEENTH CONGRESS**
6 Third Regular Session

7
8 **HOUSE BILL No. 10201**
9



10
11 **Introduced by**
12 **BAYAN MUNA Representatives FERDINAND R. GAITE**
13 **CARLOS ISAGANI T. ZARATE and EUFEMIA C. CULLAMAT,**
14 **ACT TEACHERS Party-List Representative FRANCE L. CASTRO,**
15 **GABRIELA Women’s Party Representative ARLENE D. BROSAS**
16 **and KABATAAN Party-List Representative SARAH JANE I. ELAGO**
17

18
19
20 **AN ACT**
21 **PROTECTING THE RIGHTS OF ALL WORKERS**
22 **AND WORKERS' ORGANIZATIONS AND UNIONS FROM INTERFERENCE**
23 **BY THEIR EMPLOYERS OR PUBLIC AUTHORITIES, OR THEIR AGENTS,**
24 **PROVIDING PENALTIES FOR VIOLATIONS THEREOF**
25

26 **EXPLANATORY NOTE**
27

28 The 1987 Constitution mandates that the State shall protect the rights of all workers, promote
29 their welfare and afford full protection to labor. The fundamental law of the land further
30 guarantees the rights of all workers to self-organization, collective bargaining and
31 negotiations, and peaceful concerted activities, including the right to strike in accordance
32 with law. Exercise of such rights of workers should be free from interference of their
33 employer or the government.
34

35 Enshrined in the Bill or Rights of the Constitution is the provision “the right of the people,
36 including those employed in the public and private sectors, to form unions, associations or
37 societies for purposes not contrary to law shall not be abridged”. As such, the Labor Code of
38 the Philippines declared as a State policy to promote free trade unionism as an instrument for
39 the enhancement of democracy and the promotion of social justice and development. In the
40 public sector, the exercise of the right to organize for government employees is provided for
41 under Executive Order No. 180 signed in 1987.
42

43 Further, the Universal Declaration of Human Rights, an international agreement adopted by
44 the United Nations General Assembly ensuring and guaranteeing the rights and freedoms of
45 all, recognizes the right to form and join trade unions, and the right to freedom of peaceful
46 assembly and association.
47

48 Moreover, the International Labour Organization, a United Nations agency mandated to
49 advance social and economic justice through setting international labour standards,
50 recognizes the right of all workers to self-organization free from any interference. ILO

1 Convention 87, to which the Philippines adopted, provides that public authorities shall refrain
2 from any interference which would restrict the right to freedom of association of all workers
3 or impede its lawful exercise. Similarly, public employees and public employees'
4 organizations enjoy the right to organize and freedom of association, free from prejudice in
5 its lawful exercise, and completely independent from public authorities and its control, as
6 guaranteed by ILO Convention 151 also recently adopted by the Philippines.

7

8 For decades, workers and workers' unions have been fighting for their right to self-
9 organization, collective bargaining, just compensation and benefits, security of tenure, and
10 just and human working conditions, among others. Unfortunately, despite the
11 Constitutionally-protected and internationally-recognized rights of workers and workers'
12 unions, they are subjected to all forms of harrasment, intimidation, red-tagging, violent and
13 illegal dispersal of strikes, union busting, arbitrary arrests due to false charges, and worse,
14 killings.

15

16 In 2021, the annual Global Rights Index of the International Trade Union Confederation
17 (ITUC) listed the Philippines as one of ten worst countries for workers.¹ Further, the Council
18 of Global Unions (GCU) – representing more than 200 million workers across the globe,
19 have consistently issued alarm on the worsening condition of workers' right in the country².
20 According to ITUC and GCU, some of the most violated rights of workers include the
21 increasing criminalization of the right to strike, erosion of collective bargaining and de-
22 registration of unions.³

23

24 Since President Duterte took office in 2016, there have been 56 reported killings of trade
25 union organizers, 8 of these were reported in the middle of the pandemic. The most recent is
26 the killing of Dandy Miguel last March 28, 2021. Miguel was the union president of Lakas ng
27 Nagkakaisang Manggagawa ng Fuji Electric and Vice Chairperson of Pagkakaisa ng
28 Manggagawa sa Timog Katagalugan (PAMANTI-K)-KMU. Prior to his killing, Miguel went
29 to the Commission on Human Rights (CHR) to complain about cases of harassment and red-
30 tagging of unionists in Southern Tagalog. Weeks before, on March 7, in what is now dubbed
31 as 'Bloody Sunday Massacre', 9 activists were killed including Emmanuel "Manny"
32 Asuncion. He was a long-time labor and community organizer, and a leader of Solidarity of
33 Cavite Workers (SCW). He was brutally killed by the police at around 5 in the morning when
34 police stormed the Workers Assistance Center (WAC) office in Dasmarinas, Cavite,
35 ostensibly to serve a warrant of arrest.

