

The Problem of Excessive Human Rights Safeguards in a Counter-Terror Measure: An Examination of the Human Security Act of the Philippines

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This Article examines the counter-terror law of the Philippines, the Human Security Act of 2007 (HSA). It begins with an analysis of its most controversial provision, Section 3, which enumerates the acts that constitute the crime of terrorism. The Author explains how the provision removed the issues of vagueness in our anti-terrorism laws.

Aside from the counter-terror measures, the law also contains human rights safeguards to increase the involvement of the judiciary in implementation of the counter-terror measures as well as review and accountability systems. The Article adverts to a number of congressional records in order to ascertain legislative intent in enacting the HSA. The Article argues that the HSA, despite its criticisms, extends due regard to human rights; and that, by being too sensitive to possible violations of human rights and by placing too many safeguards against government abuses, may not have enough fangs to counter terrorist acts, thus putting into doubt its capacity to in fact protect human rights.

The bill's sponsor pointed out that the country needed an anti-terrorism law that would be "comprehensive" and "balanced" and which will give terrorist no space for comfort anywhere in the Philippines but at the same time it would recognize the human constitutional rights of citizens. The HSA provided numerous safeguards for protection of the people's constitutional rights and fundamental liberties. It placed stringent procedures for authorizing extraordinary measures. It established bodies that would check the propriety of the measures.

After analysis, the Author concludes that, the HSA tilted the scales to one end, disturbing the balance. By focusing too much on the propriety of the measure, the law sidestepped issues on its efficacy. It must be borne in mind that "terrorism not only disregards human life and human dignity but actually leads to the death and injury of innocent people." The HSA, while commendable for extending due regard to human rights, needs to be reviewed as to its efficacy as a counter-terror measure.