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## NOTES AND COMMENTS

### THE CLO: THE TRAGEDY OF MILITANT LABOR UNION WHEN TAKEN OVER BY COMMUNISTS

The Congress of Labor Organization (CLO) is no more.<sup>1</sup> Its name has been cancelled from the rolls of labor unions authorized to operate by the Department of Labor.<sup>2</sup> Its extinction, however, is not as important as the reason and circumstance which brought about the down fall of once so formidable an organization as the CLO. It is, therefore, the object of this piece to make certain observations concerning the cause which might have tolled its death

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<sup>1</sup> The permit of the CLO to operate as a legitimate labor union was revoked by the Department of Labor on April 4, 1951, because the Department found that the CLO was a "subversive" organization. (Department of Labor File No. 650.02).

<sup>2</sup> A labor union, before it acquires a personality to operate as such, must first be registered in the Department of Labor in accordance with Commonwealth Act No. 213.

knell.<sup>3</sup> For whatever may be said of the CLO now, there are certain lessons which may be derived from it and which may serve as warning examples to other labor unions.

Sometime in April, 1945, a group of labor leaders organized a union which they named "Committee of Labor Organization."<sup>4</sup> The initial formation of the union was made through the help of some American soldiers then stationed in or around Manila who were believed to be members of the Congress of Industrial Organization (CIO) of the United States.<sup>5</sup> This must have been the reason for the marked similarity of names between the two organizations.

Originally, the CLO was composed of nineteen labor unions.<sup>6</sup> The nature and character of the industries engaged into by the member-unions showed that the CLO was envisioned to embrace any and all kinds of industries that may come within its influence. This is so because the CLO was structurally a vertical union.<sup>7</sup> It was essentially "an industrial organization . . . having for its object unionization by industrial rather than by trade or art, and allocating jurisdiction according to the nature of the industry rather than by special trade or art."<sup>8</sup>

In a general meeting of the representatives of the member-unions held at 881 Reyna Regente, Manila, on June 10, 1945, the final draft of their constitution and by-laws was approved and officers of the CLO were elected.<sup>9</sup>

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<sup>3</sup> The writer refers to the sad fact of the communist leadership in an organization predominantly composed of non-communist members became dominant. The organization while not intended by some of its founders who were sincerely desirous of promoting the welfare of labor to be a tool of the Communist Party in effect became such because of the influence of the Communists in the Directorate.

<sup>4</sup> This name "Committee of Labor Organization" was afterwards changed into "Congress of Labor Organization."

<sup>5</sup> Morabe, "Rise of Labor in the Philippines," published in the *Evening News Magazine* of April 30, 1949.

<sup>6</sup> These were the labor unions originally under the CLO: The Philippine Newspaper Guild; Union Impresarios de Filipinas; Federacion Obrera de la Industria Tabaquera de Filipinas; Philippine Seamen and Dockworkers' Union; Kaisahan ng mga Manggagawa sa Kahoy sa Pilipinas; Restaurant-Hotel-Bar-Club-and-Cafe Workers' Union; Union de Chineleras y Zapateros de Filipinas; Manila Trading Labor Association; Rural Transit Workers' Union; Kaisahan ng mga Nagtitinda sa Pamilihang Bayan; Kaisahan ng mga Mangingisda sa Pilipinas; Railroad Workers' Union; Pandacan Engineering Depot Workers' Union; Kaisahan ng mga Manggagawa sa Sentral; Kalipunan ng mga Manggagawa sa Tarlac; Kalipunan ng mga Manggagawa sa Nueva Ecija; Kalipunan ng mga Manggagawa sa Pampanga; Far Eastern Labor Union; City Government Workers' Union.

<sup>7</sup> Sec. 1, Article V, Constitution and By-Laws of the CLO; Morabe, *locit.*

<sup>8</sup> For a discussion of "vertical" as distinguished from "horizontal" unions, see ROTHENBERG ON LABOR RELATIONS, pp. 4-5.

