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## U.S. Department of State

### The Philippines Country Report on Human Rights Practices for 1997

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#### THE PHILIPPINES

The Philippines is a democratic republic with an elected president, a functioning political party system, a bicameral legislature, and an independent judiciary. However, political corruption remains endemic in many areas of government, including the electoral and law enforcement systems. The Government made progress in talks with insurgent groups. The judicial system suffers from both corruption and inefficiency.

The Department of National Defense directs the Armed Forces of the Philippines (AFP), and the Department of Interior and Local Government has authority over the civilian Philippine National Police (PNP), whose role involves anti-insurgency efforts as well as normal police work. Despite its official external mission, the AFP became increasingly involved in local law enforcement. Security forces, including police, soldiers, and local civilian militias, committed human rights abuses.

The Government is implementing a far-reaching economic reform program, "Philippines 2000," to convert its agrarian-based economy into an industrial, market-driven one and attract foreign investment. The Government has succeeded in liberalizing the investment, trade, and foreign exchange regimes. Garments and electronics make up more than half of merchandise export receipts and are significantly complemented by overseas worker remittances totaling over \$4 billion in 1997. Gross domestic product grew at approximately 5 percent. While the Government has accelerated market reforms, poverty and inequitable income distribution remain, and the Government's "social reform agenda" has made little progress. About 36 percent of the population of 70 million have difficulty meeting basic nutritional and

other needs, while the richest 20 percent of families received incomes over 10 times that of the lowest 20 percent. Annual per capita national income was estimated at \$1,142 for the first 9 months of 1997.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Members of the security forces were responsible for extrajudicial killings, disappearances, torture and other physical abuse of suspects, and arbitrary arrest and detention. Prison conditions are harsh and in some cases life threatening. According to the Government's Commission on Human Rights (CHR), the police continued to be the leading abusers of human rights. Some abuses were committed by police or military personnel involved in illegal activities, including coerced protection, kidnaping gangs, drug syndicates, and illegal logging. In some cases, police authorities appear to tacitly sanction police brutality and even collusion with killings as an expedient means to fight crime. The Government has taken few effective steps to reform the police, the military forces, or a court system that appears susceptible to the influence of the wealthy and powerful while not providing equal justice for others. There is a failure to prosecute many who break the law. The judiciary is inefficient, lacks sufficient staff, does not ensure expeditious trials, and suffers from corruption. The courts remain hobbled by backlogs and limited resources, and long delays in trials are common. There was a marked increase in the displacement of citizens, accompanied by physical assaults on communities (indigenous peoples, farm cooperatives or squatter groups).

An estimated 4 million citizens living abroad remained disenfranchised because Congress has not yet enacted absentee voting, as required by the Constitution. Violence and discrimination against women and abuse of children continued to be serious problems. Discrimination against indigenous people and Muslims persists, although the Mindanao peace process is addressing the latter problems in many communities. Legislation passed in October is expected to provide improved protection for indigenous people. Rural poverty and family displacement worsened a persistent child labor problem, which the Government took steps to address.

To promote respect for human rights, the Commission on Human Rights, a governmental body, organized a system of over 6,000 locality ("barangay") human rights officers to monitor local authorities and report complaints.

Communist and Muslim insurgent groups committed abuses, including extrajudicial killings, kidnapings, torture, and detentions.

## RESPECT FOR HUMAN RIGHTS

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### a. Political and Other Extrajudicial Killing

Police, prison guards, and military forces committed extrajudicial killings. The nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP) reported five extrajudicial killings by authorities in the first 6 months of 1997, compared with 14 in 1996. The CHR, which includes killings by insurgents in its totals, investigated 49 extrajudicial killings in the first 6 months of the year.

The TFDP reported that police personnel killed three persons and wounded three others during the demolition and removal of an indigenous people's community in Bukidnon province, Mindanao, in July. According to both the TFDP and the Church's Ecumenical Commission for Displaced Families and Communities, elements of the PNP shot two members of the Higaonon people and a Filipino visitor in the course of forcibly removing them from land that they claimed as ancestral domain but to which a

powerful local family also laid claim. Three other Higaonon, including an 8-year-old girl, were wounded in the gunfire as local security forces, demolition teams, and the PNP worked together to expel more than a hundred families (an estimated 600 people).

Although several thousand PNP officers have taken part in CHR human rights training, killings and the mistreating of criminal suspects continued. In May Department of Interior and Local Government (DILG) Secretary Robert Barbers issued a "shoot to kill" directive to police in situations where they believed they faced an armed criminal. Barbers sought to respond to allegations of a police killing in the death of suspected jewelry store robber whose escape from jail was widely reported by the press (see Section 1.e.).

There were numerous deaths in custody due to beatings by prison guards, malnutrition, and disease (see Section 1.c.).

The AFP continued its counterinsurgency campaign in Mindanao (see Section 1.g.), and the TFDP reported that the AFP was responsible for 14 civilian deaths during the first half of 1997.

Extrajudicial killings also resulted from increased AFP involvement in civilian law enforcement following the declaration by President Ramos in August that the drug trade was a national security threat. Members of the AFP mistakenly killed an 8-year-old girl in August during a raid on the home of a suspected drug lord. The CHR filed a negligence complaint against the AFP unit's commanders. The soldiers involved were arraigned on charges of manslaughter.

Many civilian deaths resulted from clashes between the AFP and the Muslim separatist group, the Moro Islamic Liberation Front (MILF). A cease fire was put into effect in November, and the Government and MILF have engaged in exploratory talks. In March in Buldon in Mindanao, 10 Muslim students and a teacher were killed by artillery fire that destroyed the building where they were holding classes. A CHR investigation and report indicated that only the AFP used the kind of 105mm howitzer capable of firing the projectiles that struck the community center holding the classes. However, the AFP claimed that there was evidence that a different kind of munition was used in the shelling.

Civilian militia units or Citizens Armed Forces Geographical Units (CAFGU's) also committed extrajudicial killings. Organized by the police and the AFP to secure areas cleared of insurgents, these nonprofessional units have inadequate training, poor supervision, and a propensity for violent behavior. There was a gradual reduction of CAFGU numbers, however, continued fighting in Mindanao and resistance from some governors, who feared a renewed Communist threat, particularly in northern Luzon, hindered efforts to reduce such forces.

The Catholic Bishops Conference of the Philippines (CBCP) reported that in August a CAFGU member killed a church worker assigned to pastoral care of prisoners in the Davao area penal colony at Dapecol. The CBCP indicated that the church volunteer, Rodrigo Guillen, was shot by the CAFGU bodyguard of the superintendent of the penal colony, retired police colonel Jose Poblacion. Guillen was reportedly a target for retribution after recently signing a complaint against Poblacion about abuses in the prison (see Section 1.c.).

