

# Human Rights, Business and the Investment Ombudsman of the Philippines

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*Human rights and business are crucial elements in the development of the Philippine economy. The constitution safeguards the rights of both juridical and natural persons, including business owners and employees who play vital roles in economic progress for the welfare of all citizens. Businesses aim to generate profits, create jobs, and enrich investors through the utilization of labor and resources. However, unregulated operations can lead to resource exploitation, harming other stakeholders like labor, government, environment, and customers. The Office of the Ombudsman serves as the protector of legal rights for these entities. This paper explores the interplay between human rights, business, and the Investment Ombudsman in the Philippines. It delves into discussions on UN Business and Human Rights concepts, addressing political challenges, governance practices, stakeholder recommendations, and the Investment Ombudsman's role. This research can guide those interested in studying governance, business, and human rights integration, promoting sustainable development for the benefit of society.*

*Keywords: investment ombudsman, good governance, Bill of Rights, human rights, business*

## INTRODUCTION

Human Rights as defined by search engines “as moral principles or norms that describe certain standards of *human* behavior and are regularly protected as natural and legal *rights* in municipal and international law”, while, business is the activity of making one's living or making money by producing or buying and selling and any activity or enterprise entered into for profit. Both words cannot be combined, nor the purpose of its existence be harmonized. But why is this so-called new concept in the United Nations promotion of “Business and Human Rights” is gaining popularity amongst the State parties. Will “profiteering” be along-side of “promoting human rights”? Will the long-invented promotion of goodwill of business enterprises in “Corporate Social Responsibility”, as well as this “Business and Human Rights” concept be the same figure with a different skin. The *raison d'etre* of Corporate Social Responsibility and Business and Human Rights, is to show to the world that businesses exists not “only for profit”, but it exists now “with a heart, but still for profit” – which is a good advertising and public relations slogan that shall again benefit the business and increase its profit.

Business and Human Rights a consolidated effort to promote that business can be harmonized to human rights promotion and protection. Businesses comprised of people and without people to produce, then there shall be no produce for distribution, if there is no distribution, there will be no satisfied and wants and needs, no boosting of economic activity, no development – therefore hunger, poverty and chaos amongst societies will happen, that each person will be like living only for survival, competing and not propagating

the existing scarce resources so that all will benefit and everyone will live a comfortable life for the present and future generations.

### **United Nations Business and Human Rights Concept**

Ruggie's description of business and human rights is a microcosm of a larger crisis in contemporary governance. The widening of the gaps between the scope and impact of economic forces and actors and the capacity of communities to administer the adverse consequences of these two contrasting words. How can business and human rights be harmonized with one another, business is for "profits" and human rights is "about care of the humans". A "word of mouth" that the business to which they are working to be inhumane, could be a detriment to the success of their enterprise, if no one shall buy their produce due to bad advertisements and publicity.

This is essentially the same range of duties that states have accepted for themselves under the international treaties that they have agreed upon which was, separated only by the elastic concept of their respective spheres of influence and the equal distinction between primary and secondary duties. Now the framework rests on three pillars namely:

1. The state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication;
2. An independent corporate responsibility to respect human rights, which means to avoid infringing on the rights of others and address adverse impacts with which companies are involved;
3. The need for greater access by victims to effective remedy, both judicial and non-judicial.

At the global level, corporate conduct is shaped by three distinct governance systems: the first is the system of public law and governance, domestic and international; the second is a civil governance system involving stakeholders affected by business enterprises and employing various social compliance mechanisms such as advocacy campaigns and other forms of pressure; the third is corporate governance, which internalizes elements of the other two (unevenly, to be sure).

The strong support for the Guiding Principles by the Human Rights Council was the necessary condition for its sustainability. But by itself, this would not automatically result in other relevant standard-setting bodies, international or national, deferring to the United Nations and aligning their own standards with the Guiding Principles. Different institutions have different missions, reflecting the sectoral, regional, and national concerns represented in them.

