

Simple but militant commemoration marks first anniversary of Ka Fort's brutal killing

Sunday 15 October 2006, by [KMU](#) (Date first published: 19 September 2006).

Nestle co-workers together with workers from other companies in Southern Tagalog, supporters, family members, friends and comrades of Diosdado "Ka Fort" Fortuna will visit his grave, lay a martyr's marker on his tombstone and renew their commitment to continue and carry on Ka Fort's ideals and struggles. After a short program on his grave, they will proceed to the Nestle plant in Cabuyao, Laguna to hold a rally and a simple cultural event. These are the activities to commemorate in a simple but militant manner the first anniversary of the brutal killing of Ka Fort on Sept. 22, 2006.

A year ago, Ka Fort was mercilessly slain by two armed men on board a motorcycle while on his way home to visit his ailing 2-yr old grandson. He just came from a discussion with students integrating in the Nestle picketline. Ka Fort sustained two fatal gunshot wounds, with one bullet piercing through his heart and another hitting his liver.

At the time of his death, Ka Fort was the president of the United Filipro Employees (UFE) in Cabuyao, Laguna, the union of Nestle Cabuyao rank and file workers affiliated with the Drug, Food and Allied Industries under Kilusang Mayo Uno (DFA-KMU). He was also the chairman of the Pagkakaisa ng mga Manggagawa sa Timog Katagalugan (PAMANTIK-KMU) or the Solidarity of Workers in Southern Tagalog and a member of the National Council of KMU. He was also the chairman of the Anakpawis (Toiling Masses) Partylist in Southern Tagalog and co-chairman of the National Coalition for the Protection of Workers Rights - Southern Tagalog.

Before his death, Fortuna was on the military hit list due to his active trade union and political involvement. He was under constant surveillance and harassment by military and paid goons of Nestle since the Cabuyao plant went on strike on January 14, 2002 over deadlock in the collective bargaining negotiations. The Nestle management refused to adhere to the 1991 Supreme Court ruling on the inclusion of the workers' retirement benefits in their collective bargaining agreement (CBA). Up to his last breath, Ka Fort led the Nestle workers' struggle and courageously fought against combined attacks of Nestle and the Philippine government thru the Department of Labor and Employment. Despite numerous bribe offers coupled with threats to his life due to his union and political activities, he was steadfast to the workers' cause and never for a single time abandoned the struggle. Ka Fort epitomizes the Filipino workers and people's

struggle for genuine equality, freedom and democracy.

Ka Fort is among the 64 trade unionists killed since 2001 under the Gloria Macapagal-Arroyo regime. Over the last 6 years, more than 750 have been killed because of their political beliefs and activities. International bodies such as the Amnesty International, the International Confederation of Trade Unions and the Asia Human Rights Center have expressed an alarming concern on this increasing number of human rights violations committed by the Arroyo government.

Justice continues to elude Ka Fort. Up to now, his death remains unsolved. The Commission on Human Rights (CHR) has also temporarily archived Ka Fort's case.

But his death and sacrifices were not put to waste. The Nestle workers went on with their struggle against the giant multinational company. Recently, the Supreme Court has ruled the validity of the inclusion of the retirement benefits in the CBA. Similarly, Ka Fort continues to inspire not just the workers in Southern Tagalog but the workers all over the country and the globe.

We call on all our friends to join us in commemorating Ka Fort's first death anniversary. Please send solidarity messages which can be read at the commemoration activities on Sept 22.

And as Ka Fort is one of the hundreds of victims of extra-judicial killings in the country, we also reiterate our call to you to be one with us in struggling against the new dictatorship of Gloria Macapagal-Arroyo. On Sept 21, there will be a nationwide protest action against Arroyo's militarist and dictatorial policies. The Filipino nation is demanding an end to political killings and repression. The International League of Peoples Struggle (ILPS) of which KMU is a member has also called for a Sept 21 Global Day of Action Against Extra-judicial Killings in the Philippines. We urge you to join this call by launching protest actions or dialogues on Philippine Consulates and Embassies in your respective places. You can also send protest letters to the Government of the Republic of the Philippines demanding a stop to political killings and repression and to respect the democratic aspirations of the people.

Solidarity messages for Ka Fort's anniversary can be sent to:

PAMANTIK-KMU

e-mail address: granahe yahoo.com

cc: kmuid tri-isys.com

Protest letters can be sent to:

Nandu Nandkishore

CEO & President

Nestle Center

31 Plaza Drive

Rockwell Center, Makati City, Phils.

Fax No. (632) 8906681

Peter Brabeck

Chief Executive Officer

Nestle

Vevey, Switzerland

Email: Peter.Brabeck_Letmathe nestle.com

Hon. Arturo Brion

Labor Secretary

Department of Labor and Employment

7th Floor, DOLE Building

Muralla Street, Intramuros, Manila, PHILIPPINES

fax: 0063-2-527 3494

H.E. Gloria Macapagal-Arroyo

President of the Republic

Malacanang Palace,

JP Laurel St., San Miguel

Manila Philippines

Voice: (+632) 564 1451 to 80

Fax: (+632) 742-1641 / 929-3968

Cell#: (+ 63) 919 898 4622 / (+63) 917 839 8462

E-mail: corres op.gov.ph / opnet ops.gov.ph

We would appreciate if you could inform us of your actions. Thank
you very much for your continued support to the Filipino workers and people.

In solidarity,

KMU International Department

Nestle Update

Almost a year after Ka Fort's death, the Supreme Court issued a ruling affirming the legality of the retirement plan as a valid issue in the collective bargaining. In their Notice of Judgment, the Supreme Court of the Philippines stated:

"The ruling of the Court of Appeals on the inclusion of the Retirement Plan as a valid issue in the collective bargaining negotiations between UFE-DFA-KMU and Nestle is AFFIRMED. The parties are directed to resume negotiations respecting the Retirement Plan and to take action consistent with the discussions hereinabove set forth. (the Supreme Court 1st Division G.R.Nos.158930-31/ G.R.Nos.158944-45 UFE-DFA-KMU VS. Nestle Phils.Inc. August 22, 2006)

Yet on the other hand, the Supreme Court ruled that the Nestle Philippines was not guilty of unfair labor practice in its refusal to bargain that finally pushed the workers to strike. Subsequent actions such as violent dispersals of the picketline and criminal charges slapped to the workers were not also considered as unfair labor practices.

Immediately after the Supreme Court decision came out, Nestle beefed up the number of company guards and military forces stationed inside the company in anticipation of workers' actions. Simultaneously, the company's dirty trick machinery started working again, engaging in disinformation and black propaganda against the union. It talked with the Municipal and Barangay Councils to seek their "help" in convincing the workers to yield to the management schemes. The families of the striking workers were being offered money to abandon the strike. These are some of the attempts of the company to avoid the Supreme Court decision to go back to the negotiating table to talk about the retirement benefits of the workers and the reinstatement of illegally dismissed striking workers.

The Nestle workers vow to continue with their fight. They continue to call for support to their struggle.