

REPUBLIC OF THE PHILIPPINES)
QUEZON CITY)

AFFIDAVIT OF SERVICE

I, **DIOSA C. IGLESIA**, of legal age, Filipino citizen and with postal address at 207-208 West City Plaza Building, No. 66 West Avenue, Bry. West Triangle, Quezon City, after having been duly sworn to in accordance with law, hereby depose and say:

1. On September 21, 2020, I furnished copy of the **Petition for Certiorari and Prohibition with Temporary Restraining Order** dated September 21, 2020, upon the address written below, for the case entitled, **PHILIPPINE MISEREOR PARTNERSHIP versus- EXECUTIVE SECRETARY, ET. AL.** docketed as G.R.No. _____ **FOR CERTIORARI AND PROHIBITION WITH PRAYER FOR TEMPORARY RESTRAINING ORDER** by registered mail with return card.

1. **OFFICE OF THE SOLICITOR GENERAL**
134 Amorsolo St., Legapi Village
Makati City

NB 298578 2+
Postal office
Sept. 21, 2020

of which is hereto attached after the name and address, with specific instructions to the Postmaster to return the mail to the sender after ten (10) days if undelivered.

3. That I have voluntarily executed this affidavit of service to attest to truth of the foregoing statements.

I have hereunto set my hand this SEP 21 2020 day of September in Quezon City, Philippines.

Diosa C. Iglesia
DIOSA C. IGLESIA
Affiant

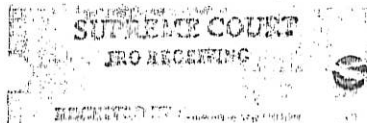
SUBSCRIBED AND SWORN to before me this SEP 21 2020 day of _____ in Quezon City, Metro Manila affiant who has satisfactorily proven her identity to me through Philhealth ID No. 08-025281082 to, that she is the same person who personally signed the foregoing affidavit before me and acknowledged that her voluntarily executed the same.

Doc No. 490 ;
Page No. 98 ;
Book No. X ;
Series of 2020

[Signature]
NOTARY PUBLIC, VALID UNTIL DEC. 10, 2020
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PIR NO. 9378739/JAN. 07, 2021
IBP NO. 185177/JAN. 06, 2019, Q.C.
MCLE COMP. VI-602544 04/10/2022
ADM. MATTER NO. NF - 023 (2019 - 2020)
ADD: 112 WEST AVENUE BRGY. PHILAM QUEZON CITY

CLERK OF COURT

Republic of the Philippines
Supreme Court
Manila



2020 JUL 28 PM 1:25

Lawrence A. Yerbo,
Petitioner,

-- versus --

G.R. # UDK 16663

Offices of The Honorable Senate President
And Honorable Speaker of The House of
Representative of The Republic of the Philippines,
Respondents.

SUPREME COURT
OFFICE OF THE CLERK OF COURT
EN BANC
RECEIVED

JUL 28 2020

BY: Kaye
TIME: 1:52

oOo-----oOo

PETITION

(To Declare As Unconstitutional
Certain Provisions And/Or Sections
Of Republic Act No. 11479)

Petitioner, by himself as an ordinary layman and to this Honorable Court,
very respectfully states:

NATURE OF PETITION AND PREFATORY STATEMENT

The petitioner is filing this case not only because he believes in the unconstitutionality and dangers of this anti-terror law (RA 11479), but also to give and share to the Honorable Supreme Court, a layman's or ordinary citizen's perspective as to why said law should be declared null and void.

