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Republic of the Philippines  
**SUPREME COURT**  
Manila

**COORDINATING COUNCIL FOR PEOPLE'S DEVELOPMENT AND GOVERNANCE, INC. (CPDG)** represented by Vice President **ROCHELLE M. PORRAS**; **KALIKASAN PEOPLE'S NETWORK FOR THE ENVIRONMENT (KPNE)** represented by National Coordinator **JOSE LEON A. DULCE**; **CENTER FOR ENVIRONMENTAL CONCERNS-PHILIPPINES (CEC)** represented by Executive Director **LIA MAI T. ALONZO**; **CLIMATE CHANGE NETWORK FOR COMMUNITY-BASED INITIATIVES, INC. (CCNCI)** represented by Executive Director **KARLENMA M. MENDOZA**; **UNYON NG MANGGAGAWA SA AGRIKULTURA (UMA)** represented by Chairperson **ANTONIO L. FLORES**; **MAGSASAKA AT SIYENTIFIKO PARA SA PAGUNLAD NG AGRIKULTURA (MASIPAG)** represented by National Coordinator **CRISTINO C. PANERIO**; **PHILIPPINE NETWORK OF FOOD SECURITY PROGRAMMES, INC. (PNFSP)** represented by Officer-In-Charge **BEVERLY P. MANGO**; **CHILDREN'S REHABILITATION CENTER (CRC)** represented by Deputy Director **NIKKI P. ASERIOS**; **IBON FOUNDATION, INC.**, represented by Executive Director **JOSE ENRIQUE A. AFRICA**; **SAMAHAN AT UGNAYAN NG MGA KONSYUMERS PARA SA IKAUNLAD NG BAYAN (SUKI)** represented by Convenor **ROLANDO D. CALIMLIM**; and **EUFEMIA P. DORINGO**,

*Petitioners,*

**NO CD FILED**

**253242**

G.R. No. \_\_\_\_\_  
For: Petition for  
*Certiorari* &  
Prohibition under  
Rule 65 with Prayer  
for *Status Quo Ante*  
*Order* or Temporary  
Restraining Order/or  
Writ of Preliminary  
Injunction

-VERSUS-

**RODRIGO R. DUTERTE**, President and Chief Executive and the Commander-in-Chief of the Armed Forces of the Philippines, **SALVADOR C. MEDIALDEA**, Executive Secretary and Chairperson of the Anti-Terrorism Council (ATC), **VICENTE SOTTO III**, in his capacity as Senate President of the Philippines and **ALAN PETER CAYETANO**, in his capacity as the Speaker of the House of the Representatives of the Philippines,  
*Respondents.*

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## P E T I T I O N

PETITIONERS, through counsel, and to this Honorable Court, most respectfully state that:

### PREFATORY STATEMENT

1. Stephen Junius Brutus wrote *A Defense of Liberty Against Tyrants* in 1579 which bravely declares the popular sentiments at his time, that: "...Kings are made by the people and they hold their power and sovereignty from the people."<sup>1</sup>
2. The voices of popular dissents in the past which uphold liberty over tyranny have been echoed in the present and now enshrined under Section 1 of Article II of the 1987 Constitution which strongly declares that: "The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."
3. The sovereign Filipino people are now voicing their dissent and objection to the act of the legislature in passing Republic

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<sup>1</sup> Quoted from William Ebenstein, *Great Political Thinkers: From Plato to the Present*, 6<sup>th</sup> edition, 2000, Page 306.

Act No. 11479 or "An Act to Prevent, Prohibit and Penalize Terrorism, Thereby Repealing Republic Act No. 9372, Otherwise Known as Human Security Act of 2007" otherwise known as the Anti-Terrorism Act of 2020 for this law could not have emanated in both letter and spirit from their sovereign will other than from the selfish dictates of tyrants.

4. The political philosopher John Locke, in his 1689 book entitled *Two Treatise of Government*, mentioned one of the limitations of the powers of the legislature which is that laws enacted must not be arbitrary or repressive but must be designed for the good of the people.<sup>2</sup> The Republic Act (R.A) 11479 is in all aspects an arbitrary and repressive law.
5. The people are clamouring and objecting to R.A. 11479 which is so blatantly repressive in its essence that even the most cherished freedom of speech, which is the principal pillar of any free government, is in danger of being taken away. Along with the threats to other guaranteed freedoms, this law and its implementation could lead to the dissolution of the Constitution of any free society.
6. Development and humanitarian workers, environmentalists, farm workers, agriculturists and scientists, consumers, and advocates of children's rights – people continuously working in grassroots communities to engender and propagate people-advocacies, policies through participation in governance to empower the people in line with the vision of participatory democracy in a democratic and republican state like ours as enshrined in the Constitution – are now filing this petition.
7. Led by the Coordinating Council for People's Development and Governance (CPDG), Inc. and its member organizations, they are now joining hands to petition the highest court of the land to listen to the sovereign will of the people as manifested in the voices of dissent against R.A. 11479 and to strike down this unjust and repressive law that is not designed for the good of the people.
8. As recently as May of 2020, the Department of Justice (DOJ) in its report entitled "The Philippine Human Rights Situationer"<sup>3</sup> has again comprehensively and maliciously

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<sup>2</sup> *Ibid*, page 386.

<sup>3</sup> <https://1.facebook.com/1.php?u=https%3A%2F%2Fwww.google.com%2Furl%3Fsa%3D%26source%3Dweb%26rc%3D%26url%3Dhttps%253A%252F%252Fdoj.gov.ph%252Ffiles%252F2>

labelled certain people's organizations and non-governmental organizations including some of the petitioners as "communist fronts". They are being red-tagged and harassed by state forces and many of them have become victims of various forms of human rights violations.

9. The very alarming state of human rights in the Philippines did not escape the United Nations (UN). In June of 2020, the Office of the United Nations High Commissioner for Human Rights submitted, to the UN Human Rights Council, a comprehensive report (OHCHR report)<sup>4</sup> on the human rights situation in the Philippines.
10. Therein, the OHCHR summarized and discussed widespread human rights violations in the Philippines, threats to civil liberties, the repeated attacks and harassment of human rights defenders, and what the OHCHR described as the "*pervasive nature of Government red-tagging.*"<sup>5</sup>
11. The conclusion of the OHCHR report includes the following significant passages concerning the challenges faced by dissenters and human rights advocates in the country:

"81. The legal, constitutional and institutional framework in the Philippines contains human rights safeguards, as well as checks and balances. The challenge has always been one of implementation – and circumvention. **The long-standing overemphasis on public order and national security at the expense of human rights has become more acute in recent years, and there are concerns that the vilification of dissent is being increasingly institutionalized and normalized in ways that will be very difficult to reverse.**

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[020%252Fnews%252520articles%252FThe%252520Philippine%252520Human%252520Rights%252520Situationer.pdf%26ved%3D2ahUKEwj0aHG11lrAhVK05QKHYYqzAZ4QFjAAegQIAxA B%26usg%3DAOvVaw0ba80pcEXTciMjwUEyHsU%26cshid%3D1599297289913%26fbclid%3 D1wAR1Ovdqe9rhGJIR6ahmlHRejL6jh6CqMCEQW%7AOxCxRlORIPGHD9A1cqc&h-AT12BM1 ixqr4NkrSH9FNhtC4Wq6EeRuap80J\\_i6TUSa0-91F7q1\\_uZ1lbQw-s-Y72jEPTb6\\_0T40vgz KLlrPxxwIAHafpUtTjHj1hshGzldDxy\\_3VlpUdnpX3OUyuYM6TCSxqbQ](https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf)

<sup>4</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, June 4, 2020, A/HRC/44/22, Office of the UN High Commissioner for Human Rights (<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>), last accessed on August 6, 2020.

<sup>5</sup> Paragraph 51, page 10, *id.*

83. Persistent impunity for human rights violations is stark and the practical obstacles to accessing justice within the country are almost insurmountable. **Human rights advocacy is routinely equated with insurgency and the focus diverted to discrediting the messengers rather than examining the substance of the message. This has muddied the space for debate, disagreement and for challenging State institutions and policies,** resulting in deep mistrust between Government and civil society - a rift that urgently needs to be repaired (*emphasis supplied*).<sup>6</sup>

12. The implementation of R.A. 11479 will surely worsen the present human rights situation and so petitioners have no other recourse but to put their trust on the Supreme Court as the faithful guardian of the fundamental law, which not a long time ago has asserted its right and power by declaring that:

"The individual citizen is but a speck of particle or molecule vis-à-vis the vast and overwhelming powers of government. His only guarantee against oppression and tyranny are his fundamental liberties under the Bill of Rights which shield him in times of need. The Court is now called to decide whether to uphold a citizen's basic due process rights, or the government's ironclad duties under a treaty. The bugle sounds and this Court must once again act as the faithful guardian of the fundamental writ."<sup>7</sup>

13. This is a Petition for *Certiorari* and Prohibition under Rule 65 of the Revised Rules of Court as amended filed by the petitioners who are convinced that resort to judicial review is necessary amidst the clear and blatant grave abuse of discretions in the passage of R.A. 11479 guided by the following constitutional principles:

"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.

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<sup>6</sup> Par. 81 and 83, pages 15-16, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, June 4, 2020, A/HRC/44/22.*

<sup>7</sup> *Secretary Of Justice vs Hon. Ralph C. Lantion, Presiding Judge, Regional Trial Court Of Manila, Branch 25, And Mark B. Jimenez, G.R. No. 139465, January 18, 2000.*

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."<sup>8</sup>

14. Jurisprudence has defined grave abuse of discretion to mean the capricious or whimsical exercise of judgment that is so patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.<sup>9</sup>
15. The legislature has passed R.A. 11479 which is characterized as patently capricious or whimsical kind of a law that runs counter to the basic tenets of our democratic and republican society and contravenes the protected rights under the Philippine Constitution. It is therefore right and proper for the Judicial Branch of the government through to the Supreme Court to exercise its power of judicial review on this legislative act now being implemented by the executive branch.
16. The Constitution must prevail over a law that runs contrary to its provisions for it is a system of fundamental laws for the governance and administration of a nation. It is supreme, imperious, absolute and unalterable except by the authority from which it emanates.
17. The Constitution is the fundamental and paramount law of the nation. It prescribes the permanent framework of a system of government, assigns to the different departments their respective powers and duties, and establishes certain

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<sup>8</sup> *Maria Carolina P. Araullo v. Benigno Simeon C. Aquino III*, G.R. No. 209287, July 1, 2014, 728 SCRA 1.

<sup>9</sup> *Land Bank of the Philippines v. Court of Appeals*, G.R. No. 129368, 25 August 2003, 409 SCRA 455.

fixed principles on which government is founded. The fundamental conception in other words is that it is a supreme law to which all other laws must conform and in accordance with which all private rights must be determined and all public authority administered.

18. Under the Doctrine of Constitutional Supremacy, if a law or contract violates any norm of the constitution that law or contract whether promulgated by the legislative or by the executive branch or entered into by private persons for private purposes is null and void and without any force and effect. Thus, since the Constitution is the fundamental paramount and supreme law of the nation, it is deemed written in every statute and contract.<sup>10</sup> Guided by these constitutional principle, the petitioners most respectfully file this Petition to declare R.A. 11479 as void for being contrary to the Constitution.

#### NATURE AND TIMELINESS OF THE PETITION

19. This is a Petition for Review by *Certiorari* and Prohibition under Rule 65 of the Revised Rules of Court as Amended with the prayer for the issuance of a *Status Quo Ante* Order or Temporary Restraining Order/ or Writ of Preliminary Injunction.
20. Petitioners argued that the House of the Representative and the Senate of the Philippines have committed grave abuse of discretion amounting to a lack or an excess in jurisdiction for approving R.A. 11479 despite the clear fact that it contravenes with and infringes the fundamental law of the land and is therefore unconstitutional. The Executive Branch, in convening the Anti-Terrorism Council (ATC) and with its manifest inclination to implement the law despite the constitutional infirmities, has also committed acts in violation of the Constitution.
21. R.A. 11479 has been published in the Official Gazette and, as of this writing, is already in effect.
22. This petition seeks to declare as unconstitutional R.A. 11479 and prohibits the implementation thereof and for such incidental reliefs as law and justice may allow, pending the

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<sup>10</sup> *Manila Prince Hotel V. GSIS, Et Al, G.R. No. 122156, February 3, 1997.*

resolution of this case, to enjoin the respondents from enforcing the assailed statute.

### THE PARTIES

23. Petitioners are:

1. COORDINATING COUNCIL FOR PEOPLE'S DEVELOPMENT AND GOVERNANCE, (CPDG), Inc. It is represented by the Vice President of its Board of Trustees, ROCHELLE M. PORRAS. Petitioner is a national network of development Non-Government Organizations (NGOs) and People's Organizations (PO) established at its first national conference on September 26, 2006 and registered on May 7, 2008. It has an office address at 3/F IBON Center 114 Timog Avenue, Quezon City, 1103 Metro Manila, Philippines. The succeeding list of co-petitioners are all members of the CPDG;
2. KALIKASAN PEOPLE'S NETWORK FOR THE ENVIRONMENT (KPNE) represented by National Coordinator JOSE LEON ALCID DULCE with address at No. 26 Matulungin Street, Barangay Central, Diliman, Quezon City, 1100 Philippines;
3. CENTER FOR ENVIRONMENTAL CONCERNS-PHILIPPINES (CEC) represented by Executive Director LIA MAI T. ALONZO with address at No. 26 Matulungin Street, Barangay Central, Diliman, Quezon City, 1100 Philippines;
4. CLIMATE CHANGE NETWORK FOR COMMUNITY-BASED INITIATIVES, INC. (CCNCI) represented by Executive Director KARLENMA M. MENDOZA with address at 72-A Times Street, West Triangle Homes, Quezon City 1104;
5. UNYON NG MANGGAGAWA SA AGRIKULTURA (UMA) represented by Chairperson ANTONIO L. FLORES with address at No. 56 K9 St. West Kamias, Quezon City;



6. MAGSASAKA AT SIYENTIPIKO PARA SA PAGUNLAD NG AGRIKULTURA (MASIPAG) represented by National Coordinator CRISTINO C. PANERIO with address at Carbern Ville, Los Banos, Laguna;
  7. PHILIPPINE NETWORK OF FOOD SECURITY PROGRAMMES, INC. (PNFSP) represented by Officer-In-Charge, BEVERLY P. MANGO, with address at 17-M Aurora Street, Isidora Hills, Barangay Holy Spirit, Quezon City;
  8. CHILDREN'S REHABILITATION CENTER (CRC) represented by Executive Director NIKKI P. ASERIOS with address at 90 J. Bugallon, Bgy. Bagumbuhay, Quezon City;
  9. IBON FOUNDATION, INC., represented by Executive Director JOSE ENRIQUE A. AFRICA with address at 4/F IBON Center, 114 Timog Avenue, Bgy. Sacred Heart, Quezon City;
  10. SAMAHAN AT UGNAYAN NG MGA KONSYUMERS PARA SA IKAUNLAD NG BAYAN (SUKJ) represented by Convenor ROLANDO D. CALIMLIM with address at 4/F IBON Center, 114 Timog Avenue, Bgy. Sacred Heart, Quezon City ; and
  11. EUFEMIA P. DORINGO, of legal age, Filipino and with address at 12-A Kasiyahan St., Don Antonio, Bgy. Holy Spirit, Quezon City, 1127.
24. Respondents are:
1. PRESIDENT RODRIGO R. DUTERTE as the Chief Executive and Commander-in-Chief of the Armed Forces of the Philippines. He may be served with Notices and other processes of this Honorable Court through the Executive Secretary at the Malacanang Palace Compound, JP Laurel Street, San Miguel, Manila 1005
  2. SALVADOR MEDIALDEA, he is the incumbent Executive Secretary of the Office of the President, representing the Executive Branch headed by

President Rodrigo Duterte. He is at the same time the Chairperson of the Anti-Terrorism Council (ATC). He may be served with Notices and other processes of this Honorable Court at the Malacanang Palace Compound, JP Laurel Street, San Miguel, Manila 1005;

3. VICENTE SOTTO, III, Senate President, with the office address at Room 603 and 24 (New Wing 5/F), GSIS Building, Financial Center, Diokno Boulevard, Pasay City is being impleaded in his capacity as Senate President of the Philippines;
4. ALAN PETER CAYETANO, Speaker, with office address at RVM Room 406, House of Representatives, Constitution Hills, Quezon City 1126, is being impleaded in his capacity as the Speaker of the House of Representatives of the Philippines.

#### **STATEMENT OF RELEVANT FACTS**

25. Republic Act No. 9372 or the Human Security Act of 2007 – the country's previous anti-terrorism law – took effect on July 15, 2007.
26. Five years later, a related law, Republic Act No. 10168 or the Terrorism Financing Suppression and Prevention Act of 2012 was subsequently passed.
27. In a series of petitions docketed as G.R. Nos. 178552, 178554, 178581, 178890, 179157, and 179461 (*Southern Hemisphere Engagement Network, Inc., et al. v. Anti-Terrorism Council, et al.*), R.A. 9372 was challenged before this Court for being unconstitutional.
28. In a decision in the abovementioned cases, promulgated on October 5, 2010, the Court refused to conduct a facial analysis of R.A. 9372's validity and dismissed the petitions on procedural grounds, holding *inter alia* that the petitioners failed to present an actual case or controversy.
29. On December 5, 2017, President Duterte signed Proclamation No. 374, declaring the Communist Party of the Philippines – New People's Army (CPP-NPA) as a designated / identified terrorist organization under R.A. 10168.

30. On December 4, 2018, President Duterte signed Executive Order No. 70 series of 2018 (E.O. 70) institutionalizing a "Whole of Nation" approach to end the armed conflict with the CPP-NPA by 2022.
31. Under E.O. 70, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) – an inter-agency body composed of *inter alia* the heads of multiple departments under the executive branch – was created to carry out the government's counter-insurgency program. Section 6 of the said order directs all offices and instrumentalities of government "to render the necessary support to the Task Force."
32. In the 18<sup>th</sup> Congress, multiple bills were filed in both houses of the legislative branch, intended either to repeal, amend, overhaul, or replace R.A. 9372.
33. On February 26, 2020, the Senate passed on third and final reading Senate Bill No. 1083, which aimed to repeal R.A. 9372 and replace it with an amended version dubbed the Anti-Terrorism Act of 2020.
34. On May 29, 2020, the House Committee on Public Order and Safety and the House Committee on National Defense and Security approved House Bill No. 6875 – which adopted *in toto* S.B. 1083 – as a substitute for the multiple bills seeking the amendment of R.A. 9372 which were then pending before the House of Representatives.
35. On June 1, 2020, President Duterte certified H.B. 6875 as urgent. The House of Representatives approved the aforementioned bill on third and final reading on June 3, 2020.
36. Thereafter, amidst widespread public outcry and condemnation over its passage, House Speaker Alan Peter Cayetano and Senate President Vicente Sotto III transmitted the enrolled bill to the Office of the President.
37. On July 3, 2020, President Duterte signed Republic Act No. 11479 into law. It became effective fifteen (15) days after publication in the Official Gazette.

38. The copy of assailed law, R.A. 11479, is not anymore attached in this Petition as the Supreme Court can take judicial notice of the existence thereof in accordance with Section 1, Rule 129 of 2019 Amendments to the Rule of Evidence, which states that a court shall take notice without introduction of evidence, xxx official acts of the legislative, executive and judicial departments of the National Government of the Philippines xxxxx.
39. Under the assailed statute, the ATC, police and military personnel are authorized to perform various acts to carry out its provisions.
40. On July 4, 2020, the Department of Interior and Local Government (DILG), through Secretary Eduardo Año, issued a statement assuring the public that it will not permit R.A. 11479 to be abused, and that the law will be used only *"for the purpose for which it was enacted – defeat the communist terrorists and violent extremists once and for all."*<sup>11</sup> In the same statement, Secretary Año also claimed that *"only the terrorists should fear this law and all law-abiding and peaceful citizens have nothing to fear."*<sup>12</sup>
41. On July 20, 2020, Secretary Delfin Lorenzana of the Department of National Defense (DND) echoed the aforementioned claim, stating that *"[o]nly those who are in the business of committing terrorist acts as contained in the law should be afraid. Law-abiding citizens should not."*<sup>13</sup>
42. Despite these assurances, the government – through top military and security officials and the NTF-ELCAC – has repeatedly labelled human rights organizations, advocates and other vocal critics of the administration as rebels, criminals, or "communist-terrorists".
43. On August 3, 2020, Armed Forces of the Philippines (AFP) Chief of Staff Lt. General Gilbert Gapay proposed the inclusion in the implementing rules and regulations (IRR) – which, per Sec. 50 of R.A. 11479, is to be crafted by the DOJ

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<sup>11</sup> *Statement of the DILG on the Signing of Republic Act 11479 or The Anti-Terror Act of 2020, July 4, 2020* (<https://www.dilg.gov.ph/news/Statement-of-the-DILG-on-the-Signing-of-Republic-Act-11479-or-The-Anti-Terror-Act-of-2020/NC-2020-1227>). Last accessed on August 3, 2020.

<sup>12</sup> *Id.*

<sup>13</sup> *Anti-terrorism law fears unfounded: DND chief, Priam Nepomuceno* (Philippine News Agency) July 21, 2020 (<https://www.pna.gov.ph/articles/1109553>). Last accessed on August 6, 2020.

and the ATC “with the active participation of police and the military institutions” – of specific provisions that would regulate the use of social media, claiming that it is a “platform being used by terrorists to radicalize, recruit and even plan terrorist acts.”<sup>14</sup>

44. The petitioner CPDG has Twenty-Three (23) national network and Twenty-Three (23) regional and provincial members and many of them are among the organizations red-tagged and continuously harassed and threatened with persecution by government security forces.
45. The CPDG's mandate is to strengthen and organize civil society to more effectively provide services for poor and marginalized sectors and communities, and to advocate for human rights-based and people-oriented development. CPDG advocates for greater civil society space and voice in governance to fully realize people's right to development. CPDG engages national government agencies and Local Government Units (LGUs), international development partners, consumer and business groups, foundations, and other relevant entities.
46. The CPDG and its co-petitioners believe that the Anti-Terrorism Act will seriously hinder its members from continuing their development work for it will legitimize all the harassments many of its members are experiencing now including red-tagging, abduction as well as incarceration on trumped-up charges, and even extra-judicial killings (EJK).
47. Attacks on civil society have grown in scale and scope spanning vilification, harassment, arrests on fabricated charges, and physical attacks including brazen killings. There was no let-up during the pandemic and even humanitarian relief groups responding to the COVID-19 crisis were accosted and detained. With R.A. 11479 in effect, the CPDG expects more violations of human rights taking place with warrantless arrests and crackdown on activists and red-tagged groups.

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<sup>14</sup> *New AFP chief wants to regulate social media through the anti-terrorism law, Kristine Joy Patag (Philstar.com), August 3, 2020 (<https://www.philstar.com/headlines/2020/08/03/2032644/new-afp-chief-wants-regulate-social-media-through-anti-terrorism-law>), last accessed on August 6, 2020. New AFP Chief to propose social media regulation under Anti-Terrorism Act, CNN Philippines, August 4, 2020 (<https://cnnphilippines.com/news/2020/8/4/Anti-Terrorism-Act-social-media-regulation-AFP-Gapay.html>). Last accessed on August 6, 2020.*

48. Many of CPDG member organizations and individual members are listed in the 2019 Annual Report of the NTF-ELCAC.
49. Among the organizations red-tagged as "communist fronts" are petitioner IBON Foundation<sup>15</sup> and the environmental organizations like petitioners Climate Change Network of Community-based Initiative (CCNCI)<sup>16</sup>, Kalikasan People's Network for the Environment (Kalikasan PNE) and the Center for Environmental Concerns – Philippines (CEC). These environmental groups are very vocal against large scale mining and construction of large dams that destroy the environment. In their advocacy, they earned the ire of the mining capitalists who are aided by the armed forces of the state in quelling their opposition. The harassment they endured was clearly due to their strong opposition to large scale mining and not to unsubstantiated links with armed rebel groups which is just being used as a convenient justification to vilify them.
50. No less than Lt. General Antonio Parlade, Jr., spokesperson of the NTF-ELCAC and then the Deputy Chief-of-Staff for Civil Military Operations of the AFP has red-tagged some of the petitioners in public, in media, and in government websites. This is a clear attack on the legal identities and legitimate development and advocacy work of the petitioners which puts them in grave danger.
51. They are vehemently denying the red-tagging and labelling as members of the CPP, NPA and National Democratic Front (NDF) which the said government Task Force has openly branded as terrorists groups. Being

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<sup>15</sup> *Time's up for your fake advocacy, AFP exec tells Karapatan*, Philippine News Agency (PNA), April 7, 2019 (<https://www.pna.gov.ph/articles/1066707>), last accessed on August 6, 2020. *AFP confident of proving cases vs. CPP-NPA front groups*, Philippine News Agency (PNA), March 30, 2019 (<http://www.pna.gov.ph/articles/1066074>), last accessed on August 6, 2020. *Reds' organizations disguising as relief groups: Parlade, Priam Nepomuceno* (Philippine News Agency), April 1, 2019 (<http://www.pna.gov.ph/articles/1066191>), last accessed on August 6, 2020. *Gabriela. NGOs slam red-tagging by AFP, Defense Dept., Vince Ferreras* (CNN Philippines), November 6, 2019 (<https://cnnphilippines.com/news/2019/11/6/Gabriela-NGO-slam-red-tagging-by-AFP-DND-himi/>), last accessed on August 6, 2020.

<sup>16</sup> <https://tabloid.ph/2020/04/07/be-wary-of-donating-to-reds-in-the-guise-of-covid-19-aid/>  
<https://sovereignph.com/2020/04/07/be-wary-of-donating-to-reds-in-the-guise-of-covid-19-aid-warns-solcom-chief-parlade/>  
<https://www.remate.ph/publika-pinag-iingat-sa-komunistang-grupo-na-nanghihingi-ng-donasyon-sa-gitna-ng-covid-19/>

associated with or, more gravely, suspected as one of the officers and members of alleged terrorists groups puts the lives, liberty, property and security of the members of the CPDG at serious risk and may effectively prevent its functions of providing development work to its membership and constituents.

52. The CPDG and its co-petitioners are composed of people who are most vulnerable to the risks of being victims of human rights violation with the implementation of R.A. 11479. Their present experience is indicative of the worst things to come if this law will be used as a weapon to suppress legitimate dissents and peaceful advocacies for a people-oriented development and governance. The following documentary evidence are presented to prove that petitioners have valid causes of action to question the constitutionality of R.A. 11479:

**a. Affidavit of Jose Leon A. Dulce of Petitioner  
Kalikasan People's Network For The Environment <sup>17</sup>**

Excerpts from his affidavit show that environmental workers are now being attacked by state forces, to quote:

"1. I am the national coordinator of Kalikasan People's Network for the Environment (Kalikasan PNE).

2. I am the one leading the national secretariat which is tasked to implement campaigns in relation to environmental protection and rehabilitation, natural resource conservation and the right of the people to live in a balanced, safe and sustainable ecology. We worked with the Council for People's Development and Governance (CPDG) in relation on how to advocate on improving governance and developing alternatives in relation with the above concerns.

3. One of our concerns is the rights and security of environmental defenders in the country. We have been monitoring human rights violations among environmentalists since 2001 and based on our data, the Duterte administration has been the most dangerous regime for Filipino environmental defenders so far.

4. I and my colleagues have, likewise, been victims of state terror. Since last year, we have been under surveillance and harassments from suspected state forces. We have been red-tagged by the Philippine

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<sup>17</sup> Based on his Affidavit attached and marked as Annex. "C".

National Police (PNP) as front of rebel groups and our office was threatened with police raids accusing us of recruiting minors for the New People's Army (NPA).

5. In May 2020, the Department of Foreign Affairs released a human rights situation report document labeling Kalikasan PNE as a front organization of the National Democratic Front of the Philippines, an allied revolutionary group of the Communist Party of the Philippines.

6. The incidences of harassment have been well documented and formally reported to the local barangay council and to the Philippine Commission on Human Rights (CHR). We also submitted a report and other related documents to the UN Office of the High Commissioner for Human Rights (UN OHCHR) last January 2020 detailing human rights violations among environmental defenders from July 2016 to December 2019 in the Philippines.

7. We are working with communities opposing destructive environmental projects such as large-scale mining and big reclamation projects. These affected communities have been experiencing different forms of human rights violations. Several of our network members have been red-tagged, jailed, and even killed under the Duterte administration.

8. We are similarly situated with other vulnerable sectors.

9. Two rough incident reports are attached to this affidavit: a. ANNEX A: Cover letter submitted to Commission on Human Rights (CHR), with which, these two incidents were mentioned; 2 b. ANNEX B: Submission annex to the Office of the United Nations High Commissioner for Human Rights (UN OHCHR), where, in box 5 distills the two aforementioned reports.

10. These human rights violations further limit our democratic space and movement. We are in constant fear that anytime we will be arrested, illegally detained with false charges and accusations."

#### **b. Incident Report On Surveillance And Threats of Raid To The KALIKASAN PNE Office <sup>18</sup>**

This is the incident report involving petitioner KALIKASAN PNE to show that this environmental organization is now a subject of repressive actions by elements of state forces, to quote from the excerpts of the report:

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<sup>18</sup> *Kalikasan PNE Incident Report attached and marked as Annex "D".*



"On September 19, 2019 at 7:14 PM, a reliable source, whose identity is withheld for safety purposes, tipped Kalikasan PNE off that the office space it shares with CEC was allegedly under surveillance by CIDG, which was reportedly planning to raid the office and was just waiting for the issuance of a warrant by a court.

The office activated its emergency protocols—it reached out to human rights group Karapatan which activated its 'quick response team' mechanism. The office staff set up a rotational sentry to ensure a standby paralegal intervention should a raid be attempted. Measures were made to refute any possible attempt of planting evidence and Kalikasan and CEC staff were briefed to remind what their rights are and how to respond.

