

A VIOLENT (dis)ORDER, DEEPENING POVERTY



STATE OF WORKERS' RIGHT UNDER DUTERTE'S
FIRST YEAR ADMINISTRATION

The Promises of Genuine Change: A Review

Genuine Change! Promises that were still crystal clear for millions of Filipinos when they junked the common traditional politicians election promises in 2016. Those were promises embraced by more than 16 million Filipinos who catapulted President Rodrigo Roa Duterte to power and earned the attention of Duterte's critics and supporters alike all over the world.

- It seemed like a new nation was born when PDuterte was elected. His electoral campaigns were never wanting of loud and cheering crowd, that get even louder whenever he emphatically spoke of his promises to the people: Eliminate the illegal drug problem within three months to protect the children and the future of this country
- Address the problem of criminality and corruption
- End 'Endo' and contractualization, as this scheme is inhumane
- Implement a national minimum wage, he will not allow that workers in the provinces receive lesser than in Metro Manila Housing for the poor
- Release all political prisoners
- Pursue the peace talks and end the armed conflict, as his legacy to have a lasting peace

Upon assumption to office, PDuterte slowly but clearly revealed himself by distancing from the promises he made while leaping closer to big foreign and local capitalists' lap, while mouthing that he desires to uplift the poor from dire poverty. Many waited for his first State of the Nation Address (SONA) in 2016, especially because rallyists were allowed to march closer where the President will give his report. Even then, the workers were utterly dismayed, because in his eight (8) priorities, nothing was mentioned about workers and workers' rights.

Even after a year of his administration, his SONA 2017 was more of repetitions of his SONA 2016, more senseless rants, threats to those he considers enemies of the state and pledges of support for the military and police who relentlessly implement his war on drugs and war against terrorism in

Mindanao. He asked for patience, while the police and vigilantes summarily killed suspected drug addicts and lowly pushers on their heads killing them instantly.

Here's a short glimpse of those Duterte's Eight (8) Priorities during his first SONA:

On top of his priorities is his All Out War against drugs and criminality. He pledged to relentlessly pursue his war on drugs until the last breathing involved in drug trade - drug lords, financiers, pushers and addicts - are either detained or six feet below the ground. This shall be implemented in all units of the government, from Malacañang down to barangay (village level). The Philippine National Police (PNP), in partnership with the military are tasked to do this. The military camps, he said, shall serve as drug rehabilitation facilities.

Secondly, he will pursue the quest for lasting peace by engaging in peace negotiations with all rebel groups CPP-NPA-NDF, MILF, MNLF, and will release all political prisoners through a Presidential Proclamation, while he will crush the terrorism in the country;

Other priorities of his administration are as follows:

1. Create a national broadband plan' for free WI-FI in all public places, parks, airports, seaports, government hospitals, libraries, etc.;
2. Lower taxes (personal at corporate income tax) for more dynamic economy and to uplift the poor;
3. More developed economic policies, but will not change the previous one, instead develop the previous ones;
4. Ending the commuters misery particularly the MRT/LRT to have different transport options and thus he requests for emergency powers to ensure efficient and corrupt-free governance;
5. No more long queues in government offices, simplest requirements for licenses applications;
6. No politicking, we will dwell on the past and shall focus on the present and preparation for the future, a progressive and peaceful Philippines.

One of the many reasons why people are dismayed about his campaign against graft and corruption was his deliberate silence on prosecuting those charged with multi-billion plunder cases in the past administrations. It is hardly surprising since Gloria Macapagal Arroyo and Marcoses supported his electoral campaigns. He also promised to inter Marcos remains at Heroes Memorial Park (Libingan ng mga Bayani).

The workers are dismayed more. Nothing has been said on electoral promise of ending contractualization, on having a national wage and housing for the poor. Though distressed, millions were still hopeful (hoping against hope) that contractualization that had caused tremendous suffering and killing unions for decades will be halted.

It's been a year. Last July 24, PDuterte gave his 2nd SONA. It was not much difference from the 1st one, but high on his war against Drugs, war against terrorism, war against rebels, NPA particularly whom his administration will target after the Maute group is crushed. With so much applause from the militarists and fascists in the government, the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) were only too happy to hear that the President is keen on extending Martial Law and thus his government will also pursue the NPA rebels. This had been the target of the past administrations but miserably failed in crushing the NPAs.

While the numbers of those extra-judicially killed by his War against Drugs and Operation Plan Kapayapaan (Peace) counter-insurgency operations that target human rights defenders and legitimate protests have there been change in the socio-economic conditions of Filipino people? Has there been positive change in the condition of workers and poor that brought him to power? Has the country's employment situation improved? There are more miserable failures than gains.

I. **A 'Law and Order' anchored on Violence and Killings**

PDuterte is atypical of the previous administrations on many things. In his electoral campaigns, he called himself, left of center, a socialist who has deep love of country. The public accepted and embraced his symbol - a modified clenched fist (exclusively used by the progressives and activists) that elitists and middle class shunned. He included, without prompting known personalities from the Left like Secretary of Department of Agrarian Reform (Sec. Rafael Mariano), Department of Social Welfare and Development (Sec. Judy Taguiwalo-DSWD),

National Anti-Poverty Commission (Sec Liza Maza). This is his plus points.

But the stark contrast of all, is his high-handed governance style, opting more for iron-fisted and militarist solutions in addressing the country's ills. He showered and proud of granting an all-too encompassing power to the police and military in implementing the law mindless of the consequent strings of human and people's rights violations and the further deepening of the culture of impunity in the country. With this governance style, the public particularly the children are overly exposed to and are desensitized with so much violence and killings engendered by wars he waged against the poor and defenseless. Children are likely to think that killing suspected addicts and pushers are normal while those children whose loved ones were killed will always be haunted by trauma of seeing their loved ones killed and the effects can be numerous and dangerous.

PDuterte penchant for using expletives or irresponsible jokes that smack of women's rights like rape, is both perilous and alarming. There's nothing funny in ranting and cursing in public, but they set bad examples especially to children that may consider cursing cool and in fashion, coming from a President. In many parents' comments, this is corruption of the minds, thinking unacceptable behavior to be normal and acceptable.

Before and a year after election, PDuterte highlighted the War against Drugs, (Oplan Tokhang), All-out war against the NPA (in retaliation against NPA's attack, when PDuterte was angry) and War against terrorism particular in Mindanao as promise and accomplishment. Despite strong criticisms, survey says PDuterte was able to maintain a high popularity rating at 81%, especially when the Supreme Court ruled that Martial Law in Mindanao declared on May 23, 2017 was Constitutional. The Supreme Court ruling bodes well towards PDuterte's walk to one-man rule.

Can a relentless attacks on people's rights be considered accomplishments?

A. War on Drugs and intensifying culture of impunity

Much ahead of PDuterte official duty from Malacañang, the war on drugs went full swing. In first few days and weeks of the campaign, Oplan Tokhang (literally means door knocking), surfaced thousands of drug dependents who voluntarily surrendered to the government. In fact,

according to PDEA or Philippine Drug Enforcement Agency), there were 1.3 million individuals who surrendered and 86,984 drug suspects arrested in Duterte's first year in office compared with only 18,766 arrested in Aquino's first year term.

For the first time, the public has seen the extent, breadth and depth of the problem that was kept hidden in the previous administrations. Even with these numbers, it is most likely that they are only concentrated on street drug peddlers and dependents and still exclude what the public called the big fish in the illegal drug trade.

Why this suspicion? For example after Sen. Leila de Lima was accused of involvement in drug trade in Bilibid Prison and was put behind bars, the names of generals and big personalities listed in a book-style dossier that PDuterte dangled in the media briefings, nothing was heard of them. The latest of the many suspicions hounding the war on drugs, was the reinstatement of Criminal Investigation and Detection Group (CIDG) Region 8 chief Marvin Marcos, who was accused of involvement in the killing of Albuera Mayor Rolando Espinosa Sr., inside his detention cell. Marvin Marcos is known within PNP and is being accused of drug dealer Kerwin Espinosa as receiving drug money in exchange for protection for drug trade in Visayas Region. Marcos is close to PDuterte.

The government's accomplishment report was silent however, on the brutal killings within and outside the so-called legitimate police operations. Accompanying the campaign was the rise in vigilante killings that police simply put as deaths under investigation. It is estimated that number of victims could reach or even higher than 10,000 individuals, a big majority came from the residents of urban poor communities. Apart from these deaths, victims also include family members who have lost their fathers, brothers, mothers and husbands who provide for the family. This means that those who had been orphaned by the War on Drugs could reach to about 50,000, given a family of five members. Killings were done with precision and brutality, as gunshots were aimed at victims' head. Trauma had been deep, because they were carried out even in front of victims' children. Not all who had been killed were involved in drugs, like those in North Caloocan city (metro Manila); five (5) were innocent bystanders that government considered as collateral damage.

Looking at how the War on Drugs operate, CTUHR posits that contrary to the PNP-PDEA declaration of success, the War on Drugs is an utter failure, in

stopping the illegal trade as the campaign failed and continue to negate the root causes why the poor particularly resorts to peddling drugs in order to survive. Oplan Tokhang is a war on the poor, as it clearly focuses on ridding out the 'lowly' pushers and addicts while lenient on big drug lords, government officials or military officials, generals long been accused by President himself of involvement in the trade. On the other hand, the campaign is relentlessly pursued in the urban and rural poor communities. It is a failure because, even Department of Justice sec. Vitaliano Aguirre said that illegal drug operation inside the prison continues. He added that the *Special Action Forces (SAF)* assigned to watch that operations will not return is now watching for operations to continue. The police forces entangled in anomalous operations on the other hand were sent to Mindanao war torn areas, wherein Mindanaoans resist citing that Mindanao is not a dumping ground for graft-laden and corrupt state security forces.

Other than those mentioned, Oplan Tokhang was used by the police and military to harass human rights defenders and to suppress legitimate people's issues. For instance, Oplan Tokhang was used to arrest the seven (7) leaders from an urban poor community in San Jose Del Monte, Bulacan resisting threats of demolition following attempts of Bangko Sentral ng Pilipinas (BSP) to grab their land. [CTUHR 2017]. Thus, an SWS survey noted that 73% of the Filipinos are worried if not afraid to fall victim of extrajudicial killings even if they have nothing to do with illegal drugs.

On July 13, 2017, Francisco "Antet" Guevarra, 53, GUTS-PLDT union member and village chief of Barangay 106, Caloocan city was shot dead by 'motorcycle riding in tandem' in front of a fast food chain on his way home. Other union members of GUTS-PLDT, revealed that prior to the incident, the police had asked Guevarra several times to provide them a list of drug pushers and addicts in his barangay. However, knowing no one involved in illegal drugs within his jurisdiction, Guevarra was unable to provide a list, and thus the police placed him in drug list as 'drug protector'. Guevarra in turned went to the police station, talked to chief to clear his name, and when he was on his way home, he was killed. He sustained three gunshot wounds on his head, killing him instantly.

