



**DEPARTMENT OF LABOR AND EMPLOYMENT  
DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT  
DEPARTMENT OF JUSTICE  
DEPARTMENT OF NATIONAL DEFENSE  
DEPARTMENT OF TRADE AND INDUSTRY  
ARMED FORCES OF THE PHILIPPINES  
PHILIPPINE NATIONAL POLICE  
NATIONAL SECURITY COUNCIL  
NATIONAL TASK FORCE TO END LOCAL COMMUNIST ARMED CONFLICT**

**JOINT MEMORANDUM ORDER NO. 1**

Series of 2024

**SUBJECT : OMNIBUS GUIDELINES ON THE EXERCISE OF  
FREEDOM OF ASSOCIATION AND CIVIL LIBERTIES**

These Guidelines govern the conduct of all stakeholders in promoting the effective exercise by private sector workers of their freedom of association and civil liberties; their rights to organize and to collectively bargain, including the right to strike or lockout and to engage in lawful concerted actions as well as in public assemblies whether or not arising from or connected with a labor dispute, in accordance with pertinent laws, rules and regulations. For purposes of these Guidelines, stakeholders shall include the following:

1. Department of Labor and Employment (DOLE);
2. Department of Interior and Local Government (DILG), including local government units (LGUs);
3. Department of Justice (DOJ);
4. Department of National Defense (DND);
5. Department of Trade and Industry (DTI), including investment promotion agencies (IPAs);
6. Armed Forces of the Philippines (AFP), including CAGU Active Auxiliaries (CAAs) and Special CAGU Active Auxiliaries (SCAAs);
7. Philippine National Police (PNP), including its Supervisory Office for Security and Investigation Agencies (SOSIA);
8. National Security Council (NSC), including National Task Force to End Local Communist Armed Conflict (NTF-ELCAC);
9. Other Security Personnel, as defined herein; and
10. Workers and Employers in the Private Sector.

The abovementioned stakeholders commit to conduct themselves in accordance with the provisions of the 1987 Philippine Constitution and the following laws, implementing rules and regulations, and administrative issuances:

- (a) Labor Code of the Philippines, as amended;
- (b) Batas Pambansa Bilang 880 (An Act Ensuring the Free Exercise by the People of their Right Peaceably to Assemble and Petition the Government for other Purposes);
- (c) Republic Act No. 7160 (Local Government Code of the Philippines);
- (d) Republic Act No. 11479 (Anti-Terrorism Act of 2020);
- (e) Presidential Memorandum Order No. 393, s. 1991 (Directing the Armed Forces of the Philippines and the Philippine National Police to Reaffirm their

- Adherence to the Principles of Humanitarian Law and Human Rights in the Conduct of Security/Police Operations);
- (f) Joint Circular 2-91, s. 1991 (Directing the AFP and the PNP to Reaffirm their Adherence to the Principles of Humanitarian Law and Human Rights in the Conduct of Security/Police Operations);
  - (g) Administrative Order No. 35, s. 2012 (Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons);
  - (h) Executive Order No. 70, s. 2018 (Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating a National Task Force to End Local Communist Armed Conflict, and Directing the Adoption of a National Peace Framework);
  - (i) DOJ Department Order No. 009, s. 2023 (Clarification on the Rules Requiring Department of Labor and Employment (DOLE) Clearance in the Filing of Criminal Complaints Involving Workers and Harmonizing Section 4.7.4 (B), Chapter IV of the 2017 Revised Manual for Prosecutors with the Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers' Rights and Activities);
  - (j) Executive Order No. 23, s. 2023 (Reinforcing and Protecting the Freedom of Association and Right to Organize of Workers, Constituting an Inter-Agency Committee to Strengthen Coordination and Expedite the Investigation, Prosecution, and Resolution of Cases for Violations Thereof, Among Others);
  - (k) DILG Memorandum Circular No. 2023-102, s. 2023 (Reinforcing and Protecting the Freedom of Association and Right to Organize of Workers); and A.M. No. 22-02-19-SC (Rules on the Anti-Terrorism Act of 2020 and Related Laws).

The abovementioned stakeholders shall also observe the applicable principles of international law and conventions which form part of the law of the land, particularly the following:

- i. United Nations Universal Declaration of Human Rights (UDHR);
- ii. International Covenant on Civil and Political Rights (ICCPR);
- iii. International Covenant on Economic, Social and Cultural Rights (ICESCR);
- iv. ILO Protocols and Recommendations and International Labor Standards, in particular ILO Convention on Freedom of Association and Protection of the Right to Organize (No. 87) and ILO Convention on the Right to Organize and Collective Bargaining (No. 98);
- v. International Humanitarian Law (IHL); and
- vi. ILO Convention on Violence and Harassment (No. 190).

## **I. GENERAL POLICY**

Workers and employers have the right to life, liberty and property and to freely express their political opinions in accordance with law. These civil liberties guarantee the meaningful exercise by workers and employers of their right to be free from violence, pressure or threats of any kind.

The State is primarily responsible in guaranteeing respect and protection of civil and political liberties as well as economic and social rights, including freedom of association. The State, and all workers' and employers' organizations have the shared responsibility of ensuring an enabling environment for exercising the freedom of association and the right to organize.

Freedom of association and the right to organize are part of human rights and are essential foundations of a democratic society. The right to form and to join unions for the promotion and protection of one's interests is guaranteed under Article III, Section 8 and

Article XIII, Section 3 of the 1987 Philippine Constitution; Book V of the Labor Code; Article 2 of ILO Convention 87; Article 23 of the UDHR; Article 22 of the ICCPR; and Article 8 of the ICESCR.

In order to ensure observance of workers' rights in the private sector, the roles and responsibilities of the agencies under these Guidelines in relation to the promotion and protection of freedom of association and the right to organize are hereby reaffirmed, as follows:

1. Administration and enforcement of labor laws and resolution of labor disputes, particularly those related to freedom of association and the rights to organize and to bargain collectively, are within the sole jurisdiction of the DOLE and its attached agencies, pursuant to the Labor Code of the Philippines, as amended, and Book IV, Title VII of the Administrative Code of 1987. The DOLE is the sole agency responsible for labor education involving workers and employers in the private sector;
2. The exercise of general supervision over local governments and the mandate of ensuring autonomy, decentralization and community empowerment is within the sole jurisdiction of the DILG pursuant to Book IV, Title XII of the Administrative Code of 1987. Matters involving peace and order and law enforcement are under the jurisdiction of the DILG through the PNP pursuant to Section 24 of Republic Act No. 6975, "Department of the Interior and Local Government Act of 1990", as amended by Republic Act No. 8551, "Philippine National Police Reform and Reorganization Act of 1998";
3. Maintenance of peace and order within the economic zone or freeport area is lodged with the concerned IPAs, in accordance with their mandate or charter;
4. Guarding against external and internal threats to national peace and security, and providing support for social and economic development shall be within the jurisdiction of the DND pursuant to Section 15, Chapter I, Subtitle II, Title VIII, Book IV of the Administrative Code of 1987;
5. Under the supervision and control of the DND, protection of the people and the State, and securing the sovereignty of the State and the integrity of the national territory are under the jurisdiction of the AFP pursuant to Article II, Section 3 of the 1987 Philippine Constitution;
6. Coordination in the formulation of policies relating to or with implications on national security is under the authority of the National Security Council pursuant to Section 3, Chapter 2, Subtitle I, Title VIII, Book IV of the Administrative Code of 1987;
7. Prosecution of cases arising out of or related to a labor dispute shall be within the jurisdiction of the DOJ as the prosecution arm of the government, pursuant to Book IV, Title III of the Administrative Code of 1987, subject to prior clearance from the DOLE and/or Office of the President and as provided for in DOJ Circular No. 15, Series of 1982, and DOJ Circular No. 9, Series of 1986, and DOJ Department Circular No. 009, Series of 2023; and
8. Consistent with the mandates of the aforementioned agencies, coordination of activities to implement the Whole-of-Nation approach in defeating the local communist terrorist group and attaining inclusive and sustainable peace throughout the Philippines is under the authority of the NTF-ELCAC pursuant to Executive Order No. 70.