<sup>9</sup> As a result of the first general election of the organization held during its first general meeting, the following officers were duly elected: Cipriano Cid as President of the organization; Guillermo Capadocia as National Executive Vice-President; the late Manuel R. Joven as National Secretary; Martin Bautista as National Treasurer;

Application for registration in the Department of Labor was filed by the CLO on July 27, 1945. The application was not immediately approved because the Department suspected that the CLO was a communist front. On May 31, 1945, however, the CLO was finally registered under registration No. 74 of the Department of Labor.<sup>10</sup> Its permit to operate and continue to exist as a labor union under Commonwealth Act No. 213 was renewed every year thereafter until it was finally revoked on April 4, 1951.<sup>11</sup>

One became a member of the CLO either through the approval of an individual application or by through membership in a union affiliated with the CLO. For a labor union to be eligible for membership, it was required that it must not be a company union; it must have at least 25 members; it must submit its application for affiliation in the form of a resolution duly approved by the members of its directorate; it must agree and submit itself to the authority of the constitution and by-laws, and higher organs of the CLO; and it must promise to amend the provisions of its laws and rules should the whole or any part of such laws and rules of the applicant-union contravene the by-laws, constitution and resolutions of the CLO.<sup>12</sup> When an applicant labor union was admitted, all its individual members automatically became members of the CLO.<sup>13</sup>

Individual application by persons desiring to become members of the CLO could be made directly to the CLO itself. However such individual applicants could be assigned to any union under the CLO of which they became members. Should there be no such union, they were to be placed under the Committee on Organization until such time when the individual applicants could organize themselves into a union and obtain the necessary permit from the Department of Labor to operate as such.<sup>14</sup> Before the registration of a union directly organized by the Committee on Organization, it was placed under the direct supervision and control of the CLO. During any negotiation of the demands of the union thus organized with the employer and during any hearing the CLO assumed the legal personality of the union, thereby making it possible for a newly organized union to bargain collectively with the employer even before its registration in the Department of Labor.<sup>15</sup>

The CLO was governed by several bodies, each of which had definite powers and functions.<sup>16</sup> The first of these bodies was a National Congress, which exercised the supreme legislative and exe-

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and Amado V. Hernandez, Jose A. Lansang, Felixberto Olalia, Andres Baisa, Jose M. Chico, Aprocinio Aguilar, Francisco Cruz, Ramon Espiritu and Feliciano Reyes, as Vice-Presidents.

<sup>10</sup> Department of Labor File No. 650.02.

<sup>11</sup> *Ibid.*

<sup>12</sup> Sec. 1, Article IV, Constitution and By-Laws of the CLO.

<sup>13</sup> Sec. 3, *id.*, *id.*

<sup>14</sup> Secs. 2, and 4, *id.*, *id.*

<sup>15</sup> Sec. 4, Article IV Constitution and By-Laws of the CLO.

<sup>16</sup> Sec. 1, Article V, Constitution and By-Laws of the CLO—"The structure of the organization of the CLO is vertical." Its stages are as follows:

cutive powers and functions of the CLO, vested in it. The National Congress was regularly convened once every year, the place, date and time of such meeting being designated by a Central Committee two months before the holding of the convention.<sup>17</sup> It was a representative body composed of delegates from the various affiliate unions of the CLO. The number of delegates from each member union depended upon the membership strength of the union concerned. The proportion was one delegate for every fifty (50) members in order to be entitled to a delegate.<sup>18</sup> An affiliate union with less than fifty (50) members was not entitled to any representation.

Prior to any annual convention, it was essential that a member union should have settled all its financial obligation with the CLO. Otherwise its delegates would not be permitted to take part in the convention. It was further required that the persons purporting to represent an affiliate union must carry with them the necessary identification of their union and the identification furnished by the Committee on Credentials of the National Congress in order that they be admitted in the Convention.<sup>19</sup>

These two conditions were of utmost importance—the first, because it enabled the CLO to raise funds for its financial needs during the ensuing fiscal year, and the second, because it insured that no one could participate in the deliberation of the convention unless he was a duly accredited delegate. Hecklers and non-sympathizers then who might attend the convention for the purpose of disturbing the meetings could thus be excluded.

The National Congress as the supreme legislative body of the CLO was entrusted with the power to amend its constitution and by-laws. Every amendment had to be approved by a majority vote of the delegates present and entitled to vote.<sup>20</sup> It had also the power to recall any officer of the organization.<sup>21</sup> This power was absolute. The officer recalled had no other organ in the CLO to appeal to, after the National Congress had taken action.

This power was utilized when, in the latter part of 1948, several top officers of the CLO were expelled.<sup>22</sup> It had also the power to

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- (1) National Congress
  - (2) Central Committee
  - (3) Executive Committee
    - a. National Officers
    - b. Standing Committees
  - (4) National or Industrial unions
  - (5) City, Provincial and Regional Chapters.

