

Not Safe: Securitization of the COVID-19 Crisis and its Impact on Civic Space in the Philippines

Mary Jane N. Real



May 2023

civic-futures.org



[Acknowledgments

This paper was written by an independent human rights researcher and activist in the Philippines under the Civic Futures initiative. It was supported by the **Fund for Global Human Rights and Active Vista Center Inc.** and edited by **Paulynn Sicam**.

About the Author

Mary Jane N. Real is a long-time feminist and advocate of human rights. She has set up and run initiatives and organizations to support activists and their movements worldwide, including as founding Co-Lead of Urgent Action Fund for Women's Human Rights Asia and Pacific (UAF A&P). A thought leader and a seasoned researcher, she has contributed to various studies and research on global women's rights and human rights concerns. An activist since her student days at the tail end of martial law, she remains engaged in the women's rights and human rights movements in the Philippines. She is the coordinator of this national research on securitization and its impact on civic space in the Philippines.

The author would like to thank the following organizations, human rights defenders, and academe, including those not listed for their safety and security, for their review and feedback on first draft of the research:

Foundation for Media Alternatives (FMA)

iDefend

KARAPATAN

Karl Arvin F. Hapal - Assistant Professor
College of Social Work and Community Development
University of the Philippines, Diliman

National Union of Peoples' Lawyers (NUPL)

No Box Philippines

Philippine Alliance of Human Rights advocate (PAHRA)

Resbak

Ria Landingin, Lunas Collective

Ritz Lee Santos III

The Women's Legal and Human Rights Bureau, Inc., (WLB)

[Abbreviations and Acronyms

ACC	ASEAN Coordinating Council	NAF COVID-19	National Task Force Against COVID-19
ACMM	ASEAN Center of Military Medicine	NAP COVID-19	National Action Plan against COVID-19
AFP	Armed Forces of the Philippines	NBI	National Bureau of Investigation
AHW	Alliance of Health Workers	NDFP	National Democratic Front of the Philippines
ASEAN	Association of Southeast Asian Nations	NDRRMC	National Disaster Risk Reduction and Management Council
ATC	Anti-Terrorism Council	NPA	New People's Army
CPP	Communist Party of the Philippines	NPC	National Privacy Commission
COMELEC	Commission on Elections	NTF-ELCAC	National Task Force to End Local Communist Armed Conflict
COVID-19	Coronavirus Disease 2019	NUPL	National Union of Peoples' Lawyers
CHR	Commission on Human Rights	OHCHR	Office of the High Commissioner for Human Rights
CTED	Counter Terrorism Executive Directorate	PAHRA	Philippine Alliance of Human Rights Advocates
DILG	Department of Interior and Local Government	PCO	Presidential Communication Office
DOH	Department of Health	PNP	Philippine National Police
DOJ	Department of Justice	PDITR+V	Prevent-Detect-Isolate-Treat-Reintegrate plus Vaccinate strategy
ECQ	Enhanced Community Quarantine	UN	United Nations
FLAG	Free Legal Assistance Group	WHO	World Health Organization
GCCQ	General Community Quarantine		
IATF-EID	Inter-Agency Task Force on Emerging Infectious Diseases		
ICJ	International Commission of Jurists		
JTF	Joint Task Force COVID-19		
LGU	Local Government Unit		
MAG	Medical Action Group		
MECQ	Modified Enhanced Community Quarantine		
MGCQ	Modified General Community Quarantine		



Source: ILO/Minette Rimando Flickr, CC BY-NC-ND 3.0 IGO
Groceries operate and implement safety measures during COVID-19 in the Philippines.

I. Summary

This research focuses on the response of the administration of President Rodrigo Duterte to the COVID-19 health crisis. Specifically, it probes the central role of the national government in declaring a “war against COVID-19” as it rolled out a national action plan that resulted in a securitized approach to the pandemic.

It examines the domestic translation of global and regional imperatives to manage the spread of the COVID-19 virus. While the activism of civil society against securitization in the context of the internet is discussed in another paper in this series, this research closely documents the experiences of civil society – specifically the impact on civic space – and their strategies of resistance to push back the government’s heavy-handed approach to the health emergency. It foregrounds possibilities for more inclusive and expansive expressions of activism to counter the shrinking civic space central to upholding democracy in the country. Informing this research are the contestations between upholding the human right to health, and the consequent violations of fundamental freedoms.

II. Global Directives and Securitized Concept of ‘Safety’

On 30 January 2020, The World Health Organization (WHO) declared the virus outbreak in China a global health emergency,¹ and thereafter named the new disease COVID-19, short for Coronavirus Disease 2019².

At around the same time, the Department of Health (DOH) in the Philippines confirmed the first COVID-19 case in the country – a female Chinese national who travelled to the Philippines from Wuhan, China via Hong Kong.³ On 2 February 2020, the DOH confirmed the second case, another Chinese national who was the companion of the Chinese woman from Wuhan who travelled to the country. The patient died following admission at a hospital the day before. According to WHO, this was the first reported case of a COVID-19 related death outside China.⁴

By 11 March 2020, WHO Secretary-General Tedros Adhanom Ghebreyesus declared the spread of the COVID-19 virus a global pandemic.⁵ For over two years since then, COVID-19 cases spread throughout the country. As of 12 December 2022, the total of reported cases reached over four million.⁶

