

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3453



Introduced by BAYAN MUNA Representatives EUFEMIA C. CULLAMAT,
CARLOS ISAGANI T. ZARATE, and FERDINAND R. GAITE

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 provides 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 that Filipino workers and peasants are supposed to enjoy are being systematically violated. Specifically, workers and peasants, often in the midst of a collective bargaining or negotiation or a 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 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' picket line in front of the hacienda. The combined elements of hundreds of military and police forces with high-powered firearms attacked the picketing workers and a thousand of its 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 of 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 in the past ten years in the reign of terror of these militia in their territories. Notable of which are murders of the head of a tribal school, Emerito Samarca and two other *lumad* leaders Dionel Campos and Bello Sinzo allegedly by the paramilitary group "Magahat Bagani" in 2015. They were killed in cold blood in the presence of tribe members.

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.

More than a decade has passed yet farmers, farm workers from all over the country still experience harassment from elements of the military because of their continued conviction to own a piece of land, as is their right.

These continue to happen all over the country under the administration of Pres. Rodrigo Duterte, with documented attacks against farmers, farmworkers and even of workers' picket lines. One notable case of late is the violent dispersal of banana plantation workers' strike of Japanese-owned company Sumitomo Fruits (SUMIFRU) in Brgy. San Miguel, Compostela Valley. The plantation workers under Nagkahiusang Mamumuo sa Suyapa Farm (NAMASUFA) staged a strike on October 1, 2018 to call for regularization and for a collective bargaining agreement. On October 13, 2018 the Eastern Mindanao 10th Infantry Division deployed soldiers to the SUMIFRU plantation upon the request of the Department of Labor and Employment (DOLE) – Region XI to assist in "peace-keeping efforts". This was after the workers' picket line was violently dispersed on October 11, 2018 by unidentified men, leaving 7 workers injured while 2 were arrested. On October 31, Danny Boy

Bautista, an active member of NAMASUFA was shot by unidentified assailants in Brgy. Poblacion, Compostela Valley. The violent dispersal of the plantation workers forced them to move their picket to the national capital to assert their rights.

The lesson to be learned from the Hacienda Luisita massacre and the violent dispersal of NAMASUFA agricultural workers, as with all other 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 Nov. 16, 2004. It was refiled by Bayan Muna Rep. Carlos Isagani Zarate in the 17th Congress and was pending on the Committee on National Defense and Security.

The immediate approval of this bill is earnestly sought.

Approved,


Rep. EUFEMIA C. CULLAMAT
Bayan Muna Party-List


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


Rep. FERDINAND R. GAITE
Bayan Muna Party-List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 3453

Introduced by BAYAN MUNA Representatives EUFEMIA C. CULLAMAT,
CARLOS ISAGANI T. ZARATE, and FERDINAND R. GAITE

**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 or auxiliary 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 or auxiliary 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 Five Hundred Thousand Pesos (Php 500,000.00)

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.