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S E N A T E

P. S. Res. No. 793

Introduced by Senator Loren B. Legarda

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE STATUS OF IMPLEMENTATION OF REPUBLIC ACT NO. 11479, OTHERWISE KNOWN AS THE "ANTI-TERRORISM ACT OF 2020," AND REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE "TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012," PARTICULARLY CONGRESSIONAL OVERSIGHT, ENFORCEMENT ACTIONS, AND COMPLIANCE WITH CONSTITUTIONAL AND HUMAN RIGHTS SAFEGUARDS, WITH THE END IN VIEW OF STRENGTHENING ACCOUNTABILITY AND ENSURING EFFECTIVE AND RIGHTS-BASED IMPLEMENTATION OF BOTH LAWS

WHEREAS, Article III of the 1987 Constitution guarantees the rights to due process, equal protection of the laws, freedom of speech and association and protection against unreasonable searches and seizures and arbitrary deprivation of liberty, which must be respected in the implementation of national security laws;

WHEREAS, Republic Act No. 11479, otherwise known as the *"Anti-Terrorism Act of 2020,"* was enacted to prevent, prohibit, and penalize terrorism, while Republic Act No. 10168, otherwise known as the *"Terrorism Financing Prevention and Suppression Act of 2012,"* seeks to prevent and suppress the financing of terrorism, including through the investigation, freezing, and forfeiture of funds and properties connected with terrorism financing;

WHEREAS, Republic Act No. 11479 empowers the Anti-Terrorism Council (ATC) to designate terrorist individuals and organizations under Section 25 and authorizes law enforcement or military personnel, subject to statutory conditions, to detain persons suspected of committing terrorism under Section 29, while Republic Act No. 10168 authorizes the Anti-Money Laundering Council (AMLC) to investigate terrorism financing and undertake measures concerning funds and properties connected with terrorism, subject to applicable legal safeguards;

WHEREAS, the implementation of Republic Act No. 11479 must likewise be assessed in light of the Supreme Court's ruling in *Calleja v. Executive Secretary*, which declared unconstitutional the qualifying phrase in the proviso of Section 4 concerning advocacy, protest, dissent, and other exercises of civil and political rights, as well as the second mode of terrorist designation under paragraph 2 of Section 25, together with the corresponding provisions of the Act's Implementing Rules and Regulations, subsequently amended through ATC Resolution No. 68, Series of 2024, to implement the ruling;

WHEREAS, the Supreme Court promulgated the Rules on the Anti-Terrorism Act of 2020 and Related Laws under A.M. No. 22-02-19-SC, which took effect on 15 January 2024 and prescribe procedures governing, among others, detention without judicial warrants of arrest, judicial relief from terrorist designations and related freeze orders, and other judicial remedies under counterterrorism laws;

WHEREAS, Section 50 of Republic Act No. 11479 establishes a twelve-member Joint Congressional Oversight Committee, comprising the chairpersons of the Committees on Public Order of both Houses of Congress and five (5) additional members from each House, with at least two (2) minority representatives, and authorizes the Committee to summon law enforcement or military officers and members of the ATC, require explanations and written reports on the implementation of the Act, and render an annual report to both Houses of Congress;

WHEREAS, a Philippine Government report dated 19 May 2025, entitled *Consolidated Report: Measures Undertaken by the PH Government to Eliminate International Terrorism*, prepared for onward transmittal to the United Nations Office of Legal

Affairs, identified the Consolidated Accomplishment Report of the Anti-Terrorism Council to the Joint Congressional Oversight Committee for FY 2021–2023 as a principal source of information on counterterrorism implementation, warranting verification of the Committee's composition, activities, and compliance with its statutory reporting obligations;

WHEREAS, the United States Department of State's Country Reports on Terrorism 2023 reported that thirty (30) terrorism financing cases involving thirteen (13) defendants were filed for prosecution in the Philippines in 2023, while twenty-two (22) additional terrorism financing complaints remained pending before the Department of Justice at the end of that year, warranting an examination of their subsequent disposition;

WHEREAS, according to information released by the Department of Justice on 24 February 2025, a total of 1,816 terrorism financing investigations were conducted from 2020 to 2024, alongside seventy-one (71) arrests and 237 prosecutions initiated, while six (6) accused were convicted of a total of 114 counts of terrorism financing, highlighting the need to examine enforcement outcomes and case dispositions;