As the last bulwark of democracy and last line of defense against a creeping dictatorship, the herein petitioner is praying and begging the kind indulgence of the Honorable Supreme Court to take a deep look on this law as this will severely and adversely impact the more than one hundred million Filipinos and not just a few thousand identified and identifiable terrorists. It cannot be overemphasized that the Honorable Justices of the Supreme Court owe their loyalty and love first to God and second to country. While the Honorable Justices were each appointed by the President of the Republic of the Philippines to their present position, still, after taking their respective oaths and after saying "So Help Me God", their highest degree of loyalty is now to God and country and not to the occupant of or

8. His administration has practically sided with the Chinese government when one of the latter's ships rammed a Filipino fisherman's boat which was totally destroyed leaving our fishermen luckily rescued by a Vietnamese vessel.
9. When he ran for President, Mr. Duterte ran on a platform of fighting crimes and the drug menace so much so that he absolutely promised the Filipino people boldly and with confidence that he will put an end to the Philippine drug problem within six (6) months into his presidency.
10. Four (4) years now into his presidency and still the Philippines' drug problem is nowhere near being solved and the deaths of poor Filipinos in the thousands continue to this day.
11. When he met Presidents Xi Jinping and Putin, two of the world's most powerful dictators, he (President Duterte) said "*Russia, China and the Philippines against the world*".
12. Finally, this utterance of President Duterte takes the cake in terms of its utter lack of humility and despicability: "*Your God is a stupid God.*"

After having enumerated the foregoing facts pointing to a dangerous mind of President Duterte, the petitioner now goes to the motive why he rushed and prioritized the anti-terror bill and certified it as urgent despite the Philippines facing a worldwide Covid19 pandemic.

Here's why:

1. A dictator always fears being charged and imprisoned for crimes he has committed once he steps down from office.
2. For this reason alone, dictators always desire to perpetuate themselves in power, a lifetime of power so to speak.
3. We have experienced this scenario in the person of the late President Ferdinand Marcos, who happens to be the idol of President Duterte.
4. More bothersome and tormenting for President Duterte is the fact that in two (2) years time (which is just around the corner), he may be arrested, imprisoned and tried by the International Criminal Court (ICC).
5. If this happens, not one Filipino politician, businessman, friend or ally will be able or willing to help him for fear of being charged with obstruction of justice by the ICC.
6. If petitioner is faced with the same dilemma, he has no choice but to perpetuate himself in power till his last breath rather than die in a jail cell in the Hague as in the case of Serbian President Slobodan Milosevic who was charged for crimes against humanity.

Therefore, it begs the question; will the Anti-Terror Law be abused? The answer to this question is a clear, resounding and 100% yes and no less than President Duterte will use this law (RA 11479) to perpetuate himself, or one of his children or a diehard loyalist in the Presidency of this Republic.

Lastly, with all due respect to the Honorable Justices of the Supreme Court, petitioner begs of you to do the right thing by ruling this law (RA 11479) as unconstitutional as well as null and void. Otherwise, for evil men to triumph, it is enough for good men such as yourselves to do nothing to stop such evil.

Quoting from the Idioms by The Free Dictionary is the famous phrase, *"What goes around comes around"*. While those who are in positions of power and influence may be shielded by the abuses that can be made by the use of this anti-terror law, can we be secure and rest easy if our close relatives, friends, in-laws and the general public become its victims? Honorable Justices, please do the right thing and may God have mercy on our souls, most especially the soul of President Duterte, that he may find the love and humility of God in his heart. A God whom he calls stupid.

This petition prays the Honorable Supreme Court to nullify and declare unconstitutional certain provisions and/or sections of Republic Act No. 11479, an Act To Prevent, Prohibit And Penalize Terrorism, Thereby Repealing Republic Act No. 9372, Otherwise known as the "Human Security Act of 2007" since the said law is grossly violative of several provisions of our 1987 Philippine Constitution.

Further, Petitioner begs the kind indulgence of the Honorable Court not to dismiss his petition since this case pertains to the basic human rights as well as the God-given life and liberty of every Filipino in particular and every human being in general.

STATEMENT OF MATERIAL DATES
AND PAYMENT OF COURT AND OTHER LEGAL FEES

Sometime on July 8, 2020, herein petitioner obtained through the Internet, a copy of Republic Act No. 11479. Given that the 15-day period for filing this petition will end on July 23, 2020, therefore, this petition is timely filed.