The WHO released its 2019 Novel Coronavirus (2019-nCoV): Strategic Preparedness and Response Plan on 4 February 2020 to guide countries in developing their own national and regional operational plans. The global plan explicitly requires that member states “must take a whole-of-society and whole-of-government approach” in scaling up their respective country readiness and response operations.⁷ The Philippine government, in drafting its National Action Plan against COVID-19 (NAP COVID-19), reiterated this directive. At least on paper, the National Task Force against COVID-19 (NTF-COVID-19) mandated to implement the plan characterized it as “people-centered, local government unit-led, and nationally-enabled” in its approach.⁸

As the outbreak of the virus worsened, the WHO COVID-19 Strategy Update released on 14 April 2020 acknowledged that countries “with explosive outbreaks that grow at an exponential rate...must immediately adopt and adapt population-level distancing measures and movement restrictions in addition to other public health and health system measures”.⁹ However, it cautioned that such measures often referred to as “shutdowns” or “lockdowns” could have a profound negative impact on societies, and disproportionately affect disadvantaged groups.¹⁰ Such adverse consequences became evident especially in its effects on the civic space as the Philippines imposed one of the longest lockdowns in the world, lasting over a year.

1 “Archived: Who Timeline - Covid-19.” 2023. World Health Organization. World Health Organization, accessed 18 May 2022, <https://www.who.int/news/item/27-04-2020-who-timeline---covid-19>

2 “Novel Coronavirus(2019-NCov) - World Health Organization.” 2023, accessed 18 May 2022, https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200211-sitrep-22-ncov.pdf?sfvrsn=fb6d49b1_2

3 “Doh Confirms First 2019-NCOV Case in the Country; Assures Public of Intensified Containment Measures: Department of Health Website.” 2023. DOH Confirms First 2019-NCOV case in the country, assures public of intensified containment measures Department of Health (website), <https://doh.gov.ph/doh-press-release/doh-confirms-first-2019-nCoV-case-in-the-country>

4 Neil Arwin Mercado, “DOH Confirms 2nd Case of NCoV in Ph, Says Patient Died Saturday.” *Philippine Daily Inquirer* (website), 10 February 2021, <https://newsinfo.inquirer.net/1222873/doh-confirms-second-case-of-ncov-in-ph>

5 “Archived: Who Timeline - Covid-19.” 2020. *World Health Organization*. World Health Organization. April 27, accessed 5 May 2022, <https://www.who.int/news/item/27-04-2020-who-timeline---covid-19>

6 Mathieu, Edouard, Hannah Ritchie, Lucas Rodés-Guirao, Cameron Appel, Charlie Giattino, Joe Hasell, Bobbie Macdonald, et al. “Coronavirus Pandemic (COVID-19).” *Our World in Data*, 5 March 2020, accessed 14 July 2022, <https://ourworldindata.org/coronavirus>

7 “Strategic Preparedness and Response Plan for the Novel Coronavirus.” World Health Organization. 4 February 2020, accessed 14 July 2022, <https://www.who.int/publications/i/item/strategic-preparedness-and-response-plan-for-the-new-coronavirus>

8 “National Action Plan against Covid-19 - Ndrmmc.gov.ph.” National Disaster Risk Reduction and Management Council Office of Civil Defense. National Disaster Risk Reduction and Management Council Office of Civil Defense, 2020, accessed 10 June 2022, <https://ndrrmc.gov.ph/index.php/2014-09-05-06-17-43/2014-10-27-08-59-42/s-2014/9-ndrrmc-advisory/4148-national-action-plan-against-covid-19.html>

9 “Strategic Preparedness and Response Plan for the Novel Coronavirus.” *World Health Organization*, accessed 11 June 2022, <https://www.who.int/publications/i/item/strategic-preparedness-and-response-plan-for-the-new-coronavirus>

10 Ibid.

The Philippine government's efforts to contain the COVID-19 pandemic was also influenced by directives at the global level that tie together a securitized approach to counter terrorism and the COVID-19 crisis. In June 2020, the Counter Terrorism Executive Directorate (CTED) launched a report on the convergences between COVID-19 and counter terrorism. On the one hand, it suggests that the COVID-19 emergency may exacerbate the terrorist threat; on the other hand, it proposes that counter terrorism expertise and programming are relevant to public health responses in the context of the pandemic. In effect, this approach has led to the "ever increasing securitization of diverse fields of practice previously outside the scope of counter terrorism" with far-reaching adverse consequences for human rights and civic space.¹¹

Such securitized measures, including those derived from counterterrorism strategies, became apparent as the Duterte government rolled out its approach to control the COVID-19 pandemic. Contrary to the caution raised by the WHO in its directives, "safety" or what it means to keep the populace safe from the virus, primarily centered on measures to control the population through the increased involvement of security forces to maintain safety and security. Consequently, human rights abuses abound such as the prolonged suspension of fundamental freedoms under extended lockdowns, arbitrary arrests and detention of alleged violators, including activists, and expanded surveillance practices drawn from technological measures to combat counterterrorism. The right to peaceful assembly was among the rights curtailed, a harbinger of the constriction of civic space in the country.

III. A Key Role for Defense Establishments in ASEAN

At a regional level, the Association of Southeast Asian Nations (ASEAN), of which the Philippines is a member, issued several statements and convened several meetings to try to stem the spread of the virus. As early as 20 February 2020, the ASEAN Coordinating Council (ACC) held a Special Meeting in Vientiane, Lao PDR to discuss follow-up actions to the ASEAN Chairman's Statement on ASEAN Collective Response to COVID-19 issued on 14 February 2020.¹² On 9 April, the ASEAN foreign ministers held an ASEAN Coordinating Council Meeting and called for a Special ASEAN Summit and the ASEAN Plus Three (China, Republic of Korea, Japan) on COVID-19, which was held on 14 April via video conference. ASEAN member-states issued a statement from the summit that called for a post-pandemic recovery plan and proposed the establishment of the COVID-19 ASEAN Response Fund. ASEAN pronouncements during the pandemic centered on strengthening public health cooperation among member states, and keeping markets open for trade and investments to stabilize the economy.