At 11:55 PM, two Kalikasan staff members scouted the street and its adjacent corridors for any unusual activity and found no presence of police.

On September 20, 2019 at 12:40 MN, Kalikasan and CEC sent out urgent alerts to human rights and environmental civil society organizations, the Commission on Human Rights, international NGOs, partner embassies, and mass media.

At around 8:00 AM, Karapatan did another scouting sweep and found no unusual activity.

At 10:05 AM, the sentry heard the office's guard dog barking and saw a suspicious mattress vendor slowly pass across the other side of the street. Almost immediately after, the dog was barking again at someone who appeared to be a scavenger carrying a green plastic bag over his shoulder, walking slowly by the office gate. He was seen taunting the dog. The sentry believes there might be a chance that this is part of the continuing surveillance.

At 11:30 AM, Kalikasan and CEC made a quick consultation with Karapatan regarding what ways forward may be pursued to improve the safety of the office and the staff members.

On September 21, 2019 at around 5:00 PM, a staff member witnessed a Quezon City Police District mobile police car with marking number A5F667 slowly driving by the office while an officer was slowly taking a video of

the façade. This was the last incident monitored by the office.”

**c. Affidavit of Lia Mai T. Alonzo of the petitioner Center for Environmental Concerns – Philippines (CEC)<sup>19</sup>**

As the Executive Director of CEC, she narrated how this environmental organization was subjected to red-tagging by one of the senior officers of the Armed Forces of the Philippines in the person of Major General Antonio Parlade, Jr. – endangering its members and already disrupting its activities – and how the implementation of R.A. 11479 will further intensify the dangers they face in their work for the people and the environment, to quote:

“On December 4, 2019, our organization, the Center for Environmental Concerns – Philippines (CEC) was described by Major General Antonio Parlade, Jr. from the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and the Deputy Chief-of-Staff for Civil Military Operations of the Armed Forces of the Philippines (AFP) as front organizations of the Communist Party of the Philippines (CPP) and warned the public against giving donations since we were allegedly only posing to help people. This was posted on the website of the Philippine News Agency (PNA) after the onslaught of Typhoon Tisoy.

On April 7, 2020 Gen. Parlade mentioned that CEC was unwittingly exploited by the CPP and similarly that the public should be wary of giving donations to our organization during the onset of the COVID-19 pandemic in the country. This was posted again in the PNA website.

On September 19, 2019, a member of the organization that we were sharing the office with at 26 Matulungin St. Brgy. Central, Diliman, Quezon City, received information that our office was allegedly under surveillance by the Criminal Investigation and Detection Group (CIDG) and was reportedly planning to raid the office and was just waiting for the issuance of a warrant by a court. The next day, we inquired with local government officials and they said that they received information the National Capital Region Police Office that said our office was harboring lumad indigenous people children and were letting them study in the University of the Philippines (UP) where they were taught to be activists. The raid did not push through

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<sup>19</sup> *Affidavit attached and marked as Annex "E".*

since the official discouraged it since there was no search warrant.

On May 15, 2020, the caretaker of our office saw that there were posters plastered in the gate of the office. These posters contained red-tagging statements targeted at representatives of progressive party-lists Bayan Muna, Kabataan, Gabriela and ACT Teachers, as well as representatives of Bagong Alyansang Mabakayan (BAYAN). "

**d. Affidavit of Karlenma Mendoza of petitioner Climate Change Network for Community-Based Initiatives, Inc. (CCNCI)<sup>20</sup>**

She is the Executive Director of the Climate Change Network for Community-Based Initiatives, Inc. (CCNCI) in West Triangle Homes, Quezon City and she discloses in her affidavit that Lt. Gen. Antonio Parlade, Jr. of the NTF-ELCAC has tagged CCNCI as a communist front used to funnel funds for disaster-response to terrorist financing. Excerpts of her affidavit further states that:

"On July 20, 2019, Parlade said in a statement posted in the Philippine News Agency (PNA) website that 'the CPP has been deceiving and defrauding international organizations and foreign governments of relief funds through the CPP network called Climate Change Network and Community Initiative (CCNCI).'

On November 24, 2019, Parlade released another statement also published in the PNA website, reiterating the accusation made in his previous statement.

On December 4, 2019, in a statement also posted in the PNA website, Parlade said that the Communist Party of the Philippines (CPP) implemented a 40-40-20 scheme, where "40 percent is kept by the CPP with another 40 percent left to front organizations, while the remaining 20 percent released to people's organizations and their beneficiaries", which he claimed "enabled the CPP to expand quickly its Climate Change Network of Community-based Initiative (CCNCI), spanning from such cover as disaster resilience, protection of vulnerable communities, children and women sector, and protecting the environment from development aggression."

In a January 15, 2020 post on Parlade's official twitter account, he called CCNCI "a money-making

<sup>20</sup> Her affidavit is attached and marked as Annex "F".

machinery... exploiting our generous friends to scam funds for the revolution using 'disaster-response,' 'relief assistance,' etc. as front."

On April 7, 2020, Parlade reiterated the claim he made in his January 15 twitter post in another statement posted in the PNA website."

The CCNCI Fact Sheet<sup>21</sup> shows the links where Lt. Gen. Antonio Parlade, Jr of the NTF-ELCAC has maligned CCNCI in four statements published by the Philippine News Agency (PNA) and a twitter post in Lt. Gen. Parlade's personal twitter account. He accused CCNCI of being a communist front that is used to funnel funds for disaster-response to terrorist financing which is not the truth. This propagation of lies, however, will put the CCNCI under serious threat from state forces in the implementation of R.A 11479.

**e. The Case of Elena Tijamo, Program Officer of Farmers Development Center (FARDEC) <sup>22</sup>**

Elena Tijamo is a sustainable agriculture program officer of CPDG member Farmers Development Center (FARDEC), Inc. operating in Cebu and Bohol. Due to her development work among the farmers. She was abducted in June 2020 and remains missing until now. Portions of the Fact Sheet which documented her abduction and other violations of her rights and of members of her family is quoted below:

"Incident No. 1: Abduction Victim: ELENA 'Lina' Gabito TIJAMO, age, is a resident of Sitio Avocado, Barangay Kampingganon, Bantayan, Cebu. She has two daughters, one adult (married) and a minor. She is currently the Coordinator of Sustainable Agriculture Program of the Farmers Development Center, Inc. (FARDEC)- Central Visayas. She is also the Community Radio Coordinator of FARDEC in Bantayan Island, Cebu. It has a radio program, Radyo Sugbuanon in partnership with the International Association of Women in Radio and Television (IAWRT) Philippines.

Incident No. 2: Victims of Violation Of Domicile:  
Elena Gabito TIJAMO, 58 years old (October 5, 1962);

<sup>21</sup> CCNCI FACT Sheet attached and marked as Annex "G".

<sup>22</sup> KARAPATAN Fact Sheet attached and marked as Annex "H".

born in Brgy. Kampinganon, Bantayan, Cebu, ANNIKA Reva TIJAMO, 17 years old (September 18, 2003); born in Cebu City, VIOLETA TIJAMO – GREGORIA GABITO TIJAMO, a senior citizen, ANTONIO MARTUS TIJAMO, a senior citizen, and ROSABELLA PAGATPAT DESABELLA, senior citizen

Incident No. 3: Victims of Divestment Of Property: ELENA GABITO TIJAMO. Her laptop and cellphone were taken and the tablet of VIOLETA GABITO TIJAMO was also taken by the perpetrators of the crime.”

**f. Affidavit of Antonio L. Flores of Petitioner Unyon Ng Mga Manggagawa Sa Agrikultura (UMA)<sup>23</sup>**

In his sworn statement, he states that he is the National Chairperson of the petitioner Unyon ng mga Manggagawa sa Agrikultura (UMA) since 2019. UMA is a member of the Coordinating Council for People's Development and Governance (CPDG), Inc. To quote portion of his affidavit:

“The government systematically accused UMA and its local chapters of being ‘communist fronts’. UMA was said to be ‘another legal front organization of farmers aligned with KMU and Kilusang Magbubukid ng Pilipinas (KMP) and other communist front organizations.’ The government has done this through the official Facebook page of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) on 29 May 2020 and in April 2020 and through an online article posted in the Philippine News Agency website on 1 November 2019.

Other incidents of harassment against UMA are:

- a. On 21 August 2020 at 5:43 PM, a police mobile from Police Station 3, Brgy. Talipapa, Quezon City with plate number VX9237 parked near the gate of UMA's office until 5:47 PM. The CCTV footage showed a man in red shirt in the passenger's seat point at the office and parked the car accordingly. The man in red shirt pointed his cellphone at the gate as if taking a photo or video.
- b. On 12 August 2020, UMA was included in the list of ‘Lider-rekruter ng teroristang NPA’ publicly

<sup>23</sup> Affidavit executed by Antonio Flores attached and marked as Annex “I”.

posted in Baggao, Amulong, Alcala and Iguig, Cagayan Valley as reported by its local chapter.

- c. On 16 November 2019, UMA received an LBC package addressed to its agro-ecology expert and women's desk officer, Angelina Baesa Bisunapong. The package consisted of a white envelope containing a copy of her arrest warrant of arrest and a black strip of cloth, denoting death.
- d. On 31 October 2019, John Milton 'Ka Butch' Lozande, secretary general of the National Federation of Sugarworkers, an UMA member, was arrested together with more than 50 activists in Bacolod City over planted evidence of firearms and explosives.
- e. On 27 October 2018, Rene Manlangit and Rogelio Arquillo, Jr., officials of a local chapter of NFSW, were accused of being NPA members of the police and were charged for serving as masterminds of the Sagay 9 massacre.
- f. On 11 May 2018, former Advocacy Officer of UMA, Nadja de Vera, received a death threat through Facebook during the Hands Off Sr. Pat Campaign, which UMA primary led. There was an attempted breaking and entering in her rented apartment on 26 May 2018. This was followed by a break-in where phones, laptops, USB and external drives were stolen. She and her family experienced surveillance and harassment for about one month.
- g. On 16 April 2018, Sister Patricia Fox, UMA volunteer, was taken by the officials of the Bureau of Immigration (BI) from her congregation's mission house in Quezon City and was detained for nearly 24 hours, for allegations of her being an 'undesirable alien' due to 'engagement in political activities'.

The intimidation, harassment and threats that UMA's officials, members and staff have caused them great anxiety and psychological torture. The government's systematic red-tagging has caused fear among agriworkers who want to seek help on issues regarding land, wage, benefits and job security and organize themselves into UMA's local chapter."

UMA had its office inspected by the Commission on Human Rights (CHR) and representatives of Brgy.

Teachers' Village West to pre-empt the planting of evidence done by state forces during its illegal raids of progressive organizations' offices. It has sought legal services to fight the deportation case against Sr. Pat and trumped-up charges against Ms. Ipong, Mr. Manlangit and Mr. Arquillo, Jr. UMA has also actively campaigned against red-tagging and harassment through mass mobilizations and media engagements and through this petition, it is seeking for judicial intervention to declare R.A.11479 as unconstitutional for it will widen the possible abuses of state forces and endangers the lives, liberty, security and properties of its members.

**g. Affidavit of Cristino C. Panerio of Petitioner Magsasaka At Siyentipiko Para Sa Pagunlad Ng Agrikultura (MASIPAG) <sup>24</sup>**

MASIPAG is a farmer-led national network of people's organizations, NGOs and scientists working towards the sustainable use and management of biodiversity through farmers' control of genetic and biological resources, agricultural production and associated knowledge, skills and culture. MASIPAG is a member of the Coordinating Council for People's Development and Governance, (CPDG) Inc.. MASIPAG has been part of CPDG's network and like many organizations that support the farmer sector, it is being threatened by government forces and will be vulnerable to harm in the implementation of R.A.11479 as shown by the following excerpts from the affidavit:

3. "The government, through the military and its police forces have subjected our regional office in the Visayas, member organizations and staff to surveillance, intimidation, harassment, vilification and red-tagging through the ff. actions:

a. In October 2019, our regional office in the Visayas in Jaro, Iloilo City, has been subjected to surveillance by suspicious looking men. In several instances, captured by our office CCTV, wherein set of men riding in a tinted van quickly stopped in front of the office, rolled down window at driver's seat looking straight inside the office premises, and later in the afternoon a motorcycle riding

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<sup>24</sup> Affidavit of Cristino Paniero attached and marked as Annex "J".

man stopped and took pictures or video of our office using his cellular phone.

b. In October 2019, our National Back-up research and ecological Farm in San Dionisio, Iloilo, was visited by a police team from Sara PNP mobile headquarters, in the guise of procuring bamboos near said farm, talked with local people and pointed to our building and referred to it as where NPAs are conducting meetings.

c. In September 2018, Masipag POs while conducting a regional training on organic guarantee system for marketing and food processing in our national Back-up farm and training center in San Dionisio, Iloilo, were "visited" but without prior notice by eight (8) policemen from Sara Provincial PNP mobile headquarters purportedly curious about what's inside Masipag farm. These actions disrupted the activity and caused unduly tension among the staff and farmers present in the training.

d. MASIPAG as a network has been supporting local campaign against open pit mining in Nueva Vizcaya, and in relation to this, our staff and some farmer leaders have been vilified through posters saying they are members of CPP/NPA/NDF or CNN.

e. Our farmer-trainers in other provinces like Negros Occidental were prevented from conducting Organic Agriculture-related training in a barangay in Guijulan, Negros Oriental and other barangays in the province of Negros Occidental as they were accused of being organizers of the underground movement in the province. Some of our farmer-trainers and staff are being subjected to surveillance by unidentified men thus, they are prevented from doing their task of expanding Masipag program in the said provinces.

f. Our staff based in Southern Tagalog and Bicol were harassed by the military during their conduct of Sustainable Agriculture training thus preventing them to conduct their activities to promote the program of Masipag in said service areas.

g. Masipag member farmers organizations conducting 'bayanihan' in their communities in Quezon are told that they are NPA sympathizers simply because they are practicing a common traditional farming practice among upland farmers in said province.

h. A former member of the board of trustees and lawyer of Masipag Atty. Ben Ramos was shot and killed by



unknown assailants in Kabankalan, Negros Occidental because he is a human rights and agrarian reform lawyer extending legal services to small holder farmers and sugar workers in the province.

i. The PDG, their staff and members of the Board of Trustees are subjected to harassment, vilification campaigns and outright death threats because of their program to support the agrarian reform efforts of POs in the province. PDG is an NGO member of Masipag.

j. In May 2020, a staff of Masipag in Iloilo was detained overnight in a police station without charges because of his coverage of a rally denouncing the killing of a member of Bayan Muna in Iloilo City.

k. One of our farmer leaders in Northern Quezon died of a heart attack the night after a visit by a team of military soldiers, accusing them of providing rice to rebels. He explained that they are an authorized NFA outlet in the community and sell rice to everybody and do not know nor inquire about the identities of the people who buy rice from their store. The team leader of the military promised that they will visit them again to inquire further about the incident.

l. Our POs in Infanta, Quezon are frequented by people posing as DA personnel enquiring about their activities. Masipag farmer members suspect that they are from the military because they do not coordinate these visits with the municipal DA. The community is a contested area as many developers are interested in the lands they are occupying especially when a highway was built traversing their barangays. This highway connects the REINA municipalities to Quezon City.

m. Because the staff, the farmer-leaders and farmer-trainers of Masipag and I travel a lot especially in remote communities and our POs are protesting economic plunder (like mining, Kaliwa-Kanan dams, industrial plantations, GMOs etc.) that are being supported by the government, we are very much vulnerable to risks and threats. The network also supported land struggles conducted by farmers and agricultural workers. Fairly recent, Masipag also supported IP schools. Our support for these people's initiatives are in the form of seeds provision and training on sustainable agriculture farming systems.

n. If the ATL is implemented this will have a chilling effect on our staff and farmer-leaders and farmer

trainers to conduct our activities as mandated by our General Assembly. It will prevent us or hamper our ability to support the development of the members of Masipag especially the POs which is their right enshrined in the Philippine Constitution among other rights like right to organize, right to free speech and other rights stipulated in the Bill of Rights.”

**h. Affidavit of Beverly P. Mango of Philippine Network of Food Security Programmes Inc. (PNFSP)<sup>25</sup>**

She is the Officer-in-Charge of Philippine Network of Food Security Programmes Inc. (PNFSP) which is one of herein petitioners and declares how the government, through Lt. Gen. Antonio Parlade Jr. of NTF-ELCAC, has tagged the PNFSP as among NGOs being used by what he called as “Communist Terrorist Groups” to funnel funds and is labelled as a supporter of the CPP, all of which the PNFSP vehemently denies. Excerpts of her affidavit are as follows:

3. On December 4, 2019, in a statement posted in the PNA website, Parlade said that the Communist Party of the Philippines (CPP) implemented a 40-40-20 scheme, where “40 percent is kept by the CPP with another 40 percent left to front organizations, while the remaining 20 percent released to people's organizations and their beneficiaries”, which he claimed “enabled the CPP to expand quickly its Climate Change Network of Community-based Initiative (CCNCI), spanning from such cover as disaster resilience, protection of vulnerable communities, children and women sector, and protecting the environment from development aggression. Other networks unwittingly exploited by the CPP are Center for Environmental Concerns, Citizens' Disaster Response Center and Philippine Network of Food Security Programs, he bared.”
4. On April 7, 2020, Parlade reiterated the claim he made in his December 4, 2019 statement posted in the PNA website.
5. In the NTF-ELCAC 2019 Annual report, a picture of me with peasant and fishermen leaders during a protest action of fisherfolk affected by reclamation led by PAMALAKAYA in front of the DENR Central Office was featured on page 214 of the said report. Though it says that PAMALAKAYA is an ND legal organization of fisher folks, the page topic discussed about the CTG

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<sup>25</sup> Affidavit attached and marked as Annex “K”.

framework in the fisherfolks sector, individuals seen in the picture may become targets of harassment or state repression.

6. In 2016, PNFSP implemented a project which was the construction of irrigation system in Kagbana, Burauen, Leyte. During our project implementation, the military camped in the community and red-tagged our irrigation project saying it is a project of the New People's Army (NPA). The military even downloaded my picture from our organization's website and showed it (photo in the military personnel's cellphone) to then Burauen Mayor Juanito Renomeron saying NPAs are entering Burauen. They also showed the same picture to the captain and other barangay officials of Kagbana saying that this person and her organization are working with the NPAs. They even ordered the barangay officials to notify the military if ever the PNFSP staff showed up again in the community. This incident caused the delay of our project's implementation until other staff members went to see then Burauen mayor to clear our name and explain the legitimacy of our project."

**i. Affidavit of NIKKI ASERIOS of Children's Rehabilitation Center (CRC) <sup>26</sup>**

In her sworn statement she says that she is currently the Deputy Director of Petitioner Children's Rehabilitation Center (CRC) which is a non-stock, non-profit, non-government organization, duly licensed and registered under the Securities And Exchange Commission (SEC), thus, CRC has existing regional centers in Bicol Region, Panay Region, and Southern Mindanao Region, likewise Community Outreach Program in Ilocos and Negros.

CRC focuses on providing psycho-social services to children and their families in rural and urban areas suffering from emotional disorders, physical health problems and social mal-adjustments due to state perpetrated violence. CRC was established in 1985 and since then the organization unceasingly upholds children's rights through provision of psycho-social intervention and other support services to children victims of human rights violations. The affidavit further states the following:

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<sup>26</sup> Based on her Affidavit attached and marked as Annex "L".

"CRC staunchly documented cases of children's rights violations (CHRVs) perpetrated by the state, and assisted children victims of CHRVs seek for legal remedies such as filing of court charges against the perpetrators, filing report at Commission on Human Rights, and linking victims to concerned government agencies, thus campaign for these cases.

Due to the institution's nature of work, CRC has been subjected to numerous incidents of red-tagging, vilification and harassments, thus, series of red-tagging, vilification, and harassments of CRC's staffs from its national and regional centers.

Rius Valle, CRC's board member and CRC - Southern Mindanao Regional Coordinator is facing numerous trumped-up charges.

In 2010 CRC's former staff has been charged with a fabricated case of kidnapping of Lumad children, eventually the fabricated case was dismissed by the court.

In year 2019, the Presidential Commissions Operations Office (PCOO) went to various organizations both national and international, tailored an organized campaign that explicitly vilified, red-tagged, and maliciously maligned CRC as one of the front organizations of a terrorist group, and accused CRC of funding activities of certain terrorist groups in the Philippines, thus dissuading these organizations from financially supporting CRC.

In 2019, the PCOO continued its malicious and empty accusations to CRC through its vilification campaign in the national level, vilifying and red-tagged its National and Regional staffs, likewise its former staffs.

In 2019, a subpoena was served to Eilekreneses C. Manano— former Executive Director of CRC. Manano was charged with a fabricated case of attempted murder of a certain PFC Ikan Dorias of the Armed Forces of the Philippines and are maliciously linked with the New People's Army.

A former staff likewise stand co-accused on the fabricated case.

On November 21, 2019 around 3:10 pm, amid crackdown among progressive organizations, raid and

illegal arrests nationwide, CRC received a phone call from a woman who presented herself as a personnel from the Criminal Investigation and Detection Group (CIDG) looking for a certain 'Geming Alonzo Abraham Cruz':

Geming A. Alonzo is a former staff of CRC and currently the Executive Director of CLANS Lumad Community Schools – a non-stock, non-profit organization that provides programs in education, agriculture and health for Lumads in Mindanao;

On February 20, 2020, a video post was published through a certain Facebook Page-Red Alert, containing photos from various activities of CRC including its children beneficiaries, tailoring false narratives of brainwashing and recruiting CRC's beneficiaries as child soldiers;

On June 2020, Jenelyn Nagrampa, CRC's former coordinator in Bicol region was illegally arrested for trumped-up murder charge.

Staffs from CRC who participated in the Pride march last June 26, 2020, were charged with illegal assembly and violation of Enhanced Community Quarantine protocols;

After their release for further investigation, pictures of CRC's staffs were used in a post of a certain Facebook Page-Ang Aking Bayan, spreading false news that they were COVID-19 positive, and tagged them as terrorist fronts.

Before any Anti-Terror Law (ATL) in place, CRC and both its National and Regional staffs have received constant harassments, red-tagging and empty allegations of recruiting children as child warriors. With the ratification of the ATL, they fear that this draconian law will further pose imminent threat to the security and safety of our National and Regional staff, hence the security and safety of our children beneficiaries."

**j. Affidavit of Jose Enrique A. Africa of petitioner IBON Foundation, Inc.<sup>27</sup>**

The affidavit narrates the facts of how the IBON Foundation, Inc. has been systematically accused as a "Communist front organization", the harassment experienced

<sup>27</sup> Based on her Affidavit attached and marked as Annex "M".

by its members, and the disruption of their work caused by the systematic vilification campaign and acts of repression by elements of the state and how it is defending itself against these various forms of state repression, to quote:

1. I am the Executive Director of IBON Foundation. I have been with IBON since 2005 and its executive director since 2012.

2. IBON established in 1978, is a founding member of the Coordinating Council for People's Development and Governance (CPDG), Inc. IBON has been part of CPDG's general assembly, the network, and its national secretariat from then until today.

3. The government systematically accuses IBON of channeling funds to so-called "Communist-terrorists," of "[pulling] statistics out of thin air", of submitting "fabricated reports" to the EU and UN, and of producing "radical literature" teaching armed struggle and rebellion. We do this, according to the government, because we are a "Communist front organization". They say our editors are "spouses of CPP-NPA personalities" in Mindanao and, very recently, that an alleged NPA fighter killed in Iloilo at the end of June 2020 was an "active member" of IBON Foundation "prior to joining the rebel movement". In summary, the public statements of government officials accusing IBON of being a Communist front and of supporting terrorism have come out in:

- a. A press briefing at the New Executive Building in Malacañang Palace on March 13, 2019;
- b. An article published in the Philippine News Agency (PNA) website on 13 March 2019;
- c. An article posted in the PNA website on 14 March 2019;
- d. An article published in the PNA website on 19 March 2019;
- e. An article published in the PNA website on 22 March 2019;
- f. An article published in the PNA website on 28 March 2019;
- g. A news article published in the website of Manila Bulletin on 28 March 2019;
- h. An article published in the PNA website on 29 March 2019;
- i. An article published in the PNA website on 31 March 2019;

- j. A presentation to the Milipol Asia-Pacific 2019 Conference on 04 April 2019 in Singapore titled 'CPP-NPA-NDF International Fund Scheme';
- k. An article published in the PNA website on 4 April 2019;
- l. An article posted by Kalinaw News on 9 April 2019, an official online information outlet of the Philippine Army;
- m. An article published in the PNA website on 13 April 2019;
- n. An article published in the PNA website on 6 June 2019;
- o. An article published in the PNA website on 13 July 2019;
- p. An article published in the PNA website on 21 August 2019;
- q. An article published in the PNA website on 5 September 2019;
- r. An episode of news talk show *The Chiefs* aired over One News on 28 January 2020;
- s. An article published in the PNA website on 6 July 2020;
- t. An article published in the Philippine Information Agency (PIA) website on 9 July 2020; and
- u. Repeatedly in the personal Facebook page of a Presidential Communications Operations Office (PCOO) Undersecretary and official Facebook pages of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and 61<sup>st</sup> Infantry Hunter Battalion of the Philippine Army, among others.

The extent of vilification we have experienced is also detailed in the attached copy of our administrative complaint for red-tagging with the Ombudsman against officials of the Armed Forces of The Philippines (AFP), Presidential Communications Operations Office (PCOO, which the PNA falls under), and National Security Council (NSC).

4. Other incidents of harassment against us are:

- a. One of our staff was approached by a suspected government intelligence agent on October 24, 2018 to do surveillance work on IBON for them. Our staff left work and was walking to get a jeepney ride home when, just around the corner from the office, he was approached by a man on a motorcycle with plate number 9871-NR. The man approached him again on October 26, and then on November 21 when he was offered Php5,000 monthly and a cellphone to do this. This was of course very distressing for our staff and he feared for his safety even at home.
- b. Arrest warrants in December 2018 for two of our board members who were supposedly involved in a September

13, 2018 fire in Lupon, Davao Oriental between alleged NPA fighters and Philippine army soldiers. However, our two board member accused were both abroad for work at the time of the alleged incident.

- c. A dark blue Toyota Revo with plate number XHS-509 was suspiciously parking outside of our offices for a few days. We approached the driver and passenger on October 18, 2019 about their intentions upon which they left and never returned. We found out later that the same vehicle was also sighted near the offices of the GRP-NDFP joint monitoring secretariat in Cubao.

5. These hostile acts have disrupted IBON's work. They have caused anxiety among the staff who are now concerned about not just the institution's work but also their personal security. We have had to take many extra measures including spending to beef up security in our premises, taking precautions in all our events and with visitors to our building, and organizing a quick response network among neighboring organizations similarly under threat. Also, it is unfortunate that some of our erstwhile partners in the development community, schools and NGOs are more hesitant to deal with us for fear of facing the same harassment and vilification from the government.

6. Among the forms of relief we have sought are:

- a. A complaint to the Commission on Human Rights (CHR) on March 4, 2019. IBON was among many organizations testifying at their inquiry on "The Current Situation Impacting on the Work, Safety, and Security of Human Rights Defenders in the Philippines" conducted in September 2019.
- b. A complaint to the Government of the Republic of the Philippines Monitoring Committee (GRP-MC) on Human Rights and International Humanitarian Law on March 15, 2019.
- c. An administrative complaint for red-tagging with the Ombudsman on February 10, 2020. There was no progress when we asked for updates a month later and then the NCR lockdowns started."



**k. Affidavit of Rolando D. Calimlim of Petitioner Samahan at Ugnayan ng mga Konsyumer para sa Ikaunlad ng Bayan (SUKI)<sup>28</sup>**

SUKI is a member organization of CPDG. Congruent with the principles of the CPDG for people's participation in forging socioeconomic development for the many and broad-based governance, SUKI is a network of various consumer organizations seeking to assert the rights of Filipino consumers by amplifying consumer issues across a spectrum of issues. Our member groups include the Alliance for Consumer Protection (ACP) of Bulacan, Bantay Bigas, Bantay Konsyumer Kalsada at Kuryente (BK3), Bayan Muna, Ecuvoice-Women, GABRIELA, Green Action PH, Iwas Gatas Pilipinas, Matuwid na Singil sa Kuryente/ Alyansa ng Bagong Pilipinas (MSK/ ABP), People Opposed to Warrantless Electricity Rates (POWER), Terry's Shoes, TXTPower, United Filipino Consumers (UFC), and the Water for the People Network (WPN).

In the affidavit, the convenor of SUKI states the present condition of the defenders of economic, social, cultural, civil and political rights, usually undermined by business-biased government policy, who have been attacked on various fronts and why it is joining the other victims of human rights and state repression in filing this petition, to quote:

"3. Today, with the whole-of-nation-approach Executive Order No. 70 that created the National Task Force for Ending Local Communism and Armed Conflict (NTF-ELCAC) in place, defenders of economic, social, cultural, civil and political rights, usually undermined by business-biased government policy, have been attacked on various fronts.

Some of our convener groups' and their members namely from Bayan Muna, Bantay Bigas, Gabriela, IBON and the WPN, have been red-tagged, harassed, falsely charged with trumped-up cases, illegally arrested or detained, or even murdered in the past years.

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<sup>28</sup> Affidavit attached and marked as Annex "N".

4. The NTF Annual Report for 2019 explicitly refers to our members' campaigns, which SUKI supports, as obstacles to the delivery of basic services such as education, food, health, shelter, water, and electricity.