In regard to the payment of court and other legal fees, petitioner is in a quandary as to the payment thereof because of the following obstacles:

- 1) He does not know the exact amount;

- 2) He cannot obtain a postal money order from the post office as the same is closed; and
- 3) Even if the local post office is open, petitioner finds it impossible to go to said post office since it is at least 3 barangays away and Cebu City is on lockdown/ECQ, the hardest quarantine in the whole country owing to its highest incidence of Covid-19 cases in the entire Philippines.

This was announced by no less than President Rodrigo Duterte and confirmed by the DOH/IATF which the petitioner begs the kind indulgence of the Honorable Supreme Court to take notice and cognizance of. Lastly, petitioner is reserving his right to pay the actual court and other legal fees that may be assessed by the Honorable Supreme Court and in so doing begs the latter not to dismiss his petition, the issue of which transcends any private monetary claim or deficiency.

THE PARTIES

Petitioner is a Filipino citizen, of legal age, single and a resident of No. 74 Pit-os, Talamban, Cebu City, Philippines.

Respondent, Office of the Honorable Speaker of the House of Representatives is impleaded in this petition since it is Congress which is responsible for the passage of Republic Act No. 11479 and may be served with court processes at the Batasan Complex, Quezon City.

Respondent, Office of the Honorable Senate President is impleaded in this petition since the Senate is likewise responsible for the passage of Republic Act No. 11479 and may be served with court processes at the Senate Building, CCP Complex, Pasay City.

STATEMENT OF FACTS AND CASE

The Duterte government has just enacted an anti-terrorism law that will eliminate critical legal protections and permit government overreach against groups and individuals labeled terrorists. The Anti-Terrorism Act of 2020 was passed by both the House of Representatives and the Senate, after President Rodrigo Duterte certified it as urgent.

According to Human Rights Watch, RA No. 11479 uses an overbroad definition of terrorism that can subject suspects, apprehended without a warrant, to weeks of detention prior to an appearance before a judge. A special body composed mainly of Cabinet officials appointed by the president would provide the authority to enforce the law.

The Anti-Terrorism Act is a human rights disaster in the making, said Phil Robertson, Deputy Director for Asia at Human Rights Watch. The law will open the door to arbitrary arrests and long prison sentences for people or representatives of organizations that have displeased the president.

In a letter to Congress on June 1, 2020, President Duterte certified as urgent the passage of the Anti-Terrorism Act, thereby short-circuiting a more thorough debate of the legislation and prompting the House of Representatives to quickly adopt in full a version of the bill passed by the Senate. The measure replaced the existing Human Security Act (HSA) of 2007.

The said law creates a new Anti-Terrorism Council (ATC), consisting of members appointed by the executive that would permit the authorities to arrest people it designates as "terrorists" without a judicial warrant and to detain them without charge for up to 24 days before they must be presented before a judicial authority. Under existing law, terrorism suspects must be brought before a judge in three (3) days. Human Rights Watch firmly believes that anyone taken into custody should appear before a judge within 48 hours.

Under the law, those convicted on the basis of overbroad definitions of "terrorism" face up to life in prison without parole. An individual, as well as a group, commits terrorism when he or she "engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life," or "causes extensive damage to public property," in order to "create an atmosphere or spread a message of fear." While the definition also includes aims often associated with terrorism, such as seeking to "seriously destabilize or destroy the fundamental social, economic or political structures of the country," it does not require such intent. By this broad definition, starting a fight in a bar could technically be classified as an act of terrorism, Human Rights Watch said.

The same law also makes it a criminal offense to "incite others" to commit terrorism "by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end." The law, which does not define incitement, poses a danger to freedom of the media and freedom of expression by providing an open-ended basis for prosecuting speech. The Anti-Terrorism Council would be the sole arbiter to determine whether a threat should be considered serious. Those convicted would face up to 12 years in prison.

RA 11479 exempts advocacy, work stoppages, and humanitarian action from the definitions of terrorism, provided they are "not intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety." But the council's power to determine what constitutes a serious risk undermines those protections.

