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April 4, 2007

Philippines: violence against workers continues

■ **Philippine garment workers still need your support as violence in the Cavite Export Processing Zone (CEPZ) continues.**



On December 11, 2006, two labor activists who were members of the Solidarity of Cavite Workers (SCW) and one worker of the Yakazi-EMI factory producing semi-conductors, were gun downed by assassins in front of the Japanese-owned factory in Imus, Cavite. Jesus Buth Servida, 32 years (photo) was killed instantly.

take action to support Philippine workers in their struggle to improve working conditions and to defend their right to organize.

After the shooting of labor leader Gerardo Cristobal on April 28, 2006, and the killing of bishop Alberto Ramento, chairman of the board of the Workers Assistance Center on October 3, 2006 (1), more labor activists active in the Province of Cavite were shot. Also, the striking workers at Chong Won (recently renamed to C. Woo) and Phils Jeon remain under threat of violence, tolerated and supported by both the Philippine Economic Zone Authority (PEZA) and the Department of Labor and Employment (DoLE). Despite international protests against the extreme violence directed at labor and human rights activists, the Philippine authorities did not take any effective measures to date to halt the violence. Neither has there been any independent and impartial investigation into the killings and shootings.

The CCC believes that the Philippine government and its institutions PEZA and DoLE, should guarantee workers' rights to freedom of association and immediately take effective measures to halt any form of violence directed at labor activists and striking workers. So far the government's response has been insufficient. Please

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March 26, 2007 - Mobilization in front of the Office of the Secretary of DOLE.

More Cavite labor activists shot

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More info:

[More Cavite labor activists shot](#)

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Related info:

Nov 21, 2006, [Stop violence against Philippine garment workers](#)

outs riding a motorcycle) in front of the Japanese-owned factory in Imus, Cavite. Jesus Buth Servida, 32 years old was killed instantly when hit in the face and mouth while his companion, Jowel Sale, 32 years old, sustained three gunshot wounds. Both are former workers and union leaders terminated by the company because of their involvement in union activities. They were at the company to deliver vegetables to the canteen they operated at Yakazi-EMI. Kenny Mari Severo, 21 years old, and worker at the company, was also hit in the left temple by a stray bullet.

According to Marlene Gonzales, chair of the Solidarity of Cavite Workers, the killing of Servida is a politically motivated murder being carried out against progressive labor activists in Cavite.

"The no union, no strike policy of Governor Ireneo Maliksi is taking the lives of the labor activists one by one now," said Gonzales. Prior to the ambush, Servida informed the SCW that suspicious-looking men were stalking him and he felt that he was under surveillance. There were also occasions where his house was visited by unidentified men. Before Servida was killed, he had received threats on his life.

Gerardo Cristobal, former union President at Yazaki-EMI was also confronted by masked men near the Yazaki-EMI plant. The gunmen were later identified by Cristobal as SENIOR POLICE OFFICER1 Romeo Lara, an operative of police intelligence in Imus, and Larry Reyes of Civilian Security Unit (CSU), also based in Imus. Ironically, the Imus police units investigating the shooting and killing of Servida, Sale and Severo are the same who were connected to the shooting in the Cristobal case.

There has not been any independent and impartial investigation into these killings and shootings to date.

International criticism at the extrajudicial killings and other violence

Amnesty International, the European Union, and the United Nations among others have denounced the violence.

August 2006: Amnesty International voiced grave concerns that soldiers and police might be involved in the killings. It estimated 51 activists were killed in the first six months of 2006, following 66 such murders in 2005. Later that month, the Philippine President Arroyo formed a fact-finding commission

headed by retired Supreme Court Justice Jose Melo to investigate the killings. However, the commission was highly contested by relatives of victims and leftist groups for its lack of credibility and independence. At the end of January 2007 the Melo commission's report was submitted to President Arroyo, however at that time she refused to make these findings public. Bishop Juan de Dios Pueblos, a member of the Melo Commission, told reporters that the panel had found that the military, private armies of some politicians and the NPA and its front organizations were all involved in the killings. The commission notably linked retired major general Jovito Palparan and other military commanders to the killings. The current Armed Forces chief of staff, General Hermogenes Esperon claimed however that command responsibility did not apply to the extrajudicial killings because in his view criminal acts can only involve the individual.

