

REPUBLIC OF THE PHILIPPINES  
**SUPREME COURT**  
MANILA

**CONCERNED ONLINE CITIZENS**

represented and joined by

**MARK L. AVERILLA, NOELLE  
THERESA E. CAPILI, ROBBY  
DERRICK S. CHAM, VICTOR  
LOUIS E. CRISOSTOMO, ANTHO-  
NY IAN M. CRUZ, MARITA Q.  
DINGLASAN, THYSSEN C.  
ESTRADA, MARK ANGELO C.  
GERONIMO, BALBINO PADA  
GUERRERO JR., JOVER N. LAU-  
RIO, JOHN CARLO T. MERCADO,  
RAYMOND DE VERA PALATINO,  
LEAN REDINO P. PORQUIA,  
MARCEL DAR STEFAN T.  
PUNONGBAYAN, ALBERT LOUIS  
R. RAQUEÑO, OLIVER RICHARD  
V. ROBILLO, JULIUS D. ROCAS,  
JUAN MIGUEL R. SEVERO, MA.  
GIA GRACE B. SISON**

*Petitioners,*

-versus -

**EXECUTIVE SECRETARY  
SALVADOR C. MEDIALDEA, SEC-  
RETARY OF JUSTICE  
MENARDO I. GUEVARRA, THE  
ANTI-TERRORISM COUNCIL,  
ARMED FORCES OF THE  
PHILIPPINES CHIEF OF STAFF  
FILEMON SANTOS, JR., PHILIP-  
PINE NATIONAL POLICE CHIEF  
ARCHIE FRANCISCO F. GAMBOA,  
NATIONAL C. ESPERON, JR.,  
SECRETARY OF FOREIGN AF-  
FAIRS TEODORO L. LOCSIN, JR.,**

**G.R. No. 252809**

For: Certiorari and  
Prohibition under Rule  
65 with a Prayer for the  
Issuance of a Temporary  
Restraining Order and/or  
Writ of Preliminary In-  
junction



Civil and Political Rights.”<sup>1</sup>

2. The Supreme Court itself maintains a website, and has recently held proceedings online, including interviews held by the Judicial and Bar Council. Local courts and prosecutors, too, have been authorized to hold online conferences, online inquests and hearings. ***It recognizes that the internet is covered by the full protection of law guaranteed by the Constitution.*** The same guarantees should apply to ordinary citizens in their online exercise of the Bill of Rights.

3. The ongoing pandemic has also brought to the Internet the conduct of the country’s commerce, education, media, and the delivery of government services in a manner never seen before. The interplay and interaction of citizens, organizations, businesses and government in Internet must thus be protected jealously and meticulously against ***unwarranted*** government intrusion and from violations of fundamental freedoms.

4. The assailed Anti-Terrorism Act of 2020 is like a sword hanging over the heads of citizens who are now mostly conducting on the Internet interactions, transactions, commerce and business, media consumption, availment of government services, and public debate on national issues. “Mere suspicion” by unelected executive officials who have hypersensitivity to any or all forms criticism could mete anyone a charge of “terrorism”.

5. The arbitrary application of laws to citizens merely exercising their constitutionally-guaranteed right to free expression in the Internet even prior to enactment and implementation of the terror law does not give petitioners and the public any sense of security and confidence.

a)The case of Linn Silawan, an OFW in Taiwan, who a labor attache sought to deport to the Philippines solely because she spoke against the president.

<https://www.dole.gov.ph/news/press-statement-on-the-deportation-of-a-filipina-caregiver-in-taiwan-for-the-crime-of-cyber-libel/> and <https://www.taiwannews.com.tw/en/news/3924200>

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<sup>1</sup> <https://www.independent.co.uk/life-style/gadgets-and-tech/un-declares-online-freedom-to-be-a-human-right-that-must-be-protected-a7120186.html> and [https://www.article19.org/data/files/Internet\\_Statement\\_Adopted.pdf](https://www.article19.org/data/files/Internet_Statement_Adopted.pdf)

- b)Olongapo teacher arrested, detained and charged for online threats against Duterte  
<https://rappler.com/nation/teacher-posted-reward-kill-duterte-cleared-rights-arrested-upheld>
- c)Campus journalists forced to apologize over criticisms vs Duterte  
<https://news.abs-cbn.com/news/04/06/20/threatened-with-cyber-libel-case-campus-journalist-who-was-forced-to-apologize-speaks-out>
- d)Four arrested for online protest  
<https://www.philstar.com/nation/2020/05/03/2011459/4-arrested-online-protest>
- e)Five Kadamay members arrested for joining online protest  
<https://twitter.com/pinoyweekly/status/1287753896014819336?s=20>
- f)Barangay declares resident “persona non grata” over online criticism  
<https://www.sunstar.com.ph/article/1858617/Davao/Local-News/Barangay-declares-resident-persona-non-grata>
- g. Cebu artist arrested over COVID-19 social media post  
<https://news.abs-cbn.com/news/04/20/20/cebu-artist-arrested-over-covid-19-social-media-post>
- h. -#ProtestFromHome | Grupo ng maralita, kinundena ang ‘red-tagging’ ng PNP  
<https://manilatoday.net/protestfromhome-grupo-ng-maralita-kinundena-ang-red-tagging-ng-pnp/>  
<https://www.facebook.com/PNP.TagapagUgnay/photos/a.503320549764206/2761891647240407>

6. Petitioners come to the court with their own stories, experiences, and worries: Threats of prosecution, direct harassment from high government officials, many of whom have been given new, sweeping powers by the assailed law, and the chilling effect on their followers and the general public engendered by the overly

broad, vague and dangerous provisions that could easily be abused and misused.

7. Would the mere mention or reportage by petitioners, members of the media and the public in the online space of organizations and persons designated as ‘terrorist’ by executive officials make them liable under the law?

8. The Philippines, including our portion of the Internet, must be free. The Constitution and international human rights obligations must also apply to the Internet: Bill of Rights, that includes the essentials of due process. The assailed law accomplishes what real terrorists, as well as corrupt and incompetent officials and other violators of the law themselves wish to do: create a climate of fear, limit our liberties and freedoms, evade and pass accountability for their acts, and disrupt our supposedly democratic way of life.

9. Aptly, this case is one that squarely falls within what this Honorable Court may refer to as “*of paramount importance*”, “*of overarching significance to society*”, “*issues raised are of far reaching implications*, or “*of paramount public interest*, among others. Operationalizing for this instant case, this is “*of transcendental importance*”, hence cognizable under the circumstances.

## **II. THE PARTIES**

10. PETITIONERS- CONCERNED ONLINE CITIZENS are represented and joined by the following, namely:

10. 1 **MARK L. AVERILLA**, of legal age, Filipino, with address at xxx. He is a video blogger known as Macoy Dubs with 629,000 followers on Facebook, 200,000 followers on Tiktok, 100,000 followers on Twitter, and 10,000 followers on Instagram. He takes on political topics, among other topics. He is also a college instructor and a social media manager for an advertising company.

10.2 **NOELLE THERESA E. CAPILI**, of legal age , Filipino, with address at xxx. She is a vocal, activist voice on Twitter, where she has 11,832 followers. She works as a community manager.

10.3 **ROBBY DERRICK S. CHAM**, of legal age, Filipino, with address at xxx. He is an artist, illustrator and comic book creator. He has received the National Book Award and the National Children’s Book Award for his works. He is a former web designer, teacher, art director, and editor for *Abangan: The Best in Philippine Komiks*. @robcham has 20,100 followers on Twitter, 15,000 on Facebook, and 6,000 on Instagram.

10.4 **VICTOR LOUIS E. CRISOSTOMO**, of legal age, Filipino, with address at xxx. A licensed electronics engineer, he is an activist, graphic artist and entrepreneur who produces timely political graphics and videos that are widely-distributed among youth and professionals.

10.5 **ANTHONY IAN M. CRUZ**, of legal age, Filipino, with address at xxx. He is a blogger, social media strategist, internet freedom and free speech advocate, and Manila Bulletin columnist. His blog [tonyocruz.com](http://tonyocruz.com) won in the Philippine Blog Awards. His Twitter account, with 27,900 followers, is known partly for its progressive political content.

10.6 **MARITA Q. DINGLASAN**, of legal age, Filipino, with address at xxx. A housewife and homeowners’ association president, she is known to many as “Aling Marie” who follow her Facebook videos where she delivers commentaries on burning national issues.

10.7 **THYSSEN C. ESTRADA**, of legal age, Filipino, with address at xxx. She is a trustee of @mmpride-

org, the organizing committee behind the annual Pride March in Manila. She works as a writer. She has 12,500 followers on Twitter.

