GUIDELINES IN THE CONDUCT OF PORT POLICE PERSONNEL, PRIVATE SECURITY AND COMPANY GUARD FORCES DURING STRIKES, LOCKOUTS AND LABOR DISPUTES IN GENERAL

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In line with the objective of the Philippine Ports Authority (PPA) to promote public interest and safety, industrial peace and stability and peace and order in the ports, the following guidelines are hereby prescribed to govern the official conduct of Port Police personnel during strikes, lockouts and labor disputes in general in the port.

I
Authority
Section 6a, (iii) 6b (XVI) and 26 a) PD 857 as amended by Executive Order 513.

II
Reference

- Department of Labor and Employment (DOLE) and National Police Commission (NAPOLCOM) guidelines in the conduct of strikes, lockouts and labor disputes in general.

- Section 5, Rule 113 of Rules of Court

- Batas Pambansa Bilang 880 or the Public Assembly Act

- Article 264, para (e) of the Labor Code, as amended

- Article 218 and 263 of Labor Code, as amended

- Article 694 of Civil Code of the Philippines.

III
Purpose
This Circular prescribes measures, standards and policies, to be strictly observed by Port Police personnel during strikes, lockouts and labor disputes in general.

IV
General Policy

- As a matter of policy, labor disputes occurring within the area of responsibility of the Philippine Ports Authority is the sole jurisdiction of the Department of Labor and Employment and/or its appropriate agencies, while matters pertaining to peace and order in the ports are under the jurisdiction of the Philippine Ports Authority without prejudice to the exercise of functions of other law enforcement bodies in the port. Labor disputes, strikes and lockouts have peace and order implications, affecting the smooth flow of port operations. Close coordination between DOLE, PPA and other agencies is necessary to attain this objective.

- The involvement of Port Police personnel during strikes, lockouts and labor disputes in general, shall be confined and limited to their functions and responsibilities in the maintenance of peace and order, enforcement of

laws and legal orders of duly constituted authorities.

- Insofar as practicable, no Port Police personnel shall be allowed to render services in connection with a strike or lockout, if there is a question or complaint as regards his relationships by affinity or consanguinity to any official/leader of the parties in the controversy or if he has financial or pecuniary interest therein.

- A Port Police peace keeping detail shall be established in a strike or lockout area for the purpose of maintaining peace and order. PPA through the DOLE shall request other law enforcement agencies for assistance and augmentation if warranted by the exigencies of the service.

- Port Police personnel detailed as peace keeping force in strike or lockout areas shall be in complete and prescribe uniform with proper nameplate at all times. They shall exercise maximum tolerance and shall observe courtesy and strict neutrality in their dealings with both parties to the controversy bearing in mind, that the parties to the dispute are not their adversaries but their partners to the labor quest for industrial peace and human dignity. As much as possible, they shall not inflict any physical harm upon the strikers and/or picketers or any person involved in the strike/lockout. When called for by the situation or when all other peaceful and non-violent means have been exhausted, Port Police personnel with the assistance of other law enforcement agencies may employ, as a last resort only, such force as may be necessary and reasonable to prevent or repel aggression.

- The peace keeping force shall strictly observe and respect human rights at all times.

V
Peace Keeping Details
The peace keeping detail shall not be stationed in the picket (or confrontation) line but should be stationed in an appropriate place such that their presence may deter the commission of criminal acts or any untoward incident from either side. The members of the peace keeping detail shall stay outside a fifty (50) meter radius from the picket line, except if the fifty (50) meter radius includes a public thoroughfare, they may station themselves in such public thoroughfares for the purpose of ensuring the free flow of traffic.

VI
Arrest/Searches and Seizures

- Arrest and searches in strike/lockout areas shall be effected only on the basis of the existing and valid warrant of arrest/search and seizure or in accordance with Section 5, Rule 113 of the Rules of Court. Whenever possible, union representatives (for laborers/workers) or management representatives (for management personnel) shall be requested to facilitate the service of the warrant of arrest/search and seizure order.

