

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

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SUPREME COURT
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2021 JAN 25 PM 12:27

En Banc

ANTONIO T. CARPIO, ET AL.,

Petitioners,

G.R. No. 252736

(Consolidated with G.R. No. 252578, et al., *Calleja, et al. v. Executive Secretary*)

- versus -

For: *Certiorari* and Prohibition with urgent prayer for a *Status Quo Ante Order* and/or Temporary Restraining Order and/or Writ of Preliminary Injunction

ANTI-TERRORISM COUNCIL,
ET AL.,

Respondents.

x-----x

**MANIFESTATION
AND MOTION**

[Re: Possible Intimidation Prior to Oral Arguments]

Petitioners ANTONIO T. CARPIO, ET AL. (collectively "Petitioners"), by counsel, respectfully state:

1. In its Advisories dated 20 November 2020 and 5 January 2021, the Honorable Court set the instant case for Oral Arguments on 19 January 2021 at 2:00p.m. Multiple motions of the Office of the Solicitor General ("OSG") to cancel the Oral Arguments, have been denied by the Honorable Court.

2. On 15 January 2021, Petitioners were informed that upon the representation of the OSG that some of its staff tested positive for COVID 2019, the Oral Arguments were re-scheduled to 02 February 2021.

3. On 16 January 2021, Petitioners discovered that a social media post under the name "Antonio Parlade" ("Parlade") had been circulating in Facebook with a message directed against "individuals, groups, and organizations" assailing the Republic Act No. 11479, The

Anti-Terrorism Act of 2020 (“ATA”) (the “Post”).¹ Said Post has been widely circulated.² The full Post is attached as Annex “A”.

4. It appears that there is a Lt. Gen. Antonio G. Parlade, Jr. who is the current Commander Armed Forces of the Philippines (“AFP”) Southern Luzon Command (“Solcom”) and a member of the National Task Force to End Local Communist Armed Conflict (“NTF-ELCAC”).³ Further, it appears that said Lt. Gen Parlade reports to General Gilbert I. Gapay, the incumbent Chief-of-Staff of the Armed Forces of the Philippines,⁴ who in turn reports to the Respondents in these consolidated cases.

5. The salient portions of the Post state:

“The SC will soon be hearing petitions against the Anti Terror Law. Let's be watchful of these individuals, groups, and organizations opposing a law that will protect our citizens from terrorists. What's their agenda?

The gall of Ferdinand Gaité, Carlos Zarate, Sarah Elago and the rest of these CPP representatives and colleagues, including NUPL.

They speak of the "voice of the people"- these protesters, the noisy and belligerent minority- as if they represent the Filipino people.”

6. After an extensive tirade against other petitioners, it then ends with:

“Shall the NTF ELCAC accede? Shall we bend back in acquiescence?

No, we have drawn the line.
You decide where to sit.

The Day of Judgement is upon you and the Filipino people, who have suffered enough from the malignant hands of

¹ The URL for the Post is:

<https://www.facebook.com/antonio.parladejr/posts/3605232892888246> (last accessed 18 January 2021). A true screenshot of the post is attached as Annex “A”.

² As of 18 January 2021, the said Post had garnered 1,060 likes and has been shared 215 times.

³ Priam Nepomuceno, Makabayan bloc members just lied before Senate: Parlade, 26 November 2020, available at: <https://www.pna.gov.ph/articles/1123013> (last accessed 17 January 2021).

⁴ See *Compliance and Manifestation* dated 16 November 2020 in G.R. No. 252767, par. 30.

the CPP NPA NDF of which you are part of, sit in Judgement.

Very soon, blood debts will be settled. The long arm of the law will catch up on you, and your supporters”.

7. The Post is a clear threat to Petitioners Carpio, Carpio-Morales, et al. for seeking redress before the Honorable Court. Though some portions directly name specific persons, the Post also groups together petitioners as part of “individuals, groups and organizations” who should be monitored for “opposing a law that will protect citizens from terrorists.”

8. Petitioners believe this is a matter of serious concern that requires judicial remedy as the Post, if indeed made by a State actor, construes the ATA to be able to penalize the right to seek judicial relief before the Honorable Court This is inconsistent with Petitioners’ fundamental right to “petition the government for redress of grievances” under Section 4 of the Bill of Rights.⁵

9. Designed to intimidate (“blood debts will be paid”), the Post also amounts to interference with the Honorable Court’s power to administer Justice, as it is directed to the Parties and their counsel days before the matter is heard by the Honorable Court.