November 13, 2006: the Joint Foreign Chambers of Commerce (JFC) in the Philippines, comprising business groups from the United States, Australia, New Zealand, Canada, Europe, Japan and Korea, and the Philippine Association of Multinational Companies Regional Headquarters, made an unprecedented call on President Arroyo's administration to put an end to political killings or risk losing aid and investments.

January 23, 2007: the European Union assailed the unabated killing of political activists in the Philippines and called on the Arroyo administration to put a stop to the attacks that have claimed hundreds of lives. Through German ambassador Axel Weishaupt, the EU members denounced the killings and the human rights abuses being reported in the Philippines. He also expressed hope that the Melo Commission would come to a satisfying conclusion. It was not the first time that the European Union had expressed dismay at the continued killings. In November 2006, the EU representative in the Philippines said that whatever the number of the deadly attacks, what was significant was that these had not been



March 26, 2007 - Mobilization in front of the PEZA office.

prevented.

February 2007: Philip Alston, the Special Rapporteur of the United Nations Human Rights Council on extrajudicial, summary or arbitrary executions, visited the Philippines and investigated the extra-judicial killings in the country. Alston called the number of killings of journalists and leftist activists in the Philippines distressing, and called upon President Arroyo to persuade the Armed Forces to acknowledge their implication in the killings and to conduct a genuine investigation.

In response to the international pressure on the Philippine government, President Arroyo finally released the Melo commission's report about the killings of political activists at the end of February 2007. The report holds members of the Philippines armed forces responsible for the murders, however it is not implicating the Arroyo government directly to the extrajudicial killings.

For more information on the violation of labor rights and human rights activists in the Philippines in 2006, see [the 2006 annual report of the Center for Trade Union and Human Rights \(CTHU\)](#)

Striking workers at Chong Won and Phils Jeon still fear violent attacks



The police of the Cavite Export Processing Zone and private security guards assaulting striking workers protesting outside the Chong Won Fashion Inc.

In November, the CCC reported on the assaults of the police of the Cavite Export Processing Zone and private security guards against striking workers protesting outside the Chong Won Fashion Inc (recently renamed into C. Woo) and the Phils Jeon Garments Inc factories. [more info >>](#) The strike at Chong Won followed the dismissal of two union officers, Monina Eugenio and Sellwyn Simpan, and the refusal of Chong Won management to recognize the collective bargaining (CBA) rights of the registered union. Similarly, workers of Phils Jeon went on strike because management continuously refused to start CBA negotiations and illegally dismissed Phils Jeon union's President Emmanuel Bautista.

Chong Won produces for US companies including Wal Mart (exclusive buyer since middle of 2006), Target, White Stag and Mervyn's. Phils Jeon produces for US companies including Byford, DKNY, CNI Los Angeles, Dream Station, Hanes, and Bobson.

Since the start of their strike, the protesting workers' picket lines have been repeatedly attacked by security guards and policemen attached to the Philippine Economic Zone Authority (PEZA). Also another 117 striking workers were fired, which is illegal under Philippine labor law. In October 2006, management of both Chong Won and Phils Jeon dismantled the temporary shelters the striking workers have set up to protect them from the sun and rain.

WalMart, the principal buyer of Chong Won, has still not taken sufficient action to rectify the situation at Chong Won. While Wal-Mart was telling its supplier to immediately reinstate the 117 unjustly-fired union members, it was not demanding that the company negotiate a collective bargaining agreement with the independent union. Management's refusal to enter into negotiations with the union is the main reason behind the strike.

However, on March 29 2007, workers were even told Wal-Mart is seriously considering to not longer place orders at Chong Won. The workers on strike have always been clear that pulling out orders will not in any circumstance solve the ongoing labor conflict. They accurately say that there cannot be a solution to the problems at Chong Won when those involved and those responsible for exacerbating the situation, simply quit by ending the relationship to the supplier in absence effective measures by Chong Won management.

