

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL -7 P1:29

SENATE
S. B. No. 1408

RECEIVED BY: G

Introduced by Senator Pangilinan

EXPLANATORY NOTE

The International Rice Research Institute ("IRRI") was established on 9 December 1959 through a Memorandum of Agreement ("MOA") entered into by and between the government of the Republic of the Philippines and the Ford and Rockefeller Foundations. Pursuant to the terms of the MOA, IRRI was incorporated and registered with the Securities and Exchange Commission such that it was then subject to civil, administrative, even criminal liabilities and to every other form of legal process. At the very start, there was never any intent to bestow to IRRI immunity from suit.

However, on 19 April 1979, then President Ferdinand E. Marcos signed into law Presidential Decree No. 1620 granting the IRRI the status, prerogatives, privileges, and immunities of an international organization. The sole restriction under the said law is when the director general of the said institute or his duly authorized representative expressly waives such immunity from suit.

This is blatantly anomalous considering that P.D. 1620 is not a treaty between two or more sovereign states that could vest international legal personality upon IRRI. The Philippines belatedly signing what purports to be an "agreement" with donor countries dated 19 May 1955, which has not been ratified by the Senate, confirms this fact. Said "agreement" even provides that any grant of immunity to IRR should be considered with and should conform to the applicable and existing laws of the signatory state

P.D 1620 notwithstanding, it must be stressed that Article XIII of the 1987 Constitution, more particularly Section 3, guarantees full protection to labor covering the rights of all workers to self- organization, collective bargaining and negotiation as well as peaceful concerted activities, including the right to strike in accordance with law. Likewise, there are guarantees for a just and living wage, the right to security of tenure, to humane conditions of work, and to participate in decision- making process affecting their rights and benefits.

However, in two cases entitled "INTERNATIONAL CATHOLIC IMMIGRATION COMMISSION vs. HON.PURA CALLEJA, et. al." (G.R. No. 85750, September 28, 1990) and "KAPISANAN NG MGA MANGGAGAWA AT TAC SA IRRI - ORAGNIZED ASSOCIATION IN LINE INDUSTRIES AND AGRICULTURE vs. SECRETARY OF LABOR, et. al." (G.R. No. 89331, September 28, 1990), the Supreme Court ruled at the union of IRRI could not file an action for certification election with the Department of Labor and Employment.

Said Supreme Court decision effectively bars any legitimate workers' organization existing with IRRI to exercise the relevant rights guaranteed by our Constitution and our laws for our own workers.

The Republic of the Philippines, as a member of the United Nations, is mandated to honor and comply with the Universal Declaration of Human Rights which, in Article 23, Item 4, declares that - "Everyone has the right to form and join trade unions for the protection of his interest."

Likewise, the Republic of the Philippines has ratified the following International Labor Organization Conventions: the Freedom of Association and Protection of the Right to Organize Convention of 1948, ratified by the Philippine Government on 29 December 1953; the Right to Organize and Collective Bargaining Convention of 1949, ratified by our government on 29 December 1953; Discrimination (Employment and Occupation) Convention of 1953; the Discrimination (Employment and Occupation) Convention of 1958, ratified by our government on 17 November 1960.

Under these ILO conventions, our government is duty-bound to honor, respect and protect the right of workers. Furthermore, Presidential Decree No. 1620 contravenes the Universal Declaration of human Rights provision on socio-economic rights which, by virtue of the 1987 Constitution, have been incorporated as part of the law of the land.

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



FRANCIS N. PANGILINAN

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**AN ACT PROTECTING THE RIGHTS TO LABOR OF THE WORKERS OF THE
INTERNATIONAL RICE RESEARCH INSTITUTE (IRRI) AS ENSHRINED BY THE
1987 CONSTITUTION AMENDING FOR THE PURPOSE ARTICLE 3 OF
PRESIDENTIAL DECREE NO. 1620 AND FOR OTHER PURPOSE**

*Be it enacted by the Senate and the House of Representative of the Philippines
n Congress assembled:*

SECTION 1. Article 3 of Presidential Decree No. 1620 is hereby amended
to read as follows:

"The Institute shall enjoy immunity from any penal and administrative
proceeding, except insofar as that immunity has been expressly waived by the
Director - General of the Institute or his duly authorized representatives. "THIS
IMMUNITY SHALL NOT APPLY WITH RESPECT TO THE RIGHTS OF LABOR."

SECTION 2. All laws, decrees, rules and regulations or pars thereof
inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 3. This Act shall take effect upon its publication in at least
two (2) newspapers of general circulation.

Approved,