10.8 **MARK ANGELO C. GERONIMO**, of legal age, Filipino, with address at xxx. A university student, he is a popular voice on Twitter, where he has 45,000 followers, and where he also posts commentary on national and youth issues.

10.9 **BALBINO PADA GUERRERO JR.**, of legal age, Filipino, with address at xxx. He is a licensed tour guide, heritage interpreter, and former city library staff. He often takes to the internet to promote heritage concerns and to react on issues affecting Cebu and the rest of the Visayas.

10.10 **JOVER N. LAURIO**, of legal age , Filipino, with address at 1xxx. A customer relations associate by profession, she is the blogger behind Pinoy Ako Blog which keeps tabs on national political issues. She has 272,000 followers on Facebook, and 55,700 followers on Twitter.

10.11 **JOHN CARLO T. MERCADO**, of legal age , Filipino, with address at xxx. He is a peasant advocate, and activist for genuine agrarian reform. His Twitter account @darnitJC with 11,300 followers is his platform for promoting his causes, and in engaging in political discussions and debates.

10.12 **RAYMOND DE VERA PALATINO**, of legal age, Filipino, with address at xxx. He is a blogger, street parliamentarian and former Member of Congress representing Kabataan partylist. He is an editor of Global Voices.

10.13 **LEAN REDINO P. PORQUIA**, of legal age, Filipino, with address at xxx. Hailing from Iloilo, he is a

proud son of a recently-martyred leader of the mass movement in their home province. A former student leader, he is known as one of the founders of the BPO Industry Employees Network and currently helps manage Reklamador, a Facebook Page with 81,000 followers and which promotes and defends the right to dissent.

10.14 **MARCEL DAR STEFAN T. PUNONG-BAYAN**, of legal age, Filipino, with address at xxx. A writer and contributing editor with Philippine Star Supreme, he is a passionate and progressive voice on Twitter, with 32,000 followers.

10.15 **ALBERT LOUIS R. RAQUEÑO**, of legal age, Filipino, with address at xxx. A university student, he is an artist and illustrator who stands solidly for the right to free expression, whether offline or online.

10.16 **OLIVER RICHARD V. ROBILLO**, of legal age, Filipino, with address at xxx. He is a pioneer of blogging in Davao City, and is a committed advocate of free expression.

10.17 **JULIUS D. ROCAS**, of legal age, Filipino, with address at xxx. He is a blogger since 2007, an advocate of causes, and has contributed to The Diplomat & Global Voices Online.

10.18 **JUAN MIGUEL R. SEVERO**, of legal age, Filipino, with address at xxx. He first shot to national fame as a spoken word artist, and is now a writer for tele-



vision and for movies. He is a champion of the rights of Lumad school children, and is vocal on national issues.

10.19 **MA. GIA GRACE B. SISON**, of legal age, Filipino, with address at xxx. She is a physician and mental health advocate. She is a prominent voice on Twitter regarding mental health, and has expressed serious concerns on the perils of the terror law on her followers and her patients.

11. The RESPONDENTS are the following:

11.1 Respondent **SALVADOR C. MEDIALDEA** is the Executive Secretary of the Republic of the Philippines, impleaded in his capacity as such, and may be served with summons and other processes of this Honorable Court at the Office of the Executive Secretary, Malacanang Palace, Manila. As an alter ego of the President, respondent is tasked with the implementation of all laws in the Philippines, specifically, the Anti-Terrorism Act of 2020. Moreover, as Executive Secretary, respondent Medialdea is the Chairperson of the Anti-Terrorism Council (“ATC”).

11.2 Respondent **MENARDO I. GUEVARRA** is the Secretary of the Department of Justice (DOJ), impleaded in his capacity as such, and may be served with summons and other processes of this Honorable Court at the Office of the Secretary, Department of Justice, Padre Faura Street, Manila. As such, respondent is tasked with the prosecution of offenses, specifically, violations of the Anti-Terrorism Act of 2020. Moreover, as DOJ Secretary, respondent is the Vice-Chairperson of the ATC.

11.3 Respondent **ANTI-TERRORISM COUNCIL** (“ATC”) is the body created under Section 53 of Republic Act No. 9732, otherwise known as the “Human Security Act of 2007” and Section 45 of the Anti-Terrorism Act of 2020, and may be served with summons and other processes of this Honorable Court through its Secretariat, the National Intel-

ligence Coordinating Agency (NICA), V. Luna Road, Quezon City. The ATC is tasked by the Human Security Act of 2007 to implement the anti-terrorism policy of the country, and now, the Anti-Terrorism Act of 2020.

The following respondents are statutory members of the ATC in the indicated addresses where they may be served with pleadings and processes of this Honorable Court:

**11.4 HERMOGENES C. ESPERON, JR.**

Adviser and Director General

NATIONAL SECURITY COUNCIL OF THE PHILIPPINES

East Avenue Road cor. V. Luna., Quezon City [publicaffairs@nsc.gov.ph](mailto:publicaffairs@nsc.gov.ph)

**11.5 HON. TEODORO L. LOCSIN, JR.**

Secretary

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**11.6. HON. DELFIN N. LORENZANA**

Secretary

DEPARTMENT OF NATIONAL DEFENSE

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**11.7. HON. EDUARDO M ANO**

Secretary

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

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**11.8. HON. CARLOS DOMINGUEZ**

Secretary  
DEPARTMENT OF FINANCE  
DOF Bldg., BSP Complex  
Roxas Blvd., Manila 1004

**11.9. HON. GREGORIO B. HONASAN II**

Secretary  
DEPARTMENT OF INFORMATION AND  
COMMUNICATIONS TECHNOLOGY  
C.P Garcia Ave., Diliman, Quezon City 1101 [gregorio.honasan@dict.gov.ph](mailto:gregorio.honasan@dict.gov.ph)

**11.10. ATTY. MEL GEORGIE B. RACELA**

Executive Director  
ANTI-MONEY LAUNDERING COUNCIL SECRETARIAT 5/F EDPC Building, Bangko Sentral ng Pilipinas Complex Mabini corner Vito Cruz Streets Malate, Manila 1004  
[secretariat@amlc.gov.ph](mailto:secretariat@amlc.gov.ph)

11.11 Respondent **FILEMON SANTOS, JR.** is the Chief of Staff of the Armed Forces of the Philippines (“AFP”), impleaded in his capacity as such, and may be served with summons and other processes of this Honorable Court at the AFP Headquarters in Camp Aguinaldo, EDSA, Quezon City. The AFP and its military personnel are tasked to implement the Anti-Terrorism Act of 2020, specifically, under Section 29 thereof, when authorized by the ATC in writing, to arrest and detain persons suspected of committing terrorist acts.

11.12 Respondent **ARCHIE FRANCISCO F. GAMBOA** is the Chief of the Philippine National Police (“PNP”), impleaded in his capacity as such, and may be served with summons and other processes of this Honorable Court at the PNP Headquarters in Camp Crame, EDSA, Quezon City. The PNP and its law enforcement agents are tasked to implement the Anti-Terrorism Act of 2020, specifically, under Section 29 thereof, when authorized by the ATC in writing, to arrest and

detain persons suspected of committing terrorist acts.

### III. JURISDICTIONAL AND PROCEDURAL ASPECTS

#### A. NATURE OF THE PETITION

12. This is an original action for CERTIORARI and PROHIBITION under Rule 65 of the 1997 Rules of Civil Procedure with an application for the issuance of a Writ of Preliminary Injunction and/or Temporary Restraining Order (TRO) on the ground that the provisions of Republic Act No. 11479 or the Anti-Terror Act of 2020 that took effect on 18 July 2020 are contrary to the Constitution and settled jurisprudence.

13. In a catena of decided cases, the Court has unequivocally declared that certiorari, prohibition and mandamus **are appropriate remedies to raise constitutional issues and to review and/or prohibit/nullify, when proper, acts of legislative and executive officials, as there is no other plain, speedy or adequate remedy in the ordinary course of law.**

14. This direct recourse to the Supreme Court is being made, as under the circumstances and established doctrines, it is proper to seek resolution of questions that touches on the fundamental law of the land that amounts to issues of transcendental importance.

#### B. THE POWER OF JUDICIAL REVIEW

15. Petitioners concerned online citizens come before this court to question the constitutionality of the Anti-Terrorism Act of 2020. Particularly, Petitioners assail Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12; Sections 25, 26, and 27; and (c) Section 29 of the Anti-Terrorism Act of 2020 for patently contravening the 1987 Constitution and well established principles in the Philippine judicial system. The effectivity and implementation of the law has a deleterious chilling effect on the freedom of expression, speech and the

press, whether online and offline. The said provisions likewise impact other important fundamental rights under the 1987 Constitution, like the tenets of substantial and procedural due process, the right to privacy, freedom of association.