In February unidentified gunmen killed the head of the Catholic diocese of Sulu, Bishop Benjamin De Jesus. The gunmen also killed a young girl and wounded four boys. Prosecutors announced the arrest of two suspects without apparent political motives. At year's end, the trial had not begun.

Police suspects in the 1995 Kuratong Baleleng robbery case have not yet been tried in the

Sandiganbayan, the ombudsman court. The United Nations Special Rapporteur on Summary and Arbitrary Execution still awaits a final response from the Government to its inquiry about the case. The Sandiganbayan appeared prepared to issue indictments and open trial early in the year, however, both a Sandiganbayan justice and Senator Raul Roco, who pushed for the case's resolution, reported receiving death threats in February. The attorneys assisting prosecution witnesses in the case complained to the U.N. Special Rapporteur that they also received death threats. In February the Rapporteur, Bacre Ndaje, asked the Philippine Department of Foreign Affairs to enforce the fundamental principles of the Universal Declaration on Human Rights. In June some of the key high-ranking police officials, who were about to be charged, were informally "rehabilitated" after the PNP reinstated them. As the process dragged on, key state witnesses either left the country due to fear of reprisal, or remained in a witness protection program, due to fear of retribution against their families.

Corruption and continued impunity hindered the prosecution of cases of killings from previous years. The Integrated Bar of the Philippines (IBP) urged its 40,000 members in August to protest the lack of government prosecution in eight cases involving the death or disappearance of judges and lawyers since 1994.

Vigilante groups or employees of contract security firms working with the authorities were also responsible for extrajudicial killings. In Davao city there is reportedly widespread vigilante justice practiced against suspected drug dealers. Senator Ernesto Herrera, a leader in the Government's antidrug efforts, reported that a Davao vigilante group calling itself "Servants of the People" killed 39 suspected drug dealers in the first 8 months of 1997.

Although the Communist insurgency, with its military wing the New People's Army (NPA), is greatly reduced from its height in the 1980's, NPA insurgents killed many persons, including civilians. In Zambales province in March rebels ambushed a police patrol and killed a local police chief, four officers, and two civilians. In Quezon province in January NPA forces ambushed a car occupied by employees of a power station construction site and killed two persons. In Mindoro province in April NPA forces attacked the town hall in Bansud and killed two unarmed security men. Members of a faction of the NPA killed two civilians in San Carlos city in Negros Occidental in February. The NPA faction reportedly killed the two men for their alleged involvement in drug trafficking and land extortion (see Section 1.f). In "People's Court" trials, the NPA tortured and summarily executed some defendants (see Section 1.e.).

Urban leftist guerrillas reportedly killed two former NPA members in the Manila area in June. Members of the terrorist Alex Boncayao Brigade claimed responsibility for the "execution" of a landowner in Negros Occidental in July.

MILF rebels hijacked a vehicle in the Maguindanao province of Mindanao in June and killed two passengers.

In late October, NPA units raided a police municipal headquarters in Rizal province near Manila. They killed one policeman and abducted the police chief, whom they held for over a month. In November three policemen and a photographer were killed in a Bicol province ambush. An NPA attack in Mindoro Occidental in December resulted in the deaths of five policemen and the abduction of a police commander. The NPA released their police captives in both Rizal and Mindoro Occidental provinces after subjecting them to a "trial" (see Section 1.f.).

#### b. Disappearance

The CHR reported eight disappearances in the first 6 months of the year, compared with five in 1996. The Integrated Bar of the Philippines expressed concern over the August disappearance of a defense attorney retained by the suspect in a highly publicized drug case. The missing attorney was last seen in the company of a National Bureau of Investigation officer before he was abducted. According to government sources, there were links between the attorney's client, a suspected drug smuggler, and the police.

The courts and police have failed to address complaints by victims' families concerning numerous disappearances in the late 1980's. According to Amnesty International, disappearances occurred when people were taken into custody by agents of the Government, but the Government denied knowledge of their whereabouts and concealed their custody. An advocacy group, Families of Victims of Involuntary Disappearance (FIND), presented to the Government records of 1,635 documented cases of missing individuals since the Marcos era. (According to Amnesty International, there were 759 disappearances under former President Ferdinand Marcos, 830 disappearances during the Corazon Aquino presidency, and 46 since President Ramos assumed office in 1992.) Although President Fidel Ramos appointed a committee to investigate such disappearances in 1992, the committee never functioned. FIND called for its disbanding to dispel any illusion that the problem is being addressed. Instead FIND appealed for a return visit by the U.N. Working Group on Enforced and Involuntary Disappearances, which last visited the country in 1990. The appearance of deliberate government inaction on cases that involve officials who remain influential helps create a climate of impunity that undermines confidence in the justice system.

Kidnaping of members of ethnic communities remained a problem. Criminal syndicates and insurgent groups targeted primarily Chinese-Filipino businessmen, although their victims also included ethnic Filipino business people and some foreign managers. According to the group Citizens Action Against Crime (CAAC), which monitors incidents that victims' families have chosen not to report, there were 105 kidnapings for ransom in the first 8 months of 1997, involving 172 victims.

Members of the Chinese-Filipino community, which is about 1 to 2 percent of the population, wield significant commercial influence, normally refused to cooperate with the authorities or to identify their captors, if known. In a typical case, kidnapers seized real estate developer Kok Go and his son in a downtown Manila neighborhood in February. Within hours his family paid about \$170,000 (5 million pesos) for their release without contacting the police. The Chinese community deeply distrusts the authorities, whom they believe collude with the kidnap gangs. Observers believe that police involvement is indicated by the kidnapers' frequent use of sophisticated communications equipment and high-powered weapons. In December shops in Manila's Chinese business district closed for 1 day, and there were marches to protest the deaths of two young kidnap victims.

According to the Government's kidnaping task force report in March there was evidence that 87 police officers and 27 members of the military were involved with kidnaping operations. Nevertheless, despite press criticism, there were few indictments of police and military personnel on kidnaping charges.

Along with Manila, the city of Cotabato in Mindanao was a frequent site of kidnapings. Its proximity to areas controlled by an insurgent Muslim force, the MILF, makes it especially vulnerable. To respond to a rash of 14 kidnapings in a month and shop closure protests by the resident Chinese-Filipino business community, President Ramos ordered soldiers to replace the police as the law enforcement authority there in May. Although AFP leaders charged the MILF with seeking ransom funds and using the kidnapings as a "show of force," observers believed that many kidnapings were by gangs, many of which were composed of former insurgents or police and army veterans. In some cases MILF forces also took part or colluded with the kidnapers. In one such incident, a German businessman was kidnaped by the MILF in Zamboanga del Norte in September; at year's end, although his release seemed imminent,

he was still being held. Several bandit groups or fraudulent intermediaries have emerged to seek ransom money.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and evidence obtained through its use is legally inadmissible. However, members of the security forces and police continued to use torture and otherwise abuse suspects and detainees. The CHR and the Department of Interior and Local Government (DILG) provide the police with human rights training, including primers on the rights of suspects. However, such training is voluntary and dependent on the DILG's uncertain budget. Police awareness of the rights of persons in custody remains poor.