PEZA violates law

The PEZA's actions violently dispersing a lawful strike, escorting scabs workers into the factory, denying worker's entry into the Cavite Economic Zone on the basis of the company's illegal termination orders, violate Philippine labor laws. The

PEZA is being turned into a labor dispute, much less to acknowledge the illegal orders by the companies.

Following the attacks on the striking workers in front of Chong Won and Phils Jeon, PEZA has pursued criminal charges against some of the striking workers, for their alleged violent behavior towards the PEZA policemen on September 25 and 27. PEZA police officers and the Jantro security guards claimed that they were justified in using violence because some of the striking workers were armed with sharpened sticks, scissors and other sharp objects and had used these weapons to injure the security personnel. However, according to an independent and in-depth investigation of the Worker Rights Consortium, various witnesses (both strikers and non-strikers) testified that the participants in the strike did not possess or use any weapons. Furthermore, the PEZA allegations were not made until a month after the picket line confrontations occurred. No such allegations were made at the time of the events; they surfaced only after international observers began to scrutinize PEZA's actions. Moreover, PEZA security personnel did not arrest any workers for possession or use of a weapon at the time.

Another violent dispersal of picket line in front of Chong Won

In the morning of January 9, 2007, the strikers in the Chong Won picket line noticed a van with seven unidentified men and the officer in charge of Tanggulan Security Agency, Luzviminda Lontoc, at Chong Won. Around the same time, around 20 PEZA policemen and Jantro security guards arrived at the site. The policemen and security guards watched a group of 30 contractual workers from Chong Won, together with the seven unidentified men that arrived earlier that morning, tearing down the makeshift tents of the picket line.



January 9, 2007 - Policemen and security guards watched a group of 30 contractual workers from Chong Won, together with the seven unidentified men, tearing down the makeshift tents of the picket line.

The strikers present in the picket line tried to stop the men from taking their tents and other belongings but they were shoved and pushed by the thugs. Allegedly one of the men was seen to take a knife or bladed weapon from his waist. Before he could stab Florencia Arevalo, secretary of the Nagkakaisang Manggagawa sa Chong Won union (Independent or United Workers at Chong Won), it was reported that his weapon was confiscated by a Jantro security guard. During the scuffle, one striker fainted and had to be rushed to the nearby hospital. She suffered minor bruises and contusions.

Even after having destroyed their shelters, the Tanggulan Security Agency continued to harass the strikers to leave the area. Likewise members of a Caretaker Committee, a committee installed by Chong Won management to replace the lawfully elected Nagkakaisang Manggagawa sa Chong Won union, has repeatedly harassed the striking workers, claiming that the buyers sourcing at Chong Won (notably Wal Mart) do not want to continue placing orders at Chong Won because the strikers were an eyesore in front of the company. However, the union received permission to strike under Department of Labor and Employment regulations in August last year.

Union unjustly stripped of registration

On February 5 and 6, the regional director of DOLE (Department of Labor and Employment) Region IV-A, Ricardo Martinez Sr., cancelled the union registration of both Kaisahan ng mga Manggagawa sa Phils. Jeon, Inc. (KMPJI) and Nagkakaisang Manggagawa sa Chong Won (NMCW) on February 5 and 6. The petition to cancel the unions was allegedly initiated by the workers currently working on the orders at Chong Won and Phils Jeon, mostly contractual workers hired to replace the strikers.

The union leaders and workers on strike have argued that those who filed petitions to cancel their registrations are either not union members, occupying supervisory positions, or are being used by management in an effort to bust the legitimate unions, and to discourage and legally persecute them from asserting their legal rights.

After the workers went on strike, the Phils. Jeon management had begun

harassing and intimidating workers by threatening them from work should they fail to return to work. Workers who decided to return to work, workers who had not even joined the strike and workers that were not even union members, are reported to be used by the management to file the petition for cancellation.