The subject law also relaxes accountability for law enforcement agents who violate the rights of suspects, particularly those in detention. Under the previous

HSA, law enforcement agents who wrongfully detain suspects can be penalized 500,000 pesos (US\$10,000) for every day of wrongful detention. But this safeguard provision against government misconduct has been deleted from RA 11479.

The broad role of the Anti-Terrorism Council under the new law places people's liberty rights at considerable risk, Human Rights Watch said. It is an executive department-led agency chaired by the president's executive secretary and composed of presidential appointees such as the secretary of national defense. The council's secretariat will be run by the National Intelligence Coordinating Agency (NICA), the government's main intelligence body composed primarily of security force officials extremely loyal to President Duterte.

NICA, along with the National Task Force to End Local Communist Armed Conflict created by the Philippines National Security Council, has been carrying out a long-running surveillance, harassment, and suppression campaign against activists and groups that operate openly and legally. The agency has frequently accused these groups and individuals of being front organizations, members, or supporters of the New People's Army, the armed wing of the Communist Party of the Philippines.

Over the years, the government has targeted hundreds of community activists, tribal leaders, farmers, environmentalists, trade union leaders, and local journalists with threats, harassment, and prosecution on suspicion of being communists or communist sympathizers. The UN Human Rights Office in Geneva released on June 4, 2020 a report on the Philippines saying that at least 248 activists have been killed between 2015 and 2019 in relation to their work. The military and police, and their inter-agency forms of the NICA and the task force, have similarly accused leftist political groups of being front organizations for the New People's Army.

The new counterterrorism law could have a horrific impact on basic civil liberties, due process, and the rule of law amid the Philippines' shrinking democratic space, Robertson said. The Philippine people are about to face an Anti-Terrorism Council that will be prosecutor, judge, jury, and jailer rolled into one and all at the same time.

But the most dangerous thing or aspect of this whole exercise is no less than President Duterte himself.

He has already almost neutralized the democratic and time-honored principle of checks and balances by successfully taking full control of the Senate and House of Representatives. Fortunately, our country still has the Honorable Supreme Court to put a check and balance on President Duterte's abuses and dictatorial tendencies.

He already has full and absolute control of the military and police, a necessary ingredient for a dictatorship. Moreover, he has systematically neutralized his critics or perceived enemies from the media, opposition, etc.

Petitioner knows all too well that the Honorable Supreme Court is very much aware that "those who fail to learn the lessons of history are bound to repeat it".

While the late President Ferdinand Marcos declared Martial Law to perpetuate his dictatorship and/or himself in power, President Duterte needs only RA 11479 to do the same.

President Duterte has the unmitigated tendency or self-serving policy of adopting an attitude of: "If you are not for me, then you are against me". So critics of his administration can easily be labeled as terrorists under this anti-terrorism law since those who are not for Duterte are against Duterte.

In fact, two (2) days after signing RA 11479 into law, President Duterte's National Security Adviser Secretary Hermogenes Esperon, Jr. said that: "Critics of the anti-terrorism law of 2020 could be terrorists' supporters". (Source: GMA News Online, July 5, 2020)

In any event, here is the tricky part for the Honorable Supreme Court to resolve: "Should the Honorable Court decide in favor of the petitioners and declare as unconstitutional RA 11479, then, expect orchestrated bombings, massacres or gunfights to occur in Luzon, Visayas and Mindanao. This is to compel the Honorable Supreme Court to eventually decide in favor of the constitutionality of the anti-terrorism law. History will prove and is replete with situations wherein one creates a terrifying crisis in order to achieve a goal or agenda. Some cases in point are as follows:

- 1) World War I paved the way for the creation of the League of Nations encompassing around sixty (60) countries;
- 2) World War II paved the way for the creation of the United Nations encompassing more than one hundred (100) countries;
- 3) World Trade Center destruction on September 11, 2001 paved the way for the passing into law the United States Patriot Act; and
- 4) The late President Marcos claimed that his defense secretary was ambushed as a justification for declaring martial law.