The CHR reported one case of torture through June, compared with four in all of 1996. The TFDP reported eight cases in the first 10 months of 1997, compared with nine during 1996. A study commissioned by the NGO LawAsia identified the most common forms of abuse during arrest and interrogation as mauling, slaps, strangulation, hitting with rifle butts or wooden clubs, poking with a gun, enclosing a victim's head in cellophane, and applying electrical current to the genitals. Police also reportedly burn or drag suspects behind cars to force confessions. In February a CHR medical officer found evidence that police tortured and beat suspects in a robbery case in which police were allegedly involved. According to the CHR, the police used electric shocks, blows with rifle stocks, and beatings to force confessions from the two suspects.

Police used tear gas and force in battling squatters who were being displaced (see Section 1.f.).

The NPA sometimes tortures defendants tried in its informal courts (see Section 1.e.).

Prison conditions are harsh and often life threatening. Jails and prisons are overcrowded, have limited exercise and sanitary facilities, and provide prisoners with an inadequate diet. Administrators reportedly budget a subsistence allowance of about 80 cents (25 pesos) a day. In January there were prisoner riots in the Manila city jail, reportedly caused by gang rivalries. In July, during another riot there, two prisoners and the infant child of an inmate were shot and killed by prison guards attempting to quell the disturbance. Conditions reached crisis proportions when an outbreak of typhoid fever in the jail led to the death of eight prisoners in February. Over 2,000 prisoners are housed in the century old jail, where overcrowding and a contaminated water supply caused numerous typhoid cases. Following a 1990-96 CHR study on 6,939 jail facilities, the CHR criticized the imprisonment of women and children in facilities not fully segregated from male inmates. A September CHR report notes that budget shortfalls have prevented many local authorities from providing better jail conditions.

Official corruption is a serious problem in the prison system. Jail administrators reportedly delegate much authority to maintain order to senior inmates. Favored inmates reportedly enjoy access to outside contacts, enabling them to trade in prostitution and drugs from within the jail. The CHR investigated the death of an inmate in February after his family charged that his body showed marks of beatings. Jail authorities claimed that he fell to his death in an apparent suicide.

Guards often abuse prisoners. Female prisoners are at particular risk of sexual assault. A CHR report on jail facilities throughout the country indicated that of 613 jails visited, only 64 had adequate facilities and were in good condition. Some prominent prisoners and celebrities, however, are treated far better. A congressman detained in a Makati city jail for several months soon upgraded his cell quarters with air conditioning, food service facilities, and video equipment. He was allowed passes to visit his dentist and others outside the jail.

Conditions in the provincial jails were often as Spartan and overcrowded as in Manila. Inmates depended on their families for food because of the insufficient subsistence allowance. According to the penal authorities, there were over 21,000 prisoners held in regional jails. Many were there at the discretion of local law enforcement authorities without benefit of a trial. In one incident the CAFGU bodyguard of a penal colony superintendent killed a church volunteer worker (see Section 1.a.).

Through the efforts of the CHR between 1988 and 1996, 627 prisoners and detainees were released because they had been imprisoned beyond the term of the sentences imposed, or because the CHR helped obtain their paroles or pardon. The CHR study found that a major contributor to overcrowding in the prisons was the courts' failure to hear the cases of detainees who were unable to post bail.

International monitoring groups, the International Committee of the Red Cross, and foreign embassy officials are allowed free access to jails and prisons.

#### d. Arbitrary Arrest, Detention, or Exile

Although the Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention, police continue to arbitrarily arrest and detain citizens.

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence of guilt is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of a warrantless arrest, depending on the seriousness of the crime for which the arrest was made. The CHR listed 34 cases of illegal arrest and detention in the first 6 months of 1997. The TFDP reported that 81 persons were arrested illegally in the first 10 months of 1997, compared with 84 such arrests during the previous year. In late 1996, the politically motivated arrest and detention of a member of the Communist National Democratic Front (NDF), Danilo Borjal, in Naga city received extensive publicity. Borjal was an advisor for the Government-NPA peace talks, and despite his right to certain immunities under the Government's peace process agreement with the NDF and related NPA insurgents, he was arrested and held for over 3 months on a charge of illegal possession of an weapon.

The NPA is responsible for some arbitrary arrests and detentions, often in connection with informal courts set up to try civilians and local politicians for "crimes against the people."

Forced exile is illegal and is not practiced.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but the judicial system suffers from corruption and inefficiency. Personal ties undermine the commitment of some government institutions to ensuring due process and equal justice, resulting in impunity for those who commit offenses but are rich and influential.

The national court system consists of four levels: Local and regional trial courts, a national Court of Appeals divided into 15 divisions, a 15-member Supreme Court, and an informal local system for arbitrating or mediating certain problems outside the formal court system.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and

have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities generally respect the right of defendants to be represented by a lawyer, although poverty often inhibits a defendant's access to attorneys. There is no jury system under the law; all cases are heard by judges.

According to the NGO Alterlaw, abuse of personal connections, patronage, influence peddling, and bribery are common. The judicial process is perceived as biased in favor of the rich and influential, and there are few instances of the police investigating and the courts trying white collar criminals. Legal experts in and outside the justice system also criticize personal and professional relationships between judges and the individuals and corporations whose cases they are assigned. Some law firms, known in that profession as "case fixers," gain the favor of judges and other court officials and bribe some witnesses. While it is technically illegal to settle criminal cases out of court, the practice of reaching an "amicable settlement" is routine; without key victims or witnesses to testify, the authorities are forced to abandon their case. The Government has been unable, for the most part, to take effective action to intervene in these situations.

The pace of justice is slow. The court system is unable to assure detained persons expeditious trials. There is a widely recognized need for more prosecutors, judges, and courtrooms. A leading court administrator indicated that 549 unfilled positions for judges remained vacant in 1997 for lack of qualified applicants. Many vacancies were in provincial capitals unattractive to jurists. In other cases, salaries for judges were considered too low compared with other opportunities. Further impeding justice was a shortage of prosecutors. A Justice Department official acknowledged in June that he lacked sufficient resources to hire the prosecutors needed for the nationwide case load. He also acknowledged that prosecutors are susceptible to corruption because of their low salaries.

According to the Constitution, cases are to be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 for the Court of Appeals, and 3 months for lower courts. There are no time limits for trials. Because of numerous technical delays and frequent failures of judges and prosecutors to appear, trials can last many months. Prosecutors often declined to prosecute certain types of cases. Officials in the Labor and Social Welfare Departments complain that prosecutors fail to follow up on cases involving child labor violations (see Section 6.d.). Police who cut short the investigative process by extracting forced confessions contribute to lengthy court dockets, as judges reject such denials of due process.

