

Republic of the Philippines  
SUPREME COURT  
Manila

EN BANC

ATTY. HOWARD M. CALLEJA,  
ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252578

EXECUTIVE SECRETARY, ET.  
AL.

*Respondents.*

X-----X

REP. EDCEL C. LAGMAN,

*Petitioner,*

-versus-

G.R. No. 252579

EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA,  
ET. AL.,

*Respondents.*

X-----X

MELENCIO S. STA. MARIA,  
ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252580

EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA,  
ET. AL.,

*Respondents.*

X-----X

BAYAN MUNA PARTY LIST  
REPRESENTATIVES CARLOS  
ISAGANI T. ZARATE, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252585

PRESIDENT RODRIGO  
DUTERTE, ET. AL.,

*Respondents.*

X-----X

x-----x

**RUDOLF PHILIP B. JURADO,**  
*Petitioner,*

-versus-

G.R. No. 252613

**THE ANTI-TERRORISM  
COUNCIL, ET. AL.,**  
*Respondents.*

x-----x  
**CENTER FOR TRADE UNION  
AND HUMAN RIGHTS  
(CTUHR),**  
*Petitioners,*

-versus-

G.R. No. 252623

**HON. RODRIGO R. DUTERTE,**  
in his capacity as **PRESIDENT  
and COMMANDER-IN-CHIEF  
OF THE REPUBLIC OF THE  
PHILIPPINES, ET. AL.,**  
*Respondents.*

x-----x  
**CHRISTIAN S. MONSOD, ET.  
AL.,**  
*Petitioners,*

-versus-

G.R. No. 252624

**EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA,  
ET. AL.,**  
*Respondents.*

x-----x  
**SANLAKAS, represented by  
Marie Marguerite M. Lopez,**  
*Petitioner,*

-versus-

G.R. No. 252646

**RODRIGO R. DUTERTE, as  
President and Commander-in-  
Chief of All the Armed Forces, ET.  
AL.,**  
*Respondents.*

x-----x  
**FEDERATION OF FREE  
WORKERS) FFW-NAGKAISA**

X-----X

herein represented by its  
NATIONAL PRESIDENT ATTY.  
JOSE SONNY MATULA, ET.  
AL.,

*Petitioners,*

-versus-

G.R. No. 252702

OFFICE OF THE PRESIDENT  
OF THE REPUBLIC OF THE  
PHILIPPINES, ET. AL.,

*Respondents.*

X-----X

JOSE J. FERRER, JR.,

*Petitioner,*

-versus-

G.R. No. 252726

EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA,  
ET. AL.,

*Respondents.*

X-----X

Bagong Alyansang Makabayan  
(BAYAN) Secretary General  
RENATO REYES, JR.,

*Petitioners,*

-versus-

G.R. No. 252733

H.E. RODRIGO R. DUTERTE,  
ET. AL.,

*Respondents.*

X-----X

ANTONIO T. CARPIO, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252736

ANTI-TERRORISM COUNCIL,  
ET. AL.,

*Respondents.*

X-----X

MA. CERES P. DOYO, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252741

x-----x

SALVADOR C. MEDIALDEA, in  
his capacity as Executive  
Secretary, ET. AL.,

*Respondents.*

x-----x  
NATIONAL UNION OF  
JOURNALISTS OF THE  
PHILIPPINES, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252747

ANTI-TERRORISM COUNCIL,  
ET. AL.,

*Respondents.*

x-----x  
KABATAANG  
TAGAPAGTANGGOL NG  
KARAPATAN represented by its  
National Convener Bryan Ezra C.  
Gonzales, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252755

EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA,  
ET. AL.,

*Respondents.*

x-----x  
ALGAMAR A. LATIPH, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252759

SENATE, represented by its  
President, VICENTE C. SOTTO,  
III, ET. AL.,

*Respondents.*

x-----x  
THE ALTERNATIVE LAW  
GROUPS, INC.,

*Petitioner,*

G.R. No. 252765

-versus-

EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA,

X-----X

*Respondent.*

X-----X  
GENERAL ASSEMBLY OF  
WOMEN FOR REFORMS,  
INTEGRITY, EQUALITY,  
LEADERSHIP AND ACTION  
(GARBIELA) INC., ET. AL.,  
*Petitioners,*

-versus-

G.R. No. 252768

PRESIDENT RODRIGO ROA  
DUTERTE, ET. AL.,

*Respondents.*

X-----X  
BISHOP BRODERICK S.  
PABILLO, ET. AL.,  
*Petitioners,*

-versus-

G. R. No. 252767

PRESIDENT RODRIGO R.  
DUTERTE, ET. AL.,

*Respondents.*

X-----X  
HENDY ABENDAN of Center for  
Youth Participation and  
Development Initiatives, ET. AL.,  
*Petitioners,*