### **The Philippines' Answer to the Call of United Nations Business and Human Rights - Commission on Human Rights National Action Plan for Business and Human Rights Round Table Discussion**

The Commission on Human Rights conducted a round-table discussion in 2015 that was started by a Welcoming Remarks from Commission on Human Rights Commissioner Jose Manuel S. Mamaug, followed by the National Human Rights Initiative Perspectives: Establishing baselines for the United Nations Guiding Principles in the Philippines speech delivered by the Chairperson Loretta Ann P. Rosales.

Commissioner Mamaug recognized the participants coming from the government, the civil society organizations and the private sector. He mentioned the rationale of the two-day exercise, which the Commission on Human Rights graced, as a ground-breaking activity for the promotion and crafting of the National Action Plan for Business and Human Rights.

Chairperson Rosales, on the other hand, raised three points in her speech, namely: 1) the establishment of the baselines in National Action Plan for Business and Human Rights; 2) protect business and business protect human rights, mentioning in relation to such, is the evidence of 97.5% of the business population comprise of micro/small scale business establishments in the Philippines employing 70% of the total Philippine workforce; and 3) work out a plan of establishing a National Monitoring Mechanism/System that would monitor activities of Micro Small Medium Enterprises and transnational corporations in relation to National Action Plan for Business and Human Rights.

Chairperson Rosales reported that the Philippines, is a member of the Technical Working Group, in the spearheading of a United Nations Convention for the Establishment of Business and Human Rights, which is at that stage is on a treaty-preparation process.

While awaiting the establishment of a treaty, the United Nations Office of the High Commissioner for Human Rights, released the United Nations Guiding Principles for Business and Human Rights known as the three-pillars of Business and Human Rights, namely: PROTECT, RESPECT and REMEDY.

The United Nations Guiding Principle – Business and Human Rights has key players in each, namely: the STATE on PROTECT, the State shall protect human rights in business and protect the rights of businesses, so that businesses shall respect and protect human rights of its workers and other stakeholders; the BUSINESS on RESPECT, businesses should practice a high degree of corporate social responsibility, exercise due diligence in the conduct of their trade or business and have a Human Rights Impact Assessment before and during the operations of the business; lastly, both the STATE and the BUSINESS on REMEDY, which is the interaction of both key players in the implementation of the National Action Plan for Business and Human Rights.

After the delivery of Chairperson Rosales' speech, a representative from the Department of Foreign Affairs, United Nations and International Organizations Office, Director Lorena Joy Banagodod, give an outline of the United Nations treaties that protect Human Rights. Director Banagodod mentioned the Government's position on the Ruggie Framework. Ruggie Framework, is a study by former United Nations Special Representative on Business and Human Rights John Ruggie, which within this sector that most human rights complaints against business companies are registered. The United Nations Human Rights Council endorsed in June 2011 the Ruggie Framework which is now known as the United Nations Guiding Principles-Business and Human Rights Three Pillars.

During said event contemporary problems in politics and governance connected to Business and Human Rights were discussed. This paper shall have narratives in each discussion points and shall have an analysis of such in relation to the Office of the Ombudsman's Investment Ombudsman Program. This paper's objective is to advance the call for further round-table discussions, knowledge propagation on Business and Human Rights and government's role in good governance that promotes economic growth towards national development. The contribution of this study are as follows: awareness of the public and the call for effective knowledge management to aid in the policy process connected to the subject matter.

## **METHODOLOGY**

This treatise uses qualitative research methodology which involves collecting and analyzing non-numerical data (e.g., text, video, or audio) to understand concepts, opinions, or experiences. It can be used to gather in-depth insights into a problem or generate new ideas for research. Narrative research aims to explore and conceptualize human experience as it is represented in textual form. Aiming for an in-depth exploration of the meanings people assign to their experiences, narrative researchers work with small samples of participants to obtain rich and free-ranging discourse.

