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A Closer Look into the Philippines' Anti-Terrorism Legislation: Assessing its Developments and Perceived Challenges

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Introduction

In recent years, the increasing number of terrorist attacks in the Philippines and the inability of mechanisms in place to prevent them continues to inflict serious loss of life, damage to property as well as negatively impacting the country's national defense and security. This dilemma, compounded by perceived new trends and development in the global terrorism threat presses the need to adopt more stringent and comprehensive measures to address such threat. Recent incidents of terrorism such as the Davao City night market bombing as well as the sawmill kidnapping and beheading in Butig, Lanao del Sur in 2016, the Sulu encounter in 2018, the bombing of the Jolo Cathedral in 2019, and most notably the five-month siege of Marawi City in 2017, are wake-up calls for the Philippine government on the severity of the terrorist threat and the possibility of intensified terrorist attacks in the country in the coming years.¹ With this, the National Security Policy (NSP) 2017-2022 undertakes to review and update current strategies in addressing the threat of terrorism as a national security challenge and strengthen existing measures. Among these strategies is the amendment of the Human Security Act (HSA) of 2007 in order to prevent future terrorist attacks and to be an effective tool for the criminal justice system in prosecuting acts of terrorism. Hence, on July 18 2020, President Rodrigo Duterte ratified Republic Act No. 11479 or the "Anti-Terrorism Act of 2020" more than a decade after the HSA was enacted which effectively repealed the latter in order to strengthen and give the anti-terror law more "teeth" against the inimical acts of terrorism.

As such, this policy study takes a comprehensive look into the newly enacted Anti-Terrorism Act (ATA) of 2020, examining important provisional changes as well as the substantial improvements and observed challenges to the law in light of its perceived urgency

and the controversies that arose from its passage. Further, its similarities and differences with the anti-terror laws of Indonesia and United States will also be examined and assess whether the new law is at par with the standing anti-terrorism legislations of some of our neighbors and allies. Specifically, it attempts to answer the question of whether the law will be sufficient in addressing the present dangers and developments of the terrorist threat in the Philippines. The paper argues that while the Philippines' need for a counter-terror legislation is indisputable, it is only a facet to the comprehensive approach that the government needs to undertake in order to achieve its objective end.

Background of the Controversy

Acts of terrorism already existed in the Philippines as early as the 1970s with the hijacking of a commercial airline as well as the bombing of Plaza Miranda and continued to persist in the 1980s and 1990s.² Yet, it was in the 2000s when the country saw the escalation of these attacks as well as the influx of international terrorists which aim to establish their operational networks in the country.³ This threat has evolved in the recent years as new trends and challenges have been continually observed – the spread of Foreign Terrorist Fighters (FTFs) from the Middle East to the different parts of Southeast Asia following the decline of the Islamic State (IS) movement in Iraq and Syria and its strengthening number in the Philippines, terrorist networking among local extremist groups and FTFs, and the aim to destabilize the Southeast Asian region to create an IS caliphate or *wilayah*.⁴ Significant factors which contribute to this threat are the Philippines' archipelagic attributes and geographic location compounded by its unstable political and economic conditions.⁵ The reciprocal relationship of conflict and violent extremism enables the threat of terrorism to flourish and continue its cycle – the former breeds the latter, and vice versa.⁶

The long history of secessionism and violent struggle for self-determination rooted in political, economic and socio-cultural inequalities, alienation and suppression particularly in Mindanao which seeks to transform the established order based on religious and radical ideological beliefs provided a fertile ground for attracting foreign extremist groups who are sympathetic or ideologically linked to their cause.⁷ The attractiveness of the ideology especially to the youth, its exposure to mainstream media through technological advancements, and the support from foreign terrorist networks contribute to the resiliency of these terrorist groups enabling them to persist and intensify at present.

