

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

EN BANC

INTEGRATED BAR OF THE
PHILIPPINES, IBP NATIONAL
PRESIDENT DOMINGO EGON Q.
CAYOSA AND IBP GOVERNORS
BURT M. ESTRADA, DOROTEO
LORENZO B. AGUILA, BABY RUTH F.
TORRE, ELEAZAR S. CALASAN,
ERIC C. ALAJAR, GIL G. TAWAY IV,
GINA H. MIRANO-JESENA, JAMES
JAYSON J. JORVINA, and CHRISTY
JOY S. SOLLESTA,

Petitioners,

- versus -

SENATE OF THE PHILIPPINES, THE
HOUSE OF REPRESENTATIVES,
THE ANTI-TERRORISM COUNCIL
COMPOSED OF THE EXECUTIVE
SECRETARY, THE NATIONAL
SECURITY ADVISER, THE
SECRETARY OF FOREIGN AFFAIRS,
THE SECRETARY OF NATIONAL
DEFENSE, THE SECRETARY OF THE
INTERIOR OF THE LOCAL
GOVERNMENT, THE SECRETARY
OF FINANCE, THE SECRETARY OF
JUSTICE, THE SECRETARY OF
INFORMATION AND
COMMUNICATIONS TECHNOLOGY
AND THE EXECUTIVE DIRECTOR OF
THE ANTI-MONEY LAUNDERING
SECRETARIAT AS MEMBERS, THE
NATIONAL INTELLIGENCE
COORDINATING AGENCY, ARMED
FORCES OF THE PHILIPPINES,
represented by CHIEF OF STAFF LT.
GEN. GILBERT GAPAY, and
PHILIPPINE NATIONAL POLICE,
represented by LT. GEN. CAMILO
CASCOLAN,

Respondents.

X-----X

G.R. No. _____
For: *Certiorari* and Prohibition with
Application for Issuance of
Temporary Restraining Order
and with Prayer for the
Conduct of Oral Arguments.

PETITION (WITH APPLICATION FOR THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND PRAYER FOR THE CONDUCT OF ORAL ARGUMENTS)

Petitioners INTEGRATED BAR OF THE PHILIPPINES, and the members of its 24th Board of Governors, namely: IBP NATIONAL PRESIDENT DOMINGO EGON Q. CAYOSA AND IBP GOVERNORS BURT M. ESTRADA, DOROTEO LORENZO B. AGUILA, BABY RUTH F. TORRE, ELEAZAR S. CALASAN, ERIC C. ALAJAR, GIL G. TAWAY IV, GINA H. MIRANO-JESENA, JAMES JAYSON J. JORVINA, and CHRISTY JOY S. SOLLESTA, by counsel, respectfully state:

PREFATORY

“Whoever fights with monsters should see to it that he does not become one himself.”¹

Terrorism has been dubbed as “the greatest menace to humanity”² and a “global scourge with global effects”³ whose “methods are murder and mayhem.”⁴

¹ Friedrich Wilhelm Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy of the Future* 69 (Cambridge University Press, 2003). Available at https://books.google.com.ph/books?id=LHTKIY4Id1AC&pg=PA58&source=gbs_toc_r&cad=3#v=onepage&q&f=false (date last accessed: 31 August 2020).

² Pope John Paul II, *Zagrozenie terroryzmem* 100-101 (2001), cited in Wojciech Stankiewicz, *International Terrorism at Sea as a Menace to the Civilization of the 21st Century*, 48 No. 6 AMERICAN BEHAVIORAL SCIENTIST 683 (2005). Available at <https://journals.sagepub.com/stoken/default+domain/10.1177/0002764204272573/pdf> (date last accessed: 31 August 2020).

³ Statement of United Nations Secretary-General Kofi Anan, UN Security Council Ministerial Meeting on Terrorism, 20 January 2003. Available at <https://www.un.org/sc/ctc/news/document/menace-of-terrorism-requires-global-response-says-secretary-general-stressing-importance-of-increased-united-nations-role/#:~:text=The%20United%20Nations%20must%20also,to%20commit%20their%20appalling%20crimes> (date last accessed: 31 August 2020).

⁴ *Ibid.*

In the Philippines, from December 2000 to February 2010, ten (10) major terror attacks have claimed the lives of around two hundred forty one (241) persons and wounded about seven hundred seventy nine (779) others.⁵ From 2000 to 2012, Mindanao alone suffered twenty five (25) bombing and grenade attacks that killed over three hundred (300) people.⁶

Even the current administration of President Rodrigo Duterte continues to be plagued by such menace.

On 02 September 2016, just a few months after the President Duterte's assumption into office, a night market explosion in Davao killed at least fourteen (14) people.⁷ On 31 July 2018, at least ten (10) people died when a van containing an improvised explosive device (IED) exploded in Lamitan, Basilan.⁸ On 27 January 2019, an Indonesian couple bombed the Cathedral of Mount Carmel in Jolo, Sulu, which killed at least twenty three (23) people.⁹ On 28 June 2019, the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) reported the first confirmed case of suicide bombing in the Philippines by a Filipino when Norman Lasuca and another bomber charged to the gate of a Philippine Army camp in Indanan, Sulu that killed seven (7) people including the two (2) attackers.¹⁰ And most recently, on 24 August 2020, back-to-back explosions in Jolo, Sulu killed fourteen (14) people.¹¹

But none of these attacks had the traumatic lingering effect as that of the siege in Marawi City on May 2017. Two thousand two hundred sixty one (2,261) people were killed and three hundred fifty three thousand nine hundred twenty one (353,921) families have been displaced.¹²

⁵ Michelle Abad, Rappler, "FAST FACTS: Terrorism in the Philippines," 11 September 2019, available at <https://rappler.com/newsbreak/iq/things-to-know-about-terrorism-philippines> (date last accessed: 31 August 2020).

⁶ *Ibid.*

⁷ Rappler.com, "Explosion hits Davao night market," 02 September 2016, available at <https://rappler.com/nation/explosion-roxas-night-market-davao-city> (date last accessed: 31 August 2020).

⁸ Rambo Talabong and Richard Falcatan, Rappler.com, "Child, women among 10 dead in Basilan blast," 31 July 2018, available at <https://rappler.com/nation/deaths-explosion-lamitan-basilan-july-31-2018> (date last accessed: 31 August 2020).

⁹ Mara Cepeda and Rambo Talabong, Rappler.com, "At least 23 dead in Jolo Cathedral bombing," 27 January 2019, available at <https://rappler.com/nation/jolo-sulu-cathedral-bombing-january-27-2019> (date last accessed: 31 August 2020).

¹⁰ JC Gotinga, Rappler.com "AFP, PNP: Filipino suicide bomber behind Sulu attack," 10 July 2019, available at <https://rappler.com/nation/afp-pnp-say-filipino-suicide-bomber-behind-sulu-attack> (date last accessed: 31 August 2020).

¹¹ JC Gotinga, Rappler.com "14 people killed, 75 wounded as twin blasts hit Jolo town center," available at <https://rappler.com/nation/deadly-twin-explosions-jolo-town-center> (date last accessed: 31 August 2020).

¹² Michelle Abad, Rappler, "FAST FACTS: Terrorism in the Philippines," 11 September 2019, available at <https://rappler.com/newsbreak/iq/things-to-know-about-terrorism-philippines> (date last accessed: 31 August 2020).

Given these grisly and deplorable attacks, the Philippine Government's prime duty to serve and protect the people, as declared in Section 4, Article II of the 1987 Constitution comes to fore.

Years following the 11 September 2001 attacks, former United Nations Secretary-General Kofi Annan admitted that "the problem of terrorism will require sustained long-term action if it is to be addressed successfully."¹³

In its Country Reports on Terrorism 2019 for the Philippines, the United States (US) Department of State recognized the efforts of the country to combat violent extremism, citing efforts to encourage defections from the Abu Sayyaf Group (ASG), Bangsamoro Islamic Freedom Fighters (BIFF) and the Maute Group and rehabilitate former fighters. It also noted the Philippines' joint patrols with Indonesia and Malaysia to combat piracy, terrorism and the illegal drug trade. It also lauded the passage of a referendum to ratify the Bangsamoro Organic Law to implement the peace agreement between the Philippine Government and the Moro Islamic Liberation Front. Still, the US Department of State noted that the Philippines remains a destination for foreign terrorist fighters from Indonesia, Malaysia, countries from the Middle East and Europe.¹⁴

With the monstrosity and barbarity of terrorism still looming from within and outside the country, despite government efforts to address it *via* Republic Act (R.A.) No. 9372 or the Human Security Act of 2007 and R.A. No. 10168 or the Terrorism Financing Prevention and Suppression Act of 2012, the Duterte administration decided to turn its fight against terrorism up a notch. Thus, R.A. 11479 or The Anti-Terrorism Act of 2020 (Anti-Terrorism Act) was approved on 03 July 2020 and became effective on 18 July 2020.¹⁵

However, as early as 2003, former UN Secretary-General Anan cautioned that the war on terrorism also brings with it "collateral damage", specifically, "damage to the presumption of innocence, to precious human rights, to the rule of law, and to the very fabric of democratic governance."¹⁶ He further warned that the desire to win

¹³ Statement of United Nations Secretary-General Kofi Annan, UN Security Council Ministerial Meeting on Terrorism, 20 January 2003. Available at <https://www.un.org/sc/ctc/news/document/menace-of-terrorism-requires-global-response-says-secretary-general-stressing-importance-of-increased-united-nations-role/#:~:text= Terrorism%20is%20a%20menace%20that%20requires%20a%20global%20response.&text=The%20United%20Nations%20must%20also,to%20commit%20their%20appalling%20crimes> (date last accessed: 31 August 2020).

¹⁴ United States Department of State, "Country Reports on Terrorism 2019: Philippines," available at <https://www.state.gov/reports/country-reports-on-terrorism-2019/philippines/> (date last accessed: 31 August 2020).

¹⁵ A certified true copy of the Anti-Terrorism Act assailed in this Petition is attached herewith as **Annex "A"**.

¹⁶ Statement of United Nations Secretary-General Kofi Annan, UN Security Council Ministerial Meeting on Terrorism, 20 January 2003. Available at <https://www.un.org/sc/ctc/news/document/menace-of->

against terrorism may, instead of producing the desired results, end up rotting democratic principles and institutions from within:

“Domestically, the danger is that in pursuit of security, we end up sacrificing crucial liberties, thereby weakening our common security, not strengthening it – and thereby corroding the vessel of democratic government from within. Whether the question involves the treatment of minorities here in the West, or the rights of migrants and asylum seekers, or the presumption of innocence or the right to due process under the law — vigilance must be exercised by all thoughtful citizens to ensure that entire groups in our societies are not tarred with one broad brush and punished for the reprehensible behaviour of a few.”¹⁷

Worse, he laments how terrorism is already being frequently used “to demonize political opponents, to throttle freedom of speech and the press, and to delegitimize legitimate political grievances.”¹⁸

Unfortunately for the Philippines, these fears have all taken form in the Anti-Terrorism Act – an abhorrent law designed to strangle all sacred freedoms and tenets of democracy under the Bill of Rights and the 1987 Constitution as a whole in the familiar guise of another populist war, this time against “terrorism”.

Recent events in the country have already shown how this new war against “terrorism” rears its ugly head.

Eight (8) persons, composed of reportedly seven (7) minors and a journalist, were arrested inside the University of the Philippines (UP) Cebu campus last 05 June 2020 while protesting against the Anti-Terrorism Bill.¹⁹ On 04 July 2020, a day after the Anti-Terrorism Law was enacted, eleven (11) were arrested during another indignation rally in Cabuyao, Laguna.²⁰ In both arrests, authorities claim that the arrests were made due to violation of quarantine protocols. On 16 July 2020, the Malaybalay City police posted an infographic on Facebook bearing photos of several individuals holding placards with messages of support for ABS-CBN after lawmakers denied its franchise

[terrorism-requires-global-response-says-secretary-general-stressing-importance-of-increased-united-nations-role/#:~:text=terrorism%20is%20a%20menace%20that%20requires%20a%20global%20response.&text=The%20United%20Nations%20must%20also,to%20commit%20their%20appalling%20crimes](#)
(date last accessed: 31 August 2020).

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Ryan Macasero, Rappler.com, “Cops arrest at least 8 activists at anti-terrorism bill protest in Cebu City” available at <https://rappler.com/nation/arrested-anti-terrorism-bill-protest-cebu-city> (date last accessed: 04 September 2020).

²⁰ Franco Luna, Philstar.com, “11 activists protesting enactment of Anti-Terrorism Law arrested in Cabuyao,” available at <https://www.philstar.com/nation/2020/07/04/2025743/11-activists-protesting-enactment-anti-terrorism-law-arrested-cabuyao> (date last accessed: 04 September 2020).

application together with the text: "*Malalaman mong sila ay para sa terorismo, papatulan lahat ng isyu basta laban sa gobyerno.*" In the report, the text in the infographic was translated as "You'll know they are for terrorism, if they take advantage of all issues as long as these are against the government."²¹ On 26 July 2020, police confiscated thousands of printed copies of the news magazine Pinoy Weekly at Villa Lois public housing in Pandi, Bulacan.²²

Events made an even more alarming turn when peasant leader and Anakpawis chair Randall "Randy" Echanis was shot and killed inside his rented house in Novaliches, Quezon City on 10 August 2020. Aside from being Anakpawis chair, Echanis served as political consultant for the National Democratic Front of the Philippines (NDFP).²³ Just a week after, Bacolod-based activist Zara Alvarez was shot on her way to her boarding house in Bacolod City. Prior to her death, Alvarez had been monitoring and documenting killings and arrests of farmers, lawyers and activists on Negros Island. She was also a single mother to an eleven (11) year old daughter.²⁴

It is worthy to note that the report found out that Echanis and Alvarez were among 600 people listed as terrorists by the Department of Justice (DOJ) in 2018 in a proscription petition in the regional trial court of Manila. They were removed from the list after the petition was amended last year.²⁵

It is so timely that the Honorable Court had once again emphatically asserted the supremacy of the Constitution and its fundamental freedoms in *People vs. Sapla*,²⁶ declaring that a war against dangerous drugs that disregards basic rights is actually a "war against the people", to wit:

"The Court fully recognizes the necessity of adopting a resolute and aggressive stance against the menace of illegal drugs. Our Constitution declares that the maintenance of peace and order and the promotion of the

²¹ Rod Bolivar, Zhander Cayabyab and Jamaine Punzalan, ABS-CBN News, "Malaybalay cops' FB post linking ABS-CBN supporters to terrorism probed," available at <https://news.abs-cbn.com/news/07/17/20/malaybalay-cops-fb-post-linking-abs-cbn-supporters-to-terrorism-probed> (date last accessed: 04 September 2020).

²² CNN Philippines, "Editor-in-chief condemns 'illegal seizure' of magazine copies by Bulacan police," available at <https://www.cnn.ph/news/2020/7/26/pandi-bulacan-kenneth-guda-pinoy-weekly-illegal-seizure.html> (date last accessed: 04 September 2020).

²³ Lian Buan, Rappler.com, "Anakpawis chair Randy Echanis killed inside Quezon City home," available at <https://rappler.com/nation/anakpawis-chair-randy-echanis-killed-inside-quezon-city-home> (date last accessed: 04 September 2020).

²⁴ Carla P. Gomez and Nestor P. Burgos, Jr., Inquirer.net, "Slain activist was monitoring Negros abuses, killings," available at <https://newsinfo.inquirer.net/1323844/watchdog-of-negros-killings-abuses-slain> (date last accessed: 04 September 2020).

²⁵ *Ibid.*

²⁶ G.R. No. 244045, 16 June 2020.

general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Nevertheless, by sacrificing the sacred and indelible right against unreasonable searches and seizures for expediency's sake, the very maintenance of peace and order sought after is rendered wholly nugatory. By disregarding basic constitutional rights as a means to curtail the proliferation of illegal drugs, instead of protecting the general welfare, oppositely, the general welfare is viciously assaulted. In other words, when the Constitution is disregarded, the battle waged against illegal drugs becomes a self-defeating and self-destructive enterprise. **A battle waged against illegal drugs that tramples on the rights of the people is not a war on drugs; it is a war against the people.**

The Bill of Rights should never be sacrificed on the altar of convenience. Otherwise, the malevolent mantle of the rule of men dislodges the rule of law.”
(Emphasis in the original)

Just like with the war on drugs, Petitioners solemnly urge the Honorable Court to uphold the primacy of the 1987 Constitution once again in the Philippine Government's new war against terrorism as it passed a law defining a crime so vague and broad that anyone can be detained for as long as twenty four (24) days on the mere say so of the Executive Department as only one of its most harmful and pernicious provisions. The Anti-Terrorism Act offends the people's rights against arrests, searches and seizures without judicial determination²⁷, against deprivation of life, liberty and property without due process of law²⁸, against abridgment of the freedom of speech and of expression²⁹, against *ex post facto* laws³⁰ and the rights not to be held to answer for a criminal offense without due process of law and to be presumed innocent until proven otherwise³¹.