## **RESULTS AND DISCUSSION**

- 1. The impact of large-scale mining business to the right to food, right to clean water and cultural rights of indigenous groups should be protected by the State (Tampakan Open-pit Mining Project by Sagittarius Mining Inc.- SMI is a contractor of the Philippine Government under the terms of a Financial and Technical Assistance Agreement.)**

The Civil Society Organization's role in far-flung places has been proven to this end, the abuses done by the multi-national companies to the environment and the people, patent disregard to the power of the State and its laws, bribing government officials/employees and fooling regulators through mere "bogus" paper compliance. The mining companies had been practicing illegal activities by continuing actual non-compliance to standards set by the government.

The food chain which is greatly affected by the pollution created by the illegal acts of these mining companies, as dangerous chemicals are dumped to the environment – contaminating the soil, the water systems, the air to which the food chain exists, and in the end, we shall suffer the effects of pollution in the air we breathe, water we drink and food that we intake for survival.

The Civil Society Organizations will never tell a lie, they are the persons on the grass roots of implementation, they are the experts that sees first hand, all these violations. They cannot be branded as the paid critics of the mining operations, but they are actually filling the gap of the government’s work to watch over the operations of these mining industries, but for reasons of lack of manpower and corruption this vital work of the government is not done by itself.

There are treaties and international agreements to which the Philippines been a signatory protecting the rights of the indigenous people, therefore ancestral lands, way of living, compensation for the education of their future, etc should not be set aside, which is according to mining laws there should be a “sustainable mining” – extracting minerals, but proper waste and chemical disposal, correct taxes collected by the government, correct taxes are paid by the company, the taxes collected should benefit the entire affected places of the mining, restoration of environment, the culture of people living in the area should be respected and compensation must be directly given to them for the benefit of their group and their future generation.

**2. The pressing issues on Climate Change, as transnational businesses contribute in the air, water, noise and land pollution.**

Climate Change has been an issue due to various flooding, landslide, acid rain and increase in the world temperature. The common view is that business exists due to profit-generation, are these entities thinking of the future generations? Natural resources are limited. Those which are renewable takes years for it to recover its sustainable condition and produce again natural resources that is needed in production. If businesses will continue to ignore climate change its effects and focus to the reason of their existence, time will come that all the natural resources for production will no longer be available or will take time to reproduce, and such slower reproduction will cause to a scarcity of resources that will end up to high costs of every commodity that a person even those who work for its production will never afford to purchase such.

**3. Other issues like land-grabbing by some real estate developers.**

This had been one of the causes of extra judicial killings, war of clans, clinging to power, etc. Land grabbing traces back from the friar lands issue, where the Spanish friars took by force all lands of the native people and made them workers to till the lands that were once owned by them. The produce was given to the Spanish friars and was sold to the workers, making the workers more bonded by credit to the former. The Torrens titling system was originated from the Americans, even though land grabbers had possessed already the native land of the first Filipinos, this system made the Spanish land grabbers have more legal right to claim ownership of pieces of land because of the law that establish the Torrens titling system. Those who know the system and means of land registration again “get more even” to the original owners of the lands, making them up until present legal owners of such.

Land grabber tactics may use force and intimidation. Force by using arms against those who do not give in to their demands of a much lower compensation for the land or not pay at all by killing people who possess the subject land, since no body shall claim for such piece of land after killing the original possessors of the land, the wheels of Torrens titling system will move in favor of the land grabbers. Using also intimidation by forcing the possessors of land to either marry the female children of the owners to become co-owners of the land and after which kill the family of the original land owner.

**4. Illegal contractualization in businesses (according to some comments of some lawyer-participants during the roundtable discussion, there is a legal contractualization)**

Contractualization as connoted already by a negative meaning in the labor parlance should not always be the case. Businesses as mentioned exists for generation of profit. No businessman or investor will continue such endeavor if it will be a failure and will continue to operate at a loss and

in the end the businessman will even personally bear the loss. It is to be understood that business venturing is a risk, and businessmen or investors must be good risk takers and decision makers when an apparent loss is already forthcoming.

