

# **Center for Trade Union and Human Rights**

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## **Fact-finding Mission Report on the Killing of Diosdado “Ka Fort” Fortuna Cabuyao and Calamba City, Laguna September 23, 2005**

### **I. Objectives**

To investigate the circumstances surrounding the killing of Diosdado “Ka Fort” Fortuna as well as to gather information on the identity of the perpetrators

**II. Place and Date:** Cabuyao and Calamba City, Laguna September 23, 2005

### **III. Methodology**

The team visited several key places relevant to Ka Fort’s death, such as the site of the murder in front of Sagara Plastics Manufacturing Co. in Brgy. Paciano Rizal, Calamba City, as well as the places he visited prior to the murder. The team conducted interviews on the witnesses, as well as the people whom Ka Fort encountered and talked to on September 22, 2005.

### **IV. Participants**

The fact-finding mission was led by the Center for Trade Union and Human Rights (CTUHR) and was participated by the National Coalition for the Protection of Workers’ Rights (NCPWR), KARAPATAN National and Southern Tagalog, PAMANTIK, Pro-Labor Legal Assistance Center (PLACE), United Filipro Employees (Nestle workers’ union), Institute for Occupational Health and Safety Development, COURAGE, Gabriela-ST, Workers’ Assistance Center, Bulatlat.com, and Southern Tagalog Exposure.

### **V. Sources of Data**

Witnesses from the OLALIA office, residents close to Nestle picketline and the murder site, security guards of Sagara Factory, the wife of Ka Fort and staff of PAMANTIK

### **VI. Summary**

On September 22, around 5:20pm, Diosdado “Ka Fort or Ka Ding” Fortuna, 51, president of United Filipro Employees (Nestle Workers Union) and chairman of Kilusang Mayo Uno- Southern Tagalog, was shot twice while riding his motorbike by unidentified men also on board a motorbike in front of Sagara Factory in Barangay Paciano Rizal in Calamba City, Laguna while on his way home. He was brought to Calamba Doctors Hospital by a tricycle driver who recognized Ka Ding and was pronounced dead on arrival around 6:00pm.

Ka Fort sustained two gunshot wounds at the back, one bullet passed through his heart and another hitting his liver.

### **VII. Circumstances: (Chronology)**

On September 22, at around 8:00 o’clock in the morning, Ka Ding arrived at the picketline of the striking Nestle workers at a private compound, fronting Nestle Philippines-Cabuyao Plant in Brgy. Niugan, Cabuyao, Laguna. After cleaning the

picketline, he went to the office of Organized Labor in Line Industries and Agriculture (OLALIA) at Shine Land Subdivision, also in Cabuyao to attend an All Leaders Meeting. He arrived at the office at around 9:00am stayed there until past 12:00 NN.

At around 12:00 NN, two men riding a maroon old model Toyota Corolla stopped in front of the OLALIA office and sounded their horn and windshield lowered. One of the men asked the president of OLALIA (Ka Hermie) who was standing near the gate “*Saan ang patay dito?*”. At the same instance, Ka Fort, who was presiding the meeting, then stood up and looked at the gate. Ka Hermie answered “*Wala namang patay dito*”, the car then sped off towards the exit of the subdivision.

The witnesses described the two men as around 30-35 years old, sporting short hair, having pimply skin and dark complexion, of muscular built and wearing white sleeveless shirts.

Ka Fort left OLALIA office at past 12 NN and headed towards the Nestle picketline to meet the students from the University of Sto. Tomas. The meeting lasted until 4:30pm. At around, 4:30 pm, he received a text message from his wife—Luzviminda Fortuna that their grandson was suffering from diarrhea and was needed to be brought to a hospital. Ka Fort then told a colleague, a Nestle co-worker “*Ansing maiwan ka muna dito at babalik ako*”. But he opted to rest briefly on a chair.

During the same time, (between 4:40-4:55pm), an unidentified man was seen sitting on a chair of a *sari-sari* store inside the compound where the picketline is located, directly fronting the entrance of the picketline and at one point opposite the chair where Ka fort was seated. The store attendant (*name withheld upon request*) asked the man “*May bibilhin ka ba? Wala ring bilyar ngayon*” The man who was texting at the time stopped texting and put his cellphone in his pocket. He stayed there about 15 minutes.

At around 5:00pm, Ka Fort prepared to leave the picketline, put his backpack in front. The witness said, seeing Ka Fort about to leave, the unidentified man hurriedly left before Ka Fort went out of the compound. Shortly, Ka Fort, on board his purple motorbike rushed home.

According to the witness, the man is about 40-45 years old, 5’6 in height, short hair, prominent cheekbone, dark-browed skin, was wearing a checkered shirt and a black diver’s watch.

Around 5:20 pm, witness recounted that they heard two gun shots in front of the Sagara Factory. The company guard on duty recounted that “*Hindi malakas ang putok, parang mahinang labintador lang, kaya hindi masyadong pansin ng mga tao*”. Witnesses in the area said that two men, wearing helmet that adequately covered the face, and on board a motorcycle shot a man on board a motorcycle twice on the back, then sped off heading towards Rodriguez Subdivision, around 500 meters away from the factory. Few minutes later, another motorcycle coming from the direction of Rodriguez Subdivision, passed by, “*parang tsinek*” as witnesses recounted, seeing the victim bloodied, along the left side of the road, sped off towards the highway of Calamba city. The victim was identified by the tricycle driver as Mang Ding or Diosdado Fortuna, and was brought to Calamba Doctors Hospital.