It is, thus, Petitioners' ardent plea that the pronouncements in ***People vs. Sapla, supra* at note 25**, resound even louder in declaring the Anti-Terrorism Act **UNCONSTITUTIONAL** and a **CLEAR GRAVE ABUSE OF DISCRETION**.

²⁷ See REPUBLIC ACT NO. 11479, §§ 16 and 29.

²⁸ See REPUBLIC ACT NO. 11479, §§ 4 and 25.

²⁹ See REPUBLIC ACT NO. 11479, § 4.

³⁰ See REPUBLIC ACT NO. 11479, § 25.

³¹ *Ibid.*

I.
NATURE OF THE PETITION

1.0. The instant Petition for *Certiorari* and Prohibition invokes the expanded power of judicial review of this Honorable Court under Section 1 of Article VIII of the 1987 Constitution.

2.0. Petitioners pray that the extraordinary writs of *certiorari* and prohibition be issued to **DECLARE** the Anti-Terrorism Act **UNCONSTITUTIONAL** and **VOID AB INITIO** and **COMMAND** Respondents to **DESIST** from implementing it in whatever manner or form.

2.01. Petitioners likewise pray for the issuance by this Honorable Court of a temporary restraining order to enjoin its implementation, pending resolution by this Honorable Court of the instant petition, considering that the Anti-Terrorism Act is now effective and that its implementing rules are now being drafted.

2.02. Finally, petitioners likewise pray that, in view of the transcendental importance of the issues herein raised, the instant case be heard on oral arguments so that the arguments of the parties on the matter may be fully heard and addressed by the Honorable Court.

II.
PARTIES

3.0. Petitioner IBP is the national organization of all lawyers in the Philippines. It is a sui generis public institution deliberately organized, by both the legislative and judicial branches of government and recognized by the present and past Constitutions, for the advancement of the legal profession.³² It is represented herein by IBP National President Domingo Egon Q. Cayosa. It may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court through the office of its lead counsel, Attys. Jose Anselmo I. Cadiz, Randall C. Tabayoyong, Jeffrey B. Constantino and David Ricardo S. Cagahastian at Suite 3601, 36th Floor, Antel Global Corporate Center, No. 3 Julia Vargas Avenue, Ortigas Center, Pasig City. The original of the Secretary's Certificate authorizing the IBP National President to file the instant petition for and in behalf of the petitioner is attached herewith as **Annex "B"** of this Petition.

³² *Tabuzo vs. Gomos*, A.C. No. 12005, 23 July 2018, 872 SCRA 157, 173-174.

4.0. Individual petitioners IBP National President Domingo Egon Q. Cayosa and IBP Governors Burt M. Estrada, Doroteo Lorenzo B. Aguila, Baby Ruth F. Torre, Eleazar S. Calasan, Eric C. Alajar, Gil G. Taway IV, Gina H. Mirano-Jesena, James Jayson J. Jorvina, and Christy Joy S. Sollesta are members of the 24th Board of Governors of the Integrated Bar of the Philippines (IBP) and are suing herein in their official capacities and as members of the legal profession. Individual petitioners may also be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court through the office of its lead counsel and co-counsel.

5.0. Respondents Senate of the Philippines and the House of Representatives are being impleaded herein as the two (2) houses of Congress of the Republic of the Philippines under Article VI of the 1987 Constitution which passed the Anti-Terrorism Act. They are being impleaded herein as indispensable parties to the determination of the constitutionality of their legislative act, pursuant to the Honorable Court's ruling in *Lagman vs. Pimentel III*.³³

a. The Senate of the Philippines may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court through the Office of Senate President Vicente C. Sotto III at GSIS Bldg., Financial Center, Diokno Blvd., Pasay City.

b. The House of Representatives may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court through the Office of House Speaker Alan Peter S. Cayetano at Batasang Pambansa, Batasan Hills, Quezon City.

6.0. Respondent Anti-Terrorism Council is a government body created under Section 45 of the Anti-Terrorism Act to implement the assailed law. It may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at Mabini Hall, J.P. Laurel St., San Miguel, Manila.

7.0. On the other hand, Respondents Executive Secretary, National Security Adviser, Secretary of Foreign Affairs, Secretary of National Defense, Secretary of Interior and Local Government, Secretary of Finance, Secretary of Justice, Secretary of Information and Communications Technology and Executive Director of the Anti-Money Laundering Council are all individually impleaded herein in their official capacities as members of the Anti-Terrorism Council.

³³ G.R. No. 235935, 06 February 2018, 856 SCRA 184, 276-278.

a. Executive Secretary Salvador C. Medialdea, the Chairperson of the Anti-Terrorism Council, may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the Ground Floor, Premier Guest House, J.P. Laurel St. San Miguel, Manila.

b. National Security Adviser Hermogenes C. Esperon, Jr., the Vice-Chairperson of the Anti-Terrorism Council, may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the NICA Compound, NIC Building, 5 V. Luna Road corner East Avenue, Quezon City.

c. Secretary of Foreign Affairs Teodoro L. Locsin, Jr. may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the 11th Floor, DFA Home Office, 2330 Roxas Boulevard, Pasay City.

d. Secretary of National Defense Delfin N. Lorenzana may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the DND Building, Segundo Avenue, Camp General Emilio Aguinaldo, Quezon City.

e. Secretary of Interior and Local Government Eduardo M. Año may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the DILG NAPOLCOM Center, EDSA corner Quezon Avenue, Diliman, Quezon City.

f. Secretary of Finance Carlos G. Dominguez may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the DOF Building, BSP Complex, Roxas Boulevard Pasay City.

g. Secretary of Justice Menardo I. Guevarra may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the Department of Justice, Padre Faura Street, Ermita, Manila.

h. Secretary of Information and Communications Technology Gregorio B. Honasan, II may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at C.P. Garcia Avenue, Diliman, Quezon City.

i. Anti-Money Laundering Council Executive Director Mel Georgie B. Racela may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at the 5th Floor, EDPC Building, BSP Complex, Mabini corner Vito Cruz Streets, Malate, Manila.

8.0. Respondent National Intelligence Coordinating Agency is a government body designated in Section 45 of the Anti-Terrorism Act to act as the Secretariat of Respondent Anti-Terrorism Council. It may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court at V. Luna Avenue, Diliman, Quezon City.

9.0. Respondents Armed Forces of the Philippines, through its Chief of Staff, Lt. General Gilbert Gapay, and Philippine National Police, through its Chief, Police General Camilo Cascolan, are impleaded herein insofar as their military personnel and law enforcement agents are tasked to conduct surveillance and arrests by authority of Respondent Anti-Terrorism Council.

a. Respondent Armed Forces of the Philippines may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court through the office of Chief of Staff Gapay at the AFP Headquarters, Camp General Emilio Aguinaldo, Quezon City.

b. Respondent Philippine National Police may be served with pleadings, motions, notices, resolutions, orders and other processes and papers of this Honorable Court through the office of Police General Cascolan at the PNP Headquarters, Camp Rafael Crame, Cubao, Quezon City.

III.
ALLOWANCE OF THE PETITION

THIS PETITION IS COGNIZABLE BY THIS HONORABLE COURT UNDER ITS POWER OF JUDICIAL REVIEW ENSHRINED UNDER ARTICLE VIII OF THE 1987 CONSTITUTION AND IN JURISPRUDENCE. IT COMPLIES WITH ALL THE REQUISITES FOR THE EXERCISE OF JUDICIAL REVIEW UNDER JURISPRUDENCE. HENCE, IT IS RESPECTFULLY SUBMITTED THAT IT IS SUFFICIENT IN FORM AND SUBSTANCE.

10.0. The judicial power vested upon this Honorable Court under Section 1, Article VIII of the 1987 Constitution provides:

“Section. 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the **duty of the courts of justice to settle actual controversies** involving rights which are legally demandable and enforceable, and to **determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction** on the part of any branch or instrumentality of the Government.” (Emphasis supplied)

11.0. In the 2019 case of *GIOS-SAMAR, Inc. vs. Department of Transportation and Communications*,³⁴ the Honorable Court explained the import of the 1987 Constitution’s definition of judicial power:

“With the 1987 Philippine Constitution came significant developments in terms of the Court’s judicial and rule-making powers.

First, judicial power is no longer confined to its traditional ambit of settling actual controversies involving rights that were legally demandable and enforceable. **The second paragraph of Section 1, Article VIII of the 1987 Constitution provides that judicial power also includes the duty of the courts “x x x to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government.”**

³⁴ G.R. No. 217158, 12 March 2019.

In *Araullo v. Aquino III*, former Associate (now Chief) Justice Bersamin eruditely explained:

The Constitution states that judicial power includes the duty of the courts of justice not only "to settle actual controversies involving rights which are legally demandable and enforceable" but also "to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government." It has thereby expanded the concept of judicial power, which up to then was confined to its traditional ambit of settling actual controversies involving rights that were legally demandable and enforceable.

x x x x

With respect to the Court, however, the remedies of *certiorari* and prohibition are necessarily broader in scope and reach, and the writ of certiorari or prohibition may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to set right, undo and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, even if the latter does not exercise judicial, quasi-judicial or ministerial functions. This application is expressly authorized by the text of the second paragraph of Section 1, *supra*."

12.0. Also, in *Ifurung vs. Carpio-Morales*,³⁵ the Honorable Court emphasized that **grave abuse of discretion arises** when there is a **violation of the Constitution**, the law or existing jurisprudence. As such, it also stressed that "[w]here an action of the legislative branch is seriously alleged to have infringed the Constitution, it becomes not only the right but in fact the duty of the judiciary to settle the dispute. The question thus posed is judicial rather than political. x x x. The duty to adjudicate remains to assure that the

³⁵ G.R. No. 232131, 24 April 2018, 862 SCRA 684, 701.

supremacy of the Constitution is upheld.³⁶ (Emphasis and underscoring supplied)

13.0. Thus, in *Araullo vs. Aquino III*,³⁷ the Honorable Court even took pains to discuss and explain the correct extent of the remedies provided in the expanded definition of judicial review against acts of grave abuse of discretion, such as violation of the Constitution:

“What are the remedies by which the grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government may be determined under the Constitution?”

The **present Rules of Court uses two special civil actions** for determining and correcting grave abuse of discretion amounting to lack or excess of jurisdiction. These are the special civil actions for **certiorari** and **prohibition**, and **both are governed by Rules 65.** xxx

x	x	x
x	x	x
x	x	x

Thus, **petitions for certiorari and prohibition are appropriate remedies to raise constitutional issues and to review and/or prohibit or nullify the acts of legislative and executive officials.**

Necessarily, in discharging its duty under Section 1, *supra*, to set right and undo any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, the Court is not at all precluded from making an inquiry provided the challenge was properly brought by interested or affected parties. **The Court has been thereby entrusted expressly or by necessary implication with both the duty and the obligation of determining, in appropriate cases, the validity of any assailed legislative or executive action.** This entrustment is **consistent with the republican system of checks and balances.**” (Emphasis and underscoring supplied)

³⁶ *Id.*, at 702.

³⁷ G.R. No. 209287, 01 July 2014, 728 SCRA 1, 71-75.

14.0. Thus, applying the Honorable Court's pronouncements in ***GIOS-SAMAR, Inc. vs. Department of Transportation and Communications, supra at note 34, Ifurung vs. Carpio-Morales, supra at note 35, and Araullo vs. Aquino III, supra at note 37***, more than asking the Honorable Court to settle an actual controversy, this petition invokes the Honorable Court's duty to assure the supremacy of the 1987 Constitution and, thus, declare that Respondents, although not exercising judicial, quasi-judicial or ministerial functions, acted with grave abuse of discretion amounting to lack or excess of jurisdiction.

14.01. Specifically, Respondents Senate of the Philippines and the House of Representatives committed grave abuse of discretion amounting to lack of jurisdiction in passing and enacting the Anti-Terrorism Act, even if the law, in its entirety, goes against constitutional protections and guarantees discussed hereunder.

14.02. Moreover, since the Anti-Terrorism Act, in its entirety, was passed in grave abuse of discretion amounting to lack of jurisdiction, Respondents Anti-Terrorism Council, through its members, Respondents Executive Secretary, National Security Adviser, Secretary of Foreign Affairs, Secretary of National Defense, Secretary of Interior and Local Government, Secretary of Finance, Secretary of Justice, Secretary of Information and Communications Technology and Executive Director of the Anti-Money Laundering Council, Respondent National Intelligence Coordinating Agency and Respondents Armed Forces of the Philippines and Philippine National Police, should be prohibited from implementing any of the provisions of the Anti-Terrorism Act in whatever manner or form. Otherwise, their acts will likewise be tainted with grave abuse of discretion amounting to lack or in excess of jurisdiction.

15.0. Petitioners are aware of the reminder of the Honorable Court in ***Genuino vs. De Lima***³⁸ that, as with almost all powers conferred by the 1987 Constitution, the power of judicial review is subject to the following limits or requirements, to wit: (1) there must be an actual case or controversy calling for the exercise of judicial power; (2) the person challenging the act must have the standing to question the validity of the subject act or issuance; (3) the question of constitutionality must be raised at the earliest opportunity; and (4) the issue of constitutionality must be the very *lis mota* of the case.

16.0. Petitioners most respectfully submit that all these requisites are present in the present petition.

³⁸ G.R. No. 199046, 17 April 2018, 861 SCRA 326, 362.

17.0. The petition involves an **ACTUAL CASE OR CONTROVERSY AND IS RIPE FOR ADJUDICATION.**

18.0. In *Philippine Constitution Association vs. Philippine Government*,³⁹ “[a]n actual case or controversy involves a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute.” Corollary, a matter is ripe for adjudication “when the act being challenged has had a direct adverse effect on the individual or entity challenging it.”⁴⁰ But it has also been emphasized in *Republic v. Roque*,⁴¹ that “a dispute may be tried at its inception before it has accumulated the asperity, distemper, animosity, passion, and violence of a full blown battle that looms ahead.”

19.0. The Honorable Court can take judicial notice of the fact that the Anti-Terrorism Act took effect on 18 July 2020.⁴² While its Implementing Rules and Regulations have not yet been promulgated, Petitioners most respectfully submit that the Anti-Terrorism Act is already effective as law. For one, promulgation of the Implementing Rules and Regulations was not a condition for effectivity under Section 58 of the Anti-Terrorism Act. Moreover, Section 54 provides that the Implementing Rules and Regulations should be promulgated “within ninety (90) days after its effectivity”. Verily, the promulgation of the Implementing Rules and Regulations happens after the effectivity of the Anti-Terrorism Act.

20.0. Now in effect, the Anti-Terrorism Act clearly creates a conflict between the legal right of the State to fully implement the provisions of the law vis-à-vis the right and public duty of Petitioner IBP to protect the constitutional rights of persons suspected of and will be charged of violating the law.

21.0. **Under Section 2 of Rule 139-A of the Rules of Court, Petitioner IBP was organized as an official national body to elevate the standards of the legal profession, improve the administration of justice and enable all lawyers in the country to discharge its public responsibility more effectively.**

22.0. **This duty to discharge its public responsibility is invoked by the Anti-Terrorism Act in Section 30 thereof, which requires Petitioner IBP to provide legal assistance to persons**

³⁹ G.R. No. 218406, 29 November 2016, 811 SCRA 284, 297.

⁴⁰ *Ibid.*

⁴¹ G.R. No. 204603, 24 September 2013, 706 SCRA 273, 284.

⁴² Fifteen (15) days after its publication in the Official Gazette on 03 July 2020, as disclosed by DOJ Secretary Menardo Guevarra; see Benjamin Pulta, pna.gov.ph, “Anti-terror law takes effect July 18: DOJ,” available at <https://www.pna.gov.ph/articles/1109320> (date last accessed: 25 August 2020).

charged with or suspected of committing the crimes enumerated in the law, but who cannot afford the services of a counsel of their choice. This public responsibility to provide such legal assistance and, ultimately, to defend violators of the law before the courts, is gravely impaired by the fact that Section 4 of the Anti-Terrorism Act defines the crime of "terrorism" in an overbroad manner, as will be discussed hereunder.

23.0. Worse, the overbroad definition of the crime, when coupled with the power of Respondent Anti-Terrorism Council under Section 29 to authorize military personnel and law enforcement agents to arrest and take into custody persons suspected of committing "terrorism" and other criminal acts in Sections 5, 6, 7, 8, 9, 10, 11 and 12 of the law, that all rely on the definition of "terrorism" in Section 4, vested Respondent Anti-Terrorism Council the sole authority to determine what constitutes a violation punished under the Anti-Terrorism Act. Thus, if the criminal acts are actually determined by Respondent Anti-Terrorism Council, and not by the law itself, in no way can Petitioner IBP adequately inform accused of the nature of the charges against them, much less defend the rights of the accused during trial.