Through intra- and inter-agency coordination, all concerned agencies and stakeholders shall at all times strictly adhere to the principles and protocols embodied in these Guidelines. No agency or stakeholder shall engage in labeling of workers, union members, trade unions, or organizations. All stakeholders shall likewise ensure the effective dissemination and implementation of these Guidelines through, among others, the development of information, education, and communication (IEC) materials, inclusion of the Guidelines in the appropriate training curricula for their personnel or members, and its integration in the operational manuals of the respective agencies.

Where there is an allegation of violation of freedom of association, the right to organize or any of the principles and protocols embodied in these Guidelines, the agency or stakeholder concerned has the obligation to investigate the same and undertake the appropriate remedial measures to hold the responsible personnel accountable in accordance with pertinent laws and administrative regulations.

## **II. PROMOTION AND PROTECTION OF FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE**

The freedom of association of workers and employers as well as its lawful exercise shall be promoted, respected and protected at all times. 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 (Article III, Section 8 of the Constitution). Freedom of association includes the following constitutive rights and elements:

1. The right of workers and employers, without distinction whatsoever, to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. Public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof (Articles 2 and 3.2 of ILO Convention 87);
2. The right of workers' and employers' organizations to establish and join federations and confederations and the right of any such organization, federation or confederation to affiliate with international organizations of workers and employers (Article 5 of ILO Convention 87);
3. The right to life and personal safety, including the right of workers' and employers' organizations to carry out their activities in full freedom in accordance with labor and other related laws, and to be protected from threats of or actual violence committed by persons or organizations opposed to their legitimate activities;
4. Freedom and security from arbitrary arrest and detention, including the right of persons and their properties or effects from unreasonable or unlawful searches or seizures without due process of law;
5. Freedom of opinion and expression, including the right of every worker and employer to freely and publicly express his/her personal opinions, orally or in writing, on matters affecting his/her rights; and
6. Freedom of assembly, including the right of workers' and employers' organizations to engage in peaceful concerted actions in accordance with law and with international labor standards.

### III. SCOPE AND COVERAGE

These Guidelines consolidate and supersede the Joint DOLE-PNP-PEZA Guidelines in the Conduct of PNP Personnel, Economic Zone Police and Security Guards, Company Security Guards and Similar Personnel During Labor Disputes issued on 23 May 2011, and the Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers' Rights and Activities issued on 07 May 2012.

These Guidelines update and streamline the functions and responsibilities of stakeholders for efficient and effective coordination and common understanding in the administration and enforcement of labor laws, implementation of labor education, maintenance of peace and order, prosecution of cases, and securing sovereignty and the integrity of the national territory, in accordance with their respective mandates, programs and services. These Guidelines shall continue to be binding and effective regardless of any changes in the agency administration or leadership.

### IV. DEFINITION OF TERMS

1. **Actual Violence** – refers to an ongoing and intentional use of physical force or power against persons or a group or community of persons that results or is likely to result in injury or death, or destruction or damage to property, or both.
2. **Areas of Operations** – refer to geographical areas assigned to unit commanders of the PNP and AFP over which they have responsibility and in which they have authority to conduct police or military operations.
3. **Certification Election** – means the process of determining, through secret ballot, the sole and exclusive bargaining agent of the employees in an appropriate bargaining unit for purposes of collective bargaining.
4. **Concerted Actions** – refer to activities undertaken by two or more persons arising from a labor dispute or from the exercise of constitutionally guaranteed rights and freedoms in accordance with law.
5. **Counter-insurgency** – refers to comprehensive civilian and military efforts, strategies, plans and programs undertaken to address insurgency and its root causes, and to halt or extinguish an organized movement aimed at the overthrow of a duly constituted government through the use of subversion and armed conflict.
6. **Freedom of association** – refers to the right of workers and employers to form or join an organization of their own choosing, without prior authorization, to collectively protect and promote their economic and social interests.
7. **Harassment** – refers to a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result or likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.
8. **Investment Promotion Agency (IPA)** - refers to a government entity overseeing the operations of different economic zones and freeports in accordance with their special laws. This includes the Philippine Economic Zone Authority (PEZA), Bases Conversion and Development Authority (BCDA), Subic Bay Metropolitan Authority (SBMA), Clark Development Corporation (CDC), John Hay Management Corporation (JHMC), Poro Point Management Corporation (PPMC), Cagayan Economic Zone Authority (CEZA), Zamboanga City Special Economic Zone Authority (ZCSEZA), Phividec Industrial Authority (PIA), Aurora Pacific Economic

Zone and Freeport Authority (APECO), Authority of the Freeport Area of Bataan (AFAB), Tourism Infrastructure and Enterprise Zone Authority (TIEZA), and all other similar existing authorities or that may be created by law unless otherwise specifically exempted from the coverage of this Omnibus Guidelines.

9. **Labeling** – refers to the act of accusing, denouncing, attacking or persecuting any individual or organization as a communist, terrorist, or sympathizer without legal basis and due process of law.
10. **Labor Dispute** – refers to any controversy or matter concerning terms and conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing or arranging the terms and conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
11. **Labor Education** – refers to the teaching of basic knowledge on labor rights and other skills relating to negotiation, labor-management relations, labor dispute resolution and other labor and employment related concerns.
12. **Labor Organization** – means any union or association of employees which exist in whole or in part for the purpose of collective bargaining or of dealing with employers concerning terms and conditions of employment.
13. **Legitimate Labor Organization** – refers to any labor organization in the private sector registered or reported with the DOLE.
14. **Legitimate Workers' Association** – means an association of workers organized for the mutual aid and protection of its members or for any legitimate purpose other than collective bargaining, registered with the DOLE.
15. **Lockout** – means the temporary refusal of an employer to provide work as a result of an industrial or labor dispute.
16. **Maximum Tolerance** – means the highest degree of restraint that the military, police, and other peacekeeping authorities shall observe during a public assembly or in the dispersal of the same.
17. **Militarization** – for purposes of these Guidelines, it refers to military or police intrusion, involvement or presence in a workplace or in trade union campaigns.
18. **Military/Police Operation** – refers to planned activities undertaken independently of or in coordination with civilian entities to accomplish a military or police mission.
19. **Picketing** – means the right of workers to freedom of expression, peaceful assembly, and concerted actions consisting of the marching to and from before the premises of an establishment involved in a labor dispute, generally accompanied by the carrying and display of signs, placards or banners with statements relating to the dispute, in accordance with law.
20. **Public assembly** – means any rally, demonstration, march, parade, procession or any other form of mass or concerted action, other than picketing and other concerted action in strike areas by workers resulting from a labor dispute, held in a public place for the purpose of presenting a lawful cause; or for the expression of an opinion to the general public on any particular issue; or for the protesting or influencing any state of affairs whether political, economic or social; or for

petitioning the government for redress of grievances in accordance with law. (Section 3, BP Blg. 880, October 22, 1985)

For this purpose, a public place shall include any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park, plaza, square, and/or any open space of public ownership where people are allowed access.