At around 6 pm, he was pronounced dead on arrival at the hospital. In the autopsy conducted, workers witnessing the autopsy recounted that Ka Fort's heart and liver were shattered as one bullet passed through the heart and another one, passed through the liver. They recalled that the officer who conducted the autopsy identified the bullet hole from a 45 calibre, double action bullets. A full autopsy report is yet to be obtained.

According to Ka Fort's wife, a few minutes after Ka Fort was brought to the hospital and declared dead, a man in the telephone who introduced himself as a policeman wanted to talk with her and told her that it was part of their investigation. But she refused to be interviewed because she was suspicious of the identity of the caller.

## **BACKGROUND**

Ka Fort served as the president of United Filipino Employees (Nestle Workers' Union) after its former president Meliton Roxas, was also killed in 1989 in front of the picketline. Nestle union has been on strike since January 14, 2002 after the management refused to adhere to the 1991 Supreme Court ruling on the inclusion of the workers' retirement benefits in their collective bargaining agreement (CBA).

At the time of his death, he was the current chairperson of *Pagkakaisa ng mga Manggagawa sa Timog Katagalugan* (Solidarity of Southern Tagalog Workers, PAMANTI-KMU), *Alyansa ng mga Manggagawa sa Probinsya ng Laguna* (Alliance of Workers in the Province of Laguna, ALMAPILA), and Anakpawis-Southern Tagalog and co-chairperson of National Coalition for the Protection of Workers Rights-Southern Tagalog (NCPWR-ST).

Luz Baculo, Secretary General of PAMANTI-K in an interview by the Fact-Finding team, recounted that Ka Fort and other labor leaders in the region have been subjects of active surveillances of the CALABARZON police and Regional Mobile Group since 2002. She remembered that sometime in April 2002, the local government and PNP-CALABARZON invited her and Ka Fort together with three other leaders in the region at Camp Vicente Lim under then Gen. Cesar Sarino, to discuss about the problems in the picket line. They attended in the hope that the harassments in the picket lines will be discussed. Representatives from DOLE were also present in the said forum. "They showed a powerpoint presentation regarding the trade unions in the region. They told us directly that the 95 unions under Kilusang Mayo Uno and OLALIA are subjects of active surveillances because they are suspecting that these unions are fronts of CPP-NPA", Baculo said in Filipino. "For us it is part of their counter-insurgency design in the context of trade unions and not industrial peace. Last September 22, 2002 GMA declared that the strikers terrorize the factories that create jobs."

Baculo also recounted that PAMANTI-K labor organizer Jose Betito was abducted on October 12, 2003. "Betito and Ka Fort are of the same built and haircut at that time. They look quite similar", Baculo said. Betito was abducted in front of the office of PAMANTI-K. He was blindfolded and pushed inside a van. When Betito was already inside the van, his abductors removed his blindfold. One man said, "*Hindi ito!*" But the abductors held Betito for more than 24 hours. "When Betito was freed, it was the only time we learned that he was abducted. He told us that his abductors showed him surveillance videos and photos of labor leaders in the region. One of those was Ka Fort and I. Betito said that he saw me in a video going to the office and a photo of Ka Fort with an X mark".

Strikers discovered the two surveillance cameras that are set-up on the roof of Nestle factory until now. They also suspect that the telephone line near the picketline is being tapped.

Luzviminda Fortuna, wife of Ka Fort, added that there were times when men in motorcycle would stop in front of their house and buy something from their sari-sari store but she noticed that they seem to be observing their house. *“Nagsimula lang ang mga iyan simula ng magwelga ang Nestle. Kahit ako ay sinusurveillance din. Alam ko mga goons sila ng Nestle, kasi nang minsang pumunta ako sa piketlayn, nakita doon yong umiistambay dito sa amin, kasama ng pulis at goons sa loob ng Nestle. Walang kaaway ang asawa ko maliban sa Nestle. Kaya wala akong makitang ibang dahilan kung bakit siya pinaslang. May kaugnayan talaga ito sa pakikipaglaban niya sa Nestle ”*, Mrs. Fortuna said.

## **VII. Conclusion**

This is only a partial account of the incident and the identity of the perpetrators was not determined because some witnesses like the tricycle driver who brought Ka Fort to the hospital doesn't himself available for interview.

However, considering the data mentioned above, the team concluded that the killing of Ka Fort was carried-out by a team, his killer professional and the bullet used, could only be available to someone in the military or police or someone linked to them. It was a product of a thorough and well-planned design, and relatives and co-workers' account directly point to the three years and 8-month old strike at Nestle Cabuyao as factors that trigger the surveillances and his eventual death. The team also concluded that looking at the data, responsibility in the killing lies heavily on the military/PNP and Nestle Cabuyao, Philippines.

Ka Fort's killing is politically motivated. It resembles other cases of political killings of known leaders of organizations tagged by the government as leftists in manner, efficiency and skills for which the murder was carried-out.

## **VIII. Recommendation**

We hereby recommend an immediate and more thorough investigation principally on the murder of Ka Fort, the reported harassments and surveillances on leaders of trade unions and peoples organizations in Southern Tagalog, not only to bring to justice the perpetrators, but hopefully to pre-empt similar incidents from occurring.

In relation to the above, it is highly recommended that a public hearing by the Congress or the Commission on Human Rights be conducted, and protection to witnesses be ensured.

We also recommend the immediate pull-out of all PNP/military forces/elements in the industrial areas or economic zones and to prohibit them in interfering in the legitimate actions, including strikes of workers, whether organized and unorganized.#