36

37 There were 32 trade union organizers illegally arrested under President Duterte's term, 31 of
38 whom remain incarcerated. 13 of these arrests happened in the middle of the pandemic. On
39 November 30, 2020, police dispersed an indignation rally staged by Cebu workers at the
40 Mactan Economic Zone to commemorate Bonifacio Day and denounced the government's
41 red-tagging of trade union activities. Five workers were arrested when police broke up the
42 gathering: Dennis Derige, Myra Opada, Joksan Branzuela, Jonel Labrador and Cristito
43 Pangan, all affiliated with Sentro ng Nagkakaisa at Progresibong Manggagawa (Sentro) and
44 Partido Manggagawa (PM).

45 They were detained for alleged violation of quarantine guidelines and disobedience. Another
46 notable case is the arrest of HR Day 7. On December 10, 2020, as human rights groups
47 commemorated International Human Rights Day, 7 activists (6 trade union organizers, 1

1 <https://www.ituc-csi.org/2021-global-rights-index>

2 <https://www.ituc-csi.org/global-solidarity-philippines>

3 https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN-final.pdf

1 journalist) were arrested on false charges. 2 of them have since been released on bail while
2 others remain in jail;

3
4 Kilusang Mayo Uno, an independent national labor center established in 1980, has also
5 reported incidents of workers being harassed by suspected state agents and forced to
6 disaffiliate themselves and their unions from the labor group. Among the unions reportedly
7 experiencing this are: (1) Nexperia Philippines Inc. Workers Union of Nexperia Philippines
8 Inc. (Laguna); (2) Wyeth Philippines Progressive Workers Union of Wyeth Philippines
9 (Laguna); (3) Optodev Workers Union of Optodev Inc. (Laguna); (4) Alcophil Workers
10 Union of Alcophil Metal Corporation Inc. (Valenzuela); and (5) Adnama Mining Resources
11 Inc. Labor Union of Adnama Mining Resources Inc. (Surigao del Norte). Workers were
12 reportedly visited by police in their homes and forced to disaffiliate from their unions under
13 threat of losing their jobs.

14
15 Employees' unions in various government offices have also been subjected to attacks in the
16 form of harassment, threats, surveillance, and red-tagging. Sandigan ng mga Empleyadong
17 Nagkakaisa sa Adhikain ng Demokratikong Organisasyon or SENADO, the employees'
18 union in the Senate of the Philippines, was subjected to red-tagging by Director-General Alex
19 Monteagudo of the National Intelligence Coordinating Agency (NICA) for its condemnation
20 of a memorandum issued by the Department of Interior and Local Government (DILG).
21 SENADO, an affiliate of COURAGE, or the Confederation for Unity, Recognition, and
22 Advancement of Government Employees, criticized a memorandum released by the DILG
23 last March that sought to "identify members of supposed communist groups" like
24 COURAGE and the Alliance of Concerned Teachers (ACT) who were government
25 employees. Another government workers union, the Social Welfare Employees Association
26 of the Philippines (SWEAP) have reported persistent intimidation and harassment from
27 military agents, and forced them to disaffiliate from COURAGE. COURAGE is the biggest
28 alliance of labor unions in the government. Some of its members are included in the
29 aforementioned list of unionists who have been either arrested or killed under the Duterte
30 administration.

31
32 Healthcare workers and their unions have also reported intimidation, harassment and threats
33 against them. Workers and unions in public hospitals such as in Jose Reyes Memorial
34 Memorial Hospital, Fabella Hospital and Philippine Orthopedic Center, have reported
35 interference and harassment from police personnel and suspected state agents. Moreover,
36 leaders of healthcare workers' unions have been subjected to red-tagging and threats.

37
38 Lastly, the issuance of Executive Order No. 70 in 2018 by President Duterte, paved the way
39 for the creation of the National Task Force to End Local Communist Armed Conflict (NTF-
40 ELCAC). Workers groups point to NTF-ELCAC as the mastermind behind continued efforts
41 to label, brand, vilify, and harass individuals and organizations as state enemies and
42 subversives. Workers and worker's unions said these acts have put their lives in danger as
43 many of their fellow unionists and advocates had been violently attacked, arrested or killed
44 after being red-baited, or tagged as communist rebels or supporters.

45
46 Thus, it is imperative that Congress legislate this proposed law to protect all workers and
47 worker's organizations from interference, intimidation, harassment, attack or coercion in
48 violation of their right to self-organization and association.

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REP. FERDINAND R. GAITE
Bayan Muna Partylist

REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist

REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist

REP. FRANCE L. CASTRO
ACT Teachers Partylist

REP. ARLENE D. BROSAS
GABRIELA Women's Party

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23

24
25 Be it enacted by the Senate and House of Representatives of the Republic of the Philippines
26 in Congress assembled:

27
28 **SECTION 1. *Short Title*** – This Act shall be known as ‘Union Independence Act of 2021’.

