

Summary of relevant information and analysis of what happened on the days leading up to and the day itself of the Hacienda Lusita massacre on November 16, 2004

1. The United Luisita Workers' Union (ULWU) started the strike at 11 a.m. on Nov. 6, 2004, charging management had engaged in union busting or unfair labor practices, and had refused to bargain thereafter. Almost all of the 5,000-strong farmworkers' union membership joined the strike, with their families and communities in outlying barrios supporting them.

2. The ULWU strike was not covered by the "AJ" or assumption of jurisdiction by the Labor Secretary. ULWU's case is with the National Labor Relations Commission. If one will be strict about legality, the four dispersal operations ordered by DoLE at Gate 1 of the sugar mill, where the ULWU members were primarily manning the picket lines, is patently illegal since Secretary Sto. Tomas' "AJ" does not cover the ULWU strike.

3. The Central Azucarera de Tarlac Labor Union (CATLU) struck at 3 p.m., the same day. When leaders of CATLU learned that management had caused all gates to be closed and that sugar mill workers would be locked in, they called for their members to strike as well. The CATLU was in a CBA deadlock with the management of the sugar mill. It did not take long for CATLU officials and the majority of its members to recognize that CATLU and ULWU had a better fighting chance by uniting their forces and striking together. About 700 sugar mill workers joined the strike while 80 chose to continue working.

4. On Nov. 6 and 7, without any return-to-work nor deputization order from DoLE, the police interfered in the labor dispute. Instead of following the law and keeping themselves at least 50 meters away from the picket line, the PNP undertook a premeditated attack to break up the strike using teargas, water cannon, and truncheons. The workers defended themselves with sticks and stones. Many were hurt in the ensuing melee.

5. On Nov. 10, Ms. Sto. Tomas issued an "assumption of jurisdiction" order citing that the Cojuangcos' hacienda and sugar mill were "vital" to the national interest. On Nov. 12, Labor Undersecretary Manuel Imson formally asked the police to "ensure ingress and egress from the company premises."

6. In fact, ingress and egress were assured. There was no need to force open Gate 1 leading to the sugar mill because by Nov. 15, Gates 3 and 6 were very much open. Proof of this was that the vehicles of management as well as those of the police and military, later to include two armed personnel carriers (APCs) and four fire trucks, were free to go in and out of the hacienda. Sr. Supt. Angel Sunglao, Tarlac police chief, admitted as much in the House of Representatives hearings by the Committee on Human rights held to investigate the massacre.

7. The real purpose of the forcible opening of the padlocked Gate 1 (which management itself had closed) was to disperse the rallyists and destroy the picket line that had been serving as the most visible rallying point and symbol of the workers' struggle.

There was no need to deploy the police to disrupt an otherwise peaceful work stoppage and legitimate protest action of the workers.

8. To make matters worse, on Nov. 15, Sec. Sto Tomas deputized not only the police but also the military to enforce her order, an act seriously questioned by senators and

human rights lawyers as unlawful, a blatant violation of the constitutional provision that states only the President or Commander-in-Chief can call out the troops to quell a riot or rebellion. The involvement of the military who are not trained to deal with civilian disturbances arising out of demonstrations or strikes was deemed directly contributory to the carnage that ensued, with the authorities utilizing disproportionate and far superior force on the unarmed strikers.

9. On Nov. 15, 10 a.m., around 400 policemen again attempted to disperse around 4,000 strikers assembled at the picket line in front of Gate 1. Again, scores sustained injuries. The president of CATLU was hit on the head by rocks hurled from the ranks of the police, lost consciousness and sustained a gaping head wound. Despite this, the strikers stood their ground and the police were forced to retreat.

10. Bayan Muna party-list representatives Satur Ocampo and Teddy Casiño arrived at the scene and held dialogues with the police. They frantically tried to reach Ms. Sto. Tomas and former Rep. Peping Cojuangco to ask them to hold off any orders for the police to use force once more since entire families of the workers were at the picket line and stood to get hurt. Sec. Sto. Tomas' cell phone was mysteriously cut off and became busy thereafter. Mr. Ocampo thus failed to reach her.

11. The following day, the morning of Nov. 16, Mr. Cojuangco met with Mr. Ocampo and CATLU officials at his Dasmariñas Village residence while refusing to allow ULWU officials in. (This was consistent with the stance of management that these ULWU officials were already dismissed from the company and could no longer represent the union of farm workers.)