The CHR reported that only 18 percent of the human rights cases that it referred to courts and other government agencies were resolved, and that the courts dismissed 76 percent of the few cases received for judicial review. Commission officials blamed the low percentage on the problems inherent in the justice system. To address the problem, the CHR arranged to have three Justice Department prosecutors permanently assigned to its staff to expedite prosecutions.

Although the Sandiganbayan's handling of the Kuratong Baleleng case (see Section 1.a.) was not transparent, the court, as an instrument for reform, served well in some cases involving regional political figures who might otherwise have swayed the verdicts of regional courts. However, in other cases involving major political figures and sensitive issues, the court appeared unable to begin proceedings.

An NGO representing over 400 families of crime victims (Crusade Against Violence--CAV) reported some success in providing families with legal advice, monitoring court processes, and spurring prosecutors to address cases despite the efforts of local crime lords or officials to hinder proceedings. However, CAV president Dante Jimenez resigned in May in a protest gesture after his brother's murderer was acquitted in a Manila area court. Jimenez charged that local protectors of the drug trade had succeeded in corrupting the court process.

More than 10,000 victims claiming indemnification for alleged Marcos-era human rights abuses await the outcome of a Makati city court case begun in May. Attorneys defending Mrs. Imelda Marcos sought to block any court finding by obtaining a certificate that there were no human rights cases officially on file against the former president. CHR officials stated that they would support the efforts of the human rights victims to obtain relief and filed a motion on their behalf in the Makati court. Former President Corazon Aquino made a public appeal for speedy court justice for the Marcos-era human rights victims.

In October the TFDP questioned the apparent unfairness in many of court proceedings that result in death penalty sentences, since the judicial system did not ensure the rights of defendants to due process and legal representation. At times, defendants in such cases had no lawyers to assist them when they were arrested, indicted, and brought to trial.

The NPA "tries" civilians and local politicians for "crimes against the people" in informal courts. Defendants in such trials are sometimes tortured or summarily executed. Former leaders of the Communist Party have been at particular risk in "people's court" trials.

In 1995 the Government offered amnesty to former rebels and members of government security forces up to a June 1, 1995 deadline. In the case of rebels, crimes covered by the amnesty had to have been committed in pursuit of political beliefs; in that of members of government forces, crimes covered were those committed in the performance of duty. Members of government security forces who committed serious human rights violations (arson, torture, extrajudicial killings, massacres, rape, torture and robbery) were excluded from the program. A quasi-judicial National Amnesty Commission (NAC), whose decisions are subject to review only by the Court of Appeals, was established to process amnesty applications. The NAC processed and oversaw the release of 41 political prisoners in 1995 and 1996. None were released in 1997.

The TFDP reported that there were 190 political prisoners held as of December 1. The Government disputes this charge, contending that those held for allegedly political reasons were really imprisoned for common crimes. Frequently those political prisoners counted by the TFDP were charged with illegal possession of firearms. The TFDP claims that the authorities deliberately "criminalized" the political offender cases in order to strip political prisoners of public sympathy. In the first half of 1997, TFDP investigations indicated that there were 87 new illegal arrests for political reasons (compared with 60 during the same period in 1996). According to the TFDP the authorities released 24 political prisoners. They were released through various means, including outright case dismissal (6) and conditional pardon (11).

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides that search warrants may be issued by a judge on a finding of probable cause. Restrictions on search and seizure within private homes are generally observed, although searches without warrants do occur. Judges have declared evidence obtained illegally to be inadmissible.

Although the Government does not interfere with the free personal use of the mail, there were credible reports in August that military surveillance teams operated within telephone company exchanges to monitor calls in antinarcotics law enforcement operations.

There was a marked increase in displacements of families from their homes to make way for infrastructure and commercial developments. In January the United Nations Committee on Economic, Social, and Cultural Rights declared the Philippines to be "one of the top violators" in allowing families to be displaced without adequate substitute housing. The U.N. Committee filed a formal inquiry with the

Government concerning widespread demolitions in 1996. A member of the CHR, Mercedes Contreras, complained that in implementing massive infrastructure projects in Manila, the Government has dislocated thousands of squatter families (estimated as affecting about 180,000 people during the year). The Government has had difficulty in implementing its 1992 housing law, which provides for consultation, compensation, and substitute housing for the squatter families affected by removal plans. Instead there were numerous arbitrary demolitions of squatter areas, which often resulted in physical confrontations and even deaths to squatter family members.

A police detachment carried out a demolition of homes belonging to an indigenous people's community, the Higaonons, which resulted in three deaths in July (see Section 1.a.). About 100 families were left homeless following the demolition, which was carried out based on a court order secured by a local landowning family.

In Manila there were repeated incidents of violence associated with the forced displacement of squatter communities. In January 50 police officers using tear gas battled about 600 squatters to take over a lot in the central Binondo district; dozens of persons were injured in the melee. In July police and demolition teams helped clear the Sitio Mendez neighborhood in Quezon City of Metro Manila, leaving about 12,000 people temporarily homeless; three infants died during the confrontation with residents. Subsequently a community leader among the squatters was shot and killed by hired security guards. Although the landowner belatedly made arrangements for substitute housing following public criticism, the TFDP described the killing of the community leader as a "move to terrorize slum dwellers opposed to demolitions."

In a similar case raised with the U.N. Commission on Human Rights in 1997 by the leading human rights NGO coalition, the Philippine Association of Human Rights Advocates, a president of a community farmers association in Cavite province was abducted in September 1996, following a series of strong protests against the displacement of the community by a resort developer. The association appealed its claim to land ownership to the Government's Department of Agrarian Reform, which has restrained the developer with a court order. But confrontations between the farmers and developers' agents and local police occurred periodically throughout the year.

#### g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

Despite a 1996 peace agreement between the Government and the Moro National Liberation Front, a major Islamic insurgent group, occasional clashes between government and insurgent forces loyal to the militant Moro Islamic Liberation Front continued to inflict hardship on civilians. Most of the fighting took place in western Mindanao provinces, particularly North Cotabato, Maguindanao, Zamboanga del Norte, and Basilan.

The AFP assumed police duties in the Mindanao area after President Ramos expressed heightened concern over a series of abductions that was allegedly undermining the Mindanao peace process. In June despite a negotiated cease-fire with the MILF, the army attacked a large MILF base area in Maguindanao province to rescue alleged kidnap victims, displacing more than 18,000 families.

Displaced families fear careless use of artillery and bombing in areas otherwise untouched by the conflict. According to the Ecumenical Commission for Displaced Families and Communities, 14 armed clashes in the first half of the year displaced some 27,147 families, an estimated 162,800 persons. The TFDP reported that one civilian was killed and nine wounded as the result of small arms crossfire or from cannon and rocket fire (see Section 1.a.).

