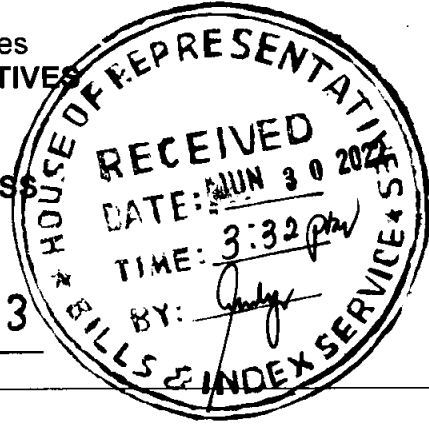


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 253



Introduced by
KABATAAN PARTY-LIST Representative Raoul Dannel A. Manuel,
ACT TEACHERS PARTY-LIST Representative France L. Castro,
and GABRIELA WOMEN'S PARTY Representative Arlene D. Brosas

AN ACT
REPEALING REPUBLIC ACT 11479, OTHERWISE KNOWN AS THE ANTI-TERRORISM
ACT OF 2020

EXPLANATORY NOTE

The Philippine government was one of the 48 original signatories to the Universal Declaration of Human Rights in 1948. The government later signed and ratified the multilateral treaties on human rights, namely The International Covenant on Civil and Political Rights and The International Covenant on Economic, Social and Cultural Rights. These official acts of the Republic of the Philippines are a commitment that the government shall not only respect human rights but must also protect and promote these rights.

This is unduly contradicted by the passage of the Anti-Terror Act of 2020. People's groups and organizations have long since raised fears and concerns about the law, particularly:

1. Broad Definition of Terrorism

- The Act tends to punish the "intent" and not only the "criminal act." With intent as the basis for punishment, mere suspicion can be used by state authorities to criminalize even dissent.
 - Under Section 4, 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;

- The Act purportedly excludes the exercises of civil and political rights but only when they are “not intended” to cause death or serious physical harm to a person, to endanger a person’s life, or to create a serious risk to public safety. Given the vagueness of the phrase “not intended,” there is still a possibility that legitimate exercises of civil and political rights can be punished.
 - (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.**

2. Undue Delegation of Power

- The Act allows the Anti-Terrorism Council (ATC) to designate a person or a group as a terrorist. Such a delegation of power is invalid as the ATC is not part of the Judiciary and some of its members are alter egos of the Executive.
 - Under Section 45, “The members of the ATC are: (1) the **Executive Secretary**, who shall be its Chairperson; (2) the National Security Adviser who shall be its Vice Chairperson; and (3) the **Secretary of Foreign Affairs**; (4) the **Secretary of National Defense**; (5) the **Secretary of the Interior and Local Government**; (6) the **Secretary of Finance**; (7) the **Secretary of Justice**; (8) the **Secretary of Information and Communications Technology**; and (9) the Executive Director of the Anti-Money Laundering Council (AMLC) Secretariat as its other members.”

3. Susceptibility to Abuse and Misuse of Power

- Given the broad definition of “terrorism,” the power of the ATC to designate a person or a group as a “terrorist” can result to terrorist-tagging and arbitrary detention. In fact, in 2018, the Justice Department, with the help of AFP and PNP intelligence sectors, filed a petition to tag 656 individuals as terrorists. They later trimmed the list down to 8 due to lack of evidence. Included in the initial 2018 list were Zara Alvarez and Ka Randy Echanis who were extrajudicially killed last year.

- Under Section 25, "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."

4. Chilling Effect

- The implementation of the ATL instills fear not only to students and professors who are active in expressing their opinions towards the government. It also poses a chilling effect to the media and civil society groups who act as gatekeepers of the political system and are vital to democratization as they are instruments to keep the government in check in times of various forms of abuse of power, keeping the transparency and accountability of public officials to their constituencies.

5. Thinning of Democratic Spaces

- Due to the chilling effect created by the law, the platforms where we can legitimately exercise our democratic rights have been reduced. During this administration, we have witnessed state authorities' crackdown on activists, media, universities, etc. who advocate social justice and call out government deficiencies in addressing the present problems of the nation. These gradual attacks on democratic institutions signal a thinning of our democratic spaces, which should have been maximized especially in this time where effective and efficient government response is highly demanded.

6. Intensification of State Terrorism

- With the ATL being prone to abuse by state forces, the state has (ironically) expanded its power to terrorize its citizens, especially those who are opposed to its unjust policies. While the current administration presents ATL as a solution to eradicate the armed communist revolution in the country, it merely uses such discourse to legitimize its illegitimate use of violence and intimidation towards its citizens. The implementation of ATL is a manifestation of the administration's systematic stifling of the opposition geared towards its possible fascist dictatorship.

After the Supreme Court has already declared parts of the Anti-Terror Law unconstitutional due to being overbroad and violative of the freedom of expression, it is high time for Congress to do its part to ensure that this bill will not have the capability to harm any other person in this country.

In view of the foregoing, the approval of this bill is earnestly sought.


RAOUL DANNIEL A. MANUEL
Kabataan Partylist


ARLENE D. BROSAS
Gabriela Women's Party


FRANCE L. SASTRO
Act Teachers Partylist

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AN ACT
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Republic Act 11479, otherwise known as the "Anti-Terrorism Act Of 2020" is
2 hereby repealed.

3
4 **SECTION 2.** All laws, jurisprudence, executive orders, executive issuances or letter of
5 instructions, or any part thereof, inconsistent with or contrary to the provisions of this Act are
6 hereby deemed repealed, amended or modified accordingly.

7
8 **SECTION 3.** This Act shall take effect after fifteen (15) days following its publication in
9 the Official Gazette or in any newspaper of general circulation.

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11
12 *Approved,*