16. Judicial review refers to the power of the courts to test the validity of governmental acts in light of their conformity with prevalent laws promulgated in the country, as well as the Constitution.

**17. Article VIII, Section 1 of the Constitution expressly provides:**

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

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

18. Article VIII, Section 5(2)(a) of the Constitution, likewise states:

"Section 5. The Supreme Court shall have the following powers:

x x x.

(2) Review, revise, reverse, modify, or affirm on appeal or certiorari as the law of the Rules of Court may provide, final judgments and orders of lower courts in:

(a) all cases in which the constitutionality or validity of any treaty, international or executive agreement, law,

presidential decree, proclamation, order, instruction, ordinance, or regulation is in question."

19. While it is true that this Court may not pass upon questions of wisdom, justice or expediency of the passage of the Anti-Terror Law of 2020, however, it may do so where clearly, attendant unconstitutionality or grave abuse of discretion results. The Court's power is implored to demonstrate its unflinching commitment to protect those cherished rights and principles embodied in the Constitution<sup>2</sup>.

20. The Court may pass upon the constitutionality of acts of the legislative and the executive branches, since its duty is not to review their collective wisdom but, rather, to make sure that they have acted in consonance with their respective authorities and rights as mandated of them by the Constitution.

21. "Judicial review is essential for the maintenance and enforcement of the separation of powers and the balancing of powers among the three great departments of government through the definition and maintenance of the boundaries of authority and control between them. Judicial review is the chief, indeed the only, medium of participation - or instrument of intervention - of the judiciary in that balancing operation<sup>3</sup>.

22. While it is termed by lawyers and jurists as the power to exercise "judicial supremacy" over the other branches of the government, it is in fact not an assertion of superiority but merely an expression of the provisions provided for by the Constitution.

23. As indicated in *Angara v. Electoral Commission*<sup>4</sup> judicial review is indeed an integral component of the delicate system of checks and balances which, together with the corollary principle of separation of powers, forms the bedrock of our republican form of government and insures that its vast powers are utilized only for the benefit of the people for which it serves.

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<sup>2</sup> Imbong v. Ochoa G.R. No. 204819 April 08 2014

<sup>3</sup> Jose A. Angara v. The Electoral Commission. G.R. No. L-45081, July 15, 1936.

<sup>5</sup> Ibid

24. Having the Constitution itself providing one aspect of judicial power in the form of judicial review, the Supreme Court has in turn become the final arbiter and ultimate interpreter of the Constitution.

### **C.THE LEGAL STANDING OF THE PETITIONERS**

25. *Locus standi* or legal standing is defined as a personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the challenged governmental act. *Interest* means a material interest in issue that is affected by the questioned act or instrument, as distinguished from a mere incidental interest in the question involved.<sup>5</sup>

26. The personal stake of the herein Petitioners concerned online citizens in the outcome of the controversy is so high as it involves their fundamental rights so enjoyed by many Filipinos as well that needs to be protected at all costs. The direct and consequential effects of the implementation of the law vis-à-vis the constitution will by and large help in the illumination of this difficult constitutional question. It is beyond question then that material interest is present.

27. In public suits, this Court recognizes the difficulty of applying the doctrine especially when plaintiff asserts a public right on behalf of the general public because of conflicting public policy issues.<sup>6</sup>

28. There is the right of the ordinary citizen to petition the courts to be freed from unlawful government intrusion and illegal official action. In a case decided by the Supreme Court, it was averred that "parties bringing suits challenging the constitutionality of a law, an act or a statute must show "not only that the law [or act] is invalid, but also that [they have] sustained or [are] in immediate or imminent danger of sustaining some direct injury as a result of its enforcement, and not merely that [they] suffer thereby in some indefinite way." They must demonstrate that they have been, or are

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<sup>5</sup> *Integrated Bar of the Philippines v. Zamora*, citing *Joya v. PCGG*, 225 SCR A 568, 576, August 24, 1993.

<sup>6</sup> *David v. Macapagal-Arroyo*, G.R. NOS. 171396, 171409, 171485, 171483, 171400, 171489 & 171424, May 3, 2006, 489 SCRA 160.

about to be, denied some right or privilege to which they are lawfully entitled, or that they are about to be subjected to some burdens or penalties by reason of the statute or act complained of.”<sup>7</sup>

29. In our jurisdiction, the Courts have adopted the "direct injury test" to determine *locus standi* in public suits. In *People v. Vera*,<sup>8</sup> it was held that a person who impugns the validity of a statute must have "a personal and substantial interest in the case such that he has sustained, or will sustain direct injury as a result." The "direct injury test" in public suits is similar to the "real party in interest" rule for private suits under Section 2, Rule 3 of the 1997 Rules of Civil Procedure.<sup>9</sup> Recognizing that a strict application of the "direct injury" test may hamper public interest, this Court relaxed the requirement in cases of "transcendental importance" or with "far reaching implications."

30. However, being a mere procedural technicality, it has also been held that *locus standi* may be waived in the public interest.<sup>10</sup> It must be noted that in a catena of cases involving a subject of transcendental import, the Court has waived or relaxed this particular requisite, 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, thusly:

- a) For taxpayers, there must be a claim of illegal disbursement of public funds or that the tax measure is unconstitutional;
- b) For voters, there must be a showing of obvious interest in the validity of the election law in question;

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<sup>7</sup> Mariano "Mike" Z. Velarde v. Social Justice Society, G.R. No. 159357, April 28, 2004 *citing* BAYAN (*Bagong Alyansang Makabayan*) v. Executive Secretary, 342 SCRA 449, October 10, 2000

<sup>8</sup> 65 Phil. 56 (1937)

Rules of Civil Procedure (1997), Rule 3, Sec. 2

<sup>10</sup> *David v. Macapagal-Arroyo*, G.R. NOS. 171396, 171409, 171485, 171483, 171400, 171489 & 171424, May 3, 2006, 489 SCRA 160.



- c) For concerned citizens, there must be a showing that the issues raised are of transcendental importance which must be settled early; and
- d) For legislators, there must be a claim that the official action complained of infringes their prerogatives as legislators.<sup>11</sup>

31. Filing a suit as a *citizen*, the person complaining must allege that he has been or is about to be denied some right or privilege to which he is lawfully entitled or that he is about to be subjected to some burdens or penalties by reason of the statute or act complained of. When the issue concerns a public right, it is sufficient that the petitioner is a citizen and has an interest in the execution of the laws.<sup>12</sup>

32. Petitioners come before this Court, as like what millennial may say, the expectations and reality are right before their faces, the Anti-Terrorism Act of 2020. The surveillance mechanisms and that the Petitioners can be designated as "terrorists" or "terrorist sympathizers" or "terrorist enablers" are apparent. There is a credible threat of prosecution, it is real.

33. The official spokespersons for the government and the President himself have labelled critics as enemies of the state and in a matrix or in televised speeches called them out as terrorists or destabilizers.

34. That there is a genuine threat of imminent prosecution or at the very least detention for fourteen (14) to twenty-four (24) days simply after being designated by the Anti-Terrorism Council, petitioners submit that this Petition is suitable for judicial review.

35. The government has heightened its cyber-security platform as well. In the past years, the Department of Information and Communications Technology awarded a joint contract to the domestic company Integrated Computer Systems Inc. and Israeli-American Verint System Ltd. for new technology to monitor social media platforms and identify crimes, misinformation, and other threats. Additionally, in

October 2018, the Armed Forces of the Philippines created a social media monitoring cell, and received training from the U.S. army on how to monitor social networks to "counter misinformation by violent extremist organizations."<sup>13</sup> Likewise, the Presidential Communications Operations Office in fact accredited social media accounts with a certain number of following and they are allowed to cover Malacañang and other events for the palace.

36. Petitioners have a personal and substantial interest in bringing this action as citizens of the Republic of the Philippines, as netizens, writers, bloggers, social media influencers and cultural workers, in the cyberspace- concerned netizens.

37. As the Anti-Terrorism Act of 2020 is already in effect, petitioners, individually and/or collectively will be subjected to being tracked down, followed, or investigated, or having their messages, conversations, discussions, spoken or written words tapped, listened, intercepted and recorded through various means, including computer and network surveillance, all of which are violative of their constitutional rights to privacy, free speech, free expression and their right against unreasonable searches and seizures. The government has done and so it is doing online mechanisms to capture, regulate and control content online.

