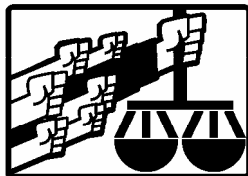


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# CODAL

**COUNSELS FOR THE DEFENSE OF LIBERTIES**

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**ANTI TERRORISM BILL: DEATH TO HUMAN RIGHTS AND  
THE CONSTITUTION**

**Reference : Atty. Neri Javier Colmenares**

After conducting a legal study, CODAL finds the Anti-Terrorism Bill recently approved by the House Justice and Foreign Affairs Committee a threat to the Constitution and human rights. Its definition of how terrorism is committed threatens not only the people but also members of Congress who authored the anti-terrorism bill. In fact, under its definition Pres. Gloria Arroyo could be sentenced to death for participation in EDSA II. Furthermore, it is a poorly crafted bill with many vague provisions and defects as to 'substance and form' that will only make its implementation subject to abuse—particularly if the implementing authority such as the Secretary of Justice and the police are known to be abusive and corrupt.

If passed into law, this will complete the ingredients of martial rule—as state authorities under the Commander in Chief will completely decide whether the exercise of a right is “terroristic”—and therefore immediately punishable with life imprisonment or death.

CODAL urges the House to immediately return the bill to the Justice and Foreign Affairs Committee to conduct public hearings and study whether the bill will actually curb terrorism or merely suppress legitimate dissent.

Section 4 of the bill describes how terrorism is committed:

**Sec. 4 Terrorism is committed by any person or group of persons, whether natural or juridical, who, with intent to create or sow danger, panic, fear or chaos to the general public or a group of persons or segment thereof, or to coerce or intimidate the government to do or to abstain from doing an act through premeditated, threatened, or actual use of force, violence or other means of destruction, commits any of the following acts :**

- (1)
- (2) **Threatening or causing serious risk to health or safety of the public or any segment of the public;**
- (3) **x x x**
- (4) **Causing serious or unlawful interference with or serious unlawful disruption of an essential service, facility or system, whether public or private. (Underscoring supplied)**

**People Power is a Terrorist Act**

*Firstly*, Sec. 4 practically makes People Power a terrorist act. Under Sec. 4, causing mere “*serious interference of an essential service*” is considered a terrorist act if it is meant to “*coerce*” the government to do or not to do an act.

EDSA I and EDSA II not only caused ‘*serious interference*’ but even “*unlawful disruption*” of services, as it practically blocked transport in EDSA for 4 days and obstructed government operations in Camps Crame and Aguinaldo. EDSA I was intended to coerce Pres. Marcos, his cabinet and other government officials to vacate their posts and for the military to withdraw support from the Marcos government. EDSA II was no different as it practically demanded that Pres. Joseph Estrada resign and actively sought the military’s support for people power.

### **Death Penalty for President Arroyo**

Both EDSAs are “terrorist acts” under the Anti-Terrorism Bill for disruption of essential services with the intention of coercing or intimidating the government. Under the bill, Gen. Angelo Reyes, Sen. Orly Mercado, Speaker Jose De Venecia and even Gloria Macapagal Arroyo are ‘terrorists’ and punishable with death penalty for their participation in EDSA II considering they were also government officials then. Note that under the bill, the accused in order to be criminally liable need not commit acts of violence, but merely threaten to commit it..

### **Death Penalty for Authors of Anti Terror Bills and Political Dissenters**

*Secondly*, any demonstration or rally creating serious interference and intended or threatening to force the Arroyo government to step down is terrorism under the bill. Opposition figures demanding the “*resignation of Pres. Arroyo otherwise she will be ousted through people power*” are now considered ‘terrorists’. This practically makes the very authors of the Bill, namely Rep. Dudut Jaworski, Rep. Roilo Golez, Rep. Ace Barbers and Rep. Imee Marcos liable for terrorism subject to the extreme penalty of death if they participate in rallies or another EDSA people power.

### **Life Imprisonment for Workers, Jeepney Drivers and ordinary people**

*Thirdly*, the bill criminalizes workers’ strike or any form of strikes such as ‘jeepney strikes’ for causing ‘*serious interference*’ in public service with the intention of coercing the government to ‘roll back oil prices’. Any labor strike is intended to disrupt the services of a ‘private’ facility with the intention of forcing (intimidating or coercing) the employers in order for the workers to get their demands for higher wages or better working conditions. Strikes and demonstrations are basically coercive tools of the people, respected under the Constitution and international human rights law and are deemed necessary components in the exercise of civil and political rights. They become terrorist acts under the Bill. All the leaders and participants of the recent rallies in Mendiola, therefore, can be jailed for at least 3 days without charges and sentenced to life imprisonment or death. Rep. Satur Ocampo, who is a current government official, and Amado Gat Inciong, who was Marcos’ Labor Undersecretary will get the death penalty for participating in the recent rallies in Mendiola that were violently dispersed. Under the Bill, current or former government officials are given the maximum penalty of death.

- (ii) Subsection (2) on “*threatening serious risk to health or safety*” is completely incomprehensible. Hospital doctors and nurses planning to stage a strike or walkout will be arrested even before they launch the strike and jailed for three days, by merely ‘threatening’ to do so.

Terrorists do not do these acts. They stealthily and wantonly bomb or kill civilians—acts which are already penalized under our laws. In the end, it is not the terrorists but ordinary people, the political dissenters, workers and jeepney drivers, who will get the brunt of the anti-terror bill. CODAL urges Congress to return the Bill to Justice and Foreign Affairs Committee to conduct more public hearing. The authors of the Bill are also urged to withdraw their support of the Bill for violating Art. III on the Bill of Rights and other provisions of the 1987 Constitution.