



ONE VOICE

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The Justness of Bungkalan



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EDITORIAL

In any agricultural country, farmers are considered the backbone of society. Since the pre-colonial period, Filipinos have had a long and fruitful experience with the family farm as the primary producer of food. An assured supply of food, affordable food prices, diversity in production and distribution, and the vital rural communities are a few of the blessings of the family farm system

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Indeed, the Philippines is blessed with rich natural, mineral and aquatic resources and vast fertile lands that could ensure food sufficiency. Yet amidst this abundance is the prevalence of widespread hunger and poverty. A recent Social Weather Stations survey showed that fifty-two percent or 12.2 million Filipinos regard themselves as poor and thirty-six percent consider themselves as “food poor” because they cannot afford to buy adequate and nutritional food for their families. In an agricultural country like the Philippines, being “food poor” is a result of underdeveloped agriculture and food farming aggravated by massive land grabbing and land use conversion. Landlessness of farmers remain a basic and perpetual problem.

The recent massacre of nine farmers in Hacienda Nene in Purok Pine Tree Barangay Bulanon in Sagay City, Negros Occidental shows the glaring reality of the pervasiveness of the land problem in the country. The victims were resting in their hut when unidentified assailants strafed them. In the Philippines, land grabbing and state-sponsored killings go hand in hand. At present, almost two hundred farmers and agricultural workers have been killed under the Duterte administration. In Negros alone, there are now forty-five documented cases of peasant killings. Most of the farmers killed were staging “bungkalan” or land cultivation of idle farm lands. Bungkalan is a heroic assertion of the farmers’ right over the land and a symbolic gesture of defiance against land monopoly and corporate land grabbing and expansion. This recent attack on farmers and farm workers should

remind us of three fundamental teachings of the Church on agriculture and farm workers: 1.) the right to land; 2.) the right to food; and 3.) the pursuit of common good and social justice

The right to land

There is a unique relationship between the farmer and the land, a relationship that defines the very identity of the rural family and the rural community. Loss of land involves a severe cultural uprooting that carries a high human, social and even spiritual costs for those who experience it. Landlessness destroys that unique relationship described in the Old Covenant between God, the land and His chosen people.

The Catholic Bishops of the United States, in their Pastoral Letter “Justice for All: The Church and the U.S. Economy,” strongly affirm the family farm as a valued way of life. In the document “Food and Agriculture” written by the Catholic Bishops of the United States, the Bishops reminded us that “farm owners and farm workers are immediate stewards of the natural resources required to produce the food that is necessary to sustain life.” Further, they assert: “moderate-sized farms operated by families on a full-time basis should be preserved and their economic viability protected.”

After thirty years of endless promises, genuine agrarian reform remains distant. The failure of past agrarian reform programs has driven farmers to launch their own land reform program, such as the bungkalan campaign. Farmers and agricultural workers in Negros see bungkalan as their response to resonate their campaign for genuine

agrarian reform and free land distribution. By collectively cultivating idle lands in order to make it productive, farmers are affirming the Covenant made by God and His people on their right to land. With the repeated failures of the Comprehensive Agrarian Reform Program (CARP), bungkalan has become one of the modes employed by peasants in pursuing their campaign to end land monopolization by big landlords and agri-corporations.

Bungkalan is a clear indication that a sustainable, people-centered, agriculture-driven path to development is possible. “Bungkalan” is a stark contrast to the neoliberal development program being pushed by the government and big landowners whose only aim is the accumulation of profit by converting and expanding prime agricultural lands, including ancestral domains for use by big foreign corporations.