- Any person, who, during the strikes/lockouts violates any law, statute, port rules and regulations or any provisions of Batas Pambansa Bilang 880 or the Public Assembly Act may be arrested and charged accordingly in court.

- Any person who obstruct the free and lawful ingress to and egress from the employer's premises in contemplation of Article 264, para. (e) of the Labor Code, as amended, or who obstructs public thoroughfares may be arrested and accordingly charged in court.

- The DOLE shall be immediately informed by the Port Police Unit concerned in case of violence in the picket line. When arrests are made pursuant to a warrant issued by competent authorities, the arresting officers shall coordinate with the leaders/representatives of the union and management, as the case may be and also inform them of the arrest and the reason therefore.

VIII

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Service of DOLE, Court or Lawful Orders/Writs

- The service of DOLE, Court or other lawful order/writ is the primary concern of the DOLE representative, sheriff, representative of the government agency issuing respectively. The DOLE representative, Sheriff or representative of the agency issuing the order is the one tasked to coordinate and dialogue with the leader of the striking group and the representative of management and to inform them of the nature and contents of the order to be enforced, including possible consequences of any defiance thereto, as well as to coordinate with the local government units concerned, whenever it becomes necessary.

- Orders enjoining any picketing, strike or lockout are enforceable strictly in accordance with Articles 218 and 263 of the Labor Code, as amended.

- Any person who is not a laborer/worker of the company, business establishment on strike but has joined the striking laborers/workers in their picket or strike, shall be treated by the law enforcers in the same manner, as the strikers/picketers. If such person's presence in the strike area obstructs the peaceful picketing, the law enforcers shall compel him to leave the area. The conduct of rallies and marches on issues not related on the labor dispute shall be dealt with in accordance with provisions of Batas Pambansa Bilang 880.

VIII
Administrative Jurisdiction

- Except, as provided in these guidelines, the matter of determining whether a strike, picket or lockout is legal or not should be left to DOLE and its appropriate agencies. Port Police elements are enjoined from interfering in a strike, picket or lockout, except as herein provided, for the sole reason that it is illegal.

- Picketing as part of the freedom of expression during the strike shall be respected provided it is peaceful. Shanties and structures set up too effectively block lawful ingress to and egress from the company premises for legal purposes and the free passage in public thoroughfares, or hinders or impairs the use of operational or storage areas in the port shall be summarily demolished in accordance with Article 694 of the Civil Code of the Philippines.

- No personnel escorts shall be provided to any of the parties to the controversy unless so directed by the competent authority. Whenever escorts are to be provided to any, the other party shall be informed accordingly. All escorts shall be in uniform at all times.

IX
Socializing
During the pendency of strike/lockout, the port police personnel concerned are discouraged from socializing with any of the parties involved in the controversy. Those personnel shall not, under any pretext, accept an invitation from management personnel or union officials/personnel involved in the controversy.

X
Liaison
Liaison shall be established and maintained with the representatives of DOLE, management and union in the strike/lockout area for the purpose of maintaining peace and order, as well as to maintain a continuing peaceful dialogue between the parties to the strike/lockout. If possible, a regular meeting between the PPA and DOLE and concerned sectors shall be conducted to assess and monitor compliance with and implementation of the guidelines.

XI

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Administrative Action
All complaints/reports levelled against any personnel of the Port Police on the occasion of this strike/lockout shall be processed and resolved in accordance with existing laws.

XII
Role of Security Guards
Conduct of security guards during strikes and lockouts shall be in accordance with Rule 18 of the Implementing Rules of Republic Act 5487.

XIII
Effectivity
This Memorandum Circular shall be approved by the Board of Directors. This Memorandum Circular takes effect immediately and amends, revokes or repeals all PPA issuances inconsistent herewith.

Adopted: 22 Dec. 1998

(SGD.) JUAN O. PEÑA
General Manager

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