



PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA



NV-CDS-521-2024

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedures Branch, and further to the Philippine Mission's note NV-CDS-350-2024 dated 13 September 2024 on the joint communication on the case of Community Empowerment Resource Network (CERNET) (Reference: AL PHL 3/2024), has the honor to convey the attached written response of the Government of the Republic of the Philippines.

The Permanent Mission further requests that the said response, including its attachment, be published on the OHCHR's website alongside the joint communication.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedures Branch the assurances of its highest consideration.

Geneva, 18 December 2024

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Special Procedures Branch

Palais des Nations, 1211 Geneva 10, Switzerland

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Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

JOINT TASK GROUP CEBU, 3ID, PA
(represented by BRIGADIER GENERAL

[REDACTED]

Complainant,

- versus -

NPS XVI-INV-23E-00246

For: Violation of R.A. No. 10168

COMMUNITY EMPOWERMENT
RESOURCE NETWORK, INC. AND
ITS COUNCIL, ET AL.

Respondents.

x-----x

RESOLUTION

This resolves the complaint filed by the Joint Task Group Cebu, 3ID, PA, represented by Brigadier General [REDACTED], against respondents Community Empowerment Resource Network, Inc. (CERNET) and its Council, Atty. Noemi B. Truya-Abarientos, Estrella Flores-Catarata, [REDACTED]

[REDACTED] Evelyn C. Abella,

[REDACTED] Nancy Ugsad Estoloso, [REDACTED]
Maria Ira Doysabas Pamat, Dr. Petty Orbeta De Castro, Crescenciana Z. Labitad, Miguel T. Udtohan, [REDACTED] Dr. Oliver A. Gimenez, Cristina D. Muñoz, Teresa Claire F. Alicaba, [REDACTED] Ritche Cabañero Nellas, Alma Ravacio Garcia, [REDACTED] and Jaime S. Paglinawan Sr., for violation of Republic Act (R.A.) No. 10168, otherwise known as the "Terrorism Financing Prevention and Suppression Act of 2012".

Complainant's witness [REDACTED] avers that in November 1999, when he was still 2nd year college at the University of San Carlos (USC) Main Campus in Cebu City, he was invited by [REDACTED], staff of the Regional Youth and Student Sector of the Communist Party of the Philippines in Region 7, to join [REDACTED], [REDACTED]

[REDACTED] He joined [REDACTED] introduced herself as a member of the [REDACTED]. During his 3rd year and together with other USC students, he joined the [REDACTED] [REDACTED] at the mid-north area of Cebu, particularly in the mountain barangays of Tuburan, Cebu. The purpose of the program is for them to experience the life of the [REDACTED] in the countryside. After their [REDACTED] integration, he attended rallies and mass demonstrations of cause-oriented groups in Cebu.

In March 2001, he graduated from USC. Thereafter, he became a member of the [REDACTED] until 2003. He was given the alias "Ka Rey". He was a guerilla fighter/combatant of the [REDACTED] from 2001 until 2003.

After December 20, 2003, he temporarily disassociated from the [REDACTED] and went to Metro Manila to look for a job. Since he was not successful in getting a job, he returned to Cebu. In February 2004, he found a job as a Recruiter Staff at Simple Image Recruitment Agency, a manpower recruitment agency in Cebu City. In June 2004, he resigned therefrom.

Thereafter, he worked at the [REDACTED]

[REDACTED]

In July 2006, he became an employee of respondent CERNET upon the recommendation of Doron. He started as an Assistant Small Project Fund (SPF) Officer of CERNET with office at [REDACTED]

Cebu City. Small Project means project from which various People's Organizations (POs) seek funding from CERNET in the amount ranging from P50,000.00 to P250,000.00.

In his first day at CERNET, he was oriented by respondent Cristina Muñoz, who was then its finance and administrative officer. During the said orientation, respondent Muñoz introduced herself as a member of the [REDACTED]. She informed him that part of his duties and responsibilities is to assist in the [REDACTED] and its capacity building program. As Assistant Project Officer, he assess and screen project proposals from POs requesting fund support from CERNET. After screening, he will visit the PO for onsite project appraisal. Once the PO meet the requirements, he will recommend its approval based on the project amount. Once approved, he will prepare the needed documents for the release of funds.

During his orientation, he was informed by respondent Muñoz that CERNET receives funding from an NGO and protestant church based in Germany, namely, [REDACTED]

[REDACTED] Respondent Muñoz told him that 60% of what CERNET receives from the foreign NGO will go to the [REDACTED] and only 40% will be used for project implementation.

Also, during his orientation, he found out that CERNET is an NGO connected with the [REDACTED]. Respondent Muñoz disclosed that CERNET is the primary source of funds that supports the [REDACTED]

[REDACTED] He learned that CERNET is a consortium of various organizations where officers of these organizations are sitting as the CERNET council which is its highest policy-making body. The following are the original member organizations of the CERNET Council

(1) [REDACTED]

(2) [REDACTED]

(3) [REDACTED]

- (4) [REDACTED]
- (5) [REDACTED]
- (6) [REDACTED]
- (7) [REDACTED]
- (8) [REDACTED]

Also discussed during his orientation was that CERNET submits project proposals to [REDACTED] through the intervention, or with the assistance, of [REDACTED], an NGO based in Quezon City. [REDACTED] will endorse the project proposal of [REDACTED]. Once approved, [REDACTED] was tasked by the [REDACTED] to oversee the project implementation. When the project funds are transferred to CERNET, 40% thereof will be used to implement the project, while 60% will be given to the [REDACTED].

He was also informed by respondent Muñoz that all the staff of CERNET are members of the [REDACTED]. When he started working at CERNET, some of its staff were:

- (1) [REDACTED]
- (2) Cristina Muñoz, Finance and Administrative Officer;
- (3) [REDACTED]
- (4) [REDACTED]
- (5) [REDACTED]
- (6) Ms. Teresa Claire Alicaba, Research Development Program Coordinator.

In January 2008, as part of CERNET's party program, he went on a Tour of Duty (TOD) at the [REDACTED] Southeast Front, an [REDACTED]. In preparation for his TOD, respondent [REDACTED] then legal officer of CERNET, asked him to sign a resignation letter. Respondent [REDACTED] explained that he need to sign the same so that in case he

is killed or captured by the military during TOD, CERNET officials can claim that he is no longer its employee.

During the first three months of his TOD, he stayed at the [REDACTED] of the Regional [REDACTED] Headquarters in [REDACTED] and was assigned as finance and logistics officer. Thereat, he met [REDACTED] his wife and three (3) children: [REDACTED]

[REDACTED] was then the Secretary of the [REDACTED] Regional Command in [REDACTED]. [REDACTED] was the Deputy Secretary of [REDACTED] Regional Command, [REDACTED] was the Secretary of the [REDACTED] Regional Command, [REDACTED] was then the Secretary of the Regional Finance, [REDACTED] was then the Front Secretary of the [REDACTED] fronts based [REDACTED]. [REDACTED] was then the Finance Staff of [REDACTED] Regional Command in [REDACTED].

When his TOD ended in June 2008, he returned to CERNET as [REDACTED] officer. This time, he was already being made one of the payees of various checks drawn against the bank accounts of CERNET. He would encash these checks and give the entire amount to respondent Muñoz. All these checks were encashed at the [REDACTED] Ramos branch, Cebu City.

From 2008 to 2012, he was tasked to facilitate the implementation of different project proposals of various POs in Cebu, Negros Island, Bohol and the province of Southern Leyte. As Assistant [REDACTED] officer of CERNET, his main duties include project appraisal, monitoring and evaluation.

Sometime in April 2012, respondent Muñoz gave him P100,000.00. She instructed him to give the money to [REDACTED] then the finance officer of the [REDACTED]

In the last week of May 2012, he accompanied respondent [REDACTED] when he withdrew P600,000.00 from CERNET's BDO Account No. 006108003476, at [REDACTED] Cebu City. This was

intended for the subsidy of [REDACTED]
[REDACTED] both underground fronts of [REDACTED]

Also in the same week, he encashed a check amounting to P296,639 drawn against CERNET's BDO Account No. 006108003476, at BDO Ramos branch. This was intended to support the [REDACTED] project for the establishment of a cooperative store. After encashing the check, he gave the entire amount to respondent Muñoz. [REDACTED] is an urban poor PO based in [REDACTED]

In June 2012, respondent Muñoz instructed him to deliver P160,000.00 to [REDACTED] the finance officer of the [REDACTED]

In the same month, he accompanied respondent [REDACTED] when she deposited P200,000.00 to a certain Landbank account, at [REDACTED] branch, Cebu City. Respondent [REDACTED] mentioned that the funds were for [REDACTED]

In the last week of August 2012, upon the instruction of respondent Cristina Muñoz, he deposited P140,000.00 to BDO Account No. 003070098570 of the [REDACTED] intended for [REDACTED] branch. Both organizations were set up by the [REDACTED] He learned from Hermegildo "Toto" Belnas, Executive Director of [REDACTED] Inc., during one of his appraisal visits in the community, that the P140,000.00 was not really used for the project implementation, but went to the [REDACTED]

Also, in August 2012, upon the instruction of respondent Muñoz, he deposited P170,000.00 to the BDO Account No. 003070098570 of [REDACTED] Such amount was intended for [REDACTED] He learned this also from [REDACTED] during one of appraisal visits. [REDACTED]

██████ told him that the P170,000.00 was not really used for the approved project, but went to the ██████

Sometime in September 2012, CERNET through respondent Cristina Muñoz gave him P135,000.00 in cash which, upon her instructions, he delivered to ██████ in Dumaguete City. Such amount was given by CERNET for logistical support to the ██████ (food provision, armaments, ammunitions, firearms, medical supplies and other operational requirements).

On November 25, 2012, his employment was terminated by respondent Dr. Oliver Gimenez, Executive Director of CERNET. This was after he was investigated by CERNET and was tried in a "kangaroo court" for alleged connivance and alliance with government state forces. The hearing started at 12:00 noon, on November 23, 2012, and lasted until 6:00 in the evening of November 25, 2012.

Before the trial, respondent Dr. Oliver Gimenez injected him with an unknown drug to calm him. During trial, he was continuously asked questions and was not allowed to rest. He was even forced to sign a blank document.

Respondent Jaime S. Paolinawan Sr. who was then the Secretary of ██████ stood as his counsel during the trial. On November 25, 2012, said respondent read his verdict imposing the punishment of *Destierro* and Expulsion from the ██████. He was informed that if he will be sighted in Cebu within five (5) years, he will be shot to death.

