

Labor Bulletin

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Industry 4.0

Amidst this rise of the smart machines, some questions beg to be answered. What will this mean for developing nations that have fallen short of establishing their own national industries? What will this mean for workers all over the world? Who stands to gain from these technological advancements? These are the questions that "Industry 4.0," series of articles in EILER's Labor Bulletin aim to answer. Image from www.freepik.com "Technology vector created by jcomp".

INDUSTRY 4.0: AN INTRODUCTION

Global production has entered a fourth industrial revolution – at least this is what economists and industrialists have been declaring in recent years. With the advent of so-called smart machines alongside the continuous developments in the use of the Internet, further technological advancements in manufacturing, services, and even agriculture have increasingly been gaining ground in industrialized countries. As the world constantly welcomes innovations in robotics, artificial intelligence and machine learning, 3D printing, nanotechnology, and other advanced technologies, the possibility of a perfectly efficient production is seemingly inevitable and within reach.

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The Four Industrial Revolutions

Dubbed as the "Fourth Industrial Revolution," Industry 4.0 follows the Digital Revolution that occurred in the late 20th century which was marked by the invention of the computer.

More than 250 years ago, the First Industrial Revolution occurred in conjunction with capitalism and its demand to maximize profits by speeding up production. With the invention of the steam engine, industries in Europe and North America welcomed mechanization that improved manufacturing thus greatly accelerating the economy.

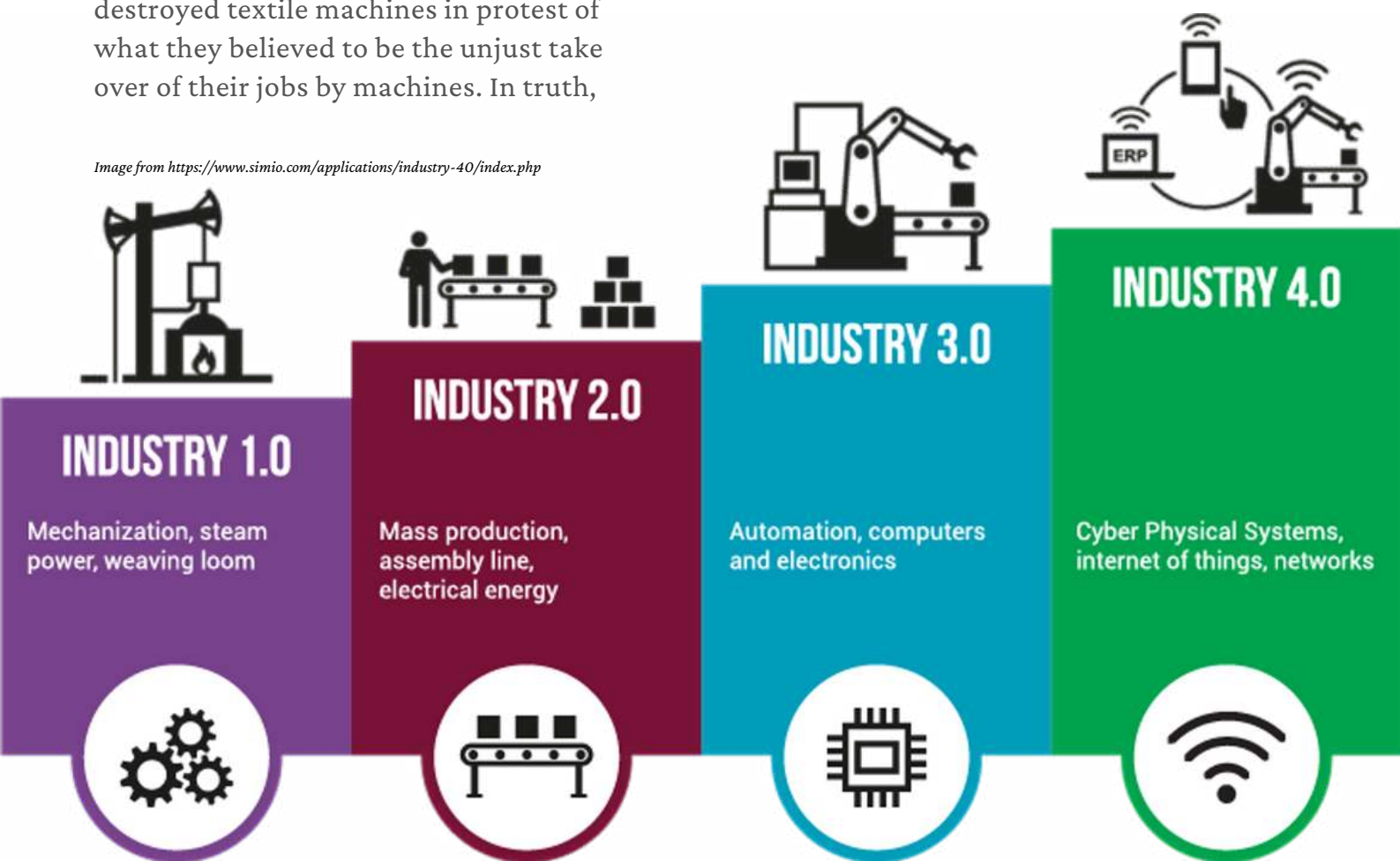
While certainly welcomed by capitalists who found their pockets filled, the mechanization of the workplace did not appeal to certain groups of workers whose jobs were being threatened by the introduction of these machines. A group of English workers called the Luddites destroyed textile machines in protest of what they believed to be the unjust take over of their jobs by machines. In truth,

