

ORIGINAL

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

EN BANC

ATTY. HOWARD M. CALLEJA,
ATTY. JOSEPH PETER J. CALLEJA,
ET AL.,

Petitioners,

G.R. NO. 252578

- versus -

EXECUTIVE SECRETARY,
NATIONAL SECURITY ADVISER,
ET AL.,

Respondents.

x ----- x

ANTONIO T. CARPIO, CONCHITA
CARPIO MORALES, ET AL.,

Petitioners,

G.R. NO. 252736

- versus -

ANTI-TERRORISM COUNCIL,
SENATE OF THE PHILIPPINES,
HOUSE OF REPRESENTATIVES OF
THE PHILIPPINES, ET AL.,

Respondents.

x ----- x

REPLY MANIFESTATION

to the "*Manifestation with Opposition and Reply*"
[Re: Atty. Estelito P. Mendoza's "*Petition for Leave...*"
dated 19 August 2020] of September 7, 2020
filed by Petitioners Carpio, *et al.*

COMES NOW, ESTELITO P. MENDOZA, and to this
Honorable Court, respectfully states:

x-----x

1. In their "Manifestation with Opposition and Reply...", petitioners Carpio, et al. in G.R. No. 252736 oppose undersigned "*Petition for Leave to Appear, and to Admit Comment and such other pleadings as may be required by the Court, as Amicus Curiae initially in G.R. No. 252578 and G.R. No. 252736 and other petitions now before the Court seeking to nullify the provisions of Republic Act No. 11479 otherwise known as the "Anti-Terrorism Act of 2020"* on the following grounds:

**ARGUMENTS IN SUPPORT OF PETITIONERS'
OPPOSITION AGAINST THE PETITION FOR LEAVE**

I.

WITH RESPECT, ATTY. MENDOZA DOES NOT SATISFY THE REQUIREMENTS UNDER THE RULES TO PARTICIPATE AS *AMICUS CURIAE* IN THE INSTANT CASES.

- A. ATTY. MENDOZA DOES NOT OFFER RELEVANT EXPERIENCE TO OBJECTIVELY AID THE HONORABLE COURT IN THE PROPER DISPOSITION OF THE MATTER BEFORE IT.
- B. BY SEEKING THE OUTHRIGHT DISMISSAL OF THE PETITIONS, ATTY. MENDOZA JOINS THE CAUSE OF HEREIN RESPONDENTS, EXPOSING HIMSELF AS A FRIEND OF THE RESPONDENTS AND NOT AS A FRIEND OF THE COURT.
- C. PARTICIPATION AS *AMICUS CURIAE* HAS ALWAYS BEEN BY THE HONORABLE COURT'S INVITATIONS AND ATTEMPTS TO PARTICIPATE AS *AMICUS CURIAE* WITHOUT PRIOR INVITATION HAS ALWAYS BEEN DENIED.
- D. AN *AMICUS CURIAE* ADVISES THE HONORABLE COURT ONLY ON MATTERS ABOUT WHICH THE COURT HAS SOUGHT HIS OR HER OPINION, BY ASKING THE HONORABLE COURT, IN UNSOLICITED FASHION, TO DISMISS THE PETITIONS OUTHRIGHT, ATTY. MENDOZA VIOLATED THE PRIVILEGE GRANTED EVEN TO A DESERVING *AMICUS CURIAE*, RENDERING HIS PETITION FOR LEAVE UNTENABLE.

2. Perhaps it was ill advised for the undersigned to have described in detail his qualifications to serve as *amicus curiae* in the instant cases. On hindsight, considering the many years the undersigned has appeared and litigated cases before this court, many

of which were decided with the participation of Justice Antonio Carpio and Justice Conchita Carpio-Morales principally, in concurrence or dissent with the decision of the court, it would have suffice to request that the court take judicial notice of his participation in the cases where he appeared before the court.

3. Furthermore, the undersigned submitted a "**Comment on the Petitions**" which petitioners Carpio, et al. believe disqualifies him to be an *amicus* since it shows that he has formed an opinion and can not be objective in dealing with the petitions. On the contrary, however, the undersigned believes that the comment he has filed may be taken into account by the court precisely to determine whether his participation would assist the court in resolving the scores of petition now already pending before the court. An *amicus*, he submits, to be of assistance to the court need not be one who would be approaching the case like a member of the court, objectively and impartially but to assist the court in dealing with the issues brought forth by the petitions before the court.