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The Right to Food

Farmers and farm workers should have access to an adequate income that can provide for their families' basic needs, including the need for food and nutrition. The right of every human being to food at a reasonable price, the right of producers to a fair return on their investments of labor and capital, and the responsibility to steward the natural resources given by God to provide the necessities of life are all justice concerns. In the case of the Sagay 9 victims and their relatives, it is hunger brought about by landlessness that pushes them cultivate idle lands. Speaking in front of representatives from United Nations Food and Agriculture Organizations (FAO), Pope Francis pointed out the catastrophic effects of land grabbing on the lives of the poor farmers: "The hoarding of arable land by transnational firms and States is increasingly worrisome, since it not only deprives farmers of essential asset, but also directly affects the sovereignty of nations." He added that most developing countries in the world produce food that "goes to foreign countries, and the local population is doubly impoverished because they have neither food nor land." In his recent encyclical *Laudato Si*, the Pope denounced a "dominant economic system" that "excludes many from their just fruition." The Pope lamented how "economies of scale, especially in the agriculture sector, end up forcing smallholders to sell their lands or abandon their traditional crops." (LS, #129)

Common good and social justice

Catholic social teaching insists that justice must be applied in all areas that pertain to the "common good". Thus, discerning where the common good lies with regard to farm and food policy is an area of concern proper to the Church. The Church is challenged to determine how the ownership and use of food producing resources can be structured to best serve the needs of all people, especially the poor and the powerless. It is the task of the Church and of all rightminded people to recognize that future inhabitants of this planet have a claim on present resources; our responsibility is to make this claim



heard. In his homily last November 18 during the World Day of Poor, Pope Francis listened to "the cry of entire peoples, deprived of the great natural resources at their disposal." The Pope reminded us that the cry of the poor is "the cry of every Lazarus who weeps while the wealthy few feast on what, in justice, belongs to all." The way we organize society economically and politically, including the way our agricultural system is structured, impacts human dignity. Commutative justice demands fairness in all relations and exchanges. But this must be understood in the context of both distributive justice, which requires that the benefits of social, economic, and political life reach all people, especially the poor, and social justice, which insists that all people have opportunities for participation and authentic human development.

The Church views farm work as a "vocation" that provides humankind with the basic necessities of life. Yet farmers and farm workers are one of the most neglected and impoverished sectors in our society. It is painful to see those who produce our food have nothing on their tables. The Church challenges us to stand with the landless in their struggle for land rights. We are called to honor the poor and to give them precedence, out of the conviction that they are a true presence of Jesus in our midst. As Pope Francis said during his message to the 2nd World of the Poor: "Faith naturally inspires a message of hope. Often it is precisely the poor who can break through our indifference, born of a worldly and narrow view of life. The cry of the poor is also a cry of hope that reveals the certainty of future liberation."



CHRIST AND THE WORKERS

Most Rev. Gerardo A. Aminaza, D.D

Massacre of farmers

Written by Most Rev. Bishop Pabillo
published in CBCP News

WHEREVER there is massive poverty there is injustice. People are made poor! Their rights are stepped upon and they are even oppressed! This reality has again come to the fore with the massacre of the farmers in Hacienda Nene, Purok Fire Tree, Barangay Bulanon in Sagay City of Negros Occidental last October 20. Nine farmers, three of whom were women and two minors, were gunned down in their makeshift camp after they had taken their dinner around 9:30 pm by unknown assailants. After this brutal killing gasoline was poured over their bodies and they were set on fire.

Massacre of farmers is not new. We still remember the Escalante massacre in 1985, the Hacienda Luisita Massacre in 2002, and the Kidapawan Massacre in 2016. Under Duterte's watch in the last two years, 45 farmers have already been killed in Negros.

The reason for all these killings? Land! The farmers are denied their right to the land. Our Constitution of 1987 clearly stipulates that land reform is to be implemented to bring about social justice in the countryside. This mandate has been haphazardly executed because of the vested interests of our politicians who mostly come from the landed elite. Instead, the farmers who fight for their right to the land are tagged as "rebels" by the authorities. Hence many of them are mercilessly abused and even killed. The Sagay massacred is the most recent incident.

Many farmers' groups resort to "Bungkalan" because the implementation of the constitutional mandate of Land Reform is very lame and slow. Not a few blame the farmers for forcible entry, but how many would blame the government and the landowners for non-

implementation of the Basic Law of the land? But even if the bungkalan is "illegal," would this be enough reason to kill them mercilessly?