38. Petitioners are denied their aforementioned constitutional rights to which they are lawfully entitled, and they will be subjected to unjust penalties by reason of the effectivity of the Anti-Terrorism Act of 2020. The definition of Critical Infrastructure in Section 3 of the Law includes "*an asset or system affecting telecommunications.. information systems and technology*".. Likewise, the latitude given in in Sec. 4 of the Anti-Terrorism Act of 2020, namely 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 coun-*

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<sup>13</sup> <https://freedomhouse.org/report/freedom-net/2019/crisis-social-media> Accessed: 21 July 2020, 4PM citing <https://technology.inquirer.net/82783/israeli-surveillance-firm-to-build-ph-cybersecurity-platform>; <https://www.philstar.com/headlines/2018/10/03/1856933/us-trains-philippine-soldiers-social-media-monitoring#FBF4sb-Kxdx1CdYct.99>; <https://ph.usembassy.gov/embassy-supports-philippine-army-social-media->

try, or create a public emergency or seriously undermine public safety" is crystal clear.

39. Likewise, in Sec. 46 of the Anti-Terrorism Act of 2020, Anti-Terrorism Council is established which "*shall assume responsibility for the proper and effective implementation of the policies of the country against terrorism.*" It shall likewise have the power, among others, to "*grant monetary rewards and other incentives to informers who give vital information leading to the apprehension, arrest, detention, prosecution, and conviction of any persons found guilty of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Act.*" That the acts of surveillance and investigation in the furtherance of the Anti-Terrorism Act of 2020 and the performance of the powers and functions of the ATC, require substantial funding. Hence, petitioners raises this appropriation of funds within a law.

40. Thus, the legal standing is properly laid.

#### **D. OF TRANSCENDENTAL IMPORTANCE**

41. The Doctrine of Transcendental Importance, may very well be related to the current trend of the Court in liberalizing standing and other legal requirements needed before one can avail of the privilege of judicial review in a case to be heard. And in the seemingly changing trend of the courts in determining the variance between whether a case is of far-reaching effects or not, the Court has now a wide discretion in treating the same as valid for judicial review.

42. As it appears, the matters raised by the petitioners herein, involved on one hand, patent violations of the Constitution by the passage of the Anti-Terrorism Act of 2020 and the powers so created under the same provisions of the law and, on the other, the need to protect the rights of the citizens, online and offline affected and to be affected by the application and implementation of the said law. Undeniably, these matters affect public interests and therefore are of transcendental importance to the people. In addition, the passage of the Anti-Terrorism Act calls for a review because so fundamental are the rights of the people as against the punitive nature of the statute that is overbreadth and void.

43. In a long line of cases involving subjects of transcendental importance, the Honorable Court waived or relaxed certain requirements thus allowing nontraditional plaintiffs such as concerned citizens, taxpayers, voters and legislators to sue in cases of public interest, albeit they may not have been personally injured by a government act.

44. In 1949, the Doctrine of Transcendental Importance was first introduced in the local jurisdiction in the case of *Araneta v. Dinglasan*. The main issues for resolution in the aforementioned case were: (1) whether Commonwealth Act No. 671 was still in force; and relatedly, (2) whether the executive orders issued pursuant thereto were valid. Specifically, the Committee had to resolve the issue of whether Commonwealth Act No. 671 (and the President's Emergency Powers) continued to be effective after the opening of the regular session of Congress. In overruling the objection to the personality or sufficiency of the interest of petitioners in bringing the actions as taxpayers, the Court declared that "[a]bove all, the transcendental importance to the public of these cases demands that they be settled promptly and definitely, brushing aside, if we must, technicalities of procedure."<sup>14</sup>

45. The case of *Araneta* has since then been followed by a myriad of cases where transcendental importance was cited as basis for setting aside objections on legal standing. However, although this doctrine was originally used to relax the rules on locus standi or legal standing, its application would later be loosely extended as an independent justification for direct recourse to the Court.

46. In *Aquino v. Comelec*, this Court resolved to pass upon the issues raised due to the "far-reaching implications<sup>77</sup> of the petition notwithstanding its categorical statement that petitioner therein had no personality to file the suit. On the issue of whether the non-observance of the hierarchy of courts merits the dismissal of the petition, it was ruled by the Court that "the principle of hierarchy of courts applies generally to cases involving factual questions. As it is not a trier of facts, the Court cannot entertain cases involving factual issues. The instant case, however, raises constitutional issues of transcendental importance to

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<sup>14</sup> *Araneta v. Dinglasan*, G.R. Nos. 212426 & 212444, January 12, 2016, 779 SCRA 241, 321-333.

the public.”<sup>45</sup>

47. Lastly, in the case of *Imbong v. Ochoa*<sup>15</sup> it was held that even if the constitutionality of the RH Law may not be assailed through an "as-applied challenge, still, the Court has time and again acted liberally on the locus standi requirement. It has accorded certain individuals standing to sue, not otherwise directly injured or with material interest affected by a Government act, provided a constitutional issue of transcendental importance is invoked.

48. Placing all the aforesaid cases into perspective, it can be said that the Court leans on the doctrine that "the rule on standing is a matter of procedure, hence, can be relaxed for non-traditional plaintiffs like ordinary citizens, taxpayers, and legislators when the public interest so requires, such as when the matter is of transcendental importance, of overreaching significance to society, or of paramount public interest.

49. It can be observed that the Court has in fact adopted a liberal attitude on the *locus standi* of a petitioner where the petitioner is able to craft an issue of transcendental significance to the people, as when the issues raised are of paramount importance to the public.<sup>50</sup>

## **E. LIS MOTA**

50. *Lis mota* literally means "the cause of the suit or action." In the instant case, this Court will address the question of whether the Anti-Terrorism Act of 2020 is constitutional or its select provisions. The Petitioners have substantial grounds herein for the honorable Court to resolve against the application and implementation of the Anti-Terrorism Act of 2020.

51. The petitioners herein will thoroughly enunciate this in the Substantial Aspects of this Petition. It is basic too, that while there is a presumption of regularity in the passage of the law by the legislature and to be implemented by the executive branch, above all, the regularity in the performance should bow before the constitution when the law is void for being vague and overbreadth and for being contrary to the words and intent of the fundamental law of the land.

## F. ACTUAL CASE OR CONTROVERSY

52. This case brings an actual case or controversy before this court. An **actual case or controversy means an existing case or controversy that is appropriate or ripe for determination, not conjectural or anticipatory.**

53. Here, Petitioners present an active antagonistic assertion of a legal right as provided for under the Constitution, and the questions on violations under the Anti-Terrorism Act of 2020 which are real and tangible and not a mere hypothetical ratiocination.

54. The Anti-Terrorism Act presents a clear threat on the free exercise by the citizens-netizens of their fundamental right to speak on issues of national importance, albeit online. Going basics to the definitions or what constitutes acts of terrorism, proposal to commit terrorism, membership in a terrorist organization, inciting to terrorism, and providing material support to terrorists brings to the penal nature that imposes sanctions on acts that include speech elements, whether they are oral, written, or manifested through symbolic speech, especially online in cyberspace.

55. Petitioners here show that upon the effectivity of the law, they are immediately in danger of sustaining direct injury as a result of the provisions sought to be nullified. Many of the petitioners have been labelled and redtagged, and identified as dissents to the existing policies and leadership.

## G. EARLIEST POSSIBLE OPPORTUNITY

56. The herein Petition raises this question of constitutionality of the Anti-Terrorism Act of 2020 at the outset of its effectivity and implementation as to be enumerated in the succeeding paragraphs below.

57. The instant case presents a real and credible threat of prosecution that involves a constitutionally protected conduct or activity requiring a judicial review of the Anti-Terrorism Act of 2020.

58. When a penal statute encroaches upon the freedom of

speech, a facial challenge grounded on the void-for-vagueness doctrine is acceptable<sup>16</sup>. When it attacks fundamental rights and freedom, the void law must bow to the supremacy of the constitution.

#### **IV. STATEMENT OF THE FACTS AND OF THE CASE**

59. On July 3, 2020, President Rodrigo Roa Duterte, signed into law the Anti-Terrorism Act of 2020. Following its publication in the Official Gazette it became effective on 18 July 2020.

60. On its face, the said law is unconstitutional, specifically the following Sections thereof: Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12, insofar as they define the crime of terrorism and related acts and penalize the same; Sections 25, 26, and 27, insofar as they provide for the designation of terrorist individuals, groups of persons, organizations, and associations, and the declaration and proscription of them as such; and Section 29, insofar as it provides for the arrest without a judicial warrant of persons suspected of committing terrorism or any of the acts punishable under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 thereof.

61. The effectivity and implementation of the Anti-Terrorism Act of 2020 and its unconstitutional provisions will cause irreparable injury that will be sustained by the Filipino people. The implementation of the law, because of its patent nullity, will be a waste of vital financial resources from the government coffers. Valid criticisms online are elements of terrorism and the appurtenant acts described under the law, instead of promoting, it does destroy the very fabric of Filipino democracy.

62. The law is an obvious effective prior restraint on the people's freedom of speech, of expression, of the press, and of assembly. Furthermore, it will limit if not silence the concerned netizens and the flow of ideas in the cyberspace.