29
30 **SECTION 2. *Declaration of Policy*** - It is the primary responsibility of the State to protect
31 and uphold the rights of all workers and promote their welfare, including their
32 Constitutionally guaranteed rights to self-organization, collective bargaining and
33 negotiations, and peaceful concerted activities, including the right to strike in accordance
34 with law.

35
36 It is also the policy of the State that any violation thereof is not only a violation of the civil
37 rights of all workers, but also a criminal offense against the State.

38
39 **SECTION 3. *Coverage*** - For purposes of this Act, any person who shall willfully interfere
40 with, restrain, harass or coerce any worker or workers’ association or union in the exercise of
41 their rights to self-organization, or shall in any manner commit any act in violation of the
42 provisions of this Act, and such acts and or commissions not otherwise under the jurisdiction
43 of the Department of Labor and Employment (DOLE) and its appropriate agencies pursuant
44 to the Labor Code of the Philippines and Executive Order 180 shall be liable under this Act.

45
46 **SECTION 4. *Definition of Terms*** –

- 47
48 (a) Worker – refers to any person in the employ of another, whether in the public
49 sector or private sector, including ambulant, intermittent, self-employed, rural

1 workers and those without definite employers, regardless of their employment
2 status, tenure or nature of the agreements or contracts.

- 3
4 (b) Workers' organization or union – refers to any organization, union, association or
5 group of employees, or federation or national union with local chapters or
6 affiliates, whether in the public or private sector, including ambulant, intermittent,
7 self-employed, rural workers and those without definite employers, which exists
8 in whole or in part for the purpose of collective bargaining, or mutual aid,
9 promotion of interest and welfare, cooperation and protection or other lawful
10 purposes.

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13 **SECTION 5. *Prohibited Acts*** - It shall be unlawful for any person to commit any of the
14 following acts of interference, intervention, or intrusion:

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16 (a) to require, force or coerce a worker to not join a workers' organization or
17 union, or to relinquish or renounce membership therein;
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19 (b) to require, force or coerce a workers' organization or union to relinquish or
20 renounce its affiliation or membership to any workers' federation or national
21 union;
22
23 (c) to require, force or coerce any worker to not join a workers' organization or
24 union, or to relinquish or renounce membership therein to be able to access
25 any government service, aid or program;
26
27 (d) to discriminate a worker in any commercial establishment or business, in
28 order to discourage membership in any workers' organization or union;
29
30 (e) to prevent a worker from carrying out duties laid upon them by their position
31 in the organization or union, or to penalize them for the action undertaken in
32 such capacity;
33
34 (f) to interfere, impede, obstruct, or hinder in the establishment, functioning, or
35 administration of workers' organizations or unions;
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37 (g) to vilify, label, brand, red-tag, name or accuse a worker or workers'
38 organization or union as subversives or terrorists;
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40 (h) to otherwise interfere, impede, obstruct, or hinder, without authority under the
41 law, any lawful and peaceful activities of the workers and workers'
42 organizations or unions.

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44 **SECTION 6. *Conduct of the AFP and PNP***. - No member, personnel or officer of the
45 Armed Forces of the Philippines, including the CAFGU Active Auxiliaries and the Special
46 CAFGU Active Auxiliaries, and the Philippine National Police including its Supervisory
47 Office for Security and Investigation Agency, and those agents or third persons acting either
48 on their behalf or under their orders, shall hold or assist in any manner whatsoever in the
49 conduct of information drive or seminar, whether within the company premises or not,
50 including industrial or special economic zones, especially during the conduct of any

1 legitimate and lawful activity of the organization or union, or to dissuade workers from
2 organizing a union or participating in any activity of the organization or union, or to
3 encourage or discourage to vote or support a specific individual or organization or union
4 during certification election.

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6 **SECTION 7. *Penalties*** - Any person who shall willfully interfere with, restrain, harass or
7 coerce any worker or workers' association or union, in the exercise of their rights to self-
8 organization or shall in any manner committed any act in violation of the provisions of this
9 Act, upon conviction, shall be punished by a fine of not less than One Hundred Thousand
10 Pesos (P100,000.00) or imprisonment of not less than one (1) year but not more than two (2)
11 years, or both at the discretion of the court.

12

13 If the offender is a public official, the court, in addition to the penalties provided in the
14 preceding paragraph, may impose the additional penalties of disqualification from any
15 appointive or elective position and forfeiture of all benefits.

16

17 Any violation of the provision on Section 6 of this Act shall be imposed with the maximum
18 penalty provided under this Act.

19

20 **SECTION 8. *Separability Clause*** – If any provision of this Act is declared invalid, the
21 remainder of this Act or any provision not affected thereby shall remain in force and effect.

22

23 **SECTION 9. *Repealing Clause*** – All laws, presidential decrees, executive orders and their
24 implementing rules, inconsistent with the provisions of this act are hereby repealed, amended
25 or modified accordingly.

26

27 **SECTION 10. *Effectivity*** – This Act shall take effect fifteen (15) days after its publication in
28 the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes
29 earlier.

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31 *Approved,*