24.0. More pernicious is the fact that the same Section 29 vests authority over Respondent Anti-Terrorism Council to cause the arrest of persons suspected of committing criminal acts under Sections 4 to 12 of the law, without need of securing a warrant of arrest issued by a judge under Section 2 of Article III of the 1987 Constitution. Worse, under this provision, the arresting officer will only be criminally liable for failure to inform the judge of the details of the arrests made. Under this Section, no liability is imposed if the warrantless arrest was actually made negligently or even maliciously. Thus, even if the arrest was illegally made under the 1987 Constitution, Petitioner IBP is clearly left with no immediate means to question the warrantless arrest on behalf of its clients. Unfortunately, even if unconstitutional, unless annulled by the Honorable Court, Section 29 and the entirety of the Anti-Terrorism Act remains a valid law.

25.0. Moreover, Sections 16 and 25 are both lethal attacks to the administration of justice and the primacy of the Constitution as the foremost standard to be upheld by all members of the legal profession.

26.0. At its core, Section 16 is an unlawful expansion of Section 2, Article III of the 1987 Constitution as it allows surveillance, interception and seizure, among others, of private communication, conversation, discussions, data, information

and messages by written order of a division of the Court of Appeals, when no less than the above-mentioned constitutional provision expressly requires that “no search warrant 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.”

27.0. On the other hand, in allowing Respondent Anti-Terrorism Council to designate any individual, group, association or organization as terrorists, Section 25 effectively deprived the judiciary the power to determine, upon due process and hearing, whether or not such individual, group, association or organization, is, by law, indeed a terrorist. That proscription provided in Section 26 involves a judicial determination is of no moment. The fact that designation in Section 25 exists independently of Section 26 shows that the law treats the executive designation in Section 25 a separate power with that judicial proscription in Section 26. As such, Section 25 of the Anti-Terrorism Act trumps one’s rights not to be deprived of life, liberty or property without due process of law, not to be held to answer for a criminal offense without due process of law and to be presumed innocent until the contrary is proved, in violation of Sections 1, 14 (1) and (2) of Article III, of the 1987 Constitution.

28.0. The foregoing imminent and unavoidable implementation of the Anti-Terrorism Act, which, as will be further discussed, is wholly illegal, and cannot be implemented in a constitutional manner – satisfies the requirement of actual case and controversy.⁴³

29.0. Likewise, that there have not yet been any arrests under the Anti-Terrorism Act at the time of filing this petition is not a bar to this case being ripe for adjudication. As held by the Honorable Court in *Southern Hemisphere Engagement Network, Inc. vs. Anti-Terrorism Council*,⁴⁴ a party seeking relief, such as Petitioners in this case, "should not be required to await and undergo a criminal prosecution as the sole means of seeking relief."⁴⁵

30.0. Neither can the absence of the Implementing Rules and Regulations defeat the instant petition’s ripeness for adjudication. In *Ople vs. Torres*,⁴⁶ the Honorable Court held that the fact that the implementing rules of Administrative Order No. 308 have not yet been promulgated did not affect the ripeness for adjudication of the petition

⁴³ *Ibid.*

⁴⁴ G.R. No. 178552, 05 October 2010, 632 SCRA 146.

⁴⁵ *Id.*, at 177-178.

⁴⁶ G.R. No. 127685, 23 July 1998, 293 SCRA 141.

filed by the late Senator Blas F. Ople. The Honorable Court emphasized that the “action is not premature for the rules yet to be promulgated cannot cure its fatal defects.”⁴⁷

31.0. Similarly, Petitioners most respectfully submit that the Implementing Rules and Regulations of the Anti-Terrorism Act, even if promulgated, cannot cure the fatal defects of the law itself, as outlined above and will be further discussed below.

32.0. Petitioners **HAVE LEGAL STANDING** to question the Anti-Terrorism Act.

33.0. In *Funa vs. Villar*,⁴⁸ the Honorable Court held that, one can show legal standing in either of two (2) ways: either a showing of “direct injury” or a showing of “material interest” in the issue. Petitioners have material interest on the issue of the constitutionality of the Anti-Terrorism Act. The Honorable Court already recognized in *Aguinaldo vs. Aquino III*⁴⁹ that the administration of justice “is primarily a joint responsibility of the judge and the lawyer.” Both judges and lawyers, needless to say, are all members of Petitioner IBP.

34.0. As outlined earlier, the administration of justice to persons accused or even suspected of violation of the Anti-Terrorism Act is corrupted, if not defeated, by: (1) the overbroad and highly subjective definition of “terrorism” and related crimes in Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12; (2) the unconstitutional expansion of the power to authorize seizures of private communication, conversation, discussion, data, information and messages in Section 16; (3) the deprivation of due process and presumption of innocence in Section 25; and (4) the unconstitutional arrests allowed in Section 29.

35.0. And since Petitioner IBP, under Section 30 of the Anti-Terrorism Act, is specifically entrusted with the duty to provide free legal assistance to persons under custodial investigation upon suspicion of committing terrorism, it has material interest in filing the instant petition. To effectively discharge its duty to persons under custodial investigation, members of the IBP must be able to determine what is being penalized by the law. Unfortunately, because of its vague and overbroad provisions, members of the IBP themselves will be at a loss at what constitutes the crime of terrorism. Hence, its interest in raising this constitutional issue, among others, before this Honorable Court.

⁴⁷ *Id.*, at 148.

⁴⁸ G. R. No. 192791, 24 April 2012, 670 SCRA 579, 594.

⁴⁹ G.R. No. 224302, 29 November 2016, 811 SCRA 304, 340.

36.0. Even assuming that the objections on the constitutionality of the above-cited provisions and their outlined effects on the administration of justice do not constitute “material interest” on the part of Petitioners, the Honorable Court also held in *Funa vs. Villar, supra*, that the “rule on *locus standi* is after all a mere procedural technicality in relation to which the Court, in a *catena* of cases involving a subject of transcendental import, has waived, or relaxed, thus allowing non-traditional plaintiffs xxx to sue in the public interest, albeit they may not have been personally injured by the operation of a law or any other government act.”⁵⁰

37.0. Petitioners most respectfully submit that the transcendental importance of declaring the unconstitutionality of the Anti-Terrorism Act cannot be overemphasized.

37.01. The definition of “terrorism” in Section 4 and the related crimes in Sections 5, 6, 7, 8, 9, 10, 11 and 12 are so broad that, taken together with Section 29, ultimately vests Respondent Anti-Terrorism Council the sole power to determine whether or not a violation of the law has been committed and to order the arrests of persons even merely for suspected commission of the crimes defined in the law.

37.02. Section 16 not only invades the inviolability of the right to privacy but even amends the constitutional requirement that no search or seizure shall be allowed except upon probable cause to be determined personally by the judge.

37.03. Section 25 empowers the Anti-Terrorism Council, on its own, to designate individuals, organizations, association or groups as terrorists without being given their day in court.

37.04. Section 29 unconstitutionally grants the Anti-Terrorism Council the judicial power to determine probable cause and cause the arrests of persons suspected of committing “terrorism” and any of its related offenses.

38.0. In *Velarde vs. Social Justice Society*,⁵¹ citing *Integrated Bar of the Philippines vs. Zamora*,⁵² the Honorable Court recognized Petitioner IBP’s legal standing on matters of transcendental importance, stating that Petitioner IBP “has advanced constitutional issues which deserve the attention of

⁵⁰ *Funa vs. Villar, supra* note 31, at 594-595.

⁵¹ G.R. No. 159357, 28 April 2004, 428 SCRA 283, 297.

⁵² G. R. No. 141284, 15 August 2000, 338 SCRA 81, 102.

this Court in view of their seriousness, novelty and weight as precedents.”

39.0. As Petitioners have outlined above, it is most respectfully submitted that the constitutional issues presented in the instant petition are of the same seriousness, novelty and weight as has been recognized previously by the Honorable Court in the above-cited cases. Thus, even if only for this liberal stance, Petitioners are possessed of legal standing to file this petition.

40.0. The instant petition, invoking the *certiorari* and prohibition jurisdiction of the Honorable Court under Section 1, Article VIII of the 1987 Constitution, **RAISED** the question of constitutionality of the Anti-Terrorism Act **AT THE EARLIEST OPPORTUNITY**. This petition was filed immediately within two (2) months from the date that the Anti-Terrorism Act took effect on 18 July 2020.

41.0. Lastly, the unconstitutionality of the Anti-Terrorism Act raised in this petition is the **VERY LIS MOTA** of the case.

42.0. Determining and declaring the unconstitutionality of the Anti-Terrorism Act is the only means by which the instant petition can be resolved. Petitioners most respectfully submit that the Anti-Terrorism Act’s clear and unequivocal breach of the 1987 Constitution gives the Honorable Court no option other than to uphold it or strike it down and declare it of no effect since the beginning.

IV.
GROUND TO DECLARE
THE ANTI-TERRORISM ACT UNCONSTITUTIONAL

A.

**SECTION 4 DEFINING THE CRIME OF TERRORISM IS
VOID FOR VAGUENESS AND OVERBREADTH.**

- 1. THE ACTS PROVIDED IN SUBSECTIONS (A), (B) AND (C) AND THE PURPOSES THAT RENDER THESE ACTS AS CRIMINAL LACK ANY COMPREHENSIBLE STANDARD AS TO REASONABLY INFORM A PERSON WHAT ACTS ARE PUNISHABLE AND WHAT ARE NOT.**

2. THE GAMUT OF ACTS PUNISHABLE AS TERRORISM IS SO BROAD AND THE EXCEPTIONS ARE SO NARROWLY DRAWN THAT IT INVADES THE AREA OF PROTECTED SPEECH.
3. BEING "UTTERLY VAGUE", THE DEFINITION OF TERRORISM IN SECTION 4, TAKEN TOGETHER WITH SECTION 29, ULTIMATELY VESTS THE ANTI-TERRORISM COUNCIL THE POWER TO DEFINE WHAT ARE ACTS OF TERRORISM AND IS, THUS, AN UNDUE DELEGATION OF LEGISLATIVE POWER.
4. SINCE THEY RELY ON THE VAGUE AND OVERBROAD DEFINITION OF TERRORISM IN SECTION 4, THE CRIMINAL ACTS PUNISHED IN SECTIONS 5 TO 12 ARE EQUALLY VOID.

B.

SECTION 16 UNDULY ENCROACHES UPON THE INVIOABLE RIGHT TO PRIVACY AND CURTAILS THE RIGHT TO COUNSEL BY INDISCRIMINATELY ALLOWING SEIZURE OF ALL TYPES OF PRIVATE COMMUNICATION, CONVERSATIONS, DISCUSSIONS, DATA, INFORMATION, MESSAGES, WHETHER SPOKEN OR WRITTEN. WORSE, IT UNCONSTITUTIONALLY AMENDED AND EXPANDED THE POWER OF SEARCH AND SEIZURE UNDER SECTION 2, ARTICLE III OF THE 1987 CONSTITUTION.

C.

THE POWER OF DESIGNATION IN SECTION 25 IMPOSES CRIMINAL LIABILITY ON INDIVIDUALS, GROUPS, ASSOCIATIONS AND ORGANIZATIONS *EX POST FACTO*. IT ALSO EXPOSES THEM TO CRIMINAL PROSECUTION AND DEPRIVATION OF PROPERTY WITHOUT DUE PROCESS OF LAW.

D.

GRANTING THE ANTI-TERRORISM COUNCIL, THROUGH SECTION 29, THE JUDICIAL POWER TO CAUSE THE ARRESTS OF PERSONS SUSPECTED OF COMMITTING "TERRORISM" OR ANY OF ITS RELATED OFFENSES AND DETAIN THEM FOR A MAXIMUM OF TWENTY FOUR (24) DAYS WITHOUT CHARGING THEM IN COURT, VIOLATES SECTION 2, ARTICLE III AND SECTION 18, ARTICLE VII OF THE 1987 CONSTITUTION.

E.

THE ANTI-TERRORISM LAW MUST BE STRUCK DOWN IN ITS ENTIRETY BECAUSE ITS UNCONSTITUTIONAL PROVISIONS ARE ITS VERY ESSENCE.

V.

DISCUSSION

A. Section 4 Defining The Crime Of Terrorism Is Void For Vagueness And Overbreadth.

1. The Acts Provided In Sub-Sections (A), (B) And (C) And The Purposes That Render These Acts As Criminal Lack Any Comprehensible Standard As To Reasonably Inform A Person What Acts Are Punishable And What Are Not.

43.0. The void for vagueness doctrine, as adopted in this jurisdiction from American jurisprudence, provides:

"A criminal statute that 'fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute' or is so indefinite that 'it encourages arbitrary and erratic arrests and convictions' is void for vagueness."⁵³

⁵³ *People vs. Dela Piedra*, G.R. No. 121777, 24 January 2001, 350 SCRA 163, 175-176 citing *Collautti v. Franklin*, 439 US 379, 58 L Ed 2d 596, 99 S Ct 675 (1979).

44.0. The Honorable Court reiterated the doctrine, albeit stated differently, in *People vs. Nazario*⁵⁴, to wit:

“As a rule, a statute or act may be said to be vague when it lacks comprehensible standards that men of common intelligence must necessarily guess at its meaning and differ as to its application.”

45.0. But the Honorable Court added that, for the doctrine to apply, the law assailed as void “must be utterly vague on its face”⁵⁵ and “cannot be clarified by either a saving clause or by construction.”⁵⁶

46.0. The Anti-Terrorism Act assailed in this petition was primarily enacted to define and penalize acts of terrorism. Such definition is provided for in Section 4 of the law, which reads:

“SEC. 4. *Terrorism*. – Subject to Section 49 of this Act, terrorism is committed by any person who, within or outside the Philippines, regardless of the stage of execution:

(a) Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life;

(b) Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place or private property;

(c) Engages in acts intended to cause extensive interference with, damage or destruction to critical infrastructure;

(d) Develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives or of biological, nuclear, radiological or chemical weapons; and

(e) Release of dangerous substances, or causing fire, floods or explosions

when the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the fundamental political, economic, or social

⁵⁴ G.R. No. L-44143, 31 August 1988, 165 SCRA 186, 195.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

structures of the country, or create a public emergency or seriously undermine public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592, otherwise known as "An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code": *Provided*, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which 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."

47.0. In defining the crime of terrorism, Sections 4 (a) to (c) above are identically preceded by the phrase "[e]ngages in acts intended to cause xxx", followed by phrases, such as "endangers a person's life", "extensive damage" and "extensive interference", respectively.

48.0. However, to be a criminal act, Section 4 also requires the element of purpose. For easy reference, these are to: (1) intimidate the general public or a segment thereof; (2) create an atmosphere or spread a message of fear; (3) provoke or influence by intimidation the government or any international organization; (4) seriously destabilize or destroy the fundamental political, economic or social structures of the country; (5) create a public emergency; and (6) seriously undermine public safety.

49.0. Petitioners most respectfully submit that, applying the void for vagueness doctrine, the phrases in Sections 4 (a) to (c) and the purposes in Section 4 quoted and outlined above are all **VAGUE**.

50.0. They are vague because they are not among the terms listed and defined in the Definition of Terms under Section 3. Neither is there any other provision in the Anti-Terrorism Act that defines, illustrates, specifies or limits any of these phrases and purposes.

51.0. Since these phrases and purposes are not defined in the Anti-Terrorism Act itself, these cannot also be subsequently defined or provided for in the Implementing Rules and Regulations. To do so would unduly expand the law, which is prohibited as "the law cannot be amended by a mere regulation."⁵⁷

⁵⁷ *Commission of Internal Revenue vs. Central Luzon Drug Corporation*, G.R. No. 159647, 15 April 2005, 456 SCRA 414.

52.0. In addition, the vagueness of the definition of terrorism in Section 4 of the Anti-Terrorism Act brought about by the above phrases and purposes is further highlighted by contrasting it with the definition of terrorism under Section 3 of the recently repealed R.A. No. 9372 or the Human Security Act of 2007, to wit:

“SEC. 3. *Terrorism*. — Any person who commits an act punishable under any of the following provisions of the Revised Penal Code:

a. Article 122 (Piracy in General and Mutiny in the High Seas or in the Philippine Waters);

b. Article 134 (Rebellion or Insurrection);

c. Article 134-a (Coup d’Etat), including acts committed by private persons;

d. Article 248 (Murder);

e. Article 267 (Kidnapping and Serious Illegal Detention);

f. Article 324 (Crimes Involving Destruction), or under

(1) Presidential Decree No. 1613 (The Law on Arson);

(2) Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);

(3) Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of 1968);

(4) Republic Act No. 6235 (Anti-Hijacking Law);

(5) Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of 1974); and,

(6) Presidential Decree No. 1866, as amended (Decree Codifying the Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or

Disposition of Firearms, Ammunitions or Explosives)

thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand shall be guilty of the crime of terrorism and shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.”