<sup>17</sup> Sec. 2, Article V, *id.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> Sec. 2, Article IX, *id.*

<sup>21</sup> Par. b, sec. 2, Article V, *id.*

<sup>22</sup> The officers of the CLO who were expelled in 1948 were: Pedro Castro of the FOITAF, Felixberto Olalia then incumbent national treasurer of the CLO, Fran-

call a general strike.<sup>23</sup> This power was of utmost importance from the standpoint of the CLO for a general strike called by the CLO at any time during the existence of an industrial dispute between any of its affiliates and their employers would have been difficult for an employer to resist. From the point of view of public interest though, it was a dangerous power. Its exercise would have meant a disruption of the national economy of the country considering the number of unions and laborers controlled by the CLO and the varied industries in which they were engaged.<sup>24</sup>

The constitution and by-laws of the CLO also authorized the National Congress to affiliate the CLO with any international workers' organization.<sup>25</sup> It was by virtue of this power that the CLO became an affiliate of the World Federation of Trade Unions (WFTU).

Next to the National Congress in the hierarchy of agencies which governed the CLO was a Central Committee composed of thirty-one (31) members with a term of office for two years unless separated for reasonable cause, and elected by and from the delegates to the National Congress. This body met every three months to check-up the functions of the Executive Committee, the National Officers, and the different standing committees of the CLO. Among the powers vested in this body were: The election, once every two years from among its members, of the national officers of the CLO—one national president, twelve (12) national vice-presidents, one national executive secretary, and one national treasurer; appointment of chairmen and members of the different standing committees; enforcement of the constitution and by-laws and the approved resolutions of the CLO; calling of emergency meetings and enactment of emergency measures for problems which might arise in the interval of the holding of the National Congress; and the power to recall and replace any national officer or any of its members who disregarded his duties and functions or who had been verified to be disloyal to the CLO.<sup>26</sup>

Under the Central Committee was an Executive Committee<sup>27</sup> composed of fifteen (15) members who were all national officers of the CLO. It was directly charged with the administrative control and supervision of the affairs of the organization. Upon it was lodged the duty of executing the constitution and by-laws and approved resolutions of the CLO. It was empowered to hear the complaints and appeals of the affiliated unions and decide disputes between them. This power was essential as it served as a safety valve

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cisco Cruz, one of the national vice-presidents, Martin Bautista, Feliciano Reyes, Felipe Sevilla and Alfredo Castillo.

<sup>23</sup> Par. c, sec. 2, Article V, Constitution and By-Laws of the CLO.

<sup>24</sup> See Note 5; According to Amado V. Hernandez in his "Philippine Labor Demands Justice," published in April, 1949, the CLO had at that time 70 affiliated unions with a total individual members of around 100,000 industrial workers.

<sup>25</sup> Par. f. Sec. Article V, Constitution and By-Laws of CLO.

<sup>26</sup> Pars. a-d, Sec. 2, Article V, id. (Central Committee).

<sup>27</sup> Pars. a-i, Sec. 2, Article V, id. (Executive Committee).

against the possible disintegration of the organization on account of intra-union fights between the member unions. It was also its duty to arbitrate disputes between the different standing committees, between national officers, and between officers of unions under the direct supervision and control of the CLO, especially when the question involved was one of jurisdiction over a particular matter or one relating to the competence of any officer to act on a particular question. In short, it was through the Executive Committee that the CLO functioned.

Aside from the three organs already discussed, there were also seven standing committees<sup>28</sup> and regional chapters<sup>29</sup> created to promote and facilitate the work and harmonious administration of the CLO. Each of these committees exercised and performed clear and definitely allocated powers and functions. They covered all phases of activities—political, social and economic, calculated to bring about the realization of the purposes of the CLO.

Thus as far as structural scheme is concerned, the CLO was a well-knit union. It was provided with various agencies to carry out its aims and purposes. There was every reason to believe that it could have been easily appraised as one of the best organized unions of the country. And yet it failed in its mission. Why? Because the Communists were able to take control. But first, the guiding principles, aims and purposes of the CLO ought to be considered.