11 Gavin Sullivan and Chris Jones, "Is the counter-terrorism agenda shrinking civic space?" *Funders Initiative for Civil Society*, accessed 5 May 2022, <https://www.fundersinitiativeforcivilsociety.org/wp-content/uploads/2022/05/Is-CT-shrinking-civic-space-FICS-May-2022.pdf>

12 "Press Statement by the Chairman of the ASEAN Coordinating Council," ASEAN Coordinating Council. ASEAN (website), 2 February 2020, https://asean.org/wp-content/uploads/2021/09/Press-Statement-of-the_Special-ACC-20.2.2020.pdf

Many of the ASEAN member-states have a long history of the politicization of its military, and in the last decade, there has been a revival of military dominance and control against the backdrop of rising authoritarian or autocratic rule in Southeast Asia. Today, armies are in direct control in two countries – Myanmar and Thailand. In other ASEAN countries such as Cambodia, Indonesia, and the Philippines, the armed forces have continued to play a dominant role in civilian affairs. In coping with the challenges of the pandemic, ASEAN and its member-states reaffirmed this pivotal role of the military, and explicitly carved out a key role for the defense establishments.

Ratified on 14 April 2020, the 2019 Declaration of the Special ASEAN Summit on Coronavirus Disease explicitly commends “the efforts to enhance practical cooperation among ASEAN defense establishments to organize information and best practice sharing activities,...”¹³ The Declaration further affirms the need to leverage “the Network of ASEAN Chemical, Biological and Radiological Defense Experts in promoting scientific cooperation and enhancing professional linkages” as agreed upon by the ASEAN Defense Ministers in their Joint Statement on Defense Cooperation against Disease Outbreak issued on 19 February 2020.

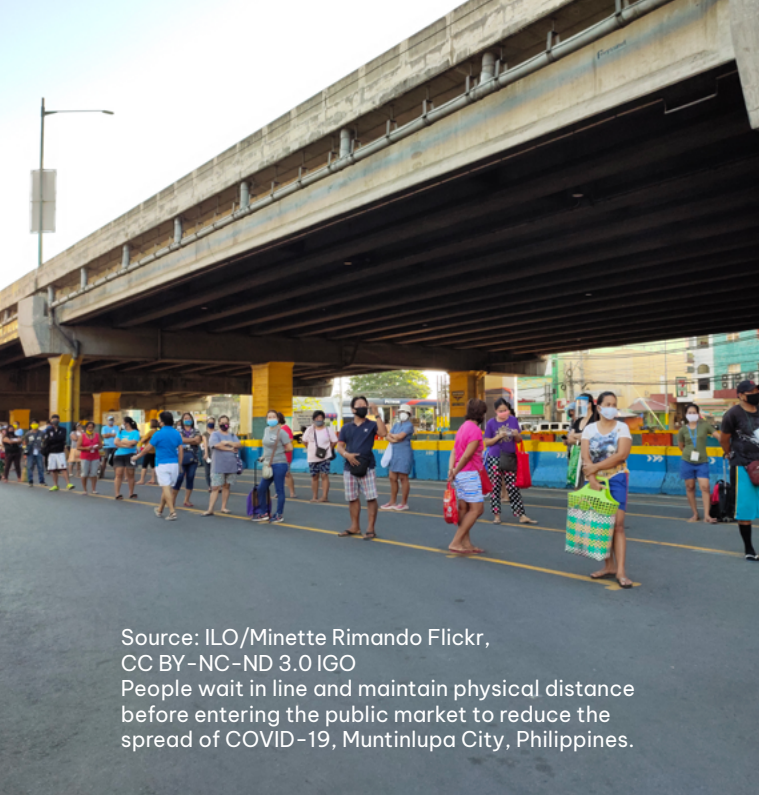
The key role of defense establishments in responding to the COVID-19 pandemic was confirmed in the Phnom Penh Vision on the Role of Defense Establishments in Support of COVID-19 Recovery, which was adopted at the ASEAN Defense Ministers’ Meeting convened on 22 June 2022. According to the statement adopted at the meeting, the Defense Ministers resolved to “strengthen defense cooperation between ASEAN defense establishments to enhance our militaries’ capabilities to respond swiftly and effectively to the COVID-19 pandemic”.¹⁴

The Defense Ministers commended the efforts of the Network of ASEAN Chemical, Biological and Radiological Defense Experts in convening a virtual workshop on “Promoting Scientific Cooperation to Manage Infectious Disease Outbreaks”. They encouraged the efforts of the ASEAN Center of Military Medicine (ACMM) to strengthen cooperation among military medicine experts by organizing workshops on quarantine camp management, COVID-19 management in a disaster area, medical logistics management in a pandemic, among others.¹⁵

13 “Declaration of the Special ASEAN Summit on Coronavirus Disease 2019 (COVID-19).” ASEAN Summit, ASEAN (website), 2020, <https://asean.org/wp-content/uploads/2021/09/FINAL-Declaration-of-the-Special-ASEAN-Summit-on-COVID-19.pdf>

14 “Phnom Penh Vision on the Role of Defense ... - ASEAN Main Portal,” ASEAN Organization (website), 22 June 2022, https://asean.org/wp-content/uploads/2022/06/JS_PNH-Vision_on_COVID_19_Recovery_Adopted-by-the-16th-ADMM-22-June-2022.pdf

15 Ibid.



Source: ILO/Minette Rimando Flickr,
CC BY-NC-ND 3.0 IGO
People wait in line and maintain physical distance
before entering the public market to reduce the
spread of COVID-19, Muntinlupa City, Philippines.