REASONS FOR THE GRANT OF PETITION

There is a humane, Christian and compelling need to grant this petition and consequently, to declare in very clear, absolute and unequivocal terms, the

unconstitutionality of certain provisions and/or sections of Republic Act No. 11479 for the following reasons and infringements upon the 1987 Philippine Constitution, to wit:

- 1) It violates Section 1, Article III of the Constitution under the Bill of Rights;
- 2) It violates Section 2, Article III of the Bill of Rights;
- 3) It violates Section 4, Article III of the Bill of Rights;
- 4) It violates Section 8, Article III of the Bill of Rights;
- 5) It violates Section 12(2), Article III of the Bill of Rights;
- 6) It violates Section 14(1), Article III of the Bill of Rights;
- 7) It violates Section 15, Article III of the Bill of Rights; and
- 8) It violates Section 11, Article II of the Constitution under Declaration of State Policies.

DISCUSSION

Article III Bill of Rights

Section 2. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

It is very clear and one which leaves no room for doubt that Sec. 29 of Republic Act No. 11479 runs afoul to Section 2, Article III, Bill of Rights of the 1987 Philippine Constitution. In fact, Sec. 29 of RA No. 11479 renders useless and nugatory the sole power of a judge to issue a warrant of arrest since the ATC is given the sole power and prerogative to bypass our judicial authorities by arresting any suspected person without a judicial warrant of arrest. This is a classic case of the Anti-Terrorism Council acting as jailer, prosecutor and judge all at the same time.

Sec. 29 of RA 11479 is a very dangerous provision of the anti-terrorism law because of the following reasons, to wit:

- 1) One who earns the ire of President Duterte can just be picked up and arrested anytime by his alter egos, the executive officials comprising the ATC;
- 2) Even if there is no evidence against the person arrested, the 24-day period is more than enough time for the military or police to coerce, torture, plant evidence, rape, fabricate evidence against the arrestee

and/or engage in a fishing expedition against the latter. This happened with impunity during the Marcos dictatorship, it could happen again in President Duterte's reign;

- 3) Recently, two (2) police officers raped and committed acts of lasciviousness against two (2) women, one of whom was a minor who was murdered right after she escaped from her arresting officers in Ilocos Sur. This happened within 2 days after the young girls were arrested;
- 4) If the military or police or ATC has the evidence, then you don't need 24 days to conduct a fishing expedition as they can file the case right away; and
- 5) Citing information from the Center for Women's Resources, some Philippine lawmakers said that 63 police officers have been involved in cases of violence against women including rape over the period of July 2016 to December 2019 all within Mr. Duterte's presidency.

As to his other grounds for seeking the nullity of certain provisions and/or sections of RA No. 11479, herein petitioner adopts the legal arguments and discussions of his co-petitioners for lack of time since he was told by LBC and JRS Express that it takes at least two (2) weeks for his documents/mail matter to reach Metro Manila.


PRAYER

WHEREFORE, the foregoing premises considered, petitioner respectfully prays the Honorable Court to nullify and declare as unconstitutional Republic Act No. 11479 specifically Sections 4,5,9,10,16,17,25,26 and 29 thereof.

Petitioner further prays for such other reliefs or remedies consistent with law, equity, justice, basic human rights and human dignity.

Very respectfully submitted.

Cebu City (for Manila), Philippines, July 15, 2020.


Lawrence A. Yerbo
Petitioner
No. 74 Pit-os, Talamban
Cebu City

**VERIFICATION AND STATEMENT OF
NON-FORUM SHOPPING**

I, Lawrence A. Yerbo, of legal age, Filipino and a resident of Talamban, Cebu City, Philippines after having prepared this petition states that:

I am the petitioner in the above-entitled case; I have prepared myself the foregoing petition above-entitled, the contents of which I have read and found to be true and correct of my own personal knowledge.

