

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3949



Introduced by Honorable BIENVENIDO M. ABANTE, JR.

EXPLANATORY NOTE

The State has declared that it shall-

1. **afford full protection to labor;**
2. **guarantee the rights of all workers** to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the **right to strike** in accordance with law, security of tenure, humane conditions of work and living wage, and to participate in policy and decision-making processes affecting their rights and benefits as may be provided by law;
3. **promote the principle of shared responsibility** between workers and employers and the preferential use of **voluntary modes in settling disputes**, including conciliation;
4. **regulate the relations between workers and employees**, recognizing the right of labor to its just share in the fruits of production. (Sec. 3, Art. XIII, Constitution).

On the other hand, it is the principle and policy of the State that-

- a. the Armed Forces of the Philippines is the **protector of the people** and the State. Its **goal** is to secure the **sovereignty** of the State and the **integrity** of the national territory; and
- b. it affirms **labor** as a social **economic force**, and to protect the rights of workers and promote their welfare (Sec. 3 and 18, Art. II, Constitution)

From what happened at the Hacienda Luicita in Tarlac on November 15-16, 2004 where the military particularly the Philippine Army and Philippine Air Force, got involved itself directly and physically¹ and seven (7) persons died while 36 strikers were wounded,² the military has: **violated** its Constitutional mandate as protector of the people; **allowed itself** to be used to protect private interest: **gone beyond** its goal which is to secure the sovereignty of the State and the integrity of the national territory; and **disregarded** the policies of the state to afford full protection to labor and to guarantee the rights of all workers including the **right to strike**.

The Hacienda Luicita incident is a purely **labor matter** of which the military has no jurisdiction to directly and physically intervene. In purely labor matters, what is needed is maintenance of peace and order which is a **police** and not a military affair. Using the military in labor matters is a blatant suppression of the **Constitutional right** of workers to **strike** and is contrary to the Constitutional goal of the Armed Forces to **secure** the **sovereignty** of the State and the **integrity** of the national territory.

It is therefore the aim of this Bill to make illegal the use of military personnel in purely labor matters, hence, the immediate passage of this Bill is earnestly requested.



BIENVENIDO M. ABANTE, JR.

¹ Memorandum of November 23, 2004 by Elmer L. Maniego, CHR; Philippine Daily Inquirer, November 17, 2004 issue

² Consolidated Report dated December 9, 2004 and Follow up report dated Nov. 22, 2004, HR Director, Region 3

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3949

Introduced by Honorable BIENVENIDO M. ABANTE, JR.

AN ACT
PROHIBITING THE INTERVENTION BY OR USE OF ANY UNIT OR
MEMBER OF THE ARMED FORCES OF THE PHILIPPINES IN LABOR
MATTERS, PROVIDING PENALTY FOR VIOLATION THEREOF, AND FOR
OTHER MATTERS. .

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

Section 1. Title. – Policy declaration. – It is hereby declared the Policy of the State to guarantee the rights of workers to self-organization, and peaceful concerted activities, including the right to strike. Towards this end, the government shall see to it that the supremacy of civilian authority is upheld over that of the military and that the military shall be confined to its goal of securing the sovereignty of the State and the integrity of the national territory.

Section 2. Definition of Terms. –

(a) “Employee” includes any person in the employ of an employer. The term shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased as a result of or in connection with any current labor or industrial dispute or because of any unfair labor practice if he has not obtained any other substantially equivalent employment.

(b) “Labor or Industrial Dispute” includes any controversy or matter concerning terms or conditions of employment or the association or representation of persons in negotiating the fixing, maintaining, changing or arranging of terms and conditions of employment regardless of whether or not the disputants stand in the proximity of employers and employees.

(c) “Uniform Labor Practice” means any unfair labor practice as defined under the Labor Code and its amendatory laws and its implementing rules and regulations.

(d) “Strike” means any temporary stoppage of work by the concerted action of employees as a result of a labor or industrial dispute.

Section 3. Prohibited Acts. – It is hereby declared prohibited and unlawful for:

(a) Any person to request, demand, instruct or order any unit or member(s) of the Armed Forces of the Philippines to interfere, disturb, disrupt or disperse any concerted activities, including strikes, of employees by reason of or in connection with any labor or industrial dispute or unfair labor practice as the terms are defined under this Act;

(b) Any unit or member(s) of the Armed Forces of the Philippines to interfere, disturb, disrupt or disperse any concerted activities, including strikes, of employees by reason of or in connection with any labor or industrial dispute or unfair labor practice as the terms are defined under this Act.

Section 4. Penalties. –

(a) A person who shall request, demand, instruct or order any unit or member(s) of the Armed Forces of the Philippines to interfere, disturb, disrupt or disperse any concerted activities, including strike, of employees by reason of or in connection with any labor or industrial dispute or unfair labor practice shall be punished by imprisonment of not less than five (5) years nor more than (7) seven years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Two Hundred Thousand Pesos (P200,000.00); Provided, that if the offender is a public officer, the maximum penalty shall be imposed; Provided further, that if the crime of serious physical injuries or death results from such interference, disturbing, disruption, or dispersal, conviction and punishment under this Act shall be without prejudice to the prosecution, conviction and punishment of the offender for such crimes under the Revised Penal Code.

(b) Any member of the Armed Forces of the Philippines who shall interfere, disturb, disrupt, or disperse any concerted activities, including strike, of employees by reason of or in connection with any labor or industrial dispute or unfair labor practice shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than eight (8) years and a fine of not more than One Hundred Fifty Thousand Pesos (P150,000.00) nor more than Two Hundred Pesos (P200,000.00); Provided, that if the offender is an officer with a rank of First Lieutenant or higher, or its equivalent in Philippine Navy, the maximum penalty shall be imposed; Provided further, that if the crime of serious physical injuries or death results from such interference, disturbing, disruption, or dispersal, conviction and punishment under this Act shall be without prejudice to the prosecution, conviction and punishment of the offender under the Revised Penal Code.

Section 5. Separability Clause.- If for any reason, any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof is declared invalid or unconstitutional, the remaining provisions of this Act shall not be affected by such declaration and shall remain in force.

Section 6. Repealing Clause. – Any provision of laws, decrees, executive orders, rules or regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 7. Effectivity.- This Act shall take effect fifteen (15) days from its publication in at least two (2) national newspapers of general circulation.

Approved,