Fake committee formed by management

The Chong Won management likewise pushed for the creation of a "Caretaker Committee", which is composed mostly of non rank-and-file employees and non-union members. This management-inspired committee is the one who filed petitions for cancellation, without even consulting and informing the legitimate union members of their actions. The (contractual) workers that are currently working at Chong Won told the strikers that they did not sign any petition to cancel the union registration, but only a paper declaring they would want to be eligible for continued work at the company.

The Nagkakaisang Manggagawa sa Chong Won union has countered the cancellation petition by signing a general membership resolution to annul the formation of the Chong Won management supported "Caretaker Committee". Furthermore the two legitimate unions filed petitions for review of DOLE's decision to cancel the unions before the DOLE's Bureau of Labor Relations (BLR) office. The BLR, however, has yet to resolve the said petition.

The fact that the labor department resolved to cancel the Chong Won union registration by claiming that it no longer represents the majority of the workers, remains highly contested. When the strike started, 117 union members on strike were terminated, which is illegal under Philippine labor law. Since that moment, the work at the Chong Won factory has predominantly been carried out by contractual workers who, again under Philippine labor law, do not have the right to join a union of regular rank-and-file workers. Only ninety union members remained at the factory (verified in an audit by Verite in the period December 18 2006 - January 12 2007).

Striking workers under threat of more violence

The labor department's resolution is now being used by the Peza authorities to support threats of violence against the striking workers. On February 21, Cecilia Velena, Zone administrator of CEPZ, stated in a letter to Emmanuel Bautista, the President of the Phils Jeon union, that the strikers should dismantle all structures and makeshift shanties and vacate the premises of Phils Jeon. "Otherwise", she wrote, "we shall be compelled to do necessary actions to clear the area".

Protests continue in the Philippines and internationally

On March 26, the striking workers at Chong Won and Phils Jeon renewed their protest actions against PEZA and DoLE. About 50 workers joined the picket line, consisting of workers on strike and supporters from the Solidarity of Cavite Workers (SCW), an alliance of labor organization in Cavite.

Also various international labor support organizations have launched campaigns to urge Wal Mart, the principal buyer of Chong Won, to require Chong Won to negotiate with the independent union.

You can support these appeals at:

United Students Against Sweatshops:
www.unionvoice.org/campaign/chongwon2?rk=Y712wLd1X4aDW

LaborStart: http://www.laborstart.org/cgi-bin/solidarityforever/show_campaign.cgi?c=222

Chong Won anti-union activities

Chong Won is notorious for its acts of interference, intimidation and retaliation against workers seeking to exercise their right to unionize and bargain collectively. Some examples:

- hiring contractual workers since 2004, when the union was lawfully elected. Contractual workers are not allowed to be member of a union of regular rank-and-file by Philippine labor law
- dismissing workers engaged in a lawful strike
- employing replacement workers during a lawful strike, which is illegal in the

Philippines

- colluding with police and other security personnel in the use of intimidation and violence to interfere unlawfully with peaceful picketing
- attempting to prevent workers from participating in an official union certification election
- refusing to comply with the binding directives of the Filipino Department of Labor and Employment
- refusing to bargain with a duly constituted union, as required by Filipino law
- demoting and transferring union officers in a retaliatory manner
- illegally aiding the formation of a worker body for the purpose of undermining a duly constituted union

See also the report of Worker Rights Consortium

[http://www.workersrights.org/Reports/Chong_Won_Report_2-21-07.pdf]

Take action

The Clean Clothes Campaign calls upon you to write to the Philippine President to stop the violence against labor rights promoters and to respect workers rights to organize. Copies of your letters will also be sent to the Philippine embassy in your country, PEZA and DoLE.

You can use this form to mail the following letter directly to your selected Embassy, the Philippine President, PEZA and DoLE

If you can't find your country in this list please take a look at the [full addresses list](#) for an embassy representing your country.