Because economic, social and cultural rights span consumer rights, SUKI supports a wide array of advocacies that advance consumer interests and look after the welfare of the consumer community. Some SUKI members are supporters of the Save our Schools Network whose members provide education for indigenous communities. SUKI supports community-based health services. SUKI stands behind Water for the People Network urban poor representing group Kalipunan ng Damayang Mahirap (Kadamay) in the occupation of idle government housing by thousands upon thousands of homeless Filipinos. SUKI supports Bantay Bigas in campaigning versus rice tariffication that kills local rice production and against rendering the regulatory National Food Authority powerless. SUKI supports WPN's and the Network Opposed to Laiban, Kaliwa and Kanan Dams in exposing the destruction of communities and the environment caused by dam construction campaigns. SUKI is in solidarity with environmental defenders against destructive large-scale mining and unsustainable energy projects.

Yet these very advocacies that SUKI supports, the NTF-ELCAC categorizes to be "Communist Terrorist Group (CTG) programs that impact on the delivery of basic services". The report buries government's accountability in the problematic delivery of the above-enumerated social and public services and utilities through privatization, deregulation, and liberalization, which the Duterte administration coupled with authoritarianism to uninterruptedly ram its elitist, exclusionary, patronage-politics-ridden agenda. The report instead garnishes a counter-insurgency blueprint influenced by bigger countries' security plans with promises to bring about robust economic growth and people-oriented governance.

But by simply describing the advocacies that we support as "communist terrorist programs" that hamper services, NTF-ELCAC puts not only our network but others who would support our cause in the same basket as anyone or everyone it wishes to implicate, incriminate, and demobilize in the guise of anti-terrorism.

4. No less than state police and other government forces and agencies, in the EO 70's whole of nation approach, have openly justified the above acts except for the murders, in which the administration has denied involvement.

5. The Filipino consumer movement has been a government target in confronting opposition or resistance since the 1980s. In addition to the abovementioned, it has taken part in resisting anti-consumer policies, for example additional consumption taxes through the expanded value added tax, taxes on diesel and kerosene, unreasonable oil price hikes, onerous bills, and poor consumer services from telcos to transportation, water, power, and other public utilities.

Mobilizing against measures that undermine consumer rights has been important in exposing, at the very least, and checking, at the most, government policy that has mostly been more pro-business and profit-driven rather than pro-consumer and public-oriented. This line of action belies government's "malasakit" stance and exposes its anti-people character.

6. We are joining the petition against the Anti-Terror Law because of its being overbroad in defining terroristic acts.

7. Because of this ambiguity, the Duterte administration is given extensive powers to pin down critics of government policies and measures in the name of curbing terrorism. Because of this ambiguity, consumers specifically demanding efficient, reliable, accessible, affordable, sufficient and ecological basic needs and public services that are hindered by the administration's pro-foreign and big-business bias can be accused of conspiring towards the commitment of terroristic activity.

8. We petition against the Anti-Terrorism Law which fortifies government's already unleashed crackdown on asserters of the Filipino people's economic, social, cultural, civil and political rights, including consumer rights.

Once the Anti-Terrorism Law is implemented, consumer rights asserters alongside other rights defenders are endangered and may all the more be the targets in the pretext of fighting terrorism. This may aim to douse

water on opposition to government policies that undermine rights and advance elitist interests, result in more human rights violations than ever from socio-economic (right to food, land, jobs, wages, social services, public utilities, self-determination, environment, social protection, sovereignty) to that of free thought, speech and assembly, perpetrate social injustice especially marginalization and further people's impoverishment, and stoke the flames of unrest."

**1. Incident Report, Involving John Ian S. Alenciaga, An Alternative Media Worker and Human Rights Defender in Panay Island and CPDG Member <sup>29</sup>**

This Incident Report is narrated, as follows:

At around 10:30 am on November 25, 2019, John Ian Alenciaga went out of the office of Bayan-Panay at Cuartero St., Jaro, Iloilo City to have a medical consultation in Mission Medical Arts Building also in Jaro, Iloilo City. From the office he proceeded to SM Savemore two blocks away to buy a cellphone ticket load. He noticed two men men, one in a black or grey shirt with a backpack bag, the other one in plain black shirt sitting inside the store lobby. After only two or three minutes, he left because he did not find any load available. As he went out of the store he saw the guy with a backpack follow him out of the store a few seconds after him. The man turned to a different direction so it did not bother him. He was around 10 meters away from him.

Alenciaga then proceeded to the Mission clinic around 1.4 kilometers away, or a 7-minute jeepney ride. He got down a few meters past the corner going to the clinic. As he was walking towards the clinic building, he stopped before the gate to buy load. He then saw the same guy in a backpack already ahead of him at a pharmacy and passed him as he proceeded to the clinic at the 2<sup>nd</sup> floor of the building and sat to wait for his turn. After an hour he again saw the man with the backpack walk past him going upstairs. He waited around 2 more hours and stayed another hour inside the clinic. After the checkup, he was about to leave the building but returned for his receipt. Again he saw the same man with a backpack. He became alarmed.

Alenciaga walked outside and, at the corner of the main street, he stopped and looked back and saw the

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<sup>29</sup> *KARAPATAN Fact Sheet attached and marked as Annex "O".*

same man around 20 meters away. He ducked behind a vehicle. He then continued walking and stopped at a corner to wait for the man to pass. But after around 2 minutes, it was the guy in the black shirt that he saw entering a Quix Mart store across the street, talking on a phone. He tried to take a picture of the two with his cellphone but they evaded him.

Unable to see them inside the store, Alenciaga quickly rode a jeepney to a nearby mall. He stayed a while before riding a taxi back to the Bayan office.

Alenciaga is anchorman of Dampig Katarungan, a weekly block-time radio program that tackles human rights violations, economic and public interest issues. He is actively involved in the campaign against the construction of the Korea funded mega-dam in Calinog, Iloilo and was one among three declared persona non-grata by the Calinog *Sangguniang Bayan* after they campaigned against the dam in Korea. Alenciaga has been very visible in mass protest actions in Iloilo City and other places in Panay.

Alenciaga was also red-tagged in social media which seriously threatens his life and safety.

#### **m. Affidavit of Petitioner Eufemia P. Doringo<sup>30</sup>**

She is a petitioner in this case. She narrates in her affidavit the harassment she experienced and the human right violations experienced by her fellow members of the urban poor:

1. It was September 2019 when my neighbor in Camarin told me that there is man looking for me, asking where I live. It was after the incident in Pandi, Bulacan where police officers illegally confiscated Pinoy Weekly, an alternative news magazine and set them on fire. Military officers (National Capital Joint Task Force) would visit me to ask me several things. Later on it would be followed by barangay tanod and PNP harassing me when we join protest in our community.
2. I has come to a point where I'm already fearing for me and my family's lives.

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<sup>30</sup> Attached and marked as Annex "P".

These people working for the government have already pointed me as one of the people they should worry about, because of my line of work.

3. We suspect that the Armed Forces of the Philippines and Philippine National Police are the perpetrators.
4. It is already old news when these people do repressive actions to people exercising their rights. That's why we document these actions, but most of the time it's never enough to make a case against them.
5. I am an activist and anyone who questions the government is vulnerable to state repression. I'm also from the urban poor sector, making me an easy target for repression.
6. Police would always harass us when there's a protest. They would go to our office, intimidate our staff and would ask about our whereabouts. For the past several months, they've managed to illegally confiscate legal newsletters, tag them as subversive documents, and coerce mass leaders to sign a document, putting them in jeopardy.
7. In reference to the previous killings of activists, including our national secretary general, Carlito Badion, on May 26, 2020, my colleagues and I are constantly fearing for our lives. We have set up security measures, subject to monthly assessments, such as buddy system and monitoring our office premises and communities where we operate. Aside from releasing urgent alert notices, we document cases of harassments and threats in our ranks.
8. Before August 2020 ended, we've managed to file a complaint against Pandi Police Station to show that we are not to be bullied into submission.
9. In relation to the most recent incidents in Pandi, Bulacan, where members and officers of our local chapters were harassed and threatened and illegally arrested, we filed complaints, last August 28, 2020, against the police before the office of the Ombudsman. Through this legal action we are hopeful that our morale as an organization and that of the communities we serve will be boosted. This is to show the police that we are not

to be bullied and that we will use our agency to stand up against their attacks.

10. Anti-Terrorism Law (ATL) will make red-tagging easier for the government, endangering people's lives. The threats and harassments we experience even before the ATL were already serious and made us wary about our mobility. With the implementation, we are sure it will be worse as it makes the harassments and threats against us lawful.
11. As an activist, we continuously criticize the government's anti-poor actions, making us an easy target for the ATL. With the attacks our sector have experienced up to now, we are certain it will intensify because as evidenced by our experiences, the ATL is not against terrorists but against critics and dissenters.
12. We continuously call for justice, for our slain leader, Carlito "Karletz" Badion, and other activists killed by this regime."

53. The assailed R.A. 11479 with its vague and overly-broad provisions will intensify the harassment, intimidation, and other forms of human rights violations against the petitioners and their members and many other development workers will likewise become vulnerable victims to the repression by the state forces. The law infringes on the rights of the petitioners to express themselves and to assert their democratic participation in governance as mandated by the constitution for they cannot exercise such rights free from subsequent punishment or the fear thereof.

54. Hence, upon the grounds discussed below, petitioners come before this Honorable Court seeking provisional reliefs to enjoin the respondents from implementing R.A. 11479 *pendente lite* and, after proper proceedings, a judgment declaring the said law unconstitutional.

### ATTACHMENT

55. Petitioners attached the following documentary evidence to prove their causes of action to file this Petition:

WHETHER OR NOT SECTIONS 12 & 13 OF  
REPUBLIC ACT NO. 11479 IMPEDE ON THE  
CONDUCT OF DEVELOPMENT AND  
HUMANITARIAN WORK AND ADVOCACY  
FOR GOOD GOVERNANCE AND  
PROTECTION FOR THE ENVIRONMENT?

IV.

WHETHER OR NOT SECTIONS 25, 26, 27, 29  
AND 34 OF THE REPUBLIC ACT NO. 11479  
IS UNCONSTITUTIONAL AS IT VIOLATES  
CONSTITUTIONAL GUARANTEED FREEDOM  
AND RIGHTS, INCLUDING THE  
ASSERTION OF SOCIAL, ECONOMIC AND  
CULTURAL RIGHTS? AND

V.

WHETHER OR NOT THE SECTION 29 OF  
REPUBLIC ACT NO. 11479 IS  
UNCONSTITUTIONAL FOR IT  
ENCROACHES, TRESPASSES AND  
INVADES THE RIGHT TO DUE PROCESS  
OF LAW AND REPUDIATES THE  
PHILIPPINE CRIMINAL JUSTICE SYSTEM  
AND ENDANGERS LEGITIMATE  
DEVELOPMENT AND ENVIRONMENTAL  
WORKERS TO BE LABELLED AS  
TERRORISTS?

ARGUMENTS/DISCUSSION

I.

THE HONORABLE SUPREME COURT HAS  
THE JURISDICTION TO REVIEW THE  
CONSTITUTIONALITY OF REPUBLIC ACT  
NO. 11479 UNDER THE POWER JUDICIAL  
REVIEW

**Validity of Filing The Petition**

58. Petitioners invoke the remedies of *certiorari* and prohibition for there is no other immediate remedy available.



Sections 1 and 2, Rule 65 of the Rules of Court afford remedies due to grave abuse of discretion by any government branch or instrumentality thereof and if there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law. By this remedy, they are praying that judgment be rendered by annulling the law, prohibiting its implementation and for granting such incidental reliefs as law and justice may require.

59. Rule 65 of Rules of Court ordinarily pertains to the discretionary exercise of the tribunal, board or officer's judicial, quasi-judicial, or ministerial functions, nonetheless the rule can still be applied in order to invoke the expanded judicial power of the Supreme Court. Thus, Rule 65 is the remedy 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."<sup>31</sup>

60. An essential requisite for filing a petition for *certiorari* is the allegation that the judicial tribunal acted with grave abuse of discretion amounting to lack or excess of jurisdiction.<sup>32</sup> Grave abuse of discretion has been defined as a "capricious or whimsical exercise of judgment that is patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law."<sup>33</sup>

61. The petitioners filed this petition for *certiorari* and prohibition to determine whether the R.A.11479 is unconstitutional or not. They are submitting their position that grave abuse of discretion is present in the legislature's enactment of a law that clearly runs counter to the Constitution and whose provisions contravene, impede and infringe on the constitutional right to freedom of expression, due process of law and to life, liberty and security and that said law is vague and ambiguous that can be subject to abuse by the implementing arm of the government.

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<sup>31</sup> *Araullo v. Aquino III*, 737 Phil. 457 (2014).

<sup>32</sup> *Marvin Cruz And Francisco Cruz, In His Capacity As Bondsman Vs People Of The Philippines*, G.R. No. 224974, July 3, 2017.

<sup>33</sup> *Rodriguez v. Hon. Presiding Judge of the Regional Trial Court of Manila, Branch 17, et al.*, 518 Phil. 455, 462 (2006) [Per J. Quisumbing, *En Banc*] citing *Zarate v. Maybank Philippines, Inc.*, 498 Phil. 825 (2005).

## **Facial Challenge**

62. The petitioners are challenging the constitutionality of R.A.11479 for it need not be implemented and direct injury be felt before the issue of its constitutionality can be questioned before the court.
63. The vilification campaign of the government against its critics and those persons it suspected of supporting the armed rebel groups was already in place prior to the passage of R. A. 11479. The repressive state apparatus is already in full operation prior the law was approved as narrated by the petitioners and other witnesses in their sworn statements.
64. The passage of R.A. 11479 will further legitimize and gives legal validity to this repressive state apparatus to operate in full swing and capacity to crush what it calls "enemies of the state", which includes civil society groups such as people's organizations and non-government organizations, among them CPDG and its co-petitioners.
65. The wordings of R.A. 11479 are packed with dubious provisions intended to contravene the constitutional provisions that provide safety nets to the people's exercise of their rights. In this situation, a clear and present danger to the exercise of the people's rights is present. Direct injury, therefore, need not be experienced by the people much less by the herein petitioners before the law that clearly tramples on their rights and on the supremacy of the constitution will be challenged in court.
66. R.A. 11479 is a license to commit repressive acts on the people. It will effectively restrict the people's invocation of their rights. It creates so many impediments to the exercise of these rights particularly in the midst of intensified human rights violations and government inaction to address the people's demand for protection.
67. Allowing the law's full implementation without questioning its constitutionality will create a dangerous precedent that will allow the government to do all that it wants to do without being checked by the judicial branch of government. When people's welfare is at stake the most urgent precautionary measure must be employed to prevent

injury being inflicted on the people. One need not taste the poison in order to know how potent the poison is.

68. The established rule is that the party can question the validity of statute only if, as applied to him, it is unconstitutional. The exception is the so called facial challenge. It is argued that the only time a facial challenge to a statute is allowed is when it operates in the area of freedom of expression. In such instance, the overbreadth doctrine permits a party to challenge the validity even though as applied to him it is not unconstitutional but it might be if applied to others not before the court whose activities are constitutionally protected. In validation of the statute "on its face" rather than as "as applied", it is permitted in the interest of preventing chilling effect on freedom of expression<sup>34</sup>

69. There is, however, now an expanded scope for the facial challenge of the law. The Supreme Court said that in US constitutional law, a facial challenge, also known as a First Amendment Challenge, is one that is launched to assail the validity of statutes concerning not only protected speech, but also all other rights in the First Amendment. These include religious freedom, freedom of the press, and the right of the people to peaceably assemble and petition the government for redress of grievances. The court declares as follows:

"While this Court has withheld the application of facial challenges to strictly penal statutes, it has expanded its scope to cover statutes not only regulating free speech, but also those involving religious freedom and other fundamental rights. The reason for this modification is that this Court, under its expanded jurisdiction, is mandated by the fundamental law 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 x x x **Considering that the petitions in this case have alleged that the constitutional human rights to life, speech, religion and other fundamental rights have been violated by the assailed legislation, the Court has authority to**

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<sup>34</sup> Justice Mendoza's concurring opinion in *Cruz vs DENR GR No. 13585, December 6, 2000.*

**take cognizance of these petitions.** <sup>35</sup> (Emphasis supplied)

70. The facial challenge allows the people to register its opposition to the arbitrariness of the Legislature by passing irrelevant and dubious laws intended to suppress people's rights. After all, the government has already wielded its potent wand against forces who are catalysts for social change and this law will only allow the government to whimsically use its poisonous concoction of repression, intimidation and threat furthermore. The risks are very clear and imminent and the law must be challenged right now without waiting for further injuries to be suffered by the people.
71. There is no other opportune moment to file the petition but upon the passing of the bill into law. The entirety of this law is tainted with constitutional infringements that it need not be implemented in order to prove that it injures the rights and welfare of the people. By using the facial challenge, the law itself is being treated as a harmful object that can be used to cause injury to our basic and fundamental right as it contravenes the constitutional provisions that protect humanity against the whimsical act and capriciousness of those who wield vast governmental powers.

### **Exception to the Hierarchy of Courts and Direct Resort To The Supreme Court Justified**

72. According to the principle of hierarchy of courts, the Supreme Court is a court of last resort. The purpose of which is to allow the Supreme Court to fully perform its function and to dedicate its time in resolving controversies under its exclusive jurisdiction.
73. Nonetheless, the invocation of this Court's original jurisdiction to issue writs of certiorari and prohibition has been allowed in certain instances on the ground of special and important reasons clearly stated in the petition, such as, (1) when dictated by the public welfare and the advancement of public policy; (2) when demanded by the broader interest of justice; (3) when the challenged orders were patent nullities; or (4) when analogous exceptional and compelling

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<sup>35</sup> *Imbong vs Ochoa*, GR No. 204819, April 8, 2014.

circumstances called for and justified the immediate and direct handling of the case.<sup>36</sup>

74. In the foregoing case, the hierarchy of courts cannot be invoked as to deny the direct filing with the Supreme Court since this case falls under one of the exceptions to the above-stated principle. For the interest of the people and of justice, the Supreme Court has the discretion to take cognizance of this case to resolve the controversy involving the constitutionality of RA 11479.
75. The petitioners have basis to file this petition before the Supreme Court based on the catena of cases that have already been decided by this Supreme Court. The direct recourse to this Honorable Supreme Court has been allowed and followed in the cases of *Bengzon Jr. v. Senate Blue Ribbon Committee*(G.R. No. 89914, November 20, 1991, 203 SCRA 767); *Francisco, Jr. v. Nagmamalasant na mga Manananggol ng mga Manggagawang Pilipino, Inc.*( G.R. No. 160261, November 10, 2003, 415 SCRA 44); *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain (GRP)*, (G.R. No. 183591, October 14, 2008, 568 SCRA 402), *Macalintal v. Presidential Electoral Tribunal*, (G.R. No. 191618, November 23, 2010, 635 SCRA 783); *Belgica v. Ochoa*,( G.R. No. 208566, November 19, 2013, 710 SCRA); *Imbong v. Ochoa, Jr.*,( G.R. No. 204819, April 8, 2014, 721 SCRA 146); *Araullo v. Aquino III*,( G.R. No. 209287, July 1, 2014, 728 SCRA); *(Saguisag v. Ochoa, Jr.)*,( G.R. Nos. 212426 & 212444, January 12, 2016, 779 SCRA 241, 321-333); *Padilla v. Congress of the Philippines*,( G.R. No. 231671, July 25, 2017).
76. Furthermore, the plight of the development workers, the environmentalists, the farm workers, the urban poor, the workers in the labor force, is a matter that directly affects the people and pertains to public welfare where the broader interest of justice is at stake. There is, therefore, a compelling reason for the Supreme Court to take cognizance of this

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<sup>36</sup> Republic of the Philippines v. Caguioa, G.R. No. 174385, February 20, 2013; ERNESTO DY vs HON. GINA M. BIBAT- PALAMOS, in her capacity as Presiding Judge of the Regional Trial Court, Branch 64, Makati City, and ORIX METRO LEASING AND FINANCE CORPORATION, G.R. No. 196200, September 11, 2013.

petition that assails this law which in its face alone is a patent nullity.

### **Supreme Court Power Of Judicial Review**

77. Judicial review is the power of the courts to test the validity of executive and legislative acts in the light of their conformity with the constitution. This is not an assertion of superiority by the courts over the other departments, but merely an expression of the supremacy of the Constitution.<sup>37</sup>

78. Enshrined under Sec.1 of Article VIII of the Philippine Constitution is the express provision granting the judicial power and quoted below:

“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.”

79. Such power is also expressly provided in the Section 4 (2), Article VIII of the Constitution which provides the following:

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(2) All cases involving the constitutionality of a treaty, international or executive agreement, or law, which shall be heard by the Supreme Court *en banc*, and all other cases which under the Rules of Court are required to be heard *en banc*, including those involving the constitutionality, application, or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations, shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

80. The petitioners find confidence on the Supreme Court's invocation of its power of judicial review as an effective way

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<sup>37</sup> *Angara vs Electoral Commission*, 63 Phil 139.

to check the excesses of the other branches of government. It is a balancing act that can ensure that all actions will be in accordance with the constitution and that truly a Rule of law prevails in our society.

81. The petition is of urgent importance especially that specific provisions of the R.A. 11479 expressly contravene the wordings of the Constitution. The power of judicial review must be exercised by the Court to expunge and obliterate the perilous and precarious provisions of the law that directly violates and infringes into the guaranteed rights under the constitution.

82. Further, 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."<sup>38</sup>

### **The Petition Complies With The Requisites Of Judicial Review**

83. Where 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 supremacy of the Constitution is upheld."

84. The Court, however, does not have unrestrained authority to rule on just any and every claim of constitutional violation. Hence, the legal teaching is that the power of judicial review is limited by four exacting requisites, viz: (a) there must be an actual case or controversy; (b) the petitioners must possess *locus standi*; (c) the question of constitutionality

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<sup>38</sup> Gios-Samar, Inc., Represented By Its Chairperson Gerardo M. Malinao Vs. Department Of Transportation And Communications And Civil Aviation Authority Of The Philippines, G.R. No. 217158, March 12, 2019.

must be raised at the earliest opportunity; and (d) the issue of constitutionality must be the *lis mota* of the case."<sup>39</sup>

### **There is an Actual Case or Controversy**

85. An actual case or controversy is one that involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution; the case must not be moot or academic or based on extra-legal or other similar considerations not cognizable by a court of justice. Stated otherwise, it is not the mere existence of a conflict or controversy that will authorize the exercise by the courts of its power of review; more importantly, the issue involved must be susceptible of judicial determination.<sup>40</sup>

86. The petitioners assert that the issue of the constitutionality of R.A. 11479 is at hand. It cannot be taken as a mere political issue since the provisions expressly contravene with the letter and spirit of the Constitution.

87. The Supreme Court declares that where an action of the legislative branch seriously infringed on 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. The duty (to adjudicate) remains to assure that the supremacy of the Constitution is upheld. Once a controversy as to the application or interpretation of constitutional provision is raised before this Court (as in the instant case), it becomes a legal issue which the Court is bound by constitutional mandate to decide."<sup>41</sup>

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<sup>39</sup> *Tañada v. Angara*, GR No. 118295, May 2, 1997; *Saguising v. Ochoa*, 777 Phil. 280, 349 (2016) *Philippine Constitution Association v. Philippine Government*, G.R. No. 218406, 29 November 2016; *Rey Nathaniel C. Ifurung Vs Hon. Conchita C. Carpio Morales Jardeleza, In Her Capacity As The Ombudsman, Caguioa, Hon. Melchor Arthur H. Martires, Carandang, Hon. Gerard Abeto Tijam, Mosquera, Hon. Paul Elmer M. Reyes, And Clemente, Hon. Rodolfo M. Gesnundo, J. Elman, Hon. Cyril Enguerra Ramos In Their Capacities As Deputies Ombudsman, And The Office Of The Ombudsman*; G.R. No. 232131, April 24, 2018.

<sup>40</sup> *Congressman Enrique T. Garcia Of The 2nd District Of Bataan Vs The Executive Secretary, The Secretary Of The Department Of Energy, Caltex Philippines, Inc., Petron Corporation, And Pilipinas Shell Corporation*, G.R. No. 157584, April 2, 2009.

<sup>41</sup> *James M. Imbong And Lovely-Ann C. Imbong, For Themselves And In Behalf Of Their Minor Children, Lucia Carlos Imbong And Bernadette Carlos Imbong And Magnificat Child Development Center, Inc. Vs Hon. Paquito N. Ochoa, Jr., Executive Secretary, Hon. Florencio B. Abad, Secretary, Department Of Budget And Management, Hon. Enrique T. Ona, Secretary, Department Of Education, Culture And Sports And Hon. Manuel A. Roxas II, Secretary, Department Of Interior And Local Government*, G.R. No. 204819 April 8, 2014.



88. Pertinently, the Supreme Court defines a justiciable controversy as an existing case or controversy that is appropriate or ripe for judicial determination, not one that is conjectural or merely anticipatory.<sup>42</sup> Corollary thereto, by "ripening seeds" it is meant, not that sufficient accrued facts may be dispensed with, but 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. The concept describes a state of facts indicating imminent and inevitable litigation provided that the issue is not settled and stabilized by tranquilizing declaration.<sup>43</sup>
89. An actual or justiciable controversy requires the existence of ripeness for the adjudication of the case. The Supreme Court states:

"An aspect of the 'case-or-controversy' requirement' is the requisite of 'ripeness.' x x x In our jurisdiction, the issue of ripeness is generally treated in terms of actual injury to the plaintiff. Hence, a question is ripe for adjudication when the act being challenged has had a direct adverse effect on the individual

<sup>42</sup> *Velarde V. Social Justice Society*, G.R. No. 159357, April 28, 2004, 428 Scra 283, 291. *Republic Of The G.R. No. 204603 Philippines, Represented By The Executive Secretary, The Secretary Of Justice, The Secretary Of Foreign Affairs, The Secretary Of Nationaldefense, The Secretary Of The Interior And Local Government The Secretary Of Finance, The National Security Adviser, The Secretary Of Budget And Management The Treasurer Of The Philippines, The Chief Of Staff Of The Armed Forces Of The Philippines, And The Chiefof The Philippine National Police Vs Herminio Harry Roque, Moro Christian People's Alliance, Fr. Joe Dizon, Rodinie Soriano, Stephanie Abiera, Maria Lourdes Alcain, Voltaire Alferez, Czarina Mayaltez, Sheryl Balot, Renizza Batacan, Edan Marri Cañete, Leana Caramoan, Aldwin Camance, Rene Delorino, Paulyn May Duman, Rodrigo Fajardo Iii, Annamarie Go, Anna Arminda Jimenez, Mary Ann Lee, Luisa Manalaysay, Miguel Musngi, Michael Ocampo, Norman Roland Ocana Iii, William Ragamat, Maricar Ramos, Cherry Lou Reyes, Melissa Ann Sicat, Cristine Mae Tabing, Vanessa Torno, And Hon. Judge Eleuterio L. Bathan, As Presiding Judge Of Regional Trial Court, Quezon City, Branch 92, G.R. No. 204603, September 24, 2013.*

<sup>43</sup> *Herrera, Oscar M., Remedial Law, Volume Iii, Special Civil Actions Rule 57-71, P. 193 (1999), Citing Tolentino V. Board Of Accountancy, 90 Phil. 83 (1951) And In Re: Pablo Y. Sen. V. Republic Of The Philippines, 96 Phil. 987 (1955); Republic Of The G.R. No. 204603 Philippines, Represented By The Executive Secretary, The Secretary Of Justice, The Secretary Of Foreign Affairs, The Secretary Of Nationaldefense, The Secretary Of The Interior And Local Government The Secretary Of Finance, The National Security Adviser, The Secretary Of Budget And Management The Treasurer Of The Philippines, The Chief Of Staff Of The Armed Forces Of The Philippines, And The Chiefof The Philippine National Police Vs Herminio Harry Roque, Moro Christian People's Alliance, Fr. Joe Dizon, Rodinie Soriano, Stephanie Abiera, Maria Lourdes Alcain, Voltaire Alferez, Czarina Mayaltez, Sheryl Balot, Renizza Batacan, Edan Marri Cañete, Leana Caramoan, Aldwin Camance, Rene Delorino, Paulyn May Duman, Rodrigo Fajardo Iii, Annamarie Go, Anna Arminda Jimenez, Mary Ann Lee, Luisa Manalaysay, Miguel Musngi, Michael Ocampo, Norman Roland Ocana Iii, William Ragamat, Maricar Ramos, Cherry Lou Reyes, Melissa Ann Sicat, Cristine Mae Tabing, Vanessa Torno, And Hon. Judge Eleuterio L. Bathan, As Presiding Judge Of Regional Trial Court, Quezon City, Branch 92, G.R. No. 204603, September 24, 2013.*

challenging it. An alternative road to review similarly taken would be to determine whether an action has already been accomplished or performed by a branch of government before the courts may step in."<sup>44</sup>

90. Actual injury is already felt as thousands of people have died by mere speculation, surmises and suspicion of security forces who used the full force of the law against them. The recent wave of attacks against the fundamental right to express one's opinion and the massive killing of suspected activists and drug personalities have already caused an alarming situation on degrading state human rights in the Philippines. Thus, the actual case controversy is already imminent and impending, and the implementation of the law will surely cause massive arrest and killings by mere suspicion and aggravate the state impunity to commit abuses that is happening right now.
91. Under Section 25 of R.A. 11479, the ATC is given the power to designate an individual or group as a terrorist, needing only probable cause. This will create a floodgate that will allow for mass arrest of suspected terrorists without adequate evidence.
92. The provision of Section 29 of R.A. 11479 is contrary to what the Constitution provides under Section 2, Article III which mandates that a search and seizure must be carried out through or on the strength of a judicial warrant predicated upon the existence of probable cause; in the absence of such warrant, such search and seizure becomes, as a general rule, "unreasonable" within the meaning of said constitutional provision. Under the law, anyone arrested can stay in jail on mere consent by the ATC without any more allowing for the court to determine the validity of the arrest.
93. For proscription of organizations, which is found in Sec. 26, individuals or groups designated as terrorist organizations will be given due notice and the opportunity to be heard. However, a preliminary order of proscription can already be issued, even prior to giving them an opportunity to challenge the allegations before the court. Sec. 27 of R.A. 11479 provides that if the court has determined that probable cause exists on the basis of the verified application of the arresting officer that a preliminary order of proscription is

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<sup>44</sup> *Lozano v. Nograles, G.R. No. 187883, June 16, 2009, 589 SCRA 356.*

needed to prevent terrorism, the order can be issued within 72 hours.

