

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 9650

Introduced by Honorable Representatives
SARAH JANE I. ELAGO (Gabriela Women's Party)
RENEE LOUISE M. CO (Kabataan Partylist)
ANTONIO L. TINIO (ACT Teachers Partylist)

**AN ACT PROTECTING THE RIGHTS OF ALL WORKERS
AND WORKERS' ORGANIZATIONS AND UNIONS FROM INTERFERENCE
BY THEIR EMPLOYERS OR PUBLIC AUTHORITIES OR THEIR AGENTS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

EXPLANATORY NOTE

The 1987 Constitution mandates that the State shall protect the rights of all workers, promote their welfare and afford full protection to labor. The fundamental law of the land further guarantees the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with the law. The exercise of such rights of workers should be free from the interference of their employer or the government.

Enshrined in the Bill of Rights of the Constitution is the provision that "the right of the people, including those employed in the public and private sectors, to form unions, associations or societies for purposes not contrary to law shall not be abridged." As such, the Labor Code of the Philippines was declared as a State policy to promote free trade unionism as an instrument for the enhancement of democracy and the promotion of social justice and development. In the public sector, the exercise of the right to organize for government employees is provided under Executive Order No. 180, signed in 1987.

Further, the Universal Declaration of Human Rights, an international agreement adopted by the United Nations General Assembly to ensure and guarantee the rights and freedoms, recognizes the right to form and join trade unions and freedom of peaceful assembly and association.

Moreover, the International Labour Organization, a United Nations agency mandated to advance social and economic justice through setting international labor standards, recognizes the right of all workers to self-organize free from any interference. ILO

Convention 87, which the Philippines ratified, provides that public authorities shall refrain from any interference which would restrict the right to freedom of association of all workers or impede its lawful exercise. Similarly, public employees and public employees' organizations enjoy the right to organize and freedom of association, free from prejudice in its lawful exercise, and completely independent from public authorities and its control, as guaranteed by ILO Convention 151, also recently ratified by the Philippines.

For decades, workers and workers' unions have been fighting for their right to self-organization, collective bargaining, just compensation and benefits, security of tenure, and just and humane working conditions, among others. Unfortunately, despite the Constitutionally-protected and internationally-recognized rights of workers and workers' unions, they are subjected to all forms of harassment, intimidation, red-tagging, violent and illegal dispersal of strikes, union-busting, arbitrary arrests due to false charges, and worse, killings.

In 2025, for the ninth consecutive year, the annual Global Rights Index of the International Trade Union Confederation (ITUC) listed the Philippines as one of the ten worst countries for workers, as it noted the killings, arrests of Filipino workers, and violent suppression of labor strikes. Further, the Council of Global Unions (GCU) – representing more than 200 million workers across the globe, have consistently issued alarm about the worsening condition of workers' rights in the country. According to ITUC and GCU, some of the most violated rights of workers include the increasing criminalization of the right to strike, erosion of collective bargaining, and de-registration of unions.

During the term of Former President Rodrigo Duterte, there have been at least 56 reported killings of trade union organizers, 8 of these were reported in the middle of the pandemic. On March 28, 2021, Dandy Miguel, the union president of Lakas ng Nagkakaisang Manggagawa ng Fuji Electric and Vice Chairperson of Pagkakaisa ng Manggagawa sa Timog Katagalugan (PAMANTIK)-KMU, was shot dead while he was riding his motorcycle.¹ Prior to his killing, Miguel went to the Commission on Human Rights (CHR) to complain about cases of harassment and red-tagging of unionists in Southern Tagalog. Weeks before, on March 7, 2021 in what is now dubbed as 'Bloody Sunday Massacre,' 9 activists were killed, including Emmanuel "Manny" Asuncion. He was a long-time labor and community organizer and a leader of Solidarity of Cavite Workers (SCW). He was brutally killed by the police at around 5 in the morning when police stormed the Workers Assistance Center (WAC) office in Dasmarinas, Cavite, ostensibly to serve a warrant of arrest.