Having said that, it does not require superior intelligence to surmise that the government's declaration of success of its war on drugs is based not on its ability to wipe them out, but in murderous twin anti-drug operations by vigilantes and state security forces. The way the administration is going, it seems that it does not have any

intention to stop it, but actually exacerbated by Martial law declaration in Mindanao.

B. Continuing political killings amidst Peace Talks

Despite the iron-fisted governance, to this date, the Duterte administration can be credited for its desire to pursue the peace negotiation with the National Democratic Front, despite its ever changing and flip flopping statements. Paradoxically, the militarization and military bombings are continuing in Luzon (Abram Quezon) and Mindanao against the New People's Army (NPA) resulting in mass evacuation of affected communities, harassments and political killings under Oplan Kapayapaan or OK (Operation Plan Peace) – the administration counter-insurgency program. OK is no different from its predecessors except the name. KARAPATAN human rights alliance in its report noted that there are already 67 victims of political killings, excluding those killed after Martial was declared in Mindanao on May 23, 2017. Gen Delfin Lorenzana, himself, told the press, that Martial Law is actually directed against the NPA, and not only the Maute group,

It could be recalled that PDuterte met with *Moro National Liberation Front (MNLF)* Leader Nur Misuari last November 2016 in an attempt to continue the stalled peace talk during Aquino administration. PDuterte also met with *Moro Islamic Liberation Front (MILF)*, as he declared that he wants an inclusive *peace talk* especially in Mindanao. He often says that he wanted to end the decades-long war and rebellion that plague especially Mindanao. He contradicted himself when he declared Martial Law over the entire island despite the fact that the terrorist Maute group only operates in Marawi. The ongoing 'air strike' has already displaced 400,00 families from Marawi City, Lanao del Sur, at Lanao del Norte. About 1, 695 families from Datu Saudi Ampatuan, Maguindanao, Matanao, Davao del Sur, and Pres. Roxas, North Cotabato had also evacuated and crowding the evacuation centers. KARAPATAN also documented cases of extra *judicial killings* and *illegal arrest* among Moro.

Millions worth of properties were already destroyed, Marawi city now resembles like a war-torn city with smokes billowing from every corner of what is remaining. Until the time of this writing, the government seems no intention of stopping the air strikes; even tens of soldiers have also died. It cannot be

denied, that United States played and continue to play a big role in Marawi crisis. This was admitted and PDuterte himself and confirmed by the fact finding mission made by National Humanitarian Mission in Marawi conducted last 15-18,2017. There were witnesses and the Armed Forces also admitted that there are American soldiers on the field, assisting the military operations, though initially denied by PDuterte and the US. Delfin Lorenzana, Martial Law administrator Gen Eduardo Año of the AFP and Security Adviser Gen. Hermogenes Esperon, have key responsibilities behind the ML declaration and continuing aerial bombings in Marawi. PDuterte also acknowledged that these generals are loyal to the US having received their education and training from the US schools.

The atmosphere of senseless violence and state fascism has returned. It is very alarming that Duterte administration has taken this path, contrary to what he has promised. Whilst it is completely understandable that terrorism in Mindanao has to be fought at all fronts, it does not justify the Martial Law declaration all over Mindanao that gave rise to massive displacement and human rights violations. Moreover, the destruction of Marawi and mental conditioning that terrorism by various groups can extend to other parts of the country is also setting the condition for intensified militarization and planned ML extension. On July 23, the joint session of the Philippine Congress, voted in favor of extending Martial Law in Mindanao until December 31, 2017.

The militarist path of current administration is also reflected in what we call as militarization of bureaucracy. Retired military generals have been appointed to different cabinet positions despite protests and criticisms. **(Please refer to Table 1: list of Military persons in the cabinet)**. These generals like Gen Roy Cimatu, who replaced Sec Gina Lopez at the Department of Environment and Natural Resources (DENR) is notorious for his human rights violations.

II. **Dutertenomics- no different but still neoliberal program and policy that benefits the rich and foreign capital**

While the public's attention is glued on the bloody war on drugs and criminality, economic policies and programs of Duterte administration went full speed. Nothing has changed from the policies of the previous administrations, policies that are anchored on foreign investments and highly dependent on foreign loans as the main engines of growth.

Inside Duterteomics, PPP or public –private partnership, establishment of additional Special Economic Zones (SEZs) particularly in Mindanao, infrastructure development (Build, build build) that will facilitate business transactions, communications and movement of products, services and people within and outside the country. In other words, these are the same neoliberal policies, programs that benefitted the few and sink the majority deeper into hunger and poverty for decades. These are same policies that perpetually create unemployment, flexible and precarious work, policies that created all the things PDuterte promised to change.

The past administrations left the country bankrupt and the country's resources destroyed. So PDuterte's capital source to finance his project particularly infrastructure is foreign loan. It is estimated that Philippines foreign loans to China will reach to US\$ 8 trillion according to the Bangko Sentral ng Pilipinas (BSP) record, US\$ 8.7 billion from Japan for infrastructure and maritime and US\$ 1 billion from Korea for infrastructure too. Technocrats, big businessmen and the oligarchs called this as 'golden age of infrastructure.

This means that these loans from Japan, Korea and China will add to the current foreign debt that Philippines already incurred amounting to US\$ 77.7 billion as at June [BSP 2017] that takes a big budget allocation under automatic loan appropriation. In the meantime, the Duterte administration has already allotted Pup 6.2 billion (US\$124M) as loan payment this year. **[Refer to Chart 1. Philippine Foreign Debt]**

The Duterte administration also take Public Private Partnership (PPP) (foreign investors + local capitalists) as drivers of economic growth, much like in the past. Included in the PPP is the setting up of additional Special Economic Zones (SEZs) and encouraging investments for high value added crops (e.g. palm oil). The administration will also continue then Aquino's plan to reach 1 million hectares of land planted with oil palm, 100,000 has will cover ancestral lands of indigenous peoples of Palawan. It could be recalled that PDuterte visited Malaysia last November 26, 2016, he promised 80,000 has of land in Mindanao for oil palm plantation and protection to Malaysian investors. Indigenous communities vigorously resisted these and farmers wherein three (3) of their leaders were extrajudicially killed Paquibato District, Davao alone. He also blamed the NPA for delaying this project. At present, there are about 500,000 hectares of land in Mindanao that are controlled by TNC-owned pineapple, banana and rubber plantations of Dole, Del Monte, SUMIFRU at Sime Darby. [REAP briefer, 2015, DT, May 2017]

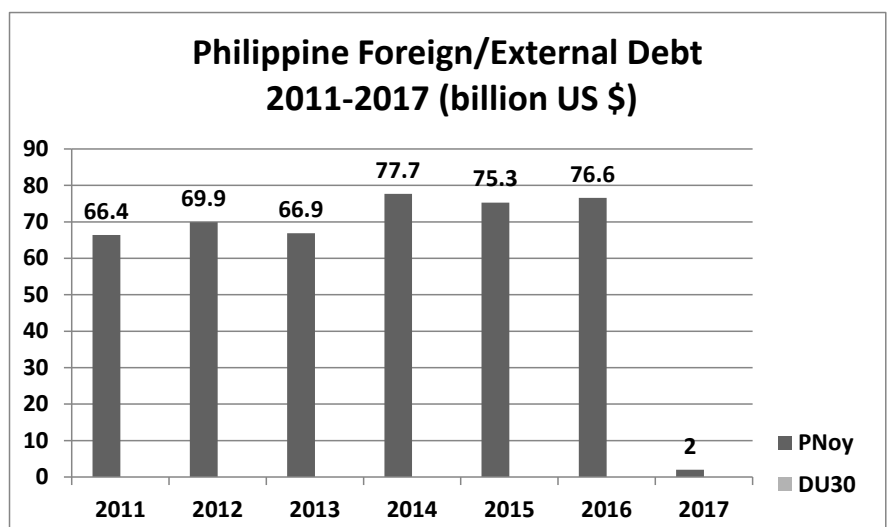
PDuterte's resolve to stop destructive mining operations was then steadfast. He in fact appointed Gina Lopez as Secretary of Department of Environment and Natural Resources (DENR). But he wavered, when Lopez started cancelling the 75 Mineral Production Sharing Agreements (MPSA) or mining permits and her intention to shut down 28 mining firms. The Committee on Appointment did not confirmed Lopez and she was replaced by Gen. Roy Cimatu, whose only qualification was his tree planting experience when he was in primary school. Cimatu has a bloody trail of human rights record, and soon after he took office, he reversed all the rulings that Lopez issued. He also reverted back the authority to local government in issuing permit to operate to mining companies, which were proven corruption ridden. Meanwhile, PEZA announced that 29 additional SEZs are ready for approval, majority are in Mindanao. It is also targeting another 100 more. PEZA will also establish industry specific economic enclaves like 'defense and tourism' or industrial defense complex in Palawan and Zambalez. SEZs have always been notorious for its anti-worker and anti-union policies and practices. Security is guaranteed by the state to all locators or investors to protect their investments.

Job Crisis: No new jobs created

The Philippine Statistics Authority estimates that about 43.2 million Filipinos are in the labor force or what it calls as labor *participation*. The overseas Filipino workers OFWs are excluded from the labor force in the Philippines. **(Chart2. Employment Situation in the Philippines)**

Dissecting the data, it is apparent that while the labor participation rate is increasing, it does not reduce but rather also increases the unemployment in the country. Even official statistics notes that the number of jobless increased by 6.6% in January of 2017. Other research survey averred, that there are actually additional three (3) million

Chart1: Philippine foreign debt



Military persons in the cabinet of PDuterte (Source: Inquirer)	
NAME	POSITION
Gen. Hermogenes Esperon	National Security Adviser
(Gen. Eduardo Ano (current AFP Chief of staff	Incoming Secretary, DILG
Gen. Roy Cimatu	Secretary, DENR
Gen Delfin Lorenzana	Secretary, Dept of Defense
Brig. Gen. Ricardo Jalad	National Disaster Risk Reduction and Management Council chief
Gen Ricardo Visaya (former 69th IB Commander sa (panahon ni Palparan sa CL	National Irrigation Administration
(Nicanor Faeldon (dating Marine captain	Customs Commissioner
(Alexander Balutan (retired major general	PCSO General Manager
(Jason Aqu Army (retired Army major	NFA Administrator

TABLE 1 LIST OF MILITARY PERSONS IN THE CABINET OF PDUTERTE

more who joined the previously unemployed which by the end of 2016 reached 11.2M [SWS, Ibon, Jan. 2017] **(Chart3. Unemployment Rate in the Philippines).**

This July 2017, the administration reported that unemployment eased a bit at 5.8% or 1 of 17 workers is *unemployed*. The official data is deceptive as the unemployment estimates do not include Region 8 or Samar and Leyte after typhoon Yolanda devastated the region in 2013, but they are included in accounting the labor force. In this manner, PSA is able to statistically reduce the number of jobless while seemingly raising the number of employed. There are more jobless men than women, followed by the youth. One of the obvious reasons why women employment seems higher than men, they have been counted as employed, but included in the unpaid family labor. This means that it does not make any difference in the women’s income.