A loss may vary due to following factors like: increase in the cost of operations (this includes: machinery, electricity, land rentals, lease costs, labor, raw materials, research, etc), government regulations, low sales, taxation, force majeure and other factors. Contractualization was a cost minimizing scheme employed by businesses to prolong its life, due to losses. Truly, contractualization defeats the purpose of existence of labor laws “to protect the rights of employees”, because as seen in the labor parlance “those who are less in life are vulnerable to those who are rich”, such belief maybe true, but in some extent, it was abused by those who profit from poisoning minds of those who cannot understand the basics of the labor code and fan the troubled working relations between the business and the labor.

Contractualization is the current administration’s election propaganda of ending such. During the Commission on Human Rights-National Action Plan Round Table Discussion on Business and Human Rights, a mixed of thoughts and emotions are rising out of the participants because, to some, the term contractualization is a need for the businesses to stay in their operations and to defray the economic losses. If contractualization will be prohibited, what will happen to small businesses who have seasonal sales during holidays (Christmas day, Valentines day, etc) or season like (start of the class season, Lenten season, Christmas season), instead of boosting economic activities during the lean months, they will just close and by that remove the workers and just open and rehire workers during the season to which they believe it is profitable. The labor sector believes otherwise, since the law are generally on their side, they fight for their rights of becoming a regular employee that shall enjoy security of tenure; the right to form association and to bargain for their Collective Bargaining Agreement; fair employer share of the mandated government fees for retirement, housing and disability, etc. On the other hand, the feasibility of these views determines who shall win the battle to end or not to end contractualization. The balance of everything in this issue lies upon the government who has the duty to protect the business and the labor.

#### **5. The non-payment of minimum wages**

The lack of legal and enforcement system, monitoring system and the existence of corruption are some reasons, why some businesses do not pay the minimum wages. Minimum wage setting in the Philippines were done by a tripartite group, namely the government, the business and the labor sectors in a particular region, setting such to be observe by the business.

Minimum wage as mentioned, was set per region, depending on economic and development factors. A set of computation devised by experts on how to determine the fair minimum wage was already in-place.

The problem in the country is that, the common or generally accepted economic barometers and computations in setting the fair minimum wage, draws an issue of migration of the low minimum wage regions employees to high minimum wage regions, or the businesses do not set up their place of operations to high minimum wage regions and settle to operate to a low minimum wage regions, and therefore there was a pull down effect of economic activity due to low purchasing power of the people within the area, but beneficial to the business entity, due to minimize operating costs.

The reason of non-payment of minimum wage is due to industry practice -an industry practice to which the labor force accepts, just to, immediately land a job. The non-payment of minimum wage is present even in government outsource services just like the security and janitorial. The businesses continuous subscription to such bad industry practice is a patent show that the government as its regulator lacks the legal, enforcement and monitoring system connected also to some graft and corrupt practices.

#### **6. The unhealthy working conditions of the employees**

Businesses composed of people - human beings. Human beings that have their families depending on their work or livelihood. It has been a long standing issue in businesses, how can

they care for the people that creates income for such. Without people or the human resource compliment, businesses will not operate literally, or it may use robotics, which entails high costs of maintenance, and the person who shall operate and program this robots should be in a good working environment (free from electrocution, good ventilation, paid breaks, conducive resting place during breaks of shifts if needed to do some overtime, etc).

A healthy working condition is needed for a productive work force. Employees must feel they are safe and given importance by businesses. To entail honesty, loyalty and a sense of valuing the business amongst employees, employers or business owners must let the employees feel they are really an important part of such endeavor.

#### **7. The abuse of discretion on land conversion**

Land conversion is a work of the legislature, but some of it, was delegated to the executive. The ratio of legislature's power of land conversion – is that they are the direct representation of the people, and their work must at all times be in accordance to the will of the people they represent. The delegated power to the executive should not go beyond the purview of the legislators resulting in to such abuse of power. The role of the judiciary in any abuse of discretion in land conversion shall come into play after the controversial land conversion was filed before its doorsteps and they must rule on such controversy.