Although neither side appeared to have targeted civilian populations or restricted relief supplies, there were periodic grave food shortages associated with the large number of displaced families during the army's June clashes with the MILF.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

Drug syndicates have frequently retaliated against journalists investigating their crimes. In December 1996, a television reporter was killed at his home in Cavite after investigating drug trafficking. There have been no arrests in the case. In June drug traffickers were implicated in the death of Manila journalist Danny Hernandez, who reported on the scale of Manila area drug operations. The Philippine Press Institute (PPI) sought a reopening of the police investigation in the case in the belief that the prior police investigation--which had resulted in the arrest of an alleged robber--had failed to identify the real perpetrators.

The PPI favors the repeal of legislation that bans political advertising in the media. The PPI believes that the total ban, enacted in the interest of fairness, favors incumbents and deprives new candidates of the opportunity to make their views known.

There appears to be no invasive use of censorship, although there is a government-appointed Movie and Television Review and Classification Board which largely monitors the sexual rather than the political content of productions. The Government succeeded in delaying the release of a film depicting the hardships and alleged rape of an overseas 14-year-old Filipino girl working illegally in a household in the Middle East. Officials persuaded the film company to withhold the film on the ground that its content could affect sensitive bilateral relations.

The Government respects academic freedom.

### **b. Freedom of Peaceful Assembly and Association**

The Constitution provides for these rights, and the Government respects them in practice.

### **c. Freedom of Religion**

The Constitution provides for freedom of religion, and the Government respects this right in practice.

### **d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation**

Citizens enjoy the freedom to change their place of residence and employment. Travel abroad is limited only in rare circumstances, such as pending court cases or when government authorities try to discourage travel by vulnerable workers, such as young women to areas where they face personal risk. The Philippine Overseas Employment Administration (POEA) seeks to limit departures for work abroad to those whom the POEA certifies as qualified for the jobs. An estimated 4 million citizens work overseas and remit money home, which amounts to 5 percent of the gross national product.

The Philippines is a signatory to the 1951 Geneva Convention Relating to the Status of Refugees and its

1967 Protocol. There is no comprehensive legislation, however, to implement the Convention. The Government recognized approximately 140 refugees who were under the U.N. High Commissioner for Refugees protection. The Government continued to allow 1,583 asylum seekers from Vietnam to remain after the termination of the Comprehensive Plan of Action (CPA) on June 30. All these asylum seekers were denied refugee status in accordance with CPA provisions. Approximately 385 of these persons reside in a village in Palawan composed largely of Vietnamese, while the remainder live in major urban areas.

The Government continued to encourage voluntary repatriation of these asylum seekers and has ruled out forcible repatriation. There is significant nongovernment support (particularly from the Catholic Church) for allowing those asylum seekers who do not wish to repatriate and are ineligible for resettlement in third countries to remain in the country permanently.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections. Congress has yet to enact, however, a system for absentee voting, as required by the Constitution. This provision affects an estimated 4 million potential voters or about 10 percent of the electorate, most of whom are expatriates.

An estimated 70 to 75 percent of registered voters participated in 1995 national and local elections that confirmed the control of a loose progovernment coalition over both the House of Representatives and the Senate.

However, the 1995 elections disclosed a flaw in the election system, which impairs the democratic process and the transition of power in government. Election irregularities invalidated the Senate race results for some candidates. The hand-counting of millions of paper ballots delayed the election results and contributed to cheating. Former Senator Aquilino Pimentel filed a complaint with the Senate Electoral Tribunal, alleging he was victimized by vote tampering, known as "Dagdag-Bawas" (literally "Addition-Subtraction"), which boosted the votes of his rivals. A Senate Electoral Tribunal confirmed the validity of the charges in August, following a recount of votes in 17 percent of the nation's precincts. Based on these partial results, the Tribunal concluded that at least 243,700 nonexistent votes were credited to a rival candidate who had defeated Pimentel. The incumbent remained in office despite the evidence of vote tampering. The initial public reaction to the Tribunal's findings reflected widespread pessimism that there could be an effective reform of the election system. The Government did not begin prosecution of election officials who, according to the recount, had a hand in massive cheating. A top official of the Commission on Elections, Commissioner Regalado Maambong, said that the Commission was powerless to prevent such cheating. He indicated that the system that allows local officials to appoint or influence election precinct administrators makes it impossible for the Commission to police the nationwide system and assure its integrity.

The Government sought through a peace process to include dissident groups within the political process. In September 1996, there was a significant peace agreement with the Moro National Liberation Front (MNLF). A former MNLF leader was elected governor of the Autonomous Region of Muslim Mindanao shortly after the agreement. The Government sought also to include a second insurgent group, the MILF, in the peace process.

There was growing debate about the orderly change of government in the next presidential election, which is scheduled for May 1998. Both the Catholic Church and human rights groups criticized efforts to extend President Ramos's term of office. In August term extension proponents in the House of

Representatives introduced a measure to convene a constituent assembly and revise the Constitution to extend the terms of both the President and congressional incumbents. By year's end, these efforts had ceased, and it appeared elections would go forward as scheduled.

The Government continued periodic "peace process" talks with the leadership in exile of the Communist National Democratic Front (NDF), which coordinates with its armed resistance group, the New People's Army. A faction that rejects the NDF leadership, the Revolutionary People's Army, seeks further armed resistance rather than involvement in the peace process.

There are no restrictions in law or practice on participation by women and minorities in politics. Three women head cabinet departments, 4 of 24 Senators are women, 23 of 204 elected members of the House are women, and 2 additional women serve as appointed "sectoral" members of the House.

Muslim leaders appealed for a constitutional change to elect senators by region. They argue that the current method of election from a nationwide list favors the established political figures from the Manila area. There are no Muslim senators.

The lower house of the Congress includes one appointed representative for the indigenous people's "sector." However, such "sectoral" representatives in Congress complain that they are excluded from most consultations by congressional colleagues elected from regular districts.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Many government officials, including those of the CHR, are responsive to their views. The Philippine Alliance of Human Rights Advocates (PAHRA), a leading NGO network, effectively monitors human rights problems and seeks redress through its contacts with the Government, the Congress and the CHR. Human rights workers encountered minor harassment, largely by individual local military or police commanders.

The Government blocked participation by Nobel laureate Jose Ramos-Horta in a January regional seminar on human rights diplomacy held at a Manila university. The Government denied Ramos-Horta a visa, based on official concern that Ramos Horta's expression of support for East Timor dissidents could constitute interference in the internal affairs of an Association of Southeast Asian Nations partner, Indonesia.

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution prohibits discrimination against women, children, and members of minorities. Implementation of constitutional protections is at times hindered by lack of implementing legislation and by budgetary constraints.

##### **Women**

Violence against women, particularly domestic violence, is a serious problem. Women's advocates cite the lack of laws on domestic violence, double standards of morality, and a traditional societal reluctance to discuss private family affairs as some of the reasons for domestic violence. The absence of divorce under the law and the lack of job opportunities combine to limit the ability of both poor and wealthy women to escape destructive relationships.

