

Republic of the Philippines
House of Representatives
Quezon City



Thirteenth Congress
Third Regular Session

House Bill No. 5701

Introduced by Anakpawis Party-list Representatives
Rafael V. Mariano and Crispin Beltran

EXPLANATORY NOTE

When an institution, endowed with “international status” by legal fiction, uses such status to violate rights and escape liabilities, its continued enjoyment of such status is an injustice and the sovereign which granted it has all the right to revoke the grant to protect its citizens. One such institution which, through its injurious actions, has come under such political axiom is the International Rice Research Institute (IRRI) and this bill seeks to withdraw the grant of “international status” to IRRI in order to right a wrong, to give justice to the aggrieved, and to put a stop to IRRI’s abuse of such status that violates the Philippine Constitution by way of trampling the rights of its Filipino workers and employees.

The International Rice Research Institute (IRRI) was originally established on the strength of a Memorandum of Agreement entered into on December 9, 1959 by and between the Government of Republic of the Philippines and the Ford and Rockefeller Foundation. The nature of the instrument and the private character of the two other parties, Ford and Rockefeller Foundations, highly evidence that the MOA could only have produced a private corporate entity such that IRRI had to go through the process of incorporation with the Securities and Exchange Commission as required by Philippine laws on corporation.

In 1979, then President Marcos, using its martial law powers that usurped legislative functions, issued Presidential Decree No. 1620 granting IRRI the status, prerogatives, privileges and immunities of an international organization. Thus, IRRI became an international organization by virtue of a mere municipal law, not by an international law or a treaty between or among sovereigns. In other words, it is created by mere legal fiction.

But starting in the late 1980’s, IRRI has been acting in abuse of its status and privileges as international organization addressed in the Philippines. Using the cloth of its international status with immunities, it has been trampling the rights of its Filipino employees and workers. In one case after another, it has discriminated its Filipino employees and workers while refusing to respect their rights to self-organization, collective bargaining and negotiation, and peaceful concerted activities as well as their right to strike. It has even engaged in busting unions and harassing unionists and their leaders. It has resorted to a series of what IRRI union leaders considered as dubious retrenchment programs to cover up its obvious intention to suppress workers’ attempt to form unions and bargain for better working conditions. This IRRI had carried out through a “special separation program” in 1989, a “staff adjustment program” in 1993, and a “staff restructuring program” in 1996.

These acts clearly violate the Philippine Constitution, particularly its Section 3, Article XIII which guarantees the full protection of labor, as well as pertinent provisions of Republic Act 6715 or the Philippine Labor Code which guarantees the rights to a just and living wage, security of tenure, humane conditions of work, and participation in decision-making process on matters affecting workers' welfare and interests. But when these cases were brought to the courts, the aggrieved employees and workers found out that they could not enforce their rights as to IRRI because of the immunity it enjoyed under P. D. 1620.

Among these cases are *International Catholic Immigration Commission vs. Pura Calleja, et. al.* (G. R. NO. 85750, September 28, 1990) and *Kapisanan ng Manggagawa at TAC sa IRRI-Organized Labor Association in Line Industries and Agriculture vs. Secretary of Labor* (G. R. No. 89331, September 28, 1990). In these cases, the Supreme Court, after noting the violation of workers' rights by IRRI, ruled that unions in IRRI could not file an action for certification of elections with the Department of Labor and Employment because of the immunity of the former. The decision effectively bars the existence of any legitimate union within IRRI and, in consequence, prevents workers from effectively exercising their rights through collective action.

In the case of *Layosa vs. IRRI and De-Mesa Carandang* (NLRC Case No. RAB-IV-4-8048-96-L), the National Labor Relations Commission ruled that, for the same reason, it could not inquire into the validity of IRRI's dismissal of an employee. Another case of illegal mass termination or retrenchment, *BISSIG vs. IRR* (NLRC Case NO. SRAB-IV-1-5-5151-97-L), was also dismissed by the NLRC on the same ground. The Supreme Court would later affirm the NLRC decision on the *Layosa* case.