A check and balance in the power to convert the usage of land and the determination of the zoning whether for preservation of environment, ancestral lands, residential, agricultural, production, industrial or commercial and mixed use should be coupled with expertise of planning and not of personal interests which are usually coupled by graft and corruption.

#### **8. The pressing issues in child labor --- access to education, poverty, etc.**

Child labor, child trafficking, child sex tourism are all present in our society. Exploitation of the child sector, is very degrading and inhumane for a State not to act on such. Poverty and under development are the reasons of the abuses against children.

The principle “Parens Patriae” meaning the “State is the parent of the people” subscribes that the State through its agent - the Government must protect the people especially the vulnerable sectors like the child or minor age against the abuses of those who might play around due to their vulnerable attributes.

The access to education for the youth will save a lot of youth lives and will be able to maximize the potential of this sleeping or reserve labor force that shall boost economic activity and fan the wheels of development in this country.

#### **9. The business-landlord partnership in agricultural businesses.**

This issue of business and landlord partnership had been touched before in the issue of land grabbing. The old stories of hacenderos and hacienderas seen in movies was still prevailing in actual life according to civil society organizations as they fight for the rights of those who have been slave to poverty due to the government's non-protection of the small farmers.

The comprehensive agrarian reform law of the government to remedy the food shortage of the country due to the shift of the agricultural people to industrial-commercial people, for the reason that no one wants to till the land and plant for food consumption. In the case of the Philippines, venturing to agricultural field of work, is hard work with little support coming from the government, as to research and development, machinery, crop/fishery/poultry/livestock insurance. The belief of farmer-children that they will never escape poverty and hard work if they will continue do farming, and would rather choose to become doctors, lawyers, politicians, etc. because of the Philippine society's high regard to white-collar professions. In some respects, the state scholars venturing to agricultural field of expertise after obtaining the basic skills from our universities, will go abroad and be employed there having such big compensation offered by other countries to agriculturists.

The affected and abuse sector in the business and landlord issue is the small farmers or even the employee-farmers that are not well compensated and most of the time exposed to work hazards. If business or companies will venture into a corporate style agribusiness, the farmer-employees

must be protected against their abuses like (low pay, illegal contractualization, hazardous conditions, etc).

**10. The Association of South East Asian Nations (ASEAN) Integration --- its economic danger to MSMEs**

The ASEAN integration can never be stopped. The direction towards economic integration of regional and global alliances cannot be set aside. The fear of the civil society organizations is that the free market amongst players within the ASEAN region would create much competition with the small and medium enterprises and the latter will “die” if the market costs of the foreign players will be more cheaper and high quality than the local produce.

This regional economic integration concept is a reality we cannot escape, but does the Philippine society ready for it? The Filipinos fond of imported products or the personal belief that foreign products comes more quality than locally produce goods, is the weakness of our society with these regional economic integration. The maturity of thinking and even the old thinking of Filipino manufacturers of the “pwede na yan” culture in production is also a dilemma in producing high quality goods with least cost that may compete with foreign produce goods.

**11. Extra-judicial killings of labor union leaders, farmer-activists, indigenous people leaders**

There is an old saying “to kill the labor union, you must kill the leader”. This is not literally killing the labor union head or leader, but companies will find ways of removing the labor leader out of the company so that negotiations will never push through is a tactic in “union busting” an unfair labor practice.

The suppression of the leaders may it be the labor union leaders, the farmer-activist leaders and the indigenous people’s leaders fighting for the rights mandated by law and international treaties, is the retaliation of business to protect their existence.

**12. Criminalization of protest actions --- violation of the freedom of expression right guaranteed by the Constitution.**

The right to form unions and stage a peaceful assembly to air the concerns of groups are rights fully-guaranteed by the Constitution. In some respects, the government had instituted measures that to other militant groups are clear showing of violation of the fundamental rights in the Bill of Rights and even to generally accepted principles of human rights. The State having the four elements (people, territory, government and sovereignty) comes with it the inherent powers (tax, police and eminent domain) that has “sky is the limit” attributes, but such is tamed by the Bill of Rights that came from the principles of civilization way back the invention of governments. The State is the protector of the people and it is true that when protesters were already abusing their rights guaranteed by the fundamental law of the land, the government may regulate this majestic rights.