When the CLO was formed and organized, its leaders were guided by certain principles—principles which, according to its constitution and by-laws,<sup>30</sup> were “based on the historical background of the toiling masses and their struggle for a better world.” The organizers believed that all material needs of society, the progress of human beings and capital itself were created by, and are the fruits of, labor; that labor is indispensable to production and society; that the fate of all nations and peoples cannot be decided without the participation of labor; that labor since time immemorial has been exploited, oppressed, and discriminated against; that the ultimate struggle of labor is elimination of the exploitation of man by man, oppression of nation by nation, and eradication of social classes. They advocated a movement for a world free from hunger, free from discontent, free from fear, free from war, free from sickness and economic insecurity.<sup>31</sup> In short, the CLO was based on a philosophy that labor is the focal point around which society revolves.

The aims and purposes<sup>32</sup> of the CLO were: (1) to organize the workers into their respective industrial and trade unions—one union in every place of work or factory, one union for every industry, one national federation of industrial unions; (2) to work for better

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<sup>28</sup> See Note 18.

<sup>29</sup> *Ibid.*

<sup>30</sup> Sec. 1, Article II, Constitution and By-Laws of the CLO.

<sup>31</sup> *Ibid.*

<sup>32</sup> Sec. 1, Article III, *id.*

working conditions of the workers, for a decent and living wage, for shorter hours of work, for economic sufficiency, for job security, for social security, relief and compensation of its members and all the works; (3) to uphold the right to strike and picket, the freedom of assembly, press, speech, association, religion and the Four Freedoms embodied in the Charter of the United Nations Organization; (4) to work for better and more democratic and progressive labor and social legislations, for the outlawing of company unions; (5) to work for the representation of the workers' union in the board of directors and management of private and government enterprises; (6) to work against any kind of exploitation, oppression and discrimination against the workers and the toiling people; (7) to undertake activities which are for the elevation of moral, cultural, social, economic and political conditions of the workers; and (8) to unite with any and all movements whose purposes are for the solidarity of labor, against facism and reaction in any form, for democratic peace and collective security, and, ultimately, for the realization of the real brotherhood of peoples and nations.

The task of organizing the workers into unions, and the latter into federation of trade unions, was given to a committee known as the Committee on Organization, Unemployment and Public Relations.<sup>33</sup> As its name implied, it had the task of organizing labor into unions. Nor did its work end there. It helped the laborers in the daily struggle for jobs, relief and other social benefits.<sup>34</sup> It was also its task to attend to the registration in the Department of Labor of any newly organized union under the CLO.<sup>35</sup> It had the duty to conduct studies relative to problems on organization and unemployment, and to submit to the higher organs of the CLO plans, reports and proposals calculated to solve these problems.<sup>36</sup> Furthermore, in order to win the support of the public on the side of the CLO, it was the duty of the committee to find ways and means to cultivate friendly relation with other civic organizations so as to get their help and support.<sup>37</sup>

To implement the right to strike and picket, the CLO organized a Committee on Defense, Strike and Picket.<sup>38</sup> This committee was responsible for carrying out a strike declared by any affiliated union or of a general strike declared by the CLO itself. The techniques to be followed, the precautions to be taken and the discipline to be observed by the strikers and picketers were planned by this committee. Aside from these, it was also its duty to enlighten the public with the purposes of the strike, to find ways and means to counteract lockouts and mass dismissals of the CLO members, and to attend immediately to arrested strikers and picketers. In the exercise of the right to picket, the CLO members went even to the ex-

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<sup>33</sup> Sec. 4, Article V, *id.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

tent of establishing a picket line in front of the Court of Industrial Relations.

It is also interesting to note that the CLO committed itself to the promotion of civil liberties. It professed to "uphold the freedom of assembly, press, speech, association, religion and the Four Freedoms embodied in the Charter of the United Nations Organization." This must be so because it cannot deny the rights which it sought to assert to attain its objectives. The organization of a union of workers is in itself an exercise of the freedom of association, and the holding of meetings of such union, expressing opinions and beliefs therein, and the printing and distribution of literature concerning labor and also the act of picketing are no less clear exercise of the freedoms above-enumerated.

Among the basic aims of the CLO was the promotion of the moral, cultural and social welfare of the working class. To this end, a Committee on Education, Information and Research<sup>39</sup> was established to prepare literature, books and materials for educational and information purposes, to open, manage, administer and conduct group classes and schools for the workers to establish and manage a library, conduct open forums, public debates, discussions, meetings, dramas and other similar activities.