94. The preliminary order can be made permanent or it can be lifted, but this will take place after the conduct of hearings that should be completed within six months. Hence, an accused can already be made to suffer in jail before he can have the opportunity to challenge the accusation against them in court. The serious risks to life, liberty and security and shown by the provision of the assailed law makes it ripe for the urgent review by the Court.
95. The requisite of ripeness has a two-fold aspect: fitness of the issues for judicial decision and the hardship to the parties entailed by withholding court consideration.<sup>45</sup> The first aspect requires that the issue tendered is a purely legal one and that the regulation subject of the case is a "final agency action." The second aspect mandates that the effects of the regulation are felt in a concrete way by the challenging parties.<sup>46</sup> It is submitted that both requisites are present for the Court to take cognizance of the petition.

### **The Petitioners Must Possess *Locus Standi***

96. *Locus standi* pertains to the right of appearance in a court of justice on a given question.<sup>47</sup> To have a standing before the court of justice, one must be the real party of interest who stands to be benefited or injured by the judgement of the suitor the party entitled to the avails of the suit.<sup>48</sup>
97. Jurisprudence dictates that a party challenging the constitutionality of a law, act or statute must show "not only that the law is invalid, but also that he has sustained or is in

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<sup>45</sup> *Abbott Laboratories V. Gardner*, 387 U.S. 136 (1967) Quoted From *Rosendo De Borja, Petitioner, V. Pinalakas Na Ugnayan Ng Maliliit Na Mangingisda Ng Luzon, Mindanao At Visayas ("Pumalu-Mv"), Pambansang Katipunan Ng Mga Samahan Sa Kanayunan ("Pksk") And Tambuyog Development Center, Inc. ("Tdc")*, Respondents: Republic Of The Philippines, Oppositor.; G.R. No. 185348 - *Tambuyog Development Center, Inc.*, Represented By Dinna L. Umengan, Petitioner, V. *Rosendo De Borja, Pinalakas Na Ugnayan Ng Maliliit Na Mangingisda Ng Luzon, Mindanao At Visayas ("Pumalu-Mv")*, Represented By Cesar A. Hawak, And *Pambansang Katipunan Ng Mga Samahan Sa Kanayunan ("Pksk")*, Represented By Ruperto B. Alerosa, Respondents; Republic Of The Philippines, Oppositor., G.R. No. 185320, April 19, 2017

<sup>46</sup> *National Automatic Laundry And Cleaning Council V. Shultz*, 443 F.2d 689 (1971)

<sup>47</sup> *Black's law Dictionary*, 6<sup>th</sup> ed., 1991.

<sup>48</sup> *Salonga vs Warner Barnes*, 88 Phil 125.

immediate or imminent danger of sustaining some direct injury as a result of its enforcement, and not merely that he suffers thereby in some indefinite way." There is likewise the teaching that *locus standi* is merely a matter of procedure and that, in some cases, suits are not brought by parties who have been personally injured by the operation of a law or any other government act, but by concerned citizens, taxpayers, or voters who actually sue in the public interest. This liberal stance has been exemplified in *Funa v. Villar*,<sup>49</sup>

98. To have legal standing, therefore, a suitor must show that he has sustained or will sustain a "direct injury" as a result of a government action, or have a "material interest in the issue affected by the challenged official act. However, the Court has time and again acted liberally on the *locus standi* requirements and has accorded certain individuals, not otherwise directly injured, or with material interest affected, by a Government act, standing to sue provided a constitutional issue of critical significance is at stake. 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, such as concerned citizens, taxpayers, voters or legislators, 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. In *David*, the Court laid out the bare minimum norm before the so-called "non-traditional suitors" may be extended standing to sue:

- 1.) For taxpayers, there must be a claim of illegal disbursement of public funds or that the tax measure is unconstitutional;
- 2.) For voters, there must be a showing of obvious interest in the validity of the election law in question;
- 3.) For concerned citizens, there must be a showing that the issues raised are of transcendental importance which must be settled early; and
- 4.) For legislators, there must be a claim that the official action complained of infringes their prerogatives as legislators.

99. The petitioners have standing in filing this case. Jurisprudence provides that a party has locus standing in the

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<sup>49</sup> *Ferrer v. Bautista*, 762 Phil. 233, 249 (2015); *Bayan Muna v. Romulo*, 656 Phil. 246, 265 (2011); *Funa v. Villar*, 686 Phil. 571 (2012); *Supra* Note 4.

foregoing case when there is personal and substantial interest in the case such that the party has sustained or will sustain a direct injury as a result of the governmental act that is being challenged. The term "interest" means a material interest, an interest in issue affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. The gist of the question of standing is whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions.<sup>50</sup>

100. Petitioners' legal standing to question the constitutionality of R.A. 11479 is clearly proven by looking into how the substantial rights and interests of the people will be at stake by the passage and implementation of the law. All of the petitioners are at risks of injury if ever the state decided to use it as a weapon against legitimate dissents and suspected terrorists. The provisions of the law can likewise produce a chilling effect to advocacies for human rights which are being exercised by most of the petitioners in the course of the operations of their development, environmental and humanitarian works.

101. Jurisprudence dictates that a party challenging the constitutionality of a law, act or statute must show "not only that the law is invalid, but also that he has sustained or is in immediate or imminent danger of sustaining some direct injury as a result of its enforcement, and not merely that he suffers thereby in some indefinite way."<sup>51</sup> But there is likewise the teaching that *locus standi* is merely a matter of procedure and that, in some cases, suits are not brought by parties who have been personally injured by the operation of a law or any other government act, but by concerned citizens, taxpayers, or voters who actually sue in the public interest.<sup>52</sup>

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<sup>50</sup> *Association Of Flood Victims V. Comelec*, 740 Phil. 472, 481 (2014) Citing *Integrated Bar Of The Philippines V. Zamora*, 392 Phil. 618,632-633 (2000) Quoted From *Rey Nathaniel C. Ifurung Vs Hon. Conchita C. Carpio Morales Jardeleza, In Her Capacity As The Ombudsman, Caguioa, Hon. Melchor Arthur H. Martires, Carandang, Hon. Gerard Abeto Tijani, Mosquera, Hon. Paul Elmer M. Reyes, And Clemente, Hon. Rodolfo M. Gesmundo, Jj. Elman, Hon. Cyril Enguerra Ramos In Their Capacities As Deputies Ombudsman, And The Office Of The Ombudsman, G.R. No. 232131, April 24, 2018.*

<sup>51</sup> *Ferrer v. Bautista*, 762 Phil. 233, 249 (2015).

<sup>52</sup> *Bayan Muna v, Romulo*, 656 Phil. 246, 265 (2011).

102. The Supreme Court has time and again acted liberally on the *locus standi* requirements and has accorded certain individuals, not otherwise directly injured, or with material interest affected, by a Government act, standing to sue provided a constitutional issue of critical significance is at stake.
103. The injury is imminent as it violates certain provisions of the constitution, the Rules on Criminal provisions and bill of rights. It need not be implemented in order to determine the ill effects to the people in general and not only to the so called activists and opposition. Human beings are rational people. They have the capability to determine what is morally wrong, politically sound, and legal and proper. It is basic for an individual to express an opinion on matters directly affecting him or her. Thus, R.A. 11479 produces more harm than good since terrorism under the said law has become a generic term that can be used whimsically and capriciously by the government forces to harass, silence and prevent any legitimate expression and actions.
104. The petitioners have legal standing to file this case because it is injurious and damaging to all the people regardless of their political color and social standing. It will be biased and prejudicial especially to the organizations and individuals who have constantly been labelled as "communists" and leftists by the government. Without due process of law, the petitioners and individual members thereof in the course of their development work particularly in the countryside can be subjected to persecution without due process of law.
105. The petitioners have legal standing as citizens of this country who sees the transcendental importance of this petition to combat the possible ill effects of the bill once it is passed. The law produces a chilling effect as it will freeze the fundamental rights of the people and will perpetuate lawlessness and will render the constitution inutile.
106. The petitioners are representing the general public, in asserting a "public right" and in assailing an allegedly illegal official action. They are persons who are affected no differently from any other person, and they could be suing as a "stranger," or as a "citizen" or "taxpayer." However, they are invested with *locus standi*, for they can show adequately that

they are entitled to judicial protection and have a sufficient interest in the vindication of the asserted public right.<sup>53</sup>

### **Issue Of Constitutionality Must Be The *Lis Mota* Of The Case**

107. *Lis mota* literally means "the cause of the suit or action." This last requisite of judicial review is simply an offshoot of the presumption of validity accorded the executive and legislative acts of our co-equal branches of the government. Ultimately, it is rooted in the principle of separation of powers. Given the presumed validity of an executive act, the petitioner who claims otherwise has the burden of showing first that the case cannot be resolved unless the constitutional question he raised is determined by the Court.<sup>54</sup>

108. In this petition, the question of constitutionality of the R.A. 11479 is the *lis mota* of the case. The petitioners have outlined the substantial issues that show that the provisions of the law infringes on the basic rights of the people guaranteed under the constitution. The petition seeks the determination of the Honorable Supreme Court on whether or not the said law injures the substantial right of the people and whether or not it impedes on the exercise of the right of the people to free expression, right to association, right to due process and right to liberty, security and property.

109. The salient features of R.A. 11479 which contravene with the constitutional provisions are listed below:

- a. Section 4 which vaguely defines the concept of terrorism;
- b. Section 5, the collection or making of documents "*likely to facilitate the commission of a terrorist act*" is punishable by

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<sup>53</sup> David v. Macapagal-Arroyo, G.R. No. 171396, May 3, 2006, 489 SCRA 160k.

<sup>54</sup> People V. Vera, 65 Phil. 56 (1937); Hon. Luis Mario M. General, Commissioner, National Police Commission Vs Hon. Alejandro S. Urro, In His Capacity As The New Appointee Vice Herein Petitioner Hon. Luis Mario M. General, National Police Commission, Hon. Luis Mario M. General, Commissioner, National Police Commission Vs President Gloria Macapagal-Arroyo, Thru Executive Secretary Leandro Mendoza, In Her Capacity As The Appointing Power, Hon. Ronaldo V. Puno, In His Capacity As Secretary Of The Department Of Interior And Local Government And As Ex-Officio Chairman Of The National Police Commission And Hon. Eduardo U. Escudra, Alejandro S. Urro, And Hon. Constanca P. De Guzman As The Midnight Appointees, G.R. No. 191560, March 29, 2011.

*life imprisonment* without the benefit of parole. The law does not qualify what documents would be covered, nor are there statutory parameters on how to determine whether such documents are "*likely to facilitate*" the commission of terrorist acts.

- c. Section 7 in relation to Section 5 while those that qualify as a **threat** to commit terrorist acts are punishable by *life imprisonment* without the benefit of parole (Section 5).
- d. Section 8 of the law imposes the penalty of imprisonment for a period of 6 years and 1 day to 10 years on a person who **incites** another to commit terrorist acts.
- e. Sections 4, 5, 7, and 8 of the law merely punish speech based on content, without qualifying the circumstances under which such speech is delivered;
- f. Under Sections 26 and 27 of the proposed measure seek to introduce a mechanism for the **immediate** declaration, by the Regional Trial Court, of a respondent group as a "*terrorist organization*", thereby, eliminating prior notice and opportunity to be heard as a pre-requisite for such a judicial declaration;
- g. Under Section 26 of the law the DOJ's verified application for proscription "*shall be filed with an **urgent prayer** for the issuance of a preliminary order of proscription.*"
- h. Section 27, on the other hand states that "*(w)here the Regional Trial Court Judge has determined that **probable cause** exists on the basis of the verified application which is sufficient in form and substance, he/she shall, within seventy two (72) hours from the filing of the application, issue a preliminary order of proscription declaring that the respondent is a terrorist and an outlawed organization or association. . . .*"
- i. Under Section 29 of R.A. 11479, the requirement that such warrantless arrest result from a court-authorized surveillance or examination of bank deposits has been **removed**. However, the allowable period of detention has been extended to **14 working days**.



- j. Worst, under Section 29 of R.A. 11479 provided unbridled power to carry out warrantless arrests and detention to the law-enforcement personnel and **military personnel** duly-authorized by the ATC.
110. This petition is meritorious because the cause of action pertains to judiciable matters of controversy over which the Supreme Court is vested with power and jurisdiction to decide on. The provisions of the law are vague, questionable and unconstitutional and these matters cannot be resolved by ordinary action except by adjudicating it under Rule 65 of the Rules of Court.
111. The requirements as herein shown to exist is based on the rule that every law has in its favour the presumption of constitutionality; to justify its nullification, there must be a clear and unequivocal breach of the Constitution, and not one that is doubtful, speculative, or argumentative.<sup>55</sup> The breach of the Constitution is clear and imaginable and docs surely exists and so the petitioners respectfully move for the Court to resolve these constitutional questions that are raised before it.

## II.

### SECTION 4 AND SECTION 9 OF REPUBLIC ACT NO. 11479 IS UNCONSTITUTIONAL DUE TO VAGUE DEFINITION OF TERRORISM THAT INFRINGES THE BILL OF RIGHTS PROVISION OF THE CONSTITUTION

#### Terrorism Is Defined Vaguely Under Section 4 And Section 9 Of Republic Act No. 11479

112. The Anti-Terrorism Act superseded the Human Security Act which provided for even more perilous and venomous provisions and which are seen to be more dangerous due to its vagueness and incoherence to the constitutional provisions.

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<sup>55</sup> *Romualdez V. Sandiganbayan*, G.R. No. 152259, July 29, 2004, 435 SCRA 371; *Congressman Enrique T. Garcia Of The 2nd District Of Bataan Vs The Executive Secretary, The Secretary Of The Department Of Energy, Caltex Philippines, Inc., Petron Corporation, And Pilipinas Shell Corporation*, G.R. No. 157584, April 2, 2009.

113. These provisions include the expanded definition of "terrorism" under Section 4, the new prohibited acts, such as threat to commit terrorism under Section 5, inciting to commit terrorism under Sec. 9 and recruitment to and membership in a terrorist organization under the Sec. 10 of the said law.

114. Under Section 4 of the new law, terrorism is expressly defined as:

"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 mm to cause extensive interference with, damage or destruction to critical infrastructure; (d) Develops, manufactures, possesses, acquires, transports, supplies, or uses weapons, explosives or 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 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 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."

115. The definition of terrorism is vague, overly broad, and subjective. The void-for-vagueness doctrine states that "a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must

- necessarily guess at its meaning and differ as to its application, violates the first essential requirement of due process of law."<sup>56</sup>
116. The over-breadth doctrine, on the other hand, decrees that "a governmental purpose may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms."<sup>57</sup>
117. 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 in its application. In such instance, the statute is repugnant to the Constitution in two (2) respects - it violates due process for failure to accord persons, especially the parties targeted by it, fair notice of what conduct to avoid; and, it leaves law enforcers unbridled discretion in carrying out its provisions and becomes an arbitrary flexing of the Government muscle.<sup>58</sup>
118. The doctrine has been formulated in various ways, but is most commonly stated to the effect that a statute establishing a criminal offense must define the offense with sufficient definiteness that persons of ordinary intelligence can understand what conduct is prohibited by the statute. It can only be invoked against that specie of legislation that is utterly vague on its face, i.e., that which cannot be clarified either by a saving clause or by construction.<sup>59</sup>
119. The definition of terrorism under R.A. 11479 is so overly permissive and broad that it can pertain to any act subject to the interpretation of the ATC or of any law enforcing body. The uncertainty of the term can lead to massive labelling, name calling and pinpointing of anybody without substantial basis and due process of law. This contravenes the very principle of legality under Art. 15 of the International Convention on Civil and Political Rights (ICCPR). The law does not also differentiate the terrorist acts defined under the Revised Penal Code and other special penal laws because the

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<sup>56</sup> *Connally v. General Constr. Co.*, 269 U.S. 385, 391, 70 L. Ed. 328 (1926) cited in *Ermita-Malate Hotel and Motel Operators Ass'n. v. City Mayor*, 20 SCRA 849, 867 (1967); *Supra Note 1*

<sup>57</sup> *NAACP v. Alabama*, 377 U.S. 288, 307, 12, 2 L. Ed 325, 338 (1958); *Shelton v. Tucker* 364 U.S. 479, 5 L. Ed. 2d 231 (1960).

<sup>58</sup> *People v. Nazario*, No. L-44143, 31 August 1988, 165 SCRA 186; *Estrada v Sandiganbayan*, G.R. No. 148560, November 19, 2001.

<sup>59</sup> *Estrada v Sandiganbayan*, G.R. No. 148560, November 19, 2001.

purpose of the acts, which should be the point of distinction, is vague in itself.

120. A principle of criminal law states that no one shall be held criminally responsible for an act, which is not a crime at the time of its commission. In order to hold the person liable of any criminal act, the acts or omission must be clearly stated and precisely defined. Otherwise, the person shall be held liable for the crime he never committed which is already an abuse of his constitutional right.
121. The law must be clear or else the law can be subject of abuse at which anybody can be detained and imprisoned arbitrarily and whimsically. The phrase used "*engages in acts intended...*" is vague and expansive that could mean anything according to the discretion of the council, the law making body and the enforcement agency. The state apparatuses can fabricate the crime or the *mere intention of doing it* in order to justify arrest and imprisonment without due process of law.
122. The vagueness of the definition is manifested in the use of the phrases and words such as "*undermine public safety*", "*create a public emergency*", "*seriously destabilize or destroy*", or "*fundamental political, economic or social structures of the country*" which is not defined or is clearly illustrated in the law.
123. Nothing in the law adequately delineates the meanings of these phrases in order to allow a law-enforcer or a judge to make a proper determination as to whether a particular scenario envisioned by the actor would fall within or outside the scope of the qualification.
124. The problem that beset R.A. 11479 is its reliance on the subjective appreciation of the actor's intent as basis for the prosecution and conviction under Section 4 thereof. None of the purposes for which the unlawful acts under Section 4 are committed need to come to fruition since the mere purpose of the actor supplies the qualifying element. It begs the question, therefore, as to how such intent or purpose is to be determined given that the same is internal to the actor.
125. The intention to commit a crime cannot be the sole basis for the prosecution or else that will violate the very essence of criminal liability enshrined in the Revised Penal Code which

states that intent is very subjective unless it is acted upon and is implemented that results to injury.

126. The Revised Penal Code stresses that crime has two elements: (1) an act and (2) the intention, or state of mind with which the act is done. The act and the intent must be in accord to constitute a crime.
127. Ordinarily, evil intent must unite with an unlawful act for a crime to exist. *Actus non facit reum, nisi mens sit rea*. There can be no crime when the criminal mind is wanting. As a general rule, ignorance or mistake as to particular facts, honest and real, will exempt the doer from felonious responsibility. The exception of course is the neglect in the discharge of a duty or indifference to consequences, which is equivalent to criminal intent, for in this instance, the element of malicious intent is supplied by the element of negligence and imprudence.<sup>60</sup>
128. Implicit in the concept of *mala in se* is that of *mens rea*. " *Mens rea* is defined as "the nonphysical element which, combined with the act of the accused, makes up the crime charged. Most frequently it is the criminal intent, or the guilty mind". Crimes *mala in se* presuppose that the person who did the felonious act had criminal intent to do so, xxxx. In the case of *mala in se* it is necessary, to constitute a punishable offense, for the person doing the act to have knowledge of the nature of his act and to have a criminal intent, xxxxxx. Hence, "[i]ntent to commit the crime and intent to perpetrate the act must be distinguished. A person may not have consciously intended to commit a crime; but he did intend to commit an act, and that act is, by the very nature of things, the crime itself." <sup>61</sup>
129. A volition or intent to commit the act is different from criminal intent. Volition or voluntariness refers to knowledge of the act being done. On the other hand, criminal intent — which is different from motive, or the moving power for the commission of the crime — refers to the state of mind beyond voluntariness. It is this intent that is being punished by crimes *mala in se*.<sup>62</sup>

<sup>60</sup> *Eduardo Magsumbol Vs. People of the Philippines, G.R. No. 207175, November 26, 2014.*

<sup>61</sup> *Datu Guimid P. Matalam, Petitioner. V. People Of The Philippines, G.R. Nos. 221849-50, April 04, 2016.*

<sup>62</sup> *Supra Note 37.*

130. It is noteworthy to give emphasis on Justice Wendell Holmes definition of an "act" which for him is voluntary muscular contraction, and nothing else." The chain of physical sequences which it sets in motion or directs to the plaintiff's harm is no part of it, and very generally a long train of such sequences intervenes." <sup>63</sup>
131. The criminal responsibility of the actor is determined by his or her state of mind in concurrence with all other elements present. It is important to determine that indeed the actor did or did not intend the consequences of his or her actions. Intention, on the other hand, is referred to as an attitude of mind in which the doer of an act adverts to a consequence of the act and desires it to follow. But the doer of an act may advert to a consequence and yet not desire it: and therefore not intend it.<sup>64</sup>
132. Therefore, based on the foregoing, the law's purpose of equating the intent to commit an act as an intent to commit a crime will result to arbitrariness on the part of the law enforcers for any actor can be suspected of having a criminal intent to commit terrorism.
133. Mere intent alone whether proven criminal or otherwise is punishable under R.A. 11479. Such kind of measurement cannot be used as a basis to judge the guilt of the person as to qualify him to be committing a terrorist act. The wrongful act may not be intended or desired by the actor and cannot immediately be qualified as terrorism. The subjectivism in terms of qualifying the acts as terrorism by mere intent to commit the same subject the target actor into conclusive presumption that he is guilty of the crime he never committed yet. Thereby, violating the very essence of the Bill of Rights wherein presumption of innocence is of paramount consideration.
134. The presumption of innocence is a right guaranteed by the 1987 Constitution. Article III, Section 14 (2) thereof states that in all criminal prosecutions, the accused is presumed innocent until proven guilty beyond reasonable doubt. The presumption can be overcome only by the evidence of guilt beyond reasonable doubt. There must be a moral certainty as

<sup>63</sup> *The Common Law*. p. 91; cf. *Stephan, General View of the Criminal Law of England (2d ed.) pp. 68-69.*

<sup>64</sup> *Markby, Elements of Law (6th ed.) sec. 220.*

to the guilt of the accused. The criminal justice system in the Philippines reminds us that accusation is not parallel to guilt. The conviction of the accused must be based on the strength of the evidence of the prosecution. By making a mere *intent to commit* as a crime will contradict the very essence of the right of an innocent person.

135. Further, Section 9 of the law which refers to "Inciting to Commit Terrorism", qualifies that even an act of inciting others, though not directly participating in any terroristic acts, by means of speeches, banners, writings, proclamations and emblems is considered a crime and punishable for twelve years of imprisonment. This provision runs counter to well-settled principles of our criminal justice system.

### **Curtailement of Freedom Of Speech And of Expression**

136. Sections 5, 6, 7 and 8 supports the considered criminal acts under Section 9 of R.A. 11479. Sections 4, 5, 7, 8 and 9 of the law punish speeches based on content, without qualifying the circumstances under which such speech is delivered. Absolutely no criteria exist, within the law itself that could be used to define the context in which the speech is given in order for it to be prohibited. Necessarily, these provisions fall short of the standard set by the *Clear and Present Danger Rule*. Still, the intent of the speaker or the actor becomes the basis of these crimes which make it more dangerous to abuse.
137. The above-stated provisions of R.A. 11479 contravene with and infringe on the freedom of speech enshrined under Section 4, Article III of the Constitution. Clearly stating without a tinge of ambiguity, Section 4 of the Article III of the Constitution states that no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.
138. Freedom of expression has gained recognition as a fundamental principle of every democratic government. It is given with a preferred right to stand on a higher level than substantive economic freedom or other liberties. The cognate rights codified by Article III, Section 4 of the Constitution, copied almost verbatim from the First Amendment of the U.S. Bill of Rights, were considered the necessary consequence of

republican institutions and the complement of free speech. This preferred status of free speech has also been codified at the international level, its recognition now enshrined in international law as a customary norm that binds all nations.<sup>65</sup>

139. The primacy and high esteem accorded to freedom of expression is a fundamental postulate of our constitutional system. This right was elevated to constitutional status in the 1935, the 1973 and the 1987 Constitutions, reflecting our own lesson of history, both political and legal, that freedom of speech is an indispensable condition for nearly every other form of freedom.
140. Moreover, our history shows that the struggle to protect the freedom of speech, expression and the press was, at bottom, the struggle for the indispensable preconditions for the exercise of other freedoms. For it is only when the people have unbridled access to information and the press that they will be capable of rendering enlightened judgments. In the oft-quoted words of Thomas Jefferson: "we cannot both be free and ignorant".<sup>66</sup>
141. By making speeches, publication and dissemination of writing, exposing the malady of the government is considered part of the freedom of expression which cannot be restrained by any law since this is a guaranteed freedom under the veil of the Constitution.
142. Obviously, the law imposes a prior restraint on freedom of expression. Under Section 9 and the succeeding sections of R.A. 11479, a mere act of inciting through speeches, writings, emblems, banners and proclamations is already punishable, thereby qualifying it as a crime. This is a clear cut manifestation of prior restraint which refers to official governmental restrictions on the press or other forms of expression in advance of actual publication or

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<sup>65</sup> *Chavez v. Gonzales*, G.R. No. 168338, February 15, 2008 quoting *U.S. Bill of Rights, First Amendment*, Larry Kramer, *The People Themselves: Popular Constitution and Judicial Review* (2004), Article 19 of the 1948 Universal Declaration on Human Rights (UDHR).

<sup>66</sup> *Supra* note 41, *Gonzales v. COMELEC*, 137 Phil. 471, 492 (1969), *Salonga v. Cruz-Pano*, G.R. 59524, February 18, 1985, 134 SCRA 458-459; *Gonzales v. COMELEC*, 137 Phil. 489, 492-3 (1969); *Philippine Blooming Mills Employees Organization v. Philippine Blooming Mills Co.*, 151-A Phil. 676-677 (1973); *National Press Club v. COMELEC*, G.R. No. 102653, March 5, 1992, 207 SCRA 1, 9; *Adiong v. COMELEC*, G.R. No. 103956, March 31, 1992, 207 SCRA 712, 715, *United States v. Bustos*, 37 Phil. 731, 739 (1918).



dissemination.<sup>67</sup> It is intentionally imposed on the law as a means to curtail freedom of expression.

143. It is clearly a content-based restraint wherein the restriction is based on the subject matter of the utterance or speech. The moment the said individual or groups like the petitioners in their advocacies of good governance assailed the government programs, they can be tagged as terrorists already and thereby the law represses their freedom of expression by mere criminalizing the act of speaking or writing matters that are not palatable to the government's point of view.
144. The vague and overly-broad language employed in categorizing and prohibiting speech under the aforementioned sections of R.A. 11479 would further raise due process issues for those who may be arrested and prosecuted thereunder. It also increases the likelihood of abuse by law-enforcement officials who can use the law to suppress dissents, whether real or imagined. In a country with a notable record for human rights abuses and the persecution of political opposition, this prospect is very imminent to happen and must be taken into serious account.
145. With no concrete standards demarcating the boundaries between protected speech and speech proscribed under R.A. 11479, the public may understandably refrain from delivering inflammatory speech for fear of punishment. The proverbial "*chilling effect*" would likely permeate following the passage of this law, thereby, significantly limiting the democratic space for political advocacy and discourse.
146. The provisions of R.A. 11479 are intended to censor or cause prior restraint on the freedom of expression. This is a content-based regulation that cannot pass the test of the Clear and Present Danger Rule for there is no compelling and substantial state's interest being endangered by posting tarpaulins, by speaking in rallies, by explaining and writing about issues that beset the people and similarly by doing humanitarian work, opposing large-scale mining, helping children in the midst of armed conflicts, and even by just asserting one's right as a consumer.

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<sup>67</sup> *Chavez v. Gonzales, G.R. No. 168338, February 15, 2008.*

147. The petitioners contend that the act of making people aware of the actual and factual situation and giving concrete alternatives to a situation like the act of exposing poverty and being critical of bad governance that creates and perpetuates poverty should not be considered an evil that is sought to be prevented for it is part of freedom of expression. The law, however, does not think that way for it does not give freedom of expression the respect and the necessary leeway to be exercised by the people. Truly, the embodiments of a truly democratic and humane society will be destroyed if this law is allowed to exist and be implemented by the government.
148. The Supreme Court has declared that provocative or inflammatory speech that could lead to public disorder still falls well within the parameters of free speech.<sup>68</sup> Expressions of dissent and advocacy of disobedience, the use of force, the commission of illegal acts, or even the overthrow of government – by themselves – do not create any grave or imminent danger, warranting censorship or punishment. The presence or absence of said danger, as well as the inevitability thereof, are matters entirely different from the content of free speech.
149. The above-discussed provisions of the law which punishes threats, proposals, incitement to commit terrorism, and the collection and preparation of material “*likely to facilitate the commission of a terrorist act*” wholly disregard the requirement that the danger involved must be the immediate and inevitable consequence of the speech in question. Hence, all the restraints on the freedom of speech and of expression that this law will make must not be allowed.
150. The Supreme Court has declared that while the constitutional imperative to strike down unconstitutional acts should always be exercised with care and in light of the distinct facts of each case, a law that allows patent invasions of constitutionally protected rights like R.A. 11479 should be swiftly struck down for it is nullity per se. As the court says, “A blow too soon struck for freedom is preferred than a blow too late.”<sup>69</sup>

<sup>68</sup> See *Mulabanan v Romento*, 129 SCRA 359 (1984). *Brandenburg v. Ohio*, 395 U.S. 444 (1969). *Tinker v. De Moines*, 393 U.S. 503 (1969). *Terminiello v City of Chicago* 337 U.S. 1 (1949).