Nonetheless, women's rights advocates describe the greater willingness of women to speak out, despite a sense of shame, fear, and a desire to preserve "family honor," as a positive movement toward gender equality. Working in conjunction with NGO's, the Government's Bureau of Women's Welfare established temporary shelters to protect female victims from further harm and high risk situations. Bureau officials believe that these programs, along with changing attitudes, accounted for the increase in reports of batterings, which continued to grow rapidly throughout 1996 and the first half of 1997. Both the Bureau and the PNP maintain a Women's Help Desk to protect women and encourage the reporting of crimes. PNP stations include female as well as male officers who, with help from NGO's, receive gender sensitivity training for dealing with victims of sexual crimes and domestic violence.

Rape continues to be a major problem. The number of rapes reported to the police rose by 22 percent in the first half of the year to 1,466. In September Congress enacted a major reform of legislation on rape, classifying it as a crime against a person punishable under the Criminal Code, instead of as a crime against chastity punishable only under the Civil Code. Women no longer must prove that they are either virgins or not promiscuous in order to claim legally that they have been raped.

As with battering, government officials attributed the increase in reported rape to changing attitudes. In a widely publicized case, an 11-year-old girl charged a congressman with rape. Intense media reporting compelled prosecution. The congressman has been in custody since January, and his Manila trial continued at year's end.

Women's groups believe that the death penalty, which was restored in 1993, inhibits victims, particularly young victims of incestuous rape, from pressing charges. Convictions for rape could and often did result in imposition of a death sentence.

Many women suffer exposure to violence through their recruitment (often through deception) into prostitution. Prostitution remains illegal, but widespread. A leading NGO working with U.N. Children's Fund (UNICEF) estimated that 300,000 women are engaged in prostitution. While penalties for the offense are light, detained prostitutes are subjected to administrative indignities. Women's groups called for legal action against local officials who condone a climate of impunity for those who exploit prostitutes--both the "entertainment club" employers and their clients. They were critical of highly publicized official campaigns to close clubs and brothels, because such tactics failed to rescue young women from abuse. In April President Ramos ordered police raids on clubs and brothels following press reports that tour agencies used the Internet to advertise sex tourism in Angeles city north of Manila. However, a few days after the raids, the offending establishments were back in business. The Department of Tourism hosted a world tourism meeting in Manila in May and lobbied strenuously for a declaration on the social impact of tourism, including a condemnation of sex tourism. Hotel and travel industry leaders pledged to cooperate with the Government in stopping this practice.

Many women seek employment overseas and are particularly vulnerable to exploitation by unethical recruiters who promise attractive jobs or, in some cases, arrange marriages with foreign men. Some end up working as prostitutes or suffering abuse at the hands of their foreign employers or husbands. Those recruited to work as maids, entertainers, or models may, while overseas, be forced to participate in public shows or dances where nudity and the prospect of sex is the principal attraction. Other women knowingly accept questionable jobs to support parents, children, or siblings with their remittances. To curb such abuses, the Government campaigned to end illegal recruiting and, by raising age, educational, and professional standards for young women seeking jobs abroad, tried to discourage employment migration. The Migrant Workers and Overseas Filipinos Act of 1995 sought to provide the Government with greater financial resources and improved authority to combat these problems. NGO's agreed that these measures were not adequate.

Sexual harassment was also a problem. A survey by the Institute of Labor Studies found workplace sexual harassment to be widespread yet underreported, due to victims' reticence and fear of losing their jobs. A Catholic Church study of conditions for female workers in the Special Economic Zone indicated that sexual harassment by managers was common there. The women are often in a vulnerable position. Most are economic migrants who are required to work long hours and have no independent workers organization that could help them file complaints.

In law but not in practice, women have most of the rights and protections accorded men. The Women in Development and Nation Building Act of 1992 terminated previous restrictions on women's rights to buy and sell property. To implement the act, President Ramos directed that each government agency designate 5 percent of its annual budget for programs to advance opportunities for women. The Commission on the Role of Filipino Women, under the office of the President, seeks to coordinate programs for women. The Commission works closely with many NGO's, including the 10million-member National Council of Women in the Philippines. During the year, the Council conducted seminars and helped launch a program for establishing crisis centers in hospitals for women who are victims of violence. The Department of Labor and Employment upgraded its programs in support of women, having formed a new Bureau of Women and Young Children to advocate major programs. In September a U.N. Development Program report noted that the Government had raised the level of opportunities for women.

However, an inadequate government budget and reluctant implementation of the 1992 reform legislation in some departments limit the effectiveness of the reforms. A former congresswoman who sponsored the 1992 reform legislation complained that government agencies failed to implement the act and the President's directive.

Except for government service and jobs in government-owned or controlled corporations, women faced discrimination in employment. On average, a woman's salary was about 47 percent of a man's. In addition, many women can find only part-time work. Sixty percent of the work force is not fully employed; the majority of this pool of 17 million part-time workers are women.

Church opposition to divorce in this overwhelmingly Catholic nation is strong. However, changes in the Legal Code have made marriage annulment fairly easy, and the practice has become more frequent. The legal cost, however, precludes this option for many women. The practice of "unofficial divorce" (permanent separation) was common among lower income families; in these cases the wife was usually left with the children, and the husband provided little or no financial support.

## Children

Several government agencies have programs devoted to the education, welfare, and development of children. Nevertheless, children faced serious problems in their development. Family poverty apparently forces many school dropouts. About 67 percent of children completed the 6th grade. Approximately 1.5 million children age 7 to 12 are not in school. Public primary and secondary schools are free of tuition charges, but poor families are unable to meet the numerous peripheral costs for uniforms, school supplies, shoes, and transportation.

Widespread poverty forces many young children to work. The Department of Labor and Employment worked with the International Labor Organization (ILO) and NGO's to address problems identified in a landmark 1996 study that showed a widespread incidence of child labor (see Section 6.d.). According to UNICEF and the ILO more than 2 million children were exposed to hazardous working environments, including in quarries, mines, and at docksides. Child trafficking by illegal recruiters often brought

children from poor rural areas to low-paying jobs in cities. In May a police raid rescued 20 children, the majority age 14 and younger, who were disembarking from a Manila ferry with their recruiters bringing them illegally from the southern Visayas region. Typically such children worked as domestic helpers or employees in small workshops.

The Government's Department of Social Work and Development reported in June that there were over 50,000 street children in Manila and over 100,000 nationwide. Reportedly most were abandoned with no family support and engaged in scavenging or begging. According to another study, the number of street children nationwide was over 1 million; if they were defined as children who worked and lived in the streets and returned to their families only occasionally. Street begging and truancy were common in large cities. The insurgency in Mindanao and the migration of the rural poor to Manila aggravated the capital's street children problem.