Some officials in the government is "softening" this brutality by tagging the National Federation of Sugar Workers (NFSW) to which the farmers belong as leftist. Do they mean that "leftists" are fair game, that they can just be killed?

The government seems not to be able to put their acts together. While some officials claim that the NFSW is leftist, other officials in the same administration, without any evidence at all, already tag the NPA as the perpetrators. This is already a sign that the killers will not be brought in. Can they bring in the NPA?

Now some, to ride on the anger of the public, assert that the "full wrath of the law" be fall on the killers? Are they really serious, or is this just plain bravado? Will the perpetrators, and more so, the brains, be ever brought to justice? Has the government the political will and the capability to bring justice for the farmers? Basing on the records of the Escalante massacre, the Hacienda Luisita massacre, the Kidapawan massacre, and the so many killings of farmer leaders, I strong doubt. None of the masterminds of these dastardly deeds have been brought to justice. The strong suspicion is that those involved are among the land owners, the military and/or the politicians.

But justice to the farmers is not just to get the killers of the Sagay 9 massacre. It is to address the root of these killing. Give land to the farmers! Implement the constitutional mandate of land reform! Nothing short of this will bring peace in our troubled countryside.

Has this administration the political will to do this? Will it be a better government than the previous ones, or will it be of the same kind—elitist, corrupt and against the people?



Sugarcane hacienda in Talisay City, Negros

Worsening working and living condition of farmers and farm workers in Negros

Negros farmers and farm workers In a 3 day solidarity visit, CWS national secretariat in partnership with CWS Negros conducted an integration with three farmer and farm workers' communities in Negros Island. The activity is in line with the three year program of the Church People Workers Solidarity to focus its program in supporting the struggles of agricultural workers.

The three communities are Hacienda Tumangan, Brgy. San Fernando, Talisay City, Hacienda San Rafael, Brgy. Dos Hermanas, Talisay City and in Hacienda Kabangkalan, Aidsisa, Brgy. E. Lopez, Silay City. Farmers and farm workers in the three communities shared their concrete situations amidst violations to their rights to land, right to life, decent work, social security, access to services and humane working and living condition.

In Hacienda Tunangan, farm workers including women only earn a meager P2000-2800 per month (P80-110/day) as piece rate workers in the haciendas. This amount is very low compared to the actual cost of living of workers and their families. Hardwork in the haciendas includes ploughing, weeding, harvesting and loading of sugarcanes in big trucks. The piece rate system has been used by aryenderos to press wages down to starvation level and to remove workers' job security.

Majority of the farmers and farm workers have been working in the haciendas and tilled the land for many

decades already. They have been petitioning the Department of Agrarian Reform since 1998 for Comprehensive Agrarian Reform Coverage yet until now, there is no concrete steps taken by the government. Schools, health center, hospitals and market are also very far from the community and rocky roads make the transportation even a daily struggle for the people.

In Hacienda Rafael, workers in the milling district are under a manpower agency and earning in piece rate basis ranging from P150-240 pesos a day. The workers are also not receiving social benefits, service incentive leave and good working condition. They work 8 to 16 hours a day and exposed to dangerous fertilizers especially the workers in the haciendas. Sometime in May 2018, hired guards of Lina Yanzon- a big aryendador of hacienda Lacson fenced their community with galvanized iron, blocked the right of way going in and out of their community and also implemented curfew hours. As a result, children and farm workers walks a minimum of 8 kilometers going to and from school and to work.

Members of the local chapter of National Federation of Farm Workers believe that this is a form of harassment against them to force them to leave the community and give up their legitimate right to the land. In July 2010, petitioners including many members of San Rafael community won a favorable order from the Department of Agrarian Reform to cover at least 25 hectares of land for land to be covered under the Comprehensive Agrarian Reform Program.

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In Hacienda Kabangkalan, Aidsisa, Brgy. E. Lopez, Silay City, the lands that are tilled and resided by the farmers and farm workers are grabbed by Diamond Factor Corp. Armed guards and personnel of Diamond Factor Corporation issued notice of eviction, harassed farmers, demolished at least three homes, cut down trees and sold the cleared and idle lands to buyers. This is happening since 2011 and the DAR has no intervention to stop the land grabbing by Diamond Corp.