There were 32 trade union organizers illegally arrested under President Duterte's term. 13 of these arrests happened in the middle of the pandemic. On November 30, 2020, police dispersed an indignation rally staged by Cebu workers at the Mactan Economic Zone to commemorate Bonifacio Day and denounced the government's red-tagging of trade union activities. Five workers were arrested when police broke up the gathering: Dennis Derige, Myra Opada, Joksan Branzuela, Jonel Labrador and Cristito Pangan, all

¹ <https://www.rappler.com/philippines/labor-rights-leader-dandy-miguel-killed-laguna-march-28-2021/>

affiliated with Sentro ng Nagkakaisa at Progresibong Manggagawa (Sentro) and Partido Manggagawa (PM). They were detained for alleged violation of quarantine guidelines and disobedience. Another notable case is the arrest of HR Day 7. On December 10, 2020, as human rights groups commemorated International Human Rights Day, 7 activists (6 trade union organizers and 1 journalist) were arrested on false charges. 2 of them have since been released on bail while others remain in jail. At present, 20 trade union organizers still remain incarcerated. The Report of the High-Level Tripartite Mission in January 2023 recommended that the practice of red-tagging should stop and that there should be respect for due process and presumption of innocence.²

Kilusang Mayo Uno, an independent national labor center established in 1980, has also reported incidents of workers being harassed by suspected state agents and forced to disaffiliate themselves and their unions from the labor group. Among the unions reportedly experiencing this are: (1) Nexperia Philippines Inc. Workers Union of Nexperia Philippines Inc. (Laguna); (2) Wyeth Philippines Progressive Workers Union of Wyeth Philippines (Laguna); (3) Optodev Workers Union of Optodev Inc. (Laguna); (4) Alcohol Workers Union of Alcophil Metal Corporation Inc. (Valenzuela); and (5) Adnama Mining Resources Inc. Labor Union of Adnama Mining Resources Inc. (Surigao del Norte). Workers were reportedly visited by police in their homes and forced to disaffiliate from their unions under the threat of losing their jobs.

Employees' unions in various government offices have also been subjected to harassment, threats, surveillance, and red-tagging attacks. Sandigan ng mga Empleyadong Nagkakaisa sa Adhikain ng Demokratikong Organisasyon or SENADO, the employees' union in the Senate of the Philippines, was subjected to red-tagging by Director-General Alex Monteagudo of the National Intelligence Coordinating Agency (NICA) for its condemnation of a memorandum issued by the Department of Interior and Local Government (DILG). SENADO, an affiliate of COURAGE, or the Confederation for Unity, Recognition, and Advancement of Government Employees, criticized a memorandum released by the DILG last March that sought to "identify members of supposed communist groups" like COURAGE and the Alliance of Concerned Teachers (ACT) who were government employees. Another government workers union, the Social Welfare Employees Association of the Philippines (SWEAP), have reported persistent intimidation and harassment from military agents and forced them to disaffiliate from COURAGE. COURAGE is the biggest alliance of labor unions in the government. Some of its members are included in the aforementioned list of unionists who have been arrested or killed under the Duterte administration.

Healthcare workers and their unions have also reported intimidation, harassment, and threats against them. Workers and unions in public hospitals such as Jose Reyes Memorial Memorial Hospital, Fabella Hospital, and Philippine Orthopedic Center have reported interference and harassment from police personnel and suspected state agents. Moreover, leaders of healthcare workers' unions have been subjected to red-tagging and threats.

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https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40normes/documents/mission_report/wcms_874240.pdf

Lastly, the issuance of Executive Order No. 70 in 2018 by President Duterte paved the way for the creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). Workers groups point to NTF-ELCAC as the mastermind behind continued efforts to label, brand, vilify, and harass individuals and organizations as state enemies and subversives. Workers and worker's unions said these acts had put their lives in danger as many of their fellow unionists and advocates had been violently attacked, arrested, or killed after being red-baited or tagged as communist rebels or supporters.

In the 19th Congress, Gabriela Women's Party filed this proposed measure and was successfully passed on Third Reading at the House of Representatives in 2023.