Having said the above, it only shows that big infrastructure projects as well as ballooning foreign debt do not make a dent in slashing the unemployment. Again, this is not surprising, because Dutertenomics is simply continuing of the economic policies and program of the past administrations but tipping more heavily towards big foreign capitalists and loans. It has been proven many times that same neoliberal policies implemented in the past are only engendering jobless growth. **(Chart3: Philippine Unemployment Rate)**

There are new jobs generated, on the contrary, millions of workers are

continually displaced from contractualization, closures and other reasons. This does not preclude that many jobs are temporary in nature. Another SWS survey on May 2017 revealed that 8.6% or equivalent to 3.9 million adults lost their jobs involuntarily. The underemployment rate reached as high as 16.1% or more than 11 million workers. Tens of thousands of public sector workers like in the Bureau of Immigration, and in the health sector are likely to lose their jobs due to the planned rightsizing of the bureaucracy allegedly to ensure efficiency.

Intensifying attacks against the rights at work

Duterte's first year in office did not see any change in the employment situation despite claim of increase in the number of employed as reflected in the statistics released by PSA. Official data estimates that 94.1 percent of 43.2 million labor force or almost 40 million Filipinos are employed as of April

2017. This is one percent higher than January 2017, but seven (7) millions are still lacking of jobs.

Amongst the employed, wage and salary workers comprise 62.1 % followed by self-employed at 27.2 % and remaining are from informal sector accor-

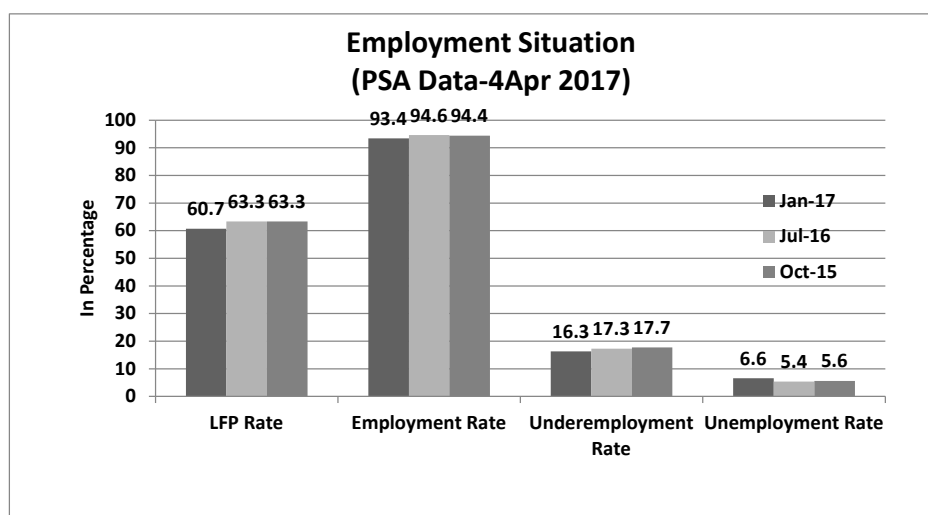


Chart2: Employment Situation in the Philippines

ding to the data. **(See Chart 4: Employed Workers by class of Workers)**

If the report of World Bank (WB, 2016), itself one the principal architects of Philippines' economic framework that saw the country's economy bankrupt, is to use as basis an estimated 75 percent of those with jobs are informally employed. They are employed workers but whose income is insufficient to support a quality life and with lesser chance to be gainfully employed. The same report states that only 15 percent of those with jobs are formally employed, while 33 percent are in the informal sector, 35 percent are self-employed and 18 percent are unpaid family

workers. Consequently, in work poverty amongst workers remains at alarming rate.

The truth about employment condition is also reflected where employment is found. More than half of the workers employed (57.1%) are found in the service sectors. A big majority of them are engaged in selling or in retail business, mostly in the automobile and motorcycle repair shops. These (motor vehicle repair) jobs were not only unstable but also vulnerable to job losses especially in time of worsening crisis and oil price at world market surges where people tend to avoid using their own vehicles.

As regards unpaid family work, women account for 84% of unpaid workers, found mostly in domestic work, involved in childcare, elderly or sick (care work). Employment in agriculture sector only accounts for 25.5% even though Philip-

pines remains agricultural, while industries account for 17.1%, and the remaining are self-employed. **(See Chart5: Employment Distribution in the Philippines)**

This nature of employment however cannot be solely attributed to Duterteconomics. The

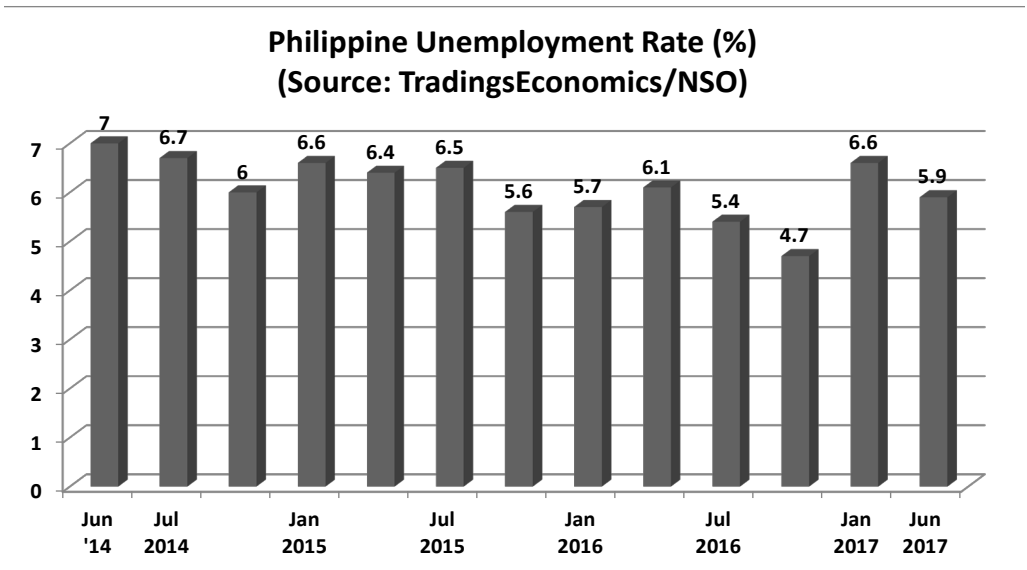


Chart 3. Philippine Unemployment Rate

decades of neoliberalism embraced and implemented by the previous regimes birth to perennial unemployment and labor flexibilization that exacerbate the inequality between the poor and rich. President Duterte knew this from the beginning and that's why he promise to uplift the from poverty, to give workers the same wage national and to end all forms of oppression instigated by the oligarchs. But he himself shot down his own promises, when he embraced the same neoliberal policies and programs that his predecessors implemented. He flipped flop on his position regarding ending contractualization and later argued that it is impossible to totally eradicate it.

As PDuterte assumed office, capitalists escalate their attacks on workers' rights particularly on rights to job security and to pay minimum wage,

their in-house agencies cut short all the long overdue contracts and terminate their workers en masse. Others announced that they are no longer renewing contracts, and contractual workers found themselves jobless.

WHO ARE THE UNEMPLOYED IN THE PHILIPPINES	
69.6%	MALES
44.1%	BETWEEN 15-24 YEARS OLD
29.6%	AGED 25-34 YEARS OLD
16.9%	GRADUATED FROM COLLEGE
31.1%	COMPLETED HIGH SCHOOL

TABLE 2: UNEMPLOYED IN THE PHILIPPINES PSA, APRIL 4, 2017

CTUHR for instance, documented 154 cases of violation of rights at work involving 43,894 workers in areas within CTUHR monitoring, (with cases filed at DOLE) which is also quite limited. This does not include other areas where everyday complaints are filed at DOLE, National Conciliation and Mediation Board Single Entry Assistance Desk (NCMB, SENA) and National Labor Relations Commission (NLRC) that are far more numerous than we are able to document.

Precarious work, deceptive legalization of flexible (contractual) work

The most glaring form of attacks against labor rights under this administration is the violation of the workers’ rights to security of tenure expressed through various forms, types, extent and breadth of contractualization. It could be recalled that during 2016 national election, PDuterte’s promise to end all forms of contractualization, earned him the biggest support of the workers, and was a key

factor in catapulting him to power. The workers expected him to deliver this promise to change the worsening capitalists exploitation in their midst. PDuterte nonetheless, reneged on his promise and instead pass the responsibility to DOLE, which institutionalized than end the scheme, and then

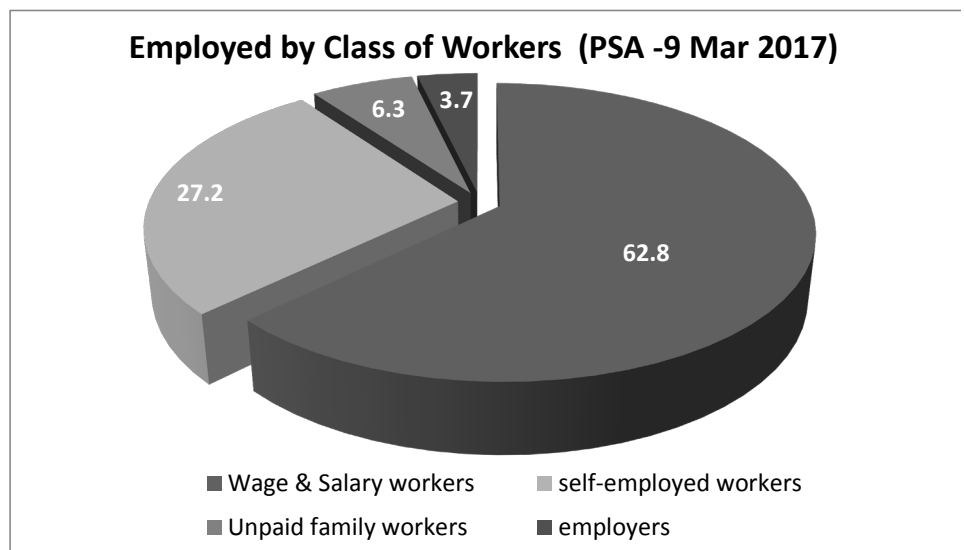


CHART 4: EMPLOYED WORKERS BY CLASS OF WORKERS

again handed the responsibility to Philippine Congress to amend that law that will ending all forms of contractualization.