In May 23, 2018, farmers and farm workers under the Aidsisa Farmers and Farm Workers" Association-National Federation of Sargar Workers collectively cultivated the land as a sign of their unity and determination to fight for their rights

and for the future of their children. "If we will not do this, all of the lands will be in the hands of Diamond and the landlords. Nothing will be left for our children to till." - stressed by the members of AFWA. According to the farmers and farm workers, the bungkalan or land cultivation is the only way for them to have lands to till amidst landlessness, conversion of agricultural lands and joblessness brought by the failure of CARP to distribute land to the farmers for many decades already.

In the midst of all of these, farmers and farm workers are also permanently plagued with joblessness and widespread hunger during off season from April to September of the year. To overcome this season, farmers and workers are forced to work in slave like condition from one hacienda to another. Others work in construction sites, households and supermarkets in the cities, in Manila or as overseas Filipino workers. In addition, according to the Negros Island Health Integrated Program for Development, common health problem of farmers and farm workers are asthma due to exposure of chemicals, malnutrition and kidney problems. The latter is merely due to lack of nutritious food intake and intake of dried salted fish.

Collective Demands and Collective Actions

All of the three communities with their respective organization are supporting the land cultivation or bungkalan that is happening across Negros Island. Each community are preparing their organization in terms of educating and organizing farmers, farm workers, the youth and children and seeking support from the church people and other solidarity groups. The farmers and

farm workers are organized in associations and chapters of National Federation of Sugar Workers guided by both NAFLU and NFSW.

a. Implementation of genuine agrarian reform program and industrial development that will give farmers land to till and will solve the problem of unemployment. This demand includes the abolition of hacienda system.

“If we will not do this, all of the lands will be in the hands of Diamond and the landlords. Nothing will be left for our children to till.” - stressed by the members of AFWA.

2. Decent working condition of farm workers including implementation of a national minimum wage adequate to live decently, safe and healthy working environment, protection to form and and job security. This demand includes

the abolition of piece rate or pakywan system and contractualization in the haciendas and sugar milling districts.

3. Access to social services such as adequate community health clinics, daycare and school facilities, clean water and safe roads.

Collective efforts to educate, organize and mobilize the communities

The Church People Workers' Solidarity in Negros which is composed of different organization of farmers, farm workers, church people, health advocates, academe and people's organization across Negros is working together to reach out, educate, organize and mobilize the farmers, farm workers and their communities. The CWS Negros was established in July 2017 in a launching that was attended by more than 300 church people and workers. Since then, its local secretariat has been working very hard to broaden and strengthen the unity of church people and workers for life and work with dignity. Aside from the church people allies, there are also allies and friends in government agencies and local government units.

CWS Negros believes that efforts shall be made especially in increasing the solidarity commitment of church people to the plight of farmers and farm workers. Rev. Fr. Cris Gonzales of the Diocese of Bacolod SAC in a meeting with the rest of the CWS secretariat and national secretariat representatives stressed the importance of educating the young people and instilling the spirit of patriotism. He also stressed the role of

Worsening working... from page 6

education and combating fake news that creates confusion especially in the ranks of church people. On the other hand, CWS Chairperson and Bishop of the Diocese of San Carlos in Negros stressed the importance of formation in the grassroots level in the form of cooperatives or any form of organization to sustain the actions and community development. Bishop Alminaza hopes that this will be in cooperation with the Basic Ecclesiastical Communities in the parish level.

The CWS Negros Secretariat is composed of Diocese of Bacolod Social Action Commission, NAFLU-KMU Negros, the National Federation of Sugar Workers and Negros Island Health Integrated Program for Development.