10. In addition, the threat falls within Section 4 of the ATA (albeit its constitutionality has still to be passed upon by the Honorable Court as it is one of the issues raised in the present petition), particularly subparagraph 4(a) thereof **which punishes anyone** who “engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life ...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 ...” as having committed the crime of “terrorism”.

11. In view of the above, Petitioners, through this Manifestation, give notice to the Solicitor General, and move that the OSG be required to inform the Honorable Court and Parties ahead of the Oral Arguments on 2 February 2021 as to whether or not the Post is an official statement by the Government or a public officer thereof, including details on the source, circumstances behind and, intent of the said Post.

⁵ *Integrated Bar of the Philippines v. Atienza*, G.R. No. 175241, 24 February 2010; *Cabansag v. Fernandez*, 102 Phil. 152 (1957)

PRAYER

WHEREFORE, Petitioners respectfully pray that this Honorable Court issue an *Order DIRECTING* the Office of the Solicitor General to **SUBMIT** before 2 February 2021 to the Honorable Court and all Parties to these consolidated cases a written explanation confirming whether or not the Social Media Post dated 16 January 2021 by an "Antonio Parlade" is an official communication from the Government or a public officer thereof including details regarding the source, circumstances behind and, intent of the Post.

Other reliefs, as may be deemed just and equitable by this Honorable Court, are likewise prayed for.

Quezon City for the City of Manila, 22 January 2021.



LUISITO V. LIBAN

PTR No. 8287378 / July 15, 2020 /
Makati City

IBP Lifetime Member No.

014231/Makati City

Roll of Attorneys No. 32440

MCLE Compliance No. VI-
0025237/ April 14, 2019

Gwen Grecia-de Vera (Jan 22, 2021 15:50 GMT+8)

GWEN B. GRECIA-DE VERA

PTR No. 8121143/01-04-2020/Makati
City

IBP No. Lifetime Member No.

03372/01-10-2004/ Quezon City

Roll of Attorneys No. 40593

MCLE Exemption No. VI-002867/
07-09-2019

Counsels for Petitioners

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ALFREDO B. MOLO III

PTR No. 7244025 / January 11, 2021/
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/January 10, 2013/Quezon City

Roll of Attorneys No. 49544

MCLE Exemption No. VI - 000432 dated
April 2, 2018⁶

DARWIN P. ANGELES

PTR No. 7244030 / January 11, 2021/
Pasig City

IBP No. 144797 / January 7, 2021/
Makati City

Roll of Attorneys No. 63558

MCLE Compliance No. VI-0026628/
11 April 2019

Counsels for Petitioners

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angelesdarwin@gmail.com

⁶ Valid until 14 April 2022

*Copy Furnished:
(Electronic Mail)*

OFFICE OF THE SOLICITOR GENERAL
Counsel for Respondents
134 Amorsolo St., Legaspi Village, Makati City

**WRITTEN EXPLANATION FOR
SERVICE BY ELECTRONIC MAIL**

Please be informed that the undersigned counsel caused the service of the foregoing *Manifestation and Motion* by electronic mail due to the ongoing community quarantine, the shortage of available manpower, the number of parties and counsels involved and distance constraints.



DARWIN P. ANGELES

REPUBLIC OF THE PHILIPPINES)
MANILA, METRO MANILA) S. S.

VERIFIED DECLARATION

I, **DARWIN P. ANGELES**, hereby declare that the document hereto submitted electronically in accordance with the Efficient Use of Paper Rule is a complete and true copy of the document filed with the Supreme Court.


DARWIN P. ANGELES

Collaborating Counsel for Petitioners

**ANTONIO T. CARPIO, CONCHITA CARPIO
MORALES, JAY L. BATONGBACAL, DANTE B.
GATMAYTAN, THEODORE O. TE, VICTORIA V.
LOANZON, ANTHONY CHARLEMAGNE C. YU,
FRANCISCO ASHLEY L. ACEDILLO, AND
TIERONE JAMES M. SANTOS**

Unit 901 One Corporate Center
Doña Julia Vargas cor. Meralco Ave.