21. **Regional Office** – refers to the office of the DOLE at the administrative regional level.
22. **Security situation** – refers to a condition or position with respect to the degree of protection against any danger, damage, loss and crime.
23. **Strict Neutrality** – refers to the approach that law enforcement officers, police officers, security personnel and other peacekeeping authorities shall observe in responding to a request for assistance which requires responding officers to consider the positions of all parties involved without favor, and avoiding the manifestation of any preference, whether overt or latent.
24. **Other Security Personnel** – includes the following:
  - a. **Barangay Tanod/Barangay Public Safety Officer (BPSO)**;
  - b. **IPA Police**, which refers to an employee of an IPA clothed with police authority responsible for ensuring peace and order as well as enforcement of laws, and rules and regulations inside an economic zone or freeport area;
  - c. **IPA Security Guard**, who is a security guard of a licensed private security agency contracted by an IPA, and deployed to an economic zone or freeport area; and
  - d. **Private security guard or security officer**, either directly hired or posted by a licensed private security agency, contracted to provide security services for a company or locator in an economic zone or freeport area.
25. **Strike** – means any temporary stoppage of work by the concerted action of the employees as a result of an industrial or labor dispute.
26. **Strike-bound Area** – refers to the 50-meter radius from the establishment, warehouse, depot, plant or office, including any site or premises used as runaway shop of the employer struck against, as well as the immediate vicinity actually used by striking or picketing workers in moving to and from all points of entrance or exit of said establishment, warehouse, depot, plant or office.
27. **Public Assembly-bound Area** - refers to at least one hundred (100) meter radius from the area of activity where the public assembly is being held. (Section 9, BP Blg. 880)
28. **Workplace** – includes the worksite, office or premises where a worker is temporarily or habitually assigned. Where there is no fixed or definite workplace, the term shall include the place where the worker actually performs regular work, or where he/she regularly reports to render service or to take an assignment. It includes an alternative workplace where work, through the use of telecommunication and/or computer technology, is performed at a location away from the principal business of the employer including but not limited to the employee's residence, co-working spaces, and other places that allow for mobile working.

**V. CONDUCT OF THE DOLE RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND RIGHTS TO ORGANIZE, COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

1. It is the policy of the State to promote free and responsible trade unionism as an instrument to achieve sound, dynamic and stable industrial peace, to enhance democracy, and to promote social justice. Toward this objective, the State shall encourage a truly democratic method of regulating the relations between the employers and employees by means of agreements freely entered into by them through collective bargaining.
2. The DOLE and its attached agencies have the mandate of implementing and executing policies, laws, regulations and programs on the promotion and maintenance of industrial peace, fundamental principles and rights at work, including freedom of association, labor education, workers' participation in policy and decision-making processes, labor-management cooperation, trade unionism, collective bargaining, and social dialogue and tripartism, as principally found in the Constitution, the Labor Code and its implementing rules, and relevant ILO Conventions.
3. Any request that may be received by DOLE and its attached agencies for resource persons, orientations or seminars outside of its mandate and jurisdiction shall be referred to the proper agency for appropriate action.
4. In accordance with the principle of shared responsibility between workers and employers and the policy preference of resorting to voluntary and consensual modes of dispute resolution, the following sequential principles are hereby reiterated: (i) workers and employers share the primary responsibility of preventing or settling their differences at the enterprise level through dialogue, negotiation and use of available grievance mechanisms; (ii) State involvement in labor dispute resolution shall first be undertaken through facilitative means such as provision of information, conciliation and mediation; and (iii) where the controversy or dispute remains unresolved, the same shall be referred to arbitration, albeit preferably by way of voluntary arbitration.
5. Whenever the nature or gravity of an imminent or actual strike, picket, lockout or other concerted action is such that it poses a high probability of threatening public peace, order and security, the DOLE may convene the heads or representatives of the concerned local government unit, IPA, PNP or AFP unit, other security units, and the local tripartite peace council, take the lead in opening and maintaining lines of communication between them and in exploring and coordinating all avenues necessary and feasible to peacefully settle the differences between the disputing parties, and secure the commitment of all stakeholders in respecting each other's rights and obligations and in resolving the threat to public peace, order and security.
6. Whenever there is a strike, picket, lockout, or other concerted action arising out of any labor dispute, the DOLE shall remain in the vicinity of the strike, picket or lockout area to ensure the observance of these Guidelines, until such time that a peaceful situation is ensured with the parties' agreement.
7. Any request for assistance from the local chief executives, IPAs, workers and employers during a labor dispute shall be coursed through the DOLE. In case of actual strike, picket or lockout, the DOLE and/or its attached labor dispute resolution agencies may request for assistance from the DILG, PNP, IPA, or AFP.



The request may be in writing or with the use of any telecommunication technology or digital platform. The said request shall specify the acts to be performed or conducted by the agency concerned.

8. The service of lawful order or writ issued by the DOLE is the primary concern of the DOLE's duly authorized representatives and/or sheriff. Before service of the order or writ, the DOLE representative and/or sheriff shall:
  - a. Coordinate and dialogue with the leaders of the workers as well as the representatives of management, and explain the nature and content of the order or writ to be enforced, including the possible consequences of any defiance thereto;
  - b. Coordinate with the PNP when violence is imminent; and
  - c. In economic zones and freeport areas, coordinate with the concerned IPA unit for the orderly and peaceful implementation of the order or writ.
9. The Offices of the DOLE Undersecretary for Labor Relations and Regional Directors shall act as national and regional focal points and serve as channels for reporting grave violations of the freedom of association and the right to organize as well as violations or instances of non-observance of these Guidelines. In cases of violations, such as incidents of labeling or invitations to workers alleged, perceived or identified as members of certain conflict armed groups, among others, the focal points shall immediately intervene and be present at the site to provide assistance and guarantee that workers' rights are not violated.
10. The DOLE shall act as Secretariat to the National Tripartite Industrial Peace Council Monitoring Body (NTIPC-MB) and the Regional Tripartite Monitoring Bodies (RTMBs). The NTIPC-MB and RTMBs shall monitor and document the implementation of these Guidelines, and verify, document or refer, as the case may be, any reported incidents or allegations of threats, intimidation, and harassment committed against workers' organizations or their members in the exercise of their freedom of association and right to organize.
11. The DOLE shall act as Secretariat to the Inter-Agency Committee established pursuant to Executive Order No. 23 s. 2011, Reinforcing and Protecting the Freedom of Association and Right to Organize of Workers, Constituting an Inter-Agency Committee to Strengthen Coordination and Expedite the Investigation, Prosecution, and Resolution of Cases for Violations Thereof, Among Others (EO 23-IAC). The DOLE shall ensure closer coordination with the EO 23-IAC member-agencies and their respective regional offices to expedite the investigation, prosecution, and resolution of alleged violations of the freedom of association.