Thus far it is clear that the CLO was apparently intended for some legitimate purposes for the benefit of labor. That such was the case may be further seen from the fact that it was allowed by the Department of Labor to operate as a legitimate labor union for otherwise it would not have been registered by the Department. There was a strong presumption, therefore, that the CLO might have been initially intended, at least by the non-communist members, as nothing more than a union of laborers designed to attain a common objective, namely, the promotion of the welfare of labor.

But, in spite of all the laudable aims and purposes of the CLO and in spite of the excellent organizational structure that it had, why was it dissolved by the Department of Labor? Was it because the Department exercised its power arbitrarily in cancelling CLO's permit as a labor Union? Or was it because the CLO was found to be a danger to the cause of labor itself and to the State as a whole? That the latter was the cause for the cancellation of the permit of the CLO would seem to be undeniable.

In the case of *People of the Philippines vs. Hernandez*<sup>40</sup> decided by Judge Agustin Montesa of the Court of First Instance of Manila and now pending before the Supreme Court, voluminous and incontrovertible evidence were presented by the prosecution showing that the CLO, hiding behind the mask of a legitimate labor union concerned with nothing more than the promotion of the welfare of the

<sup>39</sup> *Ibid.*

<sup>40</sup> Criminal Case No. 15481, Court of First Instance of Manila. This case is now on appeal to the Supreme Court.



working class, was in fact a communist agency designed to serve the communist cause in the Philippines.

It was shown in the *Hernandez case* that the structural scheme of the CLO was patterned after that of the Communist Party of the Philippines (CPP).<sup>41</sup> This is not strange because of the original

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<sup>41</sup> See note 18; *efo*. The Court of First Instance in its decision in the *Hernandez Case*, stated that "the organization of the Communist Party of the Philippines (CCP), according to its constitution (Exh. D-1499), may be briefly stated as follows:

National Congress (NC), Central Committee (CC), Politburo (PB), Secretariat (SEC), Organization Bureau (OB), and National Courier (or Communication) Division (NCD).

1. NATIONAL CONGRESS (NC)—Of these departments, the National Congress is the highest authority of the Communist Party. It guides the functions of the whole Party and all the standing committees; formulates the broad policies of the body; makes decisions on all the problems regarding political tactics and organizations, and is the organ empowered to amend the constitution of the Party. It also elects the Central Committee and decides appeals that are brought to it from the lower organs. The National Congress is composed of the elected delegates or members of the nucleus which is like the members of the standing committees. (Chapter 7, *Constitution ng Partido Komunista ng Pilipinas*, Exh. D- 1499.)

2. THE CENTRAL COMMITTEE (CC)—The Central Committee is composed of the regular and reserve members. The number of its members and the method of their election are decided by each National Congress. When the National Congress is not in session, this organ is the highest authority of the Party. It is responsible for the faithful compliance of the constitution and the general political policies that have been approved by the National Congress. It has over-all supervision of the whole Communist Party and has the authority to promulgate rules and regulations with the full authority of the National Congress when the latter is not in session. It exercises authority and supervision over all political work and organizational functions of the Party. It appoints and dismisses any member of any organ working under its authority, initiative and supervision or the member of the Party and takes charge over all fiscal matters of the same. The Central Committee has the duty of rendering an accounting of all the Party finances during the session of the National Congress. It elects the general secretary or the members that compose the Politburo.

3. THE POLITBURO (PB)—The Politburo is responsible for the execution and realization of all the duties of the Central Committee during the time that the latter is not in session. The regular and reserve members of the Politburo are chosen by the Central Committee. The general secretary and the Politburo are responsible to the Central Committee for all their decisions and actions.

4. THE SECRETARIAT (SEC)—The existence and authority of the Secretariat and its assumption of the function of the GHQ after January, 1950, is evidenced by the following excerpt from Communist Party documents forming part of the evidence:

"This was the local situation when the Party held its enlarged PB conference in January, 1950. After a re-discussion of the local and international situations, the conference abolished the GHQ whose functions were temporarily assumed by the Secretariat . . ." (Exhibit F-153, K-12, *Milestones in the History of the CPP*.)

