



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



No. NV-CDS-428-2025

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 has the honor to refer to the communication dated 27 September 2024 from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Reference AL PHL 5/2024).

The Philippine Mission has further the honor to convey the written response of the Government of the Republic of the Philippines to the said 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, 11 April 2025

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Special Procedures Branch

Palais des Nations, 1211 Geneva 10, Switzerland

Email : ohchr-registry@un.org



Written Response of the Government of the Republic of the Philippines to the Communication Sent by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (Reference AL PHL 5/2024)

The allegations in the communication are baseless and do not reflect the actual circumstances of the cases mentioned and appear to be based on unverified and misleading information. In fact, the statements merely echo the deceptive narratives propagated by the internationally designated terrorist group, the Communist Party of the Philippines (CPP) - New People's Army (NPA) - National Democratic Front (NDF).

Philippine courts have consistently ruled against such claims when examined under the weight of substantial evidence. For instance, in 2022, Stephen Tauli was one of the 23 petitioners in a writ of amparo case entitled *Windel Bolinget, et al, vs. NTF-ELCAC, et al.*, filed before the Court of Appeals (CA), Manila. He claimed that government forces abducted him, but in a meticulously reasoned 70-page Decision, the CA categorically held that Tauli failed to present substantial evidence of any actual or imminent threat to his life, liberty, or security.

Similarly, other cases demonstrate the failed attempts of the CPP- NPA-NDF-linked groups to drag the government into alleged EJK and enforced disappearance cases. These include the amparo cases of *Lariosa v. Lt. Col Gomez et al.*, before the CA Cagayan De Oro, and *Castro and Tamano*, before the CA Manila. In the *Lariosa* case, the CA held that the petitioner's evidence did not support a reasonable conclusion that her husband, William, was abducted by members of the AFP or detained at any of the respondents' facilities.

The court further held that Lt. Col. Gomez and his co-respondents were not remiss in their duties, as they had extended efforts to locate [REDACTED]. In *Castro v. Dela Cruz (In the Matter of the Issuance of the Writ of Amparo and Habeas Data for Jonila F. Castro and Jhed Reiyana Tamano and Their Families)*, docketed as CA-G.R. SP No. 00073, the Court of Appeals has already settled the erroneous and misleading claims made by Castro and Tamano. Their petition was dismissed, further underscoring the lack of merit in the allegations made against the AFP.

Another case worth emphasizing is *KARAPATAN Alliance Philippines v. Rodrigo Roa Duterte*, a petition for the issuance of writs of amparo and habeas data, wherein petitioners alleged that the government violated and threatened their rights to life, liberty, and security, through acts of extrajudicial killings, enforced disappearances, arbitrary arrests, malicious prosecutions, and defamation due to their alleged human rights advocacy. On June 28, 2019, the Court of Appeals issued a decision denying the petition, on the grounds that the petitioners failed to adduce substantial evidence supporting their allegations. Petitioners later elevated the case to the Supreme Court. In its Resolution dated November 15, 2023, the Supreme Court denied KARAPATAN's petition for review, thereby affirming the CA's denial order.

This decision serves as a resounding vindication for the Philippine Government and its law enforcement agencies, which have long been subjected to harassment through frivolous legal actions alleging extrajudicial killings and enforced disappearances.

Dexter Capuyan and Gene Roz Jamil “Bazoo” de Jesus

The writ of *amparo* and *habeas data* concerning Capuyan and de Jesus¹, remains pending before the Court of Appeals. Given that this case remains *sub judice*, any disclosure of privileged information could unduly affect the ongoing judicial proceedings. The privilege extends not only to legal strategies and advice provided to the AFP but also to any facts or assessments obtained during legal representation. Consequently, we are unable to provide details on these matters.

Nonetheless, the Legal Cooperation Cluster (LCC) of NTF-ELCAC remains steadfast in its commitment to upholding the fundamental freedoms enshrined in the Philippine Constitution, particularly the rights to freedom of opinion and expression, as well as the rule of law. It stands firm in its duty to protect and promote the rights of all Filipinos, ensuring that justice is pursued in accordance with due process and the rule of law.