**VI. CONDUCT OF THE DILG AND PNP RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND RIGHTS TO ORGANIZE, COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

1. The DILG, LGUs and PNP shall refrain from directly involving themselves in legitimate trade union activities as well as indirect engagements with trade unions on matters that are civilian in nature and which fall under the mandate of DOLE.
2. The DILG, in consultation and coordination with DOLE, shall ensure the LGUs' compliance with the principles of freedom of association and civil liberties through any of the following initiatives:

- a. Mandating labor education and training programs using modules jointly developed with DOLE for LGU officials and personnel on worker's rights including freedom of association;
  - b. Establishing mechanisms for DILG to monitor LGU compliance with these Guidelines and hold them accountable for violations; or
  - c. Encouraging LGUs to provide logistical and administrative support for workers' organizations in exercising their rights, such as facilitating venues for meetings.
3. The DILG and LGUs shall not directly intervene in labor disputes. Local chief executives or their authorized representatives shall seek assistance from the DOLE in settling any labor dispute in their respective LGUs. Any request for PNP assistance shall be coursed through the DOLE, which shall decide on the request. The request shall be made in writing or through the use of any telecommunication technology or digital platform.
  4. The involvement of PNP personnel during strikes, pickets, lockouts and other concerted actions shall be limited to the maintenance of peace and order, the enforcement of laws and the implementation of legal orders of the duly constituted authorities.
  5. The PNP shall not intervene in labor disputes, except only in the following cases:
    - a. When expressly requested in writing or through the use of any telecommunication technology or digital platform by the DOLE through its Regional Offices; or
    - b. When a criminal act has been committed, is being committed, or is about to be committed through overt acts, in accordance with Rule 113 of the Revised Rules of Criminal Procedure, whether or not it arises out of the labor dispute; or
    - c. When there is actual violence arising out of a labor dispute.

In the cases covered by paragraphs b and c above, the PNP shall immediately notify the DOLE of the circumstances and the actions taken to ensure the restoration and/or maintenance of peace and order. The DOLE shall monitor and assess the need for the actual and/or continued assistance of the PNP.

6. A PNP peacekeeping team or Civil Disturbance Unit shall be assigned in a strike, picket, or lockout area when requested in writing by the DOLE, subject to the following conditions:
  - a. The peacekeeping team shall stay at least 50-meter radius away from the strike, picket or lockout area. In case the 50-meter radius includes a public thoroughfare, traffic police shall ensure the free flow of traffic.
  - b. In the exercise of their peacekeeping functions, members of the abovesaid team shall at all times be in their prescribed civil disturbance management uniform and with properly displayed nameplates. They shall:
    - i. Respect human rights and dignity, and observe strict neutrality in responding to a request and in dealing with the parties involved, bearing in mind that the parties to the labor dispute are not their

adversaries and that labor disputes are to be resolved by labor laws and processes and not by law enforcement officers;

- ii. Respect the constitutional guarantee on the rights to life, liberty, security, and to due process as well as the right to be secure from unreasonable searches and seizures and illegal arrests and detentions;
  - iii. Ensure that the strike-bound area is a gun-free and free from other deadly weapons, explosives and other incendiary or similar devices;
  - iv. Exercise maximum tolerance at all times in responding to a conflict, dispute, or incident, particularly when faced with a request to disperse a concerted action of the workers. Force shall not be used except in responding to an aggression that threatens to physically injure any person and only when all other peaceful and non-violent means have been exhausted;
  - v. Not deliberately inflict any physical harm upon strikers and/or picketers or any person involved in the strike, picket, lockout or concerted action;
  - vi. In case of death, serious physical injury or incapacity of any labor leader or member of the organization involved in the strike, picket, lockout or concerted action, the local police shall immediately activate a special investigation task group to conduct an in-depth investigation; and
  - vii. Shall not fraternize with any of the parties involved in the controversy, and shall not accept any invitation from any management personnel or union official or personnel involved in the controversy except upon proper clearance from DOLE for the purpose of preventing violence or by bringing about a peaceful resolution of the dispute.
7. When there is actual violence within the area of a strike, picket, lockout, or other concerted action, or when there is a general breakdown of public peace and order that poses a clear and present danger to the security and safety of the local populace, and the PNP has limited or inadequate personnel to avert or resolve the violence or danger, the PNP, in coordination with DOLE, may request the assistance of the AFP to help restore and protect public order and security.
8. In the conduct of PNP operations, the workers' rights and civil liberties must be respected, protected and advanced at all times. Toward this end, the PNP:
- a. Shall not label workers' organizations/associations, labor leaders, members or organizers as front or members of certain conflict armed group/s;
  - b. Shall not hold or assist in any manner whatsoever in the conduct of information drives or seminars, especially during the 60-day freedom period until the actual conduct of certification election, to dissuade workers from organizing a union or participating in a certification election, or from voting or supporting a specific trade union organization;
  - c. Shall not invite workers, organizers or union officials to extract information on their alleged links or support to certain armed group/s, except in furtherance of criminal investigations; and

- d. Shall not force them to renounce membership in their trade union organization.
- 9. Where PNP assistance is sought in the service of an order or writ issued by courts or other duly constituted authorities in relation to or arising out of labor disputes, it shall be the duty of the PNP to observe these Guidelines and to coordinate with the DOLE and/or its appropriate agencies for the service of such order or writ.
- 10. No search or arrest arising from a labor dispute shall be made except through a valid court warrant. In case of arrests made without a warrant by a public officer or private person on the basis of his/her knowledge that a crime or offense is about to be committed, is being committed, or has been committed, as provided for in Section 5, Rule 113 of the Rules of Court, or in case of obstruction to public thoroughfares or ingress to and egress from the employer's premises, or in case of possession of deadly weapons (such as knives, bolos, blunt or pointed instruments) in violation of Republic Act No. 10591, the person arrested shall be delivered to the nearest police station and accordingly be charged in court. The arresting officer shall notify the DOLE within twenty-four (24) hours after the arrest was made.
- 11. The DILG, through the PNP, shall be responsible for the development and conduct of information dissemination and learning sessions pertaining to law enforcement, maintenance of peace and order, and the operations of the PNP, security agencies, and security personnel.

Any request that may be received by the DILG or PNP and its attached agencies for resource persons, orientations or seminars outside of its mandate or jurisdiction, including requests for labor education, shall be referred to the DOLE or proper agency for appropriate action.

## **VII. CONDUCT OF THE DOJ RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND THE RIGHTS TO ORGANIZE, COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

Recognizing the primary jurisdiction of DOLE over labor disputes and pursuant to the DOJ Department Circular No. 009, s. 2023, the following guidelines on handling criminal complaints involving members of workers' organizations and trade unions shall be observed.