Before he left CERNET, on November 25, 2012, the following are CERNET Council, CERNET Board of Trustees and CERNET officers and staff

Name of Organization	CERNET Council Representative
████████████████████	<ul style="list-style-type: none">• Atty. Noemi Truya-Abarientos• Estrella Flores-Catarata
████████████████████	<ul style="list-style-type: none">• ████████████████████• Geraldine Labradores

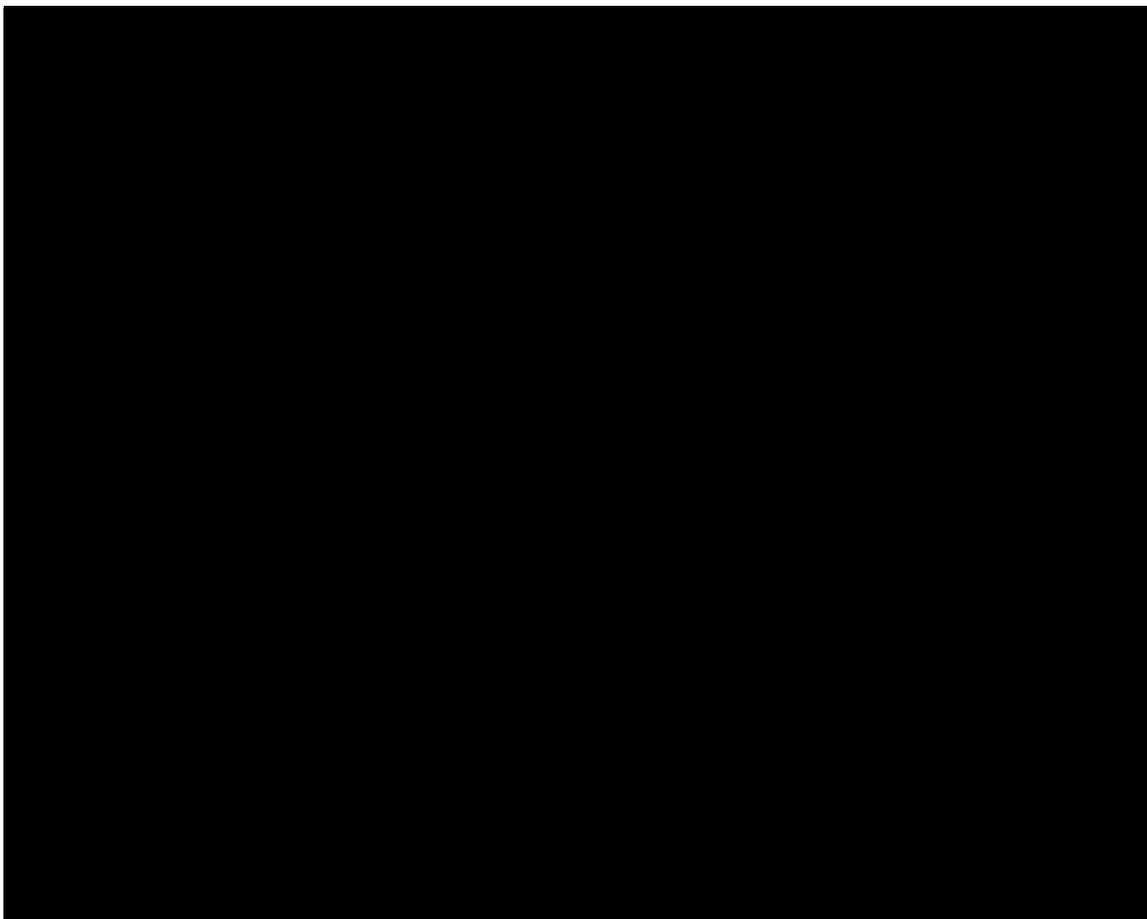
[REDACTED]	<ul style="list-style-type: none"> • [REDACTED] • [REDACTED]
[REDACTED]	<ul style="list-style-type: none"> • [REDACTED] • [REDACTED]
[REDACTED]	<ul style="list-style-type: none"> • [REDACTED] • [REDACTED]
[REDACTED]	<ul style="list-style-type: none"> • Nancy Estoloso • [REDACTED]
[REDACTED]	<ul style="list-style-type: none"> • [REDACTED] • Ma. Ira D. Pamat
[REDACTED]	<ul style="list-style-type: none"> • Dr. Petty De Castro-Orbeta • Crescenciana Z. Labitad
[REDACTED]	<ul style="list-style-type: none"> • Dr. Miguel Udtohan • Rev. Zuriel Tiempo

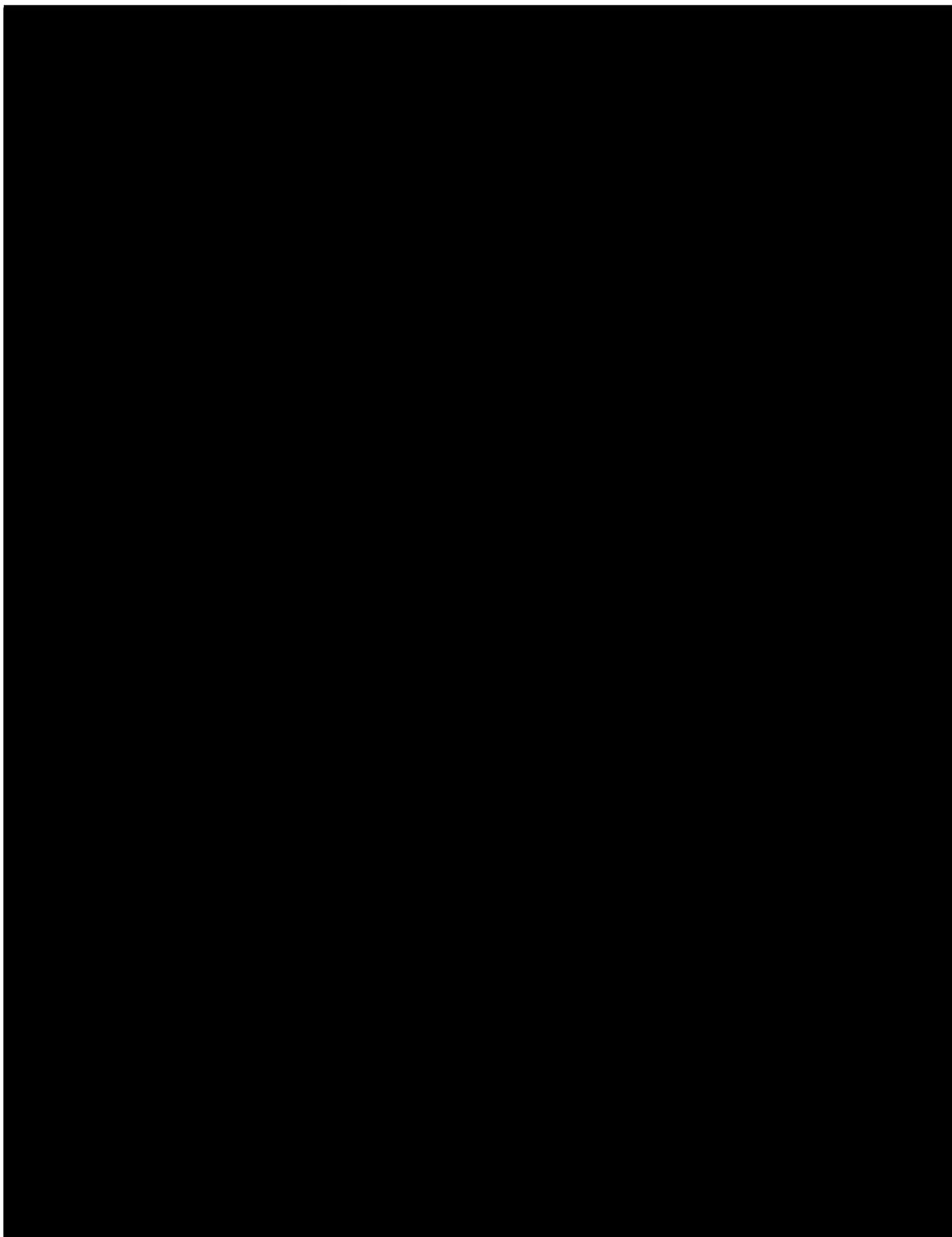
Officers and Members of CERNET Board of Trustees (BOT)	Position
[REDACTED]	<ul style="list-style-type: none"> • Chairman • Vice Chairman
Estrella Flores-Catarata	<ul style="list-style-type: none"> • Corporate Secretary
Dr. Petty De Castro	<ul style="list-style-type: none"> • Treasurer
Evelyn Abella	<ul style="list-style-type: none"> • Auditor
[REDACTED]	<ul style="list-style-type: none"> • BOT member
Ira Pamat	<ul style="list-style-type: none"> • BOT member
Dr. Miguel Udtohan	<ul style="list-style-type: none"> • BOT member
Nancy Estoloso	<ul style="list-style-type: none"> • BOT member
Dr. Oliver Gimenez	<ul style="list-style-type: none"> • Executive Director, CERNET • Ex-Officio BOT member

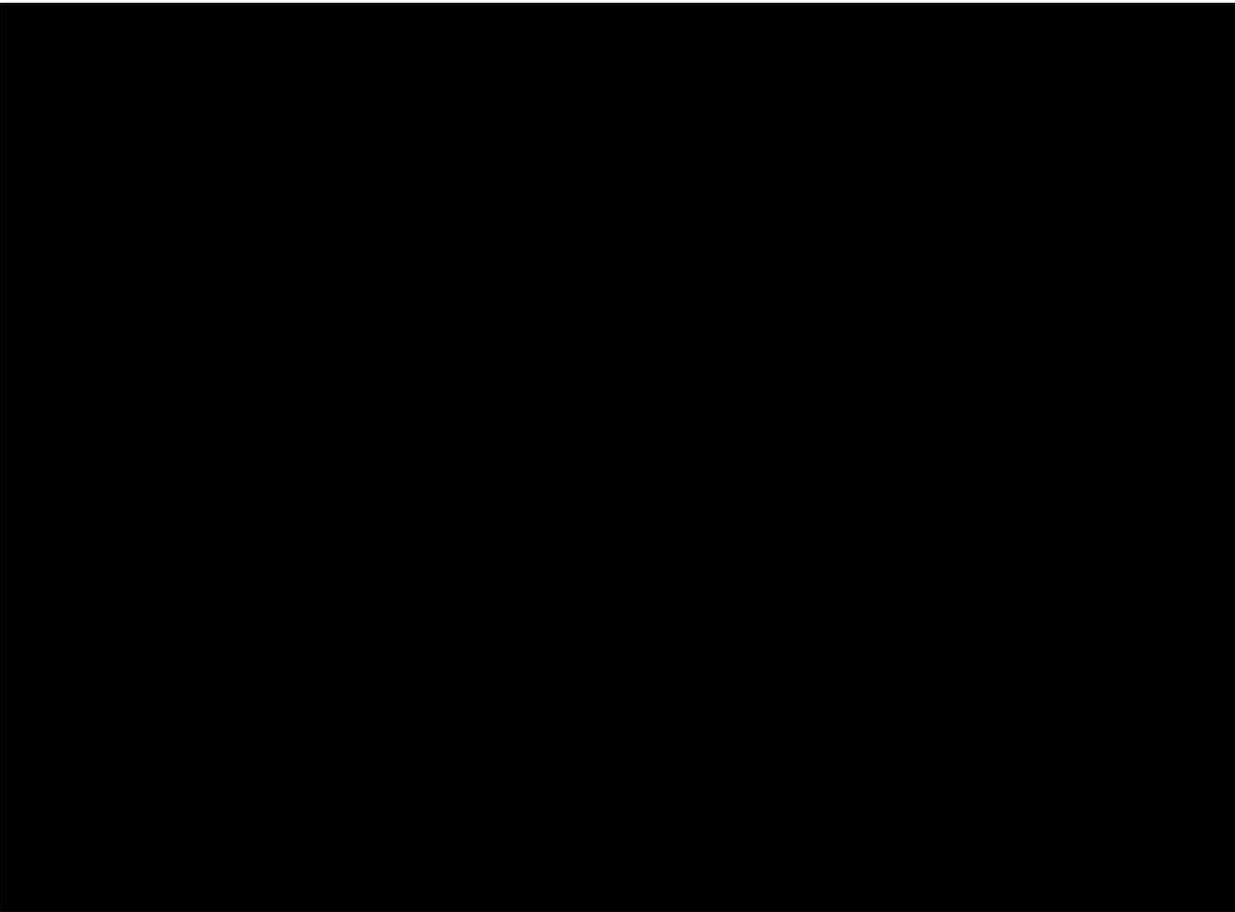
CERNET Officers & Staff	Position
Dr. Oliver Gimenez	<ul style="list-style-type: none"> • Executive Director
Cristina Muñoz	<ul style="list-style-type: none"> • Admin & Finance Officer
Teresa Claire Alicaba	<ul style="list-style-type: none"> • SPF Projects Officer