IV. The Government's Response of Control

The politicization of the Armed Forces of the Philippines (AFP), like in many other ASEAN member-states, has a long history that traces back to the post-war politicization of the country itself, and was accelerated during the years following former President Ferdinand Marcos' declaration of martial law in 1972. The AFP, together with other auxiliary security forces in the country, became the chief implementer of martial law, subverting the constitutional practice of civilian control of the military. Since then, the military has played an expanded role in political rule, especially in the context of the growing inability of the civilian government to perform its basic functions of governance.

Among other examples, the politicized role of the AFP has been institutionalized in the civilian-military coordination mandated to be carried out under the National Disaster Risk Reduction and Management Council (NDRRMC) constituted in 2010. The NDRRMC, which is at the helm of disaster risk reduction and management in the country, is chaired by the Secretary of National Defense and its operating arm is the Office of Civil Defense under the Department of National Defense¹⁶. During the COVID-19 pandemic, the NDRRMC recommended to the President to declare a state of calamity as early as 16 March 2020, to mobilize resources and enjoin its member agencies to support the Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID) in the management of the disease.¹⁷ The initial role that NDRRMC played in the government's response to the pandemic was subsequently affirmed on 20 July 2022 when the IATF-EID announced its dissolution, and the transfer of its functions to the NDRRMC.¹⁸

Under this backdrop, it becomes a foregone conclusion that the government will default into a securitized approach and rely on its security forces to control the spread of the virus. Already, the military and the police were mandated by law, and allocated resources under the Philippine Risk Reduction and Management Act of 2010 to directly intervene in a state of calamity, in this case, the COVID-19 pandemic.¹⁹ Except that under these circumstances, the central role of the security forces in punitively enforcing the government's wars against terrorism and illegal drugs has been further enhanced by extending them a legitimate role in humanitarian assistance.

16 Republic Act 10121 Philippine Risk Reduction and Management Act of 2010, [Ndrmmc.gov.ph](https://ndrrmc.gov.ph), 2023. National Disaster Risk Reduction and Management Council (website), accessed 13 July 2022, https://ndrrmc.gov.ph/attachments/article/45/Republic_Act_10121.pdf

17 "NDRRMC Resolution No. 02, s. 2020 Resolution Recommending the Declaration of a State of Calamity Throughout the Philippines due to the Corona Virus Disease 2019," National Disaster Risk Reduction and Management Council (website), 2020, https://ndrrmc.gov.ph/attachments/article/4143/NDRRMC_Resolution_No_02_s_2020.pdf

18 Priam Nepomuceno, "NTF Covid-19 transfers functions to NDRRMC," *Philippine News Agency Website*. 20 July 2022, <https://www.pna.gov.ph/articles/1179393>

19 "NDRRMC Resolution No. 02, s. 2020 Resolution Recommending the Declaration of a State of Calamity Throughout the Philippines due to the Corona Virus Disease 2019," National Disaster Risk Reduction and Management Council (website), 2020, https://ndrrmc.gov.ph/attachments/article/4143/NDRRMC_Resolution_No_02_s_2020.pdf

In the end, the government's overriding securitized approach to curb the disease became evident even in its handling of humanitarian aid during the pandemic. Activists involved in humanitarian missions were arrested. For example, seven activists involved in food distribution in Bulacan province were charged with violating the Bayanihan to Heal as One Act and inciting to commit sedition after police found newspapers and magazines with anti-government content in their vehicle.²⁰ As discussed in succeeding sections, organizers of humanitarian efforts, including those who mobilized to set up community pantries, have been red-tagged and targeted by security forces.

A. Heightened role of the security forces

The IATF-EID, in place since 2014 to coordinate the government's response to any potential epidemic in the country, was convened on 28 January 2020 to address the emerging pandemic.²¹ The IATF-EID, composed of different executive departments and agencies of the government, took on the role of "the policy-making body" in addressing the threat of the virus while the NTF COVID-19, which it set up, assumed "the operational command headed by the Secretary of the National Defense".²²

The National Action Plan COVID-19 (NAP COVID-19) approved by the IATF-EID through a resolution passed on 24 March 2020 presents the government's general approach to address the pandemic.²³ It details the "Prevent-Detect-Isolate-Treat-Reintegrate plus Vaccinate (PDITR+V) strategy", and a "four-door strategy of stricter border control, heightened surveillance, quick response, and focus and expand mass vaccination" to contain the spread of the virus in the country.²⁴ But contrary to the stated intent of the NAP COVID-19 to carry out a "people-centered" approach, early on, it became apparent that the government viewed the pandemic as a public order and law enforcement crisis, rather than a public health emergency.