To:	<input type="text" value="Select a Phillipine embassy"/>
From: Your name:	<input type="text"/>
City	<input type="text"/>
Country	<input type="text"/>
Subject:	<input type="text"/>
Email:	<input type="text"/>

Fill in all the fields!

Sample letter to the Philippine President, Philippine embassies , PEZA and DoLE

Dear Sir / Madam,

I am contacting you to express my concern about the ongoing use of violence against trade unionists and labor rights activists in the Philippines. I have been informed by the Clean Clothes Campaign about violent attacks on striking workers and labor rights promoters, and most alarming, the murder of labor rights advocates. I believe the government must take immediate action to end this violence.

I refer to the shooting of Gerardo Cristobal, former union President and a member of the Solidarity of Cavite Workers (SCW), on April 28, 2006; the murder of Bishop Alberto Ramento, chair of board of the Workers Assistance Center (WAC), on October 3, 2006; the shooting to death of SCW member Jesus Buth Servida on December 11 and the wounding of SCW members Joel Sale and Kenny Mari Severo that same day; and the ongoing (threat of) violence against striking workers by the police and security guards of the Cavite Export Processing Zone (EPZ). I am particularly indignant at the fact that allegedly police officials and military were implicated in these incidents.

I understand that the armed men who ambushed Gerardo Cristobal were later identified as SENIOR POLICE OFFICER1 Romeo Lara, an operative of police intelligence in Imus, Cavite and Civilian Security Unit (CSU) personnel Larry Reyes, also of Imus police, and that allegedly Bishop Alberto Ramento was on the military's "Order of Battle" or hit list before he was brutally murdered. I am also disturbed to learn that striking workers at Chong Won Fashion Inc and the Phils. Jeon Garments Inc have suffered violent attacks by the police of the Philippine Economic Zone Authority (PEZA) and Jantro security forces on August 31, and September 25. They were again violently -attacked on September 27, 2006 by the PEZA policemen, Jantro security guards and Rosario Philippine National Police and that the PEZA police was present at and has not intervened in the illegal violent dispersal of the picket line of the Chong Won striking workers on January 9, 2007 by thugs connected to Chong Won. I understand that Jantro security guards are staying near the picketline at Phils Jeon monitoring the movements of the striking workers, and that the striking workers at Chong Won are similarly watched. Again in February this year, the striking workers were threatened by PEZA with forceful removal of their picket line would they not leave the premises

of the factories. This threat followed the contested DoLE's ruling that the lawfully elected unions of the two factories are cancelled, notwithstanding the fact that the union still can count a majority of the workers as its members.

I find this wave of violence to be unacceptable. I understand that to date there has not been any independent and impartial investigation of the mentioned incidents. Moreover, I have learned that the PEZA has filed unjust charges of violence against the striking workers, a month after the violent dispersals of September 25 and 27 2006 took place, although striking and non-striking workers have testified that none of the strikers were carrying any weapon or object to be used as weapon.

I strongly urge you to take proactive steps to put a stop to the violence and discriminatory practices of the Cavite Export Processing Zone authorities and to ensure the physical safety and rights of workers and labor rights promoters in the region.

Specifically I urge you to:

- Support and fully cooperate with an independent and impartial investigation into the murders of Bishop Ramento and Jesus Buth Servida and the shootings of Gerardo Cristobal, Kenny Mari Severo, and Jowel Sale.
- To investigate the involvement of the PEZA police forces and the PNP police forces in the violent attacks on strikers at Chong Won and Phils Jeon in August and September 2006, and their allowance of the illegal violent attacks against striking workers by thugs on January 9, 2007 in front of Chong Won, and to bring those responsible to justice.
- To withdraw the unjust PEZA charges against Chong Won and Phils Jeon striking workers.
- Withdraw the DoLE's ruling to cancel the registration of the unions Nagkakaisang Manggagawa sa Chong Won (NMCW-Ind.) and Kaisahan ng mga Manggagawa sa Phils Jeon, Inc. (KMPJI-Ind.)

Please inform me of the action you take to follow up on this serious matter.

Sincerely,

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