In factories monitored by CTUHR, the workers remain in contractual status even after several years of service. For example, not only contractualization is pervasive in SM chain of malls but several

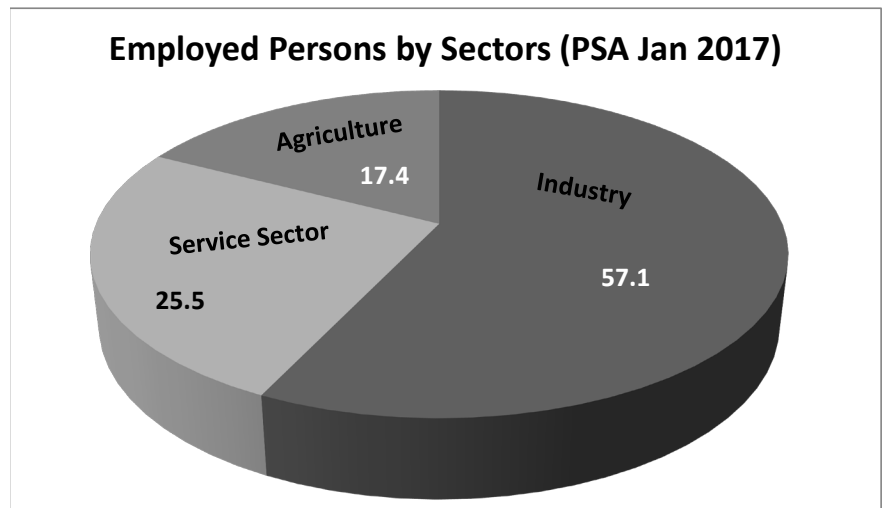


Chart5: Employment Distribution in the Philippines

times pervasive in SEZ (Special Economic Zones). In electronics and semi-conductors industry for example, 70-75% of the estimated 300,000 direct workers are contractuels hired either directly or through manpower agencies. In addition, the extensive use of On-Job-Trainees (OJTs), students from vocational school students or new entrants to the production force are used as flexible workers, paid at legally 75% minimum wage even in reality, they are not students. This is exemplified by practices of Mitsumi Cebu Inc. in Danao, Cebu- the largest electronic and semi-conductors multinational corporation in the country. There are estimated 30,000 workers in this factory, mostly women and also several thousands OJTs hired through the Cebu Technological University (CTU). Mitsumi manufactures and supplies parts for Samsung, Oppo Camera, iPhone and Sony Xperia. The same exploitative situation besets the other semiconductor companies in economic enclaves like in the case of Nippon Denso Corp. or NIDEC Philippines, NIDEC-Laguna and NIDEC –Subic that manufacture spindle motor for Toshiba laptop computers. [CTUHR Research, 2016] In NXP semiconductor, more than 1,000 workers who have served the company for several years also remain contractual.

Transnational corporations (tncs), regardless of industries are notorious for using manpower agencies to perpetuate contractualization. they are able to cut costs on wages and benefits and to shrink the regular workers who are legally allowed to organize, thus effectively restrict trade union organizing. in pepsi cola- muntinlupa for example, there are 1,168 contractual workers under eight (8) manpower agencies while there are only 300 regular workers. In Coca-Cola Corp there are 2,000 contractuels under in-house agencies. So-called contractual workers organized themselves

and and filed a complaints against the company to promote them into permanent status. They won the case and DOLE ordered that workers having worked for the company for several years even under the in-house agencies should be considered direct employees of Coca-Cola and not the agency. Up till now, the workers are yet to enjoy the implementation of such order. [CTUHR Documentation, 2017]

Labor-only contracting (LOC), an illegal practice, is also rampant in Sun Logistics, US-owned Proctor and Gamble, Gardenia, and Japanese-owned companies Takajata, Fuji, Nissin, Sagara Metro Plastic, and Yazaki-Torres in Laguna and Cavite as well as Robina Farm in Rizal. Call for regularization also prompted the first workers' strike staged under PDuterte regime, in Soro-Soro Ibaba Development Cooperative (SIDC) at Soro-soro, Batangas City on July 2016. Workers also demanded the refund of excessive deduction and compliance to mandatory benefits including social security (SSS), Philhealth and PAGIBIG (housing).

The existence of LOCs is not isolated in the industries, but also rampant in mining, agriculture and plantation owned by big foreign monopoly-capitalist or transnational corporation (TNCs).

US-owned Del Monte Food Corp- one of the largest companies in Mindanao is also implementing LOC, through the use of labor cooperatives (similar to labor agencies) that employ an estimated 4,200 workers. Other companies are also engaged in illegal practice of labor only contracting,, like in Nestle Corp-Cagayan de Oro, where- in 942 workers are under Cofipac labor agencies like Asia Pro; Shin Sun Corp – a Korea owned company- plantation workers are hired under ECQ Manpower Agency.

However, the Department of Labor and Employment (DOLE) responded to the call for an end to contractualization through a draft DO 168 which immediately gathered criticisms and condemnation. Then it replaced with Department Order 174 (DO 174-2017) on March 2017. Thus, with the passage of Department of Labor and Employment Order or DO 174, the painful joke amongst workers that they are 'regular contractuels' or regular in agency instead of the principal has turned into a legal reality. It also reaffirms the administration's bias towards the interests of businessmen and capitalists, both local and foreign come first over the interests of the workers.

This new law is in fact more deceptive than the previous DO 18-A that was also under attack by various labor groups, due to the following reasons:

- It legalizes contractualization and legally removed the accountability of the principal employer to its workers, while passing the responsibility to the agencies even if the latter have no direct relationship with the company's operation and production process.
- It legalizes the long-existing practice wherein workers are deemed regular under service providers or manpower agencies but stripped of their right to receive long service benefits.
- It further obscures the employee-employer relationship, which is fundamental legal requisite in union organizing and collective bargaining in an enterprise. It further alienates the workers from the actual services they provide or products they produce thus, it becomes more difficult to identify the relationship between the services/products and the workers.
- The fundamental right of the workers to organize a union and to have a collective bargaining agreement becomes co-terminus with the contract.
- It does not address the other forms of contractualization. For example, workers who are directly hired by the company under successive contracts but remains as contractual or casual. DO 174 is also silent on seasonal, project-based, job-contracting, on-call and back-up working status.
- DO 174 simply change the 'Endo' mechanism by increasing the required capital for manpower agencies to be recognized as legitimate. It only reiterated the illegality of labor-only contracting which has always been an illegal practice but persist and widely tolerated.

This law allows project-based workers and excludes the Business Process Outsourcing (BPOs). This is very problematic because in the case of BPOs, all "accounts" are considered project-based, have a definite timeframe and different clients. BPO employees constantly face the risk of losing their jobs when the client backs out or terminates the project as they wish. Currently, there are more than 1 million workers in this industry.

A few months after the issuance of DO 174-2017, DOLE took pride in announcing that they have regularized 70,000 contractual workers. They did not say where in the country and from which company, though. Whilst this is a positive development, this number is far from the 70-75% of employed workers who are under flexible labor conditions.

Getting some answers to the questions where and which company, workers from Surigao averred that the announcement is hardly believable. The said, an example is the Marc Ventures Mining Development Corp. (MMDC) in Carascal, Surigao del Sur wherein DOLE suggested that 1,350 workers should be considered regular, in addition to the 263 regular workers, after they have inspected the mining company. However, instead of regularization, MMDC filed 9 workers including the union president. This is actual one of the issues they brought during the Manilakbayan (Long journey to Manila) and camp-out in front of DOLE office in Manila last July 12. [CTUHR interview, Manilakbayan, 2017].

Many workers and labor groups also asked whether the 70,000 workers are regular under the principal employer or under the manpower agencies and whether or not the regularization is implemented as a result of labor inspections.

The workers scale up their challenge to the President, junk the DO 174-2017 and issue an Executive Order that will prohibit all forms of contractualization as promised. PDuterte has more than enough time to heed the demand of the workers and the people, while the frustration and disgusts are not yet deep-seated. He has all the power to achieve this if he has the political will to do so.

Failure to implement a national minimum wage

Accompanying Duterte's promise to end the Endo system was a promise to implement a national minimum wage to abolish the varying workers' wages different. He said that it is important to have a national minimum wage so that the workers outside Metro Manila will not be in a disadvantageous position. **(Table3: National minimum wage)**

However, no nationwide wage hike happened even in his first May 1, International Labor Day. Among the regions, only Central Luzon was granted with a Php16.00 increase in daily wage, which is not even enough to buy ½ kilo of rice. With meager wages, workers continue to struggle to cope with increasing commodity prices.

Apart from wage freeze, the administration also fails to act on arresting the widespread violation of the minimum wage implementation. Many employers continue to pay their workers below the prescribed minimum wage.

The study and continuous monitoring of CTUHR in Valenzuela City, (Metro Manila)



reveals that more than half (66.6%) of wage and salary workers in the city are paid below the minimum wage (Php491/day or US\$9.82), while 64.2% are forced to work for more than 8 hours a day. In Punturin, Valenzuela city, 85% of the workers earn less than the minimum wage. (E.g. P400-481 or US\$8.00-\$9.62 for 12 hour-work.), a common practice in the area. Workers under the “pakyawan” (piece-rate) system are in worse conditions. New entrants to production only earn as low as Php150.00 (US\$3.00) for 12 hours, as they are slower compared with others, especially if they are assigned as “repackers”. The condition of “pahinante” or delivery cum hauling workers is no better. They only earn an average of Php350.00 (\$7.00) for 12-hour work.

Workers in the agriculture and mining sector in the countryside are paid much lower and in more precarious condition. For example, Enrico Surigao, 53, and work as a watchman in Adnama Mining Resources Incorporated (AMRI) for 9 years remain as contractual worker. He was directly employed by AMRI, though. AMRI employs about 1,000 workers but none is a regular worker. They are only paid Php268.00 (\$5.36) for 8-12 hour - work way below the Php280/8 hours (\$5.60/8hours) mandated minimum wage of the region.

FIGURE 1: VIOLATION OF THE RIGHT TO SECURITY OF TENURE

Labor trafficking in the agriculture sector

Agricultural workers who are victims of labor trafficking are in worst conditions. The case of sacadas (sugar workers) recruited from different parts of Mindanao to work during the “kabyaw” or the milling season in Hacienda Luisita is an example.

They were goaded to work by the Greenhand Labor Service Cooperative with promise that they will get Php450.00/day (\$9.00/day) and will be given the mandatory benefits (Social Security, health insurance, and housing), free board and lodging and a signing bonus of Php5,000.00 (\$100). However, an entirely different condition in Hacienda Luisita, Tarlac greeted them when they arrived. They were only paid Php5.47 – Php128.31 (\$0.11-\$2.57) per day after several deductions that the agency did not explain.

They were placed in a cramped and dirty bunkhouse in Brgy. Mapalacsiao, Tarlac, locked inside after working hours guarded by armed men. When they cannot go back to the bunkhouse on time because of extended work hours, they are asked to set up makeshift sleeping areas inside the sugarcane plantation to spend their night.

On December 2016, the sacadas were rescued by the Unyon ng Manggagawa sa Agrikultura (UMA) or Federation of Agricultural Workers who helped them, so they can go back to their provinces. They also filed a case against Greenhand Labor Service and the Hacienda Luisita Inc.