53.0. As shown above, Section 3 of the Human Security Act of 2007 defined “terrorism” by enumerating the crimes already defined under the provisions of The Revised Penal Code and in the listed special penal laws. Moreover, it specified that, to be criminally liable, the offender must have committed any of the listed crimes or offenses “to coerce the government to give in to an unlawful demand.” As worded, the standards are clear since the punished acts are those provided by specific laws while the purpose is couched in simple terms understandable by any person of ordinary intelligence.

54.0. In contrast, the Anti-Terrorism Act assailed in this petition clearly lacks comprehensible standards that would constitute fair notice of what acts are actually unlawful under the law. Without any definition or examples provided in the Anti-Terrorism Act, the public has to rely on mere guesswork in determining the prohibited acts and, worse, will have to contend with varying interpretations from one person to another. More frightening is that the vagueness in the definition of what constitutes terrorism allows Respondent Anti-Terrorism Council to conveniently classify political dissenters as terrorists. One only needs to consult common human experience to immediately realize how subjective the phrases and purposes employed in Section 4 are.

55.0. Applying Section 4 to arrests similar to what happened in Cebu and Laguna, the provision is eerily silent on whose perspective will intent to “endanger a person’s life” or intent to cause “extensive damage” and “extensive interference”, or to “intimidate the general public or a segment thereof, “create an atmosphere or spread a message of fear”, “provoke or influence by intimidation the government or any international organization”, “seriously destabilize or destroy the fundamental political, economic or social structures of the country”, “create a public emergency” or to “seriously undermine public safety” be determined.

56.0. Applying also the definitions in Section 4, there is nothing in the law that prevents the activities of Echanis and Alvarez, prior to their deaths, from falling into the definition of “terrorism”, as what had actually happened in 2018 when the more comprehensible definition of “terrorism” under the Human Security Act of 2007 was still in place.

57.0. Clearly, Section 4, as applied to the instances outlined above, renders the constitutional right of persons to be informed of the nature and cause of accusation against them of no use. Petitioners most respectfully submit that the right to be informed of the nature and cause of accusation under the 1987 Constitution not only entails that authorities be able to tell what crime was committed. More importantly, it entails that the suspected person, respondent or accused, understood what was being charged against him or her.

58.0. Inevitably, counsels who will appear to question the arrests, detention and prosecution of alleged violators of the Anti-Terrorism Act are gravely prejudiced by the fact that the vagueness of the law prevents them from doing so even to the best of their ability because the terms employed are too subjective even for lawyers.

59.0. In these situations, the lack of comprehensible standards on punishable acts in the Anti-Terrorism Act renders it impossible to save the law *via* proper construction. In fact, a proper construction is even impossible by itself.

60.0. In view of the foregoing, it is most respectfully submitted that the doctrine of void for vagueness applies to strike down Section 4 as a nullity.

2. The Gamut Of Acts Punishable As Terrorism Is So Broad And The Exceptions Are So Narrowly Drawn That It Invades The Area Of Protected Speech.

61.0. In *Adiong vs. Commission on Elections*,⁵⁸ the Honorable Court explained the doctrine of void for overbreadth, as follows:

“A statute is considered void for overbreadth when ‘it offends the constitutional principle that a governmental purpose to control or prevent activities constitutionally subject to state regulations may not be achieved by means

⁵⁸ G.R. No. 103956, 31 March 1992, 207 SCRA 712, 719-720.

which sweep unnecessarily broadly and thereby invade the area of protected freedoms.”

62.0. This Honorable Court has also held that, while all the protections expressed in the Bill of Rights are important, it has accorded to free speech the status of a preferred freedom.⁵⁹

63.0. Going back to Section 4 of the Anti-Terrorism Act, the use of the phrases “acts intended to cause”, “endangers a person’s life”, “extensive damage”, “extensive interference”, “intimidate the general public or a segment thereof”, “create an atmosphere or spread a message of fear”, “provoke or influence by intimidation”, “seriously destabilize or destroy the fundamental political, economic or social structures of the country”, “create a public emergency” and “seriously undermine public safety” are all too broad for lack additional qualification, limitation or standard in the Anti-Terrorism Act. As such, in using these phrases, it is reasonable to conclude that they can cover any act or language, whether criminal in nature or otherwise.

64.0. On the other hand, the exceptions to the definition of “terrorism” in Section 4, i.e. **advocacy, protest, dissent, stoppage of work, industrial or mass action and similar exercises of civil and political rights, are limited** by the phrase “**which 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.**”

65.0. One of the basic precepts of statutory construction is that “[a] person, object or thing omitted must have been omitted intentionally.”⁶⁰ Thus, since not mentioned among the exceptions, any advocacy, protest, dissent, stoppage of work, industrial or mass action and similar exercises of civil and political rights, **EVEN IF NOT INTENDED TO CAUSE extensive damage, extensive interference, intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, provoke or influence by intimidation, seriously destabilize or destroy the fundamental political, economic or social structures of the country or create a public emergency** will still be punishable as “terrorism” under Section 4.

66.0. Thus, it is most respectfully submitted that, in limiting what forms of advocacy, protest, dissent, stoppage of work, industrial or mass action and similar exercises of civil and political rights will not constitute terrorism under Section 4, the Anti-Terrorism Act effectively imposes a prior restraint on the freedom of speech and expression, in

⁵⁹ *Id.*, at 715.

⁶⁰ *San Miguel Corporation Employees Union-Phil. Transport and General Workers Org. v. San Miguel Packaging Products Employees Union-Pambansang Diwa ng Manggagawang Pilipino*, G.R. No. 171153, 12 September 2007, 533 SCRA 125, 153.

violation of the constitutional protection in Section 4, Article III of the 1987 Constitution that no law shall be passed abridging the freedom of speech, of expression or the press, or the right of the people to peaceably assemble and petition the government for redress of grievances.

67.0. In ***Chavez vs. Gonzales***,⁶¹ the Honorable Court held that prior restraint “refers to official governmental restrictions on the press or other forms of expression in advance of actual publication or dissemination.” It also reminded that “any act that restrains speech is presumed invalid.”⁶² It then forwarded a distinction between **content-neutral regulation** vis-à-vis **content-based restraint**.⁶³ This distinction has been explained as follows:

“When the speech restraints take the form of a **content-neutral regulation**, only a substantial governmental interest is required for its validity.⁶² Because regulations of this type are not designed to suppress any particular message, they are not subject to the strictest form of judicial scrutiny but an **intermediate approach**—somewhere between the mere rationality that is required of any other law and the compelling interest standard applied to content-based restrictions.⁶³ The **test** is called **intermediate** because the Court will not merely rubberstamp the validity of a law but also require that the restrictions be narrowly-tailored to promote an important or significant governmental interest that is unrelated to the suppression of expression. The intermediate approach has been formulated in this manner:

A governmental regulation is sufficiently justified if it is within the constitutional power of the Government, if it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incident restriction on alleged [freedom of speech & expression] is no greater than is essential to the furtherance of that interest.

On the other hand, a governmental action that restricts freedom of speech or of the press **based on content** is given the **strictest scrutiny** in light of its inherent and invasive impact. Only when the challenged act has overcome the **clear and present danger rule** will

⁶¹ G.R. No. 168338, 15 February 2008, 545 SCRA 441, 491.

⁶² *Ibid.*

⁶³ *Id.*, at 493.

it pass constitutional muster, with the government having the burden of overcoming the presumed unconstitutionality.

Unless the government can overthrow this presumption, the **content-based** restraint will be struck down.”⁶⁴

68.0. Petitioners most respectfully submit that the narrowly drawn exception to the overbroadly defined acts of “terrorism” in Section 4 of the Anti-Terrorism Act effectively imposes prior restraint to the right to free speech and expression. Since the law is not clear and does not allow anyone, other than Respondent Anti-Terrorism Council, to determine what specific acts can fall as “terrorism”, the innate instinct of self-preservation most certainly and inevitably drive the public to silence rather than risk criminal prosecution for a crime he or she cannot understand.

69.0. The restriction imposed by Section 4 of the Anti-Terrorism Act, therefore, is a **CONTENT-BASED RESTRICTION**. As such, following the pronouncement of this Honorable Court, as cited above, **Section 4**, insofar as its overbreadth results in a prior restraint to freedom of speech and expression that is content-based, is **PRESUMED UNCONSTITUTIONAL**.

70.0. Accordingly, it is respectfully submitted that Section 4 of the Anti-Terrorism Act is void for overbreadth.

3. Being “Utterly Vague”, The Definition Of Terrorism In Section 4, Taken Together With Section 29, Ultimately Vests The Anti-Terrorism Council The Power To Define What Are Acts Of Terrorism And Is, Thus, An Undue Delegation Of Legislative Power.

71.0. In its resolution of *People vs. Nazario, supra*, the Honorable Court emphasized that a statute that is void for vagueness is not only constitutionally infirm for violating due process for failure to accord persons fair notice of the conduct to avoid, but also because it grants law enforcers “**unbridled discretion** in carrying out its provisions.”⁶⁵ (Emphasis supplied)

⁶⁴ *Id.*, at 493-495.

⁶⁵ *People vs. Nazario, supra* at 195.

72.0. This unbridled discretion in the implementation of the Anti-Terrorism Act is precisely true with respect to Respondents Anti-Terrorism Council, Armed Forces of the Philippines and Philippine National Police.

73.0. Section 29 of the Anti-Terrorism Act provides:

“SEC. 29. *Detention Without Judicial Warrant of Arrest.* – The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any law enforcement agent or military personnel, who, having been duly authorized in writing by the ATC has taken custody of a person suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said suspected person to the proper judicial authority within a period of fourteen (14) calendar days counted from the moment the said suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel. The period of detention may be extended to a maximum period of ten (10) calendar days if it is established that (1) further detention of the person/s is necessary to preserve evidence related to 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.

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 of arrest; (b) the location or locations of the detained suspect/s and (c) the physical and mental condition of the detained suspect/s. The law enforcement agent or military personnel shall likewise furnish the ATC and the Commission on Human Rights (CHR) of the written notice given to the judge.

The head of the detaining facility shall ensure that the detained suspect is informed of his/her rights as a detainee and shall ensure access to the detainee by his/her counsel

or agencies and entities authorized by law to exercise visitorial powers over detention facilities.

The penalty of imprisonment of ten (10) years shall be imposed upon the police or law enforcement agent or military personnel who fails to notify any judge as provided in the preceding paragraph.” (Emphasis supplied)

74.0. As worded, arrests made by the military and the police for **suspected** violations of Sections 4 to 12 of the Anti-Terrorism Act is by authority of Respondent Anti-Terrorism Council. And, as discussed earlier, Section 4 does not provide any definition, standard or limitation that will identify or determine what specific acts are punishable as “terrorism.”

75.0. Thus, it is most respectfully submitted that, for Respondent Anti-Terrorism Council to authorize an arrest under Section 29, the law effectively delegated to Respondent Anti-Terrorism Council the discretion to determine what acts can be punished under Section 4.

76.0. In *Abakada Guro Partylist vs. Ermita*,⁶⁶ the Honorable Court took the opportunity to discuss the import of Section 1, Article VI of the 1987 Constitution on legislative power, to wit:

“With respect to the Legislature, Section 1 of Article VI of the Constitution provides that *“the Legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives.”* The powers which Congress is prohibited from delegating are those which are strictly, or inherently and exclusively, legislative. Purely legislative power, which can never be delegated, has been described as the **authority to make a complete law – complete as to the time when it shall take effect and as to whom it shall be applicable – and to determine the expediency of its enactment.**” (Emphasis in the original)

77.0. Applying the foregoing pronouncement, Petitioners most respectfully submit that determining to whom the law shall apply is a purely legislative power. It cannot be delegated.

78.0. Thus, going back to the instant petition, it is most respectfully submitted that, since Section 29 gave Respondent Anti-Terrorism Council the authority to order the military and the police to make arrests for acts of “terrorism” under Section 4, even if the definition of “terrorism” under the law does not provide a

⁶⁶ G.R. No. 168056, 01 September 2005, 469 SCRA 1, 116.

comprehensible qualification, limitation or standard by which specific punishable acts can be determined, the power vested to Respondent Anti-Terrorism Council involves the power to determine to whom shall the definition of "terrorism" will apply. Thus, the vagueness of Section 4 conferred a purely legislative power, in violation of Section 1, Article VI of the 1987 Constitution.

4. Since They Rely On The Vague And Overbroad Definition Of Terrorism In Section 4, The Criminal Acts Punished In Sections 5 To 12 Are Equally Void.

79.0. Sections 5 to 12 define and penalize additional acts in relation to the definition of "terrorism" provided in Section 4 of the Anti-Terrorism Act. However, Petitioners most respectfully submit that, just like Section 4, these provisions are equally void for vagueness and overbreadth.

80.0. Section 5 penalizes the "threat" to commit "terrorism". However, the provision gave no formulation, scenarios or conditions that will help determine what acts or words will be deemed "threatening" by Respondent Anti-Terrorism Council and what will not.

81.0. Section 6 penalizes: (1) "participation" in the planning, training, preparation and facilitation of commission of "terrorism"; (2) "possession of objects" connected with the preparation for its commission; (3) "collecting or making documents" connected with the preparation of terrorism. As worded, however, the terms "participation", "possession", "collecting" and "making" are so broad and unqualified that they do not distinguish between acts done knowingly or unknowingly. Thus, a person who drives his friend to work, who, unknown to the driver, was a suicide bomber and bombs his workplace appears to be already liable for participation under this provision.

82.0. Section 7 penalizes a "mere agreement" and a "decision" to commit terrorism as a "conspiracy". However, the provision does not qualify the form, extent or duration of the "agreement" that will render it punishable as a "conspiracy". Also, the word "decision" involves self-conviction by the person who made the "decision". It is, thus, internal and incapable of determination without any overt act. Taken together with the unrestrained definition of "terrorism" in Section 4, a pair of drunk buddies who, animated solely by their drunken stupor, shouts that they agreed and decided to rain bullets in their neighborhood the day after, can already be arrested for conspiracy. Moreover, even if somebody does initially comes to an agreement with another to commit acts of "terrorism", but, at the last minute, reneges on the agreement,

that person is still liable for conspiracy. These only show the pernicious extent of the vagueness and overbreadth of this crime.

83.0. Section 8 penalizes any proposal to commit "terrorism". However, Section 3(g) states that there is a "proposal" when a person, who has decided to commit "terrorism" proposes its execution to another person or persons. As with that of "conspiracy", the word "decision" involves self-conviction, which is internal to the individual and incapable of determination without any overt act.

84.0. Section 9 penalizes "incitement" of others to commit any of the acts punished in Section 4, without taking any direct part in the commission. But given that the acts constituting "terrorism" are not clearly specified, classified or delineated, everyone in the country is at the mercy of Respondent Anti-Terrorism Council as to what acts can one incite others to commit.

85.0. Section 10 punishes "recruitment to and membership" in a terrorist organization or a group organized to engage in "terrorism". As defined in Section 3 (h), recruit means to encourage others to join such organization or group. However, the word "encouragement" in the definition is not qualified by any intent to really encourage others to join. Liability automatically and unfairly attaches to the result, i.e. the encouragement, regardless whether or not it was made knowingly, willingly or seriously. Also, the law attaches criminal liability regardless if the recruitment or membership took place before or after the organization or group has been tagged as a "terrorist" or organized to engage in "terrorism."

86.0. Section 11 punishes: (a) travel or attempted travel to a state other than his/her state of residence or nationality, for the purpose of perpetrating, planning, or preparing for, or participating in terrorism, or providing or receiving terrorist training; (b) organizing or facilitating such travel of individuals who travel to a state other than their states of residence or nationality knowing that such travel is for the purpose of perpetrating, planning, training, or preparing for, or participating in terrorism or providing or receiving terrorist training; or c) anyone from abroad who comes to the Philippines to participate in perpetrating, planning, training, or preparing for, or participating in terrorism or provide support for or facilitate or receive terrorist training here or abroad. The provision, however, shares the same defect as Section 6.

87.0. Finally, Section 12 punishes the giving of material support to individuals, organizations, associations or groups that the giver knows to be committing or planning to commit acts of "terrorism" in Section 4. Read with Section 3 (e), which defines "material support", it

grants wide discretion to Respondent Anti-Terrorism Council to determine if the property involved constitutes material support or not.

88.0. Given the definitions of each crime above, which are broad enough to warrant full discretion upon Respondent Anti-Terrorism Council to define and classify acts under any of these crimes, Sections 5 to 12 also unduly acts as a prior restraint to free speech and to freedom of expression. Also, since the presumption is that unlawful acts are done with an unlawful intent⁶⁷, it is reasonable to expect that one would choose to forego his or her valid exercise of freedom of speech and expression, if only to prevent any unexpected liability for violation of Sections 4 to 12 of the Anti-Terrorism Act.

B. Section 16 Unduly Encroaches Upon The Inviolable Right To Privacy And Curtails The Right To Counsel By Indiscriminately Allowing Seizure Of All Types Of Private Communication, Conversations, Discussions, Data, Information, Messages, Whether Spoken Or Written. Worse, It Unconstitutionally Amended and Expanded The Power Of Search And Seizure Under Section 2, Article III Of The 1987 Constitution.