In response, as early as 1996 bills have been filed in the Congress to enact an anti-terrorism legislation that would aid the country's counterterrorism efforts. However, it was only in 2007 when Republic Act No. 9372 or the Human Security Act (HSA) was enacted owing largely to the US' "War on Terror" in the wake of the 9/11 bombing which urged its allies to adopt strong anti-terror legislative measures such as its own PATRIOT Act. It was viewed in the context of both the global terrorist threat and domestic politics in the Philippines, "important for the stability" of then President Gloria Macapagal-Arroyo's government.⁸ It officially made terrorism a crime to which the government is constitutionally mandated to protect the life, liberty, and property of its citizens for reasons of national security and general welfare.⁹

The law defined the crime of terrorism, gave law enforcement agencies the ability to conduct surveillance and intercept communications, provided for the proscription of terrorist organizations or any group of persons engaging in terrorist activities, permitted detention without a warrant of arrest, and provided for heavy penalties such as the remuneration by the law enforcement officer for wrongful arrest of *Five Hundred Thousand Pesos* (P500,000) a day which essentially prevented them from making arrests fearing the severity of the punishment. The law has also established the Anti-Terrorism Council (ATC) as the proper implementing agency of the law in the country.

However, the HSA was characterized as "toothless" due to the several constitutional and human rights safeguards which heavily crippled its capability to combat the threat of terrorism and thus was "severely unutilized" to serve its purpose.¹⁰ Throughout its effectivity, and despite the number of terrorist attacks in the country, one (1) conviction was only meted out after 10 years of prosecution and proscribed only one (1) terrorist group, the Abu Sayyaf.¹¹ Reasons cited for

its futility include the prosecution's difficulty in proving all the exhaustive elements of the crime and the law enforcement's reluctance to make arrests due to the severity of the sanctions placed in the law.

On the other hand, despite being an admittedly "dead letter law", the HSA has been criticized at its onset for being too vague and broad which necessarily interferes with the exercise of constitutional rights. Nonetheless, the Supreme Court upheld its constitutionality in the absence of substantial requirements imperative in the conduct of a judicial review by the court. It continued to be the country's only anti-terrorism legislation for several years until recently when the Anti-Terrorism Act of 2020 was enacted.

Major Amendments and Controversies to the Anti-Terrorism Act of 2020

Similar to the HSA, the ATA was met by several criticisms as it was enacted against the backdrop of a global pandemic and amidst the intense opposition it has generated from civil society groups, the legal sector, the academe and even from lawmakers. While the law has introduced significant amendments and has already been ratified and implemented, there exists several controversies which are needed to be further examined.

The title of the new law is an evident statement of its purpose. One of the most significant modifications to the ATA is its title, which has now clearly stated its content and purpose. As one of the dilemmas found in the HSA is its ambiguous title ("Human Security Act") which was greatly criticized for being misleading as it has reduced the multi-faceted concept of human security into merely an "intrinsic component" and as a complement to national security which was viewed as protection of people against traditional security threats.¹² Rather, the ATA is merely one of the instruments of national security to protect the people against terrorism through penalizing such act contrary to adding "a new dimension to human security" according to Senator Aquilino "Koko" Pimentel Jr.¹³ By plainly designating it as an Anti-Terrorism Act, it harmonizes and explicitly notifies the public of its purpose and content thus satisfying a constitutional requirement and basic principle in statutory construction which demands that the title of the law to embrace only a single subject, relating all of its parts in a general title in such a language sufficient to notify the public of the law's subject and significance.¹⁴

Formulation of an IRR. An Implementing Rules and Regulations (IRR) was also adopted to efficiently carry out into effect the policies and objectives of the ATA. The absence of an IRR in the HSA was pointed as one of the key factors for its unemployment by law enforcement due to the gaps in the interpretation of its provisions especially the definition and elements of the crime. Notwithstanding the fact that generally the effectivity of laws does not depend on the promulgation of IRRs, these are nonetheless entitled a significant weight as administrative agencies charged with its implementation are more knowledgeable as to its execution and enforcement.