The Intercountry Adoption Act of 1995, which strengthened safeguards against the sale and trafficking of children abroad, expanded on children's rights legislation enacted in 1992 and 1993. Children's rights advocates criticized the Congress's failure to pass previously introduced legislation that would have created children's and family courts to handle juvenile and domestic relations cases. As traditional societal values defined children as extensions and property of the parents, ordinary courts favored parental authority over the rights of a child.

Greater public awareness eroded traditional reticence to report abuses against children. The CHR reported a major increase in complaints and court cases. Most offenders were citizens, although the problem of foreign pedophiles also received significant attention in the press. The Government adopted a tough policy of seeking prosecution of pedophiles, including those who had returned to their home country after a sex tourism visit. Two foreigners began prison terms in Manila for child-related offenses. Some 50 suspected foreign pedophiles were arrested during the last 3 years. Four foreigners were prosecuted, convicted, and jailed in their home countries for child sex crimes committed in the Philippines during the last 2 years.

The world tourism leaders meeting in May included pedophilia as a target for its efforts against sex tourism. However, despite government efforts at law enforcement and expanded children's programs, there are an estimated 60,000 children involved in the commercial sex industry according to UNICEF. This marks an increase over the estimated 20,000 involved in prostitution reported in a 1987 UNICEF study. The same studies showed that the children in the "entertainment industry" worked long hours,

starting in the evening until early morning. They came from families with unemployed or irregularly employed parents.

### People With Disabilities

A 1983 law provides for equal physical access for the disabled to all public buildings and establishments, and a law passed in 1992 provides for "the rehabilitation, self-development, and self-reliance of disabled persons and their integration into the mainstream of society." Advocates for the rights of the disabled contend that these laws have been ineffective, as implementing regulations have not been published, and that government programs are palliative rather than focused on reintegration. Senator Orlando Mercado, who authored legislation for the disabled, estimated in September that only about 2 percent of an estimated 3.5 million disabled citizens had access to government services.

### Indigenous People

Indigenous people live throughout the Philippines but primarily in the mountainous areas of northern and central Luzon and Mindanao. They account for about 18 percent of the population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevent their full integration into society. Their ability to participate meaningfully in decisions affecting their lands, cultures, traditions, and the allocation of natural resources is minimal. Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffer disproportionately from counterinsurgency operations. Indigenous children suffer from lack of basic services, health, and education.

In October President Ramos signed the Indigenous Peoples' Rights Act which is intended to implement constitutional provisions to protect indigenous people. The law establishes a National Commission of Indigenous People staffed by tribal members empowered to award certificates of title to lands claimed by the over 12 million native people in the Philippines. It awards "ancestral domain lands" on the basis of communal rather than individual ownership, impeding unilateral sale of lands by tribal leaders. The law also requires a process of "informed" consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups a responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development.

Other measures affected indigenous communities in adverse ways. For example, development planning infringed on indigenous people's lands and rights. The Mining Act of 1995 continued a legislative trend promoting mining operations, hydroelectric dams, and other large-scale projects that force indigenous communities to relocate and abandon farming and hunting lands used for generations.

In December President Ramos signed into law the Cordillera Autonomy Act, which is intended to strengthen protection for the indigenous people of the northern Luzon mountain regions.

There were numerous cases in which indigenous people faced legal threats to their claims to ancestral lands from developers, mining interests, and local political interests. The Higaonon people in Mindanao lost portions of their land to the interests of a powerful local landowning family, which enforced their removal through a violent demolition conducted by the PNP and private security forces (see Section 1.a.). Lumad people in Mindanao faced repeated legal battles with government authorities and repeated visits by mining company surveyors and local "mediators" as they sought to preserve their ancestral lands against mining concessions. In Pampanga province, several indigenous groups resisted the efforts of real estate developers to convert their land into a golf resort complex. In Pampanga and Zambales provinces, the Aetas, a nomadic people, found their traditional lands cut off by mining operations. In the same region, another Aeta group faced a dispute over their access to ancestral lands.

### Religious Minorities

About 5 million Muslims, who constitute 7 percent of the population, reside principally in Mindanao and nearby islands and are the largest single minority group in the country. Historically they have been alienated from the dominant Christian majority, and government efforts to integrate Muslims into the political and economic mainstream met with only limited success. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group. Many Muslims claim that they continue to be underrepresented in senior civilian and military positions.

There was progress in improving Christian-Muslim relations following a September 1996 government agreement with the MNLF. In accordance with the agreement, a Southern Philippines Council on Peace and Development (SPCPD) was established to coordinate economic growth in 14 provinces in

Mindanao and MNLF Chairman Nur Misuari became its chair. Shortly thereafter Misuari was also elected Governor of the Autonomous Region of Muslim Mindanao, which was established in 1990 to meet the demand of Muslims for local autonomy in areas where they are a majority or a substantial minority. The accord also provided for integrating MNLF fighters into the armed forces and police. The Government promised to permit a 1999 plebiscite to form the basis for greater autonomy for an Islamic region.

This initiative eased suspicions between Christians and Muslims, setting the stage for cooperation and economic growth. However, as the anniversary of the agreement neared in September, Nur Misuari complained that government economic support for the region was inadequate and that new jobs and investment remained below the targets set. Despite the Government's promise to release \$1.2 billion in funds for development, Misuari said that he had received money to pay only for office operations and the salaries of his governmental employees. The agreement brought little regional stability, as the Muslim provinces experienced fighting in June between government and insurgent MILF forces, in which about 150 persons were killed.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The Constitution and laws provide for the right of workers, including public employees, to form and join trade unions. Although this right is exercised in practice, aspects of the public sector organization law restrict and discourage organizing. Trade unions are independent of the Government and generally free of political party control. Unions have the right to form or join federations or other labor groups. Unions claim to have organized some 12 percent of the total work force of 29.1 million. Under the Constitution, there are five representatives of the labor movement appointed by the President as "sectoral" members of Congress.

Subject to certain procedural restrictions, strikes in the private sector are legal. However, a 1989 law stipulates that all means of reconciliation must be exhausted and that the strike issue must be relevant to the labor contract or the law. The Labor Secretary intervened in 11 labor disputes in the first 11 months of the year, exercising his authority to assume jurisdiction" and mandate a settlement. He can exercise this authority on the condition that he views the industry involved in the strike as "vital to national security." The Labor Secretary interprets this power broadly.

In February 1995, the ILO Committee of Experts noted that certain amendments have been proposed to legislation that the Committee had previously criticized for placing undue restrictions on the right to strike in nonessential services. The Committee remains concerned by the imposition of penalties in cases where strikes have been deemed illegal, by restrictions on the right of government workers to strike, by some restrictions on the right to organize and form a bargaining unit that are in conflict with ILO Convention 87 on freedom of association, and by limitations on the right to elect workers' representatives freely.