Ortigas Center, Pasig City

PTR No. 7244030 /January 11, 2021/ Pasig City

IBP No. 144797 /January 7, 2021/ Makati City

Roll of Attorneys No. 63558

MCLE Compliance No. VI-0026628

JAN 22 2021

SUBSCRIBED AND SWORN TO before me this ___th day of January 2021 at Pasig City, affiant exhibited to me his Passport No. P1807058B issued on 31 May 2019 at DFA NCR East. MANDALUYONG CITY

Doc. No. 217 ;

Page No. 45 ;

Book No. 9 ;

Series of 2021.


ATTY. JAMIL E. ABUGAN

NOTARY PUBLIC

APPL. NO. 0442-19

Until 06/30/2021

IBP No. 134105 Dec. 9, 2020 Rizal Chapter

Roll No. 2009 Lifetime

MCLE No. VI-0012875 until 4/14/2022

TIN No. 116-239-956

PTR No. 4074511 01/04/2021

Tel. No. 631-40-90

**Rm. 314 J&B Bldg., 251 EDSA,
Mandaluyong City**



Antonio Parlade

19h ·

The SC will soon be hearing petitions against the Anti Terror Law. Let's be watchful of these individuals, groups, and organizations opposing a law that will protect our citizens from terrorists. What's their agenda?

The gall of Ferdinand Gaité, Carlos Zarate, Sarah Elago and the rest of these CPP representatives and colleagues, including NUPL.

They speak of the "voice of the people"- these protesters, the noisy and belligerent minority- as if they represent the Filipino people .

Wake up Gaité, **Kamatayan Bloc** and listen to what majority of the people are saying. Yong sandaan nyo ay hindi kailanman puedeng maging representante ng nakakarami nating mga estudyante.

Puro kayo "diktador". Matagal nyo nang gustong pabagsakin ang ating demokrasya upang palitan ng kumunismo nyong ipinaglalaman.

You talk of well-functioning democratic government citing the 1987 Constitution? Well functioning pala bakit gusto nyong sirain? Ilantad nyo kung ano ang nasa inyong CPP Constitution Plans and Programs series 2017.

Ano ba ang ibig sabihin ng "...pagtangkil sa proletaryang dictadura at ..demokratikong diktadura..? Art 3 Section 7 page 24 yan ng bibliya nyo, Gaité, Colmenares, Zarate et al. Ipaliwanag nyo yan sa taong bayan bago nyo husgahan ang gobyerno na isang diktadura.

You accuse us, the AFP and the NTF ELCAC as peddlers of lies and disinformation? We went to the Senate to attend the inquiry specifically about these lies you accuse us of. And when we presented living witnesses to your lies and atrocities, suddenly you wanted to talk of peace. You evaded the issue on CPP NPA violence and killings. Finally, you admitted "the NPAs are your friends?"

Our 1987 Constitution provides you that democratic space which your CPP Constitution and proletarian dictatorship will never allow. The Party List came to being so you can finally abandon the armed struggle and join parliamentary struggle instead. But have you denounced the armed rebellion? No you have not. Have you denounced their violence and killings? No you will not.

What does that make you? What does that tell us about you? And now comes the Anti Terror Law which you vehemently oppose.

We welcome activism and we will protect legitimate activists. Do you ever listen? How many times shall we tell you that for you to finally understand? It could be an exercise in futility, as you have been programmed to oppose anything that will derail your treacherous agenda.

The Anti Terror Law has drawn the battle lines. Members of the underground organizations and terrorists hiding under the legal mantle of these CPP "fronts" belonging to the Kamatayan bloc have been exposed by their own comrades.

You are a fraud. You can no longer be called legitimate dissenters as your agenda is clear: it is not dissent, it is sedition. It is to topple a democratically elected President, with the help of an opposition who has no explanation, legit option, and legal solution to contest a highly trusted, wildly popular President.

That's the sad truth Kamatayan bloc, about your old, worn-out narrative of a tyrant of a president: no one buys it but your hundred and one followers.

Shall the NTF ELCAC accede? Shall we bend back in acquiescence?

No, we have drawn the line.

You decide where to sit.

