

Pepmaco Manufacturing Corporation (Pepmaco for brevity) is a domestic corporation engaged in the manufacture of surfactants. It operates a manufacturing plant located at Airstrip St., Silangan Industrial Park, Canlubang, Calamba, Laguna.

Workers at the said plant are classified into 2 categories, the regular directly hired employees and those under legitimate, duly registered, independent contractors. A number of these individuals engaged by the said contractors however, believe that they should be considered regular employees of Pepmaco and claim certain benefits which are not due to them. Earlier this year, they formed their own local union, Pepmaco Workers Union (PWU) under the National Federation of Labor Unions-Kilusang Mayo Uno (NAFLU-KMU). In an attempt to compel Pepmaco to give in to their demands, the PWU members were suspected of sabotaging company equipment and production in a number of incidents resulting to damage in property, such as the deliberate shutting down of machinery and equipment to cause underproduction and damage to the detergent bars, and the deliberate and malicious insertion of foreign materials into the machinery to cause breakdowns, necessitating expensive and costly repair work.

In a routine inspection relating to the above matter, the Regional Director of the Department of Labor (DOLE) Region IV-A issued an Order dated May 14, 2019, finding that Pepmaco and its contractors do not engage in labor-only contracting and are compliant with labor standards and the mandated safety conditions in the workplace.

It is thus plain that Pepmaco's position was supported by a valid judgment of the DOLE. Correspondingly, the allegations that PEPMACO engaged in contractualization, mass termination, union busting, low-wages, 12-hour work days and unsafe working conditions (that even lead to pregnant workers to suffer miscarriages), are all belied by actual facts and have no legal basis.

As clearly explained, the DOLE, being the appropriate governmental agency to investigate and handle supposed concerns of the PWU members, had unequivocally ruled that Pepmaco and its contractors do not engage in labor-only contracting which is prohibited by law, had complied with the required labor standards and the payment of the workers' rightful benefits, and more importantly, had observed the proper safety precautions, measures and requirements in the workplace as prescribed under the law.

It cannot be overemphasized that the aforesaid allegations of the PWU members are nothing but blatant lies designed to besmirch and ruin the hard-earned reputation of the company and its owners. Pepmaco finds no logical reason why these unfounded imputations are being hurled against the company and its owners, other than to maliciously compel the latter to give in to PWU's unsubstantiated and highly irregular demands.

At any rate, it must be stressed that the **DOLE-National Capital Region**, which has territorial jurisdiction over Pepmaco's principal office, has also issued a sole and exclusive bargaining agent certification to the union, Nagkakaisang Lakas ng Manggagawa sa Pepmaco Manufacturing Corporation (NLM-PMC). **This certification establishes in no uncertain terms that it is NLM-PMC, whose members are regular and directly hired employees of Pepmaco, which is the recognized union and exclusive bargaining agent of the company to the exclusion of others.** This fact did not again sit well with PWU.

In a vain attempt to muddle the issues, The PWU then deliberately defied the above-mentioned rulings of the DOLE and inappropriately filed a notice of strike with the National Conciliation and Mediation Board (NCMB) notwithstanding the existence of a legally recognized union

in the company. **According to Philippine labor laws, it is only the certified union which can validly declare a strike, which in the case of Pepmaco, is NLM-PMC.**

To aggravate the situation, in the early hours of June 24, 2019, the PWU members started to picket outside the plant premises of Pepmaco in Calamba, Laguna notwithstanding that they are not employees of the company and have not complied with the legal requirements in staging a valid strike. PWU members illegally assembled and erected wired picket lines which caused utmost inconvenience to the regular employees' movement in and out of the plant and worse, disturbance in the vicinity. Delivery trucks and other employees who did not agree with the PWU's cause were harassed and prevented entry and egress to and from the workplace which led to the serious disruption of Pepmaco's operations.

On June 28, 2019, considering that they were illegally obstructing business activities and harassing and intimidating innocent individuals, the company's management tried to peacefully negotiate with the picketing PWU members to leave the premises and to respect the rulings of the legal tribunals. However, having presumed that management would cause a dispersal of their assembly, the PWU members outrightly threw rocks at the company-engaged security agency personnel who were guarding the work premises and protecting the company's property, causing injury to at least 20 of the security guards

It bears emphasis that Pepmaco has not committed any violation of the PWU members' labor rights, has never subjected them to unsafe working conditions, and has not violated their right to organize. As clearly discussed in the decisions of the DOLE, it found that Pepmaco is compliant with the requirements of law in operating its business.

Unfortunately, despite the aforementioned judgment, the PWU members chose to unreasonably assert their unfounded claims against Pepmaco alone. From the time they started to illegally assemble on June 24, 2019 up to the present, the PWU members willfully defied prevailing authorities and committed unlawful acts to unlawfully disrupt the company's business activities. The PWU members attacked company premises, forcibly opened its gates and padlocked the same to gain full control of its ingress and egress.

Despite the ruthless attacks on its business and reputation, it cannot be denied that Pepmaco has always ensured that its personnel perform work under a good, healthy, and safe environment in compliance with the standards set by law. Pepmaco observes the proper degree of due diligence to ensure the safety of its employees and the imposition of mandated precautionary measures in its operations to prevent accidents or injuries arising from possible hazards. This fact can be attested to by no less than its legitimate employees.

Penultimately, Pepmaco ensures that it will continue to conduct its business with the highest level of integrity and conduct as well as with utmost regard to the protection of its employees and in full compliance with the requirements of the law.

Hoping that through this, Pepmaco has made its position clear on the matter.