Updates on Cases of Alleges Judicial Harassment and Arbitrary Detention

Following are updates regarding the cases involving media workers, while respecting the principle of *sub-judice*:

- A. **Frenchie Mae Cumpio et al.:** The case is pending before the court. Ms. Cumpio testified before a Tacloban Regional Trial Court on 11 November 2024 and 24 March 2025 regarding charges of illegal possession of firearms and explosives, as well as terrorism financing. The next court hearing is scheduled for April 14, 2025.
- B. **Mary Anne Krueger:** The case is pending before the court in Bacolod City. Ms. Krueger is currently released on bail.
- C. **Frank Cimatu:** The case is currently under appeal before the Court of Appeals. Mr. Cimatu is released on bail. According to a communication with Mr. Cimatu, he anticipates a decision from the Court of Appeals imminently. He continues to exercise his profession as a journalist.
- D. **Gerry Ortega:** Former Palawan Governor ██████████, a principal suspect, surrendered to the National Bureau of Investigation on 10 September 2024 and is now in custody. The case has been transferred to the Regional Trial Court, Branch 76, Quezon City. In an order dated 15 January 2025, the Presiding Judge scheduled the presentation of defense evidence for 24 April 2025.
- E. **Percival Mabasa:** The trial is ongoing at the Regional Trial Court, Branch 254, Las Piñas City. The investigation, conducted by the National Bureau of Investigation (NBI), was referred to the Department of Justice on 7 November 2022. Several individuals have been convicted in relation to the murder, including:
 - 1. ██████████ the confessed gunman, has been sentenced up to 16 years imprisonment.
 - 2. ██████████ was sentenced to 2-8 years in prison in December 2023 after pleading guilty to being an accessory to murder.
 - 3. ██████████, also implicated in the murder, passed away on ██████████
 - 4. ██████████, the former Bureau of Corrections chief, considered the alleged mastermind, remains at large. Authorities are actively pursuing his

¹ C.A. G.R. No. SP No. 00076, Court of Appeals

apprehension. Local Government Secretary [REDACTED] [REDACTED] and the Philippine National Police have issued public statements about efforts to locate and arrest him. In the meantime, the Court of Appeals has dismissed Mr. [REDACTED]'s petition challenging the murder case filed against him.

5. [REDACTED]. Authorities are continuing to investigate the circumstances surrounding the death of [REDACTED], believed to be a “middleman” in the murder.

The Presidential Task Force on Media Security (PTFOMS) will continue to monitor these cases, collaborate with relevant agencies to gather up-to-date information, and provide timely and comprehensive reports on any significant developments.

Terrorism-related charges for Potential Violations of Republic Act No. 10168, also known as the Terrorism Financing Prevention and Suppression Act of 2012

The Philippines acknowledges the concerns raised regarding terrorism-related charges involving 27 Individuals for potential violations of Republic Act No. 10168, also known as the Terrorism Financing Prevention and Suppression Act of 2012. While the allegations of misuse of the law are serious, it is important to shed light on the facts and context that have contributed to the filing of these charges.

The charges stem from credible information and evidence gathered during an extensive investigation. Following this, the Department of Justice prosecutors found probable cause to indict the respondents for violations of Republic Act No. 10168, also known as the Terrorism Financing Prevention and Suppression Act of 2012. This led to the filing of information in court, which was subsequently reviewed by the judiciary. The court concurred with the prosecutors' findings, affirming the validity of the charges by issuing warrants of arrest. At every step, the individuals' rights were respected, including the opportunity to respond to the charges through proper legal channels as provided for in the laws, their implementing rules and regulations, and procedural rules issued by the Supreme Court.

Implementing the Anti-Terrorism Act is conducted with the utmost care and responsibility. The Philippines does not take lightly the application of this law, understanding its significance and the potential implications for civil liberties. The government enforces the law fairly and judiciously, ensuring it is never used arbitrarily or whimsically. Every action taken is guided by strict adherence to due process and the rule of law.

It is critical to understand that filing charges is a procedural step based on evidence that requires judicial scrutiny. The accused individuals are afforded every opportunity to defend themselves, challenge the allegations, and present their evidence in court. The Anti-Terrorism Council (ATC) underscores that the determination of guilt or innocence rests solely with the judiciary, in adherence to the principles of due process and the rule of law.

The Philippines clarifies that the charges do not target humanitarian or development work. The government recognizes the important contributions of civil society and has no intention of suppressing legitimate efforts to serve marginalized communities. However, when allegations of financial support to a designated terrorist group arise, the government's duty is to investigate and act within the framework of the law, including freezing without delay their assets in compliance with our international obligations to protect national security and public safety.

The Anti-Terrorism Act is designed to address threats to the safety and security of citizens while upholding fundamental rights. Constitutional safeguards guide its implementation to prevent its misuse. Allegations suggesting otherwise will be addressed through the appropriate legal processes to ensure transparency and accountability.

The Philippines reiterates its commitment to transparency, the protection of human rights, and respect for the rule of law. It is open to constructive dialogue with all stakeholders, including international organizations, to address concerns and ensure that the ATA is implemented responsibly and fairly, assuring the public that cases will proceed under the full scrutiny of the courts, and the truth will emerge based on evidence and adherence to legal processes