Continuing repression of workers’ right to organize freely

As Duterte administration failed to end contractualization, it also failed to provide even a reprieve in attacks on trade union rights. The pervasive flexibilization of labor continues, it also continues to undermine the trade union movement. This is evident in the persistent decline in the number of unionized workers, even more evident in the unionized workers covered by the Collective Bargaining Agreement (CBA). Out of 22.41 million salaried workers for example, a mere 8.7% or 1.95 million workers are organized into unions and associations. The existing unions are also fragmented by different political persuasions, which for many add to the multi-faceted workers’ concerns.

While the workers condition has gone from bad to worst, sudden or perenni-

Table 1. Nominal and Real Wage*, Agricultural and Non-Agricultural, by Region, Dec. 2016

(100 = 2006)

Region	CPI	PPP ^a	Agriculture-Plantation		Agriculture Non-Plan-tation		Non-Agriculture		Wage Erosion (% in)
			Nominal Wage	Real Wage ^b	Nominal Wage	Real Wage	Nominal Wage	Real Wage	
NCR	135.8	0.7364	454	334.32	454	334.32	491	361.56	26
CAR	144.2	0.6935	285	197.64	285	197.64	285	197.64	31
I	138.2	0.7236	252	182.34	243	175.83	280	202.6	28
II	152.6	0.6553	280	183.49	280	183.49	300	196.59	34
III	148.5	0.6734	334	224.92	318	214.14	364	245.12	33
IV-A	142.7	0.7008	353.5	247.72	333.5	233.71	378.5	265.24	30
IV-B	148.9	0.6716	235	157.82	235	157.82	285	191.4	33
V	150.1	0.6662	248	165.22	248	165.22	265	176.55	33
VI	154.6	0.6468	266.5	172.38	256.5	165.91	298.5	193.08	35
VII	149.9	0.6671	335	223.48	335	223.48	353	235.49	33
VIII	156.2	0.6402	241	154.29	235	150.45	260	166.45	36
IX	159.6	0.6266	271	169.8	251	157.27	296	185.46	37
X	156.8	0.6378	306	195.15	306	195.15	318	202.81	36
XI	155.8	0.6418	307	197.05	307	197.05	317	203.47	36
XII	156.1	0.6406	272	174.25	272	174.25	295	188.98	36
XIII	164.2	0.6090	280	170.52	280	170.52	280	170.52	39
ARMM	163.5	0.6116	255	155.96	255	155.96	265	162.08	39

TABLE 3: NATIONAL MINIMUM WAGE

al unemployment deter workers to act. Management retaliatory actions equated from job dismissals on one hand and the workers' fear of losing their jobs, hinder workers to organize and even complain against rights violations. For example, more than 300 workers and union members in Clar-

ence T. Pimentel Mining and Construction Corp (CTPMCC) in Surigao del Sur (Mindanao) were summarily dismissed from their jobs this year, 2017 exploiting the threat of then DENR Sec. Gina Lopez that non-compliant company will be shut down. CTPMCC was one of those companies and the management found it an opportunity to fire the union members while continuing the operations with contractual workers. Some union officers, including the union president were also fired in Marcventures Mining and Development Corp (MMDC) from the same province citing the same reason.

Manpower agencies played a key role in restricting the growth of unionism. They continue to prohibit the workers from forming or even relating with unions, often as precondition for con

tinuous employment. In special economic zones (SEZs), it is no secret that the supervisor or the foreign manager directly warns the workers against forming unions.

The Department of Labor and Employment (DOLE), despite the hype against agencies that do not comply with the law has done nothing significant, to address the companies violation of the workers' right to organize. Even their billboards that discuss labor rights, are silent about the right to freedom of association, and instead focused on violations of labor standards that have monetary compensation. This is also not surprising as for decades, DOLE has largely represented the interests of the capitalists or the employers particularly when it comes to union formation.

Number of workplace deaths and accidents escalate

Except for the bill imposing heavy penalties on violators of OSH standard, which passed at the House of Representatives, nothing has changed positively in occupational safety and health (OSH) last year. In fact, there were more

VIOLATION OF THE RIGHT TO RECEIVE FAIR WAGES

WORKERS	INCIDENTS	
23	15,901	UNDERPAYMENT OF WAGES
3	481	NON-DELAYED PAYMENT OF WAGES
12	7,760	VIOLATION OF THE RIGHT TO RECEIVE MANDATORY BENEFITS

FEATURE 2: VIOLATION OF THE RIGHT TO RECEIVE FAIR WAGESCTUHR DOCUMENTATION JULY 1, 2016-JUNE 30, 2017

violations of OSH standards resulting to multiple deaths. Similarly, those violations exposed further the differences and conflicts between and amongst government units, finger pointing on who should be accountable when accidents occur.

In initial data gathered by CTUHR, 35 workers died in eight (8) cases recorded. On September 3, 2016, three (3) workers were killed and 43 others injured in work accidents in Hanjin Shipyard Subic Zambales. This was followed by another death on December 2016.

This number does not include the more than 700 workers, mostly contractuales who were unaccounted in the biggest fire that gutted the House Technology Industries (HTI) in Cavite Export Processing Zone (CEPZ) in Rosario, Cavite. Prior to this, 10 workers were also burned to death following an explosion in an LPG refilling store in Pasig.

On June 2, a gunman who entered Resort World Manila (RWM) in Pasay city, indiscriminately fired and started burning rags and furniture at the hotel. Forty (40) employees and guests died inside after they were suffocated inside a room they were confined. In the investigation, it was revealed that RWM—registered under the Special Economic Zone Authority, had no proper fire exits, clear signages and fire sprinklers were not functioning. Thirteen (13) out of 40 who died were hotel employees.

These twin workplace fires remind of the industrial fire at Kentex Manufacturing in Valenzuela city in 2015 that claimed 72 lives, which until today have not given justice.

Three (3) of the documented cases of workplace worst fires occurred in the establishments under the control of Philippine Economic Zone Authority (PEZA), Department of Trade and Industry. What was evident in those fire tragedies except those who died, was a clear pattern where PEZA exercised absolute control over those enterprises away or isolated from the prying eyes of other government units such as the Department of Labor and Employment (DOLE), Bureau of Fire Protection (BFP). Even under these circumstances, the latter had to get the PEZA permission before effecting any inspection or response. In the case of HTI for instance, DOLE and BFP were not immediately allowed inside CEPZ, including DOLE Undersecretary Joel Maglunsod. For many years, such 'autonomy' enjoyed and asserted by PEZA resulted in the absence of transparency of the nature, safety of factories inside the special economic zones wherein PEZA prioritizes the protection of capitalists and investors interests over workers' rights. Thus this arro-

gance has prompted a snowballing public calls to review towards dismantling of PEZA, particularly in a condition where anyone, including a mall or a simply a vacant building for lease can register itself under PEZA to avail of the privileges it offers to locators.

Under Duterte's first year, if there is a positive step under OSH, it is the passage of HB 164 at the House of Representatives of Philippine Congress. The Senate has already drafted its counterpart and the administration noted that this is one of the priority bills that the Presidents want signed into law.

Under HB 164, company owners or capitalists found guilty of violating OSH standards will be penalized by paying damages and imprisonment for every worker died of capitalists' negligence.

Apart from negligence on the work safety, the administration also has to contend with addressing the pervasive practice by capitalists of asking their workers excessively, i.e. forcibly requiring workers to work beyond eight (8) hours with less or without day off. Research conducted by the Philippine Statistics Authority (PSA) notes that excessive work kills. Sen. Grace Poe also underscores that excessive work could also be the possible reason for the many accidents at work as well as the sharp reduction of quality of life itself. Forcing workers beyond the normal eight hours also take their time to rest and are with their family.

Discrimination against women workers remains pervasive

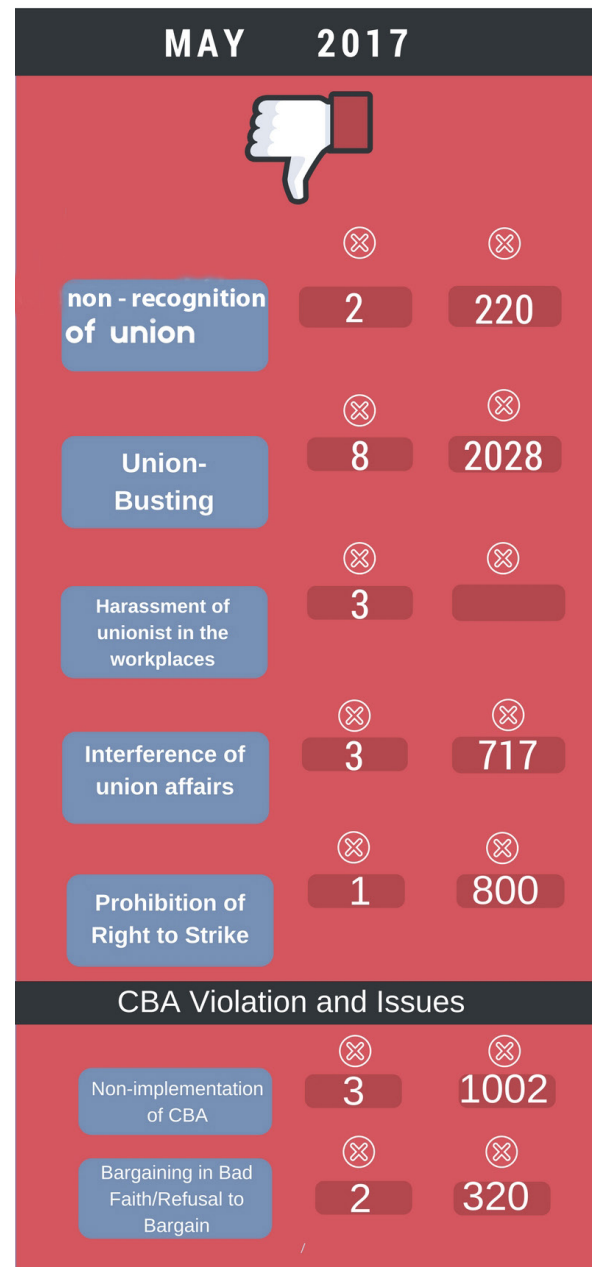
Labor participation of women workers remains low. According to 2016 Gender Labor Statistics, BLES, women labor participants only stand at 50.1% compared with 77.3% for male workers. Data released by PSA on March 2017, 2.5 out of five (5) women are not included in the labor force compared with only (1) for every five (5) males. Apart from low participation in labor, women workers considered as employed are mostly concentrated in work that are regarded as unpaid labor or work that does not equivalent income. In fact, 4.2 million or four (4) out of seven (7) (58%) unpaid family workers are women. Unpaid family workers are family members who are working on a farm or a family business for free. Amongst the women as unpaid family workers, 2/3 or 66.8% are considered un-

skilled workers. Many (28.6%) can be found in small retail stores or in market, compared with only 19.4% males. By nature of jobs, women do have opportunity to develop their skills or new knowledge, that can be useful in finding more quality jobs or simply to develop themselves. These are not the only questionable when it comes to so-called women’s employment. Women’s jobs at home such as child care, care for the elderly and the sick and other household chores which are all physically, emotionally and mentally demanding are still considered unskilled. All these require a different kind of capacity before one can ably handle or survive their works. Such attribution is in fact discriminatory against women.