Terrorism as a crime is defined under specific circumstances. The ATA has overhauled the previously controversy-plagued definition of terrorism under the HSA which was assailed for its purported overbreadth and vagueness thus making it susceptible to wider interpretation. Section IV has provided for a more precise description of the circumstances by which the crime of terrorism may arise identifying its specific elements as well as the nature and context by which the offense may arise restricting its scope to those acts which intends 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”.¹⁵ Rather than merely enumerating individual crimes such as murder, rebellion or insurrection, kidnapping and serious illegal detention which constitute terrorism which shifts strong burden to law enforcers in classifying such acts as terrorism and to the prosecution in proving numerous elements, the ATA aims to couch the crime of terrorism in a box in order to limit interpretation and aid law enforcement in efficiently identifying the crime.¹⁶

The definition of terrorism may have serious implications to the constitutionally guaranteed right to freedom of expression and assembly. Most significant to the legislation of both the HSA and ATA are its implications on the freedom of expression and assembly. This is due to the purported ambiguity and broadness of some of its concepts as well as the fear of the public that the law may be used by the State to suppress dissent due to issues on human rights abuses connected with free speech. While the definition of the crime of terrorism provides that the ATA does not punish acts of “advocacy, protest,

dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights”, it nonetheless imposes a caveat – an exception to the exception and a stern warning – that such acts must not be intended to cause serious physical harm nor threaten a person’s life or safety.¹⁷ Similarly, these actions are not exempted from other acts penalized by the law such as the threatening, planning, training, preparing and facilitating, forming a conspiracy, proposal to commit terrorism, and inciting to commit such terrorist acts which tend to cause such harm and threaten other’s safety which again bring forth the issue of its chilling effect to the exercise of free speech and its intent to curtail “legitimate expressions of political dissent and social protest”.¹⁸ Indeed, as the ATA seeks to ensure the safety of the people, there must exist a balance between its firmness to deter acts of terrorism and the perceived effects which may result to constitutionally guaranteed human rights. The question as to how much may the law lawfully encroach upon these rights in exchange of ensuring the general welfare and preserving national security is still a heavily disputed discourse. Nevertheless, in the exercise of the State of its police power, certain rights of individuals may be subjected to restraints to fulfill its objectives. However, this exercise must not unduly oppress the rights of individuals and must be reasonably necessary to accomplish the purpose which it aims to achieve.

Warrantless arrest disposes the need for longer period of detention for suspected terrorists. Another equally criticized aspect of the new law is the judicially authorized longer period of interception and surveillance of suspected persons as well as the longer period of detention without a warrant of arrest.¹⁹ The ATA has extended this period to fourteen (14) days which can be further extended to ten (10) days after satisfying the requisites of the law. According to Senator Panfilo Lacson, the primary author of the law, this period was necessary to give law enforcement ample time to “build and strengthen its case” as the previous 36-hour detention period was not enough to substantiate the charges as it was admitted that one of the factors which contributed to the HSA’s futility was the difficulty in gathering evidence that the crime was committed.²⁰ This longer period also means a significant amount of time to prevent these suspected perpetrators from “planning or engaging in further attacks and, if possible, to obtain from them information for use in future military, intelligence or law enforcement operations”.²¹ However, warrantless arrests are anchored on the element of immediacy which calls for its urgent conduct on instances of *in flagrante delicto*,

hot pursuit and escape by a prisoner. Probable cause based on personal knowledge of the facts by the arresting officer that a person is committing, has committed or is about to commit a crime to minimize the dependency on “mere suspicion and hearsay” is the overall essence of warrantless arrest.²² Thus, this immediate witnessing of a crime disposes the need for a longer period to gather evidence to build it. Questions may arise on the factuality of both the basis in conducting such arrest as well as the evidence gathered, and it may be difficult to prove and sustain during prosecution in absence of a strong proof to support it.

Lowering penalties may reduce the fear of law enforcement to conduct arrests. Recognizing the grave dangers of an anti-terror law, Senator Aquilino Pimentel Jr. undertook to weaken the HSA by placing significant safeguards in the law to prevent abuse against human rights such as the imposition of heavy penalties against law enforcement. However, this was largely cited as one of the causes for its disability to proactively nip terrorism in the bud for fears of law enforcers against severe consequences. In view of this, the ATA has cut down some these penalties to give a reasonable margin for law enforcers to fulfill their responsibilities and eliminate overbearing and overlapping punishments. The ATA has removed penalties on the failure to deliver the suspected person to the proper judicial authority which was already penalized and implied in the failure to notify the court of the suspect’s arrest, the refusal to allow the accused to withdraw sequestered or frozen assets during the pendency of the case, unjustifiable refusal to restore or delays the restoration of seized and frozen assets and records of a suspected person, and the controversial payment of damages for persons wrongfully accused or acquitted of Five Hundred Thousand Pesos (P500,000) each day for the period of detention or arrest without a warrant by reason of such accusation as it is an absurd restriction for law personnel to make arrests without the fear of being criminally and civilly punished. Further, the law has also decreased imprisonment periods which was previously a uniform period of 10-12 years in the HSA for violations by law enforcement.