[REDACTED]	• SPP Coordinator
Ritchie Nellas	• PO Capacity Building Officer
[REDACTED]	• Advocacy Officer
[REDACTED]	• Projects Officer
[REDACTED]	• Legal Aid Coordinator
Maria Nella Carreon	• Admin Staff
[REDACTED]	• Research Coordinator
Jaime Paglinawam	

In support of the allegation that he was connected with CERNET, he submitted, among others, the following photographs with some respondents:







Witness [REDACTED] a.k.a. [REDACTED] avers that she was a member of the [REDACTED] for 29 years operating in Bohol and Negros Island. She became a Team Leader, Medical Officer, Finance Officer, Secretary of [REDACTED]

In 2003, she was arrested by the police and was imprisoned until 2008. After serving her sentence, she was assisted by [REDACTED] in going to Manila and then to Cebu. She was advised by [REDACTED] that she might be killed by the army if she goes home. Upon arriving in Cebu, she was accommodated by the [REDACTED] where she met [REDACTED]

During her stay with [REDACTED] convinced her to continue with the [REDACTED] and instructed her to go to Negros Oriental where it was safe. Upon arrival at Negros Oriental, she stayed with the [REDACTED] the [REDACTED] There she joined the armed group of [REDACTED] and worked as medical officer.

In February 2012, she was assigned as finance officer of the [REDACTED]. As finance officer, she receives money from the [REDACTED] through its courier *alias Pedang* and another member of [REDACTED]. Every month, the [REDACTED] sends P100,000.00 for the needs of the platoon. Further, [REDACTED] used the money to purchase firearms and ammunitions. [REDACTED] commanding officer of the [REDACTED] and her husband, confirmed to her that the funds were provided by CERNET.

In April 2012, she met witness [REDACTED] to receive their monthly support from CERNET. They met in Dumaguete City where [REDACTED] gave P100,000.00 to her for the needs of the [REDACTED].

In May 2012, she called witness [REDACTED] and asked about the price of a caliber 45 pistol and M16 rifle. Witness [REDACTED] gave the prices and the latter was instructed to order the said firearms and ammunitions. They met at Barangay Orong, Kabankalan City, where she handed P56,500.00 to him. After a week, witness [REDACTED] called and confirmed to her that he ordered the firearms and ammunitions and they agreed to meet at Barangay Tan-awan, Kabankalan City.

In September 2012, she met witness [REDACTED] in Dumaguete City. Witness [REDACTED] gave her P135,000.00. The said amount came from CERNET and was given as support to the [REDACTED]. After reporting such amount to [REDACTED] they resumed ordering firearms and ammunitions.

In October 2012, through the directives of [REDACTED] she called witness [REDACTED] to purchase another set of firearms and ammunitions. They met at Barangay Tan-awan, Kabankalan City, where the firearms and ammunitions were delivered.

She further stated that their group committed several atrocities, such as the killing of [REDACTED] former member of the [REDACTED] at Barangay Talalak, Sta. Catalina, Negros Oriental; and arson against 2 backhoes at Sitio Cabungahan, Barangay Amio, Sta. Catalina, Negros Oriental, in April 2013, for of the owner's failure to pay revolutionary taxes.

and benefits of CERNET employees.

She was also instructed by respondent Muñoz to encash checks, 2-3 times in a month, ranging from P170,000.00 to P300,000.00, in [REDACTED] [REDACTED] for the projects of the POs. She recalls having encashed checks for [REDACTED] in Lapu-lapu City, [REDACTED] in Carmen, and [REDACTED] in Leyte. She further alleges that the signatories of said checks are the Executive Director and Treasurer of the BOT. She states that these officers are aware of the amounts in the check since respondent Muñoz fill-in the details of the checks before they sign them.

In late 2012, respondents Dr. Oliver A. Gimenez and Cristina D. Muñoz terminated the employment of witness [REDACTED] for conniving with the military.

Between 2015 and 2016, [REDACTED] became the Finance Officer after [REDACTED] died, while respondent Muñoz became the Executive Director after respondent Dr. Gimenez left. She temporarily became the Special Support Services Staff. She also identified respondents Maria Teresa Alicaba and [REDACTED] as the Special Project Fund Officer and Executive Director of Visayas Human Development Agency (VIHDA). In 2017, respondent Muñoz terminated her employment and made her sign a resignation letter.

Witness [REDACTED] is the chairman of [REDACTED]. She avers that she was asked to sign documents by [REDACTED] one of the founders of [REDACTED] and a member of [REDACTED] to make it appear that CERNET has a project with [REDACTED]. Further, she became a member of the [REDACTED] since 2006.

Respondent CERNET adopts the allegations and arguments in the counter-affidavits of the individual respondents. Respondents [REDACTED] and [REDACTED] did not file any counter-affidavit. Other respondents submitted their respective counter-affidavits, summarized hereunder.

Respondent Atty. Noemi B. Truya-Abarientos denies having knowledge of the allegations of complainant's witnesses and claims

that she is not one of the responsible officers of CERNET. She argues that if the allegations of [REDACTED] against her are true, then violations of the law were committed by [REDACTED] not her. CERNET is a legitimate NGO duly organized and registered as a non-stock, non-profit organization with the SEC and with the Bureau of Internal Revenue (BIR).

One of CERNET's funder, [REDACTED] is a prestigious international humanitarian organization that imposed stringent standards and criteria for choosing partners in the Philippines and would be the first to withdraw its support should it detect any act of terrorism or support thereof by CERNET. She claims that contrary to the allegations of complainant's witness [REDACTED] the Council members of CERNET as well as its Board of Trustees do not have day to day supervision of the organization. They periodically meet only, as prescribed in CERNET's Articles of Incorporation and By Laws. Council members meet only once a year to receive the report of the Executive Director.

She avers that [REDACTED] is a professional consultancy organization commissioned by the [REDACTED] to ensure proper implementation of CERNET. It would have been the first to report if CERNET is not compliant and will recommend to discontinue funding. [REDACTED] alleged involvement with the [REDACTED] is known only to him and has no bearing with the policy of CERNET. If the alleged activities are true, it is his alone. The council or council members do not have the power to approve or disapprove projects submitted to CERNET.

Also, she is not privy to the bank accounts mentioned nor aware of their existence as she is not one of the authorized officers to have access. Aside from [REDACTED] allegation that she is a Council representative of the [REDACTED] her name cannot be found as original member organizations of CERNET, as Board of Trustees or as CERNET staff. [REDACTED] and the rest of the consortium members are duly organized and registered non-stock and non-profit organizations which have distinct programs known to their respective communities as having served the poor and marginalized.

Respondent Estrella Flores-Catarata denies all the allegations against her, specifically being a terrorist or financially supporting one. She argues that R.A. No. 10168 became effective only on July 5, 2012. Therefore, any allegation against her for a crime purportedly committed before its effectivity is prohibited. She contends that the acts she allegedly committed between August and September 2012 have no legal basis. She asserts that not all the elements of R.A. No. 10168 are present.

She maintains that there is no allegation against her that she committed acts constituting an offense under Section 9 of R.A. No. 10168. She claims that there is no witness who testified to her actual and direct participation or consent to the commission of any crime, except for [REDACTED] in his matrix/table, who merely mentioned her name.

Respondent Rev. [REDACTED] asserts that he is not a member of the [REDACTED]. In 2012, he served as the chairperson of CERNET for one (1) year. His position as chairperson did not involve him in the day-to-day operations or financial management of CERNET. His role was strategic, ensuring that the organization's mission and goals were upheld and that its operations remained transparent and above board.

He denies all allegations against him, as he has no personal knowledge as to the identity of complainant's witnesses [REDACTED]. He recalls meeting complainant's witness [REDACTED] inside a CERNET vehicle, together with other staff and members of the Board of Trustees of CERNET, from a seminar facilitated by [REDACTED].

Moreover, he denies that the Board of Trustees, Council Members, including him, would approve funds of CERNET to support the [REDACTED] guerilla units in [REDACTED]. External Audit Reports show that its financial statements present fairly, in all material respects, its receipts, payments and cash status.

Respondent Dr. [REDACTED] argues that he was identified by complainant's witness [REDACTED] as CERNET Council Representative representing Silliman University Center for Extension

On May 14, 2020, she surrendered to the 15IB through the help of [REDACTED]

Witness [REDACTED] alias [REDACTED] was a former member of the [REDACTED]. He was recruited in 2008 by a certain [REDACTED] commanding officer of [REDACTED] in Negros Occidental. From 2009 to 2014, he was assigned to lead the [REDACTED] which is a part of the [REDACTED] in the Negros Island.

As a member of the [REDACTED] he participated in the attack of the [REDACTED] in 2009, by using improvised explosive devices and high caliber firearms. In 2010, he participated in raiding the detachment of the 62IB causing the surrender of [REDACTED]. Their group recovered 23 firearms, namely, 7 M16 rifles, 7 Garand rifles and 9 M14 rifles.

In 2012, [REDACTED] alias [REDACTED] called and inquired from him the prices of a Colt caliber 45 pistol, Armscor caliber 45 ammunitions and an M16 rifle. After providing the prices, *alyas Aya* confirmed with him to proceed with the purchase of said firearms and ammunitions. They met at Barangay Orong, Kabankalan City, where [REDACTED] gave P56,500.00 for the purchase of the firearms and ammunitions. A week later, he was able to purchase the firearms and ammunitions and handed them to [REDACTED] at Barangay Tan-awan, Kabankalan City.

In October 2012, [REDACTED] asked him to order another set of firearms and ammunitions. After two (2) weeks, the firearms and ammunitions were handed to [REDACTED] who in turn handed to him P50,000.00.

He continued to be an active member of the [REDACTED] until 2017. In 2020, he decided to surrender to the [REDACTED] after realizing he wanted to change the course of his life.