The Day of Judgement is upon you and the Filipino people, who have suffered enough from the malignant hands of the CPP NPA NDF of which you are part of, sit in Judgement.

Very soon, blood debts will be settled. The long arm of the law will catch up on you, and your supporters.



Antonio Parlade, Dale Amparo and 1K others



View 11 more comments

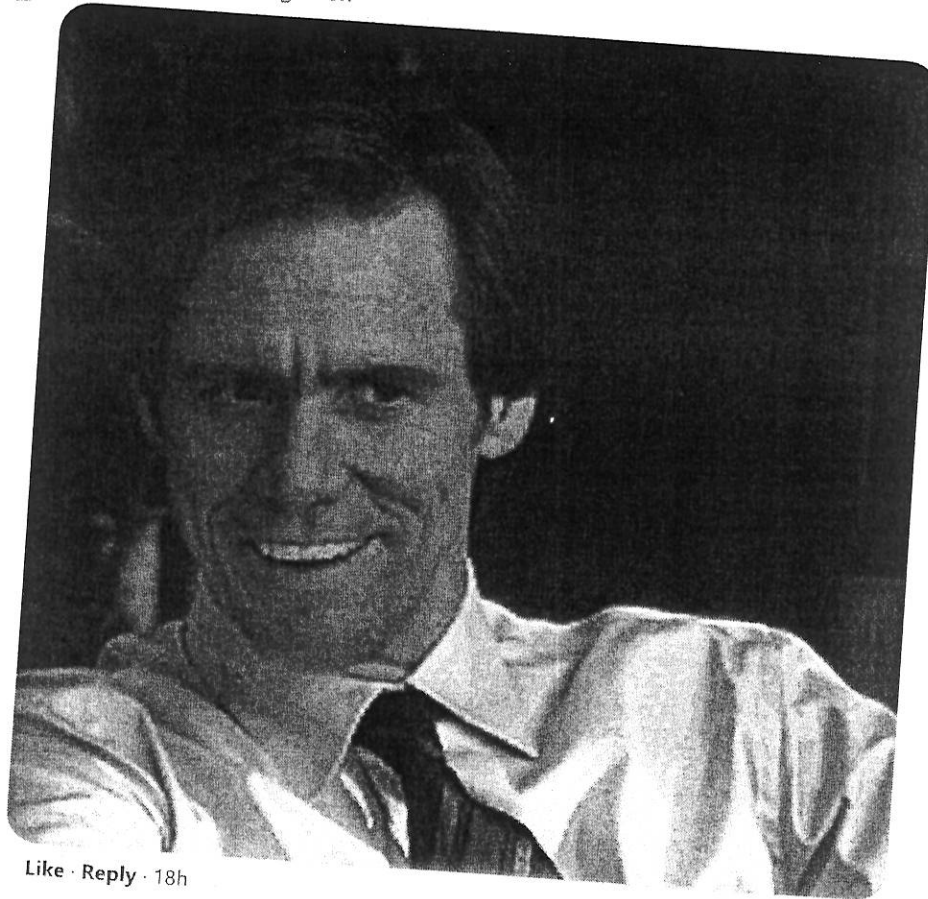


Rodrigo Austria
Bravo sir Parlade!

Like · Reply · 18h



Glenn Vergara Bongcaron



Like · Reply · 18h



Edper Bacarra Resano



Like · Reply · 18h



Kurt Mode
We will support our government, support ATL and anti subversion law

Like · Reply · 18h



Phil Espanola
I like this guy! Firm, strong and intelligent! Salute sir!

Like · Reply · 18h



Trinidad Mac Norma
Gogogo Gen Parlade, jail them all Salot Ng BAYAN, no bails, mo mercy for these terrorists Makabayad bloc!!

Like · Reply · 18h



Ben Delos Reyes
mabuti na lang wala ng ABS-CBN.kung meron pa pararamihin nila yang isang daan raliyista na yan at mkikita mo na ang mga terorista ang lagi nilang kapapanayamin at bbgyan ng daan sa TV

Like · Reply · 18h



Ben Delos Reyes
kudos to you sir Parlade for exposing the lies and deception of this terrorist NPA





2

1



Like · Reply · 18h



Precy Gavina

"No one buys it but your hundred and one followers"! Pak! Ganern! Kidding aside, we support you Gen. Parlade, sir and the whole NTFEL-CAC!!!