89.0. One of the most obnoxious provisions of the Anti-Terrorism Act is Section 16. It provides for surveillance of suspects and interception and recording of communications. The provision reads:

“SEC. 16. Surveillance of Suspects and Interception and Recording of Communications. – The provisions of Republic Act No. 4200, otherwise known as the “Anti-Wire Tapping Law” to the contrary notwithstanding, a law enforcement agent or military personnel may, upon written order of the Court of Appeals secretly wiretap, overhear and listen to, intercept, screen, read, surveil, record or collect, with the use of any mode, form, kind or type of electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science or with the use of any other suitable ways and means for the above purposes, any private communications, conversation, discussion/s, data, information, messages in whatever form, kind or nature,

⁶⁷ RULES OF COURT, Rule 131, Sec. 3, paragraph (b).

spoken or written words (a) between members of a judicially declared and outlawed terrorist organization, as provided in Section 26 of this Act; (b) between members of a designated person as defined in Section 3(e) of Republic Act No. 10168; or (c) any person charged with or suspected of committing any of the crimes defined and penalized under the provisions of this Act: *Provided*, That surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources and confidential business correspondence shall not be authorized.

The law enforcement agent or military personnel shall likewise be obligated to (1) file an *ex-parte* application with the Court of Appeals for the issuance of an order, to compel telecommunications service providers (TSP) and internet service providers (ISP) to produce all customer information and identification records as well as call and text data records, content and other cellular or internet metadata of any person suspected of any of the crimes defined and penalized under the provisions of this Act; and (2) furnish the National Telecommunications Commission (NTC) a copy of said application. The NTC shall likewise be notified upon the issuance of the order for the purpose of ensuring immediate compliance.”

90.0. Key features of the above-cited provision are:

90.01. It requires an order from the Court of Appeals;

90.02. It allows secret wiretapping, overhearing and listening to, interception, screening, reading, surveillance, recording or collection of **any private communications, conversation, discussion/s, data, information, messages in whatever form, kind or nature, spoken or written words**;

90.03. Police and military can use any mode, form, kind or type of electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science or with the use of any other suitable ways and means;

90.04. Police and military targets members of a judicially declared and outlawed terrorist organization, as provided in Section 26, members of a designated person as defined in Section 3(e) of Republic Act No. 10168 or **any person** charged with or **suspected of** committing any of

the crimes defined and penalized by the Anti-Terrorism Act; and

90.05. **Excludes** surveillance, interception and recording of **communications** between lawyers and clients, doctors and patients, journalists and their sources and **confidential business correspondence**.

91.0. Renowned constitutionalist Fr. Joaquin G. Bernas, S.J. considers invasion of communication and correspondence, just as what is allowed in Section 16 above, as one kind of search.⁶⁸

92.0. Thus, the search authorized in Section 16 above should be measured by the standard imposed by Section 2, Article III of the 1987 Constitution:

“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 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.”

93.0. The Honorable Court emphasized in ***People vs. Burgos***⁶⁹ that the above-cited constitutional provision is “a safeguard against wanton and unreasonable invasion of the privacy and liberty of a citizen as to his person, houses, papers and effects.”

94.0. And just last June of this year, the Honorable Court, in ***People vs. Jerry Sapla***,⁷⁰ sent a strong message that it will never countenance the authorities’ disregard of this constitutional right:

“xxx the right against unreasonable searches and seizures is ‘at the top of the hierarchy of rights, next only to, if not on the same plane as, the right to life, liberty and property xxx for the right to personal security which, along with the right to privacy, is the foundation of the right against unreasonable search and seizure.

X X X

⁶⁸ JOAQUIN G. BERNAS, THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY, 209 (2003).

⁶⁹ G.R. No. L-68955, 04 September 1986, 144 SCRA 1, 12.

⁷⁰ G.R. No. 244045, 16 June 2020.

X X X
X X X

Because if the sacrosanct position occupied by the right against unreasonable searches and seizures in the hierarchy of rights, any deviation or exemption from the aforementioned rule is not favored and is strictly construed against the government.”

95.0. Stripped to its bare essentials, Section 2, Article III of the 1987 Constitution mandates that: (1) searches can only be done through a search warrant; (2) such search warrants only upon probable cause; and (3) probable cause can only be determined through personal examination by the **judge**.

96.0. **Measuring Section 16 of the Anti-Terrorism Act by these three (3) requirements, while the provision meets the requirements of a search warrant based on probable cause, Section 16 deviates from the constitutional mandate that the probable cause be determined by a judge and not by a Division of the Court of Appeals. Section 2, Article III specifically mentions a “judge.”**

97.0. **The Honorable Court reminded in *Chavez vs. Judicial and Bar Council*,⁷¹ that “the language employed in the Constitution must be given their ordinary meaning except where technical terms are employed” and, as much as possible, “the words of the Constitution should be understood in the sense they have in common use.”**

98.0. **Applying this pronouncement, since Section 2 of Article III of the 1987 Constitution designates judges to determine probable cause, Petitioners most respectfully submit that Section 16 of the Anti-Terrorism Act cannot change this requirement and designate the Division of the Court of Appeals without running afoul of such constitutional provision and being rendered void *ab initio* in the process. The Honorable Court can take judicial notice of the fact that, under common usage, the word “judge” refers to the judges of the trial courts and not to the Justices of the Court of Appeals or any of its Divisions.**

99.0. As enacted, Section 16 of the Anti-Terrorism Act, in effect, amended and expanded the scope of Section 2, Article III of the 1987 Constitution without resorting through any of the modes provided for in Article XVII. This too should not be countenanced and merits as an additional ground to nullify Section 16 above as unconstitutional and a

⁷¹ G.R. No. 202242, 17 July 2012, 676 SCRA 579, 598.

clear act of grave abuse of discretion by Respondents Senate of the Philippines and the House of Representatives.

100.0. Apart from its unconstitutional amendment and expansion of Section 2, Article III of the 1987 Constitution, Section 16 of the Anti-Terrorism Act is also directly offensive to the fundamental right to privacy enshrined in Section 3, paragraph 1 of Article III, that the privacy of communication shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

101.0. Adopting Justice William O. Douglas' dissent in ***Public Utilities Commission vs. Pollak***,⁷² the Honorable Court, in ***Morfe vs. Mutuc***⁷³ also hailed the right to privacy as the "beginning of all freedom."

102.0. Given the hallowed status of the right to privacy, the Honorable Court held in ***Ople vs. Torres***,⁷⁴ that "[i]ntrusions into the right must be accompanied by proper safeguards and well-defined standards to prevent unconstitutional invasions." It added that "any law or order that invades individual privacy will be subjected to strict scrutiny."⁷⁵

103.0. Petitioners most respectfully submit that, under such strict scrutiny, Section 16 of the Anti-Terrorism Act, in allowing surveillance and interception, among others, of "any private communications, conversation, discussion/s, data, information, messages in whatever form, kind or nature" cannot validly pass.

104.0. Petitioners humbly direct the attention of the Honorable Court to the case of ***Disini vs. Secretary of Justice***,⁷⁶ where it declared as unconstitutional Section 12 of R.A. 10175 or the Cybercrime Prevention Act of 2012 for being an invasion of the right to privacy. Prior to its annulment for being unconstitutional, Section 12 of the said law provides:

"Sec. 12. Real-Time Collection of Traffic Data. — Law enforcement authorities, with due cause, shall be authorized to collect or record by technical or electronic means traffic data in real-time associated with specified communications transmitted by means of a computer system.

⁷² 343 U.S. 451 (1952).

⁷³ G.R. No. L-20387, 31 January 1968, 22 SCRA 424, 442.

⁷⁴ G.R. No. 127685, 23 July 1998, 293 SCRA 141, 169.

⁷⁵ *Ibid.*

⁷⁶ G.R. No. 203335, 18 February 2014, 716 SCRA 237.

Traffic data refer only to the communication's origin, destination, route, time, date, size, duration, or type of underlying service, but not content, nor identities.

All other data to be collected or seized or disclosed will require a court warrant.

Service providers are required to cooperate and assist law enforcement authorities in the collection or recording of the above-stated information.

The court warrant required under this section shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce and the showing: (1) that there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed, or is being committed, or is about to be committed; (2) that there are reasonable grounds to believe that evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes; and (3) that there are no other means readily available for obtaining such evidence."

105.0. The petitioners in that case pointed out that Section 12 is too broad and does not provide ample safeguards on the right to privacy. In declaring the provision void, the Honorable Court proceeded to determine whether or not the procedure that Section 12 of R.A. 10175 provides were narrowly drawn to protect individual rights. It held that it did not and so it was annulled. Explaining the nullity of Section 12, the Honorable Court pointed out the following:

"Section 12 empowers law enforcement authorities, 'with due cause,' to collect or record by technical or electronic means traffic data in real-time. Petitioners point out that the phrase "due cause" has no precedent in law or jurisprudence and that whether there is due cause or not is left to the discretion of the police. Replying to this, the Solicitor General asserts that Congress is not required to define the meaning of every word it uses in drafting the law.

Indeed, courts are able to save vague provisions of law through statutory construction. But **the cybercrime law**, dealing with a novel situation, **fails to hint at the meaning it intends for the phrase "due cause."** The Solicitor General suggests that "due cause" should mean "just reason or motive" and "adherence to a lawful procedure." But the Court cannot draw this meaning since

Section 12 does not even bother to relate the collection of data to the probable commission of a particular crime. **It just says, “with due cause,” thus justifying a general gathering of data. It is akin to the use of a general search warrant that the Constitution prohibits.**

Due cause is also not descriptive of the purpose for which data collection will be used. Will the law enforcement agencies use the traffic data to identify the perpetrator of a cyber attack? Or will it be used to build up a case against an identified suspect? Can the data be used to prevent cybercrimes from happening?

The authority that Section 12 gives law enforcement agencies is too sweeping and lacks restraint. While it says that traffic data collection should not disclose identities or content data, such restraint is but an illusion. Admittedly, nothing can prevent law enforcement agencies holding these data in their hands from looking into the identity of their sender or receiver and what the data contains. This will unnecessarily expose the citizenry to leaked information or, worse, to extortion from certain bad elements in these agencies.

Section 12, of course, limits the collection of traffic data to those “associated with specified communications.” But this supposed limitation is no limitation at all since, evidently, it is the law enforcement agencies that would specify the target communications. **The power is virtually limitless, enabling law enforcement authorities to engage in “fishing expedition,” choosing whatever specified communication they want. This evidently threatens the right of individuals to privacy.”**⁷⁷ (Emphasis and underscoring supplied)

106.0. Petitioners most respectfully submit that the same logic should apply to annul Section 16 of the Anti-Terrorism Act as violative of the right to privacy.

107.0. Similar to the case cited above, as can be easily seen from the provision itself, the acts of wiretapping, overhearing and listening to, interception, screening, reading, surveillance, recording or collection that will be authorized in Section 16 **WILL APPLY TO ANY private communications, conversation, discussion/s, data, information, messages in whatever form, kind or nature, spoken or written words.** Nothing in Section 16 qualifies the scope of the

⁷⁷ *Id.* at 342-343.

wiretapping, etc. only to those matters that relate to the crime of “terrorism” in Section 4 or in the other crimes punished in Sections 5 to 12.

108.0. Failing to provide any qualification, Section 16 allows the **GENERAL GATHERING OF DATA** and, corollary, the written order issued by the Division of the Court of Appeals will be in the form of a **GENERAL WARRANT declared as unconstitutional**, not only in *Disini vs. Secretary of Justice, supra*, but as early as 1967 in the case of *Stonehill vs. Diokno*.⁷⁸

109.0. Needless to say, since Section 16 constitutes a general warrant, it also follows that the authority that Section 16 gives to the police and military is too sweeping and lacks restraint. In fact, even the **MEANS** by which the acts of secret wiretapping / surveillance / interception / recording will be conducted are **ALSO UNLIMITED**, i.e. “with the use of any mode, form, kind or type of electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science or with the use of any other suitable ways and means for the above purposes.”

110.0. Most importantly, that Section 16 targets even persons “suspected” of committing any of the crimes defined and penalized by the Anti-Terrorism Act effectively invites both the military and the police to a “fishing expedition”, allowing them to secretly intrude into whatever communication, conversation, discussion/s, data, information, messages they want and, worse, obtain copies thereof.

111.0. Thus, being similarly intrusive as Section 12 of R.A. 10175 that was annulled by this Honorable Court, Section 16 of the Anti-Terrorism Act must likewise be struck down for being an abominable invasion to the right to privacy bereft of any safeguards to limit invasion strictly to matters of “terrorism” and its related crimes.

112.0. Further on Section 16, Petitioners also respectfully submit that the above-mentioned intrusions into the protected realm of individual privacy also inevitably defeats the right to counsel under Section 12, paragraph 1, Article III of the 1987 Constitution and also under Section 30 of the Anti-Terrorism Act.

113.0. While the operation of Section 16 admits of an exception, it merely contains the following *proviso*:

“*xxx Provided, That surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources*”

⁷⁸ G.R. No. L-19550, 19 June 1967, 20 SCRA 383.

and confidential business correspondence shall not be authorized.”

114.0. It is basic in statutory construction that, when the law refers to an enumeration of exceptions, then the courts will not add to the enumeration by implication, as held in ***Samson vs. Court of Appeals***,⁷⁹ to wit:

“Under the rules of statutory construction, exceptions, as a general rule, should be strictly, but reasonably construed; they extend only so far as their language fairly warrants, and all doubts should be resolved in favor of the general provisions rather than the exception. Where a general rule is established by statute with exceptions, the court will not curtail the former nor add to the latter by implication ... (Francisco, *Statutory Construction*, p. 304, citing 69 C.J., Section 643, pp. 1092-1093, emphasis supplied).

Where a statute enumerates the subjects or things on which it is to operate, it is to be construed as excluding from its effects all those not expressly mentioned (Martin, *Statutory Construction*, 1979 ed., p. 71 citing *Dave's Place vs. Liquor Control Comm.*, 269 N.W., p, 504).” (Emphasis and underscoring supplied)

115.0. The non-inclusion in the *proviso* of the words “conversation, discussion/s, data, information, messages in whatever form, kind or nature, spoken or written words” in the exception can only mean that they were omitted intentionally. Thus, although surveillance, interception and recording of communications between lawyers and their clients are prohibited, **the surveillance, interception and recording of conversation, discussion/s, data, information, messages in whatever form, kind or nature, spoken or written words” between the lawyer and the client are STILL ALARMINGLY ALLOWED.**

116.0. These, therefore, unconstitutionally impair the right to counsel. In ***People vs. Bermas***,⁸⁰ the Honorable Court declared that the right to counsel requires the active participation of the lawyer, not merely a peremptory presence, to wit:

“The right to counsel must be more than just the presence of a lawyer in the courtroom or the mere propounding of standard questions and objections. The

⁷⁹ G.R. No. L-43182, November 25, 1986, 145 SCRA 654, 659.

⁸⁰ G.R. No. 120420, 21 April 1999, 306 SCRA 135, 147-148.

right to counsel means that the accused is amply accorded legal assistance extended by a counsel who commits himself to the cause of the defense and acts accordingly. **The right assumes an active involvement by the lawyer in the proceedings, particularly at the trial of the case, his bearing constantly in mind of the basic rights of the accused, his being well-versed on the case, and his knowing the fundamental procedures, essential laws and existing jurisprudence. The right of an accused to counsel finds substance in the performance by the lawyer of his sworn duty of fidelity to his client.** Tersely put, it means an efficient and truly decisive legal assistance and not a simple perfunctory representation.” (Emphasis and underscoring supplied)

117.0. The narrowly drawn exception granted to lawyers and their clients to the acts of surveillance, interception and recording under Section 16 will result in the deliberate act of the client to withhold information and, worse, to refuse to confer with his or her lawyer knowing that, other than their private communication, everything else can be secretly intercepted and recorded by either the military or police.

C. The Power Of Designation In Section 25 Imposes Criminal Liability On Individuals, Groups, Associations And Organizations *Ex Post Facto*. It Also Exposes Them To Criminal Prosecution And Deprivation Of Property Without Due Process Of Law.

118.0. Section 25 of the Anti-Terrorism Act provides the unique power of “designation” granted to Respondent Anti-Terrorism Council, to wit:

“SEC. 25. *Designation of Terrorist Individual, Groups of Persons, Organizations or Associations.* – Pursuant to our obligations under United Nations Security Council Resolution (UNSCR) No. 1373, the ATC shall automatically adopt the United Nations Security Council Consolidated List of designated individuals, group of persons, organizations, or associations designated and/or identified as a terrorist, one who finances terrorism, or a terrorist organization or group.

Request for designations by other jurisdictions or supranational jurisdictions may be adopted by the ATC

after determination that the proposed designee meets the criteria for designation of UNSCR No. 1373.