Under the current administration, there are reports of harassment and red-tagging done mostly by government agencies of different labor leaders.³ In 2023, Rhoel Alconera, Vice President of Unyon ng mga Panadero sa Gardenia Bakeries Philippines, Inc., was charged with financing terrorism.⁴ The case was dismissed in May 2024 due to the prosecution's failure to present evidence.⁵ In May 2024 and February, AMA-Sugbo-KMU Chairperson Jaime Paglinawan was publicly red-tagged and charged with a terrorist financing case while in February 2025, KMU-Cordillera spokesperson Mike Cabangon was charged with a terrorist financing case. In March 2025, labor NGO ecumenical Institute for Labor Education and Research (EILER) was red-tagged by unknown individuals. In July and August 2025, two labor organizers in Davao were red-tagged and harassed by military personnel.

Thus, it is imperative that Congress legislate this proposed law to protect all workers and worker's organizations from interference, intimidation, harassment, attack, or coercion in violation of their right to self-organization and association.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

REP. SARAH JANE I. ELAGO

Gabriela Women's Party

REP. RENEE LOUISE M. CO

Kabataan Partylist

REP. ANTONIO L. TINIO

ACT Teachers Partylist

³ <https://ctuhr.org/releases/marcos-order-on-union-rights-an-advance-but-workers-must-remain-vigilant/>

⁴ <https://hronlineph.com/2024/05/28/from-the-web-terrorist-financing-cases-rights-violations-vs-labor-rising-ctuhr/>

⁵ <https://nupl.net/nupl-reiterates-call-to-repeal-anti-terror-laws-amid-continuing-dismissal-of-fabricated-charges/>

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ORGANIZATIONS AND UNIONS FROM INTERFERENCE
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PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

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

SECTION 1. Short Title. This Act shall be known as "Hands Off Our Unions Act".

SECTION 2. Declaration of Policy. It is the primary responsibility of the State to protect and uphold the rights of all workers and promote their welfare, including their Constitutionally guaranteed rights to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law.

It is also the policy of the State that any violation thereof is not only a violation of the civil rights of all workers, but also a criminal offense against the State.

SECTION 3. Coverage. For purposes of this Act, any person who shall willfully interfere with, restrain, harass or coerce any worker or workers' association or union in the exercise of their rights to self-organization, or shall in any manner commit any act in violation of the provisions of this Act, and such acts and or commissions not otherwise under the jurisdiction of the Department of Labor and Employment (DOLE) and its appropriate agencies pursuant to the Labor Code of the Philippines and Executive Order 180 shall be liable under this Act.

For purposes of this Act, any person who shall restrain, harass, or coerce or unduly interfere with any private worker or workers' association trade union center, federation,

union, or labor or employees organization in the exercise of their rights to self-organization, or shall, in any manner, commit any act in violation of the provisions of this Act, and such acts or commissions not otherwise under the jurisdiction of the Department of Labor and Employment (DOLE) and its appropriate agencies pursuant to the Labor Code of the Philippines and Executive Order No. 180, entitled "Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor Management Council, and for Other Purposes", shall be liable under this Act.

SECTION 4. Definition of Terms.

- (a) ***Harass or harassment*** refers to the manifestly physical or verbal or systematic or continued unwarranted action of one party or group, including threats and demands;
- (b) ***Vilify, label, brand, tag, red-tag, red-bait, name or accuse in any other manner*** refers to the act of accusing, denouncing, attacking or persecuting an individual or organization as a subversive, subversive sympathizer, terrorist, or terrorist sympathizer without legal basis and due process of law, that is, by decision of the competent Court;
- (c) ***Worker*** refers to any person in the employ of another, whether in the public sector or private sector, including ambulant, intermittent, self-employed, rural workers and those without definite employers, regardless of their employment status, tenure or nature of the agreements or contracts;
- (d) ***Workers' organization or union*** refers to any organization, union, association or group of employees, or federation or national union with local chapters or affiliates, whether in the public or private sector, including ambulant, intermittent, self-employed, rural workers and those without definite employers, which exists in whole or in part for the purpose of collective bargaining, or mutual aid, promotion of interest and welfare, cooperation and protection or other lawful purposes.