workers were protesting far more than a take over of jobs but widespread unemployment and the inability of these technological advancements to sufficiently provide better lives for a majority that was drowning in poverty.

Before moving on, it is important to note that throughout the history of Industrial Revolutions, conflicts arise between those who assert the ownership of these forms of technology and those that labor to produce the fruits that technology merely aids in producing.

The Second Industrial Revolution which occurred towards the end of the 19th century came with the emergence of new sources of energy which significantly impacted manufacturing. These new energy sources were gas, oil, and electricity. In the beginning of the 20th century, because of the development of the internal combustion engine, automobiles and airplanes were

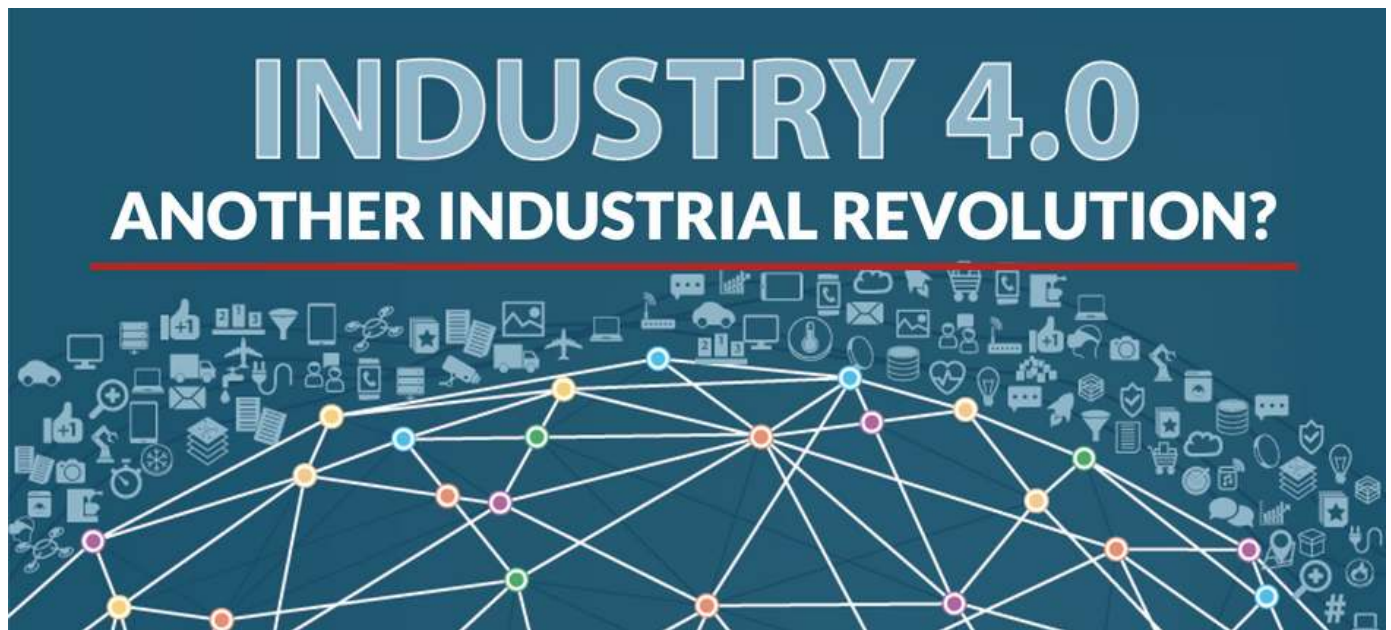
Image from <https://www.simio.com/applications/industry-40/index.php>



invented. Likewise, discovering the potentials of electricity led to the invention of the light bulb, telegraph, and telephones. These along with the utilization of the railway system made access to broader markets much easier for industries.