12. The dialogue never got off the ground with Mr. Cojuangco insisting that the only time management would talk with CATLU was when they lifted their strike. Mr. Cojuangco was quoted as saying, "*Bahala na ang DoLE d'yan.*"

13. One thing emerges from all the moves of the Hacienda Luisita management and the Arroyo government prior to the Nov. 16 massacre. A high-level decision had been made to break the strike of the farm and sugar mill workers, without negotiations, using as legal cover the assumption of jurisdiction of Sec. Sto. Tomas and her subsequent return-to-work order. The police and even the military were "deputized" to do the dirty work of implementing the DoLE order by brute force.

14. The strikers, with their community support from barrios inside the hacienda, plus sympathizers from militant mass organizations, local government officials, party-list congresspersons and various groups from the middle forces, had already proven in three previous violent dispersals that they had the numbers, the determination and the broad support to defend the picket line from the assaults of the police.

15. So the military was called in. Aside from around 700 policemen, there were 17 truckloads of soldiers in full battle gear, and two tanks equipped with heavy weapons, a pay loader and four fire trucks with water cannons. They had hundreds of tear gas canisters. There were snipers positioned in at least five strategic places in front of and at the sides of the "oval," the open area in front of Gate 1 where the strikers and rallyists were massed up.

16. Water cannons blasted the strikers and their supporters with chemical-laced water that stung their eyes and skin and initially forced them back from the front lines facing Gate 1. But after they had washed away the stinging fluid, the strikers returned.

17. Hundreds of tear gas canisters were then hurled at them. This tactic was more effective in dispersing the crowd; smoke permeated the grounds and the sound of

coughing, gagging and cries for water filled the air. In due time, however, a few intrepid strikers learned to smother the tear gas by either dowsing the canisters with water or burying these in the sandy soil of the oval.

18. The pay loader and the tank ("armed personnel carrier") were then used to smash open Gate 1, the same gate management had earlier padlocked. After the third attempt, the tank succeeded but the strikers threw stones at it and forced the tank to pull back.

19. In jubilation that they had been victorious in causing the tank to retreat, scores of strikers rushed through Gate 1 towards the fire trucks brandishing their bamboo sticks and throwing everything they could get their hands on, even an LPG tank, at the assaulting tank.

20. Then a volley of gunfire rained down on the protesters. It lasted for a minute, followed by more sporadic shooting. Everyone scampered away from where the gunfire was coming from, away from where the police and military were positioned, behind Gate 1, inside the compound of the sugar mill.

21. Two of the victims who later died were shot while they attempted to clamber up a fire truck. One was shot a few meters from the perimeter fence adjacent to the gate. Two were found dead in the creek about three meters away from the barbed wire at the left side of Gate 1. Another was fatally wounded while running away from the gate with his father and the last victim was hit while running across the oval.

22. The two union presidents were chased by snipers' bullets while they were running towards the sugarcane trucks parked about 130 meters from the gate.

23. The doctor who had autopsied four of the seven fatalities noted that based on the wounds sustained, the trajectory of the bullets indicated that the victims were running or in a crouching or prone position when they were shot. They were not in a position meant for attack. A medical team who saw many of the wounded sustained the observation of the doctor who had done the autopsies.

24. Arrested strikers, many of them suffering from gunshot wounds, testified that they were hit with rifle butts and truncheons, kicked with combat boots, manhandled and hurled into waiting army trucks by police and soldiers who bore no nameplates. Some even verbally abused their victims, castigating them for resisting the dispersal and standing their ground. Investigators attempted to lure the detained workers into incriminating themselves by demanding that they confess their "aliases."

25. More evidence of collusion and premeditation between management and the AFP/PNP came up as the investigation uncovered the fact that an Army medical team was dispatched to the St. Martin de Porres Hospital, the Cojuangco-owned private hospital adjacent to the sugar mill, more than half an hour prior to the start of the violent dispersal on Nov. 16. Moreover, all the remaining in-patients were discharged. By 8 p.m., all the hospital personnel, including the doctors and nurses who had attended to the dying and wounded patients, were all told to go home. The hospital remained under tight military and police control up to the following day.

26. The three dead workers who the police said were positive for gunpowder burns were in the custody of the military and/or police for several hours when no relative was present or gave any permission for such tests to be made. The finding that they were positive for gunpowder burns was based purely on the say-so of those same police and military suspected to have perpetrated the massacre.

Not a single policeman or soldier sustained any gunshot wound. Nine were reported by the PNP to the media as testing positive for gunpowder burns, namely, Sr. Supt. Sabino Vengco and PO1 Christopher Villanueva of PNP-Bataan; PO1 Noriel Marcelo, PO1 Micahel Santiago and PO1 Joselito Ramos of PNP-Nueva Ecija; PO1 Jonie Francia, PO1 Venancio Asuncion, Jr. and PO1 Irwin Monreal of PNP-Aurora; and PO2 Noel Velasco of PNP Regional Mobile Group 3.