-versus-

G.R. No. 252802

HON. SALVADOR C.  
MEDIALDEA, in his capacity as  
Executive Secretary and  
Chairperson of the Anti-  
Terrorism Council, ET. AL.,

*Respondents.*

X-----X  
CONCERNED ONLINE  
CITIZENS represented and  
joined by MARK L. AVERILLA,  
ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252809

x-----x

EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA,  
ET. AL.,

*Respondents.*

x-----x  
Concerned Lawyers for Civil  
Liberties (CLCL) members RENE  
A.V. SAGUISAG, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252903

PRESIDENT RODRIGO ROA  
DUTERTE, ET. AL.,

*Respondents.*

x-----x  
LAWRENCE A. YERBO,

*Petitioner,*

-versus-

G.R. No. UDK1663

OFFICES OF THE  
HONORABLE SENATE  
PRESIDENT, ET. AL.,

*Respondents.*

x-----x  
BEVERLY LONGID, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252904

ANTI-TERRORISM COUNCIL,  
ET. AL.,

*Respondents.*

x-----x  
CENTER FOR  
INTERNATIONAL LAW  
(CENTERLAW), INC.,  
represented by its President,  
JOEL R. BUTUYAN, who is also  
suing on his own behalf, ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252905

SENATE OF THE  
PHILIPPINES, ET. AL.,

*Respondents.*



x-----x

x-----x  
MAIN T. MOHAMMAD, ET.  
AL.,

*Petitioners,*

-versus-

G.R. No. 252916

EXECUTIVE SECRETARY as  
represented by SALVADOR C.  
MEDIALDEA, ET. AL.,

*Respondents.*

x-----x  
BRGY. MAGLAKING, SAN  
CARLOS CITY, PANGASINAN  
SANGGUNIANG KABATAAN  
(SK) CHAIRPERSON MELUEL  
GIO FERNANDEZ CAYABYAB,  
ET. AL.,

*Petitioners,*

-versus-

G.R. No. 252921

RODRIGO R. DUTERTE, ET.  
AL.

*Respondents.*

x-----x

**REPLY**  
**To the Supplemental Comment**

Petitioner by counsel, after having received respondent's Supplemental Comment dated August 24, 2020, on September 2, 2020, files this Reply and respectfully states:

1. Respondents did not respond to the submissions in the Petition that the Warrantless Arrest and detention under the Anti-Terrorism Act is virtual Martial Law without the declaration of Martial Law, hence without the checks and balances attendant to Martial Law under the Constitution; the arrest and detention of persons is a judicial function belonging to the Judiciary and the Act erodes and removes the jurisdiction and authority of the judiciary to protect and enforce Constitutional Rights, viz:

"The Petitioner now comes to this Honorable Court for its consideration of the following submissions:

a) Arrest without warrant imposes *Martial Law* without a declaration of *Martial Law* under the Constitution. And the Anti-Terrorism Act, in allowing warrantless arrest removes the checks and balances mandated by the Constitution were martial law is declared;

b) Though the Anti-Terrorism Act does not expressly state, the right against illegal search and seizure stands to be violated while security forces are enforcing warrantless arrest;

c) Warrantless arrest under Section 29 and detention of fourteen (14) days extendable to another ten (10) days, a total of twenty four (24) days, without criminal charges being filed encroaches and cancels judicial authority and jurisdiction to determine probable cause and the public prosecutor's power to establish a prima facie case."

x x x

#### "RELIEF SOUGHT

Arrest without warrant imposes martial law power without the declaration of martial law, and that removes the checks and balances from Congress, and the Supreme Court provided in Article VII, Section 18 of the Constitution.

The *Anti-Terrorism Act* removes judicial authority to issue warrants and replaces it with authorization from the *Anti-Terrorism Council*. Thereby removing check and balance and gives to the arresting officer, on mere suspicion, hearsay or no evidence, the discretion to make the arrest, arrest without warrant, thereby replacing the judicial authority to decide the probable cause and the public prosecutor's power to prove prima facie case.



Checks and balances are essential in a Republic, which is absent in the statute. The arrest and detention without a warrant is an entirely a process of an Executive Branch, authorized by the Anti-Terrorism Council, which is comprised of members of the Cabinet, all President's men of whoever is the incumbent President."