As was mentioned, the Third Industrial Revolution which happened in the latter part of the 1900s was marked with the

invention of the computer along with various forms of electronics and telecommunication. Computers paved the way for automation of industrial processes while advancements in telecommunications opened the doors for extensive globalization. This Digital Revolution would become the stepping stone for further digitization of work.



Another Industrial Revolution?

First introduced in Germany in 2011, Industry 4.0 asserts the digitization of industry, from the factory to the marketplace, and to all extents possible, as well as all human activities towards the ultimate abrogation of the need for human labor. Hence, the full automation of all aspects of production.

From self-driving cars to facial recognition technology, to virtual assistants like Amazon's Alexa and Apple's Siri, to nanochips embedded in the human body to detect cancer, to smart homes that power electronics at a snap of a finger, the promises of the Fourth Industrial Revolution seem boundless.

Processes in factories that apply Industry 4.0 technology have become much quicker with the utilization of machines that are able to communicate and cooperate with each other. The synchronic communication of manufacturing across supply chains, both local and global, has become possible with the Internet of Things. Through the Internet, smart machines are able to remotely monitor and control processes to ensure and increase efficiency without the need for human intervention. As more and more data are gathered, production processes also improve, partially, as a result of reducing the risk for human error. Factories can start running and be monitored from hundreds of miles away and adjustments can all be made from just a single application on a smart phone.

Industry 4.0 promises tremendous benefits for so little effort. Something surely no one would pass on, if only the world was built upon a system that gives importance to the needs of the many rather than filling the pockets of a few.#

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Anti-terror Law Oral Arguments: Key Takeaways

On 18 September 2020, two Aetas were charged with violation of Sec 4(a) of the Anti-terrorism Act of 2020 (ATA) and another two were charged with illegal possession of explosives. This was the very first case under said law which was signed by Mr. Duterte two months prior.

The ATA is the successor of the infamous Human Security Act of 2007 (HSA). The HSA was enacted under the administration of then Pres. Gloria Arroyo amidst spate of cases of human rights violations (HRVs). Both the ATA and the HSA were justified by the Duterte and Arroyo regimes as tools to quell terrorist activities in the country. Be that as it may, critics view these legislations as tools to criminalize dissent, the new law being much more oppressive than the old one.

Fast forward to February 2, the ATA went under scrutiny through the oral arguments in the Supreme Court. Thirty-seven

petitions assailing its constitutionality were argued before the Court under six issue clusters: (1) preliminary issues of legal standing and justiciability, (2) facial challenge and the definition of terrorism under the law, (3) constitutionality of the powers of the Anti-terror Council (ATC) and the Anti-Money Laundering Council, (4) ATA as an ex-post fact law and bill of attainder, (5) provisions of warrantless arrests and prolonged detention, and (6) right to due process and rights of indigenous peoples and the Moro.



To date, a total of 37 petitions have been filed assailing the constitutionality of the Anti-terrorism Act of 2020 (ATA). *Photo courtesy of the Council for People's Development and Governance (CPDG).*

Defining Terrorism

In his opening statement, Atty. Chel Diokno argued that the ATA is the only law in our country that punishes as a crime acts that are, in fact, exercise of constitutional rights. In its proviso, Section 4 states:

Provided, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety.

The formulation of this proviso effectively shifts to the accused the burden to prove that his intention to engage in those acts is not to cause above-quoted harms against another person/s. Worse, those enumerated acts (e.g. protest, stoppage of work) are widely recognized and constitutionally guaranteed civil and political acts are, in fact, widely recognized and constitutionally guaranteed civil and political rights. Mere imputation of government agents that a certain expression of dissent is intended towards harming person/s or risking public safety can put an individual or a group in prison.