Hence, this Petition.

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<sup>16</sup> Disini, et al, v. Secretary of Justice. et al., G.R. No. 203335 to 203158, February 11, 2014

## V. SUBSTANTIAL ASPECTS OF THIS PETITION

### **A. REPUBLIC ACT NO. 11479 EVIDENTLY CONTRAVENES THE 1987 PHILIPPINE CON- STITUTION AS THE PROVI- SIONS ARE VOID FOR VAGUENESS AND OVER- BREADTH**

63. At the outset, an unassuming run-through of Republic Act No. 11479 or the Anti-Terrorism Act of 2020 reveals that the law provides vague definitions of the crime of terrorism and other related acts. Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the said law evidently contravene the 1987 Philippine Constitution as they are void for vagueness and overbroad. Consequently, these provisions violate the right to due process enshrined under Section 1, Article III of the Constitution as well as Section 4, Section III which provides for the freedom of speech, of expression, of the press, and of assembly.

64. Section 4 of Republic Act No. 11479 defines the term “Terrorism” in a manner so broad and abstruse, to wit:

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

- (a) *Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life;*
- (b) *Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place or private property;*
- (c) *Engages in acts intended to cause extensive interference with, damage or destruction to critical infrastructure;*
- (d) *Develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explo-*



*sives or of biological, nuclear, radiological or chemical weapons; and*

*(e) Release of dangerous substances, or **causing fire**, floods or explosions **when the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof**, create an atmosphere or spread a message of fear, **to provoke or influence by intimidation the government or any international organization**, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592, otherwise known as 'An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code'; Provided, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety." (Emphasis and underscoring supplied)*

65. The Anti-Terrorism Act of 2020 considers the following as "terrorist" purposes:

1. "to intimidate the general public or a segment thereof,"
2. "[to] create an atmosphere or spread a message of fear,"
3. "to provoke or influence by intimidate the government or any international organization,"
4. "[to] seriously destabilize or destroy the fundamental political, economic, or social structures of the country," or
5. "[to] create a public emergency or seriously undermine public safety."

66. On its face, the Anti-Terrorism Act is drafted with provisions that hamper the free exercise of the fundamental rights of the Filipinos. In fact, even a conscious and well-intentioned individual who merely wishes to air his honest judgment and opinion on certain issues of national significance will be constrained to do

so in fear of being tagged as a ‘terrorist’ under the law.

67. Plainly, common citizens upon reading the definitions laid down would be left wondering whether their actions are protected under the Constitution or are their activities already considered as ‘terrorist acts’.

68. It cannot be overly emphasized that the new Anti-Terrorism Act is highly questionable for its vague and overbroad definition of ‘terrorism’, which may lead to the capricious and arbitrary application by law enforcers and may chill the people to silence.

69. In *Loida Nicolas-Lewis vs. Commission on Elections, G.R. No. 223705, 14 August 2019*, this Honorable Court adopted the *Dissenting Opinion of Retired Associate Justice Dante O. Tinga in Spouses Romualdez v. COMELEC, 576 Phil. 357, 433 (2008)*, This case directs that, “An overbroad law that ‘chills one into silence’ should be invalidated in its face. “ to wit --

*“In one case, it was observed that “where vague statutes regulate behavior that is even close to constitutionally protected, courts fear [that] a chilling effect will impinge on constitutional rights.”*

70. The language of Section 4 itself is clear that it intends and retrains speech and expression by providing for a definition of “**terrorism**” in this fashion:

*“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”*

71. In a plethora of cases decided by this Honorable Court, it has repeatedly held that a law is void for vagueness when ambiguousness is manifest in its face. The void-for-vagueness doc-

trine provides that penal statutes must define the criminal offense with sufficient certainty so as ordinary people can understand what acts are prohibited.

72. Supposedly, the definition provided must define specific acts. However, Section 4 does not define the terroristic acts but rather focuses on the 'intent' of the so-tagged terrorists.

73. Thus, it violates the due process clause enshrined under Article III, Section 1 of the 1987 Constitution, thus -

*"Sec. 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."*

74. In ***Nicolas-Lewis vs. COMELEC***, is likewise instructive when the Supreme Court held to strike down any law that would in effect restrict even rights that are protected by the Constitution—

*"It is noteworthy, however, that facial invalidation of laws is generally disfavored as it results to entirely striking down the challenged law or statute on the ground that they may be applied to parties not before the Court whose activities are constitutionally protected."*

75. It is then but proper to struck down Section 4 of the Anti-Terrorism Act and be declared as unconstitutional for vagueness, as held in *People v. Nazario*, 165 SCRA 186, 195-196 (1988):

*"As a rule, a statute or act may be said to be vague when it lacks comprehensible standards that men 'of common intelligence must generally guess at its meaning and differ as to its application.' It is repugnant to the Constitution in two respects: (1) it violates due process for failure to accord persons, especially the parties targeted by it, fair notice of the conduct to avoid; and (2) it leaves law enforcers unbridled discretion in carrying out its provisions and becomes an arbitrary flexing of Government muscle."*

76. Furthermore, under Article III, Section 4 of the 1987 Constitution, to wit -

*“Sec. 4. No law shall be passed abridging the freedom of speech, of expression, of the press, or the right of the people to peaceably assemble and petition the government for redress of grievances.”*

77. In ***Francisco Chavez vs. Raul M. Gozales and National Telecommunications Commission (NTC)***, G.R. No. 168338, February 15, 2008, the Supreme Court declared –

*Freedom of expression is the foundation of a free, open and democratic society. Freedom of expression is an indispensable condition to the exercise of almost all other civil and political rights. No society can remain free, open and democratic without freedom of expression. Freedom of expression guarantees full, spirited, and even contentious discussion of all social, economic and political issues. To survive, a free and democratic society must zealously safeguard freedom of expression.*

*Freedom of expression allows citizens to expose and check abuses of public officials. Freedom of expression allows citizens to make informed choices of candidates for public office. Freedom of expression crystallizes important public policy issues, and allows citizens to participate in the discussion and resolution of such issues. Freedom of expression allows the competition of ideas, the clash of claims and counterclaims, from which the truth will likely emerge. Freedom of expression allows the airing of social grievances, mitigating sudden eruptions of violence from marginalized groups who otherwise would not be heard by government. Freedom of expression provides a civilized way of engagement among political, ideological, religious or ethnic opponents for if one cannot use his tongue to argue, he might use his fist instead.*

*Freedom of expression is the freedom to disseminate ideas and beliefs, whether competing, conforming or otherwise. It is the freedom to express*

*to others what one likes or dislikes, as it is the freedom of others to express to one and all what they favor or disfavor. It is the free expression for the ideas we love, as well as the free expression for the ideas we hate. Indeed, the function of freedom of expression is to stir disputes:*

*[I]t may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and pre-conceptions and have profound unsettling effects as it presses for acceptance of an idea.*

**B. THE VAGUENESS OF THE ANTI-TERRORISM ACT OF 2020 POSES DANGER OF CURTAILING FUNDAMENTAL FREEDOMS SUCH AS OF SPEECH, EXPRESSION AND OF THE PRESS AS IT WILL CHILL CITIZENS TO NOT SPEAK FOR FEAR OF VIOLATING THE LAW**

78. It is therefore evident through the Court's proclamation that the Constitutional guarantee of the freedom of expression allows citizens to expose and check abuses of public officials, among other things. Thus, it cannot be denied that the vagueness of the Anti-Terrorism Act of 2020 poses danger of curtailing said freedom because its effect would chill the people to not speak for fear of violating the law.

79. Moreover, the Supreme Court in the abovementioned case ruled that the freedom from prior restraint includes freedom from unwarranted criminal prosecution resulting from the exercise of free speech as the unrestrained threat of subsequent punishment, by itself, would be an effective prior restraint." Without a doubt, the fear of being punished from violating penal laws that citizens are even unsure of what is safe and what is considered a terroristic act would make a law-abiding individual to speak and would force him to remain silent instead.

80. The over-broad definition of "terrorism" under Section 4

of the Anti-Terrorism Act of 2020 can therefore be applied to a large number of cases which are visibly safeguarded by the constitutional guarantee of freedom of speech, of expression, of the press, and of assembly.