"In the PB conference, we abolished the GHQ for the time being, placed its functions under the SEC and assigned the former GHQ members to supervise

committee<sup>42</sup> which formed the nucleus of the CLO was composed mostly of Communist Party members.<sup>43</sup> In the same case it was also established that the "majority of the members of the seven permanent standing committees of the CLO were infiltration members holding responsible positions in the CPP."<sup>44</sup> Further evidence of

various Recos to see to it that our expansion plans are decisively implemental which alone is the surest guarantee of our success in the coming battle . . . (Exhs. D-187, C-421 to 424, F-631 to 634, Additional Political Military Strategy of the Occupation in Clarification of the enlarged PB conference resolution, approved by the SEC in its meet of September 8, 1950, Exh. P-340, par. 1.)

"Documents, resolutions and over-all Party policies (not merely regional policies), and under our present form of leadership, only the SEC can formulate such policies."

"Has no right to immediately set aside one-half of the 20% for Reco 4 needs for arms and Ammo. He can, however, request for such allocation of arms and same in the SEC (in its capacity as GHQ) and approve such request, based on the consideration of the various needs of our Recos." (Exh. D-43, par. 11, PB out Oct. 1950; Exh. F-347, D-45, D-47.)

"For the time being, the SEC and the PB supervisors shall act as military committee to coordinate and systematize the basic military training of our armed forces." (Exhs. C-576, K-12 (s), F-880, G-1409, Basic Military Training for our Armed Forces, approved by the SEC in its meeting of July 28, 1950, Exh. F-334, par. 2).

5. ORGANIZATIONAL BUREAU (OB)—It is this organ that takes charge of all matters affecting the organization of the Communist Party and the problems regarding finance. Likewise, it takes charge of mass organizations like the present, labor and youth organizations. (See "Ang Partido Komunista", Exh. D-1489, page 18; also Exh. F-899; C-287-306; D-350-370.)

6. THE NATIONAL COURIER (OR COMMUNICATION) DIVISION (NCD)—This is the organ in charge of the communication system of the Party. It supervises and gives instructions and orders to PB supervisors of the Recos on matters connected with communication. In many letters to PB supervisors of the Reco (NC) thru Luming (Salome Cruz), it intrusted the PB supervisors to furnish the NCD within the month information as to whether regular couriers, PB supervisors of the Recos have already been appointed; the names of the said couriers; whether the Reco central post, outpost, post from its district, have been organized; whether there are already staff members of the most Recos of the lower organs; route followed by couriers; whether the chairman of the RCD attends meetings of the Reco bureau; whether meetings are conducted by every corps of each post once a week. It also ordered that the RCD chairman submit monthly report to the OB thru the NCD, a list of letters, documents and supplies received from the NFC; that regular and irregular runners attend meetings of the NCD every 15 and 30 of the month, respectively; that the RCD chairman goes to the NCD once a month every 26; that runners be regular and punctual in their schedule of arrival; that rush letters be sent thru regular runners.

<sup>42</sup> See note 3.

<sup>43</sup> See decision of the Court of First Instance of Manila in Criminal Case No. 15481, p. 32.

<sup>44</sup> *Ibid*—The Court said: "The original committee which served as the nucleus of the present organization was composed of Communist Party members, namely, Ma-

tie-up between the CPP and the CLO was shown by the fact that the members of the Trade Union Division of the CPP were also members of the Executive Committee of the CLO.<sup>45</sup> Even the regional chapters of the CLO were dominated by communists.<sup>46</sup> Thus the CPP had engulfed the CLO within its influence. It should not be surprising, therefore, that the policies of the CLO were patterned, if not exactly the same, after those of the CPP since most if not all the policy makers of the CLO were communists.

That these communists should from the vantage point of leadership foster a workers' union like the CLO is not strange either, if we bear in mind that the one great obsession of communism is the "revolutionary overthrow of the capitalist system" and the establishment in its stead of the "dictatorship of the proletariat." And considering that at the time the CLO was organized, the Philippines had just emerged from World War II—still licking its excruciating wounds—and the people, especially the working class, were desirous to get jobs and obtain higher wages to meet the high cost of living at the time, the communists in this country saw their one great opportunity in organizing and controlling through the CLO a great bulk of the labor elements of the Philippines. The laboring class, untrained in the subtle art of communist methods, succumb to the lure of communist preachings, either knowingly or unknowingly.