In the industry and factories, condition of women workers continue to deteriorate as they become more vulnerable to different forms discrimination like lower wages, unsafe, precarious, violence and flexible employment schemes. A study conducted by CTUHR in Valenzuela in 2016, revealed a modern or contemporary slavery where women are subjected into, many of whom entered into their jobs through manpower agencies. Most of the jobs assigned to women are those paid by piece rate like repacker, butcher etc. They are asked to work 12 hours in order to earn Php 250-Php 400 (US\$5.00-US\$ 8.00) per

12 hr-day. For a new entrant to the job, she can only take Php 150 (US\$3.00) a week. Most often, they do not have a day off and do not receive any benefit.

Violation of the Right to Freedom of Association and Collective Bargaining (May 2017)



FEATURE 3: VIOLATION OF THE RIGHT TO FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING CTUHR Documentation, July 1,2016-May 2017

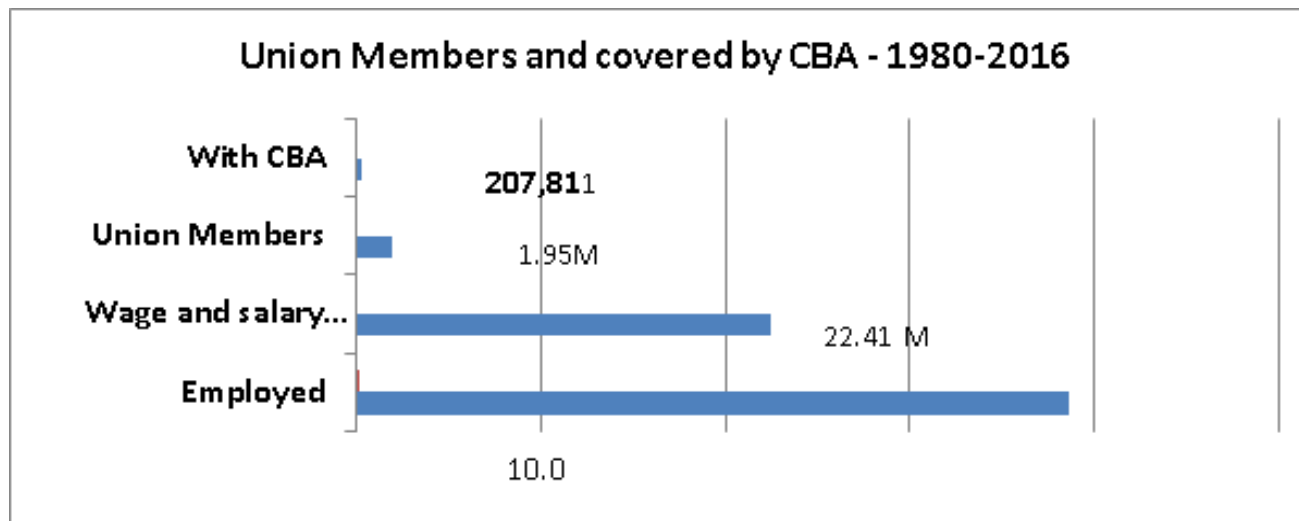


CHART 6: UNION MEMBERS AND COVERED BY CBA 1980-2016

At WL Foods for instance, there are workers who have been in company for 26 years and only earned Php471 (US\$9.00), for 12 hour-work, still below the Php 491 (US\$9.44) for an 8-hour/day work. Unequal wage between male and female worker still exists, for no reason except being female.

While substantial changes remain elusive, women became more vulnerable to sexual violence, deception, illegal recruitment, sexual harassment and prostitution.

Until today, sexual abuses against workers, women and LGBTs are pervasive. Nine (9) out of 10 cases of sexual abuses against workers are committed against women. A former employee of the Business Process Outsourcing (BPO) reported to CTUHR that women employees particularly the new entrants or newly-hired have experienced sexual abuses ranging from malicious and intrusive touching of women's body, discrimination on the bases of clothes they wear and verbal abuse due to sexual preferences or orientations.

She noted that there were complaints filed at the company grievance system, but they were slow and progress is hardly seen. If complaints come from contractual workers, often the decision tips in favor of the management or regular employee allegedly because regular employee stayed longer in the company or can serve better the industry.

Though a law exists like the Republic Act 7877 or Anti Sexual Harassment Act of 1995, it has done very little in protecting women workers from sexual abuses particularly when they are contractual or flexible workers. The restriction on the right to organize or right to freedom of association also continues

to hamper women from seeking protection of the trade union. Often, they chose to keep silent in fear of losing their jobs regardless of how difficult their situation is.

The women's low labor participation rate is also reflected in their low participation in trade unions. Again, in a PSA study from 1995-2014 released on June 2017, union density for male workers is higher than women, though there is a downward trend for trade union participation amongst workers. For example, from 32.5% of union density rate for male workers in 1995, it decreases to 8.2% in 2014. For women, from 27.0% in 1995, it decreases to 6.8% in 2014.

As regards benefits, President Duterte promised to give women a longer maternity leave, but until now, no legislation has been passed. Neither it has been declared as priority by the administration. Maternity leave in the country remains at 60-72 days, way below the minimum 98 days prescribed by the International Labor Organization (ILO) to enable the mother to recover from child birth and nurture the infant.

Band-aid solution on the OFW woes, failure to implement the promised optional and not a necessity' migration

The Filipino migrants embraced the President's promise to lift the lives of every OFW by developing the industry that will create local jobs, work for clemency of detained OFWs, providing assistance to migrant returnees including livelihood program, financial assistance and creation of Department of OFW to hear all forms of complaints and problems besetting OFWs.

The President actually show his concerns for OFWs when he sent DOLE Secretary Silvestre Bello and other DSWD representatives to Saudi Arabia to look into the situation of 10,000 stranded workers that Aquino administration left unattended. Horrendous stories of survival in Saudi Arabia were told and retold, Filipinos resorting to selling internal organs and blood, while women sell themselves. DOLE's visit in reality, had repatriated only 3,000 of the stranded. The government alleged that other workers have moved to another jobs or that problems has been resolved now, and until the time of this writing no new batch of repatriated OFW is in the offing.

Women migrants suffer doubly hard. Migrante International notes in its data, that the number of women victims of various forms of exploitation

has increased since 2014. In fact, in 174 repatriation cases that they have handled, 138 or 80% are women. At present, 100 OFWs are in death row while 9,000 are detained in different countries. This figure is higher compared with the data gathered by the Department of Foreign Affairs, where it says that 81 are in death row, and 31 are slapped with death penalty in Saudi Arabia alone. The question now, what is the government doing with this situation?

This year 2017, Jakatia Pawa, an OFW from Kuwait was reportedly hanged. She worked as a domestic worker in Kuwait since 2002 and was detained in 2007 allegedly for murdering the child of her employer. She vehemently denied the accusation and there was no concrete evidence linking her to the crime, but still she was sentenced to death.

OFWs are also often beset with threat of massive retrenchment particularly in Middle East as the latter becomes vulnerable to dropping oil prices and war raging in the area.

Despite this situation, the number of Filipinos leaving the country remains unchanged. Towards the end of the Aquino administration for instance, about 6,500 Filipinos leave the country everyday. The number is the same as today. Currently, there are estimated 51.1% of 11.7M Filipinos working overseas who are women.

Housing Crisis exposed and the victorious

Urban Poor 'Occupy Bulacan'

One of the first orders of Presidency by PDuterte for the poor was 'no relocation, no demolition policy.' He also promised free housing for calamity victims and for the poor. Looking at the policies and program of his administration, it is not difficult that they run in contrary with the promises.

Demolition target hundreds of communities

Hundreds of urban poor communities are on the risk of getting demolished as an offshoot of implementing Ambisyon Natin 2040 (Our Ambition 2040) or the Philippine Development Plan 2017-2022. The Duterte administration development is largely focused on building infrastructures – Build, Build, Build projects—that are seen to benefit more investors like more roads, bridges, malls and high rise condominiums

which in the past have driven evictions. The administration is oblivious on what to do with the affected communities as housing programs are confined to police and military.

Even the so-called train system rehabilitation, capitalists are to gain more. Under the guise of travel comfort, the long-delayed plan to build a common station to link LRT1 and MRT3 has been exploited by big real estate and malls capitalists, the Ayalas of Ayala Malls and Henry Sy's SM chain of malls to evict the surrounding urban poor communities. Neither relocation nor assistance were provided to communities while they were driven to stay on the streets or constricted to fenced-area while construction is ongoing.

It was not surprising therefore that on March 8, 2017, more than 5,000 members of Kalipunan ng Damayang Mahihirap (Kadamay) occupied the government *housing projects* in Pandi, Bulacan left idle by the Aquino government for almost six years. In six (6) housing site that KADAMAY members occupied, two were allocated for uniformed rank and file personnel (police and military) while the four (4) were supposedly allotted for the urban poor evicted from various communities. It could be recalled that in 2013, the housing units were awarded to the target beneficiaries. However, it is apparent that out of 57,500 housing units, , 73% were awarded but only 8% were occupied. The houses are small (more than 20sqm), made of substandard materials, no access to water, electricity and other basic services. A reason why even policemen beneficiaries do not have interest to stay in the houses. They noted that units are too small for a small family apart from being far from their jobs. The urban poor move, touted as `Occupy Bulacan' solicited varied reactions, exposing the serious housing crisis that even legislators recognize as a real problem in the country.

The rich and capitalists and even many government officials condemned the movement. Some of them said, the urban poor were robbers, stealing some other properties. President Duterte and the Philippine National Police and military threatened to drop bombs in the mass of people. The urban poor stood their ground, earning respects and inspiring many inside and outside the country. Support to the movement poured in. Thus, after a month of persistent struggle, the media attention it has gained and the mass support to their desperation, President Duterte, on April 4, declared that he will give the housing units to the members of KADAMAY for they are poor. At the same time, he promised to build more comfortable and bigger houses for police and military to be completed before 2017 ends. It is delightful if not at all funny that this decision of PDuterte is now being

claimed by the Philippine Commission on Urban Poor (PCUP) on its report as the best achievement this administration has accomplished in its first year in office. But for many, the housing units the urban poor victoriously won was not a voluntary fulfillment of PDuterte's promise, but the fruit of their collective resolve and struggle.