Like in most of ASEAN, the key role of the security forces in managing the pandemic in the country was clear from the start. President Duterte appointed military generals instead of public health experts at the helm of the NTF COVID-19, the body mandated to implement NAP COVID-19 with the IATF-EID. Of the members of the Cabinet at that time, Defense Secretary Delfin Lorenzana was appointed as chair of the task force; Interior Secretary Eduardo Año who also had supervision over the police as the vice chair; and Peace Process Secretary Carlito Galvez, Jr as chief implementer to manage the day-to-day operations of the task force. All three are retired army generals.²⁵

20 Carlos Conde, "Philippine Activists Charged with Sedition, 'Fake News': Government Misusing Covid-19 Law Against its Critics," *Human Rights Watch* (website), 22 April 2020, <https://www.hrw.org/news/2020/04/22/philippine-activists-charged-sedition-fake-news>

21 Interagency Task Force for the Management of Emerging Infectious Diseases Resolution No. 01 series of 2020, "Recommendations for the Management of Novel Coronavirus Situation," Department of Health (website), <https://doh.gov.ph/sites/default/files/basic-page/IATF%20Resolution.pdf>

22 Interagency Task Force for the Management of Emerging Infectious Diseases Resolution No. 15 series of 2020, "Recommendations Relative to the Management Coronavirus Disease (COVID-19) Situation," Department of Health (website) 24 March 2020, <https://doh.gov.ph/sites/default/files/health-update/IATF-RESO-15.pdf>

23 Ibid.

24 Philippine News Agency, "Gov't boosts response, contingency ops vs. COVID-19 variants," *Philippine News agency* (website), 7 August 2021, <https://www.pna.gov.ph/articles/1149681>

25 JC Gotinga, "In this order: Lorenzana, Año, Galvez to lead task force vs coronavirus," *Rappler* (website), 27 March 2020, <https://www.rappler.com/newsbreak/iq/256136-lorenzana-ano-galvez-lead-task-force-coronavirus/>

The government’s declaration of war against COVID-19 led by its security forces, in effect, became a battleground between upholding the public’s right to health vis-a-vis the overall health of the country’s democracy. Put in charge of managing the pandemic, the military and police enforced strict compliance with the public health protocols and community quarantine guidelines to safeguard public health with detrimental consequences to the exercise of fundamental freedoms. Abuses committed against human rights defenders have had serious implications in sustaining a robust civic space, essential to upholding the country’s democracy.”

B. A series of lockdowns and restrictions

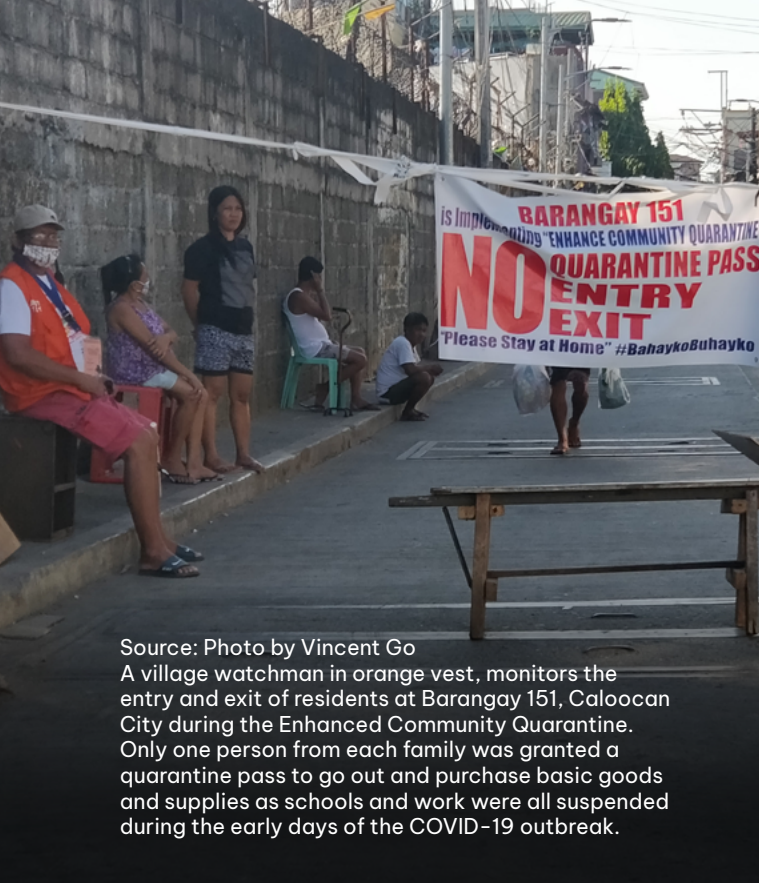
President Rodrigo Duterte signed on 8 March 2020, Proclamation No. 922, Declaring a State of Public Health Emergency Throughout the Philippines.²⁶ On 16 March 2020, he signed Proclamation No. 929 that placed the Philippines under a State of Calamity for six months, Section 4 of which specifically directed “all law enforcement agencies, with the support from the AFP” to “undertake all necessary measures to ensure peace and order in affected areas”.²⁷ Through subsequent proclamations, President Duterte extended the State of Calamity for a total of two years, ending on 12 September 2022. These proclamations ushered in the President’s full use of his police powers based on an exception provided for in the 1987 Constitution.

Pursuant to such exercise of police powers, the national and local governments in the country followed suit imposing travel bans and community quarantines since 10 March 2020. A restriction policy declared by the President, community quarantines are a series of stay-at-home orders and other restrictions implemented through the IATF-EID and the NTF COVID-19. The policy has four levels: enhanced community quarantine (ECQ), modified enhanced community quarantine (MECQ), general community quarantine (GCQ), and modified general community quarantine (MGCQ). ECQ is the strictest of all levels, while MGCQ is the most lenient.

The government’s declaration of war against COVID-19 led by its security forces, in effect, became a battleground between upholding the public’s right to health vis-a-vis the overall health of the country’s democracy.