81. The case of ***Blo Umpar Adiong v. COMELEC, G.R. No. 103956, March 31, 1992***, is likewise applicable in the case at bar when the Supreme Court held that a statute is considered void for overbreadth when “*it offends the constitutional principle that a governmental purpose to control or prevent activities constitutionally subject to state regulations may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms.*”

82. The ***Dissenting Opinion of Retired Justice Antonio Carpio in Romualdez v. Commission on Elections, 553 SCRA 370, 436-438 (2008)*** is controlling in the case at bar:

*“The due process clause, which guarantees that no person shall be deprived of life, liberty or property without due process of law, requires that citizens are given sufficient notice or warning of what is lawful and unlawful conduct under a penal statute. To enforce this guarantee, courts have developed the void for vagueness doctrine. The void for vagueness doctrine expresses the rule that for an act to constitute a crime, the law must expressly and clearly declare such act a crime. A related doctrine is that penal statutes are construed strictly against the state and liberally in favor of the accused.”*

83. The Supreme Court *en banc*, through Justice Abad, adopted the abovementioned stance in *Disini, et al, v. Secretary of Justice. et al.*, G.R. No. 203335 to 203158, February 11, 2014.

84. In *Disini*, the Supreme Court ruled that a facial challenge may be allowed to a penal law anchored on vagueness when the said penal statute infringes upon the freedom of speech, to wit:

*“When a penal statute encroaches upon the freedom of speech, a facial challenge grounded on the void-for-vagueness doctrine is acceptable. The inapplicability of the doctrine must be carefully delineated. As Justice Antonio T. Carpio explained in his dissent in Romualdez v. Commission on Elections, ‘we must view these statements of the Court on the inapplicability of the overbreadth and vagueness doctrines to penal statutes as appropriate only insofar as these doctrines are used to mount ‘facial’ challenges to penal statutes not involving free speech.’*

*In an ‘as applied’ challenge, the petitioner who claims a violation of his constitutional right can raise any constitutional ground - absence of due process, lack of fair notice, lack of ascertainable standards, overbreadth, or vagueness. Here, one can challenge the constitutionality of a statute only if he asserts a violation of his own rights. It prohibits one from assailing the constitutionality of the statute based solely on the violation of the rights of third persons not before the court. This rule is also known as the prohibition against third-party standing.*

*But this rule admits of exceptions. A petitioner may for instance mount a ‘facial’ challenge to the constitutionality of a statute even if he claims no violation of his own rights under the assailed statute where it involves free speech on grounds of overbreadth or vagueness of the statute.*

*The rationale for this exception is to counter the ‘chilling effect’ on protected speech that comes from statutes violating free speech. A person who does not know whether his speech constitutes a crime under an overbroad or vague law may simply restrain himself from speaking in order to avoid being charged of a crime. The overbroad or*

*vague law thus chills him into silence."*

85. The landmark case of ***James M. Imbong, et. al. vs. Hon. Paquito N. Ochoa, Jr. G.R. No. 204819, April 8, 2014***, is also highly illuminating in this case when the Supreme Court held that –

*“A statute or act suffers from the defect of vagueness when it lacks comprehensible standards that men of common intelligence must necessarily guess its meaning and differ as to its application. It is repugnant to the Constitution in two respects: (1) it violates due process for failure to accord persons, especially the parties targeted by it, fair notice of the conduct to avoid; and (2) it leaves law enforcers unbridled discretion in carrying out its provisions and becomes an arbitrary flexing of the Government muscle.”*

86. Equally important to point out is that the new Terror Act runs completely counter to that of the Human Security Act of 2007. A perusal of the Human Security Act of 2007 reveals that predicate crimes are the initial point of the definition of ‘terrorism’. Unlike in the subject law, those predicated crimes are clearly defined in the pertinent laws cited. In fact, the same is recognized by the High Court in the case of ***Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council, et. al., G.R. No. 178552, 5 October 2010***.

87. Moreover, regardless of the stage of execution and of the place where the person committed it, said acts will be considered as contemplated under the law.

**C. VAGUENESS OF THE DEFINITIONS OF TERRORISM AND OTHER RELATED ACTS RENDERS ITS ENFORCEMENT AND IMPLEMENTATION TO ENCROACH ON**



## BASIC RIGHTS AND FUNDAMENTAL FREEDOMS

88. The qualifying clause at the end of Section 4 adds to the ambiguity of the law rather than clarifying it. As a matter of fact, the exceptions provided therein seem futile because it added vague and broad qualifications. The vagueness of the definitions of terrorism and other related acts in the assailed law would render its enforcement and implementation to encroach on basic rights and fundamental freedoms mandated in the Constitution.

89. With this, Section 4 of the Anti-Terrorism Act of 2020 entertains the clear probability of indiscriminate restriction of actions without definite guidelines. With law enforcement agents empowered under the Anti-Terrorism Act of 2020, led with unclear definition of “terrorism,” it is not impossible that a governmental exploitation and enormous limitation of speech and its cognate rights will arise. Abuse of power would likely be permissible, and arbitrariness will be highlighted.

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90. Sections 5, 6,7,8,9,10,11 and 12 provide for other terrorism-related crimes, which all refer back to the definition of ‘terrorism’ on Section 4, thus likewise give problematic due to its vagueness. The said provisions state:

*“Sec. 5. Threat to Commit Terrorism. - Any person who shall **threaten to commit any of the acts mentioned in Section 4** hereof shall suffer the penalty of imprisonment of twelve (12) years.*

*Sec. 6. Planning, Training, Preparing, and Facilitating the Commission of Terrorism. - It shall be unlawful for any person to **participate in the planning, training, preparation and facilitation of the commission of terrorism, possessing objects connected with the preparation for the commission of terrorism, or collecting or making documents connected with the preparation of terrorism.** Any person found guilty of the provisions of this Act shall suffer the penalty of life impris-*

onment without the benefit of parole and the benefits of Republic Act No. 10592.

*Sec. 7. Conspiracy to Commit Terrorism. - Any **conspiracy to commit terrorism as defined and penalized under Section 4 of this Act** shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.*

*There is conspiracy when two (2) or more person come to an agreement concerning the commission of terrorism as defined in Section 4 hereof and decide to commit the same.*

*Sec. 8. Proposal to Commit Terrorism. - Any person who **proposes to commit terrorism as defined in Section 4 hereof** shall suffer the penalty of imprisonment of twelve (12) years.*

*Sec. 9. Inciting to Commit Terrorism. - Any person who, **without taking any direct part in the commission of terrorism, shall incite others to the execution of any of the acts specified in Section 4 hereof by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end,** shall suffer the penalty of imprisonment of twelve (12) years.*

*Sec. 10. Recruitment to and Membership in a Terrorist Organization. - Any person who shall **recruit another to participate in, join, commit or support terrorism or a terrorist individual or any terrorist organization, association or group of persons proscribed under Section 26 of this Act,** or designated by the United Nations Security Council as a terrorist organization, **or organized for the purpose of engaging in terrorism,** shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.*

*The same penalty shall be imposed on any per-*

son who organizes or facilitates the travel of individuals to a state other than their state of residence or nationality for the purpose of recruitment which may be committed through any of the following means:

- (a) Recruiting another person to serve in any capacity in or with an armed force in a foreign state, whether the armed force forms part of the armed forces of the government of that foreign state or otherwise;
- (b) Publishing an advertisement or propaganda for the purpose of recruiting persons to serve in any capacity in or with such an armed force;
- (c) Publishing an advertisement or propaganda containing any information relating to the place at which or the manner in which persons may make applications to serve or obtain information relating to service in any capacity in or with such armed force or relating to the manner in which persons may travel to a foregoing state for the purpose of serving in any capacity in or with such armed force; or
- (d) Performing any other act with the intention of facilitating or promoting the recruitment of persons to serve in any capacity in or with such armed force.

**Any person who shall voluntarily and knowingly join any organization, association or group of persons knowing that such organization, association or group of persons is proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purpose of engaging in terrorism, shall suffer the penalty of imprisonment of twelve (12) years.**

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*Sec. 11. Foreign Terrorist. - The following acts are unlawful and shall suffer the penalty of life imprisonment without the benefit of parole and*

*the benefits of Republic Act No. 10592:*

- (a) *For any person to travel or attempt to travel or attempt to travel to a state other than his/her state of residence or nationality, for the purpose of perpetrating, planning, or preparing for, or participating in terrorism, or providing or receiving terrorist training;*
- (b) *For any person to organize or facilitate the travel of individuals who travel to a state other than their states of residence or nationality knowing that such travel is for the purpose of perpetrating, planning, or preparing for, or participating in terrorism, or providing or receiving terrorist training; or*
- (c) *For any person residing abroad who comes to the Philippines to participate in perpetrating, planning, or preparing for, or participating in terrorism, or providing support for or facilitate or receive terrorist training here or abroad.*

*Sec. 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, 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." (Emphasis and underscoring supplied)*

91. Thus, these provisions all bear the same invalidity

since these are premised on Section 4 under which, the term 'terrorism' is defined, and therefore likewise void.

92. The errors and flaws found in Section 4 is vastly highlighted and emphasized in other provisions since it is the heart of the Anti-Terrorism Act Of 2020. The latter provisions merely adopted the overbroad and vague definition already laid down in the precedent Section.