The ATC may designate an individual, groups of persons, organization, or association, whether domestic or foreign, upon a finding of probable cause that the individual, groups of persons, organization, or association commit, or attempt to commit, or conspire in the commission of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act.

The assets of the designated individual, groups of persons, organization or association above-mentioned shall be subject to the authority of the Anti-Money Laundering Council (AMLC) to freeze pursuant to Section 11 of Republic Act No. 10168.

The designation shall be without prejudice to the proscription of terrorist organizations, associations, or groups of persons under Section 26 of this Act.”

119.0. Petitioners most respectfully submit that Section 25 above is the most defective of all provisions in the Anti-Terrorism Act.

120.0. For one, in allowing Respondent Anti-Terrorism Council to subsequently “designate” previously, and presumed lawful, groups, association and organizations as “terrorists” and now subject to criminal prosecution, Section 25 is clearly an *ex post facto* law.

121.0. Next, to exercise the power of designation, Respondent Anti-Terrorism Council arrogates upon itself the judicial power to interpret the Anti-Terrorism Act and declare that the individual, group, organization or association are indeed “terrorists” under the law – an odious violation of the separation of powers between the Executive and the Judiciary.

122.0. Once designated, the affected individual, organization, group or association automatically becomes a criminal element, who can be arrested, detained, wiretapped and seized of assets without any hearing, in violation of the presumption of innocence and the protection from deprivation of life, liberty or property without due process of law.

123.0. Section 22, Article III of the 1987 Constitution provides that no *ex post facto* law or bill of attainder shall be

enacted. But even as early as 1922, the Honorable Court had already declared the illegality of *ex post facto* laws like it did in *United States vs. Conde*,⁸¹ to wit:

“*Ex post facto* laws, unless they are favorable to the defendant, are prohibited in this jurisdiction. Every law that makes an action, done before the passage of the law, and which was innocent when done, criminal, and punishes such action, is an *ex post facto* law. In the present case Act No. 2655 made an act which had been done before the law was adopted, a criminal act, and to make said Act applicable to the act complained of would be to give it an *ex post facto* operation. The Legislature is prohibited from adopting a law which will make an act done before its adoption a crime. A law may be given a retroactive effect in civil action, providing it is curative in character, but *ex post facto* laws are absolutely prohibited unless its retroactive effect is favorable to the defendant.”

124.0. As shown by the provision, the essence of Section 25 is to allow Respondent Anti-Terrorism Council to subsequently declare the previously lawful existence of an individual, group, organization or association as now criminal simply by operation of law, without any prior determination, intervention or resolution of any court. It must be noted that, while the judiciary, through the Division of the Court of Appeals, has the power of proscription under Section 26, the power of Respondent Anti-Terrorism Council in Section 25 exists independently with that of the judiciary. Verily, since Section 25 criminalizes the previously lawful existence of the designated individual, organization, group or association, it clearly falls as an *ex post facto* law as discussed above.

125.0. Moving on to Section 25 being a violation of the separation of powers, Section 1 of Article VIII of the 1987 Constitution expressly provides that “judicial power” shall be vested in one Supreme Court and in such lower courts as may be established by law.

126.0. In the early case of *Endencia and Jugo vs. David*,⁸² the Honorable Court already outlined the concept of separation of powers, as follows:

“Under our system of constitutional government, the Legislative department is assigned the power to make and enact laws. The Executive department is charged with the execution of carrying out of the provisions of said laws.

⁸¹ G.R. No. L-18208, 14 February 1922.

⁸² G.R. No. L-6355-56, 31 August 1953.

But the interpretation and application of said laws belong exclusively to the Judicial department.”

127.0. Applying the foregoing, it is most respectfully submitted that, under Section 25, the Anti-Terrorism Act unconstitutionally allows the Executive, through Respondent Anti-Terrorism Council, to encroach on judicial power. By giving the Anti-Terrorism Council the power of designation, Section 25 effectively transferred to the Executive the authority to interpret the provisions of the Anti-Terrorism Act and adjudge individuals, organizations, groups or association that they are guilty of any of the acts contained therein and be labeled as “terrorists”.

128.0. As to its deprivation of due process, foremost in Article III of the 1987 Constitution is the guarantee that “[n]o person shall be deprived of life, liberty, or property without due process of law.” It is also accompanied by Section 14 of Article III, which provides:

“Section 14. (1) No person shall be held to answer for a criminal offense without due process of law.

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.”

129.0. In *Lopez vs. Director of Lands*,⁸³ the Honorable Court already summarized the essence of due process as follows:

“By ‘due process of law,’ as Mr. Daniel Webster said in his argument before the Supreme Court of the United States in the famous Dartmouth College Case, is “by the law of the land ... a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. The remaining is, that every citizen shall hold his life, liberty, property, and immunities, under the protection of the general rules which govern society.” (4 Wheaton, U.S., 518, 581.) **‘Due process of law’ contemplates notice and opportunity to be heard before judgment is**

⁸³ G.R. No. L-22136, 17 December 1924.

rendered, affecting one's person or property. 'Due process of law' is not every act, legislative in form, that is, law. Arbitrary power, enforcing its edicts to the injury of the persons and property of the citizens, is not law." (Emphasis and underscoring supplied)

130.0. Applying this standard to the power of designation in Section 25 of the Anti-Terrorism Act, Petitioners most respectfully submit that **Section 25 does the exact opposite of what is required by the foremost right to due process.**

131.0. Designation under Section 25 is **A DETERMINATION** made solely by Respondent Anti-Terrorism Council **WITHOUT NOTICE AND HEARING** in favor of the individual, organization, association or group to be designated. Worse, following their designation, the existence of such individual, organization, group or association becomes automatically unlawful without any final judicial declaration. This culminates to their arrest and detention and the examination and freezing of their assets by the Anti-Money Laundering Council.

132.0. Thus, in one fell swoop, Section 25 destroys the guarantees and protection afforded by four (4) constitutional provisions and settled jurisprudence. Petitioners submit that if democracy in this country were to continue its existence, amidst the already burdening of other freedoms because of the pandemic, striking down Section 25 is not merely a necessity but a matter of survival.

D. Granting The Anti-Terrorism Council, Through Section 29, The Judicial Power To Cause The Arrests Of Persons Suspected Of Committing "Terrorism" Or Any Of Its Related Offenses And Detain Them For A Maximum Of Twenty Four (24) Days Without Charging Them In Court, Violates Section 2, Article III And Section 18, Article VII Of The 1987 Constitution.

133.0. Petitioners submit that Section 29 of the Anti-Terrorism Act is unconstitutional because it provides for the arrest and detention of suspects without a judicial warrant of arrest and upon mere written authorization from the Anti-Terrorism Council, to wit:

“SEC. 29. Detention Without Judicial Warrant of Arrest. – The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, **any law enforcement agent or military personnel, who, having been duly authorized in writing by the ATC has taken custody of a person suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said suspected person to the proper judicial authority within a period of fourteen (14) calendar days** counted from the moment the said suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel. **The period of detention may be extended to a maximum period of ten (10) calendar days** if it is established that (1) further detention of the person/s is necessary to preserve evidence related to 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.

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 of arrest; (b) the location or locations of the detained suspect/s and (c) the physical and mental condition of the detained suspect/s. The law enforcement agent or military personnel shall likewise furnish the ATC and the Commission on Human Rights (CHR) of the written notice given to the judge.

The head of the detaining facility shall ensure that the detained suspect is informed of his/her rights as a detainee and shall ensure access to the detainee by his/her counsel or agencies and entities authorized by law to exercise visitorial powers over detention facilities.

The penalty of imprisonment of ten (10) years shall be imposed upon the police or law enforcement agent or military personnel who fails to notify any judge as provided in the preceding paragraph.” (Emphasis and underscoring supplied)

134.0. **First**, in allowing the arrest of persons without judicial warrant, Section 29 contradicts the inviolable right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and unlawful arrest, and the constitutional mandate that no warrant of arrest shall issue, except upon probable cause to be determined personally by the judge, as provided in Section 2 of Article III of the 1987 Constitution, to wit:

“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.” (Emphasis and underscoring supplied)

135.0. A plain reading of Section 29 will reveal that the written authorization for the arrest of a person referred to therein is not the warrant of arrest issued by a judge upon determination of probable cause as required by Section 2 of Article III of the 1987 Constitution. Instead, the written authorization which is tantamount to a warrant of arrest is issued by the Anti-Terrorism Council, not upon the finding of probable cause but upon mere suspicion that the person to be arrested is committing an act of terrorism.

136.0. **Second**, Section 29 arrogates upon the Executive branch the power to issue a warrant of arrest, which is an exclusive power granted by the Constitution to the Judiciary. In ***Soliven vs. Makasiar***,⁸⁴ the Honorable Court explained that the determination of probable cause for purposes of issuing a warrant of arrest is the exclusive and personal responsibility of the judge, to wit:

“What the Constitution underscores is the exclusive and personal responsibility of the issuing judge to satisfy himself of the existence of probable cause. In satisfying himself of the existence of probable cause for the issuance of a warrant of arrest, the judge is not required to personally examine the complainant and his witnesses. Following established doctrine and procedure, he shall: (1) personally evaluate the report and the supporting documents submitted by the fiscal regarding the existence of probable cause and, on the basis thereof, issue

⁸⁴ G.R. No. 82585, November 14, 1988, 167 SCRA 393, 398.

a warrant of arrest; or (2) if on the basis thereof he finds no probable cause, he may disregard the fiscal's report and require the submission of supporting affidavits of witnesses to aid him in arriving at a conclusion as to the existence of probable cause." (Emphasis and underscoring supplied)

137.0. But in Section 29 of the Anti-Terrorism Act, the power to issue a written authorization to arrest a person is given to the Anti-Terrorism Council, not upon probable cause, but upon mere suspicion that a person is committing any of the acts which are vaguely defined under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12. This is a violation of the principle of separation of powers.

138.0. *Third*, Section 29 allows the detention of a person suspected of committing terrorism to be detained for up to a maximum of twenty-four (24) days, without any charges being filed against him or her. Petitioners submit that this is unconstitutional for violation of due process, the right to bail, and the right to a speedy trial.

139.0. In *Sayo vs. Chief of Police*,⁸⁵ the Supreme Court explained that the detention of a person for more than the periods specified in Article 125 of the Revised Penal Code, without the filing of charges against him or her, is unconstitutional for violation of the person's right not be deprived of liberty except by warrant of arrest issued by a judge upon the finding of probable cause, to wit:

"Besides, section 1(3), Article III, of our Constitution provides that "the right of the people to be secure in their persons * * * against unreasonable seizure shall not be violated, and no warrant [of arrest, detention or confinement] shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witness he may produce." **Under this constitutional precept no person may be deprived of his liberty, except by warrant of arrest or commitment issued upon probable cause by a judge** after examination of the complainant and his witness. And the judicial authority to whom a person arrested by a public officer must be surrendered can not be any other but a court or judge who alone is authorized to issue a warrant of commitment or provisional detention of the person arrested pending the trial of the case against the latter. **Without such warrant of commitment, the detention of the person arrested for more than six hours would be illegal and in violation of our Constitution.**" (Emphasis and underscoring supplied)

⁸⁵ G.R. No. L-2128, May 12, 1948, 80 Phil., 859, 866-867.

140.0. As applied to Section 29, the detention of a person merely suspected of committing terrorism for up to twenty-four (24) days, without any charges being filed against him or her, is unconstitutional for violation of the right not be deprived of liberty without due process.

141.0. Moreover, Petitioners submit to this Honorable Court that the detention of a person for up to twenty-four (24) days, without the filing of any charges against him or her, also violates the constitutional rights to bail and to a speedy trial.

142.0. By depriving a person of liberty for up to twenty-four (24) days on the basis of mere suspicion of terrorism and without the filing of charges against him or her, Section 29 effectively disregards the person's constitutional right to bail⁸⁶.

143.0. What's more, detaining a person for up to twenty-four (24) days is contrary to the constitutional right of an accused to a speedy trial⁸⁷ because the undue delay in the filing of charges against the person suspected of terrorism also unduly delays the disposition of his or her case.

144.0. It is also not amiss to note that the maximum period of twenty-four (24) agonizing days during which a person may be put under custody of police or military personnel on the basis of mere suspicion of terrorism is such an unreasonable period of time during which he or she is effectively under custodial investigation.

145.0. This 24-day period is in stark contrast to the maximum of three (3) days prescribed by Section 18 of Article VII of the Constitution⁸⁸ during which time judicial charges must be

⁸⁶ CONST. (1987), Art. III, Section 13 provides that: "All persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required."

⁸⁷ CONST. (1987), Art. III, Section 14(2) provides that: "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence on his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable."

CONST. (1987), Art. III, Section 16 provides that: "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies."

⁸⁸ CONST. (1987), Art. VII, Section 18 provides that: "The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. In case of invasion or rebellion, when the public safety requires it, he may, for a period not exceeding sixty days, suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law. xxx

xxx

xxx

During the suspension of the privilege of the writ, **any person thus arrested or detained shall be judicially charged within three days**, otherwise he shall be released." (Emphasis and underscoring supplied)

filed against a person detained, otherwise, he or she should be released. The unreasonableness of this 24-day period of detention under the Anti-Terrorism Act is only made more prominent by the fact that the maximum 3-day period of detention prescribed by the 1987 Constitution is in effect even during the suspension of the privilege of the writ of *habeas corpus*.

146.0. In view of the foregoing, Petitioners most respectfully submit to the Honorable Court that Section 29 on Detention Without Judicial Warrant of Arrest must be struck down as unconstitutional for violation of the principle of separation of powers, the right to due process, the right to be protected against unlawful arrest and without judicial warrant, and the rights to bail and to a speedy trial.

E. The Anti-Terrorism Law Must Be Struck Down In Its Entirety Because Its Unconstitutional Provisions Are Its Very Essence.

147.0. Petitioners submit that the entire Anti-Terrorism Act must be struck down in its entirety because its very essence contained in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 25 and 29 are unconstitutional. These unconstitutional provisions are interconnected to form the Anti-Terrorism Act's integral provisions, hence, the law's fundamental for which the entire law must, with all due respect, be declared unconstitutional.

148.0. As discussed above, the definitions of the prohibited acts under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 are vague and overbroad, lacking in comprehensible standards to put the people on notice of what acts are prohibited under the penal law. Worse, the vague and overbroad provisions allow law enforcers the unbridled discretion in their enforcement of the law, giving them unilateral authority to interpret what constitutes a violation of the Anti-Terrorism Act and what does not. As a consequence, the vagueness and overbreadth impinges the right of persons to know what acts will open them to criminal prosecution and liability, as part of due process, and to exercise their freedom of speech and expression for fear that whatever they communicate and express may already be punished as an act of "terrorism."

149.0. Considering that the Anti-Terrorism Act's vague and overbroad provisions give law enforcers the unilateral authority to interpret what constitutes "terrorism", the application for the written order to conduct wiretapping and surveillance under Section 16 will all the more be in the nature of an application for a general warrant. This is because the law enforcers who will file the application for the written

order from the Court of Appeals can interpret the acts of a person as “terrorism” and turn him or her into a suspect under the coverage of Section 16. What's more, Section 16 highlights the vagueness and overbreadth of the Anti-Terrorism Act by allowing the written order to be issued to conduct wiretapping and surveillance into all communications and correspondences of a suspect, even without specifying with particularity the places to be searched and the items to be seized, as required by Section 2 of Article III of the 1987 Constitution.

150.0. As a law effectively allowing general warrants, the Anti-Terrorism Act does it so by unconstitutionally amending Section 2 of Article III of the 1987 Constitution by mandating that the written authority to conduct such unlimited search and seizure of any private communication, conversation, discussion, data, information and messages of whatever form be issued by a Division of the Court of Appeals when, in fact, Section 2 requires that it be issued upon personal examination by a judge.

151.0. Further, as a general warrant both in its scope and its means, the order issued under Section 16 invades the foremost right to privacy by subjecting to secret search and seizure all private communication, conversation, discussion, data, information and messages of whatever form regardless of whether or not their nature and content be related to “terrorism” and its related crimes under Sections 4 to 12 of the Anti-Terrorism Act. This fishing expedition is compounded by the fact that, for fear of unwarranted intrusion, clients would refuse to fully confer with their counsel of choice, thereby subverting the right to counsel.

152.0. Section 25 violates four (4) constitutional provisions and is the most defective of all provisions of the Anti-Terrorism Act. It is an *ex post facto* provision, an abhorrent delegation of judicial power to the Executive, and a despicable means by which Respondent Anti-Terrorism Council can deprive persons of their rights to life, liberty, property, presumption of innocence and to have them answer criminally for the legally amorphous offense of “terrorism”, all without due process of law.