Regulation must not come with it criminalization of the actual staging of a peaceful assembly, but the State may file criminal charges to protesters if they injure an enforcer or even a civilian; destroy property, more so, government property; destroy the peace of the place, where everyone is alarmed and the show of protest is scandalous, not acceptable to the usual norm of a civilized society.

**13. Access to judicial or extra-judicial remedies involving business-related disputes**

Businesses may usually bribe government regulators or even the activist leaders just to settle the strife. This should not be the case because the government as the duty bearer and regulator of acts business and promoter of human rights must be active in settling disputes. The easy access to judicial and extra-judicial modes of settling business disputes must be institutionalized in all levels. This is the culture of business that they want everything fast, for time, is an essential element in business operations. Time is the most important resource in business and businessmen and investors want a simpler way of settling and fixing things amongst players in the business sector.

The establishment of an Investment Ombudsman in the Philippines as a means to promote Business and Human Rights (BHR) and ensure that investments contribute to sustainable development while respecting human rights principles. Through an examination of the current landscape of BHR in the Philippines and the potential role of an Investment Ombudsman, this essay aims to provide insights into

addressing the challenges faced by stakeholders in balancing business interests with human rights protection.

Moreover, affected communities often face barriers in seeking redress for human rights abuses, including financial constraints, legal complexities, and intimidation tactics employed by powerful corporate entities. The absence of an independent mechanism to address grievances further exacerbates the vulnerability of affected individuals and communities, perpetuating a cycle of impunity.

An Investment Ombudsman serves as an independent and impartial body tasked with investigating complaints related to business operations, facilitating dialogue between stakeholders, and providing remedial measures for human rights violations. Modeled after successful examples in other countries, such as the Norwegian National Contact Point for the OECD Guidelines and the Canadian Ombudsperson for Responsible Enterprise, an Investment Ombudsman in the Philippines would play a crucial role in promoting BHR and fostering responsible business conduct. Key functions of an Investment Ombudsman include:

- **Receiving and Investigating Complaints:** The Ombudsman would serve as a focal point for individuals and communities affected by business activities to lodge complaints regarding human rights violations. Through thorough investigations, including site visits and consultations with relevant stakeholders, the Ombudsman would ascertain the veracity of complaints and recommend appropriate actions.
- **Mediation and Dispute Resolution:** In cases where conflicts arise between businesses and affected communities, the Ombudsman would facilitate dialogue and mediation to achieve mutually acceptable resolutions. By promoting constructive engagement and negotiation, the Ombudsman can help prevent escalation of tensions and foster sustainable solutions.
- **Monitoring and Compliance:** Beyond addressing individual complaints, the Ombudsman would monitor the overall compliance of businesses with human rights standards and recommend corrective measures where necessary. Through regular reporting and transparency mechanisms, the Ombudsman would promote accountability and encourage continuous improvement in business practices.

The establishment of an Investment Ombudsman in the Philippines represents a significant step towards promoting Business and Human Rights and ensuring that investments contribute to sustainable development without compromising human rights principles. By providing a dedicated mechanism for addressing grievances, facilitating dialogue between stakeholders, and promoting corporate accountability, an Investment Ombudsman can help bridge the gap between business interests and human rights protection.

However, the success of such a mechanism depends on political will, institutional support, and active participation from all stakeholders, including government agencies, businesses, civil society organizations, and affected communities. Through collective efforts and a commitment to upholding human rights, the Philippines can create an enabling environment for responsible business conduct and sustainable development.