#### **D. THE ANTI-TERRORISM ACT OF 2020 VIOLATES SUBSTANTIVE AND PROCEDURAL DUE PROCESS**

93. The provisions under Sections 25, 26, and 27 of the Anti-Terrorism Act of 2020 providing for the designation of terrorist individuals, group of persons, organizations or associations, and their proscription must be declared void for being vague and overbroad.

94. Section 25 of the Anti- Terrorism law, provides for the designation of Terrorist Individual, Groups of Persons, Organizations or Associations:

“xxx

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

*The assets of the designated individual, groups of persons, organization or association abovementioned shall be subject to the authority of the Anti-Money Laundering Council (AMLC) to*

*freeze pursuant to Section 11 of Republic Act No.  
10167*

95. In the assailed law, **terrorist individual** refers to “any natural person who commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act.”

96. On the other hand, a **terrorist organization, association or group of persons** refers to any entity organized for the purpose of engaging in terrorism, or those proscribed under Section 26 hereof or the United Nations Security Council-designated terrorist organization.

97. In addition, the designation under the assailed law results to the freezing of their assets. Section 36 of the same law provides for the following:

*Section. 11. Authority to Freeze. – The AMLC, either upon its own initiative or at the request of the ATC, is hereby authorized to issue an ex parte order to freeze without delay: (a) property or funds that are in any way related to financing of terrorism or acts of terrorism; or (b) property or funds of any person, group of persons, terrorist organization, or association, in relation to whom there is probable cause to believe that they are committing or attempting or conspiring to commit, or participating in or facilitating the commission of financing of terrorism or acts of terrorism as defined herein.*

*The freeze order shall be effective for a period not exceeding **twenty (20) days**. Upon a petition filed by the AMLC before the expiration of the period, the effectivity of the freeze order may be extended up to a period not exceeding **six (6) months** upon order of the Court of Appeals: Provided, That the twenty-day period shall be tolled upon filing of a petition to extend the effectivity of the freeze order.*

*Xxx*

98. From the said provision it is apparent that suspected terrorist maybe deprived of his property and funds without his knowledge. The unilateral designation of terrorists have very serious implications. Being designated as a terrorist will not only affect the persons' or organizations' basic freedom and property but also that of his immediate family members and third persons associated with the suspected terrorist.

99. It is worth noting that the freezing of assets would amount to deprivation of one's property, not only of the individual or organization but also the family members, associates, members and support network.

100. Worse, the freezing of one's assets can last for a period of 20 days up to a span of six months.

101. The seizure of one's property or funds based only on the sole determination of the Anti- Terrorism Council of probable cause that the individual or the organization commit, or attempt to commit, or conspire in the commission of the acts defined and

penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the said act without any notice and hearing unmistakably violates the Constitution.

102. The absence of any mechanism on the designation of terrorists poses danger on basic civil liberties and is clearly violative of due process and the rule of law.

103. The lack of procedural safeguards can open the door to erroneous designation which are deleterious to the people's rights and welfare.

104. Without any notice and hearing, the person or organization will not know that they are already designated as one nor contest the same until their assets are already frozen by the AMLC on the basis of the sole determination of ATC that they are terrorist.

105. The assailed law denied the person or the organization the right to be heard. In fact, they are immediately condemned and punished. The presumption of innocence until proven guilty by a court of law is obviously negated.

106. Giving the Anti-Terrorism Council the power to designate a person or organization as a terrorist upon finding a probable cause that they are guilty of violating the Anti-Terrorism law is a clear encroachment of judicial functions.

107. To leave the determination of probable cause based on evidence and facts provided by the law enforcement agency without notice and hearing to the affected person or organization is a palpable violation of the due process requirements of the law.

108. To ensure fairness and to afford protection to our basic rights, the Court in many cases provide the basic requirements of due process in judicial proceedings:

- (1) There must be a court or tribunal clothed with judicial power to hear and determine before it;*
- (2) jurisdiction must be lawfully acquired over the person of the defendant or over the property which is the subject of the proceedings;*



(3) *the defendant must be given an opportunity to be heard; and*

(4) *judgment must be rendered upon lawful hearing.*<sup>17</sup>

109. Unfortunately, none of the abovementioned requirements are present in the assailed law.

110. Verily, whenever there is an *imminent threat to the life, liberty or property of any person* in any proceeding conducted by or under the auspices of the State, his right to due process of law, when demanded, must not be ignored.<sup>18</sup>

#### **E. PRELIMINARY ORDER OF PROSCRIPTION UNDER SECTION 26 AND 27 IS UNCONSTITUTIONAL**

111. In Sections 26 and 27 of the assailed law, it provides:

*Sec. 26. Proscription of Terrorist Organizations, Association, or Group of Persons. - **Any group of persons, organization, or association, which commits any of the acts penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, or organized for the purpose of engaging in terrorism** shall, upon application of the DOJ before the authorizing division of the Court of Appeals with due notice and opportunity to be heard given to the group of persons, organization or association, **be declared a terrorist and outlawed group of persons, organization or association,** by the said Court.*

*The application shall be filed with an urgent prayer for the issuance of a preliminary order of proscription. No application for proscription shall be filed without the authority of the ATC upon recommendation of the Na-*

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<sup>17</sup> Banco Español vs. Palanca, 37 Phil 921, March 26, 1918.

<sup>18</sup> Secretary of Justice vs. Honorable Ralph C. Lantion, January 18, 2000.

*tional Intelligence Coordinating Agency (NICA).*

*Sec. 27. Preliminary Order of Proscription.- Where the Court has determined that probable cause exists on the basis of the verified application which is sufficient in form and substance, that the issuance of an order of proscription is necessary to prevent the commission of terrorism, 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 within the meaning of Section 26 of this Act.*

*The Court shall immediately commence and conduct continuous hearings, which should be completed within six (6) months from the time the application has been filed, to determine whether:*

- (a) The preliminary order of proscription should be made permanent;*
- (b) A permanent order of proscription should be issued in case no preliminary order was issued; or*
- (c) A preliminary order of proscription should be lifted.*

*It shall be the burden of the applicant to prove that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of this Act before the court issues an order of proscription whether preliminary or permanent.*

***The permanent order of proscription herein granted shall be published in a newspaper of general circulation. It shall be valid for a period of three (3) years after which, a review of such order shall be made and if circumstances warrant, the same shall be lifted.*** (Emphasis and underscoring supplied)

112. In Section 26, it provides for the procedure for the proscription of terrorist organizations, association, or group of per-

sons absent any trial obviously defies the constitutionally guaranteed rights of an accused.

113. While Section 27 provides for the issuance of an order of proscription by the Court of Appeals *declaring that the respondent is a terrorist and an outlawed organization or association* only on the basis of the verified application of a representative of the Department of Justice within a period of seventy-two (72) hours from the filing of the application.

114. A reading of the above provisions show that the Court of Appeals will only rely on the evaluation of the strength of the evidence supplied by the DOJ, thus clearly denying the individual or organization their opportunity to present their defense.

115. Probable cause has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof.<sup>19</sup>

116. While probable cause should be determined in a summary manner, there is a need to examine the evidence with care to prevent material damage to a potential accused's constitutional right to liberty and the guarantees of freedom and fair play.<sup>20</sup>

117. From the assailed law, it is quite apparent that the probable cause in the preliminary order of proscription is a deviation from its traditional definition which pertains to acts that have already been committed or being committed. It refers to crimes that has yet to be committed which is in a way preventive or a form of prejudgment.

118. This provision expands the coercive power of the government by allowing warrantless arrests and prolonged detention without the existence of actual crime but on threats of future crime.

119. Preliminary proscription of an individual or organization as a terrorist without giving them the opportunity to be heard poses a serious threat on one's right to due process and the right to be presumed innocent until proven guilty.

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<sup>19</sup> Kalalo v. Ombudsman, G.R. No. 158189, 23 April 2010, 619 SCRA 141.

<sup>20</sup> Tan, Jr. v. Matsura, G.R. No. 179003, 9 January 2013, 688 SCRA 263.

120. No less than the Constitution provides for that guarantee.

*Article III, Section 14 of the 1987 Constitution provides:*

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

*(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf.*

*xxx*

121. In a separate concurring opinion of former Supreme Court Chief Justice Maria Lourdes Sereno on the Vizconde massacre she wrote that:

“In pronouncing the presumption of innocence of the accused and their right to due process, the Constitution declares that the risk of letting the guilty walk free would be error on the side of justice. This outcome is infinitely better than imprisoning an innocent person.