- 1. **Cases/complaints that require DOLE Clearance**
  - a. It shall be the duty of the investigating prosecutor to first secure a clearance from the DOLE and/or the Office of the President before taking cognizance of complaints for preliminary investigation and the filing in court of the corresponding criminal information of cases arising out of or related to a labor dispute involving the exercise of workers' and trade unionists' freedom of association and their rights to organize, collective bargaining, concerted actions and other trade union activities; and
  - b. The abovementioned cases arising out of or related to a labor dispute involving the exercise of workers' and trade unionists' freedom of association and rights to organize, collective bargaining, concerted actions and other trade union activities may include cases with allegations of violence, coercion, physical injuries, assault upon a person in authority and other similar acts of intimidation, obstructing the free ingress to and egress from a factory or place of operation of the machines of such factory, or the employer's premises.

## **2. Cases/complaints that do not require DOLE Clearance**

The following complaints or cases do not require a clearance from the DOLE and/or the Office of the President before the investigating prosecutor can take cognizance thereof for preliminary investigation or file the corresponding information in court:

- a. Cases or complaints arising out of or related to a labor dispute involving violations of general labor standards, including wages, which do not arise from the exercise of freedom of association or the rights to organize, collective bargaining, concerted actions, and other trade union activities; and
- b. Cases or complaints involving employers and employees, which do not involve a labor dispute and/or do not arise from the exercise of freedom of association or the rights to organize, collective bargaining, concerted actions, and other trade union activities.

## **3. Procedure for securing clearance**

The DOJ and the DOLE shall ensure the efficient and effective operationalization of this clearance requirement.

## **VIII. CONDUCT OF INVESTMENT PROMOTION AGENCIES RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND THE RIGHTS TO ORGANIZE, COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

1. The responsibility of ensuring peace and order within the economic zones and freeport areas is lodged with the IPA police.
2. The IPAs, through the DOLE, may request the assistance of the PNP to augment the capability of the IPA police for the maintenance of peace and order during labor disputes. The request may be made in writing or with through the use of any telecommunication technology or digital platform. The said request for assistance shall specify the acts to be performed or carried out by the IPA or locator concerned that require PNP assistance.
3. An IPA Police and IPA Security Guards peacekeeping team may be formed to ensure peace and order during strikes, pickets, lockouts or other concerted actions arising out of labor disputes. They shall likewise observe the above conditions governing the engagement of PNP peacekeeping team, except the provision on maintaining the 50-meter radius distance from the strike, picket or lockout area.
4. The IPA concerned, as first responder and in coordination with DOLE, shall take all necessary and reasonable measures, observing the principles of strict neutrality and maximum restraint, to prevent violence or the escalation of actual violence during strike, picket, lockout or other concerted action arising out of labor disputes within the economic zone or freeport area.
5. Pursuant to the DOLE-DTI-PEZA Memorandum of Agreement on Promoting Industrial Peace in Special Economic Zones signed on 08 May 2023, the Ecozone Tripartite Working Committee (ETWC) shall serve as a communication channel and mechanism for undertaking joint programs, projects, and activities, including technical cooperation and capacity-building, among the government, labor, and employer sectors toward enhancing labor-management relations and promoting social accountability, transparency, and good governance in the administration of ecozones.

6. The IPAs shall implement programs and activities on labor-management education, including the promotion of the fundamental principles and rights at work, labor-management cooperation, and workers' participation formulated by DOLE. IPAs, in coordination with the DOLE, shall promote the exchange of best labor-management practices of locators within the economic zones and freeport areas.
7. DTI, through IPAs, shall be the sole agency responsible for the development and conduct of activities relative to investment promotion, operations and peace and order within the economic zones and freeport areas.

Any request that may be received by the DTI or IPAs for resource persons, orientations or seminars outside of their mandate and jurisdiction shall be referred to the proper agency for appropriate action.

#### **IX. CONDUCT OF THE AFP RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE, COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

1. The AFP shall refrain from directly involving themselves in legitimate trade union activities as well as in direct engagements with trade unions on matters that are civilian in nature and within the realm of legitimate trade union activities which fall under the mandate of DOLE.
2. The AFP shall not intervene in labor disputes, except only in the following cases:
  - a. When there is an absence and/or lack of appropriate law enforcement agencies, the DOLE, through its Regional Offices, may formally request the AFP to be on stand-by to maintain peace and order within the vicinity of the strike, picket, lockout, or other concerted action arising out of labor dispute until the arrival of appropriate law enforcers. The request shall be made in writing or through the use of any telecommunication technology or digital platform; or
  - b. When there is actual violence in the vicinity of the strike, picket, lockout, or other concerted action, or there is a general breakdown of public peace and order that poses a clear and present danger to the security and safety of the local populace, and there is an absence and/or lack of appropriate law enforcers, the AFP may immediately intervene for the sole purpose of preventing the escalation of violence. The AFP shall immediately turn over the handling of the situation to the PNP once there is adequate PNP presence in the area.
3. In case of AFP intervention, all AFP personnel/units shall exercise maximum tolerance in:
  - a. Maintaining or restoring peace and order within the community/general vicinity of the labor dispute area;
  - b. Providing security for both workers and management;
  - c. Preventing violence or prevent escalation of ongoing violence;
  - d. Preventing the commission of other crimes, the nature of which is not related to the labor dispute on hand; and
  - e. Providing emergency assistance during post-incident situations.

The AFP personnel/units shall stay away from the 50-meter radius strike, picket or lockout area except in situations stated in paragraph 2.a above. In case the 50-meter radius includes a public thoroughfare, traffic police shall ensure the free flow of traffic.

4. The AFP's support to the PNP and other law enforcement agencies shall be limited to providing assistance in the maintenance of peace and order, the enforcement of laws, and the administration of justice only when duly deputized by appropriate authorities. Deployment of military personnel, including CAFGU Active Auxiliaries (CAAS) and Special CAFGU Active Auxiliaries (SCAAS), to address labor-related mass actions and disputes is strictly prohibited.
5. If there is a written request from the DOLE, through its Regional Offices, duly addressed to a specific AFP unit on the ground and/or its main operational headquarters in the area, for the presence of AFP personnel/units in a labor dispute area due to a security situation, the AFP shall assume a supporting role with the PNP taking the lead Role, pursuant to section 4.6.1.1 of the AFP Rules of Engagement dated 08 March 2011.
6. In all the above-stated situations, AFP personnel must ensure that their presence in the area is strictly for the purpose of upholding State security and must not to take the side of any party to the labor dispute. The exercise of strict neutrality and non-partisanship, in these situations, must be observed at all times while the AFP is deployed in the area.
7. The deployment of AFP personnel/units must always be time-bound, area-bound, and mission-bound. Unit Commanders must ensure the determination of such in coordination with the DOLE and PNP.
8. When the AFP is in possession of reports of possible threats of violence within the labor dispute area, the AFP Unit in possession of said reports must immediately cause the timely relay of the said information to the DOLE, PNP, and when possible, the parties to the labor dispute. Such relay of information is for coordination purposes to prevent such threats from materializing.
9. All actions by AFP personnel/units, as individuals and as a formed unit, must always comply with, respect, and protect human rights, adhere to the International Human Rights Law (IHRL)/IHL, and the rule of law. Reports of connivance by personalities or organizations with armed groups or with groups that espouse violations of law shall be immediately transmitted to the competent authorities, which shall in all cases ensure that all persons concerned are afforded due process.
10. Unit Commanders shall exercise supervision, command and control of their respective units at all times and discharge their functions and duties pursuant to the doctrine of command responsibility.