To support the grassroots level work, CWS National Secretariat and the Negros Secretariat unite to:

1. conduct awareness campaign on the rights of farmers and farm workers or agricultural workers in target areas
2. conduct awareness campaign on catechism on labor in parishes surrounding the abovementioned haciendas and communities.
3. conduct research on the situation of farmers and farm workers in the sugar plantations and sugar milling districts of Negros. The research aims to strengthen the demand for the abolition of piece rate system, contractulization and abolition of haciendas and the call for genuine agrarian reform and national industrialization.
4. establish a workers' desk at the diocese and parish level that will assist workers in terms of legal and paralegal counselling, mediation with government agencies such as the DOLE, DAR and LGU and other needed services for workers and their families.
5. conduct leadership and organizing training to around 100 leaders from farmer and farm workers association in the Haciendas and in downtown community.
6. conduct pool of instructors training attended by trade union and farmer leaders
7. conduct health awareness campaign and services in the target haciendas and communities to assist the communities in forming their community health program.



Meeting with Most Rev. Gerardo Alminaza



Community Sharing with farmworkers in Hacienda Kabangkalan



Community Sharing with farmworkers in Hacienda Tunangan

BUNGKALAN IN NEGROS



In May 23, 2018, farmers and farm workers under the Aidsisa Farmers and Farm Workers' Association-National Federation of Sugar Workers collectively cultivated the land as a sign of their unity and determination to fight for their rights and for the future of their children.



**NAGKAHIUSANG MAMUMUO SA SUYAPA FARM NATIONAL FEDERATION OF LABOR
UNIONS-KIUSANG MAYO UNO (NAMASUFA-NAFLU-KMU)**

DOLE REG. CERT. NO. R1100-0508-UR-248 Brgy. Siocon, Compostela, Compostela Valley

Dear Fellow Advocate:

Warm greetings of solidarity!

We are Filipino banana workers on strike appealing for your support to stop the attacks on our freedom of association by Philippine state forces and global fruit exporter Sumifru.

We are packing plant and plantation workers of Sumifru Philippines Corporation (Sumifru) in Compostela town, Compostela Valley Province in Mindanao, Philippines. Sumifru is a local subsidiary of Japanese multinational company (MNC) Sumitomo Group of Companies and a global exporter of Cavendish bananas, Pineapple and Papaya to China, Japan, Korea, Middle East, New Zealand and Russia. Operating around 12,000 hectares of land in Mindanao, Sumifru consists of packing plants, a research center, cold chain, loading port, and shipping facilities. In its Compostela operations alone, Sumifru amasses a gross income of PhP 19 million (\$358,490) a day while a packing plant worker earns only PhP 391.00 or \$7 daily.



Photo from: Mara S. Genotiva/davaotoday.com

To defend our freedom of association and protect our right to security of tenure, we organised ourselves into a labour union, Nagkahiusang Mamumuo sa Suyapa Farm (NAMASUFA) or United Workers in Suyapa Farm, a local union federated under the National Federation of Labor Unions-Kilusang Mayo Uno (NAFLU-KMU) with a membership of more than 900 individuals. We are duly registered with the Department of Labor and Employment (DOLE) and certified as the sole and exclusive bargaining representative of the rank-and-file workers of Sumifru since 2010.

Violations on freedom of association

We have been in a legal battle with Sumifru over our employment status since 2008. Sumifru has refused to acknowledge that we are their employees, despite the government's labour agency declaring in our favour. In 2017, this issue was ruled with finality when the Philippine Supreme Court handed down a decision saying that we are regular employees of Sumifru and not those of subcontractors.

Claiming this legal victory, we submitted a collective bargaining agreement (CBA) proposal to Sumifru, for which we received no response. Several mediation conferences were called by the government's National Conciliation and Mediation Board (NCMB) but Sumifru continued to refuse to bargain with us. Thus, we were forced to wage a strike on October 1, 2018 on the ground of Sumifru's refusal to engage in collective bargaining negotiations, which is a strikeable offense under Philippine law.

Instead of facing us on the negotiating table, Sumifru utilised the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), the company security force, and hired goons to suppress us. With the backing of the local

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government and Department of Labor and Employment, last October 11, 2018, the combined group of strike-breakers, goons, PNP, and AFP violently destroyed our strike camps, mauled our colleagues, and stole our camp materials, food, and personal belongings. The attack resulted to the injury of 27 of our members.