2. Respondents argue that the claim of Petitioner and other Petitioners of injury because of the provisions of the Anti-Terrorism Act is merely speculative. The metaphor for the Act is a big boulder uphill directly above many houses downhill. According respondents, the persons in the houses downhill need not fear, take no moves until the boulder rolls crushing the houses. Equivalent to respondents' argument that the Petitioners need not fear the warrantless arrest and detention under the Act until arrested and detained without warrant.

3. The arrest and detention of a person require a due process that needs the cold neutrality of a judge.

"This Court has repeatedly and consistently demanded the "cold neutrality of an impartial judge" as the indispensable imperative of due process. x x x" (Isagani A. Cruz, Constitutional Law, page 223 citing Javier v. Commission on Elections, 144 SCRA 194)

4. The warrantless arrest and detention of a person by the arresting officers authorized by the Anti-Terrorism Council or non-judicial persons are lacking in the cold neutrality of a judge.

5. Respondents' argument that there is a presumption of the constitutionality of the Act cannot hold in this case because the Anti-Terrorism Act has a patently unconstitutional provision:

- a. The arrest and detention of a person is a judicial action subject to be exercised with due process with the cold neutrality of a judge. The warrantless arrest at the initiative of the arresting officer, police, or military authorized by the Anti-Terrorism Council is a non-judicial process without the cold neutrality of a judge.
- b. The warrantless arrest and detention of persons under the Anti-Terrorism Act deprive the detainee of his constitutional rights of presumption of innocence, right to life, liberty, property, and dignity without due process of law.

6. "The participation" of the Courts in the warrantless arrest and detention under the Act is passive, if token, after the arrest and detention, and only to act on the request that the detention be extended to another ten (10) days so evidence can be gathered against the detainee.

"SEC. 29. Detention Without Judicial Warrant of Arrest. -  
... "if it is established that (1) further detention of the person/s is necessary to preserve evidence related to the terrorism or complete the investigation; (2) further detention of the person/s is necessary to prevent the commission of another terrorism; and (3) the investigation is being conducted properly and without delay.

x x x"

Immediately after taking custody of a person suspected of committing terrorism or any member of a group of persons, organization or association proscribed under Section 26 hereof, the law enforcement agent or military personnel shall notify in writing the judge of the court nearest the place of apprehension or arrest of the following facts: (a) the time, date, and manner or

arrest; (b) the location or locations of the detained suspect/s and  
(c) the physical and mental condition of the detained suspect/s.”

7. The United Nations urging countries to enact Anti-Terrorism Laws and the Human Security Law of 2007 are not arguments. Verily, the United Nations will not tolerate an Anti-Terrorism Law that violates the Constitution. Nor is the Human Security Law of 2007 that had none of the unconstitutional provisions of the Anti-Terrorism Act be cited as an argument in favor of unconstitutional provisions of the Act.

8. The Act authorizes the Anti-Terrorism Council to automatically adopt the United Nations Security Council Consolidated List of designated individuals, groups of persons, organizations or associations designated and/or identified as a terrorist, one who finances terrorism or a terrorist organization or group. (Sec. 25) Thus, in addition to the United Nations List of Terrorist persons, groups, organizations, the Act would have a Philippine-designated terrorists, raising terrorism, a police matter, to the highest national concern up to the Secretaries of the cabinet in the Executive Branch.

9. Respondents have acknowledged that the requirement of locus standi is procedural and will not stand in the way of important and substantial issues.

The constitutionality of the provisions of the statute is so important and paramount that it affects life, liberty, and property not only at present but in the future, while the law is enforced.

10. Respondents named certain Petitions allegedly not conforming to requisite form and substance. Those Petitions lacking in form and substance offer platforms that is to say litigation, so that this Honorable Court may act and resolve the important and significant constitutional issue of the infirmity of the Act that otherwise would not be up for decision by this Honorable

Court. The Supreme Court, the entire judicial hierarchy are passive entities that can act only upon cases filed with the courts.

**PRAYER**

**WHEREFORE**, it is respectfully prayed of this Honorable Court that this Reply is admitted and considered by this Honorable Court in its deliberations and resolution of this Petition and the other Consolidated Petitions.

Other just and equitable reliefs are prayed for.

Respectfully submitted.

Quezon City for City of Manila, September 8, 2020.

**CALLANTA ONGLENGCO & MOREÑO LAW PARTNERS**

*Counsel for Petitioner*

*Jose J. Ferrer, Jr.*

Unit 601 Prince Jun Condominium

No. 42 Timog Avenue, Q.C. 1103

Telephone Number: 8370-1933

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BY:

**ERWIN C. ONGLENGCO**

Roll No. 45344

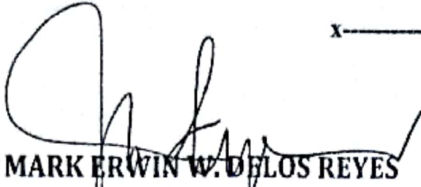
IBP Lifetime No. 02540 / Q.C.