SECTION 5. Prohibited Acts. It shall be unlawful for any person to commit any of the following acts of interference, intervention, or intrusion:

- (a) To require, force or coerce a worker to not join a workers' organization or union, or to relinquish or renounce membership therein;
- (b) To require, force or coerce a workers' organization or union to relinquish or renounce its affiliation or membership to any workers' federation or national union;
- (c) To require, force or coerce any worker to not join a workers' organization or union, or to relinquish or renounce membership therein to be able to access any government service, aid or program;

- (d) To require, force or coerce any worker to attend any information drive or seminar which dissuades workers from organizing a union or participating in any activity of the organization or union, or that which labels or vilifies any union or labor organization;
- (e) To discourage a worker from voting or supporting a specific organization or union during certification election;
- (f) To discriminate a worker in any commercial establishment or business, in order to discourage membership in any workers' organization or union;
- (g) To prevent a worker from carrying out duties laid upon them by their position in the organization or union, or to penalize them for the action undertaken in such capacity;
- (h) To interfere, impede, obstruct, or hinder in the establishment, functioning, or administration of workers' organizations or unions;
- (i) To vilify, label, brand, red-tag, name or accuse a worker or workers' organization or union as subversives or terrorists; and
- (j) to otherwise interfere, impede, obstruct, or hinder, without authority under the law, any lawful and peaceful activities of the workers and workers' organizations or unions.

SECTION 6. Conduct of the AFP, PNP and the NTF-ELCAC. Any member, personnel or officer of the Armed Forces of the Philippines (AFP), including the Citizen Armed Force Geographical Unit (CAFGU), Active Auxiliaries and the Special CAFGU Active Auxiliaries, the Philippine National Police (PNP), including its Supervisory Office for Security and Investigation Agency, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and similar bodies, the local chief executives, economic zone police and security personnel guards, employers' private security personnel or guards, and Barangay tanod or Barangay Public Safety Officers shall protect, respect, and advance workers' rights and civil liberties at all times, in compliance with their oaths or affirmations to uphold and defend the Constitution. All their actions, as an individual and as a formed unit, shall always be compliant with existing laws and conventions on the respect and protection of human rights.

They shall not:

- (a) Vilify, label, brand, red-tag, name or accuse workers' organizations or unions, labor leaders, members or organizers as subversives or terrorists;
- (b) Encourage or dissuade workers from exercising their right to organize a union or participate in any legitimate and lawful activity of the organization or union, such as holding pro or anti-union seminars, and other pro or

anti-union information drives, whether within the company premises or not, including industrial or special economic zones;

(c) Interfere during the conduct of representation elections and workers' organization or union elections, such as encouraging or discouraging workers to vote or support a specific individual or workers' organization or union;

(d) Harass or forcibly interrogate workers, organizers, or workers' organization or union officials on their alleged links or support to certain armed groups on the basis of mere membership or affiliation to labor organizations or unions; and

(e) Collect personal data of workers, labor organizers, or union officials such as name, home address, and contact details which can be used for harassment and profiling.

SECTION 7. Complaint mechanism. The DOLE shall verify and act on claims of trade union rights violations without prejudice to existing mechanisms under the Commission on Human Rights (CHR) or other concerned government agencies. The complaint mechanism shall be subject to the Implementing Rules and Regulations (IRR) of this Act.

SECTION 8. Promotion of trade unionism. The DOLE shall lead the efforts in promoting free trade unionism and in fostering a strong labor movement in the country. Towards this end, it shall take a proactive role in strengthening the protection of workers from discrimination and interference in their exercise of their right to organize and form workers' organizations and labor unions.

SECTION 9. Penalties. Any person who interferes with, restrains, harasses or coerces any worker or workers' association or union, in the exercise of their rights to self-organization or in any manner committed any violation of the provisions of this Act, upon conviction, shall be punished by a fine of not less than One Hundred Thousand Pesos (P100,000.00) or imprisonment of not less than one (1) year but not more than two (2) years, or both at the discretion of the court.

If the offender is a public official, the court, in addition to the penalties provided in the preceding paragraph, may impose additional penalties of disqualification from any appointive or elective position and forfeiture of all benefits.

Any violation of the provision on Section 6 of this Act shall be imposed with the maximum penalty provided under this Act.

SECTION 10. Separability Clause. If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 11. Repealing Clause. All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this act are hereby repealed, amended or modified accordingly.

SECTION 12. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,