These acts constitute a violation of our right to strike, which is protected under the freedom of association.

Moving forward with our just and legitimate strike

At present, our strike continues but remains under the constant threat and harassment of the AFP and company's goons. Sumifru continues to blatantly neglect the law while the government remains inutile in compelling Sumifru to observe the law.

We are truly facing an uphill battle against a giant capitalist with the backing of the Philippine state. State brutality has been time and again justified by state forces due to the Martial Law declaration of President Rodrigo Duterte, who has publicly demonised all strikes and called unionists terrorists. Nonetheless, the justness of our demands and correctness of our stand pushes us to persevere and continue fighting not only for our rights, but the rights of workers everywhere.

OUR APPEAL

We appeal to you, as a matter of urgency, for all fellow trade unionists and human rights advocates, to help us sustain our fight for rights and dignity as workers, and for the welfare of our families, for whom this strike is really about.

At present, we need material support to ensure the well-being of striking workers and their families are addressed as the strike pushes on. Our most immediate needs are:

- **Food; • Medicine; • Vitamins for the children and mothers; • Legal fund for labour and criminal cases to be filed against accountable individuals and government agencies; • Fund for the sustenance of the strike;**

We would also welcome your assistance in helping us connect with organisations and networks who believe in international human and labour rights, and are willing to offer their support to our cause.

If you wish to make a donation or hear from us, bank account details are provided in the bottom portion of this appeal.

Daghang Salamat. (Thank you.)

For the workers' interests,

Paul John Dizon President,
NAMASUFA-NAFLU-KMU

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VISIT US AT OUR KAMPUHAN

November 24-December 10, 2018
Mendiola, Peace Arch, Manila

NAMASUFA Strike

Parties involved

Employer

Sumifru Philippines Corporation (Sumifru) is a Japanese multinational company (JMNC) engaged in the sourcing, production, shipment and marketing of various fresh fruits, primarily the export of quality Cavendish bananas, pineapple, and papaya. The company operates in more than 12,000 hectares in Mindanao.

In Compostela, Sumifru operates in more or less 2, 200 hectares with 9 packing plants totaling production capacity of at least 19,000 boxes per day or 7 million boxes per year. The company gross daily income is P19 million per day in Compostela operations alone.

Employee

The workers on strike are organized under the union Nagkahiusang Mamumuo sa Suyapa Farm (NAMASUFA-NAFLU-KMU). NAMASUFA is a consolidated union of regular rank and file workers of 9 packing plants (PP) who consider Sumifru as their employer under the law.

Those on strike are workers from 8 different packing plants (PP 220, PP 230, PP 340, PP 115, PP 370, PP 250, PP 260) organized previously organized under local unions, namely:

1. Nagkahiusang Mamumuo sa Os-miguel
2. Nagkahiusang Mamumuo sa San Jose
3. Nagkahiusang Mamumuo sa Suyapa Farm
4. Packing Plant 92 Workers Union
5. Packing Plant 340 Workers Union
6. San Miguel Workers Union
7. Maparat- Montevista Workers Union
8. Nagkahiusang Mamumuo sa Pilar-Mangayon

History of the Strike

NAMASUFA's claim of employer-employee relationship

March 14, 2008: Workers of Packing Plant 90 organized themselves under NAMASUFA and filed a petition for certification election (PCE) before the Department of Labor and Employment (DOLE) to represent the 140 rank and file workers of then Fresh Banana Agricultural Corporation. The PCE aimed to certify NAMASUFA as its sole and exclusive bargaining agent (SEBA).

June 20, 2008: Fresh Banana Agricultural Corporation merged with Sumifru, with the latter emerging as the surviving corporation. This prompted NAMASUFA's efforts to file a PCE with Sumifru as employer. The latter denied being the employer of the PP 90 workers, instead, pointed to A2Y Contracting Services as the employer.

July 28, 2008: The DOLE-XI Med-Arbitrator declared Sumifru as the employer of the workers and not A2Y Contracting Services with an order to conduct a Certification Election (CE).