<sup>69</sup> *Chavez v. Gonzales*, G.R. No. 168338, February 15, 2008

III.

**SECTIONS 12 & 13 OF REPUBLIC ACT NO.  
11479 IMPEDE ON THE CONDUCT OF  
DEVELOPMENT AND HUMANITARIAN  
WORK AND ADVOCACY FOR GOOD  
GOVERNANCE AND PROTECTION FOR  
THE ENVIRONMENT**

**Development And Humanitarian  
Work Is In Danger**

151. Non-Government Organizations (NGOs) and people's organizations (POs), among them the member organizations of the CPDG are doing development and humanitarian work, activities to protect the environment, and asserting participation in governance in order to shape or influence public policies to benefit the people. They have pledged unwavering support to social, economic, and cultural development projects of the underprivileged communities throughout the country.
152. Undeniably, through their efforts, millions worth of projects have been poured to the communities to propel development and empowerment. The government's failure to address poverty and the inaccessibility of social services to people in the countryside have paved the way for these NGOs and POs to provide alternative livelihood programs to the depressed communities.
153. Sad to say, the government's position is that of apprehension in the light of the development in the countryside brought about by the projects created by these NGOs and POs whose activities earned the ire of the government. Rather than encouraging support and allowing these projects and programs to flourish, the government forces have maliciously equated these projects as means to support their so-called "terrorists' organizations" and maliciously suspecting these voluntary humanitarian effort as material support and aid to communist insurgency.
154. This is the reason why, even prior to the enactment of the law, many of these organizations including the petitioners herein who showed their genuine concern to the welfare of the people, were subjected to red-tagging, harassment and

intimidation by no other than the government itself. Many of the community workers have experienced surveillance and threat from government forces were harassed through trumped-up cases filed against them in court.

155. The passing into law of R.A. 11479 will legitimize and will ultimately justify the threat, harassment and intimidation against these development workers. The aid, projects, programs and infrastructure development in the communities that they are capable to deliver to benefit the people can be branded as "support for terrorist activities". In fact, in line with its counter-insurgency campaign, the government has already impeded the flow of development projects by these NGOs. This law will render them incapable of pursuing their work to support the people for any act by them can now be alleged as a material support to communist terrorists. They will be labelled as terrorist supporters can be maliciously and unfairly prosecuted as terrorists under this law.

156. The fear is imminent that this law will impede the conduct of developmental and humanitarian work. The petitioners and other similar organizations whose main trust is to empower the poor and marginalized sectors so that they can genuinely participate in all aspects of public policy, programs and projects will become targets of state forces who could wield this law as a weapon against them. They will surely be unjustly treated and be subjected to government's annoyance, ridicule, threats, and discrimination and ultimately, their lives and liberty will be at stake.

157. The provisions of Section 12 and 13 of R.A. 11479 directly create unseen havoc to development and humanitarian work. The provision under Section 12 states:

"Section 12. Providing Material Support to Terrorists. Any person who provides material support to any terrorist individual or terrorist organization, association or group of persons committing any of the acts punishable under Section 4 hereof, or knowing that such individual or organization, association or group of persons is committing or planning to commit such acts, shall be liable as principal to any and all terrorist activities committed by said individuals or organizations, in addition to other criminal liabilities he/she or they may have incurred in relation thereto."

158. Further, under Section 13 of the law, only humanitarian activities undertaken by the International Committee of the Red Cross (ICRC) and of the Philippine Red Cross (PRC), and other state-recognized impartial partners or organizations in conformity with the International Humanitarian Law (IHL) are exempt from the scope of Section 12.
159. This means that relief efforts by CPDG and any of the petitioners who are already being red-tagged by no less than Lt. Gen. Antonio Parlade would not be allowed to do humanitarian work for they are maliciously accused of being partial and are not state-recognized organizations even though their works are in conformity with the IHL. This further gives the government undue power to control development and humanitarian efforts of local and international organizations.
160. These provisions of the law is dangerous for it will not only hinder the development efforts in the countryside particularly in times of natural disaster and other fortuitous circumstances where relief operations are needed but it will surely prevent the humanitarian efforts to save lives, alleviate suffering and maintain human dignity during natural and man-made disasters for support that might be extended to these people can be interpreted as material support for terrorists.
161. Undeniably, many of NGOs projects are in the far-flung barangays which barely receive material aid and support from the government. These areas have been neglected by government and the reliance to NGO's projects have allowed these communities to subsist and live humanely amidst their miserable existence. These communities will likely suffer as a consequence of the government's effort to inhibit and control all humanitarian aid under the law.
162. These provisions of the law constitute a direct intervention and intrusion into internationally accepted development and humanitarian law that is being upheld and protected under the IHL. The law will jeopardize impartial humanitarian assistance to communities by placing state recognition and state arbitration as the basis for the provision of humanitarian services.

163. Humanitarian aid based on the benevolence and altruism of the private sector will now be confined within the parameters of state determination of what is acceptable or not. It will destroy the democratic processes and healthy relationship among the different societal actors and organizations and the government itself will lose a vital partner in development work. This is what this law will do if it will be allowed to exist and become a weapon of mass destruction.

### **The Law Will Undermine The Urgent Need To Protect The Environment**

164. Environmental protection will be jeopardized by the implementation of the law as environmental workers will be impeded from performing their work.
165. Petitioners KPNE, CEC and CCNCI have been red-tagged and harassed by government forces. These organizations and their environmental workers have been vocal about the mining problems, corporate plantation, deforestation, coastal reclamation, agricultural land use conversions, construction of large dam projects, and illegal logging activities. They have provided aid, support, lectures and environmental assessment in far-reaching communities that are haphazardly suffering from the impacts of environmental degradation. Their relentless efforts to campaign for the environment will be put in vain as these environmental workers will become vulnerable targets of some elements of the state forces who can and may connive with large scale miners, loggers, plantation owners, vested business interests to use the provisions of R.A. 11479 against them.
166. The death of the late Leonardo Co, a botanist and plant taxonomist who is known as "foremost authority in ethnobotany in the Philippines"<sup>70</sup> is a lingering thought of how brutal the state agents are like that of the Philippine Army who fired three (3) bullets to end the life of this scientist and environmentalist. He was killed because he was mistaken to be a member of the New People's Army (NPA) while he was doing his research work in a forest in Leyte province.

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<sup>70</sup> *Once upon a time' book | Inquirer News". Newsinfo.inquirer.net. 2013-07-09. Retrieved 2014-06-15.*

167. The long list of environmental workers who have been killed and threatened by suspected state agents because of their critical work with the environment have wreaked havoc to the effort of environmental preservation and conservation.
168. The environmental work extended by the petitioners and similar organizations will be taken against them under Section 12 and 13 of R.A. 11479 for it will be branded as support for the so-called "communist-terrorist activities". Their legitimate actions to protect the environment could be silenced by fear of being prosecuted under R.A. 11479. This law will and could stamp the legality of killing, intimidating, harassment and threatening of these environmental workers.
169. Based on the report of the Kalikasan PNE, a total of 46 cases of extrajudicial killings was reported in 2019. There is a 53% increase compared to 2018's which was only recorded at 30.<sup>71</sup>

Year	Number of Cases	Percentage Increase/Decrease
2018	30	-
2019	46	53%

170. Section 12 and 13 of R.A. 11479 do contravene with the constitutional provisions as stated in the Declaration of State Policies, specifically Section 10, 11, 16 and 23 of Article II of Philippine Constitution, as follows:

Section 10. The State shall promote social justice in all phases of national development.

Section 11. The State values the dignity of every human person and guarantees full respect for human rights.

Section 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

<sup>71</sup> KPNE 2019 Report on HR Environment Defenders and Climate Change.

Section 23. The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.

171. R.A. 11479 must undergo a test of its constitutionality. Its intention and language must be weighed and compared by its conformity with the provisions of the Constitution. As have been discussed so far, this law disrupts the constitutional balance for it is not in accord with the rhythm and harmony of the Constitutional provisions.

#### IV.

**SECTIONS 25, 26, 27, 29 AND 34 OF THE  
REPUBLIC ACT NO. 11479 IS  
UNCONSTITUTIONAL AS IT VIOLATES  
CONSTITUTIONAL GUARANTEED FREEDOM  
AND RIGHTS, INCLUDING THE  
ASSERTION OF SOCIAL, ECONOMIC AND  
CULTURAL RIGHTS**

#### **Sections 26, 27 And 28 Encroach On Constitutional Right**

172. The Supreme Court declares that the test in determining whether a criminal statute is void for uncertainty is whether the language conveys a sufficiently definite warning as to the proscribed conduct when measured by common understanding and practice.<sup>72</sup>
173. The constitutionality of R.A. 11479 is now under questioned as the provisions of this law infringes on the following provisions of the Constitution:

Section 10, Article II: The State shall promote social justice in all phases of national development.

Section 11, Article II: The State values the dignity of every human person and guarantees full respect for human rights.

Section 16, Article II: The State shall protect and advance the right of the people to a balanced and

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<sup>72</sup> *State v. Hill*, 189 Kan 403, 369 P2d 365, 91 ALR2d 750.



healthful ecology in accord with the rhythm and harmony of nature.

Section 23, Article II: The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.

Section 1, Article III: No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Section 2, Article III: 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.

Section 3. (1), Article III, The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

Section 4, Article III: No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Section 14. (1), Article III: 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.

Section 15, Article III: The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion or rebellion when the public safety requires it.

Section 22, Article III: No ex post facto law or bill of attainder shall be enacted.

174. Three significant matters that encroach on the Constitutional rights brought about by the enactment of the R.A. 11479 are the following: the first involves the definition of a "terrorist organization"; the second pertains to the criminalization of recruitment and membership in said organization; and the third pertains to the introduction of the concept of a "preliminary order of proscription".

#### **Expanded Definition Of A "Terrorist Organization" Under The RA 11479 and Criminal Liability For Recruitment And Membership In The Said Organizations**

175. Under Section 25 of R.A. 11479, the ATC shall adopt the UN Security Council's Consolidated List of designated individuals identified as terrorists. Section 3(b) of the said law expands the definition of "terrorist organizations" to include the following:

- (a) Any entity organized for the purpose of engaging in terrorist acts;
- (b) Those proscribed under Section 24 of RA 11479; or
- (c) The United Nations Security-Council designated terrorist organization.

176. A similarly-expanded definition is used under Section 9 of R.A. 11479 which penalizes anyone who shall "*recruit another to participate, join, commit or support*" a terrorist organization,<sup>73</sup> or any person who would "*voluntarily and knowingly join*" any such organization.<sup>74</sup>

<sup>73</sup> The penalty for recruitment is life imprisonment without the benefit of parole.

<sup>74</sup> The penalty for membership is imprisonment for a period of 8 years and 1 day to 12 years.

177. Under this definition, R.A. 11479 allows for the designation of a group as a "*terrorist organization*" and the punishment of recruitment and membership therein based solely on: (a) the group's **purpose**, as determined by the law-enforcer, or (b) a **classification** as such by the **UN Security Council**.
178. This is flexibility provided for under R.A. 11479 which practically removes one of the handful of safeguards accorded to the defunct Human Security Act to organizations that may be targeted by the government on the basis of suspected terrorist activities. There is no more prior opportunity to contest in a court of law a potential designation as a "*terrorist organization*". And so, the group so designated by the ATC, including its members, would find itself denied of due process.
179. Moreover, punishing mere *recruitment* and *membership* in any organization would infringe on freedom of association, as the prohibition is not based on the performance, by the suspect, of any specific terrorist act. Rather, the criminal liability, under Section 9 of the law, attaches to activities which are considered facets of a constitutional right like the right to assembly and to form association.
180. Ultimately, R.A. 11479, with its expanded definition of "*terrorist organizations*", could be used to immediately restrict the activities of organizations adhering to ideologies or advocating ideas that the government may deem dangerous or subversive. The petitioners herein which advocate for alternative ideas of governance, policy work and even partnership with local governments could be branded as terrorist organizations by the mere fact that they are espousing ideas different from that of the government, and their members will likewise be labelled as terrorists.
181. The law should not warrant any restriction of the freedom of association which is a constitutionally guaranteed right. The constitutional infirmity of Sections 3 and 9 of R.A. 11479 is only highlighted by the fact that the said provisions are obviously intended to skirt the requirement of going through court proceedings in order to secure a judicial declaration for the purpose of implementing the other provisions of the defunct Human Security Act.

## **Preliminary Order Of Proscription**

182. Sections 26 and 27 of R.A. 11479 seek to introduce a mechanism for the immediate declaration, by the court, of a respondent group as a "*terrorist organization*", thereby, eliminating prior notice and opportunity to be heard as a prerequisite for such a judicial declaration.
183. Under Section 26 of R.A. 11479 the DOJ's verified application for proscription "*shall be filed with an urgent prayer for the issuance of a preliminary order of proscription.*" Section 27, then, states that "*(w)here the court has determined that probable cause exists on the basis of the verified application which is sufficient in form and substance, he/she shall, within seventy two (72) hours from the filing of the application, issue a preliminary order of proscription declaring that the respondent is a terrorist and an outlawed organization or association. . . .*"
184. Under paragraph 2 of Section 27 of R.A. 11479, a summary hearing may be conducted within six (6) months from the filing of the DOJ's application, at which time the respondent group can challenge the order of proscription.
185. The practical ramifications of the aforementioned provisions is that any group can, by virtue of a preliminary order of proscription, be judicially declared a "*terrorist organization*", solely on the basis of the DOJ application, without the benefits of notice, summary hearing, or any prior opportunity to contest the application or challenge the veracity of the allegations submitted in support thereof.
186. Moreover, Section 27 of the said law states that the evidence in support of the urgent prayer for proscription would be assessed using merely the standard of *probable cause*. This is relatively low standard of proof considering the grave implications of such a judicial order.
187. It is likewise noteworthy that while the preliminary order of proscription is to be issued within 72 hours from the filing of the DOJ application, the summary hearing accorded to the respondent group may be held as far back as six (6) months later.

188. Taking into account the provisions under R.A. 11479 allowing for the warrantless arrest and detention of members of groups declared as a "terrorist organizations", Sections 26 and 27, insofar as they provide the mechanism for the issuance of preliminary orders of proscription, patently violate *due process* and could, potentially, lead to violations of the *right to liberty* and the *presumption of innocence* of the members of said respondent group.

189. In this context, the subsequent summary hearing – to be conducted within 6 months – would be a grossly inadequate avenue for relief since the members of the said group could, by then, have already been rounded up and detained pursuant to Section 27 of the said law. Provisions permitting a preliminary order of proscription would, therefore, merely open the floodgates to a torrent of warrantless arrests and human rights abuses.

### **Section 26 And Section 27 Tramples on Basic Constitutional Rights And Separation Of Powers**

190. The salient features of Section 26 and 27 of R.A. 11479 tramples on the safeguarded rights under the Constitution. Specifically, it is blatant insult to separation of power, judicial power of the courts to determine, litigate and rule upon the criminal liability of the person or groups being accused of and against the provision of bill of attainder. Second, it infringes on the due process of law or the Section 1 of Article III of the Bill of Rights. Third, demeans the right of the people to peaceful assembly and right to association.

### **On Separation of Powers**

191. The Separation of Powers is a fundamental principle in our system of government. It obtains not through express provision but by actual division in our Constitution. Each department of the government has exclusive cognizance of matters within its jurisdiction, and is supreme within its own sphere. But it does not follow from the fact that the three powers are to be kept separate and distinct that the Constitution intended them to be absolutely unrestrained and independent of each other. The Constitution has provided for an elaborate system of checks and balances to secure

coordination in the workings of the various departments of the government.<sup>75</sup>

192. By the organic law of the Philippine Islands and the Constitution of the United States all powers are vested in the Legislative, Executive and Judiciary. It is the duty of the Legislature to make the law; of the Executive to execute the law; and of the Judiciary to construe the law. The Legislature has no authority to execute or construe the law, the Executive has no authority to make or construe the law, and the Judiciary has no power to make or execute the law. Subject to the Constitution only, the power of each branch is supreme within its own jurisdiction, and it is for the Judiciary only to say when any act of the Legislature is or is not constitutional.<sup>76</sup>
193. The power of the Judiciary and the court to hear and decide cases cannot be undermined by other departments of the government. The Court has the duty to determine and adjudicate cases that lodge before the court. Thus, the formation of the ATC emasculates the Judiciary's task to hear and decide cases as well as to warrant necessary punishment to the accused.
194. The provisions in the R.A. 11479, specifically Section 26 and 27 thereof have given unbridled blankets of authority to the ATC to determine who are considered to be terrorists despite the overbroad definition of terrorism. The court's duty is only to determine probable cause to warrant the issuance of preliminary order of proscription. The determination of who are terrorists through the complaint or evidences of the Department of Justice is basically lodged on the ATC. Such expansive power can be subject of abuse and exploitation.
195. Reading the intention of the law, even prior the determination of probable cause by the court, the individuals and groups are already labelled, determined and singled-out by the ATC as terrorists. The council has in fact, passed on judgement on these individuals as criminals thereby they have been targets of extrajudicial killings and disappearances. The determination of probable cause has

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<sup>75</sup> *Angara v. Electoral Commission*, 63 Phil. 139 (1936), concurring opinion of Justice Leonen, *Mamiscal v. Clerk of Court Macalinog S. Abdullah, Shari'a Circuit Court, Marawi City*, A.M. No. SCC-13-18-J, 01 July 2015.

<sup>76</sup> *United States v. Ang Tang Ho*, 43 Phil. 1 (1922), *Supra Note 49*.

become legal imprimatur of such determination by the ATC. Prior to the court's determination, the ATC has already ruled on who the terrorists are.

196. The prejudiced determination of the ATC manifests on the trump-up charges and spurious evidences to pin down these individuals as terrorist. The ATC has unbridled discretion to identify even innocent civilians as terrorists even prior the determination of the court.

197. The court is stripped of such power to adjudicate cases against these individual terrorists. The court is in fact at the mercy of the ATC since the determination of a terrorist is with the said council. The power of the ATC belied the separation of power and the power of the court to determine the guilt of the accused.

198. Further, these sections impinge on the constitutional provision under Section 22, Article III of the Constitution for the law assumes itself as a bill of attainder. A bill of attainder is a legislative act which inflicts punishment without trial. Its essence is the substitution of a legislative for a judicial determination of guilt.<sup>77</sup> The bill of attainder intrudes and negates the separation of powers of the three branches of the government.

199. The Supreme Court has declared that bills of attainder are an ancient instrument of tyranny. To quote:

"In England a few centuries back, Parliament would at times enact bills or statutes which declared certain persons attainted and their blood corrupted so that it lost all heritable quality (*Ex Parte Garland*, 4 Wall. 333, 18 L.Ed. 366 [1867]). In more modern terms, a bill of attainder is essentially a usurpation of judicial power by a legislative body. It envisages and effects the imposition of a penalty — the deprivation of life or liberty or property — not by the ordinary processes of judicial trial, but by legislative fiat. While cast in the form of special legislation, a bill of attainder (or bill of pains and penalties, if it prescribed a penalty other than death) is in intent and effect a penal judgment visited upon an identified person or group of persons (and not upon the general community) without a prior charge or demand, without notice and hearing, without an

<sup>77</sup> *People vs. Ferrer*, G.R. Nos. L-32613-14, December 27, 1972.

opportunity to defend, without any of the civilized forms and safeguards of the judicial process as we know it. Such is the archetypal bill of attainder wielded as a means of legislative oppression.”<sup>78</sup>

200. The Constitution explicitly bans any laws that mete out punishment without proper trial before the court. The provision is intended to uphold the separation of power among the three branches of the government. The rule-making is confined with the legislature while the adjudication of the criminal offenses must be within the confines of the judiciary. The purpose of the provision is to prevent any encroachment of legislature to the judicial function.

201. Given these distinct provisions under R.A. 11479, the proscription and determination of individuals and groups as terrorists prior the filing of criminal cases before the Court is itself a bill of attainder. The law already punishes an individual upon identifying it as part of the group listed as terrorist. This identification made out of the evidences of the agencies of the government without an opportunity given to the person to refute the evidences. R.A. 11479 is clearly a bill of attainder that intrudes to the judicial determination by the court.

### **Violation Of Due Process Of Law**

202. The Bill of Rights is a shining armour of people against governmental abuses and undue persecution of voices contrary to government. Under Section 1, Article III of the Constitution, no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

203. Due process in criminal prosecutions is further emphasized under Section 14, Article III of the Constitution which provides that no person shall be held to answer for a criminal offense without due process of law. The same provision also states that the accused shall be presumed innocent until the contrary is proved and shall enjoy the right

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<sup>78</sup> *BOCEA vs. Teves, G.R. No. 181704, December 6, 2011, 661 SCRA 589.*



to be informed of the nature and cause of the accusation against him.<sup>79</sup>

204. The Constitution provided safeguards against possible abuses of the government apparatuses. The criminal due process mandated the law enforcement agency to follow the rules and procedures to avoid any unwarranted injury to the life and liberty of the people unless proven that the accused is guilty beyond reasonable doubt.
205. All the necessary measures must be taken to guarantee procedural due process throughout all stages of a criminal prosecution—from the inception of custodial investigation until rendition of judgment.<sup>80</sup>
206. True to the mandate of the due process clause, the basic rights of notice and hearing pervade not only in criminal and civil proceedings, but in administrative proceedings as well. Non-observance of these rights will invalidate the proceedings. Individuals are entitled to be notified of any pending case affecting their interests, and upon notice, they may claim the right to appear therein and present their side and to refute the position of the opposing parties.<sup>81</sup>
207. In case at bar, Section 26 and 27 of R.A. 11479 are contrary to the mandate of Section 1 of Article III of the Constitution. These provisions do not provide an opportunity for the accused to be heard. The Anti-Terrorism Council can easily identify and determine who terrorists are or who are not by mere evidence at hand of the law enforcement body of the government which would probably be inaccurate and even erroneous if not absolutely wrong. The accused has no other leeway to defend himself from this undue qualification as terrorist by the ATC.
208. Under the law, the basis of qualifying one as a terrorist is in the discretion of the ATC and the law enforcement agencies and the UN Security Council. A person can be tagged and labelled as a terrorist even prior to the filing of case

<sup>79</sup> *Johanne Edward B. Labay V. Sandiganbayan, Third Division, And People Of The Philippines, G.R. Nos. 235937-40, July 23, 2018.*

<sup>80</sup> *Supra Note 53 quoting Benjamin "Kokoy" Romualdez v. The Honorable Sandiganbayan (First Division) and The People of the Philippines represented by Special Prosecution Officer II Evelyn Tagoba Lucero, G.R. No. 143618-41, July 30, 2002*

<sup>81</sup> *Secretary Of Justice Vs Hon. Ralph C. Lantion, Presiding Judge, Regional Trial Court Of Manila, Branch 25, And Mark B. Jimenez, G.R. No. 139465, January 18, 2000*

against him in court. This person has no opportunity to defend himself and he cannot even present contrary evidence against this undue qualification as a terrorist.

209. R.A.11479 denies the accused of preliminary investigation in order to ascertain his or her participation to any terrorist activities. A preliminary investigation is defined as an inquiry or proceeding for the purpose of determining whether there is sufficient ground to engender a well-founded belief that a crime has been committed and that the respondent is probably guilty thereof, and should be held for trial.<sup>82</sup> This is not followed under this law.
210. The right to have a preliminary investigation conducted before being bound over to trial for a criminal offense and be formally at risk of incarceration or some other penalty is not a mere formal or technical right. It is a substantive right since the accused in a criminal trial is inevitably exposed to prolonged anxiety, aggravation, humiliation, not to speak of expense, and the right to an opportunity to avoid a painful process is a valuable right.
211. The right to a preliminary investigation is meant to secure the innocent against hasty, malicious and oppressive prosecution and to protect him from an open and public accusation of a crime, from the trouble, expenses and anxiety of a public trial. It is also intended to protect the state from having to conduct useless and expensive trials. Indeed, to deny a person's claim to a preliminary investigation would be to deprive him the full measure of his right to due process.<sup>83</sup>
212. The law will subject the people who are identified and qualified as terrorists into extreme hardship and pressure without any due process of law.
213. By mere probable cause, the order of proscription will be issued. This probable cause is merely an existence of such facts and circumstances as would excite the belief in a reasonable mind, acting on the facts within the knowledge

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<sup>82</sup> *Supra* Note 53.

<sup>83</sup> *Supra* Note 53, quoting *Rolito Go y Tambunting v. The Court of Appeals, The Hon Benjamin V. Pelayo, Presiding Judge, Branch 168, Regional Trial Court, NCJR Pasig, M.M., and People of the Philippines, G.R. No. 101837, February 11, 1992; Reynolan T Sales v. Sandiganbayan (4th Division), Ombudsman, People of the Philippines and Thelma Benemerito, G.R. No. 143802, November 16, 2001.*

of the prosecutor, that the person charged was guilty of the crime for which he was prosecuted. Based on probable cause alone, the person is already declared guilty as a terrorist thereby repudiating the burden of proof in criminal cases which is guilty beyond reasonable doubt.

214. Probable cause is not equivalent to a guilty verdict in criminal proceedings. Probable cause is being used in two distinct situations only. First, probable cause is one made during preliminary investigation. It is affirmation that properly pertains to the public prosecutor who is given a broad discretion to determine whether probable cause exists and to charge those whom he believes to have committed the crime as defined by law and thus should be held for trial. Second, judicial determination of probable cause is one made by the judge to ascertain whether a warrant of arrest should be issued against the accused.<sup>84</sup>

215. Under R.A. 11479, probable cause is being used as a means to issue a preliminary order of proscription, declaring that the respondent is a terrorist and an outlawed organization or association. This is already equivalent to a guilty judgment measured only on a determination of probable cause. It deviates from the burden of proof required in criminal liability which only allows conviction in case of guilt proven beyond reasonable doubt. This provision of the assailed law contravenes with the wordings of the Constitution, the Penal Laws and criminal procedure under the Rules of Court.

### **Violation Of Freedom Of Assembly and Association**

216. The provisions of R.A. 11479 are contrary to the freedom of association and of assembly. The Constitution provides for respect to the right of people to peaceful assembly and the right to form an organization. Several provisions under Article III of the Constitution support this assertion and these are hereby quoted below:

"Section 4. No law shall be passed abridging  
the freedom of speech, of expression, or of the

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<sup>84</sup> *Mayor "Jong" Amado Corpus, Jr. And Carlito Samonte, Petitioners, V. Hon. Judge Ramon D. Pamular Of Branch 33, Guimba, Nueva Ecija, Mrs. Priscilla Espinosa, And Nueva Ecija Provincial Public Prosecutor Floro Florendo, G.R. No. 186403, September 05, 2018.*

press, or the right of the people peaceably to assemble and petition the government for redress of grievances;

Section 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged;

Section 18. (1) No person shall be detained solely by reason of his political beliefs and aspirations."

217. The express provisions under Section 26 and 27 of R.A.11479 tramples on these basic rights enshrined in the Constitution. By mere probable cause the preliminary order or proscription declaring the organization as terrorist organization based on the complaint of the Department of Justice will deter any formation of organization and assembly since they will be easily subject of qualification and determination by the DOJ as terrorist.
218. By mere evidence gathered by the DOJ, which could be prejudicial and partial, any individual and groups associated with a political group can be tagged as a terrorist and will be targeted for preliminary order of proscription. Thus, the right of organization and assembly will be restricted and constrained.
219. The provisions weighed heavily against political beliefs that are contrary to that of the government. Terrorism and terrorists are defined broadly and encompassing the broad spectrum at which any political dissent that runs counter to the government's point of view can be labelled and considered as terrorist. The right to express once thoughts and opinions, to form peaceful assembly and to participate in any worthy cause can be subject to prejudicial identification as terrorist activities.
220. Prior even the passing of R.A. 11497, the political organizations have already been singled out as communist and terrorist alliance. They have suffered blatant attacks manifested by the series of extrajudicial killings and disappearances due to their political belief and active participation in political activities. The passing of the R.A.

11479 strengthened the government's conviction to eliminate not the real terrorist but terrorist according to government's definition. The labelling of the leftist groups as terrorists anticipated to deter people from joining and supporting these organization to quell the people's dissent. The intention is to constrict the right to assembly, association, and participation even if it contravenes the constitution.

### **Violation of Economic, Social, Cultural and Environmental Rights**

221. The attack on civil and political rights particularly on the right to form associations and to assembly will also have a serious impact on the advancement of social, economic, cultural and environmental rights which are the focal points of advocacies of development and environmental workers.
222. The assertion of the so-called social welfare rights is being undermined by the laws' discouragement to peaceably assemble and seek redress from the government for legitimate grievances.
223. Anyone who will conduct a labor strike, a community protest action and any similar mass actions can be targets for proscription by the ATC. The so-called safeguards under Section 4 of the law will be inutile to invoke in the midst of concocted and planted evidence that can be perpetrated by any security agent of the government whose main purpose is to silence any critical voice of dissent and opposition.
224. The law can be used to silence all calls for government accountability and so the issues involving social welfare will not be addressed and the economic and social well-being of the people will be endangered.
225. Likewise, indigenous peoples in the countryside whose local cultural well-being is at stake will be prevented from joining associations and exercise their right to collective assembly and collective development for the law will prohibit such activities.
226. Environmental groups calling for an end to large-scale mining, the destruction of natural resources by big business, and the construction of large dams will also be silenced by the implementation of this law for any call to protect the

environment could be wrongly construed as a call of support for so called "communist terrorists" and any collective efforts that will be made later can be suppressed by proscription and prosecution in court under the law.

V.