26 Proclamation No. 922, s. 2020, Declaring a State of Public Health Emergency Throughout the Philippines, accessed 11 June 2022, <https://www.officialgazette.gov.ph/downloads/2020/02feb/20200308-PROC-922-RRD-1.pdf>

27 Proclamation No. 929, s. 2020, Declaring a State of Calamity Throughout the Philippines Due to Corona Virus Disease 2019, accessed 11 June 2022, <https://www.officialgazette.gov.ph/downloads/2020/03mar/20200316-PROC-929-RRD.pdf>



Source: Photo by Vincent Go
A village watchman in orange vest, monitors the entry and exit of residents at Barangay 151, Caloocan City during the Enhanced Community Quarantine. Only one person from each family was granted a quarantine pass to go out and purchase basic goods and supplies as schools and work were all suspended during the early days of the COVID-19 outbreak.

Issued on 12 March 2020, the IATF-EID Resolution No. 11 recommended putting the entire Metro Manila under ECQ. President Duterte adopted the recommendation and, flanked by army and police officials, announced the strictest of lockdowns to be imposed in Metro Manila from 15 March to 14 April 2020.²⁸ Explicitly, the resolution prohibited mass gatherings defined as “a planned or spontaneous event where the number of people attending could strain the planning and response resources of the community hosting the event”.²⁹ The IATF-EID called on coordination with the police and military “to ensure effective and orderly implementation” of the measures.³⁰ IATF-EID Resolution No. 12 issued March 13, 2020, which defined the new alert level system used in the country, clearly stated “the heightened presence of uniformed personnel to enforce quarantine procedures” under ECQ. Even in the more lenient GCQ, the IATF-EID decreed that “uniformed personnel and quarantine officials shall be present at border patrol”.³¹ On 16 March 2020, the President extended the ECQ to cover the entire Luzon,³² and extended it in certain areas, including the capital until May 15.³³

- 28 Nick Aspinwall, Coronavirus Lockdown Launches Manila into Pandemonium, *Dispatch, Foreign Policy* (website), 14 March 2020, <https://foreignpolicy.com/2020/03/14/duterte-quarantine-philippines-coronavirus-lockdown-launches-manila-into-pandemonium/>
- 29 Interagency Task Force for the Management of Emerging Infectious Diseases Resolution No. 10 series of 2020, Recommendations for the Management of Novel Coronavirus Situation, *Freedom of Information* (website), 9 March 2020, https://efoi-ph.appspot.com/downloads/IATF_Resolution_No._10.pdf
- 30 Interagency Task Force for the Management of Emerging Infectious Diseases Resolution No. 11 series of 2020 Recommendations for the Management of Novel Coronavirus Situation, Department of Health (website), 12 March 2020. <https://doh.gov.ph/sites/default/files/health-update/IATF-RESO-11.pdf>
- 31 Interagency Task Force for the Management of Emerging Infectious Diseases Resolution No. 12 series of 2020 Recommendations for the Management of Novel Coronavirus Situation, Department of Health (website), 13 March 2020 <https://doh.gov.ph/sites/default/files/health-update/IATF-RESO-12.pdf>
- 32 Krissy Aguilar, “Luzon now under ‘enhanced community quarantine’ – Palace,” *Philippine Daily Inquirer* (website), 16 March 2020 <https://newsinfo.inquirer.net/1243036/luzon-island-now-under-enhanced-community-quarantine-palace>
- 33 Nick Aspinwall, “Philippines Extends Lockdown in Manila and Other High-Risk Areas to May 15,” *The Diplomat* (website), 24 April 2020, <https://thediplomat.com/2020/04/philippines-extends-lockdown-in-manila-and-other-high-risk-areas-to-may-15/>

By the last week of April 2020, ECQ covered 92% of the top 300 cities and municipalities in the country. Thereafter, several configurations of community quarantines have been enforced in different parts of the country, in the attempt to curb the spread of the disease. During the first half of May 2020, 60% of the cities and municipalities remained under ECQ. Subsequently, 70% of these shifted to GCQ in the second half; whereas Metro Manila and other high-risk areas were in and out of MECQ until August 2020.³⁴

The United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) described the extended lockdowns in the Philippines as indicative of a “highly militarized response” to the pandemic. Then OHCHR head Michelle Bachelet explained that respect for people’s rights cover their inherent freedoms “across the spectrum, including economic, social and cultural rights, and civil and political rights.” She added that protecting these rights was “fundamental to the success of the public health response and recovery from the pandemic”.³⁵

C. Sowing a narrative of fear and terror

President Duterte’s pronouncements following the full implementation of stringent lockdowns and the heightened presence of the military and police throughout the country, clearly conveyed the government’s securitized response to the pandemic. Many of the public addresses made by the President added to sowing a climate of fear. Several of his tirades were directed at those who were critical of his administration as well as those demanding for their basic rights that were unmet by the government grappling with the pandemic.

As ECQ was enforced in Metro Manila, residents of San Roque village in Quezon City demanding food and medical aid were arrested on 1 April 2020 for staging a rally without government permit. That evening, after the arrests, President Duterte said: “My orders to the police and military...if there is trouble and there’s an occasion that they fight back and your lives are in danger, shoot them dead.” He added, “Is that understood? Dead. Instead of causing trouble, I will bury you.”³⁶

There was such a strong social media backlash from President Duterte’s public address that the head of the Philippine National Police (PNP) at that time was compelled to clarify that the President’s statement was just a hyperbole, and that no police personnel has adopted a shoot-first mindset in enforcing the lockdown orders.³⁷ Activists criticized the President’s fierce rhetoric, and accused him of authorizing violence and vigilantism as demonstrated during his anti-terrorism campaign and his war against illegal drugs.

