

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2898**



Introduced by **BAYAN MUNA** Representative **CARLOS ISAGANI T. ZARATE**

AN ACT
PROHIBITING AND PENALIZING THE DEPUTIZATION
OF ANY UNIT OF THE ARMED FORCES OF THE PHILIPPINES
AND / OR ANY OF ITS PARA-MILITARY GROUPS
FOR LAW ENFORCEMENT DUTIES IN LABOR AND AGRARIAN DISPUTES

EXPLANATORY NOTE

The 1987 Constitution mandates that the State shall afford full protection to the rights of workers and peasants, particularly their rights to self-organization, collective bargaining and negotiation, and peaceful concerted activities to enable them to pursue and protect their legitimate and collective interests and aspirations (Article II, Section 18 and Article III, Section 8).

Yet, these rights – supposedly to be enjoyed by the Filipino workers and peasants -- are being systematically violated. Specifically, workers and peasants, often in the midst of a collective bargaining or negotiation or dispute, have been either killed, abducted, tortured, or harassed.

One of the more infamous examples of violent suppression of workers' and peasants' rights was the 2004 Hacienda Luisita massacre.

On November 16, 2004, during the violent dispersal of the Hacienda Luisita workers' picket, fourteen (14) people were killed including two children aged 2 and 5 years old who died of suffocation from teargas lobbed by the police and army dispersal teams. At least 35 people sustained gunshot wounds, 133 were arrested and detained and another hundred were wounded.

Comparing the scene to a war zone, eyewitnesses recounted that prior to the carnage, elements of the 69th and 703rd Infantry Battalions of the Philippine Army belonging to the Northern Luzon Command of the Armed Forces of the Philippines, together with ten (10) military trucks, three (3) armored personnel carriers, and several fire trucks, were deputized to enforce the Assumption of Jurisdiction by then Labor Secretary Patricia Sto. Tomas.

Then, the melee erupted when the police dispersal team, supported by the army personnel broke the workers' picketline in front of the hacienda. The combined elements of hundreds of military and police forces with high-powered firearms attacked the picketing workers and thousands of supporters.

As the Armored Personnel Carrier (APC) rammed into the workers' barricade, the military and police repeatedly used water cannons, high-powered rifles, truncheons and teargas to disperse the strikers and their supporters and to eventually open the factory gates.

Indeed, the scene was very horrifying. The striking farmers and farm workers who were merely demanding to own a piece of land to till for a living were met by ruthless violence – and a hail of bullets – from the police and the military.

Another form of deputization is the formation of paramilitary groups to act as security forces for large businesses such as mining and plantations or to augment counter-insurgency programs. In Mindanao, some 24 paramilitary organizations recruit from the ranks of rural peoples to become hired guns of disputed mining and plantation contracts. The Armed Forces of the Philippines (AFP) is said to have a hand in the formation, training, and arming these paramilitary formations.

Wave upon wave of forced evacuation of *lumad* because of extrajudicial killings, grave threats, harassment, and intimidation was reported by indigenous people's organization KATRIBU Kalipunan ng mga Katutubong Mamamayan ng Pilipinas. Notable of these cases were the 2015 cold-blooded murders in Surigao del Sur of tribal school director, Emerito Samarca and two other *lumad* leaders Dionel Campos and Bello Sinzo by the paramilitary group "Magahat Bagani".

Under Article VII, Section XVIII of the 1987 Constitution, the President is the only official authorized to call out units of the military but only in cases to prevent or suppress lawless violence, invasion or rebellion.

The Assumption of Jurisdiction and deputization of the military by former Labor Secretary Patricia Sto. Tomas is a clear violation of the Constitution, as there are no provisions in the constitution that allow assumption of jurisdiction or deputization of military units in times of agrarian or labor disputes.

There was no case of lawless violence, invasion or rebellion during the picket of Hacienda Luisita Workers; this was a peaceful protest to insist fair distribution of land among the farmers and farm workers of Hacienda Luisita, but turned violent due to the unlawful and unconstitutional deputization of military units in the area.

Almost a decade has passed, and these farmers and farm workers still experience harassment from elements of the military because of their continued conviction to own a piece of land, as is their right. These are still happening under the administration of former Pres. Benigno Simeon Aquino III, who promised to distribute the land fairly among the farmers and farm workers of Hacienda Luisita.