For example, a major point raised in the comment is the interpretation and application of the second paragraph of Section 1, Article VIII which is crucial in the determination of this court's jurisdiction. Based on the pleadings, it would appear that, as a matter of course, that provision has been interpreted to suggest an expansion of the scope of judicial power under that provision, more specifically proscribing the desistance of the court from considering "political questions" such as what has been suggested in the observations of Chief Justice Concepcion in the drafting of the 1987 Constitution. On the other hand, the comment of the undersigned takes a radically different view by suggesting that the provision is actually a "limitation on the scope of judicial power", the same way that the Constitution of the United States **limits the jurisdiction of Federal Courts in two (2) ways: (1) "to cases which either raise certain subjects or involve certain parties"; or (2) to "cases" and "controversies", or what has evolved as "justiciability" as the term of art employed to give expression to the limitation placed upon federal courts by the "case-and-controversy doctrine".**

REPLY MANIFESTATION
Calleja, et al. vs. Executive Secretary
G.R. Nos. 25278 and 252756
Page 4 of 5

x-----x

RESPECTFULLY SUBMITTED.

Makati City for the City of Manila, September 22, 2020.

Estelito P. Mendoza
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6789 Ayala Avenue, 1226 Makati City
Roll of Attorneys No. 4441
PTR No. 8117458, Makati City, 3 January 2020
IBP Lifetime No. 01652
MCLE Exemption No. VI-001158, 8 November 2018
Tel. Nos. 8817-0016, 8817-0119; Fax No. 7501-5002
email: emram@globelines.com.ph

Copy Furnished:

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street, Legaspi Village
Makati City

ATTY. LUISITO V. LIBAN
ATTY. GWEN B. GRECIA-DE VERA
Counsels for Carpio, et al.
Malcolm Hall, University of the Philippines
Diliman, Quezon City

ATTY. ALFREDO B. MOLO III
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Exchange Road, Ortigas Center, Pasig City

REPLY MANIFESTATION
Calleja, et al. vs. Executive Secretary
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Page 5 of 5

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EXPLANATION
**(Pursuant to Section 11, Rule 13 of the
Revised Rules of Civil Procedure)**

A copy of the foregoing "Reply Manifestation..." was served upon the Office of the Solicitor General, Atty. Luisito V. Liban and Atty. Alfredo B. Molo III by registered mail due to distance and manpower constraints.

Estelito P. Mendoza
ESTELITO P. MENDOZA

AFFIDAVIT OF SERVICE
(Revised as of April 1, 1992)

I, ALEXANDER P. BORJA, of legal age, as Messenger of the E.P. Mendoza Law Office with office address at Suite A-18th Floor, Tower 6789, 6789 Ayala Avenue, Makati City, after being duly sworn, depose and say:

That on **September 23, 2020**, I filed a copy of the following pleading:

REPLY MANIFESTATION
to the *Manifestation with Opposition and Reply*
[Re: *Atty. Estelito P. Mendoza's "Petition for Leave..."*
dated 19 August 2020] of September 7, 2020
filed by Petitioners Carpio, et al.
dated September 22, 2020

in **G.R. No. 252578** entitled "**ATTY. HOWARD M. CALLEJA, ET AL. VS. EXECUTIVE SECRETARY, ET AL.**" and in **G.R. No. 252736** entitled "**ANTONIO CARPIO, ET AL. VS. ANTI-TERRORISM COUNCIL, ET AL.**" pursuant to Sections 3, 4, 5 and 10 of Rule 13 of the Rules of Court, as follows:

By registered mail to:

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street, Legaspi Village
Makati City

By depositing a copy on **September 23, 2020** in the post office at Makati City, as evidenced by Registry Receipt No. _____ hereto attached and indicated after the name of the addressee, and with instructions to the postmaster to return the mail to the sender after ten (10) days, if undelivered.

ATTY. LUISITO V. LIBAN
ATTY. GWEN B. GRECIA-DE VERA
Counsels for Carpio, et al.
Malcolm Hall, University of the Philippines
Diliman, Quezon City

By depositing a copy on **September 23, 2020** in the post office at Makati City, as evidenced by Registry Receipt No. _____ hereto attached and indicated after the name of the addressee, and with instructions to the postmaster to return the mail to the sender after ten (10) days, if undelivered.