11. In the conduct and exercise of AFP internal peace and security operations, workers' rights and civil liberties must be respected, protected and advanced at all times. Toward this end, the AFP:
  - a. Shall not label workers' organizations/associations, labor leaders, members or organizers;
  - b. Shall not hold or assist in any manner whatsoever in the conduct of information drives or seminars, especially during the 60-day freedom period until the actual conduct of certification election, to dissuade workers from organizing a union or participating in a certification election, or from voting or supporting a specific trade union organization;
  - c. Shall not invite workers, organizers, or union officials to extract information on their alleged links or support to certain armed group/s, except in furtherance of criminal investigations; and
  - d. Shall not force them to renounce membership in their trade union organization.
12. The setting up of AFP detachments/patrol bases in relation to labor disputes or exercise of trade union rights shall be governed by the following:
  - a. Upon prior coordination with the DOLE, the AFP may set up a detachment/patrol base to address an actual security situation. Such detachment/patrol base shall be dismantled or removed from the said area the moment such security situation no longer exists;
  - b. In a situation where the existing detachment or patrol base is near or proximate to the workplace where there is a potential or actual labor dispute, or there is an ongoing trade union organizing or campaign for certification of the workers as sole and exclusive bargaining agent, the union, its members, union organizers or the employer may request the DOLE to initiate a dialogue with the AFP detachment commander to ensure that the exercise of trade union rights and workers' civil liberties are protected and respected; and
  - c. If a detachment is yet to be established near or proximate to the workplace regardless of whether there is a potential or actual labor dispute or trade union campaigns, the union, its members, union organizers or the employer may request the DOLE to initiate a dialogue with the AFP detachment commander, with a view to having an accord on ensuring respect of trade union rights, non-interference in trade union campaigns, and non-engagement in labeling, including the appropriate location of the detachment, where necessary.
13. Where AFP assistance is sought in the service of the order or writ issued by courts or other duly constituted authorities in relation to or arising out of labor disputes, it shall be the duty of the AFP to observe these Guidelines and to coordinate with the DOLE and/or its appropriate agencies in effectively serving the order or writ.
14. The DND and AFP shall be responsible for the development and conduct of information dissemination and learning sessions on matters of securing the sovereignty of the State and the integrity of the national territory.

Any request that may be received by the DND or AFP and its attached agencies for resource persons, orientations or seminars outside of its mandate and jurisdiction shall be referred to the proper agency for appropriate action.



**X. CONDUCT OF NTF-ELCAC RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND RIGHTS TO ORGANIZE, COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

1. The authority of NTF-ELCAC shall be to implement policies, plans, and programs to address internal disturbances, tensions, conflicts and threats arising from the communist insurgency and its root causes toward attaining inclusive and sustainable peace.
2. The NTF-ELCAC recognizes that the DOLE has the exclusive mandate of implementing and executing the policies, laws and regulations on trade unionism principally found in the Constitution, the Labor Code and its implementing rules, and the ILO Conventions 87 and 98, as well as in formulating and implementing labor education programs to promote the free and responsible exercise of freedom of association and the rights to self-organization and collective bargaining by workers and employers.
3. The NTF-ELCAC shall ensure the involvement of the DOLE in the development and implementation of all its social and community programs and services for workers.
4. The NSC, including the NTF-ELCAC, shall be responsible for the dissemination of information on their programs and services relative to ensuring sustainable and inclusive peace.

Any request that may be received by the NSC or NTF-ELCAC for resource persons, orientations or seminars outside of its mandate and jurisdiction shall be referred to the proper agency for appropriate action.

**XI. CONDUCT OF OTHER SECURITY PERSONNEL RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND THE RIGHTS TO COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

1. Pursuant to Republic Act No. 5487 or the "Private Security Agency Law" as amended by Republic Act No. 11917 otherwise known as "The Private Security Services Industry" as implemented by Sections 1, 2 and 3 of Rule XVIII of the 2003 Implementing Rules and Regulations, the following shall be observed by company security guards and similar personnel of the private security agency during picket/strike/lockout:

**a. Private Security Personnel**

- i. Private security personnel are engaged to protect and secure the interests and property of the employer, including company premises. They are responsible purely for enforcing company policies, rules and regulations of management and clients with the ultimate objective of providing security to the premises, assets and persons of clients;
- ii. Private security personnel shall not intervene in labor disputes. All private security personnel in direct confrontation with strikers, marchers, or demonstrators shall not carry firearms. They may, at best, carry only night sticks (*batuta*). Private security personnel of strike-bound establishments not in direct confrontation with the strikers may carry in the usual prescribed manner their issued firearms;

- iii. Private security personnel shall avoid direct contact, either physically or otherwise, with the strikers;
- iv. Private security personnel shall stay only within the perimeter of the area which they are protecting at all times;
- v. Private security personnel shall observe strict neutrality in responding to a request and in dealing with the parties involved, bearing in mind that the parties to the labor dispute are not their adversaries and that labor disputes are to be resolved by labor laws and processes;
- vi. Private security personnel, in protecting and securing the premises, assets and persons of their clients, shall respect the rights of workers to exercise their rights to freedom of association, expression and to engage in peaceful concerted actions. They shall apply maximum tolerance in the exercise of measures necessary to overcome the risk or danger posed in the strike area;
- vii. Private security personnel shall refrain from abetting or assisting acts of management leading to physical clash of forces between labor and management. These hostile acts include breaking of the strike; smuggling in of scabs and preventing strikers from conducting peaceful pickets;
- viii. Private security personnel shall not dismantle picket shanties and tents nor confiscate placards; and
- ix. Private security personnel on duty must at all times be in complete uniform with their names and agency's name shown on their shirts above the breast pockets.

**b. Private Security Agencies/Company Security Force Chief Security Officers**

- i. Upon declaration of a strike, or upon the establishment of a picket line or mass action within the vicinity of a firm/establishment, the Detachment Commander or the Chief Security Officer of the company guard force, shall immediately collect all firearms of the guards in direct or about to have a direct confrontation with the crowd and deposit these firearms in their vault; or reissue these firearms to other private security personnel not issued firearms but assigned to and performing guard duties away from and not visible to strikers or the crowd as may be required by the circumstances;
- ii. The Detachment Commander or Security Director shall account for all the firearms in a logbook;
- iii. In instances where there is no Detachment Commander or Security Director, as in a compound where there are only a few guards, the agency operator or security officer in the case of company security forces, shall immediately be informed by the guards of the declaration of strike or about the approach of strikers or a crowd. The agency operator/security officer shall immediately assess the situation and take appropriate action to forestall violence, but at the same time ensure the security of the premises;