Clothed with legal mandate, the Office of the Ombudsman, as protector of the People, the Watchdog, the Official Critic and the Mobilizer, has responded to various call of stakeholders (both in business, Civil Society Organizations, government and the people) to take an action to a number of abuses done by some government offices in relation to business. The Honorable Ombudsman created in 16<sup>th</sup> May 2014, the Investment Ombudsman Team, who shall promptly act on investor's grievance and speedy resolution of investor's complaints.

The panorama of 'PROTECT BUSINESS and BUSINESS PROTECT HUMAN RIGHTS', is the spirit of the Investment Ombudsman Program, which according to its purpose of creation, 1) is to assist in attaining the national goal of "inclusive growth and poverty reduction; 2) to encourage local and foreign investments in the country and improve global competitiveness; and 3) to expedite resolution of investor's grievances and speedy resolution of investors' complaints. The Ombudsman as protector of the PEOPLE, not only natural but also juridical persons, who are abused by some government agency/instrumentality, must restrain the chain of effect of abuses which extend not only with the rights of the workers, but inclusive



and not limited to other rights, such as due process, equal protection, balance and healthful environment and other basic rights guaranteed by the Constitution and other laws.

The employment of corruption prevention in government agencies, including in the exercise of such, the civil society organizations and the private sector in studying the systems and procedures of government agencies involved in the business and human rights field could be an avenue of integrating the good practices in government and the private sector, so that all are involved in the making of a society that was truly protecting the business and in turn the business shall protect and uphold human rights in their own respects.

## **RECOMMENDATIONS**

The recommendations of the Civil Society Organizations during the roundtable discussion are: 1) there should be recognition that land rights be considered as a human right; 2) the compulsory conduct of Human Rights Impact Assessment during and before business operations; 3) access to education for the next generation of those affected sectors (farmer-employees and indigenous people); 4) institutionalization of an effective complaint mechanism system; and a 5) National Monitoring Mechanism of National Action Plan for Business and Human Rights.

These are the points coming from various government agencies acting as dutybearer on human rights issues that were raised: 1) Labor and social protection; 2) Heightening number of extrajudicial killings of labor union leaders, farmer-activists and indigenous people leader-activists; 3) Torture done by local police to farmer-activists and indigenous people leader-activists; 4) Indigenous people's rights and the conduct of the Free-Prior-Inform Consent to indigenous people before issuance of government permits in mining or development of ancestral domains; and 5) The importance of the International Covenant on Economic, social and cultural rights in the Philippine Development Plan of the current administration and in the future administrations – implementation and monitoring, with such the following recommendations are made: 1) anchor National Action Plan for Business and Human Rights on Human Rights Treaty Obligations; 2) monitor the National Action Plan for Business and Human Rights violations focusing on grievance mechanism; 3) understand indigenous people's perspective in the context of Human Rights; 4) link the National Action Plan for Business and Human Rights with agency plans; and 5) capacity-building trainings on National Action Plan for Business and Human Rights.

Further the following are the reported Good Practices on Human Rights promotion/protection of government agencies as duty bearer: 1) compliance through incentives e.g. certification for labor compliant enterprises; 2) Corporate good governance; 3) dejudicialization or resolving labor dispute (Alternative Dispute Resolution); 4) formation of task force in resolving cases; 5) social dialogue; 6) score card and reporting; and 7) policy-cohesiveness through policy reforms on amendments to the corporation code, proposed bills on IP rights, IKSP, Biodiversity and the intellectual property rights of indigenous people.

The recommendations coming from the private sector during the round table discussion are the following: 1) passage of the Freedom of Information Bill; 2) Passage of laws and effective implementation pertaining to “the State policy of full disclosure of transactions involving public interest; 3) open government policy --- Co-created Action Plan and Delivery of commitments; 4) judicial reforms by strengthening the capability and competency of the courts, Whistleblower and Witness Protection, Speedy administration of justice – Ampatuan Massacre, Priority Development Assistance Fund controversy, and other high profile cases.

With the foregoing, the author strongly recommends that a follow through round table discussion, checking on the previous participants commitments based on herein recommendations be held as soon as possible, since there have been no status reports or follow up meetings held regarding the subject matter of this important milestone.

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