ATTY. ALFREDO B. MOLO III
ATTY. DARWIN P. ANGELES
Counsels for Carpio, et al.
Unit 901 One Corporate Center
Doña Julia Vargas cor. Meralco Avenue
Ortigas Center, Pasig City

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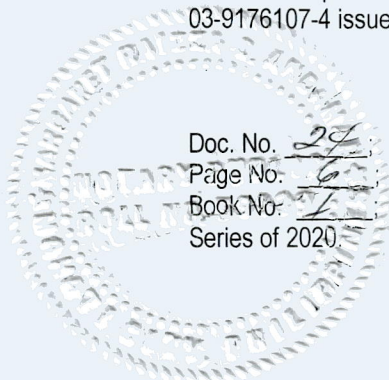
CALLEJA LAW OFFICE
Unit 2904-C, West Tower, PSE Centre
Exchange Road, Ortigas Center
Pasig City


By depositing a copy on **September 23, 2020** in the post office at Makati City, as evidenced by Registry Receipt No. _____ hereto attached and indicated after the name of the addressee, and with instructions to the postmaster to return the mail to the sender after ten (10) days, if undelivered.

IN WITNESS WHEREOF, I have hereunto affixed my signature this **23rd day of September 2020**, in Makati City.


ALEXANDER P. BORJA
Affiant

SUBSCRIBED AND SWORN TO before me this **23rd day of September 2020**, in Makati City. The affiant is personally known to me and/or is identified by me through his SSS ID No. 03-9176107-4 issued by the Social Security System bearing his photograph and signature.




MARGARET RAIZZA D. ANDAMAN
APPOINTMENT NO. M527
NOTARY PUBLIC-MAKATI CITY
UNTIL 31 DECEMBER 2020
ROLL OF ATTORNEYS NO. 58039
IBP LIFETIME NO. 019048
PTR NO. 8117461, MAKATI CITY, 3 JANUARY 2020
SUITE A, 18TH FLOOR, TOWER 6789
6789 AYALA AVENUE, MAKATI CITY

REPUBLIC OF THE PHILIPPINES)
MAKATI CITY) S.S.

VERIFIED DECLARATION

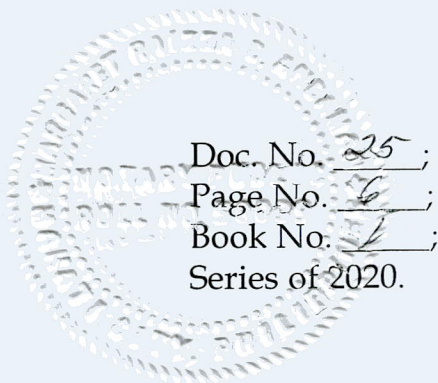
I, ALEXANDER P. BORJA, hereby declare that the "REPLY MANIFESTATION to the "Manifestation with Opposition and Reply" [Re: Atty. Estelito P. Mendoza's "Petition for Leave..." dated 19 August 2020] of September 7, 2020" dated September 22, 2020, in the case entitled ATTY. HOWARD M. CALLEJA, ET AL. VS. EXECUTIVE SECRETARY, ET AL. (G.R. No. 252578) and ANTONIO CARPIO, ET AL. VS. ANTI-TERRORISM COUNCIL, ET AL. (G.R. No. 252736, hereto submitted in compact disc (CD) in PDF, in accordance with the Efficient Use of Paper Rule, is complete and true copy of the "REPLY MANIFETATION ..." filed with the Supreme Court.




ALEXANDER P. BORJA

Messenger of Estelito P. Mendoza Law Office
September 23, 2020

SUBSCRIBED AND SWORN TO before me this 23rd day of September 2020, affiant exhibiting his competent evidence of identity, to wit: SSS ID No. 03-9176107-4 issued by the Social Security System bearing his photograph and signature.



Doc. No. 25 ;
Page No. 6 ;
Book No. 1 ;
Series of 2020.



MARGARET RAIZZA D. ANDAMAN
APPOINTMENT NO. M-527
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