PTR No. 9264561 / 01-07-2020 / Q.C.

MCLE COMPLIANCE No. VI-0023423

(April 11, 2019)

Email: erwin\_onglengco@yahoo.com



**MARK ERWIN W. DELOS REYES**

Roll No. 64501

IBP No. AR38346531 / 01-06-2020 / Q.C.

PTR No. 9264445 / 01-07-2020 / Q.C.

MCLE COMPLIANCE No. VI-0023347

(April 11, 2019)

Email: attymark@medrlaw.com

Copy furnished:

**JOSE C. CALIDA**

Counsel for the Respondents  
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Legaspi Village, Makati City 1229

Reg. Rec. No. 298-566-498 w/r.c.

Post Office: BP postal station

11 September 2020

#### EXPLANATION

Service to respondents by registered mail due to time constraints.



**MARK ERWIN W. DELOS REYES**



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

### AFFIDAVIT OF SERVICE

I, **KIM HAROLD R. MANALOTO**, of legal age, Filipino, single, with office address at Unit 601 Prince Jun Condominium No. 42 Timog Ave., Quezon City after being duly sworn in accordance with law, depose and say: *THAT*-

1. On 11 September 2020, I was tasked by **Atty. Mark Erwin W. Delos Reyes** to serve the Reply To The Supplemental Comment in the case entitled "*Jose J. Ferrer, Jr. vs. Executive Secretary Salvador C. Medialdea, et. al.*", to:

**JOSE C. CALIDA**  
Counsel for the Respondents  
Office of the Solicitor General  
OSG Building, 134 Amorsolo St.,  
Legaspi Village, Makati City 1229

(By registered mail  
with return card)

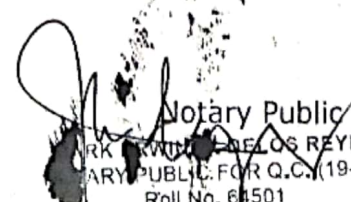
2. I execute this affidavit to attest to the truth of the foregoing statements and for whatever legal purposes this may serve.

IN WITNESS WHEREOF, I have hereunto set my hand this  
SEP 11 2020 \_\_\_\_\_ day of September 2020 in Quezon City, Philippines.

  
**KIM HAROLD R. MANALOTO**  
Affiant

**SUBSCRIBED AND SWORN** to before me this 11 day of September 2020 at Quezon City, affiant exhibiting to me his LTO Driver's License No. NOZ-39-032255.

Doc. No. 201 ;  
Page No. 42 ;  
Book No. I ;  
Series of 2020.


  
Notary Public  
MARK ERWIN W. DELOS REYES  
NOTARY PUBLIC FOR Q.C. (19-20)  
Roll No. 64501  
BP No. AR38346531 /Q.C.  
PTR No. 9264445 /Q.C.  
MCLE No. V-0022993  
Adm. Matter No. NP-126  
601 Prince Jun Condominium  
42 Timog Avenue, QC/83701933



REPUBLIC OF THE PHILIPPINES )  
QUEZON CITY, METRO MANILA ) S.S.

**DECLARATION**

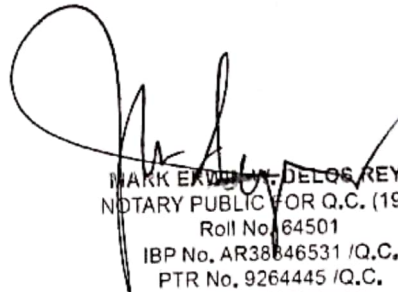
I, **AILENE G. BAENTO**, hereby declare that the document hereto submitted electronically in accordance with the efficient use of Paper Rule is complete and true copy of the document filed with the Supreme Court.

  
**AILENE G. BAENTO**  
Admin. Officer  
September 11, 2020

SEP 11 2020

**SUBSCRIBED AND SWORN TO** before me on this \_\_\_\_\_ day of September 2020, affiant exhibiting her competent evidence of identity, to wit: SSS UMID No. 33-6212814-8 issued at Quezon City.

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Page No. 42 ;  
Book No. I ;  
Series of 2020.

  
MARK EDWIN DELOS REYES  
NOTARY PUBLIC FOR Q.C. (19-20)  
Roll No. 64501  
IBP No. AR38846531 /Q.C.  
PTR No. 9264445 /Q.C.  
MCLE No. V-0022993  
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