



MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 23

**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**

**WHEREAS**, Section 8, Article III of the Constitution states 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;

**WHEREAS**, Section 3, Article XIII of the Constitution 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 law;

**WHEREAS**, Article 253 of Presidential Decree (PD) No. 442 (s. 1974) or the "Labor Code of the Philippines," as amended, operationalizes the abovementioned Constitutional guarantees, and provides that all persons employed in commercial, industrial and agricultural enterprises, and in religious, charitable, medical or educational institutions, whether operating for profit or not, shall have the right to self-organization and to form, join, or assist labor organizations of their own choosing for purposes of collective bargaining;

**WHEREAS**, Article 257 of PD No. 442, as amended, declares it unlawful for any person to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the right to self-organization;

**WHEREAS**, Article 11 of International Labor Organization (ILO) Convention No. 87 (Freedom of Association and Protection of the Right to Organize), ratified by the Philippines on 29 December 1954, mandates the member-states to undertake all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize;

**WHEREAS**, various groups have raised concerns on the country's implementation of ILO Convention No. 87, in view of reported incidents of acts of violence, extra-judicial killings, harassment, suppression of trade union rights, and

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red-tagging allegedly perpetrated by the State agents targeting, in particular, certain trade unions and workers' organizations;

**WHEREAS**, at the 108th Session of the International Labor Conference (ILC) in June 2019, a High-Level Tripartite Mission (HLTM) was created to inquire into the aforementioned reported incidents for the purpose of assisting the Philippine Government in taking immediate and effective action on the following specific areas: (i) measures to prevent violence in relation to the exercise of legitimate activities by workers' organizations; (ii) investigation of allegations of violence against members of workers' organizations with a view to establishing the facts, determining culpability and punishing the perpetrators; (iii) operationalization of monitoring bodies; and, (iv) measures to ensure that all workers, without distinction, are able to form and join organizations of their choosing, in accordance with ILO Convention No. 87; and

**WHEREAS**, there is an urgent need to reinforce and protect the freedom of association and right to organize of workers by expediting the investigation, prosecution, and resolution of cases for alleged violations thereof, and strengthening existing mechanisms of coordination relative to the reporting, monitoring, and evaluation of the country's adherence to existing laws, rules and regulations, and its international obligations under the ILO and other human rights conventions;

**NOW, THEREFORE, I, FERDINAND R. MARCOS, JR.**, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

**Section 1. Inter-Agency Committee for the Protection of the Freedom of Association and Right to Organize of Workers.** There is hereby constituted an Inter-Agency Committee for the Protection of the Freedom of Association and Right to Organize of Workers ("Inter-Agency Committee") tasked primarily to take all necessary measures to effectively respond to the identified four (4) specific areas of action, and to further foster the exercise of the workers' freedom of association and the rights to organize and to bargain with full regard to human, civil, political, economic and social rights and liberties. The Inter-Agency Committee shall be composed of the following:

|                  |   |   |
|------------------|---|---|
| Chairperson      | : | Executive Secretary   |
| Vice Chairperson | : | Department of Labor and Employment (DOLE)   |
| Members          | : | Department of Justice<br>Department of the Interior and Local Government<br>Department of National Defense<br>Department of Trade and Industry<br>National Security Council<br>Philippine National Police |

The DOLE shall serve as the Secretariat of the Inter-Agency Committee, and shall provide technical and administrative support to the Inter-Agency Committee in the performance of its functions.

When necessary, the Inter-Agency Committee may request the attendance or participation of other relevant agencies, such as the Civil Service Commission and the Commission on Human Rights, to ensure that the objectives of this EO are achieved.



**Section 2. Powers and Functions.** The Inter-Agency Committee shall lead the implementation of this Order. For this purpose, the Inter-Agency Committee shall have the following powers and functions:

- a. Consolidate and evaluate all reports submitted by concerned agencies under Section 3 hereof, and shall submit to the President a comprehensive report on its findings and recommendations, as well as actions taken to ensure the efficient and effective implementation of this Order;
- b. Develop a roadmap containing the priority areas of action, tangible deliverables, clear responsibilities, and appropriate timeframes, consistent with the recommendations of the HLTM, and which shall serve as framework and strategic guide for best ways forward. The roadmap shall be subject to regular review and should consider the consolidated reports and recommendations from concerned agencies, and inputs from other relevant stakeholders;
- c. Monitor the progress of implementation of the action plans, and the close coordination among concerned agencies to ensure speedy and impartial investigation, prosecution, and resolution of cases with respect to the exercise of the right of workers to freedom of association and their right to organize; and
- d. Perform such other functions as may be directed by the President to ensure that the objectives of the EO are achieved.

**Section 3. Submission of Reports.** Within thirty (30) days from the issuance of this Order, the concerned agencies, individually or collectively, shall submit to the Inter-Agency Committee a report which shall contain the following:

- a. Inventory, nature, and status of cases and incidents within their respective areas of jurisdiction or authority, as well as those pending in courts which involve trade unionists or persons belonging to workers' organizations whose rights to freedom of association, to organize, and to collectively bargain have been allegedly violated, accompanied by a time-bound action plan to resolve or address such cases and incidents;
- b. Inventory of community-based programs affecting trade unions, employers and workers;
- c. Inventory, nature and status of cases related to freedom of association and right to organize of workers, involving agency personnel and State agents arising from the exercise of their official functions directly affecting workers and trade unions;
- d. Measures or initiatives being undertaken or proposals to strengthen agency programs and mechanisms, including joint implementation, monitoring and information-sharing arrangements, to address outstanding issues and to promote and protect freedom of association and the rights to organize and to bargain collectively; and

- e. A comprehensive education and capacity-building program and communication plan to promote common understanding within and among all concerned agencies of the principles, policies, laws and regulations on freedom of association and the rights to self-organization and collective bargaining.

All concerned agencies shall submit quarterly progress reports, in the form and manner to be prescribed by the Inter-Agency Committee.

**Section 4. Designation of Focal Unit or Office.** Each of the concerned agencies shall designate a focal unit or office within the agency, to be headed by an official with a rank not lower than that of an Undersecretary, which shall monitor, evaluate and report on the implementation and progress of agency action plans and initiatives relating to freedom of association and the rights to organize and to collective bargaining.

**Section 5. Funding.** The funds necessary for the implementation of this Order shall be charged against appropriate funding sources of the concerned agencies.

**Section 6. Separability.** If any section or part of this Order is declared unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

**Section 7. Repeal.** All issuances, orders, rules and regulations, or parts thereof that are inconsistent with this Order, are hereby repealed or modified accordingly.

**Section 8. Effectivity.** This Order shall take effect immediately.

**DONE**, in the City of Manila, this 30th day of April, in the year of Our Lord, Two Thousand and Twenty-Three.



By the President:



LUCAS P. BERSAMIN  
Executive Secretary

Office of the President  
MALACAÑANG RECORDS OFFICE  
**CERTIFIED COPY**  
  
ATTY. CONCEPCION ZEN E. FERROLINO-ENAD  
DIRECTOR IV  
4-30-23