**SECTION 29 OF REPUBLIC ACT NO. 11479  
IS UNCONSTITUTIONAL FOR IT  
ENCROACHES, TRESPASSES AND  
INVADES THE RIGHT TO DUE PROCESS  
OF LAW AND REPUDIATES THE  
PHILIPPINE CRIMINAL JUSTICE SYSTEM  
AND ENDANGERS LEGITIMATE  
DEVELOPMENT AND ENVIRONMENTAL  
WORKERS TO BE LABELLED AS  
TERRORISTS**

**Expanded Authority to Carry Out  
Warrantless Arrests and Detention**

227. One of the basic principles of the democratic system is that where the rights of the individual are concerned, the end does not justify the means.
228. It is not enough that there be a valid objective; it is also necessary that the means employed to pursue it be in keeping with the Constitution. Mere expediency will not excuse constitutional shortcuts.
229. There is no question that not even the strongest moral conviction or the most urgent public need, subject only to a few notable exceptions, will excuse the bypassing of an individual's rights. It is no exaggeration to say that a person invoking a right guaranteed under Article III of the Constitution is a majority of one even as against the rest of the nation who would deny him that right.<sup>85</sup>
230. Section 18 of the old Human Security Act permits police and law-enforcement personnel duly-authorized by the ATC to carry out warrantless arrests and to detain persons charged with or suspected of committing terrorism or involved in a

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<sup>85</sup> *Association of Small Landowners in the Philippines, Inc. vs. Secretary of Agrarian Reform*, 175 SCRA 343, 375-376 [1989].

conspiracy to commit terrorism for a period of 3 days, without incurring liability under Article 125 of the Revised Penal Code. However, the warrantless arrest may be carried out only as a result of surveillance or the examination of bank deposits conducted pursuant to judicial authorization granted by the Court of Appeals. In effect, the warrantless arrest under Section 18 of the Human Security Act must be preceded by judicial proceedings albeit *ex parte*.

231. Under Section 29 of R.A. 11479 all restrictions are removed against unlawful warrantless arrest. The fundamental right against unlawful searches and seizures as guaranteed by no less than the constitution as well as the right to privacy are being violated under the law.

232. Article III, Section 2 of the Constitution provides for the strict observance of the rule against unreasonable searches and seizures, to quote:

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

233. To underscore the importance of an individual's right against unlawful searches and seizures, Article III, Section 3(2) of the Constitution considers any evidence obtained in violation of this right as inadmissible.<sup>86</sup>

234. In addition, the allowable period of detention under RA 11479 was extended to fourteen (14) working days with another extension of ten (10) days. Section 29 also grants the power to carry out warrantless arrests and detention, not merely to law-enforcement personnel, but also to military personnel duly-authorized by the Anti-Terrorism Council.

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<sup>86</sup> *Mario Veridiano Y Sapi Vs People Of The Philippines*, G.R. No. 200370, June 7, 2017; *People V. Aruta*, 351 Phil. 868, 878 (1998); *Valmonte V. De Villa*, 258 Phil. 838, 843 (1989).

235. Furthermore, under the law, the categories of persons that may be arrested and detained without judicial warrants would include:

- (a) Persons charged with or suspected of committing terrorist acts or any attempt or conspiracy to commit terrorist acts; or
- (b) Any member of a "terrorist organization" declared and proscribed Section 26 of RA 11479.<sup>87</sup>

236. Needless to say, an adjudication of the constitutionality of Sections 26 and 27 of R.A. 11479, would have to take into consideration the implications these would have vis-à-vis the provision on warrantless arrests under Section 29.

237. With the basis of the arrest being mere membership in a group declared to be a "terrorist organization", an application of Section 29, taken in conjunction with Sections 26 and 27, would be in serious breach of *due process* guarantees. It is an apparent transgression of the equal protection clause enshrined in Section 1, Article III of the Constitution. Section 1 thereof reads:

"Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

238. The petitioners assailed that Section 29 of R.A. 11479 is clearly a violation of this constitutional safeguards for liberty is deprived without due process. This provision is prejudicial to any political groups singled out by the government as dissenters and adversary which may include the petitioners who are development workers, farmer scientists, environmental advocates, consumers and organizations calling for democratic participation in governance.

**Republic Act No. 11479  
Removed All Safeguards  
Intended To Protect Persons Or  
Arrested And Detained**

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<sup>87</sup> Per par. 1, Section 25 of SB 21, a preliminary order of proscription is an order "declaring that the respondent is a terrorist and an outlawed organizations or association within the meaning of Section 24" of the said bill.



239. The Human Security Act contains a number of provisions, supposedly, put in place to protect the rights and well-being of persons arrested and detained by virtue of the authority granted by the said statute to law-enforcers. Some of these safeguards also include provisions imposing penalties for violations thereof.
240. Under the R.A. 11479, however, the aforementioned protections have either been removed in their entirety or modified to the point that they are unlikely to serve the original intention.
241. In the Explanatory Note of Senator Panfilo Lacson's sponsorship of the bill that now became the assailed Anti-Terrorism Law, he described the current form of the Human Security Act as "too protective", thereby, requiring the need for amendments. As it turned out, the amendments envisioned in the bill are intended to omit provisions on safeguarding suspects from government abuse.
242. These protections are in place, precisely, for the benefit of the persons who, owing to their predicament, are in dire need thereof. Under the Human Security Act, those suspected of involvement in *terrorism* or a *conspiracy to commit terrorism* are placed under detention without the benefit of a judicial warrant – an abnormal situation that undermines their basic civil rights. It is only justified that statutory safeguards be kept in place to prevent abuses by law-enforcers.
243. R.A. 11479 removed the few safeguards for arrested persons and detainees that do exist within the framework of the Human Security Act, thus, making it an even more repressive measure and creating greater dangers for persons merely suspected of *terrorism* but who, it is worth emphasizing, have not yet been adjudged guilty by a court of law.

**Surveillance And Interception Of  
Communication; Compelling The  
Release Of Subscriber Information  
In Case Of Actual Or Imminent  
Terrorist Attack**

244. The provision in Section 16 of R.A. 11479 allows secret surveillance through wiretap, overhear or listen on the conversation, private communication and discussion of the judicially declared communist organizations and individuals through the Order issued by the Court of Appeals. This is contrary to the existing law known as R.A. No. 4200 or Anti-Wiretapping Law.
245. Under Section 16 par. 2 of R.A. 11479, there is a grant of authority to the ATC, to apply *ex parte*, with the Court of Appeals or a Regional Trial Court, for the issuance of an order to compel telecommunication service providers (TSPs) and internet service providers (ISPs) to produce the following information pertaining to any person suspected of any crime defined in R.A. 11479:
- (a) All customer information and identification records;
  - (b) Call and text data records;
  - (c) Cellular or internet metadata
246. Upon the issuance of the court order, the National Telecommunications Commission is then tasked to ensure immediate compliance.
247. The above-described recourse available to R.A. 11479 amounts to a serious intrusion into the privacy of the subjects thereof. Notably, Section 16 par. 2 of R.A. 11479 does not provide for any standard or criteria that could be used as the basis to determine whether the application for a court order compelling the release of the aforementioned information should be granted.
248. Moreover, there are no parameters that would define the limits of the intrusion or the procedure for the proper disposition of data collected through the said process. Because of the grave implications the enforcement of Section 16 par. 2 would have on privacy rights, the limits of the ATC authority, as well as the procedure by which data may be forcibly collected from TSPs and ISPs, stored, disposed, and accounted for must be well-defined.

249. The petitioners as development and environmental workers strongly criticized the passage of R.A. 11479 and strongly call for the striking down of the law and the stoppage of its implementation. They have been targets of government repressions, red-tagged and threatened to be either executed or detained for being suspected as supportive of the armed insurgency. They have been denied due process and the vilification campaign against them continued.
250. At any moment, anyone of them can be a victim of human rights violations. They are vulnerable to threats for they are defenseless and rely only for protection on the legitimacy and legality of their actions. The passage and implementation of the law will put them in danger of being branded and proscribed as terrorists.
251. The people's lives, liberty, security and property can be denied by the abusive implementation of R.A. 11479. This should not be allowed. This law must be struck down immediately to protect human rights, uphold the Constitution and prevent the prolonged usurpation of power by another tyrant.

**A TEMPORARY RESTRAINING ORDER AND  
A WRIT OF PRELIMINARY PROHIBITORY  
INJUNCTION IS WARRANTED BY  
EXISTING CIRCUMSTANCES TO PREVENT  
A VIOLATION OF THE CLEAR AND  
UNMISTAKABLE RIGHTS OF THE  
PETITIONER AND TO PREVENT  
IRREPARABLE INJURY TO THE  
PETITIONERS**

252. The petitioners pray that the Writ of *Certiorari* will be issued as laid down in the discussion above. Aside from *Certiorari*, this petition also prays for the grant of the writ of Prohibition.
253. The Writ of Prohibition is that process by which a superior court prevents inferior courts, tribunals, officers, or persons from usurping or exercising a jurisdiction with which they have not been provided for by law, and confines them to the exercise of those powers legally conferred. Its office is to

restrain subordinate courts, tribunals or persons from exercising jurisdiction over matters not within its cognizance or exceeding its jurisdiction in matters of which it has cognizance.<sup>88</sup>

254. Prohibition is a preventive remedy seeking that a judgment be rendered which would direct the defendant to desist from continuing with the commission of an act that is perceived to be illegal. As a rule, the proper function of a writ of prohibition is to prevent the doing of an act which is about to be done. It is not intended to provide a remedy for acts already accomplished.<sup>89</sup>

255. Pending action on the main cases, the petition moves for the granting of injunctive reliefs relevant to the petition.

256. The Sections 3 and 5, Rule 58 of the 1997 Rules of Civil Procedure on preliminary injunction, pertinent to this case, provide the requirements for the issuance of a writ of preliminary injunction or a Temporary Restraining Order (TRO), to quote:

“Section. 3. Grounds for issuance of preliminary injunction. - A preliminary injunction may be granted when it is established:

(a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts, either for a limited period or perpetually;

(b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or

(c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done, some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.”

257. In this instant petition, the petitioners are entitled to the relief demanded. The intensification of human rights violations perpetuated by government forces will be

<sup>88</sup> *City Engineer of Baguio v. Baniqued*, G.R. No. 150270, November 26, 2008, 57 SCRA 617, 625.

<sup>89</sup> *Ibid*; *Guerrero v. Domingo*, G.R. No. 156142, March 23, 2011, 646 SCRA 175, 180.

intensified if R.A. 11479 will be employed as another potent weapon for repression. This will work a grave injustice on the petitioners, violate their right respecting the subject of this action, and render ineffectual any relief they may later obtain.

258. It is necessary therefore that a *Status Quo Ante* Order or Temporary Restraining Order/or Writ of Preliminary Injunction will be issued to protect the substantive rights and interests of the petitioners while this petition is pending in court.

259. The prayer for injunctive relief is necessary to prevent legitimized and systematic assaults on human rights, and democracy, and protect the Constitution from being trampled upon by the abusive wielders of governmental powers.

#### PRAYER

**WHEREFORE**, premises considered, it is most respectfully prayed of this Honorable Supreme Court, **THAT**:

1. The Injunctive Reliefs **BE GRANTED** and a *Status Quo Ante* Order or Temporary Restraining Order/or Writ of Preliminary Injunction will **BE ISSUED** against the formation, exercise of function and drafting of implementing rules of the Anti-Terrorism Council and of the Joint Oversight Committee under Section 50 of the law;
2. The Petition **BE GRANTED** and that Republic Act No. 11479 or **An Act to Prevent, Prohibit and Penalize Terrorism, Thereby Repealing Republic Act No. 9372, Otherwise Known as Human Security Act of 2007 BE DECLARED NULL AND VOID** in its entirety for being **CONTRARY TO THE CONSTITUTION**.

Other reliefs and remedies that are just and equitable in the premises are likewise prayed for.

**RESPECTFULLY SUBMITTED.**

Iloilo City fort Manila, Philippines.

September 17, 2020.

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**EXPLANATION**

This Petition is being served/filed by Registered Mail, personal service being impracticable on account of quarantine restrictions, the distance between the office of the undersigned and the office/residence of opposing counsel/party and/or the Court/Commission.

  
**JANNE B. BATERNA**



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The Coordinating **Council for People's Development and Governance (CPDG), Inc.** was established at its first national conference on September 26, 2006 and registered on May 7, 2008. It is a broad and diverse national network of development non-government organizations (NGOs) and people's organizations (PO).

### **Mission Statement**

CPDG is the leading civil society platform of progressive development NGOs and POs for engaging government and providers of development cooperation.

We uphold CSO development effectiveness and believe democratic governance is needed for policy, legislative and other measures to fully realize the people's right to development.

### **Vision Statement**

Our vision is that poor and marginalized sectors genuinely participate in all aspects of public policy, programs and projects and are active in ensuring full realization of their right to development.

As a national platform, CPDG:

- 1) Advocates for greater civil society space and voice in governance;
- 2) Works for civil society participation in making development policies and programs – particularly ensuring the involvement of women, farmers and farm workers, rural families, workers, fisherfolks, indigenous peoples, persons with disabilities, children and youth, senior citizens, and urban slum dwellers;
- 3) Strengthens the organizational capacity of CSOs to participate in development processes;
- 4) Coordinates civil society efforts for greater impact and more efficient use of resources;
- 5) Establishes wide solidarity relations with regional and international CSOs to help strengthen civil society voice and participation worldwide;
- 6) Links local, national, regional and international CSOs for mutual learning and to share resources, expertise, and information.

CPDG's strategic goals currently include:



- 1) Enabling the poor and marginalized sectors to engage government in formulating, implementing, monitoring and evaluating development policies and programs
- 2) Ensuring the legal and political enabling environment for CSOs to exist (e.g. CSO formation, registration and operation, resources and funding opportunities, etc.) and to participate in governance (e.g. freedom of information, capacity building/training opportunities, CSO-managed processes in governance, etc.)
- 3) Documenting, analyzing, synthesizing and propagating CSO experiences and lessons in development effectiveness

**CPDG believes in a human rights-based approach (HRBA)** to people's development and governance.

This means that development should be owned and shaped by the people. Participation, transparency, accountability and equity are essential features of democratic governance – and people's governance is an embodiment of people's democracy. CSOs play an important role in the attainment of economic, social and cultural rights as well as civil and political freedoms. They are vital to make inequitable politics more democratic and to correct the unequal distribution of wealth.

At the same time, we also believe that CSOs themselves must exercise the essential features of democratic governance in their work to be effective.

**CPDG and its network members** are active nationwide in different lines of work. Among others these include poverty alleviation and eradication, democratic and corruption-free governance, environmental protection and preservation, gender equality and empowerment of women, protection of children's rights and welfare, community-based disaster risk reduction, and aid effectiveness.

Our national network members include: Center for Environmental Concerns-Philippines (CEC-Philippines), Citizen's Disaster Response Center, Climate Change Network for Community-based Initiatives, Inc. (CCNCI) National Council of Churches in the Philippines (NCCP), Council for Health and Development (CHD-CBHP), Community Medicine Development Foundation (COMMED), Assert Socio-Economic Initiatives Network (ASCENT), Samahan ng mga Nagtataguyod ng Agham at Teknolohiya para sa Sambayanan (AGHAM or Advocates of Science and Technology for the People), Ecumenical Movement for Justice and Peace (EMJP), KALIKASAN-People's Network for the Environment (KALIKASAN-PNE), Center for Women's Resources (CWR), Philippine Network for Food Security Programs, Inc. (PNFSP), Children's Rehabilitation Center (CRC), Center for Trade Union and Human Rights (CTUHR), Federation of Free Workers (FFW), Urban Poor Resource Center (UPRC), Ecumenical Institute for Labor Education and Research (EILER),

Task Force Indigenous Peoples Rights (TFIP), BAI Indigenous Women's Network, Alliance of Health Workers, Working for Empowerment and Good Governance Institute (WeGovern), Inc., SUKI Network, Magsasaka At Siyentipiko Para sa Pag-Unlad ng Agrikultura (MASIPAG), Moro-Christian Peoples Alliance (MCPA), Pambansang Mamamalakaya ng Pilipinas (Pamalakaya Pilipinas), Unyon ng mga Manggagawa sa Agrikultura Pilipinas (UMA Pilipinas), National Federation of Peasant Women (Amihan), Kilusang Magbubukid ng Pilipinas, National Council of Churches in the Philippines (NCCP), Management Advancement Systems Association, Inc. (MASAI) and the Ecumenical Mission for Peace and Development (EMPD).

At the regional & provincial level, we work with: KADUAMI Regional Development Center-Cordillera, Cordillera Center for People's Resources and Development, Center for Development Programs in the Cordillera (CPDC), Cordillera People's Alliance (CPA), Ilocos Region Development Center (IRDC), Alay Bayan-Luson, Inc. (ABI), Integrated Development Programs for Indigenous Peoples in Southern Tagalog (IDPIP-ST), Southern Tagalog People's Response Network (STPRN), Visayas Primary Health Care Services, Center for People's Resources and Services (CPRS), Panay Alternative Trading Center (PATC), Center for Relief Rehabilitation, Education and Development-Panay (CRRED-Panay), Organic Farming Field Experimental and Resource Station (OFFERS-Panay), Fair Trade Foundation Panay (FTFP), Panay Center for People's Development (PCPD), Panay Center for Disaster Response (PCDR), Farmer's Development Center (FARDEC), Aklan Peoples Tabang Resource Center (APTRC), Tabang Bikol Movement 2017, Mindanao Interfaith Services Foundation Inc. (MISFI), INPEACE-Mindanao, Rural Missionaries of the Philippines- Northern Mindanao sub region (RMP-NM), Bread for Emergency Rehabilitation Assistance and Development (BREAD), KADAIT-Western Mindanao, and Panday Bulig-Northern Mindanao, Kawagib Advancement for Moro Human Rights.

CPDG members engages national government agencies and development partners, private sector, business groups, consumer groups and foundations through multi-stakeholder dialogues. We also work closely with many local government units (LGUs) and local government agencies.

CPDG is member of the CSO Partnership for Development Effectiveness (CPDE), a global network of CSOs advocating effective development cooperation. CPDE works in seven (7) regions worldwide and has activities in 83 countries.

CPDG is hosted by IBON International with secretariat office at IBON Foundation.#eof#

Annex "B"



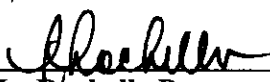
Address: 3rd Floor, IBON Center, 114 Timog Ave  
Quezon City, 1103 Metro Manila  
Phone: (02) 927 7060  
Email: cpdg.org@gmail.com

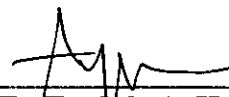
### CERTIFICATION

#### TO WHOM IT MAY CONCERN:

This is to certify that in a special meeting on July 16, 2020, the Board of Trustees of the Coordinating Council for People's Development and Governance, Inc. (CPDG, Inc.) agreed to file a Petition before the Supreme Court questioning the constitutionality of the Anti-Terrorism Law, and correspondingly its implications on CPDG members experiencing harassment, red-tagging and other human rights violations.

The Board agreed further to let the undersigned **Ms. Rochelle Porras** represent CPDG for the said purpose.

  
\_\_\_\_\_  
**Ms. Rochelle Porras**  
Vice President of CPDG, Inc.

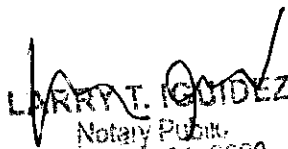
  
\_\_\_\_\_  
**Rev. Fr. Teodoro A. Holgado, C.s.S.R**  
Corporate Secretary

SEP 15 2020 ~~QUEZON CITY~~

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, affiant showed to me his Senior Citizen's ID no. 72015 issued at Paranaque City on 12/09/2016 as proof of his identity.

Notary Public

Doc. No. 91  
Page No. 19  
Book No. XI  
Series of 2020

  
\_\_\_\_\_  
**LARRY T. IGUIDEZ**  
Notary Public  
Until Dec. 31, 2020  
TR No. 9344601/01-06-20, Q.C.  
SP No. 30050742/01-12-20, Q.C.  
Roll No. 20424  
FILE Compliance No. VI-12-01-18  
Notarial Comm. Adm. Matter

Republic of the Philippines  
Quezon City  
x-----x

## AFFIDAVIT

I, **JOSE LEON A. DULCE**, Filipino, 31 years old, Single, Male, Filipino, with office address at No. 26 Matulungin Street, Barangay Central, Diliman, Quezon City, 1100 Philippines, after having been sworn to in accordance with law, hereby state that:

1. I am the national coordinator of Kalikasan People's Network for the Environment (Kalikasan PNE).

2. I am the one leading the national secretariat which is tasked to implement campaigns in relation to environmental protection and rehabilitation, natural resource conservation and the right of the people to live in a balanced, safe and sustainable ecology. We worked with the Council for People's Development and Governance (CPDG) in relation on how to advocate on improving governance and developing alternatives in relation with the above concerns.

3. One of our concerns is the rights and security of environmental defenders in the country. We have been monitoring human rights violations among environmentalists since 2001 and based on our data, the Duterte administration has been the most dangerous regime for Filipino environmental defenders so far.

4. I am and my colleagues have, likewise, been victims of state terror. Since last year, we have been under surveillance and harassments from suspected state forces. We have been red-tagged by the Philippine National Police (PNP) as front of rebel groups and our office was threatened with police raids accusing us of recruiting minors for the New People's Army (NPA).

5. In May 2020, the Department of Foreign Affairs released a human rights situation report document labeling Kalikasan PNE as a front organization of the National Democratic Front of the Philippines, an allied revolutionary group of the Communist Party of the Philippines.

6. The incidences of harassment have been well documented and formally reported to the local barangay council and to the Philippine Commission of Human Rights (CHR). We also submitted a report and other related documents to the UN Office of High Commissioner on Human Rights (UN OHCHR) last January 2020 detailing human rights violations among environmental defenders from July 2016 to December 2019 in the Philippines.

7. We are working with communities opposing destructive environmental projects such as large-scale mining and big reclamation projects. These affected communities have been experiencing different forms of human rights violations. Several of our network members have been red-tagged, jailed, and even killed under the Duterte administration.

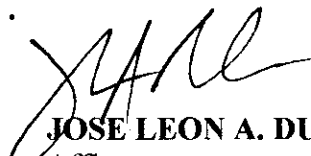
8. We are similarly situated with other vulnerable sectors.

9. Two rough incident reports are attached to this affidavit:

a. ANNEX A: Cover letter submitted to Commission on Human Rights (CHR), with which, these two incidents were mentioned;


- b. ANNEX B: Submission annex to the Office of the United Nations High Commissioner for Human Rights (UN OHCHR), where, in box 5 distills the two aforementioned reports.
- 10. These human rights violations further limit our democratic space and movement. We are in constant fear that anytime we will be arrested, illegally detained with false charges and accusations.
- 11. Legal and other forms of reliefs made are: notify and file reports to the local barangay council, the CHR, and the UN OHCHR; maximize our international network reach to support the legitimacy of our work and the legal status of the organization; inform our friends in the media so that the public can immediately know our situation, especially, if we are under threat or harassment.
- 12. Attached herewith are the two statements of various environmental groups opposing the Anti-Terrorism Law.
  - a. ANNEX C: Environmental defenders say #JunkTerrorBillNow!
  - b. ANNEX D: Greta Thunberg, int'l leaders join Filipino environmental defenders in global petition vs PH Terror Law

**IN WITNESS WHEREOF**, I have hereunto set my hand this SEP 15 2020, 2020 in Quezon City, Philippines.

  
**JOSE LEON A. DULCE**  
 Affiant

**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines this SEP 15 2020, 2020. The affiant, whose name and personal circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: Passport ID No. P4585092A and TIN No. 313-173-747-000.

DOC NO. 93  
 PAGE NO. 19  
 BOOK NO. XI  
 SERIES OF 2020

  
**HARRY T. GUIDIEZ**  
 Notary Public  
 Until Dec. 31, 2020  
 PRC No. 9344601/01-06-20, Q.C.  
 JEP No. 30986748/01-02-20, Q.C.  
 Roll No. 20434  
 JCE Compliance No. VI-12-01-18  
 JCE Comm. Adm. Matter  
 (2019-2020) RTC Q.C.

## INCIDENT REPORT ON SURVEILLANCE AND THREATS OF RAID TO THE KALIKASAN PNE OFFICE

1. On September 19, 7:14 PM, a reliable source, whose identity is withheld for safety purposes, tipped Kalikasan PNE off that the office space it shares with the was allegedly under surveillance by CIDG, which was reportedly planning to raid the office and was just waiting for the issuance of a warrant by a court.
2. The office activated its emergency protocols—it reached out to human rights group Karapatan which activated its 'quick response team' mechanism. The office staff set up a rotational sentry to ensure a standby paralegal intervention should a raid be attempted. Measures were made to refute any possible attempt of planting evidence and Kalikasan and CEC staff were briefed to remind what their rights are and how to respond.
3. At 11:55 PM, two Kalikasan staff members scouting sweep the street and its adjacent corridors for any unusual activity and found no presence of police.
4. On September 20, at 12:40 MN, Kalikasan and CEC sent out urgent alerts to human rights and environmental civil society organizations, the Commission on Human Rights, international NGOs, partner embassies, and mass media.
5. At around 8:00 AM, Karapatan did another scouting sweep and found no unusual activity.
6. At 10:05 AM, the sentry heard the office's guard dog barking and saw a suspicious mattress vendor slowly pass across the other side of the street. Almost immediately after, the dog was barking again at someone who appeared to be a scavenger carrying a green plastic bag over his shoulder, walking slowly by the office gate. He was seen taunting the dog. The sentry believes there might be a chance that this is part of the continuing surveillance.
7. At 11:30 AM, Kalikasan and CEC made a quick consultation with Karapatan regarding what ways forward may be pursued to improve the safety of the office and the staff members.
8. On September 21, at around 5:00 PM, a staff member witnessed a Quezon City Police District mobile police car with marking number A5F667 slowly driving by the office while an officer was slowly taking a video of the façade. This was the last incident monitored by the office.

###

Republic of the Philippines  
Quezon City

X- - - - -X

## AFFIDAVIT

I, Lia Mai T. Alonzo, Filipino, legal age, Filipino, and with office address at No. 26 Matulungin Street, Barangay Central, Diliman, Quezon City, after having been sworn to in accordance with law, hereby state that:

1. On December 4, 2019, our organization, the Center for Environmental Concerns – Philippines (CEC) was described by Major General Antonio Parlade, Jr. from the National Task Force to End Local Communist Armed Conflict (NTF ELCAC) and the Deputy Chief-of-Staff for Civil Military Operations of the Armed Forces of the Philippines (AFP) as front organizations of the Communist Party of the Philippines (CPP) and warned the public against giving donations since we were allegedly only posing to help people. This was posted on the website of the Philippine News Agency (PNA) after the onslaught of Typhoon Tisoy.
2. On April 7, 2020 Gen. Parlade mentioned that CEC was unwittingly exploited by the CPP and similarly that the public should be wary of giving donations to our organization during the onset of the COVID-19 pandemic in the country. This was posted again in the PNA website.
3. On September 19, 2019, a member of the organization that we were sharing the office with at 26 Matulungin St. Brgy. Central, Diliman, Quezon City, received information that our office was allegedly under surveillance by the Criminal Investigation and Detection Group (CIDG) and was reportedly planning to raid the office and was just waiting for the issuance of a warrant by a court. The next day, we inquired with local government officials and they said that they received information the National Capital Region Police Office that said our office was harboring Lumad indigenous people children and we're letting them study in the University of the Philippines (UP) where they are taught to be activists. The raid did not push through since the official discouraged it because there was no search warrant.
4. On May 15, 2020, the caretaker of our office saw that there were posters plastered in the gate of the office. These posters contained red-tagging statements targeted at representatives of progressive party-lists Bayan Muna, Kabataan, Gabriela and ACT Teachers, as well as representatives of Bagong Alyansang Mabakayan (BAYAN).

(I am executing this affidavit to attest to the truth of everything stated herein.)

IN WITNESS WHEREOF, I have hereunto set my hand this SEP 15 2020, 2020 in Quezon City, Philippines.

*Lia Mai T. Alonzo*  
**LIA MAI T. ALONZO**  
Affiant

**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines this SEP 15 2020, 2020. The affiant, whose name and personal circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: Driver's License ID No. N04-13-024274, issued on January 24, 2019, at Quezon City.

Notary Public

Doc. No. 94  
Page No. 19  
Book No. XI  
Series of 2020.

*LARRY T. QUINEZ*  
**LARRY T. QUINEZ**  
Notary Public  
Until Dec. 31, 2020  
PTR No. 9344601/01-06-20, Q.C.  
ISP No. 30986748/01-02-20, Q.C.  
EID No. 20404  
MOLE Compliance No. VI-12-01-18  
Comm. Adm. Matter



Republic of the Philippines  
Quezon City

X- - - - -X

**AFFIDAVIT**

I, **KARLENMA MENDOZA**, Filipino, 45 years old, and a resident of Brgy. Holy Spirit, Quezon City, after having been sworn to in accordance with law, hereby state that:

1. I am the Executive Director of the Climate Change Network for Community-Based Initiatives, Inc. (CCNCI) with office address 72-A Times Street, West Triangle Homes, Quezon City.
2. Lt. Gen. Antonio Parlade, Jr. of the National Task Force to End Local Communist Armed Conflict (NTF ELCAC) has tagged CCNCI as a communist front that is used to funnel funds for disaster-response to terrorist financing.
3. On July 20, 2019, Parlade said in a statement posted in the Philippine News Agency (PNA) website that "the CPP has been deceiving and defrauding international organizations and foreign governments of relief funds through the CPP network called Climate Change Network and Community Initiative (CCNCI)."
4. On November 24, 2019, Parlade released another statement, also published in the PNA website, reiterating the accusation made in his previous statement.
5. On December 4, 2019, in a statement also posted in the PNA website, Parlade said that the Communist Party of the Philippines (CPP) implemented a 40-40-20 scheme, where "40 percent is kept by the CPP with another 40 percent left to front organizations, while the remaining 20 percent released to people's organizations and their beneficiaries," which he claimed "enabled the CPP to expand quickly its Climate Change Network of Community-based Initiative (CCNCI), spanning from such cover as disaster resilience, protection of vulnerable communities, children and women sector, and protecting the environment from development aggression."
6. In a January 15, 2020 post on Parlade's official twitter account, he called CCNCI "a money-making machinery... exploiting our generous friends to scam funds for the revolution using 'disaster-response, 'relief assistance,' etc as front."