WHEREAS, according to a report by the Philippine Center for Investigative Journalism (PCIJ) dated 5 March 2025, citing Karapatan's monitoring, at least 166 individuals had been charged or designated under Republic Acts No. 11479 and 10168, while 17 non-government organizations reportedly had their bank accounts frozen in connection with anti-terrorism measures;

WHEREAS, Karapatan subsequently reported in July 2026 that at least 256 individuals, including activists and leaders of people's organizations, had been charged under the two laws or designated as terrorists, with 25 persons reportedly remaining in detention, while a September 2026 report, likewise citing Karapatan, indicated that cases involving 139 individuals had been dismissed by courts or prosecutors;

WHEREAS, Human Rights Watch, in its World Report 2026, documented concerns regarding the filing of terrorism financing charges against civil society organizations and activists in the Philippines, noting that courts had dismissed certain cases for lack

of evidence and that a prosecutor had dropped charges against an activist for lack of credible evidence, thereby underscoring the need to examine whether the implementation of counterterrorism and terrorism financing laws adequately distinguishes legitimate civic, humanitarian, and advocacy activities from conduct constituting terrorism or terrorism financing;

WHEREAS, on 15 May 2026, the Regional Trial Court in Cebu City dismissed terrorism financing charges against twenty-seven (27) current and former members of the Community Empowerment Resource Network (CERNET), finding that the acts charged did not constitute a crime under the law in force at the time of their alleged commission and citing the lack of statutory publication requirements; however, Human Rights Watch reported on 19 May 2026 that CERNET's bank accounts, which had been frozen by the AMLC in 2023, remained frozen despite the dismissal, with the organization's counsel stating that the restrictions had affected approximately seventy percent (70%) of its work, raising concerns over the continued enforcement of financial restrictions and their impact on legitimate humanitarian and development activities;

WHEREAS, United Nations Special Rapporteur Ben Saul, in his report to the General Assembly dated 31 July 2025 (A/80/284), emphasized that administrative counterterrorism measures may restrict fundamental rights outside ordinary criminal proceedings and recommended adherence to the principles of legality, necessity, proportionality, individualized assessment, due process, judicial oversight, and effective remedies;

WHEREAS, these circumstances highlight the need for comprehensive and disaggregated official data on complaints, prosecutions, arrests, detentions, terrorist designations, judicial proscriptions, financial sanctions, and case dispositions, including their evidentiary bases, duration, applicable safeguards, and the availability and effectiveness of legal remedies;

WHEREAS, a comprehensive legislative inquiry is necessary to assess the effectiveness of Republic Acts No. 11479 and 10168 in preventing and suppressing terrorism and its financing, determine compliance with congressional oversight and reporting requirements, evaluate compliance with constitutional, statutory, and judicial

safeguards and international human rights standards, and identify legislative gaps and appropriate reforms to strengthen accountability and rights-based enforcement;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Senate of the Philippines, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the implementation of Republic Act No. 11479, otherwise known as the "Anti-Terrorism Act of 2020," and Republic Act No. 10168, otherwise known as the "Terrorism Financing Prevention and Suppression Act of 2012," particularly:

(a) the composition, convening, exercise of functions, and performance of the Joint Congressional Oversight Committee under Section 50 of Republic Act No. 11479, including compliance with statutory reporting requirements and public access to non-confidential implementation reports;

(b) the investigation, filing, prosecution, and disposition of terrorism and terrorism financing cases, including arrests, detentions, convictions, acquittals, dismissals, and the grounds for their disposition, particularly those involving activists, human rights defenders, community organizers, and civil society organizations;

(c) the implementation of terrorist designations, judicial proscriptions, detention measures, and financial sanctions, including freeze orders and forfeiture proceedings, their legal and factual bases, applicable review mechanisms, and available remedies including adequate notice, disclosure of evidence, effective review, proportionality, and safeguards for essential living expenses and legitimate humanitarian activities; and

(d) compliance with constitutional, statutory, and judicial safeguards for the protection of human rights, including legality, necessity, proportionality, non-discrimination, individualized assessment, detainees' rights, effective remedies, and the implementation of the Supreme Court's ruling in Calleja v. Executive Secretary and the Rules on the Anti-Terrorism Act of 2020 and Related Laws under A.M. No. 22-02-19-SC.

The inquiry shall be undertaken with the end in view of strengthening legislative oversight, ensuring accountability, and recommending appropriate legislative measures to safeguard fundamental rights while effectively preventing and suppressing terrorism and its financing.

Adopted,

LOREN LEGARDA