In 1996 the ILO's Committee on Freedom of Association issued a finding that substantiated Trade Union Congress of the Philippines (TUCP) and International Confederation of Free Trade Union (ICFTU) charges of worker rights violations at the Danao (Cebu province) plant of Japanese manufacturer Mitsumi. The case, which began with a February 1994 petition by local union officials to the Department of Labor and Employment (DOLE) to hold a certification election, included the arrest of top union officials on spurious criminal narcotics charges, the repeated setting and postponing of elections, and management efforts to prevent workers from participating, or voting freely, in such elections. The

DOLE arranged for a new election to be conducted, although there has been no agreement on a date.

According to the Center for Trade Union and Human Rights (CTUHR), which publicizes allegations of worker rights violations, attacks on striking workers. However, union leaders claimed that in certain lengthy strike situations their members faced intimidation tactics by management. The DOLE's efforts at conciliation and mediation largely averted instances of violence by either side. Strikers at a foreign owned electronics plant occupied the offices of DOLE officials, including the Secretary, in January in protest over the lack of progress in implementing an agreement earlier mandated by the DOLE. However, the strikers left without incident after making their case to DOLE officials.

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union centrals, the TUCP and the FFW, are affiliated with the ICFTU and the World Confederation of Labor respectively.

#### b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for private sector employees and for employees of government-owned or controlled corporations, but the law limits the rights of government workers. Fewer than 500,000 workers are covered by collective bargaining agreements. Despite union opposition, the DOLE secretary issued a change in rules on "labor only" subcontracting, which effectively broadens the definition of industries that may legally use part-time, rotating staff. Unions have argued that this practice allows unscrupulous employers to use subcontractors to evade obligations to their employees and to break unions.

Some employers intimidated workers trying to form a union with threats of firing, factory closure or, as happened at Mitsumi, the filing of criminal charges against labor leaders. Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the National Labor Relations Commission (NLRC). Before disputes reach the time consuming, quasi-judicial NLRC, the DOLE provides the services of the National Conciliation and Mediation Board (NCMB). The NCMB settles most of the unfair labor practice disputes raised as grounds for strikes before such strikes can be declared.

The number of strikes in the first 11 months remained at roughly the same level as in 1996, with 91 cases reported. However, the workdays lost to strikes and the number of workers involved increased. Workdays lost were 658,000 compared with 490,000 in 1996. Workers involved in industrial disputes increased to 50,783 in the first half of the year, from 31,411 in the same period in 1996.

Labor law is uniform throughout the country, including the industrial zones where tax benefits encourage the growth of export industries. However, local political leaders and officials governing these special economic zones (SEZ's) tried to restrict union organizing by maintaining "union free/strike free" policies. Hiring is often tightly controlled through "SEZ Labor Centers" where political ties to local figures often played a role in gaining job eligibility. In spite of sporadic labor unrest and some organizing efforts, union successes in the SEZ's have been few and marginal. Some mainstream unions avoid a major unionizing effort in the lower wage SEZ industries, such as the garment industry, as unpromising in light of both the organizers' restricted access to many zones and the rapid turnover of the young, female staff working on short-term contracts.

#### c. Prohibition of Forced or Compulsory Labor

Forced labor, including forced and bonded labor by children is prohibited, and the Government

effectively enforces this prohibition.

The Labor Department has assisted in arrests of illegal recruiters bringing girls (age 13 to 17) to work in Manila as domestic helpers under terms that involved a "loan" advanced to their parents which the children are obliged to pay through their work. The Labor Department has also helped prosecute the case against an informal sector manufacturer of bleach who is alleged to have used forced child labor.

The Government's efforts to protect workers from abuse also extend to the large number of citizens who work overseas. By raising the issue in bilateral contacts and international forums, it attempts to secure firmer protections of basic rights for guest workers and otherwise provides assistance through its diplomatic missions.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children, and is fully enforced, although some problems remain (see Section 6.c.).

The law prohibits the employment of children below age 15, except under the direct and sole responsibility of parents or guardians or where employment as actors in cinema, theater, radio, or television is essential to the integrity of the production. The Labor Code allows employment for those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor but forbids employment of persons under 18 years of age in hazardous or dangerous work. However, a significant number of children work in the informal sector of the urban economy or as unpaid family workers in rural areas. In the formal manufacturing sector, child labor violations are few. Both Labor Department officials and NGO's are concerned that the legal process has not yet resulted in a court conviction of an employer found using child labor. Children are also abused in the sex tourism business. Some children continued to be employed as agricultural workers on banana and sugar plantations. Children also reportedly are employed on the docks of some regional ports and in a dangerous form of coral reef fishing, which exposes them to shark and needlefish attacks and increases their vulnerability to disease.

In addition to projects undertaken with the UNICEF and the ILO's International Program on the Elimination of Child Labor, the DOLE investigated and attempted to reduce violations of child labor laws outside the agricultural sector through publicized raids on reported violators. The DOLE's raids were coordinated with police and, at times, with personnel from concerned NGO's, especially the Kamalayan Development Foundation. Heightened public awareness led to greater cooperation by local authorities, increased involvement by government agencies, and prosecution of violators. None of these prosecutions led to a conviction and sentencing in either 1996 or 1997.

#### e. Acceptable Conditions of Work

Tripartite regional wage boards set minimum wages. The most recent round of wage increases occurred in late 1996 and early 1997, with the highest rates set in the national capital region (NCR) and the in rural regions. The minimum wage for NCR nonagricultural workers was raised in stages, culminating on May 1 with a level then worth approximately \$6.10 (185 pesos) per day. This wage represents a 12 percent nominal increase over the previous minimum for the region. With this pay level, at least two family members would have to work full-time to support a family of six above the Government's "poverty threshold."

Regional wage board orders cover all private sector workers except domestic helpers and those

employed in the personal service of another. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law.

Violation of minimum wage standards was common. Many firms hired employees at apprentice rates below the minimum wage, although no approved training was entailed in their production line work. A study of the largest export zone showed that many workers received less than the minimum wage. In the Manila area, DOLE inspections found 239 firms that violated minimum wage levels in the first quarter of the year. In southern Mindanao, DOLE surveys disclosed 450 offending firms in the same period. Forty percent of the 15,000 establishments inspected failed to remit social security premiums. Given the difficulty of prosecuting cases through the courts, the DOLE relies on administrative procedures and moral suasion to encourage voluntary employer correction of violations.

The standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8 hour per day limit. An overtime rate of 125 percent of the hourly rate is mandated on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. Enforcement of workweek hours is managed through periodic inspections by the DOLE.

A comprehensive set of occupational safety and health standards exists in law. Although policy formulation and review of these standards is the responsibility of the DOLE, actual enforcement is carried out by an inspectorate corps of some 260 labor and employment officers from 14 regional offices. Statistics on actual work-related accidents and illnesses are incomplete, as incidents (especially in regard to agriculture) are underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without jeopardy to continued employment.

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