Diokno furthered that Section 4 lays down a vague definition of terrorism. Pertinent portion of the provision provides:

Sec. 4. Terrorism. – Subject to Section 49 of this Act, terrorism is committed by any person who, within or outside the Philippines, regardless of the stage of execution:

- (a) Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life;
- (b) Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place or private property;
- (c) Engages in acts intended to cause extensive interference

extensive interference with, damage or destruction to critical infrastructure;

(d) Develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives or of biological, nuclear, radiological or chemical weapons; and

(e) Release of dangerous substances, or causing fire, floods or explosions

This provision does not provide predicate crimes to terrorism. Predicate crimes are component crimes of a more serious crime. In the repealed Human Security Act of 2007, predicate crimes of terrorism include murder, coup d'etat, arson, etc. which have clear definitions or elements under the Revised Penal Code or other special penal laws. In contrary, terrorism under this new law only provides an enumeration of acts which are "intended" to do various harms. Falling into this vagueness empowers government forces to impute terroristic intent even to acts which are, in fact, intended only to register legitimate demands to the government. Worse, these acts are elevated to the level of acts of terrorism which are punishable with life imprisonment without any benefit of parole. Diokno, by way of giving example, said that even mass transport strikes may be tagged as terroristic act under Section 4(c) as it could be deemed as "destruction to critical infrastructure."

The Anti-Terrorism Council (ATC) and its powers

In her opening statement, Atty. Evalyn Ursua argued the unconstitutionality of the powers of the ATC. o wit, Section 25 gives

the Council power to designate individuals or groups as terrorists based on the overbroad definition of terrorism under Section 4. The Council can even declare groups/individuals upon request of other jurisdictions or countries. As compared to the power of the court to proscribe or declare a group/individual as terrorist, the Council's designation power does not require trial for the designation to be valid. In effect, the ATC and government has all the freedom not to seek proscription order from courts and, instead, avail the shortcuts provided by the ATA.

Under the same provision, the Anti-Money Laundering Council (AMLC) has the power to freeze the assets of designated terrorist individuals/organization pursuant to Republic Act No. 10168. Ursua, in her opening statement, added that this power does not require court authorization. She cited the case of the Rural Missionaries of the Philippines (RMP) to demonstrate this power of AMLC. The RMP is a five-decade old organization run by nuns and is engaged in capacity-building programs in the rural areas which even extend to establishing community schools. In December 2019, their assets were frozen on the pretext that they fund communist insurgents in Mindanao. As they repeatedly petitioned for the lifting of the freeze order, they were responded with repeated extensions of said order. Until now, the assets of RMP are frozen that even prompted them to close one of their offices. Ursua argued that the case of RMP shows how the ATC and AMLC are even more empowered by the new anti-terror law to paralyze operations of people's organizations on a flimsy basis of the vague definition of terrorism.

Section 36(3) even extended this power to freeze assets, viz:

Notwithstanding the preceding paragraphs, the AMLC, consistent with the Philippines' international obligations, shall be authorized to issue a freeze order with respect to property or funds of a designated organization, association, group or any individual to comply with binding terrorism-related resolutions xxx Said freeze order shall be effective until the basis for the issuance thereof shall have been lifted.

In effect, freeze orders by the AMLC can run indefinitely. For people's organizations that heavily rely on grants and donations, an indefinite freeze order is lethal to their operations. Worse, the demonization of government forces against people's organizations deters local or foreign funders to support their programs. Related to this power to freeze, the AMLC, under Section 35, has the power to investigate and inquire on the bank deposits of individuals/organizations believed to be terrorists.

Under Section 46, Ursua argued that the "ATC can gather, keep, and utilize any and all information that it deems important of any persons, group, or organization... without any limitation or fear of scrutiny." These unbridled powers violate constitutional rights to privacy and against unreasonable searches.

Notably, on February 5, the Department of Foreign Affairs (DFA) issued its Note Verbale 2021-0592. Said issuance provides that "all foreign government funding intended for Philippine non-government organizations (NGOs), regardless of mode of disbursement, transfer or download of

funds, shall be coursed through the Department of Foreign Affairs of the Philippines for appropriate clearance.” In connection to this, the Department of Interior and Local Government (DILG) issued DILG Memorandum Circular No. 2021-012 which requires civil society organizations (CSOs) to secure clearance from the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) indicating that they are “cleared from any illegal and subversive activities” in order for them to be accredited to join a local “People’s Council” of CSOs. According to human rights group Karapatan, “such measures regulating the funding and accreditation of CSOs constitute undue State interference on a person’s right to freedom of association and produce a chilling effect — if not directly encroach — upon the right to free expression, free speech, to peaceably assemble and to seek redress of grievances guaranteed in the 1987 Constitution as well as the International Convention on Civil and Political Rights.”