As stated elsewhere in this work, the CLO, in order to promote the moral, cultural and social welfare of the working class organized a Committee on Education, Information and Research. However, it was shown in the *Hernandez case* that this committee under the chairmanship of the late Guillermo Capadocia, was concerned not with the promotion of the welfare of the laborers but rather to propagate the doctrines of communism to the perhaps unsuspecting workers.<sup>47</sup> This committee was in charge with the publication and

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riano Balgos, Guillermo Capadocia, Feliciano Reyes, Felixberto Olalia, Leopoldo Fonilas, Andres Baisa, Sr., and Francisco T. Cruz. p. 35.

<sup>45</sup> *Ibid.*, p. 40.

<sup>46</sup> *Ibid.*, p. 36.

<sup>47</sup> *Ibid.*, p. 34. The Court in discussing the functions of the Committee on Education, Information and Researches said. "This committee takes charge of the educational, information and propaganda work of the organization. It takes care of the CLO publications such as the "Bisig," "Patnubay ng CLO" and other reading materials for the dissemination of communistic ideologies and principles. Under this committee was organized the CLO Workers' Institute as an implementation of the educational activities of the CLO in accordance with the decision of the 1949 4th Annual Convention of the said organization. This institute functions under the supervision of the Committee on Education, Information and Research with the late Guillermo Capadocia as chairman. The main functions and duty of the institute is to orient the masses or laborers under the leadership of the CLO and of the members of the Communist Party on the party line, such as Class Struggle, Political Economy, Dialectical and Historical Materialism, Party Construction (The Organizational Structure of the Communist Party of the Philippines) and other communist doctrines. It also propagates the main objective of the Communist Party to overthrow the Government and replace it with the so-called dictatorship of the proletariat patterned after that of the Soviet Union."

distribution of the "Bisig" and "Patnubay ng CLO," two newspaper organs of the CLO which served as mediums for the dissemination of communistic ideas and principles. And to make its work more effective, this committee also organized the Workers' Institute<sup>48</sup> where the members of the CLO were taught such subjects as (1) Theory and Practice of Trade Unionism, (2) Political Economy, (3) History of Labor Movement in the Philippines, (4) Philippine Labor Laws, and (5) Political Action.<sup>49</sup> The effect of this school in disseminating the teachings of communism was tremendous for there could be no better place to do that than in a school designed precisely for such a purpose.<sup>50</sup>

Aside from its role as a propaganda agency of the CPP, the CLO also helped the HMB,<sup>51</sup> the army of the CPP in the Philippines, in the form of monetary aid, clothing and medicine.<sup>52</sup>

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<sup>48</sup> See note 47: Alfredo B. Saulo, in an article written by him entitled "Philippine Labor Today" justified the establishment of the Workers' Institute in this wise:

"The strength of any workers' organization depends upon the level of political consciousness of its leaders and the rank-and-file. It is to be regretted that our present educational system does not answer the need of the toiling masses for education. Labor subjects taught in some schools and universities are pathetically inadequate to cope with our rapidly changing society. This leaves labor organizations without alternative but to open their own schools for workers."

"In the Workers' Institute conducted by the Committee on Education, Information and Research of the Congress of Labor Organization (CLO), workers are taught the following subjects: (1) Theory and Practice of Trade Unionism, (2) Political Economy, (3) History of Labor Movement in the Philippines, (4) Philippine Labor Laws, (5) Political Action."

"For the convenience of the workers, the Institute has adopted Tagalog as the language of instruction. Ranging in age from 35 to 70, they have demonstrated an amazing ability to learn the subjects and adopted whatever they have learned in their every day life. The teaching time for each subject is from six to ten days. It has been observed by labor instructors that workers are too impatient to learn. Experience has taught them to be practical people. They eschew any theory that cannot be immediately translated into practice."

"Frankly speaking, the aim of labor education under the sponsorship of the CLO is to provide training for leadership—leadership in the shops, in the unions, and ultimately in the community. Workers are told that they are part and parcel of the community or nation. They form the greatest bulk of the population, so that they must strive for increased participation in national affairs."

<sup>49</sup> See note 48.

<sup>50</sup> In Criminal Case No. 15481, the Court found that "propaganda is done by lectures, meetings, and the organization of committees of the educational department as well as researches at the CLO Workers' Institute."

<sup>51</sup> HMB stands for "Hukbong Magpagpalaya ng Bayan" otherwise or formerly known as the "Hukbalahap"—an armed force of the Communist Party in the Philippines organized to help and implement the design of the CPP to overthrow the government of the Philippines by force.

<sup>52</sup> Decision of the Court of First Instance of Manila in Criminal Case No. 15481, p. 37.