34 Yi Jiang, Jade R Laranjo and Milan Thomas, “COVID-19 Lockdown Policy and Heterogenous Responses of Urban Mobility: Evidence from the Philippines.” ADB Economics Working Paper Series No. 659, Asian Development Bank, May 2022, accessed 13 June 2022, <https://www.adb.org/sites/default/files/publication/798546/ewp-659-covid-19-lockdown-urban-mobility-philippines.pdf>

35 *UN News*. “Toxic lockdown culture’ of repressive coronavirus measures hits most vulnerable” (website), 27 April 2022, <https://news.un.org/en/story/2020/04/1062632?fbclid=IwAR3XIWVpwLY9c5ZWZRjSuo5s6IHkiHpG32W-brlSScOrXdKvowRFu0K1YZO>

36 Reuters Staff, “Shoot them dead’ - Philippine leader says won’t tolerate lockdown violators,” *Reuters* (website), 2 April 2020 <https://www.reuters.com/article/health-coronavirus-philippines-duterte-idINKBN21K0AQ>

37 Michael Yusingco & Angelika Pizarro, Ateneo Policy Center, “Philippines: An Escalating Threat to Human Rights” IACL - AIDC (blog), 18 June 2020, <https://blog-iacl-aidc.org/2020/06/18/the-militarized-response-to-the-covid-19-pandemic-in-the-philippines-an-escalating-threat-to-human-rights>

In another televised speech, President Duterte warned the public that a martial law-style enforcement would be implemented if they do not comply with the lockdown. “I’m just asking for a little discipline. If not, if you do not believe me, then the military and police will take over,” he said. “The military and police will enforce social distancing and curfew. They will. It is just like martial law too. You choose,” added the President. Then AFP spokesperson Brigadier General Edgardo Arevalo assured that there was no cause to be “alarmed”, that it is only natural for the military to prepare for a possible “martial law-like lockdown”. He clarified that “when he says martial law, it means the President would like to emphasize that we would really make some arrests.”³⁸

Upon declaring the enforcement of ECQ in Luzon and other high-risk areas until 15 May 2020, President Duterte was also quoted as saying that he had a standing order for security forces to “kill all” members of the communist New People’s Army (NPA), and its “legal fronts”. He accused guerrillas of attacking aid deliveries, derailing the government’s relief operations.³⁹

Such accusations made by the President and the security forces reinforced the red-tagging of leftist activists deemed associated with the Communist Party of the Philippines (CPA) and the NPA, congruent with the administration’s anti-terrorism propaganda (See *‘Counterinsurgency, Red-Tagging & The ‘War On Terror’: A War against Deliberation and Dissent, A War with No End’* by Marc Batac).

Despite the counter statements made by government officials to tone down President Duterte’s strongman rhetoric in handling the pandemic, the climate of fear had become undeniable among the populace as reports of killings, arrests, detention and excessive punishment of violators proliferated. Upholding the rule of law and human rights, which were already threatened during Duterte’s anti-terrorism campaign and war on drugs, has become more precarious. Human rights lawyer Jose Manuel Diokno warned that under the cover of the coronavirus, “there is a clear effort to shrink the democratic space, and free discussion that is essential to a democracy.”⁴⁰

D. Consolidation of executive power

As in the past, during emergencies or crises in the country, there has been greater consolidation of power in the executive during the COVID-19 crisis. This was not the first time that Congress granted special emergency powers to the President and to the executive branch of government to address a crisis under the 1987 Constitution. For example, President Corazon Aquino was granted emergency powers by Congress after a coup attempt in 1989 damaged the economy. In the 1990s, Congress granted President Fidel Ramos emergency powers to privatize water companies in the country.⁴¹

38 Athira Nortajuddin, “Martial Law-Like Lockdown for The Philippines?” *The ASEAN Post* (website), 23 April 2020, <https://theaseanpost.com/article/martial-law-lockdown-philippines>

39 Luis Liwanag and Froilan Gallardo, “Duterte Threatens to Declare Martial Law; Accuses Rebels of Disrupting Aid Deliveries,” *Benar News* (website), 24 April 2020, <https://www.benarnews.org/english/news/philippine/philippines-coronavirus-04242020145436.html>

40 Aie Balagtas See, “Rodrigo Duterte Is Using One of the World’s Longest COVID-19 Lockdowns to Strengthen His Grip on the Philippines,” *Time* (website), 15 March 2021 <https://time.com/5945616/covid-philippines-pandemic-lockdown/>

41 Maria Ela L. Atienza, Aries A. Arugay, Jean Encinas-Franco, et al. “Constitutional Performance Assessment in the Time of a Pandemic: The 1987 Constitution and the Philippines’ COVID-19 Response” International IDEA Discussion Paper 3/2020, International Institute for Democracy and Electoral Assistance, accessed 10 July 2022, <https://www.idea.int/sites/default/files/publications/constitutional-performance-assessment-in-the-time-of-a-pandemic.pdf>

More than a week after the declaration of a COVID-19 health emergency, President Duterte also asked Congress for emergency powers. The President certified as urgent the passage of the proposed Bayanihan Heal as One bill that would grant him emergency powers to implement measures to curb the spread of the virus. The abbreviated procedures for passing urgent legislation, and the support of blocs allied with the President in both Houses of Congress assured the swift passage of this Act and subsequent related laws.