Witness [REDACTED] started her work at CERNET in April 2012. She was recommended by [REDACTED] respondent Jaime S. Paglinawan Sr., the chairman of Bayan Central Visayas. Initially, she was offered a job as a bookkeeper. However, she was assigned as an administrative staff whose duties include encashment of checks amounting to more than P100,000.00, payments of [REDACTED] contributions, and withholding taxes, in relation to the [REDACTED]

[REDACTED] as a member-organization. He emphasizes that his name was only mentioned once in [REDACTED] affidavit, in relation to his representation of [REDACTED] as a member-organization within CERNET.

His involvement with CERNET began when [REDACTED] became one of CERNET's founding members. With plenty of social involvements in local government endeavors and as an academician and in NGOs, he was not really very active in CERNET.

After his retirement, on December 31, 2014, he ceased to be an active council member, attending meetings which were held only once every three years. He only attended some of the council meetings once in three years and could not remember [REDACTED] as a staff of CERNET.

He further avers that the complaint is based on statements from complainant's witness [REDACTED] whose allegations are baseless. Due to his limited role as a council member in CERNET, he cannot recall any interaction or familiarity with [REDACTED]

As council representative, his involvement in CERNET is limited to voting on matters relating to the affairs of CERNET, being eligible to hold any of its elective or appointive office, participating in all its deliberations and meetings, and such other rights and privileges as may be adopted by the Board of Trustees from time to time. His involvement in CERNET as council representative, however minimal, cannot amount to a criminal act absent an allegation of a specific act or acts attributable against him.

His participation in CERNET's legitimate activities of supporting community development is not illegal and can be justified as part of CERNET's recognized legal mandate.

Respondent Evelyn C. Abella denies the allegations against her. She avers that CERNET never participated in giving financial aid to members of [REDACTED]. She is a social worker and a mere representative of [REDACTED] which caters

communities in Negros Oriental. She had been part of [REDACTED] Inc. as a staff from 1999 to 2018. From 2001 until 2018, she had been a member of the Board of Trustees of CERNET and from 2018 up to present, she is a member of the Board of Trustees of [REDACTED]

She claims that no member of [REDACTED] is a part of a terrorist organization. It received its funds from [REDACTED] which floated the idea of forming CERNET as a group which can support its projects in Central Visayas. To her knowledge, there is no board resolution, minutes or memoranda showing that the council and the Board of Trustees of CERNET approved a policy that distributes funds to [REDACTED] or its individual members.

She denies that the funds CERNET receives only utilized 40% for project implementation. She only knows complainant witnesses [REDACTED] and [REDACTED] by name.

She argues that the complaint is defective since there is no Complaint Affidavit.

Respondent [REDACTED] claims that he does not personally know the witnesses of the complainant. He counters that, pursuant to Section 3, Rule 112 of the Rules of Court, the complaint is defective because there is no Complaint-Affidavit. The complaint and its attachments would reveal that the complainant is the [REDACTED] While [REDACTED] is listed as one of the witnesses, however, there is no accompanying affidavit executed by him. He finds the complaint defective because it does not aver the acts or omissions constituting the offense and it does not state the designation of the offense given by the statute, not even the section or subsection of the statute punishing it.

As a council member of CERNET, he knew fully well that it was formally organized to support small-scale development projects or basically a small project funding facility which can be accessed by People's Organizations who cannot be entertained by big donor agency. The CERNET Council, which meets once a year, sets the general direction and programs of the Network which will be transformed into specific

programs by the Board of Trustees that meets only once every semester except when a special meeting is called to discuss or deal with urgent matters.

In his many years in CERNET as a council member, he never knew of any criminal wrongdoing that will compromise the purpose and goals for which the network was formed. Accusing CERNET of funding the [REDACTED] is absurd because it was never part of the former's policy or program.

Furthermore, it is difficult to disburse project funds under our CERNET's Financial Management and Internal Control System. The funds of CERNET, throughout the years, have been well-audited by an external auditor as well as by an auditor of the [REDACTED]

Respondent Nancy Ugsad Estoloso claims that she earned juris doctor in Siliman University and she works closely with the government, namely: [REDACTED] and local chief executive on various community-centered projects. She denies the allegations of complainant's witness [REDACTED]. As appearing in the 2011 [REDACTED] of CERNET, she was not a staff, an officer or a member of the Board of Trustees when the alleged transactions occurred.

In addition, she did not, in any capacity, participate in or allowed by gross negligence, the commission of any crime or permitted or failed to prevent its commission as she was elected as a member of the Board of Trustees of CERNET in December 2012 and 2013. She also asserts that not a single witness testified as to her actual and direct participation or consent to the commission of any crime punishable under R.A. No. 10168.

Respondent [REDACTED] belatedly filed her Counter Affidavit on November 21, 2023. She states that she is a retired Executive Minister [REDACTED]

Sometime in 2012, she was recommended by respondent Nancy Estoloso as Executive Director of [REDACTED] to the Board of Trustees of Tuburan. She was then designated as Treasurer in 2014. She claims that her tasked was limited to signing of checks with respondent Nancy Estoloso and never represented [REDACTED] at any CERNET Council meeting.

Respondent [REDACTED] vehemently denies the charges against CERNET and herself. She met respondent [REDACTED] through her husband when they were in Bohol, where she first learned, heard and eventually got invited to join the [REDACTED]

[REDACTED]

Due to a conflict of schedule, majority of the time, she seldom attends Council or Board Meetings and instead let her co-chairperson respondent [REDACTED] attend these meetings. There is no way CERNET has financed any illegal activity especially terrorist activities or groups or individuals. She knows that complainant's witness [REDACTED] worked for CERNET until he was dismissed sometime in 2012, but has not personally engaged or interacted with him.

Respondent Maria Ira Doysabas Pamat denies having knowledge of the allegations against her. She avers that she is the Coordinator of the [REDACTED] which is among the member organization CERNET. She became part of CERNET's Council in 2011 and presently the Secretary of the Board of Trustees. As a member, she participates in the Council and Board Meetings and its decision making. Thus, there is no way CERNET has financed any illegal activity, especially terrorist activities or groups or individuals.

Respondent Dr. Petty Orbeta De Castro denies all allegations of complainant's witness [REDACTED]. She denies being a member of the [REDACTED] and was not involved in any acts of financing terrorism.

Respondent Crescenciana Z. Labitad claims that there is no particular allegation against her or any proof that she committed any overt act punishable under R.A. No. 10168, other than the fact that she was a member of CERNET Council representing [REDACTED].

CERNET is a juridical person established in accordance with the laws of the Republic of the Philippines and is not, in any way, engaged in the crime of terrorist financing. It is duly registered with SEC and has been complaint. It is also duly registered with BIR.

Moreover, she avers that [REDACTED] is a legitimate organization formed and existing under the laws of the Republic of the Philippines and also duly registered with the SEC and the BIR. It is not designated as a terrorist organization and that it is not in any way engage in financing terrorism.

She is not named as a member of the Board of Trustees of CERNET. She was not mentioned as a member of the [REDACTED] and have never been a member of the [REDACTED]. She vehemently denies the baseless accusation of engaging in terrorist financing as alleged by the Complainant and his witnesses. Lastly, she does not have the financial capacity to provide monetary assistance to terrorist organizations.

Respondent [REDACTED] asserts that his name was never mentioned in the affidavits attached in the complaint, except that of complainant's witness [REDACTED]. He served as a council member as a representative of [REDACTED] and as a member of the Board of Trustees of CERNET for a three-year term.

He argues that there is no evidence pointing to his involvement in any illegal activities of CERNET, including financing terrorist. Also, there is no showing that he willingly and knowingly voted for a part of CERNET's project funds to go the activities of [REDACTED] or any

evidence of his evident carelessness or any neglect in preventing a crime from occurring. Further, CERNET has no policy that supports providing any financial or material assistance to rebel groups.

Like other respondents, he maintains that not all elements of the crime of terrorism financing are present.

Respondent [REDACTED] states that he is presently the [REDACTED]. Sometime in 2005, [REDACTED] joined CERNET when some of its member-organizations became recipients of funding agencies.

Respondent Udtohan and himself are representatives of the [REDACTED] [REDACTED] who became automatic members of the CERNET Council. The CERNET Council is composed of two representatives from each member organizations. They participated in the annual meeting in December of every year starting 2005 until 2010 when the funding for the projects stopped. During those annual meetings, duly audited financial reports were presented before the Council and nowhere was there ever any discussion that CERNET funds were spent for the benefit of [REDACTED]. Also, in the Articles of Incorporation of CERNET, [REDACTED] is not listed as among its Incorporators, Board of Trustees or member organization.

He argues that the complaint failed to state which particular provision of R.A. No. 10168 was violated by him. Such failure to allege the specific violation for the offense committed deprive them of the opportunity to adequately prepare for their defenses and, consequently, deprived them of the right to due process of law.

Respondent Dr. Oliver A. Gimenez argues that his representation with CERNET is in accordance with its Articles of Incorporation and By-Laws duly registered under SEC. He denies the allegations of complainant's witness [REDACTED]. The truth of the matter is that [REDACTED] employment was validly terminated. He denies the allegation that he injected [REDACTED] with an "unknown drug". [REDACTED] concocted this statement to add to his already lies-ridden narrative.

Further, he denies the allegations stated by complainant's witness

[REDACTED] that she signed checks of CERNET, as this is sweeping allegation without particularity as to the details of the check supposedly issued, date issued, payee and account number.

He attacks the complaint for being a "wholesale" charge, as it failed to state the specific acts that would constitute a crime.

Respondent Cristina D. Muñoz denies the allegations against her. She is a licensed social worker and worked as a full-time NGO worker of CERNET since 2003. The funds of CERNET have been well-audited by an external auditor as well as by the auditor of its funding agency, [REDACTED]. As per Auditor's Report for the period of June to December 2012, funds have been used exclusively for a specific project.

She maintains that she is not member of [REDACTED]. She has neither the financial capacity to transact or provide assistance to the [REDACTED] due to her health condition, being diagnosed with breast cancer. She argues that there is no truth as to the allegation that 60% of what CERNET receives from foreign NGO goes to the [REDACTED]. CERNET is not financing or connected to [REDACTED] in any way.

Complainant's witness [REDACTED] has no knowledge how the funds of CERNET were distributed as he was an Assistant Small Project Fund Staff. She denies having knowledge that CERNET gave the amount of P100,000.00 to the [REDACTED] based in Santa Catalina, Negros Oriental, in April 2012. Further, there was no withdrawal of P600,000.00 and P296,639.00 from CERNET's BDO Account No. 006108003476, in May 2012, as shown in the BDO Statement of Account for that period.

She denies [REDACTED] allegations that CERNET, upon her instruction, gave P160,000.00 to the [REDACTED] in June 2012, as she was in Dubai, United Arab Emirates, from May 31, 2012 to July 17, 2012. She never instructed [REDACTED] to deposit to deposit P140,000 to BDO Acct. 003070098570 of [REDACTED] for [REDACTED] as she does not have any idea of such BDO Account.