February 8, 2010: The DOLE Secretary of Labor affirmed the Decision of the Med-Arbitrator rendering the case as final and executory.

Sumifru refused to comply with the DOLE decision. The company appealed to the Court of Appeals (CA) through Petition for Certiorari but the Court denied Sumifru's petition. No Temporary Restraining Order (TRO) or Injunction to stay the finality of the Labor Secretary's decision was issued by the CA, thus cementing the DOLE decision that Sumifru was the employer of the PP 90 workers.

Sumifru brought the case to the Supreme Court.

June 7, 2017: The Supreme Court dismissed Sumifru's petition and affirmed the CA resolution declaring the workers as employees of Sumifru. August 9, 2018: The 8 local unions in Compostela consolidated as one union, under NAMASUFA-NAFLU-KMU, a legitimate union with DOLE Registration No. R1100-0508-UR-248.

Asserting the right to collectively bargain

August 13, 2018: NAMASUFA-NAFLU-KMU submitted its CBA proposal. Sumifru refused to bargain, providing the alibi that no employer-employee relationship exists between the company and workers and alleging that the consolidation of the local unions into one is illegal.

September 4, 2018: NAMASUFA file a Notice of Strike (NOS) before the National Conciliation and Mediation Board (NCMB). After series of mediation conferences, Sumifru still refused to bargain.

September 10, 2018: A strike balloting was conducted, verifying unanimous consent of the union members who said "yes" to a strike.

The Strike

October 1, 2018: NAMASUFA launched its strike.
 October 2, 2018: Strikebreakers and non-striking workers were escorted by AFP and PNP in Packing Plant 115 and dispersed the strikers. They were able to sneak out the stalled van. October 3, 2018: Sumifru filed a Petition for Assumption of Jurisdiction (AJ) with the DOLE Secretary without furnishing a copy to the union.

October 4, 2018: Around midnight, 7 members of NAMASUFA were flagged down by unidentified men (believed to be goons of Sumifru) along the road and were beaten individually. The union has filed a police plotter of the incident. Sumifru filed a Complaint at RTC branch 56 in Compostela for Damages and Issuance of TRO. The workers were not furnished a copy of the said complaint.

October 5, 2018: DOLE Secretary issued the AJ Order without any hearing. On same day, the RTC Branch 56 issued a TRO for 72 hours ordering to free the ingress to and egress of the gates of the packing plants. A hearing for the issuance of extension of TRO or Issuance of Preliminary Injunction was set at October 9, 2018. During the serving of TRO, the Municipal Mayor Lema Bolo strongly demanded the workers to stop the strike.

October 6, 2018: The AJ Order was served. On same day, the TRO was served. October 7, 2018: The Sheriff of the Court delivered a copy of the Complaint for Damages and TRO issuance. October 9, 2018: The RTC Branch 56 issued an Order dismissing the complaint for damages and extension of TRO.

October 11, 2018: A combined group of strikebreakers numbering to more than 300, led by PNP and AFP personnel, swarmed into the seven (7) strike camps, violently dispersed the striking workers and destroyed the camps without any Court Order. The striking workers were mauled, leaving 27 injured, while cooking utensils, food supplies, and personal belongings were stolen.

The local government condoned and backed the strikebreakers, allowing them the use of the municipal ground as their staging and withdrawal point for their dispersal plan. Worse, the PNP did not arrest the individuals who participated in the assault of strikers, evidence that they are in cahoots with the strikebreakers during the violent incident.

The bone of contention: are the workers on strike Sumifru's employees?

Sumifru's Arguments

- It has no employer-employee relationship with the workers, despite the 2017 Supreme Court ruling affirming that the workers of the packing plants are employees of Sumifru and not the labor agency.
- The company also alleges that the consolidation of unions is illegal, despite DOLE acknowledgment of the formation of such a union.
- Sumifru alleges that NAMASUFA is not certified as SEBA.