Number of Filipino billionaires, increase, poverty of the many also grows

In just a year in office, in spite of pro-poor pronouncements, PDuterte's much 'criticized' financial oligarchs and big capitalists in fact gained more, from the implementation of neoliberal program anchored on war on drugs, war against the New People's Army and war on terrorism. At the onset of 2017, the number of Filipino billionaires who hogged the pages of Forbes magazine increased. The wealth of 40 wealthiest Filipinos has multiplied by 18% from 14%. The report published by Rappler, really showed that from 11 Filipino billionaires in 2016, the number increased to 14 at the beginning of 2017. Topmost for several years is Henry Sy of Shoemart chain of malls and condominiums with a total accumulated wealth of US\$ 12.7 billion, followed by Jonh Gokongwei (US\$5.8 billion) of Cebu Pacific airlines and Robinson's chain of malls. **(Please refer to Chart7: Accumulated Wealth in Billion dollars)**

In the last few months, Filipinos have to contend with prices of petrol products that send prices of basic commodities to rise. The cost of electricity, water and other basic services has also gone up. Wage earners, much more the unemployed and in precarious employment are cringing from extreme difficulty to stretch their income and survive.

Thus, poverty situation for many did not improve, there are still two (2) out of three (3) Filipino who live with Php125 (\$2.50) or even lower per day. There are 673,000 families who are still experiencing extreme hunger by the end of 2016, majority of whom is women. Overall, 2.7 million Filipinos throughout the country who experience hunger in the first quarter of 2017, according to Social Weather Station (SWS) survey. Highest hunger rate can be found in Mindanao, which were aggravated by Martial law declaration that continue to see displacements, hunger and even deaths among children due to war.

Official data say that there are still 21.9 million Filipinos living below the poverty threshold of Php60 (\$1.20) per day. Yet,

we do not see significant stride in cutting poverty in the country.

Another cross that ordinary Filipinos will have to bear is the proposed Comprehensive Tax Reform Package (CTRP). Without perusing, the tax package sounds and looks in favor the wage earner, as it gives a bigger take home pay. But dissecting it one by one, the state will recover more not only from wage earners but ordinary people in the forms of new consumption tax on food, and commodities. The government will extract more takes on water and electricity generation and distribution. They will also increase excise taxes on petrol products that will have a domino effect on pump prices, transferred to transportation fare, commodity prices etc. They will also remove the VAT on house rent. More taxes will also be imposed on soft drinks as well as on sugar and salt dependent products. Overall, the tax package will punish rather give a reprieve to the poor.

Meanwhile, the implementation of jeepney phaseout started by the Aquino administration will also be pursued, despite protests. Transport organization, PISTON contends that the program will immediately stripped the almost 300,000 jeepney drivers, operators and their families of their source of income. PISTON noted that is not the pollution that causing the phaseout, but actually the corporatization of jeepneys, i.e. taking the ownership and manufacturing from operators and surers several Filipino manufacturers and handing them over to a lone company—a US- US-based Pangea Motors, LLC —that secured

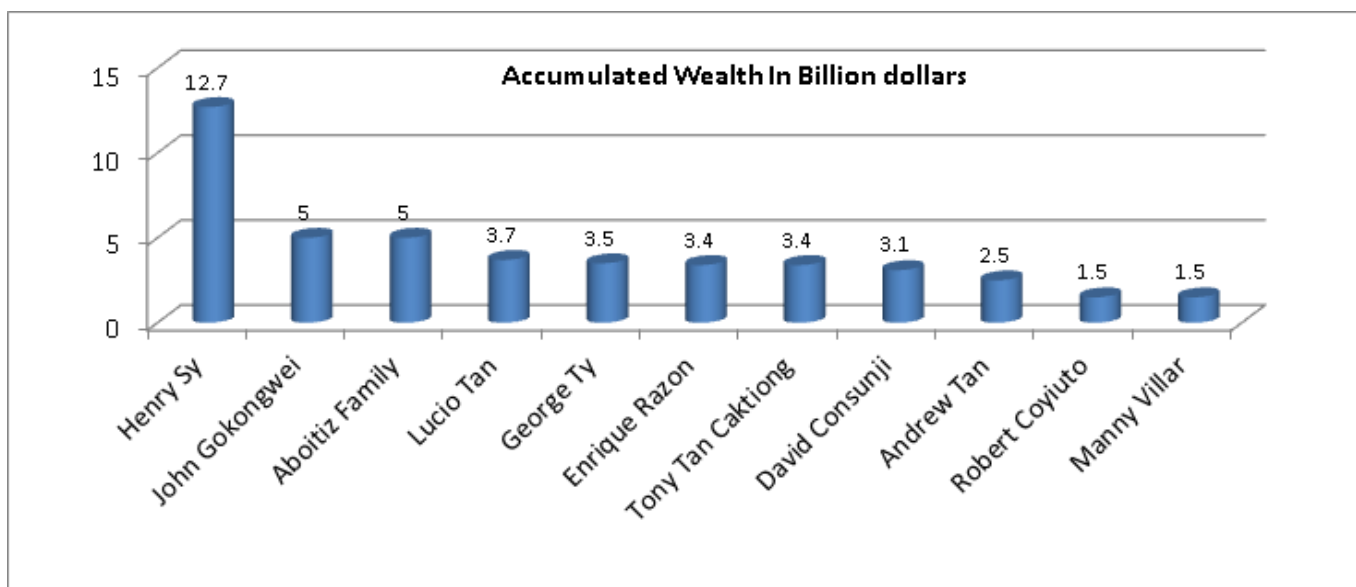


CHART 7: ACCUMULATED WEALTH IN BILLION DOLLARS

counter-insurgency program of the Duterte administration-- Oplan Kapayapaan-- that unleashed an all-out-war against the CPP-NPA-NDF last February 2017. In fact, Duterte took in his Cabinet with current and former military generals and officers who bloody record of human rights violations. Prominent among them are General Delfin Lorenzana as Defense Chief and current Martial Law administrator, Gen. Hermogenes Esperon as National Security Adviser, and Gen. Eduardo Ano as AFP Chief of Staff. Lorenzana is a staunch supporter of maintaining the US military presence in the Philippines. In fact, he is one of the framers of the Terms of References of the Balikatan Exercises between the Philippines and the U.S. On the other hand, Esperon(former AFP Chief of Staff) and General Año are known personalities linked to several cases of political killings during the Bantay Laya 1 and 2 counter-insurgency program of then Gloria Macapagal Arroyo administration.

Continual surveillance and War on drugs used against struggling workers and urban poor

The War on Drugs is also being used to vilify progressive organizations, harass their leaders and weaken their fight in different people's issues. This is evident in the case of the unionists from Japanese-owned Sumitomo Fruits (SUMIFRU) in Compostela Valley wherein state security forces from the 66th Infantry Battalion uses the Oplan Tokhang or Double Barrel war on drugs to conduct house to-house visit of plantation workers not to dissuade them from drug abuse but from joining unions especially those affiliated with the Kilusang Mayo Uno (KMU). Same tactic was used to harass the protesting workers of Shin Sun Tropical Fruits where the campaign was used to threaten them from striking.

Prior to these, seven (7) workers were arrested on October 6, 2016 in Purok 6, Sitio Karahume, Barangay San Isidro, San Jose Del Monte, Bulacan. The seven (7) arrested were: Alfredo Ravelo, Rowel Reola, Randy Sta. Maria, Lito Natural, Segundina Gaitero, Romy Gaitero, Mel Grace Gaitero and Valentin Salceso. They were charged with violation of Sections 5, 11 and 12 of Article 2 of RA 9165 or the Dangerous Drug Act. However, according to Kilusang Magbubukidng Pilipinas (KMP), they are simply members of Karahume Farmers Association, an affiliate organization of KMP and the land where they live is being claimed by Bangko Sentral ng Pilipinas. In this case, the war on drugs is being used to undermine the legitimate struggle the poor.

an exclusive contract. In this system, operators and drivers will have to buy COMET (City Optimized Managed Electric Transport or electric jeep (E-Jeep) at higher price Php 900,000-Php 1million or US\$18,000-US\$20,000 from to manufacture them. Maintaining the jeep will also be centrally managed by this company and its authorized agent unlike the current system where drivers can do basic maintenance and repairs.

As regards the program for the poor particularly those who were devastated by calamities or emergencies, it can be said that DSWD or the Department of Social Welfare and Development's Conditional Cash Transfer (CCT) was to a large extent helpful. The efficient and effective management of the program have to a large extent ensures that it really goes to the beneficiaries. As a palliative, CCT will not cut on poverty, rather it will institutionalize it in the medium or long term. Similarly, the proposed cash assistance to the `job order' employees in the public sector who will be displaced is likened to a band-aid solution. It is not the cash assistance that can meaningfully alleviate their precarious situation, but regular decent job. It also entails changing the structure of economy and doing away with neoliberal policies that destroy the agriculture for instance, heavily favors corporate interests over public good.

III. Fourteen workers were extrajudicially killed, and relentless direct and naked attacks on workers' civil and political rights are relentless

Since Duterte became President (July 1, 2016 – June 30, 2017), CTUHR has initially recorded 193 violations of workers' rights inside and outside work. This figure does not include the different complaints on labor standards violations filed everyday at DOLE, NCMB and NLRC as well as possible incidents in areas that CTUHR was not able to reach. The lower incidents recorded can also be attributed to the fact that many workers who experience rights violations choose to keep silent due to fear of losing their jobs. **(See Figure 4: Civil and Political Rights Violation)**

In Duterte's first year of presidency, CTUHR 14 workers primarily from the agriculture and informal sectors were extrajudicially killed. This is higher than the 6 victims under the Aquino Presidency during the same period.

The continuing political killings parallel with war on drugs can be attributed to the

Civil and Political Rights Violations (JULY 1,2016-JUNE 30,2017-07-16)

CASE TITLE	NO. OF CASE	NO. OF VICTIMS
Extra-Judicial killings	11	14
Frustrated or Attempted killings	4	13
Massacre	1	3
Physical Assault/Injuries	5	15
Threat, Harassment and Intimidation	7	500

BREAKING-UP/VIOLENT DISPERSAL OF WORKERS PICKETLINE	1	250
RED TAGGING/ RED BAITING	4	451
Arbitrary Arrest/ detention	7	86
Rape	1	1
Fabrication of criminal charges due to Pol. Belief and Labor dispute	7	86
illegal searches and seizure	2	18
Assault in the pickelline	6	602
food blockade	1	250

FIGURE 4: CIVIL AND POLITICAL RIGHTS VIOLATION (JULY 1, 2016 - JUNE 30, 2017)

And then, on July 18, three workers who were supposed to attend labor case hearing over illegal suspension and subsequent dismissal at the National Labor Relations Commission-Pampanga were also arrested and detained by the police and were brought to the police station. They were beaten and were forced to admit that they are drug users, but despite the violence, only was forced to admit that he was involved. The two were later released. The workers suspected their arrest was related to the case they filed, and to discourage to pursue it as they focus on drug charges against them.

Meanwhile, military agents who introduced themselves as Major Miguel, Sgt. Jonathan and someone named Diego visited Antonio "Tony" Abegornia, Secretary General of the Alliance of Nationalist Genuine Labor Organization (ANGLO)-KMU few times in his home last Christmas 2016. The agents told him that they know his work and 'invite' him to cooperate with them by giving them information regarding the activities of his organization. Agents also offered cash that he refused, and then sent a Christmas 'basket of goods' as present, which Abegornia showed in a media briefing. According to Abegornia's neighbors interviewed, they have seen the intelligence agents closely watching Abegornia's house several days prior to the unwanted visit.