Atty. Neri Colmenares, meanwhile, argued that Section 16 which provides power to surveil similarly violates constitutional rights to privacy and against unreasonable searches and seizures. Upon the order of the Court of Appeals, government forces can wiretap and overhear any forms of communication. This order of the court can last for 60 days and be renewed by 30 days. Surveillance was argued to send “chilling effect” to government’s dissenters and stifle their constitutionally guaranteed right to free speech and expression.



Lawyers representing groups of petitioners, including Atty. Neri Colmeres, march to the Supreme Court on the first day of oral arguments on Feb. 2. Photo published on GMA News Online (<https://www.gmanetwork.com/news/news/nation/774330/anti-terror-law-hangs-on-fragile-thread-says-lagman-as-sc-ends-day-1-of-oral-arguments/story/>).

In his opening statement, Rep. Edcel Lagman argued the unconstitutionality of Section 29, viz:

Sec. 29. Detention Without Judicial Warrant of Arrest. – xxx any law enforcement agent or military personnel, who, having been authorized in writing by the ATC has taken custody of a person suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Act, shall, without incurring any criminal liability for delay in the deliver of detained persons to the proper judicial authorities, deliver said suspended person to the proper judicial authority within a period of fourteen (14) calendar days xxx The period of detention may be extended to a maximum period of ten (10) calendar days xxx

Lagman argued that the maximum of 24 days of warrantless detention is contrary to what the Constitution allows of only three (3) days in which within said period, a suspect shall be charged before the Court, otherwise, he shall be released. He added

that this controverts from more than one-hundred year “libertarian tradition” manifest in previous Constitutions which proscribed prolonged detention without being charged and being presented to judicial authorities. To wit, the Malolos Constitution required that a detainee must be presented to judicial authorities within 24 hours upon arrest. Lagman also argued that prolonged detention induces torture to extract false confessions. This harm was witnessed during the Martial Law period when thousands of warrantless arrests were recorded, consequently, thousands of cases of torture that some even led to death.

The Actual Case

During the interpellation, the question of ripeness of the petitions assailing the ATA was posed. There was inquiry on case/s in which a direct injury was caused to a person through the implementation of said law. One of the requirements of judicial review power of the judiciary is the existence of actual case.

In September 2020, two Aetas were charged in violation of Section 4(a) of the ATA. This was the first recorded case under the new anti-terrorism law. These two Aetas and another two individuals were also charged with illegal possession of explosives. Both crimes are non-bailable.

According to government forces, the accused, namely Jay Garung and Junior Ramos, were involved in the shoot-out with the 73rd Infantry Division of the Armed Forces of the Philippines (AFP) that ended with one casualty for government troops. The two were accused to be members of the New People’s Army (NPA).

However, their counsels from the National

Union of People’s Lawyers (NUPL) countered these accusations asserting that the accused were fleeing their community to escape danger from relentless bombings by government armed forces and crossfire between the AFP and the NPA. Meanwhile, the mother of Garung added that her son and other accused experienced physical and verbal torture and was even forced to eat human feces.

Until March 2021, the two Aetas are still imprisoned.

Civil society organizations fall victims, as well, of political persecution on the pretext of the anti-terrorism campaign of the regime. On February 2021, Otto de Vries, one of the volunteer researchers of the Ecumenical Institute for Labor Education and Research (EILER) received an Order from the Bureau of Immigrations (BI) requiring him to leave the country and informing him that his permanent resident VISA was cancelled. The BI hinged its ruling on the baseless accusations of the National Intelligence Coordinating Agency (NICA) that de Vries attended protests organized by “Communist Terrorist Groups” (CTG) in 2019. Further, the BI and NICA blatantly tagged EILER as a CTG-affiliated organization.

De Vries and EILER categorically deny the accusations of these agencies. De Vries has a 30-year record as lay missionary serving and dwelling with urban communities and workers. In May 1991, he whole-heartedly accepted the the invitation of then Bishop Julio Xavier Labayen, OCD, Prelature of Infanta, to do pastoral work in the Philippines. He unclothed himself from the comforts of life in his home country, The Netherlands, and immersed to the life of the poorest sectors in the Philippines. After encountering an accident in 2014, his

physical limitations did not stop him from living his vocation. He joined EILER. De Vries worked with EILER in deepening the understanding and analysis on the situation faced by Filipino workers. To counter the allegations, De Vries filed a motion for reconsideration before the BI. However, the BI denied the motion in March.