She avers that the allegation of complainant's witness [REDACTED] is a retaliation against CERNET, as he was terminated for a valid cause on the ground of unauthorized disclosure of false information to strangers and admitting the same in exchange for money. She argues that there is no evidence that she possessed, provided, collected or used property or funds or made available property, funds or financial service or other related services with the intention or knowledge that they were actually used or intended to carry out or facilitate the commission of any terrorist act by a terrorist organization, association or group or by an individual terrorist.

Respondent Teresa [REDACTED] posits that she is a development worker, part-time lecturer and [REDACTED]. In June 2004, she joined CERNET as a part-time staff then a bookkeeper and research/documentalist. She mostly covered the board meetings and organizational workshops, and also helped in the preparation of training modules. Contradicting the statement of complainant's witness [REDACTED] only a project coordinator is authorized to encash checks for the organization at the bank.

She claims there are no specific allegations in the affidavits of complainant's witnesses [REDACTED] and [REDACTED] and there was no gross negligence or failure on her part to prevent the commission of the crime.

Respondent [REDACTED] avers that he has no personal knowledge in the claims of [REDACTED] about him being a member of the [REDACTED] nor in his statements that he has interacted and/or made contact with their members. He claims that he is not a member of the [REDACTED] nor the [REDACTED] and was only hired as a staff member of CERNET in 2005. During his first few days as a staff member of CERNET, he underwent a series of orientation about CERNET as an NGO and the nature of his work.

In the various staff meetings and capacity building activities, he learned further about CERNET's core program, the [REDACTED] which provides funding support to the projects and endeavors of organizations belonging to the marginalized groups which we refer as Peoples' Organizations or PO partners.

He also learned about the other programs of CERNET, such as the Legal Aid, Advocacy and Networking (*LEAN*), which serves as support services that is necessary in order for PO Partners to sustain the gains from their projects without having to worry about the expensive costs of obtaining the services of lawyers whenever they are facing cases in court.

He started as CERNET's program assistant for the LEAN Program with duties to assist in the implementation of various activities, such as providing paralegal work to the PO Partners and establishing linkages with lawyers, law students, law organizations and other NGOs that provide various assistance to the marginalized sector.

Sometime in 2006, he met complainant's witness [REDACTED] when he was hired as assistant program officer of the SPF Program. However, his employment with CERNET was terminated sometime in the last quarter of 2012.

His involvement with CERNET was terminated in 2013 to serve for another NGO.

He vehemently denies the claim of complainant's witness [REDACTED] that in May 2012 he withdrew P600,000.00 from CERNET's BDO Account No. 006108004376 Ramos branch, Cebu City. The Bank Statement of the said account for the month of May 2012 would show that such withdrawal does not exist. If it does exist, he denies it was for the subsidy of [REDACTED] and [REDACTED]

He has no personal knowledge about the claim of complainant's witness [REDACTED] that he accompanied him when he deposited P200,000.00 to a certain Landbank Account at its P. del Rosario branch, Cebu City.

He vehemently denies [REDACTED] allegation that he mentioned to him that the money deposited will be used primarily for logistical support of the [REDACTED] as he never mentioned anything about CERNET's funds being used for the purchase of firearms and ammunition for the [REDACTED]. The funds of CERNET were never allocated

for support of the [REDACTED]

Although he appears in some of the photographs attached in the affidavit of [REDACTED] those were taken during activities and events of CERNET which are all legitimate. Said photographs will instead prove that CERNET is not involved in any terrorist activity and it is not conducting any gathering or meeting in secrecy.

In sum, he claims that is no *prima facie* case that will warrant his indictment for there is no evidence presented by the complainant that will show that he committed an overt act punishable under R.A. No. 10168.

There is no evidence to prove the transactions alleged against him in the affidavit of [REDACTED] regarding the withdrawal of P600,000.00 from CERNET's BDO Account No. 006108003476, in May 2012, and the deposit of P200,000.00 to a certain Landbank account in June 2012. These transactions imputed against him, assuming to be true, were committed before the effectivity of R.A. No. 10168.

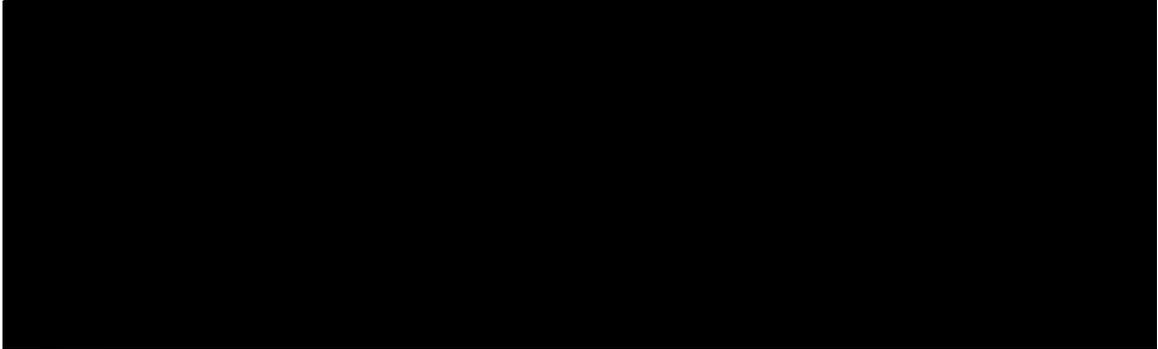
Respondent Ritche Cabañero Nellas denies all the allegations against him but admits that he became an employee of CERNET in June 2009 as People's Organization Capacity Building Officer and was in-charge of training and workshops. He resigned in October 2014. He also denies having personal knowledge of the allegations in the affidavits attached in the complaint and the illegal activities of CERNET. He avers that the complaint is bereft of any document supporting the alleged violation for terrorism financing.

Respondent [REDACTED] claims that in 2010, she was an Advocacy Officer which includes the following duties: conducting and organizing events, meetings, conferences, and campaigns for people's organizations, consortiums and lawyers. She provides updates to the management team on advocacy issues, responded to inquiries from members and stakeholders. She denies managing financial transactions or issue cheques nor handling cash, which are not part of her duties and responsibilities as Advocacy Officer. She is not even a part of the board of trustees and was not involved in policy-making

decisions of CERNET.

Section 9 of R.A. No. 10168 only holds liable the officers of a juridical entity. She claims that the complaint failed to show how she committed the offense. There is no evidence to prove that CERNET is an illegal organization or that she participated in any act that would violate R.A. No. 10168.

Respondent Atty. [REDACTED] a lawyer who passed the bar in May 1997, narrates the timeline of his legal career, as follows:



He has no criminal nor administrative record. He is a member of the training pool of the [REDACTED]

[REDACTED] He admits the designation of the CERNET staff, in relation to their respective tasks, but denies membership in the [REDACTED]

He argues that there is no allegation or proof that he possessed, provided, collected or used property or funds or made available property, funds or financial service or other related services with the intention or knowledge that are to be used to carry out or facilitate the commission of any terrorist act. Neither is there any allegation or evidence to prove that he is a responsible officer under Section 9 of R.A. No. 10168.

As a lawyer volunteer for the Legal Aid program of CERNET in 2012, his functions were to provide legal services to the legal organizations of farmers, workers, urban poor, women and children which were partners of CERNET.

Respondent [REDACTED] avers that she volunteered and

worked for CERNET from January 2012 to December 2013. She had no other involvement or interaction, with CERNET Board of Trustees, Council Members and Staff ever since she had been employed in January 2012.

She had no participation or oversight in the financial transactions or disbursements related to CERNET and its projects and project beneficiaries.

Respondent Jaime S. Paglinawan Sr. claims that he is neither a staff of CERNET nor a member [REDACTED]. He was never employed by CERNET and has no personal knowledge with its management and operations. He never stood as a lawyer/counsel during the trial in the "Kangaroo Court". He was not the secretary of [REDACTED] during 2012 and is not a lawyer.

He further denies that he read [REDACTED] verdict imposing the penalty of *destierro* and expulsion from the [REDACTED]. Neither did he recommend [REDACTED] to work as bookkeeper in CERNET.

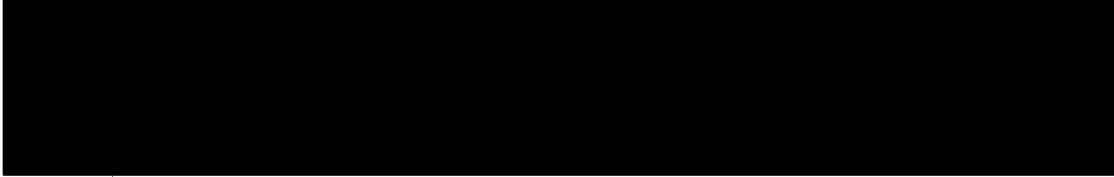
Meanwhile, respondents [REDACTED] Abella, [REDACTED] Estolloso, Udtohan, Rumol, Gimenez, Alicaba, [REDACTED] and Paglinawan share the same argument that R.A. No. 9372, also known as the Human Security Act of 2007, was repealed by R.A. No. 11479, or the Anti-Terrorism Act of 2020. Consequently, they contend that they cannot be prosecuted for a crime under a repealed law.

They also argue that implementing R.A. No. 10168, which became effective on July 5, 2012, retrospectively to them contradicts the provisions of the 1987 Constitution, specifically Article III, Section 22, which prohibits *ex post facto* laws.

In addition, respondents contend that Section 8 of R.A. 10168 pertains to dealings with assets of "*designated persons*", as defined under Section 3(e), who are entities designated by the United Nations Security Council, a foreign jurisdiction, or a supra-national jurisdiction. While the U.S. government designates the [REDACTED] as a terrorist organization, this designation does not automatically apply to

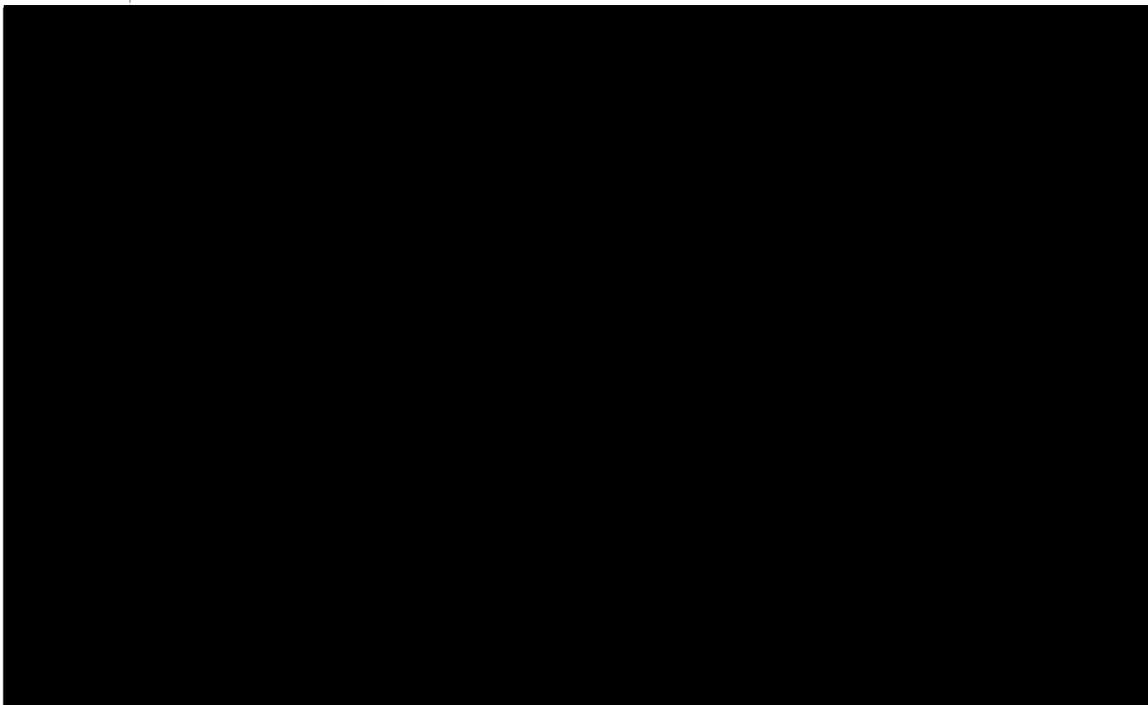
Philippine jurisdiction.