Furthermore, I admit and vouch in all honesty that I have not commenced any other action or proceeding involving the same issues in the Supreme Court, Court of Appeals or different divisions thereat, or any other agency or tribunal and that to the best of my knowledge, no action or proceeding involving the same issues is pending before said courts, tribunal or agencies.

Should I thereafter learn that a similar action or proceeding has been filed or is pending before any of the above-mentioned courts, tribunals or agencies, I will promptly inform them within 5 days therefrom.

In Witness Whereof, I have hereunto signed this document this 15th day of July 2020 at Cebu City, Philippines.



Lawrence A. Yerbo
Petitioner

EXPLANATION

I have not been able to have this Verification subscribed, sworn and notarized before a notary public since Cebu City is on a lockdown/ECQ right now and offices are closed except essential services such as food, medicines, hospitals and medical laboratories. Mailing through LBC and JRS Express is open and available.

Service by LBC or JRS Express to respondents as well as filing by the same mode to the Honorable Supreme Court are availed of, instead of personal service because of sheer distance between Cebu City and Metro Manila.



Lawrence A. Yerbo

PROOF OF SERVICE

1. Office of the Hon. Speaker –
House of Representatives
Batasan Complex, Quezon City
1126
2. Office of the Hon. Senate President
CCP Complex, Pasay City
1307

BC: 1941



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E-mail: jrsmain@jrs-express.com
Website: www.jrs-express.com



No. 267409

DATE	7/17
ORIGIN	FTE
PIECES	1
WEIGHT	

(Consignee)

OFFICE OF THE HON. SENATE
PRESIDENT
PAGAY CITY

PAYMENT OF THE FOLLOWING	
PARTICULARS	AMOUNT
FREIGHT	
VALUATION	
INSURANCE	
PICK UP FEE	
OTHERS	
TOTAL	P

DESTINATION	PAGAY CITY
SERVICES	<input type="checkbox"/> EXPRESS <input checked="" type="checkbox"/> ORDINARY
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JRS BOX	<input type="checkbox"/> XS <input type="checkbox"/> SMALL <input type="checkbox"/> MEDIUM <input type="checkbox"/> LARGE
DESCRIPTION / CONTENTS	DOCS
RECEIVED IN GOOD ORDER AND CONDITION	
PRINT NAME	DATE
Signature	TIME

Received from LAURANCE YERBO

TIN No. _____ Address CC

engaged in the business style of _____

the sum of _____ (P 99)

in partial/full payment for _____

RECEIVED FOR JRS

Cashier/Collector Name _____

SHIPPERS SIGNATURE _____

Print Name _____ Signature _____

FORM OF PAYMENT	
CASH	P
CHECK NO.	
BANK	
CHECK DATE	
AMOUNT ON CHECK	P
VATable	P
VAT Exempt Sale	
VAT Zero Rated Sale	
TOTAL SALES	
12% VAT	10.01
Gross Sales	
Less Withholding Tax	P 99
AMOUNT DUE	

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Website: www.jrs-express.com



No. 267410

DATE	7/17
ORIGIN	FTE
PIECES	1
WEIGHT	

(Consignee)

OFFICE OF THE HON. SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

PAYMENT OF THE FOLLOWING	
PARTICULARS	AMOUNT
FREIGHT	
VALUATION	
INSURANCE	
PICK UP FEE	
OTHERS	
TOTAL	P

DESTINATION	QUEZON CITY
SERVICES	<input checked="" type="checkbox"/> EXPRESS <input checked="" type="checkbox"/> ORDINARY
PACKAGE TYPE	LC
JRS BOX	<input type="checkbox"/> XS <input type="checkbox"/> SMALL <input type="checkbox"/> MEDIUM <input type="checkbox"/> LARGE
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Signature	TIME

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engaged in the business style of _____

the sum of _____ (P 99)

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VAT Exempt Sale	
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TOTAL SALES	
12% VAT	10.01
Gross Sales	
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