The passing of weeks after the first session of the oral arguments saw the threatening effects of the ATA. On the third day of the oral arguments, petitioners prayed for relief such as Temporary Restraining Order (TRO) or Status Quo Ante Order following the illegal arrest of several Lumad students and volunteer teachers in Cebu. Prior the arrest, these students were victims of relentless red tagging by government agents. However, as of writing, the Court is yet to take action on this matter.

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Epilogue

The oral arguments before the Supreme Court is far from end. Since the surge of COVID-19 cases, the arguments were put to indefinite halt. Consequently, the anti-terror law remains in full swing. Critics raised concern that without any action from the Court, the spate of human rights violations will continue. Recently, nine (9) activists tagged as terrorists were killed in a simultaneous police operation in a single night. These killings were immediately followed by succession of arrests of community organizers in the ranks of workers, government employees, and human rights defenders. While the fate of the law is still on the limbo, its effects, on the other hand, are already manifest, tangible, and deadly. These assault against lives and the exercise of our civil and political rights call for stronger unity among the ranks of workers, peasants, and other marginalized sectors. Our collective action is demanded as attacks against our rights transform into being more institutionalized and well-orchestrated.



Otto Rudolf De Vries, a 62-year-old lay church worker from the Diocese of Rotterdam in The Netherlands and a labor researcher, speaks during a press conference of EILER in Quezon City on Feb. 17, 2021, to protest the cancellation of his visa. (Photo by Mark Saludes for LiCAS News)



40 years of solidarity with the workers through labor education and research



The EILER's 40th anniversary needs both context and history. A chronology of reminiscences of both achievements and mishaps would not suffice because, no matter how insignificant it might seem to the uninformed and unengaged regarding labor-related issues, EILER is, as a matter of fact, a part of a bigger reality that affects people's lives and well-being, not only in this country, but all over the world. Specifically, the world of the working class – men, women and children who work - with its particular attention to child labor.

Modern Philippine labor history is attached at the navel with the American labor history. Thus, I am quoting from Noam Chomsky, an international authority in linguistics and a renowned analyst of American politics: “It is very significant to bear in mind that the United States has an unusually violent and brutal labor history and a long history of repression of labor. It's gotten much worse since the neo-liberals all began. Reagan and Thatcher, both of them, or whoever was behind them, recognized, right away, that if we're going to hand everything over to the rich and the private sector, we've got to remove people's ability to defend themselves, and the ability to defend themselves is primarily in the hands of labor unions. So the first moves they made were to impact and severely undermine the labor movement. That's a brutal part of a long history.”[1]

Need we be surprised that in the Philippines when the proponents of neo-liberalism[2] came into power, a systematic decimation of the labor force was undertaken by the Machiavellian triad of government, military, and capitalist, forcing the labor sector to go into a permanent survival mode preventing members of the working-class from engaging in more creative and humanly-fulfilling pursuits. While many have been reduced to beggary, thousands more have been forced to work in sweatshops under sub-human conditions.

Through fact-finding missions EILER has contributed significantly to raising the public awareness of the sorry plight of child labor in the Philippines and by its meticulous research has exposed the repulsive ugliness of the phenomenon of child labor in the country.

I salute its Director, the staff and researchers of EILER for their unswerving devotion to the cause of what might seem quixotic to the eyes of the wealthy and comfortable – the restoration of the right to a wholesome childhood to every Filipino child.

- Fr. Wilfredo T. Dulay, MDJ

The Workers' Prayer

Fr. Wilfredo T. Dulay, MDJ

Creator of all beings and everything that is good in this world,
You are a loving God who finds delight in the work of your hands.

When you created us, women and men, in your image and likeness,
You made us the stewards to nurture and care for the gifts entrusted us.
You invited us to work with you in transforming the world into your Kingdom where you'd be staying and break bread with us, letting us behold you face to face.

On International Workers' Day, we pray and ask God, the Lord of Creation, to bless all the workers of the world - of times long past, the workers of our days, and those who'd continue to heed the call to serve others by the sweat of their brow.

May God grant them the grit and the strength to pursue God's first mission to humankind: "Subdue the forces of darkness and exercise responsible dominion, be fruitful and fill the earth."

All this, our God, Creator of all that is good, beautiful and true we ask through your Son, Jesus Christ, Amen.



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