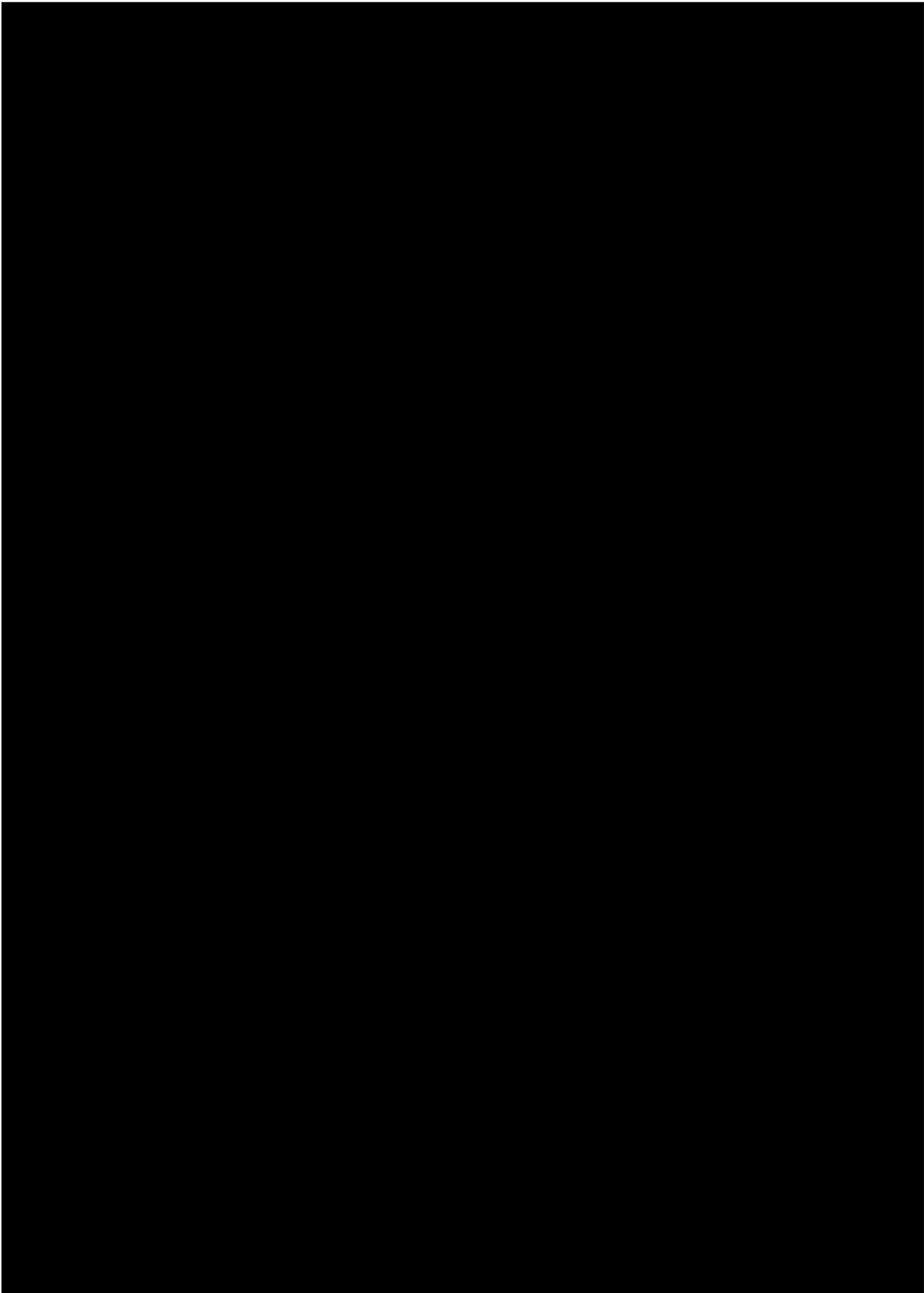
Therefore, there can be no violation of R.A. No. 10168, since the allegations that CERNET financed the [REDACTED] refer to acts allegedly committed, prior to the law or from April to September 2012.

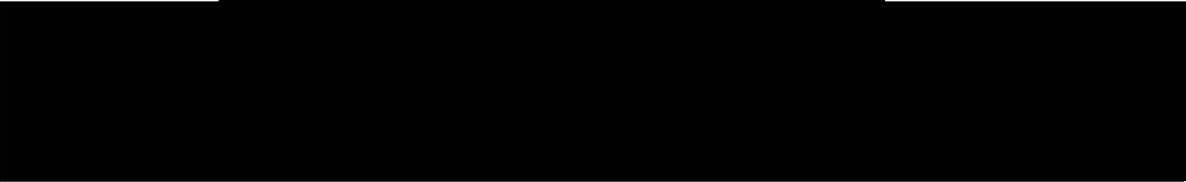
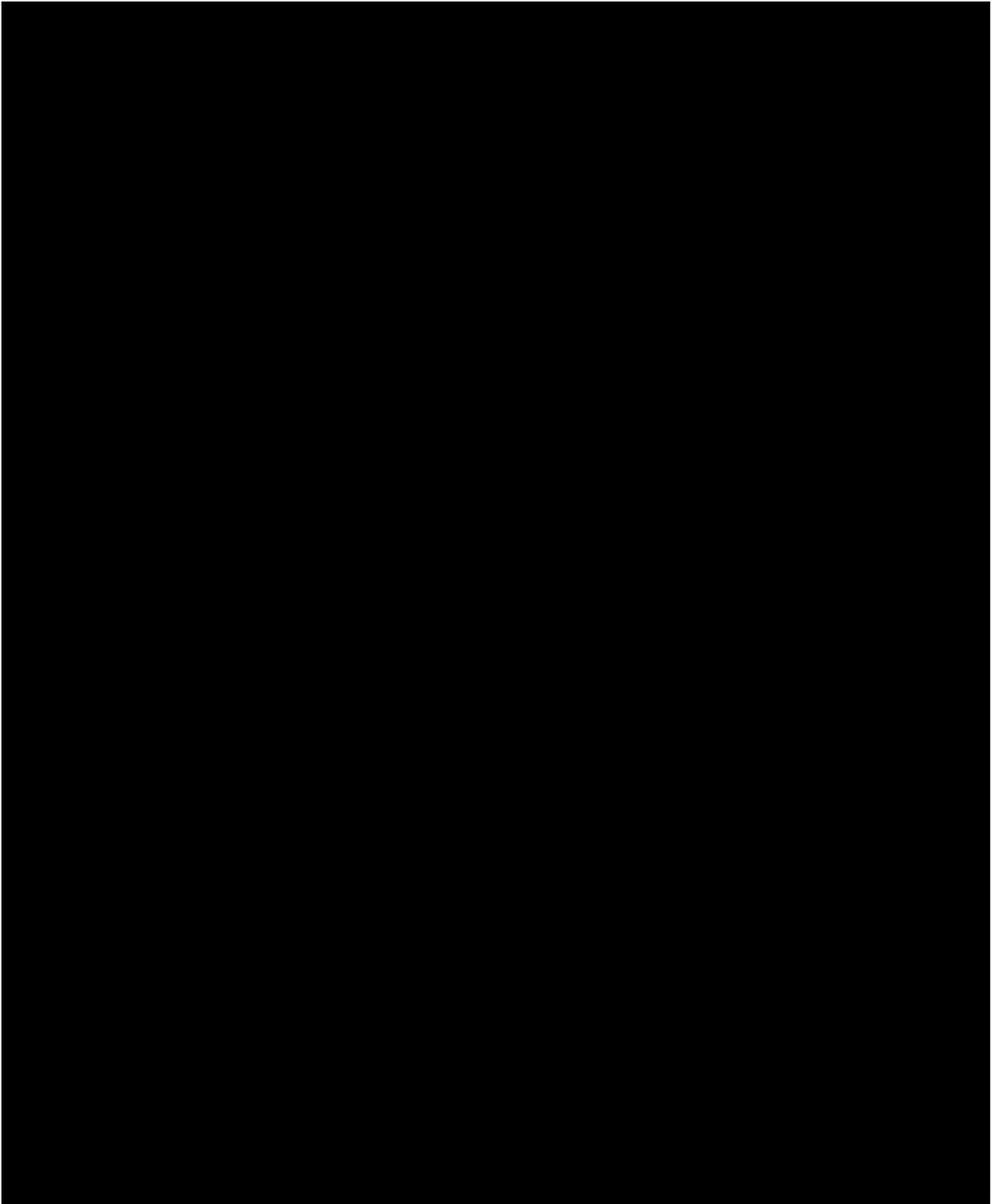