Like · Reply · 17h



Noel De Leon

Ikulong ang mga salot ng bayan. Akala nyo gusto kayo ng mga tao? Mga luko luko .

Like · Reply · 17h



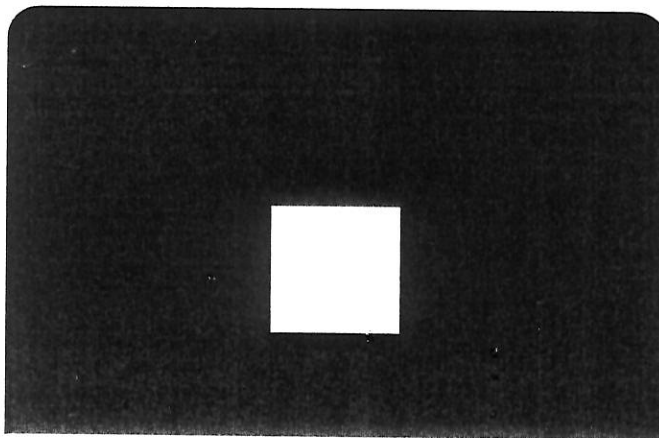
Mylah Esmael

I can only say to you General Parlade,,, you are always in or on my Prayers,,, The Almighty God be guided you and protect you, the truth always prevail God bless you General Parlade.

Like · Reply · 16h



Nuel Fastring



Tenor



Like · Reply · 16h



Eleolise Arcenal Atazar

Darating na yan sir, malapit ng magwakas ang kamatayan bloc.

Like · Reply · 15h



Elle LeSa



Like · Reply · 14h

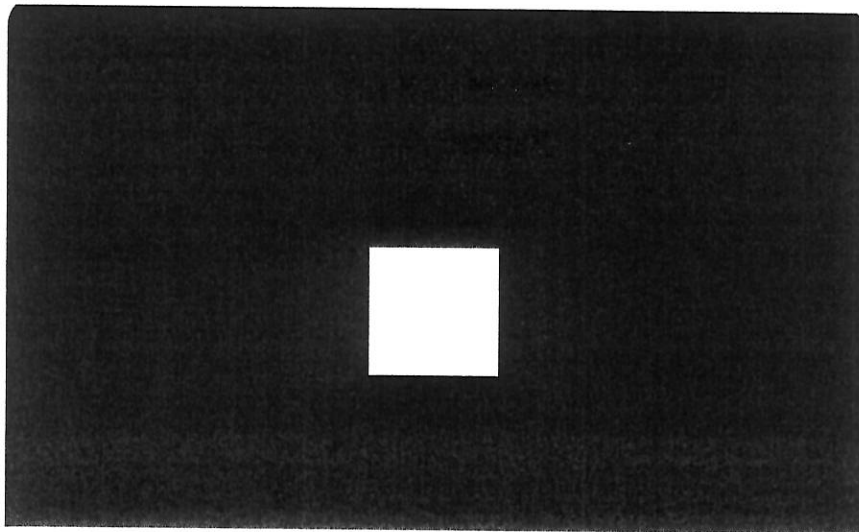


Joel A. Deuda



Like · Reply · 14h





Tenor

Like · Reply · 13h



Freddie L Columna

Baligtad palagi mga sinasabi ng kamatayan bloc,,sila nga ang mga sinungaling at gumagawa ng kababalaghan tapos ipaparatang sa gobyerno,,kapag nakalusot pa sila sa batas na ATL na yan ewan ko na lng dapat maghimagsik na talaga ang taong bayan laban sa m... See More

Like · Reply · 13h · Edited



Divs Divination Divina

DURUGIN Ang mga TERRORISTA.....YES TO ANTI TERROR LAW.....MABUHAY ANG REPUBLIKA NG PILIPINAS....

Like · Reply · 13h



Noland Batuto

isang kimbol nalang! finish na

Like · Reply · 13h



Arnelo Beron

End CPP NPA NDF! SUPPORT NTF ELCAC!!!

Like · Reply · 12h



Jun Ornot Ravilo

Turn the CPP NPA NDF into ashes. Their days are numbered. Fight NTF ELCAC!