Anti-Terror Laws of Other Countries

To compare the provisions of the Philippine Anti-Terrorism Act, this paper has identified stark differences in the anti-terrorism legislation between the Philippines and Indonesia and the United States. For many years, Philippine law enforcement and counterterrorism relied on the Human Security Act

(HSA), which from 2007 provided the Philippine authorities the best tools and measures it could offer to combat terrorism. Given the criticisms to the HSA, it took about 19 years since the September 11 attacks and the inauguration of the Global War on Terror before the country had its what is now considered a more powerful anti-terrorism law.²³

Both Indonesia and the United States had its major anti-terrorism legislations approved on the wake of the respective major terror attack on their territories. The United States passed and ratified its USA PATRIOT Act on October 26, 2001, just more than a month after the most destructive terror attack in its territory that killed thousands.²⁴ Indonesia in the same manner had its national Anti-Terrorism Law (ATL) issued just a mere six days after the Bali Bombings in 2002, the most fatal terrorist attack in Indonesia to date.²⁵ While it was initially an emergency law unilaterally promulgated by the President of Indonesia, it was immediately ratified by Congress on April 4, 2003, more than five months after.²⁶

The Philippines also suffered many destructive terror attacks in the past decades. Of all, the deadliest would be the 2004 SuperFerry 14 Bombing that has resulted to the death of 116 individuals.²⁷ It happened on February 27, 2004, but it was not until July 15, 2007 that the Philippine Congress passed and put into effect the HSA, the country’s first major anti-terrorism legislation.²⁸ That is three years after the deadly attack in contrast to the expeditious responses of Indonesia and the United States. The HSA was criticized for not having enough strength in combatting terrorism.²⁹ On July 18, 2020, the newest and perceived to be more effective anti-terrorism law, the ATA, was passed and put into effect, 13 years after the HSA.³⁰

The most salient points of ATA 2020 and its comparison with the Indonesian ATL and US PATRIOT ACT (See Figure 1)

The main point of consideration for anti-terrorism legislations are their provisions on the definition of terrorism and whom to designate as terrorists. ATA has broad categorization of terrorism and mandates the establishment of the Anti-Terrorism Council (ATC), which is vested with powers to designate any person or organization as terrorists based on the mandates of the law. The US, on the other hand, had the creation of the Department of Homeland Security (DHS) to complement the USA PATRIOT Act.³¹

Legislation	HSA of 2007	ATA of 2020	Indonesian Anti-Terrorism Law	USA PATRIOT Act
Time past before enacted since deadliest attack	Three years after the Super Ferry Bombing, the deadliest terror attack in the Philippines to date	13 years after the passage of the HSA	Six days after the 2002 Bali Bombings	One month + after the 2001 September 11 attacks
Definition of Terrorism	Borrows from many criminal acts already under other Philippine laws.	Broad. Covers crimes that are threats to human life, destruction of public property, acts of intimidation, and attempts to influence the government by unlawful means	Broad. Covers crimes that are threats to human life, destruction of public property, acts of intimidation, and attempts to influence the government by unlawful means	Comprehensive. In addition to themes already present with ATA and ATL, it also provides definition for domestic terrorism, international terrorism, and terrorism "transcending national boundaries"
Period of allowed detention without warrant	Three days with possible penalty and fine for breach of law.	14 days extendable to another 10. No provisions for specific penalties and fines for breach of law.	20 days	Only detention of alien terrorists is indicated, with a maximum of seven days.
Chief agency	Anti-Terrorism Council with limited powers	Anti-Terrorism Council with more empowered functions	Anti-Terrorism Task Force	Not indicated. The Department of Homeland Security was created with another act.

Figure 1. The Anti-Terrorism Act of 2020 in comparison with the Human Security Act of 2007 and the anti-terrorism laws of Indonesia and the United States

ATA defines terrorism under Section IV as activities committed by persons intended to: cause death or serious bodily injury to any person, or endanger a person's life; cause extensive damage or destruction to a government or public facility, public place, or public property; cause interference with, damage, or destruction to critical infrastructure; develop, manufacture, possess, acquire, transport, supply or use weapons, explosives, or of biological, nuclear, radiological, or nuclear weapons; and release dangerous substances, causing fire, floods, or explosions.³² These must be acts that "by its nature and context," is intended "to intimidate people, 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 the political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety."³³

This definition of terrorism is at par with the ATL and USA PATRIOT Act, which both defines such subject in a broad array of activities similar to ATA. Under Articles VI and VII of ATL, terrorism is defined as follows: any act of any person who intentionally uses violence or threats of violence; creates a widespread atmosphere of terror or fear or causes mass casualties, by taking the liberty or lives and property of other people; or causes damage or destruction to strategic vital objects, the environment, public facilities or international facilities.³⁴ USA PATRIOT Act similarly defines terrorism under Section 802 based

off the United States Code: domestic terrorism as those criminal acts dangerous to human life, committed primarily within the United States, that appear to be intended to intimidate or coerce a civilian population, or to influence a governmental policy by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination or kidnaping."³⁵ Compared with the ATA, both the Indonesian and US statutes cover recurring themes: threats to human life, destruction of public property, acts of intimidation, and attempts to influence the government by unlawful means. USA PATRIOT Act, however, goes beyond as it also provides definitions of "international terrorism" and "federal crime of terrorism."

USA PATRIOT Act defines both domestic and international terrorism in Section 802, and the federal crime of terrorism under Section 808. The definition of international terrorism is similar with domestic terrorism, except that it refers to occurrences outside the territorial jurisdiction of the United States.³⁶ These are not necessarily prosecuted under the laws of the United States, unless such activities are also "federal crimes of terrorism." The federal crime of terrorism on the other hand is specifically defined as any terrorist act "transcending national boundaries."³⁷ This means that these acts are carried out in the United States, but which nature and context are linked to international terrorism.³⁸ These acts include biological weapons offenses, cybercrime, attacks on mass transit, and even crimes committed aboard aircraft.³⁹

Since the Philippines is not a federal state, it needed not to distinguish a federal crime of terrorism from the domestic. ATA's international scope rather is reflected in its three provisions: Section X which penalizes participation or service in or with foreign armed organizations, including armed forces of other states; Section XI which declares as unlawful the participation of foreigners in any related to terrorism; and Section XXV which directs the ATC to adopt the United Nations Security Council Consolidated List of terrorists and terrorist organizations.⁴⁰ Under Section XXV, all terrorists and terrorist organizations around the world under the Consolidated List are automatically designated as such under the Philippine law.⁴¹

Chief implementing agencies

The ATA had empowered the Anti-Terrorism Council (ATC) which until the repeal of the HSA was with limited power. Aside from the power to designate individuals and groups as terrorists, the new ATC puts the National Security Adviser (NSA) as the Vice-Chairperson in place of the Secretary of Justice. It also includes the Secretary of the Information and Communications Technology and the Executive Director of Anti-Money Laundering Council (AMLC) as its new members, thus giving more emphasis to the anti-terrorism efforts in cyberspace and anti-terrorist financing.⁴² Similarly, the ATL is also implemented by an Anti-Terrorism Task Force that is composed of Indonesia's Ministries of Justice, Home Affairs, Foreign Affairs, and Finance as well as the Attorney General's Office, the Armed Forces, and the National Intelligence Agency.⁴³ The United States on the other hand provided for this purpose with the passage of a separate legislation, the Homeland Security Act of 2002, thus establishing the Department of Homeland Security with wide-ranging powers that take care of the country's internal security including terrorism.

Policy Options

Terrorism remains a major security issue among states and there are no indications that the status quo would change in any point in time. Thus, this paper puts forward policy considerations which may be had in order to strengthen the counter-terrorism efforts in place.

1. ***Establishment of a government department for homeland security.***⁴⁴ One of the best responses to terrorism remains the creation of a major government agency that secures the homeland is

the best political infrastructure we can invest to address terror threats inside the country. As the USA PATRIOT Act was complimented with the law establishing the Department of Homeland Security, there is no reason Philippine state can also do the same. While the ATC may suffice for the role, an institution similar to the DHS may perfect it. Such department "could be primarily dedicated to the crafting and implementation of policies and strategies for internal security."⁴⁵ It would also help establish international partnerships with foreign counterparts for a better intelligence sharing and other anti-terrorism cooperation.⁴⁶ According to the Secretary of the Interior and Local Government Eduardo Año, such department will " 'lump' together government agencies involved in internal security, counter terrorism and border security into one department 'for ease of coordination as well as to have one single effort for peace and order, public safety, and against terrorism.' "⁴⁷ As the ATC is just a policy-making body a proposed department will be the "operating arm" which will provide the state greater speed and organization in combatting terrorism.⁴⁸

2. ***Strengthening intelligence capabilities.*** One of the vulnerabilities admitted both by the government and security experts during the Marawi siege was the failure of intelligence agencies to properly assess the situation resulting to an attack which lasted for months destroying most of the city. Despite the presence of an aggressive law then which permitted surveillance on identified terrorists, government institutions failed to use the mechanisms in place to prevent a catastrophic terrorist attack. Thus, there is a need to further develop the entire intelligence community's capabilities in order to effectively assess and prevent future terrorist attacks.
3. ***Intelligence-sharing collaboration with neighboring ASEAN countries.*** As IS forces are seeking ground in Southeast Asia to establish a caliphate following their decline in the Middle East, the threat exists and must be eliminated using a collective strategy to which according to Borelli (2017), the ASEAN stands as the obvious forum for regional cooperation.⁴⁹ However, given the scope and urgency of the threat as well as ASEAN's incapability and unresponsiveness to address the problem due to structural obstacles and preventive measures, the Philippines may opt to start small by establishing cooperation links

with neighboring countries such as Indonesia and Malaysia with whom it already shares a Trilateral Cooperative Arrangement (TCA) for maritime patrol. Verily, as recent terrorist attacks also prove the failure of collaboration among ASEAN countries to monitor and communicate information on these activities, an establishment and communication of a terrorist database, profiles and reports starting on a small collaboration with these countries may be had.

4. **Continuous education of personnel and agencies.** As defense mechanisms are continuously updated and modernized in order to be sufficient in countering terrorist threats, government agencies as well as their personnel likewise, must also be informed and educated on the evolving threats of violent extremism to instill resilience and further strengthen their roles and capabilities. Continuous structural reforms in the security sector may be made in order to achieve this goal.

Conclusion

Given that the ATA is still in its early stages, it would be improper to answer squarely the question of whether it will be effective in deterring the terrorism threat in the country. However, it must be stressed that the ATA is only a facet to the comprehensive approach avowed by the government to pursue which involves political, economic, and diplomatic means to combat terrorism and address its roots in the Philippine society.⁵⁰ The overbearing importance given to the ATA by its legislators is both vital to address the gap in the law for a strong anti-terrorism legislation in a country heavily afflicted by these inimical attacks which undermine its authority and affects the safety of the public and state infrastructures, but which nonetheless discounts the fact that this should be complemented by other means to achieve its ends. It is undisputed that the country needs a strong anti-terror law to stop and warn individuals who wish to do such acts, but it must also be asserted that the law can only do so much. It is not

and must not be the country's sole response to the problem of terrorism. The campaign against terrorism requires a clear and multi-faceted framework which involves all agencies of the government, further strengthening their collaboration and capabilities, and the inclusion as well as empowering of local governments and the participation of non-government organizations. The ATA will not be effective on its own without a proactive program framework for deterring it combined with strengthening the country's security architecture, most especially its intelligence services. Without the enforcement and strengthening of this comprehensive approach for preventing terrorism, the law will certainly be ineffective in the future and the need for its continuous amendment cannot be helped.

Furthermore, the new anti-terrorism law proves to be at par with the ATL and USA PATRIOT Act. Currently the law is used for the first time against a suspected foreign terrorist from Indonesia apprehended in Jolo, Sulu who was formally charged on October 13, 2020.⁵¹ Time shall tell the effectiveness and constitutionality of this new law. All analyses with ATA were made notwithstanding any possible complication with the Constitution in the future. Analysis is done granted full constitutionality of the new anti-terrorism measure.

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