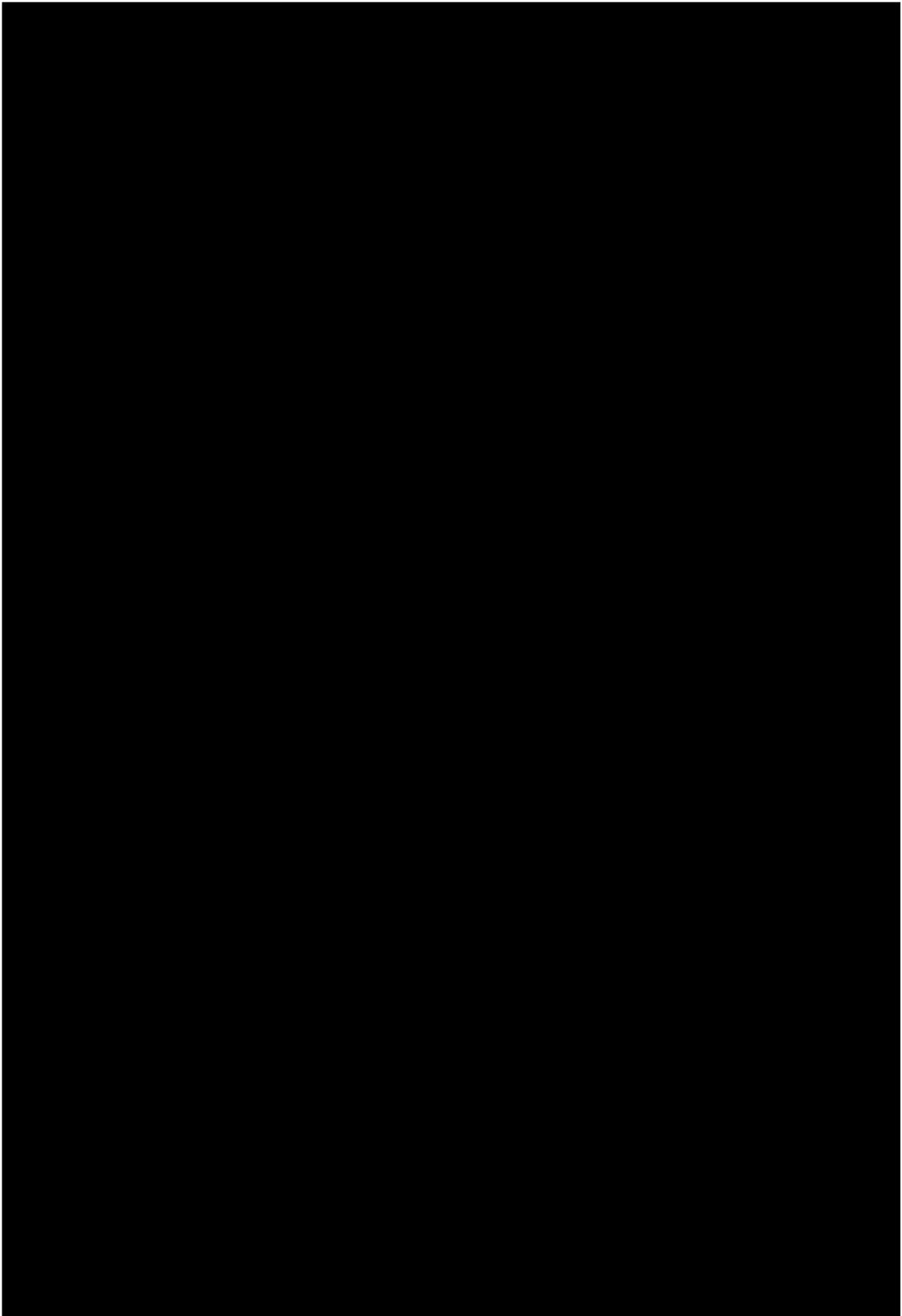
To aid its investigation, on April 17, 2024, the undersigned accessed the records of the Securities and Exchange Commission (SEC) by requesting certified true copies of the General Information Sheet and Audited Financial Statements, with accompanying Statement of Management Responsibility and Auditor's Report, filed by CERNET from 2012 to 2023. On May 8, 2024, the SEC furnished the undersigned with certified true copies of the GIS of CERNET from 2012 2022. Shown hereunder are the members of the Board of Trustee and Officers of CERNET:

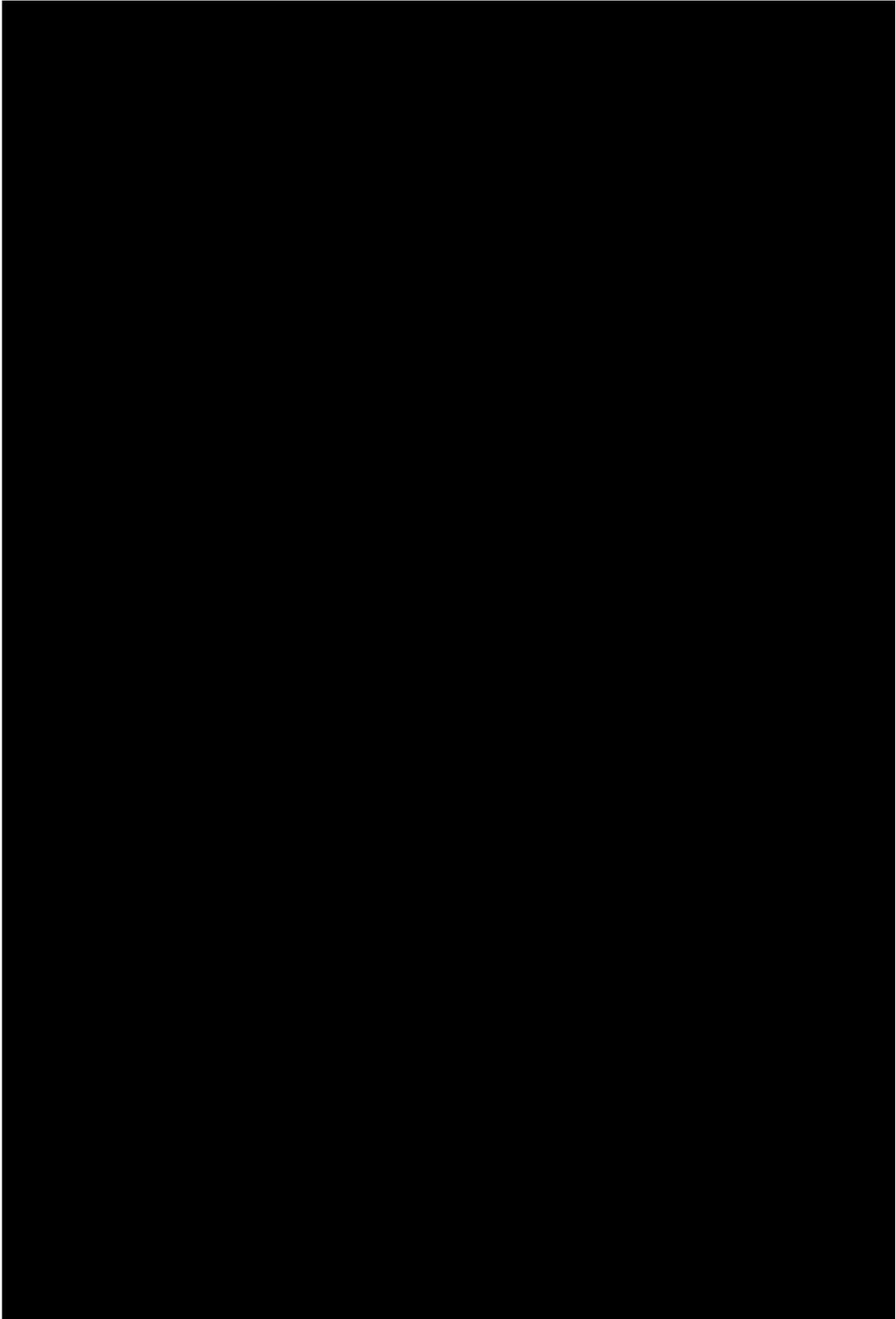
Community Empowerment Resource Network, Inc.
SEC Registration Number C200200373
General Information Sheet (2012)

