



## A CLEAR AND PRESENT DANGER

### Statement of Concerned Members of the Faculty of the University of the Philippines College of Law

Much has been already said about the Anti-Terrorism Law of 2020. As concerned faculty members of the University of the Philippines College of Law, **we add our voices of dissent to the growing chorus.**

The words etched in marble at the lobby of Malcolm Hall proclaim that our objective is not only to teach law and make lawyers but **“to teach law in the grand manner and to make great lawyers.”** These are words of personhood, of purpose, of passion, defining who we are and what we are about. These are words that impel us to continue to speak out, to explain, to dissent, if necessary, and, in so doing, continue to teach generations of lawyers and advocates taught in the grand manner and form them to be great lawyers. These are words that must not remain etched only in marble but must continue to be graven in the DNA of every lawyer that we teach and train, form and mold.

**And so, we say NO to the Anti-Terrorism Law of 2020!**

The Anti-Terrorism Law of 2020 poses a clear and present danger to constitutionalism and the rule of law. Some of its provisions are unconstitutional; for instance, *those that pose a chilling effect on free expression and the right to organize and assemble, those that authorize executive orders for arrest and prolonged detention beyond what the law and the Rules of Court provide, those that define broadly yet vaguely the acts that are criminalized.* Some provisions are experiments in suppressing lawful dissent and principled advocacy; for instance, *the exception to the proviso in section 4 that protects legitimate exercise of civil and political rights, the inclusion of a new offense of “Inciting to Terrorism.”* Yet others are violations of the separation of powers; for instance, *the power given to the Anti-Terrorism Council, a purely executive body, to exercise the exclusively judicial power to order an arrest as well as to make a conclusion that a person is a terrorist (even on a prima facie basis) for purpose of arrest and detention.* Some of the more important provisions protecting the citizenry against unwarranted arrests and charges have been removed, resulting in less, not more, checks and balances against a law that seeks to confer tremendous power on the executive branch. In the midst of a pandemic that has made our people’s lives even more difficult, more fearful, and more uncertain, the Anti-Terrorism Law of 2020 provides even more reason to be fearful and uncertain.

As teachers of the law but more importantly as citizens of this country, we continue to look to our true north—the Constitution, which is the bedrock of our citizenship and the people, whom we serve. We ask that the officials who advise the President on constitutional and legal matters take their duties seriously, advise the President of the grave constitutional objections and serious implications of the Anti-Terrorism Law of 2020, and for him to veto the law.

Quezon City, June 11, 2020.