153.0. Section 25 is already unconstitutional in itself by allowing the Anti-Terrorism Council to designate persons and associations as terrorists, effectively penalizing them with deprivation of liberty and property without due process of law since they can already be detained under Section 29 and their assets freezed under Section 11 of the Terrorism Financing Prevention and Suppression Act. But the unconstitutionality of Section 25 is made even more prominent by the vagueness of the Anti-Terrorism Act, giving the Anti-Terrorism Council unbridled discretion to determine who are committing, attempting to

commit, or conspiring to commit terrorism so that they can be subject to Sections 16, 25 and 29.

154.0. Section 29 is also unconstitutional by giving the Anti-Terrorism Council the power to authorize an arrest without judicial warrant, in patent violation of the constitutional right against unlawful arrest and the constitutional requirement that a warrant of arrest shall be issued only upon probable cause to be determined personally by a judge. Worse, Section 29 allows the detention of suspects for up to twenty-four (24) days without any charges being filed against them. This is in stark contrast to the Constitution's mandate that charges must be filed against a detainee within three (3) days even during a period in which the privilege of the writ of habeas corpus is suspended. Combined with the vague definitions of what constitutes terrorism, and the unconstitutional provisions of Section 16 and 25, the imposition of Section 29 on Detention Without Judicial Warrant of Arrest becomes all the more oppressive.

155.0. In what appears to be an effort to provide safeguards to the constitutional rights of persons suspected of, arrested or detained violations of the Anti-Terrorism Act, the law penalizes law enforcers and military personnel for the following acts:

155.01. Section 22 penalizes the opening, disclosure, or use in evidence of the sealed envelope containing the discs, recordings, notes or memoranda of secretly wiretapped, intercepted or recorded communications, conversations, discussions, data and information under Section 16 without a written order from the authorizing division of the Court of Appeals.

155.02. Section 24 prohibits conducting surveillance activities under Section 16 without a valid judicial authorization from the Court of Appeals under Section 17.

155.03. Section 29 punishes the failure of a law enforcement officer to notify a judge of the details of the arrest made under the same provision.

155.04. Section 31 punishes the violation of Sections 29 and 30 that provides for the rights of persons arrested or detained for violations under the Anti-Terrorism Act.

155.05. Section 32 punishes the failure of a law enforcement officer to keep an official logbook containing the details of the arrests and detention of alleged violators of the Anti-Terrorism Act.

155.06. Section 33 prohibits torture and subjects offenders to penalty under R.A. 9745 or the Anti-Torture Act of 2009.

155.07. Section 37 punishes the malicious or unauthorized examination of deposits or bank records.

155.08. Finally, Section 43 punishes the giving of any false testimony, forged document or spurious evidence in any investigation or hearing for alleged violations of the Anti-Terrorism Act.

156.0. It is respectfully submitted, however, that these **PROHIBITIONS AND PENALTIES** provided for by law against law enforcers and military personnel for malicious, unauthorized and abusive acts **CANNOT SALVAGE THE UNCONSTITUTIONALITY OF THE LAW.**

157.0. The above-listed penalties that may be imposed against law enforcers and military personnel are off-shoots of Sections 4 to 12 defining “terrorism” and other prohibited acts, Section 16 allowing secret surveillance, interception and recording of private communication, conversations, discussions, meetings, data and information under authority of the Court of Appeals, Section 25 empowering Respondent Anti-Terrorism Council to designate individuals, organizations, groups or associations as “terrorists” and Section 29 empowering Respondent Anti-Terrorism Council to authorize the arrests and detention of persons suspected of committing “terrorism”. The penalties under Sections 22, 24, 29, 31, 32, 33, 37 and 43 presupposes that the definition of “terrorism” and prohibited act, the surveillance, the designation and the arrests and detention under the Anti-Terrorism Act are valid.

158.0. However, as repeatedly discussed and shown in this petition, Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 25 and 29 are **UNCONSTITUTIONAL**. Therefore, the definition of the crime of “terrorism” and its related acts and the surveillance, designation, arrests and detention of suspected individuals, organizations, groups or associations, **SHOULD NOT BE ALLOWED** in the first place.

159.0. Verily, these unconstitutional provisions of Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 25 and 29 form the very essence of the Anti-Terrorism Act and cannot be struck down without rendering the entire law useless. Thus, as held in *Antonio vs. Commission on Elections*,⁸⁹ when the unconstitutional provisions of the law are mutually dependent and connected, that the law cannot survive without

⁸⁹ G.R. No. 135869, September 22, 1999, 315 SCRA 62, 71-73.

said unconstitutional provisions, then the entire law must be struck down, to wit:

“First, petitioner’s argument raises the presumption that the period to appeal can be severed from the remedy or the appeal itself which is provided in Section 9, Republic Act 6679 and survive on its own. The presumption cannot be sustained because the period to appeal is an essential characteristic and wholly dependent on the remedy.

Aptly, the rules on statutory construction prescribe:

“The general rule is that where part of a statute is void as repugnant to the Constitution, while another part is valid, the valid portion, if separable from the invalid, may stand and be enforced. The presence of a separability clause in a statute creates the presumption that the legislature intended separability, rather than complete nullity, of the statute. To justify this result, the valid portion must be so far independent of the invalid portion that it is fair to presume that the legislature would have enacted it by itself if it had supposed that it could not constitutionally enact the other. Enough must remain to make a complete, intelligible, and valid statute, which carries out the legislative intent. The void provisions must be eliminated without causing results affecting the main purpose of the act in a manner contrary to the intention of the legislature. The language used in the invalid part of the statute can have no legal effect or efficacy for any purpose whatsoever, and what remains must express the legislative will independently of the void part, since the court has no power to legislate.

The exception to the general rule is that when the parts of a statute are so mutually dependent and connected, as conditions, considerations, inducements, or compensations for each other, as to warrant a belief that the legislature intended them as a whole the nullity of one part will vitiate the rest. In making the parts of the statute dependent, conditional, or connected with one another, the legislature intended the statute to

be carried out as a whole and would not have enacted it if one part is void, in which case **if some parts are unconstitutional, all the other provisions thus dependent, conditional, or connected must fall with them.**” (Emphasis and underscoring supplied)

160.0. Thus, Petitioners most respectfully submit that, once Sections 4 to 12, 16, 25 and 29 are declared unconstitutional, the Anti-Terrorism Act will be an inutile husk of a law. Thus, since there will be nothing left to implement *sans* its unconstitutional provisions, the Anti-Terrorism Act deserves to be struck down in its entirety.

**ALLEGATIONS IN SUPPORT OF THE URGENT APPLICATION
FOR THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER
AND/OR WRIT OF PRELIMINARY INJUNCTION**

161.0. Petitioners respectfully replead the foregoing allegations by reference.

162.0. Under the circumstances, it is respectfully submitted that Petitioners are entitled to the issuance of a temporary restraining order enjoining respondents Anti-Terrorism Council, NICA, AFP and PNP from implementing the provisions of the Anti-Terrorism Act.

163.0. For a temporary restraining order and/or writ of preliminary injunction to issue, the following requirements must be duly shown to be present: “(1) there exists **a clear and unmistakable right** to be protected; (2) this **right is directly threatened** by an act sought to be enjoined; (3) the **invasion of the right is material and substantial**; and (4) there is an urgent and paramount necessity for the writ to prevent **serious and irreparable damage**.”⁹⁰

164.0. All these requirements are present in favor of Petitioners.

165.0. **FIRST**, as shown, the Filipino people, in general, and the members of Petitioner IBP, in particular, have a **CLEAR AND UNMISTAKABLE RIGHT** to immediately enjoin the implementation of the Anti-Terrorism Act, while the Honorable Court resolves the constitutional challenges to its validity, which were duly explained above and repleaded here by reference.

⁹⁰ *Australian Professional Realty, Inc. vs. Municipality of Padre Garcia, Batangas Province*, G.R. No. 183367, March 14, 2012, 668 SCRA 253, 261.

165.01. Given the vague and broad definition of terrorism, coupled with the violation of the constitutional safeguards against arrests, search and seizure, freedom of expression, and deprivation of life, liberty and property without due process of law, the Filipino people, in general, and the members of Petitioner IBP, in particular, will be placed at the whims and caprices of respondents Anti-Terrorism Council, NICA, AFP and PNP, who could conveniently consider any political dissent as an act of terrorism and thus subject them to unreasonable searches and seizures and to arrests and detention without due process of law.

165.02. Indeed, allowing the Anti-Terrorism Act to be implemented even before its validity can be determined by this Honorable Court would already subject the Filipino people, in general, and the members of Petitioner IBP, in particular, to the injustices duly described in this petition.

165.03. Hence, with all due respect, there is a clear and legal right to enjoin its implementation while the instant case is being resolved by the Honorable Court.

166.0. **SECOND**, Petitioners' **RIGHT IS DIRECTLY THREATENED** because, even as this Petition is being filed, respondent Anti-Terrorism Council is in the process of drafting the implementing rules. Likewise, as the Anti-Terrorism Act is now effective, its provisions can now be implemented by the respondents.

167.0. **THIRD**, the invasion of Petitioners' right is **MATERIAL AND SUBSTANTIAL**. The constitutional rights of the Filipino people, in general, and of the members of Petitioner IBP, in particular, are the bedrock of our civil society. The Anti-Terrorism Act not only disregards it, but it likewise goes beyond the safeguards expressly provided under the Constitution.

168.0. **FOURTH**, the Filipino people, in general, and the members of Petitioner IBP, in particular, will suffer and will continue to suffer **SERIOUS AND IRREPARABLE DAMAGE**.

169.0. The Supreme Court defined irreparable damage in ***Australian Professional Realty Inc., supra***, as one that cannot be measured with reasonable accuracy, to wit:

“Damages are irreparable where there is no standard by which their amount can be measured with reasonable accuracy.”⁹¹

170.0. In *Heirs of Melencio Yu and Taliananap Matualaga vs. Court of Appeals*⁹², Supreme Court also added that it also includes “that degree of wrong of a repeated and continuing kind which produce hurt, inconvenience or damage that can be estimated only by conjecture, and not by any accurate standard of measurement”⁹³. It should also “consist of a serious charge of, or is destructive to, the property it affects, either physically or in the character in which it has been held and enjoined, or when the property has some peculiar quality or use, so that its pecuniary value will not fairly recompense the owner of the loss thereof.”⁹⁴

171.0. Applying these standards, there is no gainsaying that the damages which the Filipino people, in general, and the members of Petitioner IBP, in particular, are not only serious; these can never be measured by any means as well.

171.01. As explained, the Anti-Terrorism Act not only unduly encroaches, among others, on the constitutionally protected rights of the people to due process of law and to be secure in their persons, houses and effects, but it likewise disregards the constitutional safeguards against allowable intrusions.

171.02. These intrusions will result to repeated acts of surveillance, arrests and detention and classification as a terrorist or terrorist organization, much to the damage and prejudice, among others, of critics and dissenters, whose only purpose is to expose government excesses and abuses.

171.03. These repeated violations of constitutional rights of the people are clearly incapable of pecuniary estimation. And even if they were, their repeated occurrence is nonetheless of such nature that repeated occurrences become incapable of estimation.

⁹¹ *Australian Professional Realty, Inc. vs. Municipality of Padre Garcia, Batangas Province*, *supra* at 264.

⁹² G.R. No. 182371, September 4, 2013, 705 SCRA 84, 102, *citing Power Sites and Signs, Inc. vs. United Neon*, G.R. No. 163406, November 24, 2009, 605 SCRA 196.

⁹³ *Id.*, at 210-211.

⁹⁴ *Ibid.*

172.0. Accordingly, it is respectfully submitted that the issuance of a temporary restraining order or a status quo ante order, while the instant case is pending before the Honorable Court is in order.

PRAYER

WHEREFORE, Petitioners **INTEGRATED BAR OF THE PHILIPPINES, IBP NATIONAL PRESIDENT DOMINGO EGON Q. CAYOSA AND IBP GOVERNORS BURT M. ESTRADA, DOROTEO LORENZO B. AGUILA, BABY RUTH F. TORRE, ELEAZAR S. CALASAN, ERIC C. ALAJAR, GIL G. TAWAY IV, GINA H. MIRANO-JESENA, JAMES JAYSON J. JORVINA, and CHRISTY JOY S. SOLLESTA** most respectfully pray that the Honorable Court **GRANT** Petitioners the following reliefs in the instant petition:

a. **ISSUE** a temporary restraining order to enjoin the implementation of the Anti-Terrorism Act, pending resolution by this Honorable Court of the instant petition;

b. **SET** the petition for Oral Arguments, as provided under Rule 49, in relation to Section 2 of Rule 56 of the Rules of Court; and

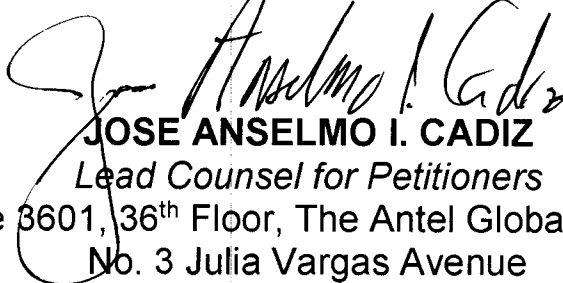
c. After the submission of all pleadings and upon oral arguments, **DECLARE** Republic Act No. 11479, otherwise known as the "Anti-Terrorism Act of 2020", as **UNCONSTITUTIONAL AND VOID AB INITIO** and **COMMAND** Respondents to **DESIST** from implementing it or any of its provisions.

Petitioners likewise pray for other reliefs deemed just and equitable under the premises.

Pasig for Manila, 03 September 2020.

**INTEGRATED BAR OF THE PHILIPPINES /
DOMINGO EGON Q. CAYOSA / BURT M.
ESTRADA /DOROTEO LORENZO B. AGUILA
/BABY RUTH F. TORRE /ELEAZAR S. CALASAN
/ERIC C. ALAJAR /GIL G. TAWAY IV /GINA H.
MIRANO-JESENA /JAMES JAYSON J. JORVINA
/CHRISTY JOY S. SOLLESTA**

By:



JOSE ANSELMO I. CADIZ

Lead Counsel for Petitioners

Suite 3601, 36th Floor, The Antel Global Centre
No. 3 Julia Vargas Avenue

Ortigas Center 1605 Pasig City

PTR No. 6448689-1/14/2020-Pasig City

IBP Lifetime Roll No. 02819-1/24/2002-Camarines Sur

Roll of Attorneys No. 35072

MCLE Compliance No. VI-0020454-3/25/2019

ctlaw@ct-lawfirm.com



RANDALL C. TABAYOYONG

Co-Counsel for Petitioners

Suite 3601, 36th Floor, The Antel Global Centre
No. 3 Julia Vargas Avenue

Ortigas Center 1605 Pasig City

PTR No. 6448692-1/14/2020-Pasig City

IBP Lifetime Roll No. 03470-1/30/2004-Pangasinan

Roll of Attorneys No. 44133

MCLE Compliance No. VI-0020010-4/02/2019

ctlaw@ct-lawfirm.com



JEFFREY B. CONSTANTINO

Co-Counsel for Petitioners

Suite 3601, 36th Floor, The Antel Global Centre
No. 3 Julia Vargas Avenue

Ortigas Center 1605 Pasig City


PTR No. 6448685-1/14/2020-Pasig City

IBP Lifetime Roll No. 015266-6/29/2016-RSM

Roll of Attorneys No. 59729

MCLE Compliance No. VI-0014960-11/20/2018

ctlaw@ct-lawfirm.com


DAVID RICARDO S. CAGAHASTIAN

Co-Counsel for Petitioners

Suite 3601, 36th Floor, The Antel Global Centre

No. 3 Julia Vargas Avenue

Ortigas Center 1605 Pasig City

PTR No. 6448686-1/14/2020-Pasig City

IBP No. 110905-1/20/2020-RSM

Roll of Attorneys No. 69992

MCLE Compliance No. VI-0020022-4/02/2019

ctlaw@ct-lawfirm.com

Copy Furnished:

SENATE PRESIDENT VICENTE C. SOTTO III

GSIS Bldg., Financial Center

Diokno Blvd., Pasay City

HOUSE SPEAKER ALAN PETER S. CAYETANO

Batasang Pambansa, Batasan Hills

Quezon City

ANTI-TERRORISM COUNCIL

Mabini Hall, J.P. Laurel Street

San Miguel, Manila

HON. SALVADOR C. MEDIALDEA

Executive Secretary

Office of the President of the Philippines

Malacañan Palace, Manila

HON. HERMOGENES C. ESPERON

National Security Adviser

NICA Compound, NIC Building

5 V. Luna Road corner East Avenue

Quezon City

HON. TEODORO L. LOCSIN, JR.