NAMASUFA's counter-arguments

- Sumifru has no legal basis to refuse an employer-employee relationship with NAMASUFA. This was already declared to be a fact in 2010 when the DOLE Secretary declared the employer-employee relationship between the parties as final and executory. Even at the level of the CA and the Supreme Court in 2017, the DOLE decision was affirmed. In law and in fact, Sumifru is the real employer of the workers under NAMASUFA.
- The consolidation of 8 unions is allowed under the Labor Code, with the union complying all the necessary requirements in consolidation and was issued a certificate of the DOLE. Furthermore, the act of consolidating local unions belonging to one industry is part and parcel of a worker's Right to Organize and Freedom of Association, protected under the Philippine Constitution, the Labor Code, and the ILO Conventions 87 and 98. NAMASUFA was certified by DOLE as SEBA since 2010.

Conclusion

In law and in fact, Sumifru is the employer of workers under NAMASUFA. By refusing to bargain with its employees, Sumifru is disrespecting the law and disregarding worker's various constitutional rights. The strike therefore, as an action of last resort, is justified. After having resorted to legal means for 10 years, and despite having been affirmed by both the CA and the highest court of the land, the Supreme Court, to be employees of Sumifru, are still being disowned by the company. Sumifru's refusal to bargain with NAMASUFA in order to achieve a mutually beneficial CBA is a legitimate ground to wage a strike. The strike is therefore not illegal, and must be respected. Yet, Sumifru has marshalled State resources and personnel (AFP, PNP, DOLE, LGU, RTC) to suppress the workers and defeat the strike. Martial Law has been shamelessly used to physically threaten and harass the striking workers, militarize workers' communities, redtag union leaders, and force the surrenders of legitimate workers as alleged NPA supporters to discredit the militant trade union movement in Compostela.



Greetings of Peace!

Year 2018 has been a meaningful year for us church people with the workers and their families. In different ways, we have shown our support and solidarity to the struggles and campaigns of workers for dignity of labor and life.

Before the year ends, we ask everyone to join us to a year end activity with workers and their families this coming December 15, 2018 in Basketball Court, S. Feliciano, Brgy. Mapulang Lupa, Valenzuela City. This activity will mark the launching of Fr. Joe Dizon Integration Program. Attached herewith is the concept paper of the integration program.



We will also extend a simple Paskuhan and giving of gifts to children of workers. Five (5) workers' organizations will be beneficiaries of the Paskuhan namely; Samahan ng Manggagawang Kaagapay sa Pag-unlad in Brgy. Parada and Mapulang Lupa with 100 children, MingJohn Workers Association (50 children), Liga ng Manggagawa sa Valenzuela City (50 children) and Core Asia Workers' Union, Justice for Kentex Alliance and Albert Smith Workers (50 children) or 250 total children beneficiaries.

In this light, we are inviting you and your organization to this activity. We are also asking for any pledges such as gifts and food that we can offer to children of workers during this event. Our specific requests are assorted toys for Boys and Girls, assorted clothes for Boys and Girls, Spaghetti Pasta, Spaghetti Sauce, Chicken for Fried Chicken and Cold Drinks.



Below is the program:

- 1:00pm -2:00 pm- Launching of the Fr. Joe Dizon Integration Program
- 2:00 pm 4:00 pm -Gift Giving and Solidarity Meal with Workers and their Families
- 4:00 pm-5:00 pm- Solidarity Visit to Workers' Picket and Homes

You may bring your donations to our office in the address indicated in the letterhead or inform us if we have to pick up. For Check Donation please make the check payable to Churchpeople-Workers Solidarity Inc. with Account No. 3143-4239-39. For Cash Donation to be picked up, please contact the secretariat Tony 0932-515-4066 or Ellen 0946-468-9826 or email us at churchfortheworkers@gmail.com. You may also deposit your cash donation to Churchpeople-Workers Solidarity Inc. with Account No. 3143-4239-39.



Thank you very much and we shall look forward to receiving your positive response.

Yours in Christ,

Fr. Quirico Pedregosa, Jr.

Fr. Quirico Pedregosa, Jr., OP
Convener/ Secretary



*Churchpeople and Workers in Solidarity!
Reclaim the Dignity of Human Work!*

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