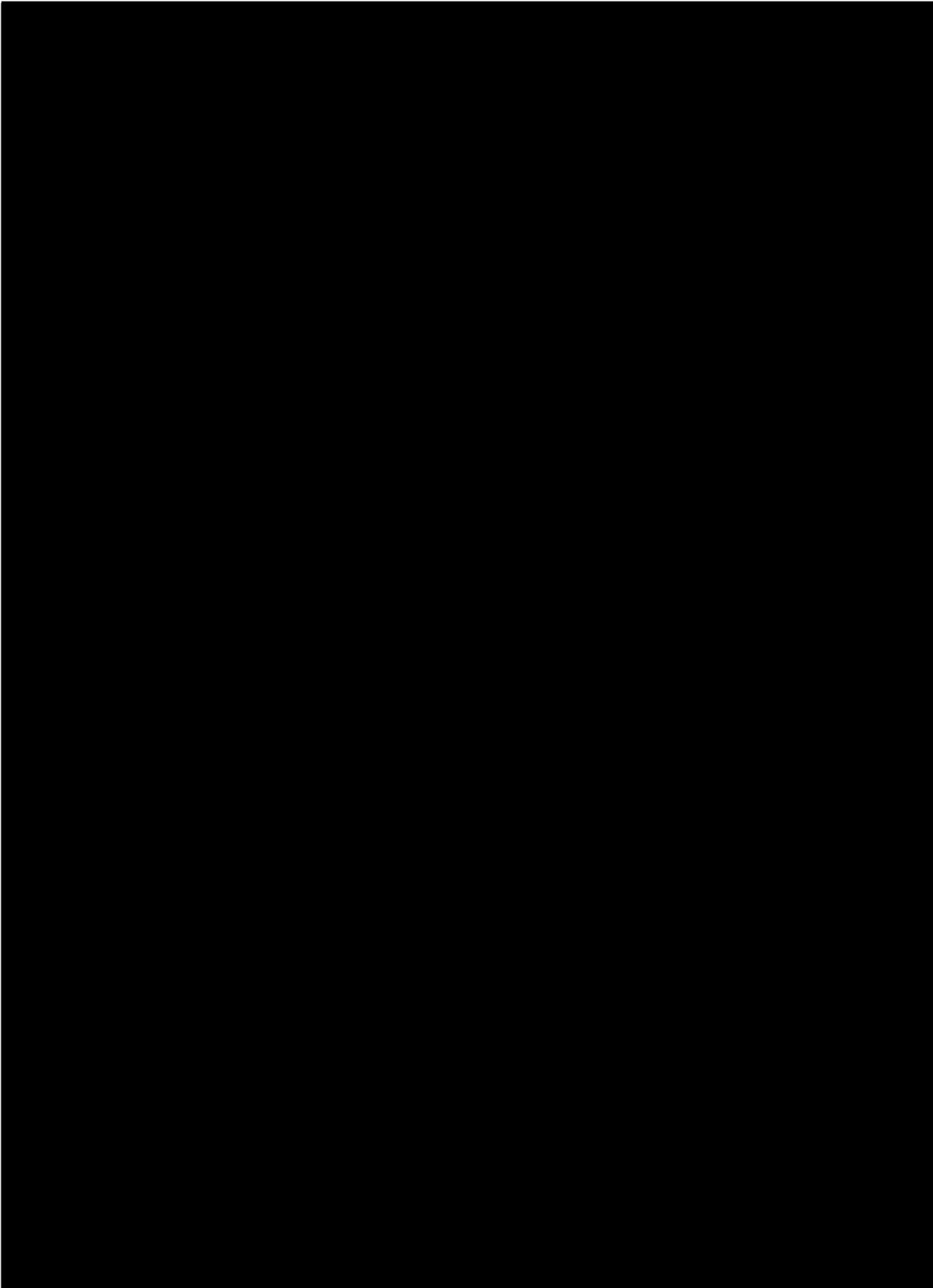


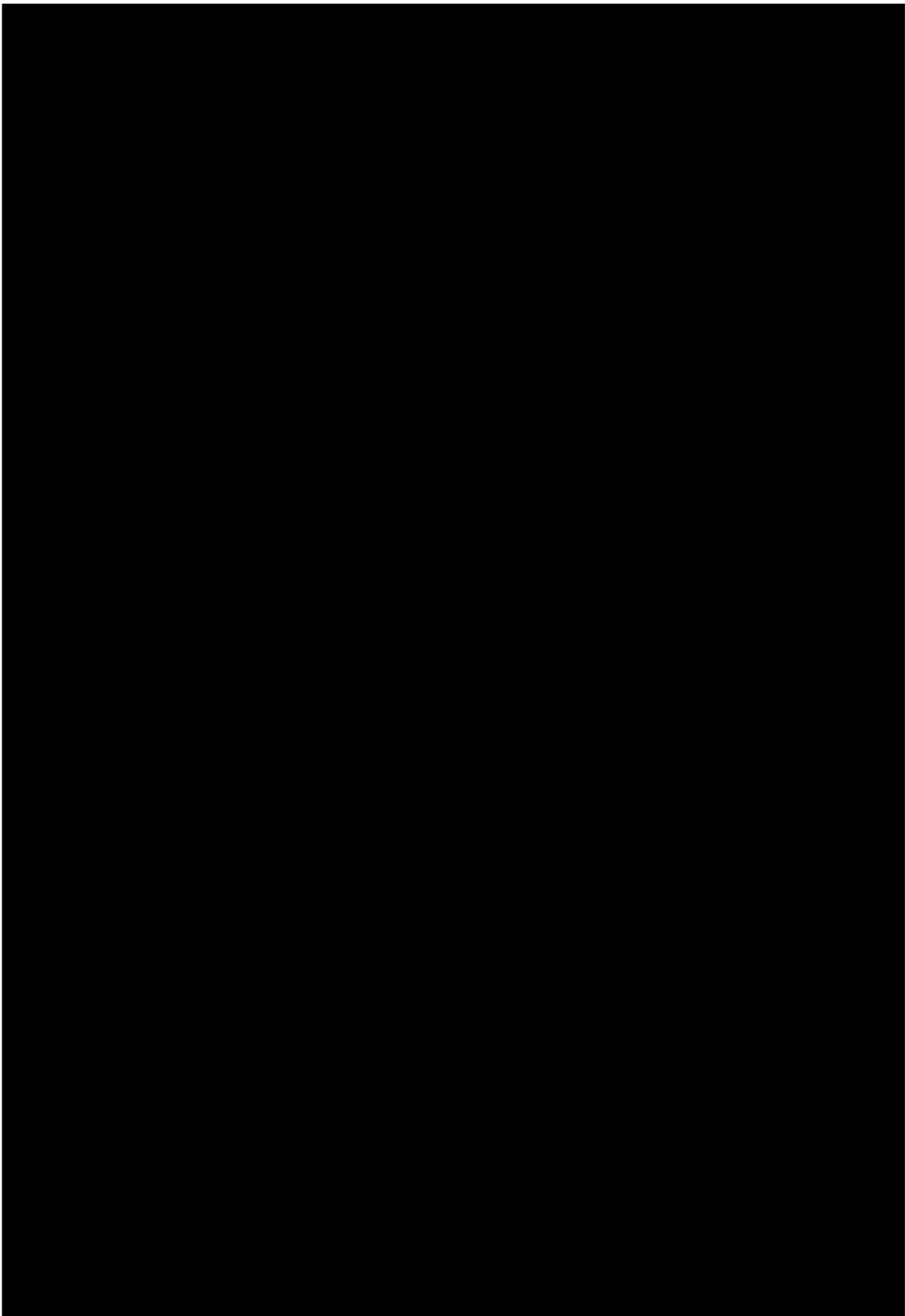


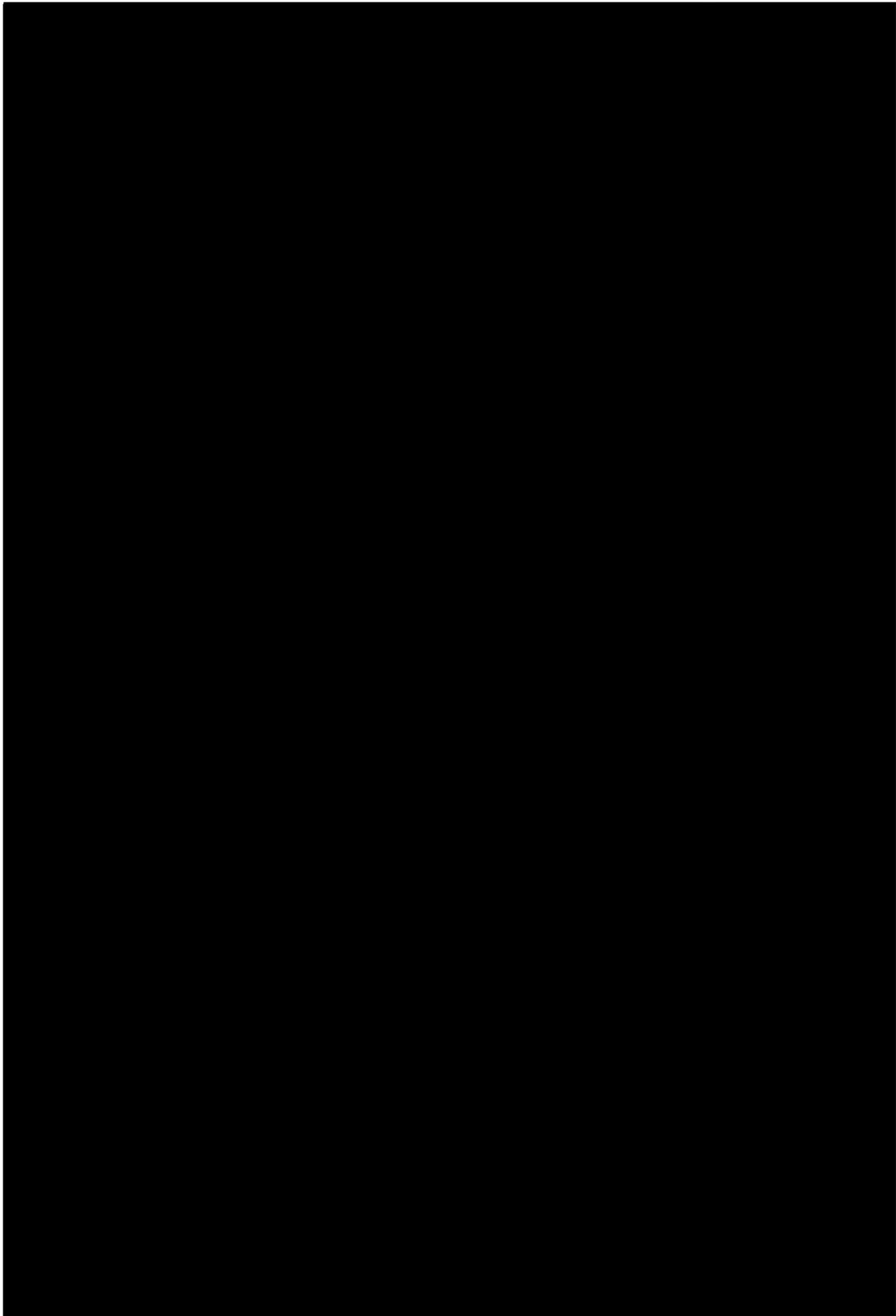












**Written Response of the Government of the Republic of the Philippines
to the Joint Communication from Special Procedures AL PHL 3/2024
dated 29 August 2024**

The Philippines takes it that the matter of concern pertains to the Criminal Case entitled, *People of the Philippines vs. Community Empowerment Resource Network, Inc., et al.*, pending with the Regional Trial Court of Cebu City, Branch 74 (court), where certain alleged "human rights defenders" are among the accused.

As stated in the letter, the case stemmed from a complaint filed with the Department of Justice (DOJ) of the Republic of the Philippines by the Joint Task Group Cebu, Third Infantry Division of the Philippine Army against CERNET and its composition, *i.e.* Council Members, Board of Trustees, officers and staff, for violation of Republic Act No. 10168 or the "Terrorism Financing Prevention and Suppression Act of 2012". The DOJ conducted a preliminary investigation, whereby then respondents, now accused, including the alleged "human rights defenders", were provided an opportunity to submit their respective counter-affidavits. After considering the arguments raised by both parties, the DOJ resolved to file the appropriate charge for violation of Section 8(ii), in relation to Section 9 of the Terrorism Financing Prevention and Suppression Act of 2012 (TFPSA) against the respondents, now accused.

The legal and factual bases being sought are found in the enclosed copy of the Resolution of this office, docketed as NPS No. XVI-INV-23E-00246 dated 8 May 2024.

Upon the filing of the information, the DOJ was informed that the court issued warrants for the arrest of all the accused on 14 May 2024. It should be noted in this regard that the issuance of a warrant of arrest significantly means that **the court has independently passed upon the sufficiency of evidence against all the accused**. This is pursuant to Section 5 (a) of Rule 112 of Revised Rule of Criminal Procedures provides:

SEC 5. When the warrant of arrest may issue. -

(a) By the Regional Trial Court. - Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the case on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order when the complaint or information was filed pursuant to Section 6 of this Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information.

Interpreting this provision, the Supreme Court, in *Arroyo vs. Sandiganbayan* has ruled that:

In a judicial determination of probable cause, the judge must ascertain whether a warrant of arrest should be issued against the accused. He must satisfy himself that based on the evidence submitted, there is a necessity

for placing the accused under custody in order not to frustrate the ends of justice. The "personal determination" required by the Constitution to be performed by a judge in the issuance of a warrant of arrest pertains to "the exclusive and personal responsibility of the issuing judge to satisfy himself as to the existence of probable cause." In *Borlongan, Jr. v. Pena*, the Court explained how this duty is performed:

To this end, he may: (a) personally evaluate the report and the supporting documents submitted by the prosecutor regarding the existence of probable cause and, on the basis thereof issue a warrant of arrest; or (b) if on the basis thereof he finds no probable cause, disregard the prosecutor's report and require the submission of supporting affidavits of witnesses to aid him in determining its existence. **What he is never allowed to do is to follow blindly the prosecutor's bare certification as to the existence of probable cause. Much more is required by the constitutional provision.** Judges have to go over the report, the affidavits, the transcript of stenographic notes if any, and other documents supporting the prosecutor's certification. Although the extent of the judge's personal examination depends on the circumstances of each case, to be sure, **he cannot just rely on the bare certification alone but must go beyond it.** This is because the warrant of arrest issues not on the strength of the certification standing alone but because of the records which sustain it. He should even call for the complainant and the witnesses to answer the court's probing questions when the circumstances warrant.

Consistent with the Supreme Court's ruling in *Crespo vs. Mogul*, the disposition of the case now rests with the sound discretion of the court.

Relative to this, ***Sub-judice***, which is Latin for "under judgment", is a principle of law which restricts comments and disclosures pertaining to judicial proceedings in order to avoid prejudging the issue, influencing the court, or obstructing the administration of justice. A violation of this rule may render one liable for indirect contempt under Section 3(d), Rule 71 of the Rules of Court.

In any case, the fact that the alleged "human rights defenders", then respondents, now accused, stand trial reflects that they are being afforded procedural due process. **END**