Guillermo S. Calayag,<sup>53</sup> testifying for the prosecution in the *Hernandez case* disclosed that the CLO in helping the CPP allowed the Communist Party leaders to act as organizers in the different factories in forming a union. According to the same witness, "these party members help workers in the factories to agitate for the eradication of social classes and ultimately effect the total emancipation of the working classes thru the establishment of the so-called dictatorship of the proletariat. It is the duty of these Communist Party members to indoctrinate uninitiated workers in the union to become proselytes of the Communist Party ideology. After the right number is secured and a union is formed under a communist leader, this union is affiliated with the CLO and this in turn registers the same with the Department of Labor." The court also stated in the same case that—

"The orientation and indoctrination of the masses is continued with the help of the CLO. The primary objective of the CLO is to create what is called a revolutionary crisis. It seeks to attain this objective by first making demands from the employers for concessions which become more and more unreasonable until the employers would find it difficult to grant the same. Then a strike is declared. But the strikes are only preparations for the ultimate attainment of the Communist goal of armed overthrow of the government. After the workers in the factories have already struck in general at the behest of the Communist Party thru the CLO, a critical point is reached when a signal is given for the armed forces of the Communist Party, the HMB, to intervene and carry the revolution now being conducted outside to within the city."

Perhaps this was the reason why the CLO endeavored to control the labor force in the vital public utilities in the city of Manila.<sup>54</sup>

But the fact that the CLO was controlled by Communist members did not mean that all the leaders and members of the CLO were communist. There were those among them who sincerely believed that a union of workers, such as the CLO, could better attain the desired result for the benefit of labor. If these non-communist members joined the CLO it was, perhaps, only because they thought then that the other CLO leaders were sincere in their purpose of making the CLO a really militant labor union for the sake of labor and nothing more. If the CLO became a communist front, it was because Communist leadership in the organization became dominant. The non-communist leaders were relegated to the category of a mere minority. That the non-communist leaders of the CLO permitted

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<sup>53</sup> Guillermo Calayag was one time a ranking member of the Communist Party and the CLO; See page 37, Decision of the Court of First Instance of Manila in Criminal Case No. 15481.

<sup>54</sup> The Public Utility Employees Association, a union of workers of the Manila Electric Company, was an affiliate of the CLO; The Philippine Telephone Workers' Union was also a CLO subsidiary; The Kapisanan ng Manggagawa sa Manila Railroad Company was another CLO affiliate; The CLO also controlled the labor force of the Metropolitan Water District through the Kaisahan ng mga Manggagawa sa Metropolitan Water District.

the organization to be controlled by Communists may be a cause for blaming them also for the fatal fate of the CLO. But considering the fact that under the democratic system, the rule of the majority must prevail, the non-communist leaders, being in the minority, could have done no more than to voice their opposition to whatever policies adopted by the Communist members of the CLO directorate foreign to the legally and legitimately intended purposes of the CLO. That they remained in the organization knowing that the CLO was virtually a Communist agency should not be held against them. If they remained as they did, it was perhaps because they wanted to stem the tide of Communist influence in the organization. If they failed, it was too bad. At least they tried.

That the CLO could well be ranked among the best organized labor unions of the country would seem to be unquestionable. As far as structural organization is concerned, without considering of course that the organizational set-up of the CLO was patterned after that of the CPP, it could well serve as a model for future labor unions. Its purposes, taking them solely for their face value, were in accord with the modern trend of improving the welfare of the wage earners. It is to be hoped a better fate would await the next militant organization of laboring men.

JUAN PONCE-ENRILE

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### THE ROLE OF CONGRESS AS BOARD OF CANVASSERS IN PRESIDENTIAL ELECTIONS

The Constitution provides, that the election returns duly certified shall be transmitted to the seat of the National Government, directed to the President of the Senate, who shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted and the results thereof declared.<sup>1</sup> A similar provision in the United States Constitution provides, that the certificates of electoral returns shall be transmitted to the seat of the Government of the United States, directed to the President of the Senate, who shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the

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<sup>1</sup> "The President shall hold his office during a term of four years and, together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. The returns of every election for President and Vice-President, duly certified by the board of canvassers for each province or city, shall be transmitted to the seat of the National Government, directed to the President of the Senate, who shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes for either office, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the Members of the Congress in joint session assembled." Art. VII, Sec. 2.