One lesson to be learned from the Hacienda Luisita massacre, as in several other similar cases, is that the deployment of military forces in areas with labor and agrarian disputes is a major element in the heightened violation of the workers' and peasants' rights to life, self-organization and to concerted action.

Verily, the military are ill-equipped and have no role to take on law enforcement duties and functions, which is the domain of the regular police force. In fact, owing to their military training and orientation, these military personnel consider the striking workers and peasants as their "enemies" who must be suppressed or crushed.

This bill proposes to **ban the deputization** and deployment of any military unit in areas with impending or ongoing labor or agrarian disputes. It seeks to enforce the rights of workers and peasants to self-organization and concerted action and to check the continuing state-initiated violations of such rights.

This bill was first filed in the 15th Congress by BAYAN MUNA Rep. Teddy Casiño in 2011 citing the violent dispersal of the Hacienda Luisita workers that resulted to the death of 14 people and wounding of 133 others on November 16, 2004.

The immediate approval of this bill is earnestly sought.

Approved,


Rep. CARLOS ISAGANI T. ZARATE
Bayyan Muna Party-List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2898

Introduced by **BAYAN MUNA** Representative **CARLOS ISAGANI T. ZARATE**

AN ACT
PROHIBITING AND PENALIZING THE DEPUTIZATION
OF ANY UNIT OF THE ARMED FORCES OF THE PHILIPPINES
AND / OR ANY OF ITS PARA-MILITARY GROUPS
FOR LAW ENFORCEMENT DUTIES IN LABOR AND AGRARIAN DISPUTES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Declaration of Policy.* - Consistent with the principles enshrined in the 1987 Constitution, it is hereby declared a policy of the State to afford full protection to the rights of workers, farmers, and farmworkers to enable them to pursue and protect their legitimate and collective interests and aspirations.

Towards this end, the State shall ensure that the workers' and peasants' rights to self-organization, collective bargaining and negotiation, and peaceful concerted activities shall at all times be recognized and respected when legal disputes arise from their democratic struggles to advance and/or defend their social, economic, cultural and political rights.

SECTION 2. *Definitions.*

- a) ***Agrarian Dispute*** refers to any legal controversy relating to tenurial arrangements over lands devoted to agriculture, including disputes in negotiating, fixing, or changing the terms or conditions of such tenurial arrangements. The term shall also include any controversy relating to compensation of lands acquired under RA 6657, and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries.
- b) ***Labor Dispute*** refers to any legal controversy between employers and employees that is related to employment or to the terms of employment.
- c) ***Deputization***, as used in this Act, means the act of appointing any unit of the Armed Forces of the Philippines (AFP) or any unit of its paramilitary forces to take charge of law enforcement duties in the areas with impending or existing labor or agrarian disputes.

SECTION 3. *Prohibited Acts.* -

a) Except for the President in instances where there is an urgent need to quell lawless violence, no person shall order the deployment and/or deputization of any unit of the AFP or any unit of its paramilitary forces for law enforcement duties in areas with impending or existing labor or agrarian disputes.

Any said order shall not be invoked as a justification for the deployment and/or deputization of military and paramilitary troops in the areas mentioned in the preceding paragraph.

b) Judges and officers of quasi-judicial bodies involved in litigating labor and agrarian disputes shall not deputize any unit of the AFP or any of its paramilitary forces to implement its orders, notices, and decisions.

c) No officer and/or personnel of the AFP or any of its paramilitary forces shall escort individuals who seek to enter or leave the premises of an area with labor or agrarian disputes.

d) A complaint for the violation of this Act lodged with the Philippine National Police or any relevant government investigating agency must be investigated by that agency. Any member of the PNP or other relevant government investigating agencies who, without any lawful reason, refused or failed to investigate the complaint lodged is also similarly liable.

SECTION 4. *Penalty.* - Any person who violates any of the provisions of the preceding section shall be punished by imprisonment of three (3) years and a fine of One Hundred Thousand Pesos (Php 100,000.00)

SECTION 5. *Repealing Clause.* - All previous or existing laws, decrees, executive orders, memorandum circulars, rules and regulations or parts thereof inconsistent with this Act are hereby repealed accordingly.

SECTION 6. *Separability Clause.* - If, for any reason, any section or provision of this Act is declared null and void, no other section, provision, or part thereof shall be affected and the same shall remain in full force and effect.

SECTION 7. *Effectivity Clause.* - This Act shall take effect immediately after publication in a national newspaper of general circulation.

Approved,