These decisions show that P. D. 1620 had anomalously placed IRRI beyond the pale of Philippine Constitution, laws (particularly the Philippine Labor Code) and jurisprudence, putting the country in a lamentable situation where its sovereignty has been diminished, particularly with regard to enforcing its laws to protect its citizens. Moreover, the country's inability to enforce its labor laws on IRRI and protect and promote their rights and welfare contravenes Philippine commitments to the United Nations' *Universal Declaration of Human Rights* which, through its Article 23, enunciates that "Everyone has the right to form and join trade unions for the protection of his interests"; as well as the International Labor Organization's *Convention on the Freedom of Association and Protection of the Right to Organize* (1948), *Convention on the Right to Organize and Collective Bargaining* (1949), and *Convention Against Discrimination in Employment and Occupation* (1958).

Compounding the labor issues are IRRI's massive use of toxic chemicals in its projects which violated the workers right to safe working conditions and injurious to their health. Union members would report of employees and workers who acquired various illnesses due to exposure to toxic chemicals and pesticides in IRRI projects. They also reported cases of workers having died of diseases incurred during their employment in IRRI and certified to be work-related. But they could not claim compensation under our laws because of IRRI's immunity.

In the light of the above-quoted provision of the Philippine Constitution and as signatory to the UN's *Universal Declaration of Human Rights* and the ILO Conventions aforementioned, this country can not and should not countenance that its people, particularly the employees and workers of IRRI, be badly treated right in their own backyard by a so-called international institution which subsisted on Filipino hospitality and at the expense of Philippine sovereignty. Such is the lowest depth of injustice to which the Philippine government could be a party if it just sits idly by and choose to be a mere spectator at the plight of IRRI employees and workers. Our Constitution and

commitments to international labor conventions bind this country not to “shed, cut or sacrifice” the rights of our workers in exchange for any fiction nor bargain them away for any cause (*Colmenares and Villacorta, Rethinking Impunity in the IRRI, 79 Philippine Law Journal, 894*).

It is well to point out that since IRRI lays claim to be an international organization, all the more that it must comply with international standards, specifically international labor standards that ILO wants propagated and implemented world wide in the interest of all workers.

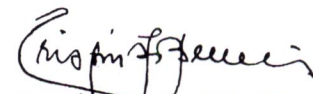
P.D. 1620 justified the grant of international status to IRRI on the ground that it is necessary for the institution’s pursuit of its research tasks. This is at most contentious if viewed in the light of the experience of other private research institutions which have performed their research tasks without the panoply of international status. It is a superfluity more designed to give IRRI convenience than to respond to a necessity. From the experiences of those research institutions, the authors of this bill see no cause to believe that the withdrawal of international status would affect or diminish the capability of IRRI to pursue its research tasks. Certainly, IRRI could still act and perform as a research institution even without immunity privileges.

Moreover, since IRRI’s international status is only a legal fiction created by a municipal law, it maybe withdrawn anytime by the sovereign that granted it without violating any precept of international law. IRRI is simply reverted to its original status as a private corporation (*Colmenares and Vullacorta, ibid.*), the status appropriate to its constitution.

To effectively address the issue of IRRI workers, it is most urgent and necessary to repeal P.D. 1620 to right this wrong and ensure the protection of the rights of workers in IRRI in accordance with Philippine Constitution, laws and commitments to international conventions of which the country is a signatory. The measure is even made more urgent by IRRI’s callousness and intransigence to respect the rights of its employees and workers that the only recourse left for them is the intervention of Philippine legislature.

In the light of the foregoing, it is earnestly sought that this bill be approved immediately.


RAFAEL V. MARIANO
ANAKPAWIS Party-list


CRISPIN B. BELTRAN
ANAKPAWIS Party-list

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**AN ACT PROTECTING THE RIGHTS OF WORKERS
OF THE INTERNATIONAL RICE RESEARCH INSTITUTE
AS ENSHRINED IN THE 1987 CONSTITUTION, REPEALING FOR THE
PURPOSE PRESIDENTIAL DECREE NO. 1620, THE DECREE
GRANTING TO THE INTERNATIONAL RICE RESEARCH INSTITUTE THE
STATUS, PREROGATIVES, PRIVILEGES AND IMMUNITIES OF AN
INTERNATIONAL ORGANIZATION**

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

Section 1 – Presidential Decree 1620 which granted the International Rice Research Institute the recognition and status of international organization, replete with immunities and privileges of being such, is hereby repealed.

Section 2 - This act shall take effect within fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved.