

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 0482



Introduced by
REP. ARLENE D. BROSAS (Gabriela Women's Party);
REP. CARLOS ISAGANI T. ZARATE, REP. FERDINAND R. GAITE, and REP. EUFEMIA
C. CULLAMAT (Bayan Muna Partylist);
REP. FRANCE L. CASTRO (ACT Teachers' Partylist);
and REP. SARAH JANE I. ELAGO (Kabataan Partylist)

EXPLANATORY NOTE

Amid the backdrop of endless spate of killings and arrests and mounting people's resistance, former president Gloria Macapagal-Arroyo signed into law Republic Act No. 9372 or the "Human Security Act (HSA) of 2007." At the signing of the law, Arroyo described the measure as a "legal muscle to help end the paralysis of fear, empowered with a law that identifies terrorism and penalizes it, a law that preserves and protects freedom." Expectedly, the United States hailed the passage of the measure especially as it conforms to the US War on Terror strategy, which is essentially the neutralization of perceived threats to its global hegemony.

Prior to the HSA's signing, Arroyo issued Proclamation 1017 declaring a state of national emergency as well as General Order No. 5 which directed the Armed Forces of the Philippines to suppress "lawless violence." Both Proclamation 1017 and General Order No. 5 were later struck down by the Supreme Court. The constitutionality of the HSA however was upheld despite widespread criticisms of the measure for threatening fundamental rights and civil liberties.

The Human Security Act of 2007 reclassifies common crimes already contained in the Revised Penal Code as acts of terrorism with higher penalties based on the overly vague qualifier "thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand." The law also authorizes wiretapping and other forms of surveillance of persons and organizations suspected of the crime of terrorism and of conspiracy to commit terrorism based on a written Court of Appeals order. Aside from this, the government can also freeze the funds, bank deposits and other assets belonging to a person based merely on the suspicion that he or she is a terrorist.

Various human rights groups and progressive organizations, including Gabriela Women's Party, have raised serious concerns on how the law institutionalizes the broad fascist powers of the AFP and the PNP in conducting surveillance and carrying out arrests and detention of government

critics based on the vague pretext and suspicion of terrorism. Media groups and lawyers' groups have cited the law's chilling effect on the freedom of speech, and its implications on the people's rights to free association. Former UN special rapporteur Martin Scheinin said that "many provisions of the Human Security Act are not in accordance with international human rights standards."

More than a decade after the law's signing, the Duterte administration weaponized the HSA to come up with a list of more than 600 alleged terrorists – which strangely include a UN special rapporteur, human rights defenders, deceased persons and vague aliases. The said petition for prescription, which was filed by the Department of Justice (DOJ), cited the Human Security Act of 2007 as legal basis. The DOJ later admitted that the names included in the list did not go through personal verification, thereby highlighting the threats of the overly broad stipulations in the HSA to personal freedom and basic civil rights. To illustrate, peace consultant Randy Felix Malayao, whose name was included in the DOJ's list, was killed on February 23, 2018 while riding a bus to the province. The perpetrators of the political killing remain on the loose.

The Human Security Act of 2007 was also cited in the filing of trumped up charges and illegal arrest on January 28, 2019 against indigenous peoples' leader Jomorito Guaynon, peasant leader Ireneo Udarbe and four members of a local farmers' group in Misamis Oriental. They remain detained at Camp Evangelista, Cagayan de Oro City despite based on planted evidence and concocted allegation that they were terrorists and were illegally possessing firearms and explosives.

In a desperate attempt to institutionalize the reign of fear, state terrorism and martial rule, the Duterte administration sought to amend the already draconian Human Security Act of 2007 during the 17th Congress to introduce more lethal and more repressive provisions. Among the original amendments proposed include the upscaling of penalties to death penalty which will equally apply to all levels of committing and conspiring to commit terrorism. The HSA amendments dangerously stand as a peak draconian legal concoction that will wipe out all remaining democratic rights enshrined in our laws, and a monstrous legal instrument that will complement the Duterte regime's policy of mass murders and repression and his de facto dictatorial rule that is enabled by the militarization of the bureaucracy.

The Human Security Act of 2007 does not need to be amended. It needs to be repealed in its entirety – to safeguard our basic rights and civil liberties, to preserve whatever democratic gains that we have produced out of our collective uprising, and to ensure that there will be no place for tyrants in Philippine society.

In view of the foregoing, the passage of this bill is earnestly sought.



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**AN ACT REPEALING REPUBLIC ACT NO. 9372 OTHERWISE KNOWN
AS THE "HUMAN SECURITY ACT OF 2007"**

Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines in Congress assembled:

Section 1. Republic Act No. 9372 (An Act to Secure the State and Protect our People from Terrorism), otherwise known as the "Human Security Act of 2007," is hereby repealed.

Section 2. All laws, jurisprudence, executive orders, executive issuances or letters of instruction, or any part thereof that are inconsistent with or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Section 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,