Like · Reply · 12h



Rommel P Ronquillo



Like · Reply · 12h



Noel Apostol

dont call them rebels anymore they are terrorist npa #handsoffourchildren

Like · Reply · 12h



Toti D. Flordeliza

Pati sundalo gusto nyong takutin, sibilyan lang kaya nyo dahil walang armas.,ngayon kandarapa kayo tatakbo

Like · Reply · 12h



Goyong Plaridel

Mabuhay ka Gen.Parlade,ntf-etcac at sa lahat ng lumalaban para sa kapayapaan!!

Like · Reply · 12h





2

1



Like · Reply · 9h



Dodie Gemao

Isagawa na ninyo ang inyong huling pagbubunyi malapit na ang inyung KATAPUSAN 🙏🙏🙏

Like · Reply · 9h



Baltazar B. Badillo

We salute. In the name of peace we the people must denounce the terrorist groups particularly the cpp npa ndf.

Like · Reply · 9h



Anthony Sumagui

Sana marinig ng langit ang matagal ng panalangin ng mga magulang na ninakawan ng anak asawa, kapatid at magulang na rin, sana mabigyan ng hustisya ang kanilang mga hinaing.

Like · Reply · 8h



Jarrold Tan

yun mga kabataan ngayon, ndi nila maintindihan na kapag nanalo ang mga NPA sa laban, maging komunista ang gobyerno. mawawala ang kalayaan ng lahat. mawawala ang demokrasya na tinatamasa ng lahat.

Like · Reply · 8h



Marxsialt Aglaw replied · 1 Reply 6h



Erly Melecio Bantigue

Never na yan..... wala ng puwang sa pilipinas mga yan..

Like · Reply · 6h



Arnelo Beron

Support NTF ELCAC! SUPPORT AFP & PNP dismantle CPP NPA NDF!!!

Like · Reply · 5h



Fer-zel M. Soriano

Well said...salute 🙏

Like · Reply · 5h



Gloria Cendaña Patoc

We are peace - loving and law _abiding Filipinos.. We support ATL...

Like · Reply · 4h



Write a comment...



REPUBLIC OF THE PHILIPPINES)
PASIG CITY) S.S.

AFFIDAVIT OF ELECTRONIC FILING

I, **DARWIN P. ANGELES**, of legal age, with office address at Unit 901 9/F One Corporate Center, Doña Julia Vargas Ave. cor. Meralco Ave., Ortigas Center, Pasig City, after having been duly sworn in accordance with law, depose and say that, pursuant to **Section 3, Rule 13 of the Amended Rules of Court**, I filed by electronic mail (e-mail) on **22 January 2021**, a *Manifestation and Motion* dated 22 January 2021 in the case entitled "*Carpio, Carpio Morales, et al. vs. Anti-Terrorism Council, et al.*", in the case docketed as G.R. No. 252736 (consolidated with G.R. No. 252578, et al., *Calleja, et al. v. Executive Secretary*) with the Supreme Court *En Banc* at its email addresses at judicialrecordsoffice@gmail.com and efile_jro@sc.judiciary.gov.ph. The paper copy of the above pleading is hereto attached pursuant to **Section 16, Rule 13 of the Amended Rules of Court**.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of JAN 22 2021 at Pasig City, Philippines.



DARWIN P. ANGELES

PTR No. 7244030 /January 11, 2021/ Pasig City
IBP No. 144797 /January 7, 2021/ Makati City
Roll of Attorneys No. 63558
MCLE Compliance No. VI-0026628 - April 11, 2019

SUBSCRIBED AND SWORN to before me this JAN 22 2021 day of _____, affiant exhibiting to me and presenting competent evidence of his identity, Philippine Passport No. P1807058B bearing his photograph, issued by the Department of Foreign Affairs.

Doc. No. 140 ;
Page No. 29 ;
Book No. I ;
Series of 2021.



ATTY. KEISHA TRINA M. GUANKO
Jurisdiction / Commission Place: Pasig City
Appointment No. 188 (2020-2024)
Expire Date: December 31, 2021
ROLL No. 66288
Unit 901 One Corporate Center J. Vargas St.
cor. Meralco Ave. Ortigas Center, Pasig City
PTR No. 6447610
IBP LMR No. 015030