7. On April 7, 2020, Parlade reiterated the claim he made in his January 15 twitter post in another statement posted in the PNA website.

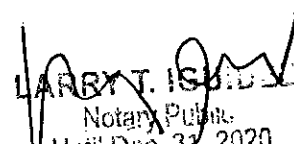
I am executing this affidavit to attest to the truth of everything stated herein.

**IN WITNESS WHEREOF**, I have hereunto set my hand this SEP 15 2020, 2020 in Quezon City, Philippines.

  
**KARLENMA MENDOZA**  
Affiant

**SUBSCRIBED AND SWORN** to before me, in Iloilo City, Philippines this SEP 15 2020, 2020. The affiant, whose name and personal circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: TIN ID No. 257-168-558,

Doc No. : 95  
Page No. : 19  
Book No.: X1  
Series of 2020

  
LARRY T. ISIDORO  
Notary Public  
Until Dec. 31, 2020  
PTR No. 9244601/01-06-20, Q.C.  
IBP No. 909017/01-02-20, Q.C.  
Roll No. 20434  
MCLE Compliance No. VI-12-01-11  
Notarial Comm. Adm. Matter  
No. 110-2020) RTC Q.C.



## CCNCI Fact Sheet

The CLIMATE CHANGE NETWORK FOR COMMUNITY-BASED INITIATIVES, INC. (CCNCI) is a nationwide multisectoral and multi-disciplinary consortium of organizations focused on development work. CCNCI aims to mainstream climate change education; help vulnerable sectors and communities come-up with appropriate, sustainable and people-led climate change adaptation, mitigation and resilience strategies; and bring to the forefront the importance and urgency of asserting climate justice.

Lt. Gen. Antonio Parlade, Jr of the National Task Force to End Local Communist Armed Conflict (NTF ELCAC) has maligned CCNCI in four statements published by the Philippine News Agency (PNA) and a twitter post in Lt. Gen. Parlade's personal twitter account. He accused CCNCI of being a communist front that is used to funnel funds for disaster-response to terrorist financing.

Here are the links to the statements and posts:

July 2019

<https://www.pna.gov.ph/articles/1075523>

<https://m.facebook.com/peace88.3fm/posts/2365818776818920>

Nov 2019

<https://www.pna.gov.ph/articles/1086914>

<https://radyonatin.com/story.php?storyid=38425>

Dec 2019

<https://www.pna.gov.ph/articles/1087901>

<https://trueid.ph/articles/7346>

Jan 15 2020

<https://twitter.com/ParladeJr/status/1217341121140944897>

April 2020

<https://tabloid.ph/2020/04/07/be-wary-of-donating-to-reds-in-the-guise-of-covid-19-aid/>

<https://sovereignph.com/2020/04/07/be-wary-of-donating-to-reds-in-the-guise-of-covid-19-aid-warns-solcom-chief-parlade/>

<https://www.remate.ph/publiko-pinag-iingat-sa-komunistang-grupo-na-nanghihingi-ng-donasyon-sa-gitna-ng-covid-19/>



## **INCIDENT1: ABDUCTION**

### **VICTIM:**

**ELENA 'Lina" Gabito TIJAMO**, age, is a resident of Sitio Avocado, Barangay Kampingganon, Bantayan, Cebu. She has two daughters, one adult (married) and a minor. She is currently the Coordinator of Sustainable Agriculture Program of the Farmers Development Center, Inc. (FARDEC)- Central Visayas. She is also the Community Radio Coordinator of FARDEC in Bantayan Island, Cebu. It has a radio program, Radyo Sugbuanon in partnership with the International Association of Women in Radio and Television (IAWRT) Philippines.

## **INCIDENT2: VIOLATION OF DOMICILE**

### **VICTIMS:**

Elena Gabito TIJAMO, 58 years old (October 5, 1962); born in Brgy. Kampingganon, Bantayan, Cebu

Annika Reva TIJAMO, 17 years old (September 18, 2003); born in Cebu City

Violeta TIJAMO –

Gregoria Gabito Tijamo – senior citizen

Antonio Martus Tijamo – senior citizen

Rosabella Pagatpat Desabella– senior citizen

### **INCIDENT3: DIVESTMENT OF PROPERTY**

#### **VICTIMS:**

Elena Gabito TIJAMO – laptop and cellphone  
Violeta Gabito TIJAMO – tablet

#### **PERPETRATORS:**

Suspected military intelligence agents

#### **PLACE:**

Home of the victims in Sitio Avocado, Barangay Kampingganon, Bantayan, Cebu

#### **DATE:**

13 June 2020

#### **ACCOUNTS (Based on the narrative of Elena's sister Violeta Tijamo):**

After dinner of 13 June, 2020, around 8:00pm, all members of the Tijamo household (Elena Tijamo's daughter, sister, elderly parents, and elderly caretaker) went to their respective rooms to rest, while Elena Tijamo remained at the dinner table to work. (Elena Tijamo's elderly parents who are both deaf knew nothing of the incident.)

While in her bedroom, Violeta's attention was drawn to the dogs barking outside. She also heard commotion coming from outside.

This prompted her to get up and check. Outside her room, she saw two women toting pistols inside the house by the kitchen door. They were wearing black short pants and masks.

An armed man was positioned in the front door at the sala, while another three armed men were positioned in the kitchen. One of the three was holding a sack in which rifles stuck out.

It was by the kitchen door that Elena Tijamo was held by the two female perpetrators. Elena's hands were tied behind her back. Her mouth was plastered by masking tape.

Elena's daughter Nica was also drawn out of her room by the commotion. She approached her mother but was blocked the armed man positioned at the front door. She was instructed by the said perpetrator to go back to her room.

Violeta asked the perpetrators, \*Unsaon man ninyo akong igsoon nga wa man nay sala?" (What are you going to do with my sister when she made no offense?)

One of the male perpetrators replied, "Dako og sala kining iyang bana." (Her husband has a major offense). They also overheard the perpetrators saying, "Kining balaya walay giila nga gubyrno." (This house does not recognize a government.)

She was brought out by the perpetrators on foot in an unknown direction passing through the fields. Her laptop, cellphone and Violeta's tablet were also taken away by the perpetrators.

**UPDATE (As of 8:20PM, 14 June, 2020):**

As of this writing, the whereabouts of Elena Tijamo remains unknown.

The incident was reported to the barangay. The barangay captain Oscar Despi in turn reported the abduction to the Bantayan Police Station. Elena's sister Violeta Tijamo herself would personally report the atrocity to the Police Station.

The Commission on Human Rights (CHR)-7 also contacted the local police. It reported to KARAPATAN-CV that the blotter made by the barangay captain of Brgy. Kampingganon was docketed ONLY as an incident of alarm and scandal. KARAPATAN-CV then instructed Violeta to go back to the Police Station to have the blotter amended.

At 1:21PM, of 14 June 14, 2020, six (6) policemen (only one in uniformed) arrived at Tijamo's home place in response to the complaint of abduction of Tijamo. According to her Elena Tijamo's daughter Nica, the policemen interviewed the household on what has happened that night of 13 June, 2020.

*At about (time), ...She was instructed to delete the posts of Karapatan Central Visayas among others, and that of Rappler post within 24 hours, in exchange of her freedom. (?)*

**BACKGROUND:**

During the first quarter of 2019, at the height of the implementation of Memorandum Circular No. 32 and Executive Order No. 70 tagged as Oplan Sauron, Tijamo was red-tagged by state elements as being an 'alleged NPA'. (Please refer to affidavits executed by witnesses which was submitted to the CHR-7 in 2019). In that incident, State elements approached leaders of famers/fisherfolks organizations asking about what are the existing organizations in Bantayan and about the whereabouts of Elena Tijamo.

Prepared by:

KARAPATAN Central Visayas

Email address: [karapatan.cenvis@gmail.com](mailto:karapatan.cenvis@gmail.com)

Date: June 14, 2020

Republic of the Philippines

Quezon City

X-----X

## AFFIDAVIT

I, **ANTONIO L. FLORES**, Filipino, 72 years old, and with office address at No. 56 K9 St. West Kamias, Quezon City; after having been sworn to in accordance with law, hereby state that:

1. I am the National Chairperson of the Unyon ng mga Manggagawa sa Agrikultura (UMA) since 2019.

2. UMA is a member of the Coordinating Council for People's Development and Governance (CPDG), Inc.

3. The government systematically accused UMA and its local chapters of being "communist fronts." UMA was said to be "another legal front organization of farmers aligned with KMU and Kilusang Magbubukid ng Pilipinas (KMP) and other communist front organizations." The government has done this through the official Facebook page of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) on 29 May 2020 and in April 2020 and through an online article posted in the Philippine News Agency website on 1 November 2019.

4. Other incidents of harassment against UMA are:

- a. On 21 August 2020 at 5:43 PM, a police mobile from Police Station 3, Brgy. Talipapa, Quezon City with plate number VX9237 parked near the gate of UMA's office until 5:47 PM. The CCTV footage showed a man in red shirt in the passenger's seat point at the office and parked the car accordingly. The man in red shirt pointed his cellphone at the gate as if taking a photo or video.
- b. On 12 August 2020, UMA was included in the list of "Lider-rekruter ng teroristang NPA" publicly posted in Baggao, Amulong, Alcala and Iguig, Cagayan Valley as reported by its local chapter.
- c. On 16 November 2019, UMA received a LBC package addressed to its agro-ecology expert and women's desk officer, Angelina Baesa Bisuna-Ipong. The package consisted of a white envelope containing a copy of her arrest warrant of arrest and a black strip of cloth, denoting death.
- d. On 31 October 2019, John Milton "Ka Butch" Lozande, secretary general National Federation of Sugarworkers, an UMA member, was arrested together with more than 50 activists in Bacolod City over planted evidence of firearms and explosives.
- e. On 27 October 2018, Rene Manlangit and Rogelio Arquillo, Jr., officials of a local chapter of NFSW, were accused of being NPA

members of the police and were charged for serving as masterminds of the Sagay 9 massacre.

- f. On 11 May 2018, former Advocacy Officer of UMA, Nadja de Vera, received a death threat through Facebook during the Hands Off Sr. Pat Campaign, which UMA primary led. There was an attempted breaking and entering in her rented apartment on 26 May 2018. This was followed by a break-in where phones, laptops, USB and external drives were stolen. She and her family experienced surveillance and harassment for about one month.
- g. On 16 April 2018, Sister Patricia Fox, UMA volunteer, was taken by the officials of the Bureau of Immigration (BI) from her congregation's mission house in Quezon City and was detained for nearly 24 hours, for allegations of her being an "undesirable alien" due to "engagement in political activities."

5. The intimidation, harassment and threats that UMA's officials, members and staff have caused them great anxiety and psychological torture. The government's systematic red-tagging has caused fear among agriworkers who want to seek help on issues regarding land, wage, benefits and job security and organize themselves into UMA's local chapter.

6. Among the forms of relief we have sought are:

- a. On 29 July 2020, UMA had its office inspected by the Commission on Human Rights (CHR) and representatives of Brgy. Teachers' Village West to pre-empt the planting of evidence done by state forces during its illegal raids of progressive organizations' offices.
- b. UMA has also sought help from the National Union of Peoples' Lawyers for the deportation case against Sr. Pat and trumped-up charges against Ms. Ipong, Mr. Manlangit and Mr. Arquillo.
- c. UMA has also actively campaigned against red-tagging and harassment through mass mobilizations and media engagements.

7. I am executing this affidavit to attest to the truth of everything stated herein.)

IN WITNESS WHEREOF, I have hereunto set my hand this  
SEP 15 2020, 2020 in Quezon City, Philippines.

  
**ANTONIO L. FLORES**  
Affiant

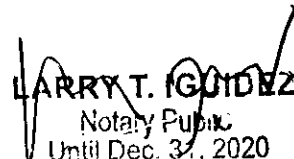
**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines  
this SEP 15 2020, 2020. The affiant, whose name and personal  
circumstances are herein stated, appeared in person before me, presented the



foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: Land Transportation Office (LTO) Professional Driver's License No. L02-74-056179 and Senior Citizen ID 09487-T issued on \_\_\_\_\_, at \_\_\_\_\_.

Notary Public

Doc. No. 96  
Page No. 20  
Book No. XI  
Series of 2020

  
**LARRY T. GUIDEZ**  
Notary Public  
Until Dec. 31, 2020  
MCLE No. 1601/01-06-20, Q.C.  
MCLE No. 1601/01-02-20, Q.C.  
MCLE No. 1601/01-04-20, Q.C.  
MCLE Compliance 12-01-18  
Notarial Commission No. 1601/01-06-20, Q.C.

Republic of the Philippines  
Los Baños, Laguna  
X-----X

**AFFIDAVIT**

I, **CRISTINO C. PANERIO**, Filipino, 58 years old, am the National Coordinator of the Magsasaka at Siyentipiko Para sa Pag-unlad ng Agrikultura, Inc.(MASIPAG) and with office address at 2611 Carbern Ville, Los Baños, Laguna, after having been sworn to in accordance with law, hereby state that:

1. I have been with MASIPAG since 1996 and its national coordinator since 2016.

2. MASIPAG is a farmer-led national network of people's organizations, NGOs and scientists working towards the sustainable use and management of biodiversity through farmers' control of genetic and biological resources, agricultural production and associated knowledge, skills, and culture. MASIPAG was established in 1985 and is a member of the Coordinating Council for People's Development and Governance (CPDG), Inc..

3. The government, through the military and its police forces have subjected our regional office in the Visayas, member organizations and staff to surveillance, intimidation, harassment, vilification and red-tagging through the ff. actions:

a. In October 2019, our regional office in the Visayas in Jaro, Iloilo City, has been subjected to surveillance by suspicious looking men. In several instances, captured by our office CCTV, wherein set of men riding in a tinted van quickly stopped in front of the office, rolled down window at driver's seat looking straight inside the office premises, and later in the afternoon a motorcycle riding man stopped and took pictures or video of our office using his cellular phone.

b. In October 2019, our National Back-up research and ecological Farm in San Dionisio, Iloilo, was visited by a police team from Sara PNP mobile headquarters, in the guise of procuring bamboos near said farm, talked with local people and pointed to our building and referred to it as where NPAs are conducting meetings.

c. In September 2018, Masipag POs while conducting a regional training on organic guarantee system for marketing and food processing in our national Back-up farm and training center in San Dionisio, Iloilo, were "visited" but without prior notice by eight (8) policemen from Sara Provincial PNP mobile headquarters purportedly curious about what's inside Masipag farm. These actions disrupted the activity and caused unduly tension among the staff and farmers present in the training.

d. MASIPAG as a network has been supporting local campaign against open pit mining in Nueva Vizcaya, and in relation to this, our staff and some farmer leaders have been vilified through posters saying they are members of CPP/NPA/NDF or CNN.

e. Our farmer-trainers in other provinces like Negros Occidental were prevented from conducting Organic Agriculture-related training in a barangay in Guijulngan, Negros Oriental and other barangays in the province of Negros Occidental as they were accused of being organizers of the underground movement in the province. Some of our farmer-trainers and staff are being subjected to surveillance by unidentified men thus, they are prevented from doing their task of expanding Masipag program in the said provinces.

f. Our staff based in Southern Tagalog and Bicol were harassed by the military during their conduct of Sustainable Agriculture training thus preventing them to conduct their activities to promote the program of Masipag in said service areas.

g. Masipag member farmers organizations conducting “bayanihan” in their communities in Quezon are told that they are NPA sympathizers simply because they are practicing a common traditional farming practice among upland farmers in said province.

h. A former member of the board of trustees and lawyer of Masipag Atty. Ben Ramos was shot and killed by unknown assailants in Kabankalan, Negros Occidental because he is a human rights and agrarian reform lawyer extending legal services to small holder farmers and sugar workers in the province.

i. The PDG, their staff and members of the Board of Trustees are subjected to harassment, vilification campaigns and outright death threats because of their program to support the agrarian reform efforts of POs in the province. PDG is an NGO member of Masipag.

j. In May 2020, a staff of Masipag in Iloilo was detained overnight in a police station because of his coverage of a rally denouncing the killing of a member of Bayan Muna in Iloilo City.

k. One of our farmer leaders in Northern Quezon died of a heart attack the night after a visit by a team of military soldiers, accusing them of providing rice to rebels. He explained that they are an authorized NFA outlet in the community and sells rice to everybody and do not know nor inquire of the identities of the people who buy rice from their store. The team leader of the military promised that they will visit them again to inquire further about the incident.

l. Our POs in Infanta, Quezon are frequented by people posing as DA personnel enquiring about their activities. Masipag farmer members suspect that they are from the military because they do not coordinate

these visits to the municipal DA. The community is a contested area as many developers are interested with the lands they are occupying especially when a highway was built traversing their barangays. This highway connects the REINA municipalities to Quezon City.

m. Because the staff, the farmer-leaders and farmer-trainers of Masipagand I travel a lot especially in remote communities and our POs are protesting economic plunder (like mining, Kaliwa-Kanan dams, industrial plantations, GMOs etc.) that are being supported by the government, we are very much vulnerable to risks and threats. The network also supported land struggles conducted by farmers and agricultural workers. Fairly recent, Masipag also supported IP schools. Our support for these people's initiatives are in the form of seeds and training on sustainable agriculture farming systems.


n. If the ATL is implemented this will have a chilling effect on our staff and farmer-leaders and farmer trainers to conduct our activities as mandated by our General Assembly. It will prevent us or hamper our ability to support the development of the members of Masipag especially the POs which is their right enshrined in the Philippine Constitution among other rights like right to organize, right to free speech and other rights stipulated in the Bill of Rights.

4. Among the forms of relief we have sought are:

- a. The conduct of HR Forum last December 2019 in Iloilo City and the voluntary inspection of our regional office in the Visayas and the national Back-up farm in San Dionisio, Iloilo Province. These voluntary inspections were led by the regional office of Commission on Human Rights (CHR) of Western Visayas and participated by the Barangay officials in Jaro and in San Dionisio. A complaint to the Government of the Republic of the Philippines Monitoring Committee (GRP-MC) on Human Rights and International Humanitarian Law on March 15, 2019.

5. **I am executing this affidavit to attest to the truth of everything stated herein.)**


**IN WITNESS WHEREOF**, I have hereunto set my hand this September 8, 2020 in ~~Quezon City~~ Quezon City, Philippines.

  
**CRISTINO C. PANERIO**  
Affiant

**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines this SEP 10 2020, 2020. The affiant, whose name and personal circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: SSS ID No. 03-8311824-0 and Philippine Passport No. EC8499144.

Notary Public

Doc. No. 275  
Page No. 55  
Book No. 11  
Series of 2020

  
(Atty.) ROMMEL G. OLIVA  
NOTARY PUBLIC  
FOR THE PROVINCE OF LAGUNA  
Roll No. 37437/May 1991  
IBP Lifetime No. 007756/Manila  
PTR No. 7388460/1-2-2020/Calamba City  
MCLE Compl. No. VI-0026228 Until April 14, 2022  
My Commission expires on December 31, 2021

Republic of the Philippines

Quezon City

X-----X

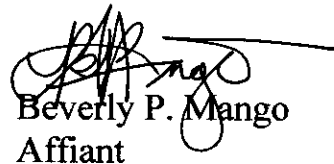
**AFFIDAVIT**

I, **Beverly P. Mango**, Filipino, 49 years old, and a resident of Brgy. Amihan, Quezon City, National Capital, after having been sworn to in accordance with law, hereby state that:

1. I am the Officer in Charge of Philippine Network of Food Security Programmes Inc. (PNFSP) with office address at 17-M Aurora Stree, Isidora Hills, Barangay Holy Spirit, Quezon City.
2. Lt. Gen. Antonio Parlade Jr. of the National Task Force to End Local Communist Armed Conflict (NTF ELCAC) tagged PNFSP as among NGOs being used by Communist Terrorist Groups to funnel funds.
3. On December 4, 2019 On December 4, 2019, in a statement posted in the PNA website, Parlade said that the Communist Party of the Philippines (CPP) implemented a 40-40-20 scheme, where "40 percent is kept by the CPP with another 40 percent left to front organizations, while the remaining 20 percent released to people's organizations and their beneficiaries", which he claimed "enabled the CPP to expand quickly its Climate Change Network of Community-based Initiative (CCNCI), spanning from such cover as disaster resilience, protection of vulnerable communities, children and women sector, and protecting the environment from development aggression. Other networks unwittingly exploited by the CPP are Center for Environmental Concerns, Citizens' Disaster Response Center and **Philippine Network of Food Security Programs**, he bared."
4. On April 7, 2020, Parlade reiterated the claim he made in his December 4, 2019 statement posted in the PNA website.
5. In the NTF ELCAC 2019 Annual report, a picture of me with peasant and fishermen leaders during a protest action of fisher folks affected by reclamation led by PAMALAKAYA in front of the DENR Central Office was featured on page 214 of the said report. Though it says that PAMALAKAYA is an ND legal organization of fisher folks, the page topic discussed about the CTG framework in the fisherfolks sector, individuals seen in the picture may become targets of harassments or state repression.
6. In 2016, PNFSP implemented a project which was the construction of irrigation system in Kagbana, Burauen, Leyte. During our project

implementation, the military had camped in the community and red-tagged our irrigation project saying it is a project of the New People's Army (NPA). The military even downloaded my picture from our organization's website and showed it (photo in the military personnel's cellphone) to then Burauen Mayor Juanito Renomeron saying NPAs are entering Burauen. They also showed the same picture to the captain and other barangay officials of Kagbana saying that this person and her organization are working with the NPAs. They even ordered the barangay officials to notify the military if ever the PNFSP staff showed up again in the community. This incident caused the delay of our project's implementation until other staff members went to see then Burauen mayor to clear our name and explain the legitimacy of our project.


**IN WITNESS WHEREOF**, I have hereunto set my hand this SEP 15 2020, 2020 in Quezon City, Philippines.

  
Beverly P. Mango  
Affiant

**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines this SEP 15 2020, 2020. The affiant, whose name and personal circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: TIN ID NO 336-425-676-000 issued on February 15, 2018 in Quezon City.

Notary Public

Doc. No. 94  
Page No. 20  
Book No. 41  
Series of 2020

  
**LARRY T. IGUIDEZ**  
Notary Public  
Until Dec. 31, 2020  
PTR No. 9344601/01-06-20, Q.C.  
IBP No. 30086745/01-02-20, Q.C.  
Roll No. 20434  
MCLE Compliance No. VI-12-01-18  
Notarial Commission Expires

Republic of the Philippines

Quezon City

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## AFFIDAVIT

I, **NIKKI PALINES ASERIOS**, Filipino, 27 years old with an address at 90 J. Bugallon, Brgy. Bagumbuhay, Quezon City, after having been sworn to in accordance with law, hereby state that:

1. I am currently the Deputy Director of Children's Rehabilitation Center (CRC);

2. Children's Rehabilitation Center (CRC) is a non-stock, non-profit, non-government organization, duly licensed and registered under the Securities And Exchange Commission (SEC), thus, CRC has existing regional centers in Bicol Region, Panay Region, and Southern Mindanao Region, likewise Community Outreach Program in Ilocos and Negros;

3. CRC focuses on providing psycho-social services to children and their families in rural and urban areas suffering from emotional disorders, physical health problems and social mal-adjustments due to state perpetrated violence;

4. CRC was established in 1985 and since then the organization unceasingly upholds children's' rights through provision of psycho social intervention and other support services to children victims of human rights violations;

5. CRC staunchly documented cases of children's rights violations (CHRVs) perpetrated by the state, and assisted children victims of CHRVs seek for legal remedies such as filing of court charges against the perpetrators, filing report at Commission on Human Rights, and linking victims to concerned government agencies, thus campaign for these cases;

6. Due to the institution's nature of work, CRC has been subjected to numerous incidents of red-tagging, vilification and harassments, thus, series of red tagging, vilification, and harassments of CRC's staffs from its national and regional centers.



7. Rius Valle, CRC's board member and CRC - Southern Mindanao Regional Coordinator is facing numerous trumped-up charges.

8. In 2010 CRC's former staff has been charged with a fabricated case of kidnapping of Lumad children, eventually the fabricated case was dismissed by the court;

9. In year 2019, the Presidential Commissions Operations Office (PCOO) went to various organizations both national and international, tailored an organized campaign to explicitly vilified, red tagged, and maliciously maligned CRC as one of the front organizations of a terrorist group, and accused CRC of funding activities of certain terrorist groups in the Philippines, thus dissuading these organizations of financially supporting CRC;

10. In 2019, the PCOO continued its malicious and empty accusations to CRC through its vilification campaign in the national level, vilifying and red tagged its National and Regional staffs, likewise its former staffs;

11. In 2019, a subpoena was served to Eilekreneses C. Manano – former Executive Director of CRC. Manano was charged with a fabricated case of attempted murder of a certain PCF Ikan Dorias of the Armed Forces of the Philippines and are maliciously linked with the New People's Army;

12. A former staff likewise stand co-accused on the fabricated case.

13. On November 21, 2019 around 3:10pm, amid crackdown among progressive organizations, raid and illegal arrests nationwide, CRC has received a phone call from a woman who presented herself as a personnel from the Criminal Investigation and Detection Group (CIDG) looking for a certain 'Geming Alonzo Abraham Cruz';

14. Geming A. Alonzo is a former staff of CRC and currently the Executive Director of CLANS Lumad Community Schools – a non-stock, non-profit organization that provides programs in education, agriculture and health for Lumads in Mindanao;

15. On February 20, 2020, a video post was published through a certain Facebook Page- Red Alert, containing photos from various activities of CRC including its children beneficiaries, tailoring false

narratives of brainwashing and recruiting CRC's beneficiaries as child soldiers;

16. On June 2020, Jenelyn Nagrampa, CRC's former coordinator in Bicol region was illegally arrested for trumped-up murder charge.

17. Staffs from CRC who participated in the Pride march last June 26, 2020, was charged with illegal assembly and violation of Enhanced Community Quarantine protocols;

18. After their released for further investigation, pictures of CRC's staffs were used in a post of a certain Facebook Page- Ang Aking Bayan, spreading false news that they were COVID-19 positive, and tagged them as terrorist fronts;

19. Before any Anti-Terror Law (ATL) in place, CRC and both its National and Regional staffs have received constant harassments, red tagging and empty allegations of recruiting children as child warrior. With the ratification of the ATL, we fear that this draconian law will farther pose imminent threat to the security and safety of our National and Regional staff, hence the security and safety of our children beneficiaries.

20. I am executing this affidavit to attest the truth stated within.

**IN WITNESS WHEREOF**, I have hereunto set my hand this \_\_\_\_\_, 2020 in Quezon City, Philippines.

**NIKKI PALINES ASERIOS**  
Affiant

**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines this \_\_\_\_\_, 2020. The affiant, whose name and personal circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: UMID ID No. 0111-6464519-3 and Passport No. P9272591A

Doc No. 137  
Page No. 29  
Book No. 11  
Series of 222

**GERVACIO B. DE VERA, JR.**  
NOTARY PUBLIC  
JULY 10, 2010  
PILAR, RIZAL  
ISS. TO: GERVACIO B. DE VERA  
NOTARY PUBLIC  
ATTY. REG. NO. 40081  
CEL. NO. 0977-871-7649

Republic of the Philippines  
Quezon City

x-----x

**AFFIDAVIT**

I, **JOSE ENRIQUE A. AFRICA**, Filipino, 51 years old, with office address at 4/F Ibon Center, 114 Timog Avenue, Bgy. Sacred Heart, Quezon City, after having been sworn to in accordance with law, hereby state that:

1. I am the Executive Director of IBON Foundation. I have been with IBON since 2005 and its executive director since 2012.

2. IBON is a founding member of the Coordinating Council for People's Development and Governance (CPDG), Inc. established in September 26, 2006. IBON has been part of CPDG's general assembly, the network, and its national secretariat from then until today.

3. The government systematically accuses IBON of channeling funds to so-called "Communist-terrorists," of "[pulling] statistics out of thin air", of submitting "fabricated reports" to the EU and UN, and of producing "radical literature" teaching armed struggle and rebellion. We do this, according to the government, because we are a "Communist front organization". They say our editors are "spouses of CPP-NPA personalities" in Mindanao and, very recently, that an alleged NPA fighter killed in Iloilo at the end of June 2020 was an "active member" of IBON Foundation "prior to joining the rebel movement". In summary, the public statements of government officials accusing IBON of being a Communist front and of supporting terrorism have come out in:

- a. A press briefing at the New Executive Building in Malacañang Palace on March 13, 2019;
- b. An article published in the Philippine News Agency (PNA) website on 13 March 2019;
- c. An article posted in the PNA website on 14 March 2019;
- d. An article published in the PNA website on 19 March 2019;
- e. An article published in the PNA website on 22 March 2019;
- f. An article published in the PNA website on 28 March 2019;
- g. A news article published in the website of Manila Bulletin on 28 March 2019;
- h. An article published in the PNA website on 29 March 2019;
- i. An article published in the PNA website on 31 March 2019;
- j. A presentation to the Milipol Asia-Pacific 2019 Conference on 04 April 2019 in Singapore titled 'CPP-NPA-NDF International Fund Scheme';
- k. An article published in the PNA website on 4 April 2019;
- l. An article posted by Kalinaw News on 9 April 2019, an official online information outlet of the Philippine Army;
- m. An article published in the PNA website on 13 April 2019;
- n. An article posted in the PNA website on 6 June 2019;

- o. An article published in the PNA website on 13 July 2019;
- p. An article published in the PNA website on 21 August 2019;
- q. An article published in the PNA website on 5 September 2019;
- r. An episode of news talk show *The Chiefs* aired over One News on 28 January 2020;
- s. An article published in the PNA website on 6 July 2020;
- t. An article published in the Philippine Information Agency (PIA) website on 9 July 2020; and
- u. Repeatedly in the personal Facebook page of a Presidential Communications Operations Office (PCOO) Undersecretary and official Facebook pages of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and 61<sup>st</sup> Infantry Hunter Battalion of the Philippine Army, among others.

