



ITUC
CSI
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IGB
International Trade Union Confederation
Confédération syndicale internationale
Confederación Sindical Internacional
Internationaler Gewerkschaftsbund

Ayuba Wabba

President
Président
Präsident
Presidente

Secretary Bienvenido Laguesma

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Sharan Burrow

General Secretary
Secrétaire générale
Generalsekretärin
Secretaria General

HTUR/MW

21 October 2022

Arrest of trade unionists Kara Taggaoa and Larry Balbuena

Dear Secretary Laguesma,

The International Trade Union Confederation (ITUC) representing more than 200 million workers in 163 countries denounces the arbitrary arrest of 2 trade unionists, Kara Taggaoa and Larry Balbuena on 10 October on criminal charges of direct assault and robbery of a police officer in relation to their participation in a public rally in 2020.

Kara Taggaoa was then the spokesperson of the League of Filipino Students and now the officer of international affairs of Kilusang Mayo Uno (KMU), an ITUC affiliate in the Philippines. Larry Balbuena, is the president of Pasiklab Operators and Drivers Association (PASODA) affiliated to PISTON.

On 27 September, Kara Taggaoa and Larry Balbuena were served an arrest warrant and pre-trial order by the Quezon City Regional Trial Court Branch 220 for the alleged offence of robbery of a police officer during a protest rally on 11 July 2020.

On 10 October, the 2 unionists pleaded not guilty and were granted bail. They were re-arrested when leaving the court under a fresh charge of direct assault against a police officer during the same rally in 2020. The 2 unionists were brought immediately to the custodial facility at Camp Karingal where they were presented an un-served arrest warrant which was issued on 7 December 2021, and their identification cards were confiscated. Both complaints were filed by Police Chief Master Sergeant Feliciano Evangelio of Quezon City Police Department (QCPD) who had accused the 2020 protesters of inflicting injury and robbing police officers. They were released on bail on 11 October and the trial dates are yet to schedule.

Under article 148 of the [Revised Penal Code](#), direct assault of officers entails a prison sentence of a maximum term and a fine penalty¹.

The ITUC denounces the government's unwarranted interference with the freedom of association and assembly and the judicial harassment of the 2 unionists who were legitimately exercising human and labour rights and civil liberties.

¹ Article 148 of the Revised Penal Code : 'Direct assaults. — Any person or persons who, without a public uprising, shall employ force or intimidation for the attainment of any of the purpose enumerated in defining the crimes of rebellion and sedition, or shall attack, employ force, or seriously intimidate or resist any person in authority or any of his agents, while engaged in the performance of official duties, or on occasion of such performance, shall suffer the penalty of prison correctional in its medium and maximum periods and a fine not exceeding P1,000 pesos, when the assault is committed with a weapon or when the offender is a public officer or employee, or when the offender lays hands upon a person in authority. If none of these circumstances be present, the penalty of prison correctional in its minimum period and a fine not exceeding P500 pesos shall be imposed.'

We note that the 11 July 2020 protest rally was organized by civil society organisations and trade unions to denounce efforts to disenfranchise the ABS-CBN news outlet and to oppose the Anti-Terrorism Law. It was conducted peacefully at the freedom park in front of the Commission on Human Rights (CHR) office inside the campus of the University of the Philippines. The QCPD deployed plain-clothed police agents who were found carrying loaded firearms and taking pictures of the crowd².

The QCPD later declared the protest as illegal and accused the protesters of mauling, inflicting injury and robbing Sergeant Feliciano Evangelio who was amongst 5 other police officers deployed by the District Special Operations Unit to 'maintain peace and order in the illegal demonstration'³. The QCPD further named and threatened to prosecute 9 participants in the rally including Taggaoa and Balbuena with charges of robbery, physical injury, direct assault, grave coercion, illegal assembly, and violation of the Mandatory Reporting of Notifiable Diseases. The QCPD was silent on whether the operation complied with the Revised PNP Operational Procedures which prohibits police agents from carrying firearms during peaceful protests. Police agents are also required by the operational procedures to identify themselves when undertaking an operation.

We are seriously concerned that the new prosecutions are reinforcing the prolonged pattern of impunity, repression and violence against trade unionists for exercising their civil liberties and carrying out their legitimate activities. The government has failed to address this culture of violence and impunity which were reiterated recently by the ILO and the UN Human Rights Council. In its review on the compliance of the Philippines with its obligations under ILO Convention No.87, the ILO Committee of Experts noted with deep concern that the institutional failure of the government has extremely damaging impacts on the legitimate exercise of trade union rights in the country⁴. This was followed by the report of the Office of the High Commission for Human Rights (OHCHR) released on 13 September on the implementation of the Human Rights Council Resolution 45/33 on the Philippines. The OHCHR affirms that killings, arbitrary detention, physical and legal intimidation against human rights defenders have been continuously reported since the UN human rights joint program in the Philippines started a year ago. Law enforcement agents continue to impose abusive legal procedures against human rights defenders in breach of basic guarantees to them in a fair trial and impunity has not been reversed⁵.

The ITUC urges the government of the Philippines to cease and desist from interfering in the realisation of the protected rights of trade unionists and human rights defenders, and to unconditionally drop the charges against Kara Taggaoa and Larry Balbuena for exercising their legitimate trade union rights and civil liberties, without further delay.

² QCPD says cop mauled, robbed amid reports he was apprehended by campus police, 12 July 2020, Philstar Global, <https://www.philstar.com/headlines/2020/07/12/2027442/qcpd-says-cop-mauled-robbed-amid-reports-he-was-apprehended-campus-police>

³ QCPD to file charges vs. protesters who hit, robbed police in plainclothes carrying loaded firearm, 11 July 2020, Manila Bulletin, https://mb.com.ph/2020/07/11/qcpd-to-file-charges-vs-protesters-who-hit-robbed-police-in-plainclothes-carrying-loaded-firearm/?fbclid=IwAR3gXOH8Q2J9Heq1oCnsLSMR9Pt5NzYnG6iolhC_NROfV8VW7kKDQyAgid4

⁴ CEACR report on the Philippines, 2022, ILO :

[Chttps://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4124386,102970:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4124386,102970:NO)

⁵ Implementation of Human Rights Council Resolution 45/33 and on the progress and results of technical cooperation and capacity building for the promotion and protection of human rights in the Philippines (A/HRC/51/58), 6 September 2022, OHCHR, <https://reliefweb.int/report/philippines/implementation-human-rights-council-resolution-4533-and-progress-and-results-technical-cooperation-and-capacity-building-promotion-and-protection-human-rights-philippines-ahrc5158-advance-unedited-version>

CC: PABLITO A. MENDOZA, Chargé d’Affaires, a.i. of the Embassy of the Philippines in Belgium,
brusselspe@gmail.com, brussels.pe@dfa.gov.ph

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Mendoza', with a stylized flourish at the end.

General Secretary