- iv. The Detachment Commander or Security Director shall maintain constant contact with the management and if he notices or observes the strikers or the crowd to be up to something unlawful, or are clearly violating the provisions of the Labor Code, as amended, the Revised Penal Code and/or local ordinances, this information shall be reported to the Commander of the Peacekeeping Force for his appropriate action;
  - v. If it becomes unavoidable for private security personnel to talk to strikers or member of the crowd, only the Detachment Commander or Security Director shall talk to the leader or leaders of the strikers or crowd. What transpires in this dialogue shall be reported to the management immediately. In no instance shall private security personnel negotiate with the strikers or crowd in relation to the labor-management dispute;
  - vi. If the situation worsens or becomes untenable for the private security personnel to cope with, the Detachment Commander or Security Director, or the guard on post, shall immediately advise the management to request, the DOLE, for PNP security assistance;
  - vii. The Detachment Commander and Security Director shall publish emergency telephone numbers (Police, Fire, Hospital) at all guards' posts and detachments.
2. The inter-relationship between Private Security Personnel and members of the PNP shall be governed by the following:
- a. Private security personnel are always subordinate to members of the PNP on matters pertaining to law enforcement and crime prevention. They cannot enforce any provision of the law except in executing citizen's arrest and/or conducting initial investigation of a commission of a crime. In such case, any arrested person shall be turned over immediately to the nearest PNP unit/station.
  - b. Criminal investigation is the primary responsibility of the PNP. All results of initial investigation conducted by private security personnel and all evidence gathered by them shall be turned over to the PNP unit/station concerned as a matter of course without delay.
3. The Barangay Tanod/BPSO shall not intervene in labor disputes. They shall only assist in the maintenance of peace and order as may be required by the authorities.

## **XII. CONDUCT OF WORKERS AND EMPLOYERS IN THE PRIVATE SECTOR RELATIVE TO THE EXERCISE OF WORKERS' FREEDOM OF ASSOCIATION AND THE RIGHTS TO ORGANIZE, COLLECTIVE BARGAINING, CONCERTED ACTIONS AND OTHER TRADE UNION ACTIVITIES**

- 1. It is the policy of the State to encourage free trade unionism and free collective bargaining. Workers shall have the right to engage in concerted actions for purposes of collective bargaining or for their mutual benefit and protection. The right of legitimate labor organizations to strike and picket and of employers to lockout, consistent with the national interest, shall continue to be recognized and respected.
- 2. No labor organization or employer shall declare a strike or lockout without first having bargained collectively in accordance with Title VII of Book V of the Labor Code of the Philippines, or without first having filed the notice required in Article

278, Title VIII of the same Code or without the necessary strike or lockout vote first having been obtained and reported to the DOLE.

No strike or lockout shall be declared after assumption of jurisdiction by the President or the Secretary of Labor and Employment or after certification or submission of the dispute to compulsory or voluntary arbitration or during the pendency of cases involving the same grounds for the strike or lockout.

3. No person shall obstruct, impede, or interfere with, by force, violence, coercion, threats or intimidation, any peaceful picketing by employees during any labor controversy or in the exercise of the right to self-organization or collective bargaining, or shall aid or abet such obstruction or interference.
4. No employer shall use or employ any strike-breaker, nor shall any person be employed as a strike-breaker.
5. No person engaged in picketing shall commit any act of violence, coercion or intimidation or obstruct the free ingress to or egress from the employer's premises for lawful purposes, or obstruct public thoroughfares.
6. Any request for PNP assistance by the parties to the labor dispute, including those within the economic zones and freeport areas, shall likewise be in writing and shall be coursed through the DOLE and/or its appropriate agencies.

### **XIII. REMEDY IN CASE OF VIOLATION**

Affected individuals or employer or labor organizations, may report violations of these Guidelines to the proper DOLE Regional Office using the form annexed to these Guidelines. In order to facilitate action on the report, affected individuals or employer or labor organizations shall attach all evidence necessary to substantiate their report. The DOLE Regional Office shall act on the report or refer the same to the concerned government agency within one (1) working day from receipt of the complaint.

Notwithstanding, affected individuals or labor organizations may directly avail of the following remedies:

#### **1. For PNP Personnel:**

- a. Acts or omissions arising out of or in connection with their participation in the implementation of these Guidelines shall be processed and resolved in accordance with the provisions of Republic Act No. 6975, "*Department of the Interior and Local Government Act of 1990*", as amended by RA No. 8551, "*Philippine National Police Reform and Reorganization Act of 1998*". Accordingly, all complaints or reports of violation/s against any personnel of the PNP may be filed before the PNP-Internal Affairs Service for investigation and conduct of summary hearings.
- b. The filing of the complaint or report is without prejudice to criminal liabilities and the power or authority of the PNP-IAS to, *motu proprio*, conduct investigation on the following cases:
  - i. Incidents where a police personnel discharges a firearm;
  - ii. Incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation;

- iii. Incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
  - iv. Incidents where a suspect in the custody of the police was seriously injured; and
  - v. Incidents where the established rules of engagement have been violated.
- c. Any complaint by a natural or juridical person against any member of the PNP may be brought before the following offices: Office of the Ombudsman, National Police Commission (NAPOLCOM), Chief of Police, PNP Regional Directors, PNP Provincial Directors, Mayors, Human Rights Desks in all police stations, and the People's Law Enforcement Boards (PLEBs).
  - d. Any government official or supervisor, or officer of the Philippine National Police or that of any other law enforcement agency shall be held accountable for "neglect of duty" under the doctrine of "command responsibility" if he/she has knowledge that a crime or offense is to or will be committed, is being committed, or has been committed by his/her subordinates, or by others within his/her area of responsibility and, despite such knowledge, he/she did not take preventive or corrective action either before, during or immediately after its commission.

## **2. For AFP Personnel:**

- a. Acts or omission arising out of or in connection with their participation in the implementation of these Guidelines shall be processed and resolved in accordance with the provisions of Republic Act No. 7055, *"An Act Strengthening Civilian Supremacy Over the Military by Returning to the Civil Courts the Jurisdiction Over Certain Offenses Involving Members of the Armed Forces of the Philippines, Other Persons Subject to Military Law, and the Members of the Philippine National Police."*

Complaints for violations of these Guidelines by any AFP unit or personnel may be filed directly before the Office of the Provost Marshal General, or the respective Major Service Provost Marshal Office, or the AFP Center for Law of Armed Conflict (AFP CLOAC), or to the respective major service of law of armed conflict offices, for endorsement to the appropriate office for the conduct of investigation.

- b. Members of the AFP and other persons subject to military law, including members of the CAFGUs, who commit crimes or offenses penalized under the Revised Penal Code, other special penal laws, or local government ordinances, regardless of whether or not civilians are co-accused, victims, or offended parties which may be natural or juridical persons, shall be tried by the proper civil court, except when the offense, as determined before arraignment by the civil court, is service connected, in which case the offense shall be tried by court-martial under the military justice system; Provided, That the President of the Philippines may, in the interest of justice, order or direct at any time before arraignment that any such crimes or offenses be tried by the proper civil courts.

## **3. For Private Security Personnel:**

- a. Acts or omissions of private security personnel arising out of or in connection with the implementation of these Guidelines shall be proceeded

in accordance with the 2003 Implementing Rules and Regulations of Republic Act No. 5487, as amended, and PNP Memorandum-Circular 2008-001 "*Revised Rules in the Investigation in the Administrative Cases Involving Security and Training Personnel, Security Agencies and Training Institutions*".