Secretary, Department of Foreign Affairs

11th Floor, DFA Home Office

2330 Roxas Boulevard, Pasay City

HON. DELFIN N. LORENZANA

Secretary, Department of National Defense

DND Building, Segundo Avenue

Camp General Emilio Aguinaldo

Quezon City

HON. EDUARDO M. AÑO

Secretary

Department of Interior and Local Government

DILG NAPOLCOM Center

EDSA corner Quezon Avenue

Diliman Quezon City

HON. CARLOS G. DOMINGUEZ

Secretary, Department of Finance

DOF Building, BSP Complex

Roxas Boulevard, Pasay City

HON. MENARDO I. GUEVARRA

Secretary, Department of Justice

Department of Justice, Padre Faura Street

Ermita, Manila

HON. GREGORIO B. HONASAN, II

Secretary

Department of Information

and Communications Technology

C.P. Garcia Avenue, Diliman, Quezon City

HON. MEL GEORGIE B. RACELA

*Executive Director, Anti-Money Laundering
Council*

5th Floor, EDPC Building, BSP Complex

Mabini corner Vito Cruz Street, Malate, Manila

NATIONAL INTELLIGENCE COORDINATING AGENCY

V. Luna Avenue, Diliman, Quezon City

LT. GENERAL GILBERT GAPAY

Chief of Staff

Armed Forces of the Philippines

AFP Headquarters, Camp General Emilio

Aguinaldo Quezon City

POLICE GENERAL CAMILO CASCOLAN

PNP Headquarters, Camp Rafael Crame

Cubao, Quezon City

EXPLANATION AS TO MODE OF SERVICE

The foregoing *Petition* is being filed with the Honorable Court by personal service and being served to all Respondents through registered mail due to the unavailability of messengers at undersigned's office due to the imposition of the General Community Quarantine (GCQ) in Metro Manila.


DAVID RICARDO S. CAGAHASTIAN

Verification/Certification of Non-Forum Shopping

I, **Atty. Domingo Egon Q. Cayosa**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the National President and duly authorized representative of the Integrated Bar of the Philippines (IBP), the petitioner in this case.

2. I am authorized to sign this Verification/Certification of Non-Forum Shopping, for and in behalf of the petitioner, as shown by the attached Secretary's Certificate.

3. I have caused the preparation and filing of the foregoing Petition as one of the petitioners and as the authorized representative of the IBP.

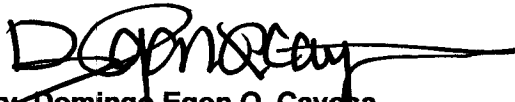
4. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.

5. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

6. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.


7. Neither I nor the petitioner has theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.

8. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. Domingo Egon Q. Cayosa
Affiant

SUBSCRIBED AND SWORN to before me in Tuguegarao City, Cagayan, this 5th day of September 2020 by Atty. Domingo Egon Q. Cayosa who has satisfactorily proven to me his identity through his IBP Lifetime Member ID No. 00263 valid until 7/17/2021, that he is the same person who personally signed before me the foregoing and acknowledged that he executed the same.

Doc. No. ; 27
Page No. ; 06
Book No. ; 01
Series of 2020.


ATTY. GLORIA ARISTON ESCOBEDO AQUINO
Notary Public
Until December 31, 2021
Notarial Commission No. 1310-130-2020-27
PIR No. 2764903
IBP Lifetime No. 010558
Roll No. 70104

Verification/Certification of Non-Forum Shopping

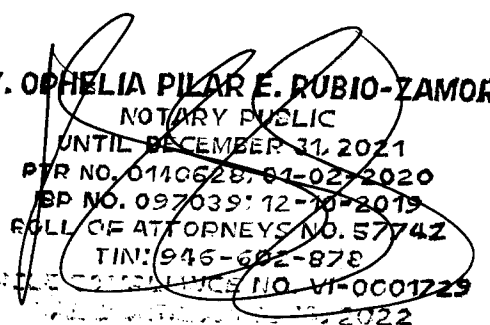
I, **Atty. Burt M. Estrada**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the Executive Vice President and Governor for Eastern Mindanao of the Integrated Bar of the Philippines (IBP) and one of the individual petitioners in this case.
2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners in this case.
3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.
4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.
7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. Burt M. Estrada
Affiant

SUBSCRIBED AND SWORN to before me in 04 SEP 2020, this _____ day of September 2020 by Atty. Burt M. Estrada who has satisfactorily proven to me his identity through his Roll No. 53037 valid until _____, that he is the same person who personally signed before me the foregoing and acknowledged that he executed the same.

Doc. No. 276 ;
Page No. 57 ;
Book No. IX ;
Series of 2020.


ATTY. OPHELIA PILAR E. RUBIO-ZAMORA
NOTARY PUBLIC
UNTIL DECEMBER 31, 2021
PTR NO. 0110628, 04-02-2020
BP NO. 097039, 12-10-2019
ROLL OF ATTORNEYS NO. 57742
TIN: 946-602-878
MILESTONE OFFICE NO. VI-0001229
2022

Verification/Certification of Non-Forum Shopping

I, **Atty. Doroteo Lorenzo B. Aguila**, of legal age, Filipino, after having been duly sworn, hereby depose and state:


1. I am the Governor for North Luzon of the Integrated Bar of the Philippines (IBP) and one of the individual petitioners in this case.
2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.
3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.
4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.
7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.



Atty. Doroteo Lorenzo B. Aguila
Affiant

SUBSCRIBED AND SWORN to before me **QUEZON CITY**, this 04 ~~SEP~~ ^{SEP} day of _____ 2020 by Atty. Doroteo Lorenzo B. Aguila who has satisfactorily proven to me his identity through his Non-Professional Driver License No. N15-75-016542 valid until 21 January 2022, that he is the same person who personally signed before me the foregoing and acknowledged that he executed the same.

Doc. No. 2771 ;
Page No. 71 ;
Book No. XII ;
Series of 2020.



ATTY. JOSE FLORO F. CRISOLOGO
NOTARY PUBLIC
Adm. Matter No. NP-023 (2020-2021)
PTR No. 9270054-C / Jan. 2, 2020 / Q.C.
MCLE Compliance No. VI-0017262
IBP Lifetime No. LRN 03688 / Q.C.
Attorney Roll No. 49462
TIN No. 111-979-403
Adm. No. 31 Commonwealth Ave. Q.C.

Verification/Certification of Non-Forum Shopping

I, **Atty. Baby Ruth F. Torre**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the Governor for Central Luzon of the Integrated Bar of the Philippines (IBP) and and one of the individual petitioners in this case.

2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.

3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.

4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

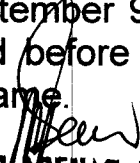
6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.

7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. Baby Ruth F. Torre
Affiant

SUBSCRIBED AND SWORN to before me in San Carlos city, Pangasinan, this 5th day of September 2020 by Atty. Baby Ruth F. Torre who has satisfactorily proven to me her identity through her Driver's License No. A-12-08-000890 valid until September 9, 2024, that she is the same person who personally signed before me the foregoing and acknowledged that she executed the same.

Doc. No. 336 ;
Page No. 09 ;
Book No. VI ;
Series of 2020.


ATTY. MARIA DIANA S. ARENAS-ROSAC
NOTARY PUBLIC
UNTIL DECEMBER 31, 2021
NOTARIAL COMMISSION NO. 2020-11
ROLL NO. 59791
IBF NO. 101279 / 01-06-2020 / PANG. CHAPTER
PTR NO. 6522274 / 01-02-2020 / SCCP
MCLE COMPLIANCE NO. VI-0013226 / APRIL 14, 2021

REPUBLIC OF THE PHILIPPINES)
LAS PINAS CITY)SS.

VERIFICATION/CERTIFICATION ON NON-FORUM SHOPPING

UNDER OATH, I, ATTY. ELEAZAR S. CALASAN, of legal age, Filipino, and a resident of Lot 1, Blk 8, Galaxy Street, Mapayapa Village, Pulang Lupa Uno, Las Pinas City, depose and state that:

1. I am the incumbent Governor for Greater Manila Region of the Integrated Bar of the Philippines (IBP) and one of the individual petitioners in the above-captioned Petition.
2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.
3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.
4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
7. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.
7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.

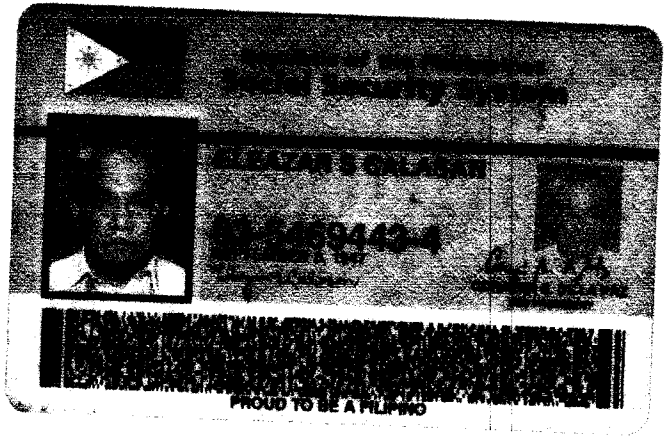
Eleazar S. Calasan
ATTY. ELEAZAR S. CALASAN
Affiant

SUBSCRIBED AND SWORN to before me this 8th day of September 2020, affiant presented proof of his identity by exhibiting to me his valid government issued Social Security System (SSS) Identification Card No. 03-5469443-4, photocopy of which is hereto attached as Annex "A".

Doc. No. 241;
Page No. 70;
Book No. 10;
Series of 2020.

Jomar P. Ejardo
ATTY. JOMAR P. EJARDO
NOTARY PUBLIC
UNTIL DEC. 31, 2020 ROLL 49129
PTR No. 11833500 U/1-20-2020
BP No. 100853 01-03-2020 PASIG
MCLE No VI-0030077
398 ACJ ALABANG ZAPOTE L.P.C
APPT. No. LP-18-021

ANNEX" ~~A~~



Verification/Certification of Non-Forum Shopping

I, **Atty. Eric C. Alajar**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the Governor for Southern Luzon of the Integrated Bar of the Philippines (IBP) and and one of the individual petitioners in this case.

2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.

3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.

4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

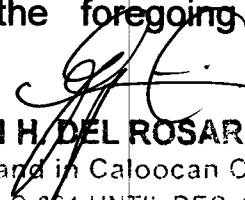
6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.

7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. Eric C. Alajar
Affiant

SUBSCRIBED AND SWORN to before me in Caloocan City, this 7th day of September 2020 by Atty. Eric C. Alajar who has satisfactorily proven to me his identity through his Driver's License N25-12-000542 valid until 26 December 2022, that he is the same person who personally signed before me the foregoing and acknowledged that he executed the same.

Doc. No. 132 ;
Page No. 28 ;
Book No. III ;
Series of 2020.


ATTY. EARLEEN H. DEL ROSARIO
Notary Public for and in Caloocan City
Notarial Commission No. C-321 UNTIL DEC. 31, 202
18 Plaza Rizal, Poblacion, Caloocan City
IBP OR No. 103593-01/07/2020, Pasig City
PTR No. 11041773-01/02/2020, Caloocan City
MCLE: Admitted to the Bar, 2019
ROLL No. 73914

Verification/Certification of Non-Forum Shopping

I, **Atty. Gil G. Taway IV**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the Governor for Bicolandia of the Integrated Bar of the Philippines (IBP) and one of the individual petitioners in this case.

2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.

3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.

4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.


6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best of my knowledge, there is no such other action or claim pending therein.

7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. Gil G. Taway IV
Affiant

SUBSCRIBED AND SWORN to before me in PASIG CITY, this 4th day of September 2020 by Atty. Gil G. Taway IV who has satisfactorily proven to me his identity through his IBP Roll No. 72171 issued by the Integrated Bar of the Philippines on 25 October 2018 at IBP National Headquarters, Ortigas, Pasig City, that he is the same person who personally signed before me the foregoing and acknowledged that he executed the same.

Doc. No. 166 ;
Page No. 35 ;
Book No. 11 ;
Series of 2020.


DAVID RICARDO S. CAGAHASTIAN
NOTARY PUBLIC
Commission Serial No. 44
Until 31 December 2020
PTR No. 6448686 - 1/14/2020 - Pasig City
Roll of Attorney No. 69992
IBP No. 110905 - 1/20/2020 - RSM
MCLE Compliance No. VI-0020022 - 04/02/2019
Suite 3601 36th Floor, Antel Global Center
3 Julia Vargas Avenue, Ortigas Center
Pasig City, Metro Manila

Verification/Certification of Non-Forum Shopping


I, **Atty. Gina H. Mirano-Jesena**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the Governor for Western Visayas of the Integrated Bar of the Philippines (IBP) and one of the individual petitioners in this case.
2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.
3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.
4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.
7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. Gina H. Mirano-Jesena
Affiant

SUBSCRIBED AND SWORN to before me in Bacolod City, this 44 day of September 2020 by Atty. Gina H. Mirano-Jesena who has satisfactorily proven to me her identity through her Driver's License No. F01-90-062011 valid until May 14, 2022 and SSS ID No. 07-1632724-2, that she is the same person who personally signed before me the foregoing and acknowledged that she executed the same.

Doc. No. 216 ;
Page No. 44 ;
Book No. 64 ;
Series of 2020.


ATTY. GINA GRACE V. VILLANUEVA
NOTARY PUBLIC FOR THE CITIES OF BACOLOD,
TALISAY, MUN. OF MURCIA & DON SALVADOR
BENEDICTO, NEG. OCC.
NP 0002-20; UNTIL DECEMBER 31, 2020
PTR NO. 8332581; 01/2/20; BACOLOD CITY
IBP O.R. NO. 766189; LIFETIME; NEG. OCC.
ROLL OF ATTORNEY S NO. 42740
MCLE COMPLIANCE NO. VI-0002333; 05/16/17
RM. 5, JMF BLDG., RIZAL ST., BACOLOD CITY
TEL. NO. (034) 6322977

Verification/Certification of Non-Forum Shopping


I, **Atty. James Jayson J. Jorvina**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the Governor for Eastern Visayas of the Integrated Bar of the Philippines (IBP) and one of the individual petitioners in this case.
2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.
3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.
4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.
7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. James Jayson J. Jorvina
Affiant

SUBSCRIBED AND SWORN to before me in **QUEZON CITY** on the 10th day of September 2020 by Atty. James Jayson J. Jorvina who has satisfactorily proven to me his identity through his IBP License No. 102-89-023289 valid until 2023/04/02, that he is the same person who personally signed before me the foregoing and acknowledged that he executed the same.

Doc. No. 182
Page No. 38
Book No. 1
Series of 2020.


ATTY. IANNE ANGEL B. SUMBIDO
NOTARY PUBLIC UNTIL 31 DEC. 2021
NOTARY COMMISSION NO. NP-0919 (QUEZON CITY)
IBP NO. 106700 (8 JAN 2020, CEBU CITY)
PTR NO. 974330 (15 JAN 2017, QUEZON CITY)
TDA NO. 74100 (8 JUNE 2011)
MCLE COMPLIANCE NO. V-020723
SUITE 1501, WEST TOWER, THE PLAZA, QUEZON CITY

Verification/Certification of Non-Forum Shopping

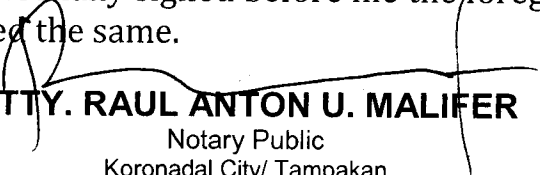
I, **Atty. Christy Joy S. Sollesta**, of legal age, Filipino, after having been duly sworn, hereby depose and state:

1. I am the Governor for Western Mindanao of the Integrated Bar of the Philippines (IBP) and one of the individual petitioners in this case.
2. I have caused the preparation and filing of the foregoing Petition as one of the individual petitioners.
3. I have read and understood the contents of the instant Petition and the allegations herein are true and correct based on my personal knowledge and/or based on authentic records.
4. The instant Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
5. The factual allegations in the instant Petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
6. I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best my knowledge, there is no such other action or claim pending therein.
7. Should I come to learn that the same or similar action or proceeding has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency, I hereby undertake to report to this Honorable Court of such fact within five (5) calendar days from receipt of such knowledge.


Atty. Christy Joy S. Sollesta
Affiant

SUBSCRIBED AND SWORN to before me in 4th day of September 2020 by Atty. Christy Joy S. Sollesta who has satisfactorily proven to me her identity through her IBP Roll No. 46618 valid until _____, that she is the same person who personally signed before me the foregoing and acknowledged that she executed the same.

Doc. No. 248;
Page No. 50;
Book No. V;
Series of 2020.


ATTY. RAUL ANTON U. MALIFER
Notary Public
Koronadal City/ Tampakan
Unit 2A, 2nd flr., JTCT Bldg., General Santos Dr., Kor. City
PTR OR no. 2243328/Jan. 3, 2020/ Kor. City
IBP OR No. 095752/Nov. 26, 2019 /SocGen Chapter
Roll No 70724
MCLE Compliance No. VI-0027255, May 7, 2019
Notarial Commission No. 490-43, Granted on Jan. 22, 2020
Valid until December 31, 2022
TIN 723-709-147