122. Indeed, at the core of our criminal justice system is the presumption of innocence of the accused until proven guilty. Lip service to this ideal is not enough, as our people are well acquainted with the painful reality that the rights of the accused to a fair trial were violated with impunity by an unchecked authority in our not so distant history. In response, the rights of the accused were enshrined in no less than the 1987 Constitution, particularly Article III thereof. They are further bolstered by the Rules of Court, related legislation, general rules on evidence, and rules on ethical conduct.<sup>21</sup>

123. Sections 25, 26 and 27 must be declared unconstitutional because these provisions taken together are palpable violations

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<sup>21</sup> Antonio Lejano vs. People of the Philippines, G.R. No. 176389, December 14, 2010; People of the Philippines vs. Hubert Webb et. al, G.R. No. 176864, December 14, 2010

of our fundamental rights and contravenes the democratic spirit of our Constitution.

124. The provisions on designation of terrorist individuals, group of persons, organizations or associations, and their proscription under Sections 25 of the Anti-Terrorism Act of 2020 are likewise void for vagueness and for being overbroad.

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

Request for designations by other jurisdictions or supranational jurisdictions may be adopted by the ATC after determination that the proposed designee meets the criteria for designation of UNSCR No. 1373.

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

125. The sole requirement the ATC must meet in order to cast the dreaded designation of terrorist upon an individual, group of persons, organization, or association, whether domestic or foreign, is a finding of mere probable cause. It is unclear from Section 25 what quantum of evidence must be present to meet the standard of probable cause. Is it the probable cause required for the judicial issuance of warrants of arrest or search warrants or is it the probable cause that a prosecutor must establish for the filing of a criminal information before the courts?

126. Section 25 does not afford the adversely affected person or group any opportunity whatsoever to be represented, heard, or to introduce contravening evidence in his/her/their defense as the ATC makes its finding of probable cause as basis for the terrorist designation.

127. Furthermore, Section 25 permits a designation of being a terrorist to be made by the ATC upon a finding of probable cause **“of the commission, or attempt to commit, or conspiracy in the commission of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12.”** If the provision is applied exactly as it is worded, it will result in the absurd and presumably unintended interpretation that there must be a prior finding of probable cause for each and all of **Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12** before the ATC can designate a terrorist individual or group. On the other hand, if the provision is read to only require probable cause for any one of **Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12**, this will likewise result in the absurd situation where there can be a finding of probable cause that one or more of the ancillary acts defined and penalized under Sections 5, 6, 7, 8, 9, 10, 11, or 12 has been or is being committed, **independently from and even without a designation in relation to the principal crime of terrorism under Section 4.**

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128. As previously discussed at length, various acts which may be lawfully done in the exercise of freedom of speech, of expression, of the press, and of assembly, and of association may fall within the ambit of terrorist acts in light of the vague and over-broad definition and coverage of terrorism.

129. Hence, the ATC's designation as terrorists of persons, group of persons, organizations or associations, upon a mere finding of probable cause under Section 25, and its effect of authorizing a freezing of their assets by the Anti-Money Laundering Council, will not only violate the constitutional guarantees of due process in criminal proceedings and presumption of innocence under Article III, Sections 1 and 14 of the 1987 Constitution, but will have a chilling effect and pose a lethal prior restraint on their exercise of freedom of speech, of expression, of the press, and of assembly under Article III, Section 4 as well as their freedom of as-

sociation under Article III, Section 8.

130. Certainly, the threat of being designated, declared, and proscribed as a terrorist, terrorist group, organization, or association — coupled with the very real effects of freezing of assets and widespread publication — would cow even the staunchest critics of any administration.

131. To aggravate matters, the Anti-Terrorism Act is entirely devoid of any remedy or relief available to the person or group wrongfully designated by the ATC as a terrorist under Section 25.

132. Clearly, therefore, Section 25 of the Anti-Terrorism Act should be declared unconstitutional for their chilling effect on the freedom of expression and other allied rights. They are void for being vague and overly broad, as explained by Justice Mendoza in his concurring opinion in *Estrada v. Sandiganbayan*:

“The void-for-vagueness doctrine states that ‘a statute which either forbids or requires the doing of an action terms so vague that men of common intelligence must necessarily guess as its meaning and differ as to its application, violates the first essential of due process of law.’ The overbreadth 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. ”

**F. SECTION 29 OF THE ANTI-TERRORISM ACT OF 2020, IN PROVIDING FOR THE ARREST WITHOUT A JUDICIAL WARRANT AND DETENTION OF PERSONS SUSPECTED OF COMMITTING TERRORISM OR ANY OF THE ACTS PUNISHABLE UNDER SECTIONS 4, 5, 6, 7, 8, 9, 10, 11, AND 12 THERE-**

## OF, VIOLATE THE CONSTITUTION.

133. The constitutional infirmity is readily apparent even on the face of Section 29:

“Sec. 29. Detention Without Judicial Warrant of Arrest. - The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any law enforcement agent or military personnel, who, having been duly authorized in writing by the ATC has taken custody of a person **suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act**, shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said suspected person to the proper judicial authority within a period of fourteen (14) calendar days counted from the moment the said suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel. The period of detention may be extended to a maximum period of ten (10) calendar days if it is established that (1) further detention of the person/s is necessary to preserve evidence related to terrorism or complete the investigation; (2) further detention of the person/s is necessary to prevent the omission of another terrorism; and (3) the investigation is being conducted properly and without delay.

Immediately after taking custody of a person **suspected of committing terrorism or any member of a group of persons, organization or association proscribed under Section 26 thereof**, the law enforcement agent or military personnel shall notify in writing the judge of the court nearest the place of apprehension or arrest of the following facts: (a) the time, date, and manner of arrest; (b) the location or locations of the detained suspect/s and (c) the physical and mental condition of the detained suspect/s. The law



enforcement agent or military personnel shall likewise furnish the ATC and the Commission on Human Rights (CHR) of the written notice given to the judge.

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

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

134. Section 29 attempts to legitimize warrantless arrests on the basis of **mere suspicion** of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Anti-Terrorism Act.

135. The use of the term "suspected" in relation to committing terroristic acts as the determining factor for the ATC to direct the law enforcement agents of the PNP and the military personnel of the AFP to arrest and detain persons is **VERY CLEAR**. Also, the term "suspected" is used in three distinct provisions of the Anti-Terrorism Act (Sections 29, 30 and 32) which clearly shows that the legislators' use of the word is deliberate and intentional.

## **VI. ALLEGATIONS IN SUPPORT OF THE TEMPORARY RESTRAINING ORDER AND/OR INJUNCTION**

136. Further to the prayer for injunction and the issuance of the restraining order, Petitioners replead the pertinent paragraphs to support this prayer.

137. Again, the implementation of: (a) Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12; (b) Sections 25, 26, and 27; and (c) Section 29 of the Anti-Terrorism Act of 2020 will work injustice for the Petitioners, hence they are entitled to the reliefs demanded.

138. The implementation in any manner of: (a) Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12; (b) Sections 25, 26, and 27; and (c) Section 29 of the Anti-Terrorism Act of 2020 causes grave and irreparable damage and injury of anyone whose constitutionally guaranteed rights to exercise freedom of speech, of expression, of the press, and of assembly shall be restrained or impaired.

139. Petitioners having substantiated the requirements under the Rules, and under the circumstances, are entitled to the issuance of an injunctive relief, to emphasize, to wit:

- a. The invasion of right sought to be protected is material and substantial;
- b. The right of the Petitioners is clear and unmistakable; and
- c. There is an urgent and paramount necessity for the writ to prevent serious damage.<sup>22</sup>

## **PRAYER FOR RELIEF**

**WHEREFORE**, premises considered, Petitioners **CONCERNED ONLINE CITIZENS** respectfully pray that the Honorable Court:

1. Immediately upon filing of this Petition, and while the Petition is pending, to **RESTRAIN AND ENJOIN** the Respondents, or any persons acting under their authority:
  1. From implementing the Republic Act No. 11479 or the Anti-Terrorism Act of 2020.
  2. From promulgating the Implementing Rules and Regulations for Republic Act No. 11479.
2. Upon receipt of comment from the Respondents, direct the conduct of oral arguments on such date and time that the Honorable Court may request;
3. After hearing the case on its merits, render judgment:

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<sup>22</sup> *PSBA vs. Tolentino-Genilo*, G.R. No. 159277, December 21, 2004.

- a. Declaring: (a) Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12; (b) Sections 25, 26, and 27; and (c) Section 29 of the Anti-Terrorism Act of 2020 of the Anti-Terrorism Act of 2020 unconstitutional and void; and
- b. Permanently enjoining and prohibiting respondents from implementing in any manner: (a) Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12; (b) Sections 25, 26, and 27; and (c) Section 29 of the Anti-Terrorism Act of 2020.

Petitioners likewise respectfully pray for such other just and equitable reliefs that this Honorable Court may deem just and equitable under the premises.

Respectfully submitted, July 28, 2020.

City of Manila, Philippines.

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