The extent of vilification we have experienced is also detailed in the attached copy of our administrative complaint for red-tagging with the Ombudsman against officials of the Armed Forces of The Philippines (AFP), Presidential Communications Operations Office (PCOO, which the PNA falls under), and National Security Council (NSC).

4. Other incidents of harassment against us are:

- a. One of our staff was approached by a suspected government intelligence agent on October 24, 2018 to do surveillance work on IBON for them. Our staff left work and was walking to get a jeepney ride home when, just around the corner from the office, he was approached by a man on a motorcycle with plate number 9871-NR. The man approached him again on October 26, and then on November 21 when he was offered Php5,000 monthly and a cellphone to do this. This was of course very distressing for our staff and he feared for his safety even at home.
- b. Arrest warrants in December 2018 for two of our board members who were supposedly involved in a September 13, 2018 fire in Lupon, Davao Oriental between alleged NPA fighters and Philippine army soldiers. However, our two board members accused were both abroad for work at the time of the alleged incident.
- c. A dark blue Toyota Revo with plate number XHS-509 was suspiciously parking outside of our offices for a few days. We approached the driver and passenger on October 18, 2019 about their intentions upon which they left and never returned. We found out later that the same vehicle was also sighted near the offices of the GRP-NDFP joint monitoring secretariat in Cubao.

5. These hostile acts have disrupted IBON's work. They have caused anxiety among the staff who are now concerned about not just the institution's work but also their personal security. We have had to take many extra measures including spending to beef up security in our premises, taking precautions in all our events and with visitors to our building, and organizing a quick response network among neighboring organizations similarly under

threat. Also, it is unfortunate that some of our erstwhile partners in the development community, schools and NGOs are more hesitant to deal with us for fear of facing the same harassment and vilification from the government.

6. Among the forms of relief we have sought are:

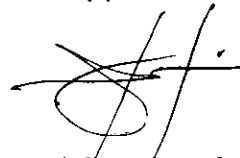
- a. A complaint to the Commission on Human Rights (CHR) on March 4, 2019. IBON was among many organizations testifying at their inquiry on "The Current Situation Impacting on the Work, Safety, and Security of Human Rights Defenders in the Philippines" conducted in September 2019.
- b. A complaint to the Government of the Republic of the Philippines Monitoring Committee (GRP-MC) on Human Rights and International Humanitarian Law on March 15, 2019.
- c. An administrative complaint for red-tagging with the Ombudsman on February 10, 2020. There was no progress when we asked for updates a month later and then the NCR lockdowns started.

7. Among the forms of relief we have sought are:

- a. A complaint to the Commission on Human Rights (CHR) on March 4, 2019. IBON was among many organizations testifying at their inquiry on "The Current Situation Impacting on the Work, Safety, and Security of Human Rights Defenders in the Philippines" conducted in September 2019.
- b. A complaint to the Government of the Republic of the Philippines Monitoring Committee (GRP-MC) on Human Rights and International Humanitarian Law on March 15, 2019.
- c. An administrative complaint for red-tagging with the Ombudsman on February 10, 2020. There was no progress when we asked for updates a month later and then the NCR lockdowns started.

8. I am executing this affidavit to attest to the truth of everything stated herein.)

**IN WITNESS WHEREOF**, I have hereunto set my hand this SEP 15 2020, 2020 in Quezon City, Philippines.



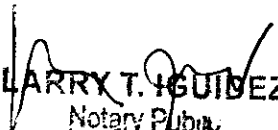
**JOSE ENRIQUE A. AFRICA**  
Affiant

**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines this SEP 15 2020, 2020. The affiant, whose name and personal

circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: Land Transportation Office (LTO) Non-professional Driver's License No. N02-85-027807 and Philippine Passport No. P6227774A.

Notary Public

Doc. No. 98  
Page No. 20  
Book No. XI  
Series of 2020

  
**LARRY T. GUIDEZ**  
Notary Public  
Until Dec. 31, 2020  
PTR No. 9344601/01-06-20, Q.C.  
IBP No. 30986748/01-02-20, Q.C.  
Roll No. 20434  
MCLE Compliance No. VI-12-01-18  
Notarial Comm. Adm. Matter  
No. 2019-2020) RTC Q.C.

Republic of the Philippines

Quezon City

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**AFFIDAVIT**

1. I, Rolando D. Calimlim, Filipino, 65 years old, am a convenor of the Samahan at Ugnayan ng mga Konsyumer para sa Ikauunlad ng Bayan (SUKI), with office address at 4<sup>th</sup> floor, IBON Center 114 Timog Avenue, Bgy. Sacred Heart, Quezon City

2. SUKI is a member organization of the Council for People's Development and Governance (CPDG). Congruent with the principles of the CPDG for people's participation in forging socioeconomic development for the many and broad-based governance, SUKI is a network of various consumer organizations seeking to assert the rights of Filipino consumers by amplifying consumer issues across a spectrum of issues. Our member groups include the Alliance for Consumer Protection (ACP) of Bulacan, Bantay Bigas, Bantay Konsyumer Kalsada at Kuryente (BK3), Bayan Muna, Ecuvoice-Women, GABRIELA, Green Action PH, Iwas Gatas Pilipinas, Matuwid na Singil sa Kuryente/ Alyansa ng Bagong Pilipinas (MSK/ ABP), People Opposed to Warrantless Electricity Rates (POWER), Terry's Shoes, TXTPower, United Filipino Consumers (UFC), and the Water for the People Network (WPN).

3. Today, with the whole-of-nation-approach Executive Order No. 70 that created the National Task Force for Ending Local Communism and Armed Conflict (NTF-ELCAC) in place, defenders of economic, social, cultural, civil and political rights, usually undermined by business-biased government policy, have been attacked on various fronts.

Some of our convener groups' and their members namely from Bayan Muna, Bantay Bigas, Gabriela, IBON and the WPN, have been red-tagged, harassed, falsely charged with trumped-up cases, illegally arrested or detained, or even murdered in the past years.

4. The NTF Annual Report for 2019 explicitly refers to our members' campaigns, which SUKI supports, as obstacles to the delivery of basic services such as education, food, health, shelter, water, and electricity.

Because economic, social and cultural rights span consumer rights, SUKI supports a wide array of advocacies that advance consumer interests and look after the welfare of the consumer community. Some SUKI members are supporters of the Save our Schools Network whose members provide education for indigenous communities. SUKI supports community-based health services. SUKI stands behind Water for the People Network urban

poor representing group Kalipunan ng Damayang Mahirap (Kadamay) in the occupation of idle government housing by thousands upon thousands of homeless Filipinos. SUKI supports Bantay Bigas in campaigning versus rice tariffication that kills local rice production and against rendering the regulatory National Food Authority powerless. SUKI supports WPN's and the Network Opposed to Laiban, Kaliwa and Kanan Dams in exposing the destruction of communities and the environment caused by dam construction campaigns. SUKI is in solidarity with environmental defenders against destructive large-scale mining and unsustainable energy projects.

Yet these very advocacies that SUKI supports, the NTF-ELCAC categorizes to be "Communist Terrorist Group (CTG) programs that impact on the delivery of basic services". The report buries government's accountability in the problematic delivery of the above-enumerated social and public services and utilities through privatization, deregulation, and liberalization, which the Duterte administration coupled with authoritarianism to uninterruptedly ram its elitist, exclusionary, patronage-politics-ridden agenda. The report instead garnishes a counter-insurgency blueprint influenced by bigger countries' security plans with promises to bring about robust economic growth and people-oriented governance.

But by simply describing the advocacies that we support as "communist terrorist programs" that hamper services, NTF-ELCAC puts not only our network but others who would support our cause in the same basket as anyone or everyone it wishes to implicate, incriminate, and demobilize in the guise of anti-terrorism.

4. No less than state police and other government forces and agencies, in the EO 70's whole of nation approach, have openly justified the above acts except for the murders, in which the administration has denied involvement.

5. The Filipino consumer movement has been a government target in confronting opposition or resistance since the 1980s. In addition to the abovementioned, it has taken part in resisting anti-consumer policies, for example additional consumption taxes through the expanded value added tax, taxes on diesel and kerosene, unreasonable oil price hikes, onerous bills, and poor consumer services from telcos to transportation, water, power, and other public utilities.

Mobilizing against measures that undermine consumer rights has been important in exposing at the very least and at the most, checking government policy that has mostly been more pro-business and profit-driven rather than pro-consumer and public-oriented. This line of action belies government's "malasakit" stance and exposes its anti-people character.

6. We are joining the petition against the Anti-Terror Law because of its being overbroad in defining terroristic acts.



7. Because of this ambiguity, the Duterte administration is given extensive powers to pin down critics of government policies and measures in the name of curbing terrorism. Because of this ambiguity, consumers specifically demanding efficient, reliable, accessible, affordable, sufficient and ecological basic needs and public services that are hindered by the administration's pro-foreign and big-business bias can be accused of conspiring towards the commitment of terroristic activity.

8. We petition against the Anti-Terrorism Law which fortifies government's already unleashed crackdown on asserters of the Filipino people's economic, social, cultural, civil and political rights, including consumer rights.

Once the Anti-Terrorism Law is implemented, consumer rights asserters alongside other rights defenders are endangered and may all the more be the targets in the pretext of fighting terrorism. This may aim to douse water on opposition to government policies that undermine rights and advance elitist interests, result in more human rights violations than ever from socio-economic (right to food, land, jobs, wages, social services, public utilities, self-determination, environment, social protection, sovereignty) to that of free thought, speech and assembly, perpetrate social injustice especially marginalization and further people's impoverishment, and stoke the flames of unrest.

(I am executing this affidavit to attest to the truth of everything stated herein.)

**IN WITNESS WHEREOF**, I have hereunto set my hand this SEP 15 2020, 2020 in Quezon City, Philippines.



**ROLANDO D. CALIMLIM**  
Affiant

**SUBSCRIBED AND SWORN** to before me, in Quezon City, Philippines this SEP 15 2020, 2020. The affiant, whose name and personal circumstances are herein stated, appeared in person before me, presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiant exhibited competent evidence of identity, to wit: Social Security Service ID NO. 09973-L issued on 6 May 2015 issued at Quezon City.

**LARRY T. GUNDAZ**  
Notary Public

Until Dec. 31, 2020

PTR No. 9344601/01-06-20, Q.C.

IBP No. 30986748/01-02-20, Q.C.

Roll No. 20434

MCLE Compliance No. VI-12-01-18

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2/F Erythrina Bldg., #1 Maaralin cor Matatag Sts.,  
Brgy. Central, Diliman, Quezon City 1100 PHILIPPINES  
Voice/Fax: (+632) 435 4146  
Email: urgentaction@karapatan.org  
www.karapatan.org

## FACTSHEET

Region: Panay

### I. CASE PROFILE

**Violation/s** : Threat, harassment, intimidation  
**Date of Incident** : November 25, 2019  
**Place of Incident** : Jaro, Iloilo City

### II. PROFILE OF VICTIM/S

**Name** : John Ian S. Alenciaga  
**Age** : 30 **Date of Birth** : Sept. 23, 1989  
**Place of Birth** : Pototan, Iloilo  
**Sex** : Male  
**Address** : Brgy. Tuburan, Sta. Barbara, Iloilo  
**Ethnic Origin**: N/A  
**Civil Status**: Single **No. of Children (if any)**: None  
**Occupation**: Alternative Media Worker / HR Defender  
**Organizational Affiliation / Position**: Panay Today Managing Editor/  
Dampig Katarungan Anchor  
Altermidya Visayas Visayas Coordinator  
Bayan Panay Secretariat

### III. PROFILE OF PERPETRATOR/S

**Name** : Unnamed state elements  
**Rank/Designation** :  
**Unit** :  
**No. of Elements**: Two (2)  
**Description**: Men in their mid 20's to early 30's, medium built, around 5'4-5'6 height, fair skinned  
**Possible motive** : Counter-insurgency, continuing crackdown against activists

### ACCOUNT OF THE INCIDENT:

At around 10:30 am on November 25, 2019, John Ian Alenciaga went out of the office of Bayan-Panay at Cuartero St., Jaro, Iloilo City to have a medical consultation in Mission Medical Arts Building also in Jaro, Iloilo City. From the office he proceeded to SM Savemore two blocks away to buy a cellphone ticket load. He noticed two men men, one in a black or grey shirt with a backpack bag,

the other one in plain black shirt sitting inside the store lobby. After only two or three minutes, he left because he did not find any load available. As he went out of the store he saw the guy with a backpack follow him out of the store a few seconds after him. The man turned to different direction so it did not bother him. He was around 10 meters away from him.

Alenciaga then proceeded to the Mission clinic around 1.4 kilometers away, or a 7-minute jeepney ride. He got down a few meters past the corner going to the clinic. As he was walking towards the clinic building, he stopped by before the gate to buy load. He then saw the same guy in a backpack already ahead of him at a pharmacy and passed him as he proceeded to the clinic at the 2<sup>nd</sup> floor of the building and sat to wait for his turn. After an hour he again saw the man with backpack walk past him going upstairs. He waited around 2 more hours and stayed another hour inside the clinic. After the checkup, he was about to leave the building but returned for his receipt. Again he saw the same man with a backpack. He became alarmed.

Alenciaga walked outside and at the corner of the main street he stopped and looked back and saw the same man around 20 meters away as he ducked behind a vehicle. He continued walking then stopped at a corner to wait for the man to pass. But after around 2 minutes, it was the guy wearing black shirt that he saw entering a Quix Mart store across the street, talking on a phone. He tried to take a picture of the two with his cellphone but they evaded him.

Unable to see them inside the store, Alenciaga quickly rode a jeepney to a nearby mall. He stayed a while before riding a taxi back to the Bayan office.

Alenciaga is anchorman of Dampig Katarungan, a weekly block-time radio program that tackles human rights violations, economic and public interest issues. He is actively involved in the campaign against the construction of the Korea funded mega-dam in Calinog, Iloilo and was one among three declared persona non-grata by the Calinog *Sangguniang Bayan* after they campaigned against the dam in Korea. Alenciaga has been very visible in mass protest actions in Iloilo City and other places in Panay.

**Factsheet prepared on: Nov. 28, 2019**

**Prepared by:**

***Name: John Ian Alenciaga & Leeboy Garachico***

***Region: Panay***

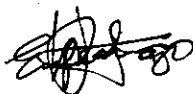
***Contact number: 0948 587 8411/0905 382 6211***

***E-mail: panaykarapatan@yahoo.com***

AFFIDAVIT

I, Eufemia P. Doringo Filipino citizen, of legal age, married to Andrew Abella Doringo, and a resident of 12-A Kasiyahan Street, Don Antonio, Barangay Holy Spirit, Quezon City 1127, after having been duly sworn in accordance with law, hereby depose and say:

1. I am a member and an officer of Kalipunan ng Damayang Mahihirap (Kadamay), the largest alliance of urban poor organization in the Philippines carrying out a long-term struggle for the eradication of poverty and for a just, free, and prosperous society.
2. Aligned with our organization's venture in sustainable development for the benefit of the poor and marginalized, Council for People's Development and Governance (CPDG) is one of the non-governmental organization helping us in promotion of sustainable positive change that addresses, within a democratic framework, the root causes as well as the symptoms of poverty, inequality, and marginalization.
3. It was September 2019 when my neighbor in Camarin told me that there is a man looking for me, asking her where I live. It was after the incident in Pandi, Bulacan where police officers illegally confiscated Pinoy Weekly, an alternative news magazine and set it on fire. Military officers (National Capital Joint Task Force) would visit me to ask me several things. Later on it would be followed by barangay tanod and PNP harassing me when we join protest in our community.
4. I have come to a point where I'm already fearing for myself and my family's lives.  
These people working for the government has already pointed me as one of the people they should worry about, because of my line of work.
5. We suspect that the Armed Forces of the Philippines and Philippine National Police are the perpetrators.
6. It is already old news when these people do repressive actions to people exercising their rights. That's why we document these actions, but most of the time it's never enough to make a case against them.
7. I am an activist and anyone who questions the government is vulnerable to state repression. I'm also from the urban poor sector, making me an easy target for repression.
8. Police would always harass us when there's a protest. They would go to our office, intimidate our staff and would ask about our whereabouts. For the past several months, they've managed to illegally confiscate legal newsletters, tag it as subversive documents, and coerce mass leaders to sign a document, putting them in jeopardy.
9. In reference to the previous killings of activists, including our national secretary general, Carlito Badion, on May 26, 2020, my colleagues and I are constantly fearing for our lives. We have set up security measures subject to monthly assessments, such as buddy system, monitoring pf our office premises

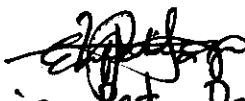


and communities where we operate. Aside from releasing urgent alert notices, we document cases of harassments and threats in our ranks.

10. Before August 2020 ended, we've managed to file a complaint against Pandi Police Station to show that we are not to be bullied into submission.
11. In relation to the most recent incidents in Pandi, Bulacan, where members and officers of our local chapters were harassed and threatened and illegally arrested, we filed complaints, last August 28, 2020, against the police before the office of the Ombudsman. Through this legal action we are hopeful that our morale as an organization and that of the communities we serve will be boosted. This is to show the police that we are not to be bullied and that we will use our agency to stand up against their attacks.
12. Anti-Terrorism Law (ATL) will make red-tagging easier for the government, endangering people's lives. The threats and harassments we experience even before the ATL were already serious and made us wary about our mobility. With the implementation, we are sure it will be worse as it makes the harassments and threats against us lawful.
13. As an activist, we continuously criticize the government's anti-poor actions, making us an easy target for the ATL. With the attacks our sector have experienced up to now, we are certain it will intensify because as evidenced by our experiences, the ATL is not against terrorists but against critics and dissenters.
14. We continuously call for justice, for our slain leader, Carlito "Karletz" Badion, and other activists killed by this regime.

Further Affiant sayeth none.


IN WITNESS WHEREOF, I have hereunto affixed my signature this 7th day of September, 2020 in Quezon City, Philippines.

  
Eufemia Pet Domingo

(Signature of Affiant over Printed Name)

**QUEZON CITY**

SUBSCRIBED AND SWORN before me this 7th day of September, 2020, by Eufemia Pet Domingo who exhibited to me his CTC No. 555 10 - 33 - 5104211 - 2 issued on ..... at .....

  
**ATTY. TZEITEL CHRISTINE DG. CRUZ**  
NOTARY PUBLIC FOR AND IN QUEZON CITY  
Unit 7 Bldg. 2, Kamagong Centennial Dorm, E. Jacinto St.,  
UP Diliman QC, Tel. No. (02)85463754; (02)89618500 loc. 8680  
ADM. MATTER NO. NP-006; Roll of Attorney No. 65418  
IBP Lifetime No. 017849; OR No. 009899; 6-21-2017; Pasig City  
PTR O.R. No. 9298035; 1-2-2020; Quezon City  
MCLE Compliance No. VI-0008032; April 24, 2018; Pasig City  
My Commission Expires on December 31, 2021

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REPUBLIC OF THE PHILIPPINES)  
Quezon City \_\_\_\_\_ ) S.S.  
x-----x

**AFFIDAVIT OF SERVICE**

I, **MARIA JENNIFER H. GUSTE**, of legal age, married, Filipino citizen and with office address at 3/F IBON Center, 114 Timog Avenue, Bgy. Sacred Heart, Quezon City, after having been duly sworn to in accordance with law do hereby depose and say that:

I am the process server of the National Union of People's Lawyers.

I have today served a copy of this Petition by registered mail in accordance with the 2019 Amended Rules of Court to the following:

**President RODRIGO R. DUTERTE**  
President of the Republic of the Philippines  
*Respondent*  
Malacañang Palace Compound  
JP Laurel Street, San Miguel, Manila 1005

**Executive Secretary SALVADOR MEDIALDEA**  
*Respondent*  
Office of the President, Malacañang Palace Compound  
JP Laurel Street, San Miguel, Manila 1005

**Senate President VICENTE SOTTO, III**  
*Respondent*  
Room 603 and 24 (New Wing 5/F), GSIS Building  
Financial Center Diokno Boulevard, Pasay City

**Speaker ALAN PETER CAYETANO**  
*Respondent*  
RVM Room 406, House of Representatives  
Constitution Hills, Quezon City 1126

With postage duly paid and with instruction to the postman that the same be return the mail within a period of ten (10) days if undelivered. I am executing this Affidavit of Service to attest to the truth of the foregoing facts and for any legal purpose it may serve.

IN WITNESS WHEREOF, I have hereunto affixed my  
signature this SEP 18 2020, in the City of MANILA,  
Philippines.

  
MARIA JENNIFER H. GUSTE  
Affiant

SUBSCRIBED AND SWORN to before me this \_\_\_ day of  
SEP 18 2020, in MANILA, affiant exhibiting to me her  
PASSPORT ID No. P2841187B as competent proof of her identity.

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Page No.: 49 ;  
Book No.: 11 ;  
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ATTY. DELFIN R. AGCAOILI, JR.  
Notary Public  
Until Dec. 31, 2020  
IBP NO. AR000907 Q.C.-1/03/2020  
PTR NO. AR00908 Q.C.-1/03/2020  
Roll of Atty. No. 24655  
MCLE - 013521 01-03-2019  
TIN No. 144-515-866

**JOINT VERIFICATION and  
CERTIFICATION AGAINST FORUM SHOPPING**

**WE, ROCHELLE M. PORRAS**, Vice President of its Board of Trustees, **COORDINATING COUNCIL FOR PEOPLE'S DEVELOPMENT AND GOVERNANCE (CPDG)**, Inc., of legal age, Filipino with office address at 3/F IBON Center 114 Timog Avenue, Bgy. Sacred Heart, Quezon City, 1103 Metro Manila, Philippines; **LIA MAI T. ALONZO**, Executive Director, **CENTER FOR ENVIRONMENTAL CONCERNS-PHILIPPINES (CEC)**, of legal age, Filipino and with office address at No. 26 Matulungin Street, Barangay Central, Diliman, Quezon City, 1100 Philippines; **JOSE LEON ALCID DULCE**, National Coordinator, **KALIKASAN PEOPLE'S NETWORK FOR THE ENVIRONMENT (Kalikasan PNE)** of legal age, Filipino and with office address at No. 26 Matulungin Street, Barangay Central, Diliman, Quezon City, 1100 Philippines; **KARLENMA M. MENDOZA**, Executive Director, **CLIMATE CHANGE NETWORK FOR COMMUNITY-BASED INITIATIVES, INC. (CCNCI)**, of legal age, Filipino and with office address at 72- A Times Street, West Triangle Homes, Quezon City 1104; **BEVERLY P. MANGO**, Officer-In-Charge, **PHILIPPINE NETWORK OF FOOD SECURITY PROGRAMMES, INC. (PNFSP)**, of legal age, Filipino and with office address at 17-M Aurora Street, Isidora Hills, Barangay Holy Spirit, Quezon City; **CRISTINO C. PANERIO**, National Coordinator, **MAGSASAKA AT SIYENTIPIKO PARA SA PAGUNLAD NG AGRIKULTURA (MASIPAG)** of legal age, Filipino and with office address at 2611 Carbern Ville, Los Baños, Laguna; **ANTONIO L. FLORES**, Chairperson, **UNYON NG MANGGAGAWA SA AGRIKULTURA (UMA)**, of legal age, Filipino and with office address at No. 56 K9 St. West Kamias, Quezon City; **NIKKI P. ASERIOS**, Executive Director, **CHILDREN'S REHABILITATION CENTER (CRC)** of legal age, Filipino and with office address at 90 J. Bugallon, Bgy. Bagumbuhay, Quezon City; **ROLANDO D. CALIMLIM**, Convener of **SAMAHAN AT UGNAYAN NG MGA KONSYUMER PARA SA IKAUNLAD NG BAYAN (SUKI)** of legal age, Filipino and with office address at 4/F Ibon Center, 114 Timog Avenue, Quezon City; **JOSE ENRIQUE A. AFRICA**, Executive Director, **IBON FOUNDATION, INC.**, of legal age, Filipino and with office address at 4/F Ibon Center, 114 Timog Avenue, Bgy. Sacred Heart, Quezon City; and **EUFEMIA PET DORINGO**, of legal age, Filipino and with office address at 12-A Kasiyahan St., Don Antonio, Bgy. Holy Spirit, Quezon City, 1127;

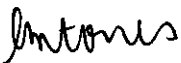
1. That we are the Petitioners in the above-entitled case filed before this Honorable Court, where the factual allegations have evidentiary support; or if specifically so identified, will likewise have evidentiary support after reasonable opportunity for discovery;

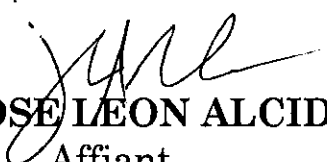
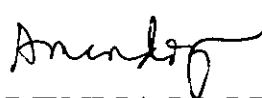


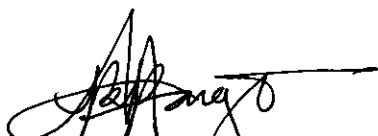
2. That we have caused the preparation and filing of the foregoing Petition for Certiorari & Prohibition under Rule 65 with Prayer for Status Quo Ante Order or Temporary Restraining Order/or Writ of Preliminary Injunction
3. That the pleading is not filed to harass, cause unnecessary delay or needlessly increase the cost of litigation;
4. That we have read and understood the same and we affirm the truth of the allegations thereof of our personal knowledge and these are based on authentic records at hand;
5. That we also certify that we have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency and that to the best of our knowledge, no such action or proceeding is pending in any of the aforementioned courts or agencies and that if we should hereafter learn of such similar action or proceeding, we undertake to report that fact within five (5) days therefrom to this Honorable Office.

IN WITNESS WHEREOF, WE have hereunto affixed our signatures this SEP. 17 2020 at QUEZON CITY, Philippines.


  
**ROCHELLE M. PORRAS**  
Affiant

  
**LIA MAI T. ALONZO**  
Affiant

  
**JOSE LEON ALCID** . **DULCE**   
Affiant Affiant

  
**BEVERLY P. MANGO**  
Affiant

  
**CRISTINO C. PANERIO**  
Affiant

  
**ANTONIO L. FLORES**  
Affiant

  
**NIKKI P. ASERIOS**  
Affiant




  
ROLANDO D. CALIMLIM  
Affiant

  
JOSE ENRIQUE A. AFRICA  
Affiant

  
EUFEMIA PET DORINGO  
Affiant

**JURAT/NOTARIAL CERTIFICATE**

SUBSCRIBED AND SWORN to before me, in ~~QUEZON CITY~~, Philippines, this SEP 17 2020. The affiants, whose name and personal circumstances are herein stated, appeared in person before me and presented the foregoing document, signed the same in my presence, and affirmed or swore, under oath, to the correctness of the contents of the allegations thereof. The affiants exhibited competent evidence of identity, to wit:

<i>Name</i>	<i>Competent Proof of Identity</i>
 ROCHELLE D. PORRAS	UMID No. CRN-0111-1995462-2
LIA MAI ALONZO	License ID No. N04-13-024274
JOSE LEON ALCID . DULCE	Passport ID No. P4585092A TIN 313-173-747-000
KARLENMA M. MENDOZA	TIN 257-168-558
BEVERLY P. MANGO	TIN 336-425-676-000
CRISTINO C. PANERIO	SSS ID: 03-8311824-0 Passport No. EC8499144
 ANTONIO L. FLORES	License ID No. L02-74-056179 Senior Citizen ID 09487-T
NIKKI P. ASERIOS	UMID NO.0111-6464519-3 Passport ID No. P9272591A
 ROLANDO D. CALIMLIM	Senior Citizen ID 09973-L

*Coordinating Council for People's Development and Governance (CPDG), et. al.,  
versus Rodrigo R. Duterte, et. al.*

*Petition for Certiorari & Prohibition*

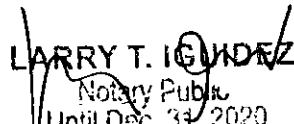
  
JOSE ENRIQUE A. AFRICA

License ID No. N02-85-027807  
Passport ID No. P6227774A

EUFEMIA PET DORINGO

SSS ID 33-5104211-2

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LARRY T. IGUIDEZ  
Notary Public  
Until Dec. 31, 2020  
PTR No. 9344601/01-09-20, Q.C.  
IBP No. 309867481/02-20, Q.C.  
Roll No. 2024  
MCLE Compliance No. VI-12-01-18  
Notarial Commission Matter  
NP 077 (2019-2020), RTC Q.C.

Republic of the Philippines )  
Quezon City ) s.s.  
x-----x

**VERIFIED DECLARATION**

I, **MARIA JENNIFER H. GUSTE**, of legal age, Filipino citizen, and with office address at 3/F IBON Center 114 Timog Avenue, Bgy. Sacred Heart, Quezon City, Philippines do hereby declare that the attached 1 Compact Disc containing the PETITION and its ANNEXES dated September 17, 2020 in accordance with the Efficient Use of Paper Rule are complete and true copies of the documents and annexes filed with the Honorable Supreme Court.

  
**MARIA JENNIFER H. GUSTE**  
Affiant

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of September 2020 in Quezon City. Affiant exhibiting to me her competent evidence of identity: PASSPORT ID No. P2841187B.

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**ATTY. DELFIN R. AGCAOILI, JR.**  
Notary Public  
Until Dec. 31, 2020  
REG. NO. AR000907 Q.C. 01/05/2020  
SER. NO. AR00908 Q.C. 01/05/2020  
Roll of Atty. No. 2019  
PACIE - 013521 - 01/05/2019  
TIN No. 144-513000