- b. Any complaint may be filed with the Complaint and Investigation Section, Supervisory Office and Security Investigation Agencies (SOSIA), PNP-Civil Security Group (CSG), for acts or omission committed in the National Capital Region. In all other cases, the complaint shall be filed with the PNP-Regional Firearms, Explosives, Security Agencies and Guards Section (FESAGS) where the complainants' workplace or the respondents' principal office is located.
4. **For Economic Zone Police/Personnel** – Complaints against the police force/security personnel shall be acted upon in accordance with the Civil Service Rules and the mandate/charter of the concerned IPA.
5. **For elected or appointed officials or employees in the LGU** – Complaints against local elective and appointive officials shall be conducted in accordance with the pertinent provisions under the Local Government Code of the Philippines, Ombudsman Act, and Civil Service laws and rules.
6. **For DOLE Personnel** – Complaints shall be processed in accordance with applicable DOLE and CSC rules in the disposition of administrative cases.
7. Any person or group of persons who are designated by the Anti-Terrorism Council (ATC) as a terrorist, or against whom a freeze order is issued by the Anti-Money Laundering Council, may file a request with the ATC for delisting or file a verified petition for certiorari with the Court of Appeals for the removal of his/her/its/their name from the list of designated terrorists in accordance with the provisions of A.M. No. 22-02-19-SC or the Rules on the Anti-Terrorism Act of 2020 and Related Laws.

In case of labeling as a terrorist without having been designated as such by the ATC, the affected individual or organization may avail themselves of the appropriate protective writs as provided under the Rules of Court and other pertinent Rules issued by the Supreme Court.

The filing of any administrative action or other remedial measures mentioned above shall be without prejudice to the filing of civil or criminal actions, which could be separately, alternately, simultaneously or successively initiated before the appropriate courts for violation of the provisions of the Revised Penal Code, specifically Titles 2 and 7, on *Crimes Against the Fundamental Laws of the State* and *Crimes Committed by Public Officers*, respectively; or for violation of Republic Act No. 3019, or the "*Anti-Graft and Corrupt Practices Act*"; or under Republic Act No. 6713, or the "*Code of Conduct and Ethical Standards for Public Officials and Employees*".

#### **XIV. IMPLEMENTATION AND MONITORING OF THE GUIDELINES**

1. The DOLE Regional Office, through the Regional Tripartite Monitoring Body constituted under the NTIPC Monitoring Body, shall promote the observance of these Guidelines at the regional level in coordination with the regional counterparts of the agencies identified in these Guidelines, including that of the Commission on Human Rights.

- 2. The DOLE together with the labor sector shall coordinate with the AFP/PNP units to ensure workers’ rights are respected at all times.
- 3. In case of concerted action, picket, strikes and lockouts, and during public assemblies involving workers and their organizations where the AFP and PNP are called upon to assist in ensuring peace and order in accordance with these Guidelines, the DOLE shall ensure open and continuing dialogue with workers for purposes of consultation and exchange of information.
- 4. All stakeholders of these Guidelines shall ensure the integration of the principles and protocols embodied in this document in the standardized training curriculum and operational manuals of their respective agencies or organizations.

**XV. PERIODIC REVIEW AND ADJUSTMENTS**

- 1. The NTIPC Monitoring Body shall serve as the Oversight Committee in the implementation of these Guidelines. It shall periodically review and propose adjustments to these Guidelines if necessary, in coordination with all stakeholders and concerned government agencies.
- 2. The National TIPC shall continue to engage the AFP, PNP, DILG, and other government agencies in social dialogue to address concerns relating to the exercise of trade union rights and civil liberties.

**XVI. FUNDING**

Funding for the activities of DOLE, National TIPC and RTIPCs relative to the implementation and observance of these Guidelines shall be sourced from the regular budget of DOLE.

**XVII. SUPERSEDING CLAUSE**

All rules and regulations inconsistent with the provisions of these Guidelines are hereby superseded.

**XVIII. SEPARABILITY CLAUSE**

If any provision or portion of these Guidelines are declared void or unconstitutional, the remaining portions or provisions hereof shall continue to be valid and effective.

**XIX. EFFECTIVITY**

These Guidelines shall take effect immediately upon publication in a newspaper of general circulation.

APR 26 2024 , Manila, Philippines.

FOR THE DEPARTMENT OF LABOR AND EMPLOYMENT

  
**HON. BIENVENIDO E. LAGUESMA**  
Secretary




FOR THE DEPARTMENT OF INTERIOR AND  
LOCAL GOVERNMENT

  
**HON. BENJAMIN C. ABALOS, JR.**  
Secretary

FOR THE DEPARTMENT OF JUSTICE

  
**HON. JESUS CRISPIN C. REMULLA**  
Secretary


FOR THE DEPARTMENT OF NATIONAL  
DEFENSE

  
**HON. GILBERTO C. TEODORO, JR.**  
Secretary

FOR THE DEPARTMENT OF TRADE AND  
INDUSTRY

  
**HON. ALFREDO E. PASCUAL**  
Secretary

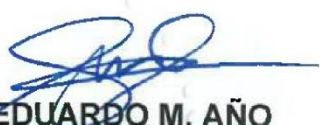
FOR THE ARMED FORCES OF THE  
PHILIPPINES

  
**GEN ROMEO S BRAWNER JR PA**  
Chief of Staff


FOR THE PHILIPPINE NATIONAL POLICE

  
**GEN ROMMEL FRANCISCO D MARBIL**  
Chief

FOR THE NATIONAL SECURITY COUNCIL

  
**HON. EDUARDO M. AÑO**  
Director-General and  
National Security Advisor

FOR THE NATIONAL TASK FORCE TO END  
LOCAL COMMUNIST ARMED CONFLICT

  
**HON. ERNESTO C. TORRES, JR.**  
Executive Director and  
Undersecretary



National Security Council



0100-2405-016



Republic of the Philippines  
Department of Labor and Employment  
Regional Office No. \_\_\_\_

**INCIDENT REPORT FORM**  
(Omnibus Guidelines on the Exercise of  
Freedom of Association and Civil Liberties)

<b>Complainant/s</b> <i>(Use a separate sheet if necessary)</i>				
Name	Organization	Sex	Age	Address/Contact Information
1.				
2.				
3.				
4.				
5.				

<b>Respondent/s</b> <i>(Use a separate sheet if necessary)</i>				
Name	Office	Sex	Age	Address/Contact Information
1.				
2.				
3.				
4.				
5.				

**Date and Time of Commission:**

---



---



---



---

**Place of Commission:**

---



---



---



---

**Facts of the case:** *(Narrate the specific acts or omissions constituting a violation of the Guidelines. Please attach available evidence. Use a separate sheet if necessary.)*

---



---



---



---

(Signature over printed name)

-----  
*To be accomplished by DOLE personnel*

Incident Report Form No. *(Region-Number-Year)*: \_\_\_\_\_

Date and time received: \_\_\_\_\_

Receiving staff: \_\_\_\_\_