Workers protests are Assaulted and striking workers, arrested

On June 2, composite forces of the police, the 66th Infantry Battalion of Philippine Army (IBPA) and goons attacked the strike of Shin Sun Tropical Fruits workers in Compostela Valley. The armed state security forces visited the houses of union officers and members one-by-one and warned them that something will happen like those of their slain friends and acquaintances if they will pursue with the protest. This happened soon after Martial Law was declared and implemented in Mindanao.

Aside from the violent dispersal of the workers' strike in Shin Sun Tropical Fruits, protesting workers were also arrested. The workers' picket line in Façade Advertising in Marilao, Bulacan for example was violently dispersed and five (5) workers were charged with grave coercion. The workers protested over illegal dismissal and other unfair labor practices.

In Imus, Cavite, the teachers of Imus Institute of Science and Technology (IIST) held a strike in protest against violations of their Collective

Bargaining Agreement (CBA) by the IIST administration. At the strike peak on October 2016, four (4) union members were arrested, including Ferdinand Papa, a school teacher, who was charged with unjust vexation and grave coercion.

Similarly, 10 DLTB bus striking workers were arrested after the workers conducted a work stoppage on December 29, 2016 over underpayment of wages and had set up strike areas in different company terminals, in Batangas, Pasay (Metro Manila) and Laguna. Six (6) of those arrested workers were slapped with arson charges after an alleged involved in torching a bus in Lemery, Batangas. The four (4) were arrested at the picket line in Calamba, Laguna. The union vehemently denied the allegations of torching the bus and argued that they will not do that because what they wanted are jobs and destroying the bus they work also destroys their job. DLTB – a local bus company is owned by certain Atty. Narciso Morales- a businessman and bus suppliers to different companies in the Philippines. Meanwhile, DOLE issued an Assumption of Jurisdiction (AJ) order to stop the strike, ordering the workers to go back to work.

IV. Workers' Struggle Continues and Winning some gains

The high expectation that P Duterte will deliver his promise on one, and the deep disappointment over his failure to do so pushed the workers to rely on their strength and pave for the genuine change they have been struggling for. Workers particularly from Southern Tagalog who suffered violent attacks during Aquino administration, were patient and cautious, as they still cling to tiny hope, but were dynamic and militant in holding their protest camps in front of the DOLE's head office in Manila to call for justice and an end to contractualization. Illegally dismissed workers from Tandua Distillers for example, called DOLE to implement their order of reinstatement and affirmation that they are indeed Tandua Distillers permanent workers and not manpower agency.

In the first year of P Duterte administration, nine (9) strikes were recorded, a big chunk were from P Duterte's territory against Union-busting, illegal dismissals, contractualization and resistance against "pakyawan/piece-rate" system of wage payment.

In Batangas city, Southern Tagalog, Duterte's presidency was welcomed in July by a workers' strike, at of Soro-Soro Ibaba Development Cooperative (SIDC), over resistance against contractualisation. This was the first strike under this administra-

tion. This was followed by teachers strike at Imus Institute of Science and Technology sa Imus, Cavite last October 5, 2016 against the school's attempt to bust the union and delay the collective bargaining negotiation. Other workers strikes in Mindanao, such as Musahamat Farm, Fresmax, SUMITOMO and Shin Sun, all banana plantation workers and DLTB bus were staged as if testing the administration's attitude towards workers.

The most inspiring strike staged within the period was the general strike by banana plantation and packing workers at Sumitomo Fruits Co (SUMIFRU), Compostela Valley on April 18, 2017, resisting management to convert their wage payment to from daily to piece-rate. After only 18-hours of complete work stoppage, the management withdrew its plan of paying the workers on piece-rate basis. Piece-rate wage payment system extract more labour input from workers without guarantee that they can receive even the legally mandated minimum wage, thus considered as one of the most exploitative wage schemes.

Apart from workers' strike, jeepney drivers and operators led by PISTON ably and strongly registered their disagreement over the planned jeepney phase-out. The Land and Transportation, Franchising and Regulatory Board (LTFRB) was forced to explain their plan of corporatizing the jeepney industry. It remains unacceptable though. Apart from losing livelihood, and higher price of electric jeep, PISTON also argued that the plan will displace and eventually wiped out the Filipino expert jeepney manufacturers in the country like SARAQ, who symbolized the Filipino ingenuity and culture as expressed in various arts carried by jeepneys in the country. The most successful of collective mass action was the mass occupation of the several years -idle public housing units by displaced informal settlers in a movement touted called Occupy Bulacan. The more than a month movement which earned more support but also criticisms, as well as threat of bombing them, prompted PDuterte to give thousands of housing units that police and military refused for its small size and sub-standard quality, to the urban poor. But to the urban poor, the housing units announced by the President was not voluntarily given as he promised, but a result of their determined movement. Another positive action taken by the President after militant collective action was his order to redistribute the land to the farmers grabbed La Panday Corporation in Mindanao. The Court has actually ordered the company to return the land for few years now, but company refused several times and instead threatened the farmers.

While the administration claimed that the President's decision was

in fact fulfillment of his promises, it is apparent that without that collective struggle of the movement, no favourable decision could be taken.

At the international level, the campaign to end endo system scored gains when UN Committee on Economic, Social and Cultural Rights (CESCR) recommended an End to Endo system, and exploitative casualisation of labour as well as reinstatement of national minimum wage. While the administration may not heed the recommendation, such decision the committee is a great contribution to the overall campaign against contractualisation and national minimum wage reinstatement. Similarly, the campaign against war on drugs, call for an end to Martial Law and stop the political killings gained a lot of international support, pressuring the current administration. If those who support the campaign are pushed by their varied and narrow interests, it is to be appreciated that the campaign is gaining ground and that the Filipino people, particularly the marginalized are not alone.

While this report is being written, workers from different economic sectors across the country, particularly from Mindanao, are camping out in Mendiola bridge, close to the Presidential Palace. They are challenging the administration to rule out DO 174-2017 issued by DOLE and replace it with an Executive Order that will end all forms of contractualization. Workers from Mindanao, those who strongly supported Duterte electoral campaign have demanded to address poverty and hunger in the island, and protection of the workers' rights to security of tenure and to receive fair wages.

Notwithstanding, this handful victories is no match to the immensity of problems and needs besetting the poor Filipinos. And Duterte's failure to substantially deliver the genuine change he promised is in fact the push factor for the poor and workers' restiveness on one hand, but also their strong call to resume the peace negotiation. It is imperative that the administration resume the peace talk, especially that they are discussing about the Comprehensive Agreement on Social and Economic Reforms (CASER) that looks into the rootcauses of unpeace and armed conflict. When signed, this agreement will also deal with free land distribution to the landless farmers, and developing the industries and entire economy based on the people's need and not of the few.



PHOTO CREDIT: UMA PILIPINAS

V. Challenges and Perspective

The victory of Occupy Bulacan of the urban poor left a valuable lesson, that the PDuterte can only be prompted to deliver his promises when there is a strong mass movement demanding for it. PDuterte is quite strong on his pro-people pronouncements on one hand, and even stronger in his anti-poor policies evident on his threat to shoot those who will attempt to occupy the idle housing again, and its continuing war against drugs that less to mass killings. also Much like the past regimes, his is an administration that only focuses on `national economy`, his projects that exclude the majority, unless pushed by dynamic people's organized mass actions that militarists in his cabinet called as instigated by the `communists` This means they are also target of the War against terrorism in addition to its relentless Oplan Kapayapaan counter-insurgency campaign. As noted before, this is not surprising at all, and the challenge is also ours, how to engage the administration through a bold and creative workers' organizing, whether in the union, associations or others to effectively push the

workers' demand for Php 750 national minimum wage for private sector workers, Php 16, 000 monthly wage for public sector workers and an end to all forms of contractualization. The workers and the Filipino people are also facing a bigger challenge posed by intensifying state violence and state-instigated violence and war. All indications towards a return of Marcos-style governance are present and the country's is seeing a march towards a one-man rule. Direct from the horses' mouth as the saying goes, Gen Delfin Lorenzana, Martial law administrator, Gen. Año, AFP chief of Staff and Gen. Hermogenes Esperon, National Security Adviser that Martial law targets also the New Peoples' Army (NPA) and not just the terrorist group ISIS-inspired Maute. In the past, the campaign not only targets the NPA but also the communities and struggling for legitimate issues and human rights. Thus it is imperative to promote, campaign and support the resumption of peace negotiation between the Philippine government and the National Democratic Front and the eventual signing of Comprehensive Agreement on Socio-Economic Reforms (CASER) to effectively address the poverty and the root causes of armed conflict.

The subsequent years, will be more difficult particularly to human rights and people's rights defenders, but lessons in the past also taught us, that strengthening the movement and being prepared at all times can help weather the odds. #

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CTUHR Statement on Duterte's threat to shoot human rights defenders

THE CENTER for Trade Union and Human Rights (CTUHR) condemns in the highest degree the latest pronouncement of President Duterte to shoot human rights advocates. This statement can be construed as state policy and will definitely put the lives of many human rights advocates at risk and target for killing spree by State security forces.

In a speech during the 19th founding anniversary of the Volunteers Against Crimes and Corruption (VACC), Duterte said, "Sabihin mo, 'Pulis, barilin mo na 'yang kasali diyan, para makita talaga kung anong klaseng human right. (Tell them, police, shoot him/her who are participating there [referring to protests against war on drugs] so they will see what kind of human right)."

This in itself is a declaration of war against human rights defenders and advocates. Not only does he exacerbate the culture of impunity, he actually instigates it.

Does this mean that these pronouncements will be implemented the way the war on drugs is being carried out? The war on drugs must be stopped. CTUHR has staunchly criticized the war on drugs that has killed thousands of lives as anti-poor and will not solve the country's ails.

Human rights organizations have been calling on the government to address the drug problem of the country in a holistic way – by running after the big drug dealers in his "narco list", including those in the bureaucracy and military with connections to foreign drug suppliers. Yet, President Duterte has put the blame on human rights organizations for the swelling number of drug users. He said the latter defend their rights and are silent about heinous crimes. Addressing heinous crimes is not the responsibility of human rights defenders, it is the responsibility of the state, particularly the police.

President Duterte curses the church, media, critics and everyone who oppose or criticize his campaign against drugs. His administration is zealously claiming that there were only 78,941 recorded crime cases from July 2016 to March 2017 – a 50 percent drop compared to the 158,879 crime cases during the Aquino administration.

But he does not mention the staggering increase in the drug war's murder cases, which stand at 13,000 and 67 victims of political killings, in his administration's first year in office. The murder of Kian De los Santos, the Grade 11 kid, should be a telling reminder that his war on drugs has to end now.

CTUHR reiterates its call to stop the war on drugs and stop the killings, and calls on President Duterte to retract its open threat to human rights advocates. People have enough of the bloodshed.

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