And while this law required the President to submit reports on its implementation, Congress has not taken deliberate measures to exercise its oversight functions over the executive, including scrutinizing these reports. Both houses of Congress have not directed any specific concerns to the President and IATF-EID regarding their performance. In 2020, the Supreme Court, now dominated by Duterte appointees, denied a petition seeking to declare the Bayanihan Heal as One Act unconstitutional on the ground that it failed to show grave abuse of discretion.⁴²

E. Laws restraining defenders' human rights

The Bayanihan Heal as One Act (Republic Act 11469) was enacted into law on 24 March 2020. Among its many provisions, the law penalized individuals or groups “creating, perpetrating or spreading false information regarding the COVID-19 crisis on social media and other platforms”.⁴³ Effective for only three months, the law was repealed by the enactment on 11 September 2020 of Republic Act No. 11494 or Bayanihan to Recover As One Act, which was in effect until 19 December 2020.⁴⁴

In less than a month after the enactment of this law, which further criminalized the spreading of fake news, 47 persons were apprehended for alleged violations of this provision. They were charged under Article 154 of the Revised Penal Code on the “unlawful use of means of publication and unlawful utterances” in relation to Republic Act 10175 or the Anti-Cybercrime Law.⁴⁵ In a news report dated 4 April 2020, the National Bureau of Investigation (NBI) also summoned at least 17 individuals for allegedly spreading false information online.⁴⁶

42 Maria Ela L. Atienza, “The Philippines a Year under Lockdown Continuing Executive Dominance, Threats to Democracy, and Unclear Pandemic Response,” *Verfassungblog* (website), 26 April 2021, <https://verfassungsblog.de/the-philippines-a-year-under-lockdown/>

43 Republic Act No. 11469, An Act Declaring the Existence of a National Emergency Arising from the Coronavirus Disease 2019 Situation. Official Gazette, Congress of the Philippines, accessed 27 June 2022, <https://www.officialgazette.gov.ph/downloads/2020/03mar/20200324-RA-11469-RRD.pdf>

44 Republic Act No. 11494, An Act Providing for COVID-19 Response and Recovery Interventions and Providing Mechanisms to Accelerate the Recovery and Bolster the Resilience of the Philippine Economy, accessed 27 June 2022, <https://www.officialgazette.gov.ph/downloads/2020/09sep/20200911-RA-11494-RRD.pdf>

45 Christopher Lloyd Caliwan, “PNP nabs 47 Covid-19 fake news peddlers,” *Philippine News Agency* (website) 15 April 2020, <https://www.pna.gov.ph/articles/1099910>

46 Mariejo S. Ramos, “Rights groups wary as NBI summons 17 for ‘fake news’,” *Philippine Daily Inquirer* (website), 4 April 2020, <https://newsinfo.inquirer.net/1253684/rights-groups-wary-as-nbi-summons-17-for-fake-news>

On 3 July 2020, President Duterte signed into law the Anti-Terrorism Act of 2020⁴⁷ which raised the question, how a controversial non-health related legislation was passed during the pandemic. In a study on the securitization of the COVID-19 crisis in the country, researchers noted that this became possible because of two processes: the repositioning of the ongoing serious problem of terrorism within the pressing problem of the COVID-19 pandemic, which brought legitimacy to the need to urgently address the issue of terrorism despite it being a non-health concern; and the second process is the securitization of the government's response to the pandemic, which eventually provided a favorable political environment for the enactment of the new law. The President played a powerful role in bringing about this shift in policy.⁴⁸

The passage of the Anti-Terrorism Act of 2020 in the midst of the pandemic points to the success of the government's efforts to securitize its approach to curb the COVID-19 disease at the same time that it has portrayed terrorism as a continuing threat. Aside from calling attention to acts of terrorism committed during the outbreak of the virus, government officials pointed out that terrorist activities, such as alleged armed assaults by NPA members against security officers distributing relief goods, are disruptive of the country's efforts to contain the pandemic, and warrant counter terrorism maneuvers by the police or the military.⁴⁹ In effect, the President and his administration jointly framed terrorism and the COVID-19 pandemic as pressing threats to national security equally necessitating immediate attention and a continuing securitized response.

In a study undertaking a constitutional performance assessment of the Philippines' COVID-19 response, the researchers concluded that there is a marked weakening of the constitutional provisions for separation of powers essential to governmental checks and balances in a democracy. They pointed out that civilian supremacy over the military as envisioned by the 1987 Constitution has become a mere formality as the coercive power of the security forces largely informed the government's response to the pandemic. "In other words, the response was not only securitized in its approach, but also heavily militarized in its implementation", the study emphasized.⁵⁰

In a study undertaking a constitutional performance assessment of the Philippines' COVID-19 response, the researchers concluded that there is a marked weakening of the constitutional provisions for separation of powers essential to governmental checks and balances in a democracy. "... the response was not only securitized in its approach, but also heavily militarized in its implementation", the study emphasized.

47 Republic Act No. 11479, An Act to Prevent, Prohibit and Penalise Terrorism, Thereby Repealing Republic Act No. 9372, Otherwise Known As the Human Security Act of 2007, Official Gazette, Congress of the Philippines, accessed 27 June 2022, <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>

48 Shivane Dolo, Crisha Mae DG. De Vera, Zhenia Flores, et al., "Effecting a Shift in State Policy during the COVID-19 Pandemic: The Case of the Philippines' Anti-Terrorism Act of 2020," *Philippine e-Journal for Applied Research and Development Research and Development*, 11, 55 - 68, 28 June 2021, accessed on 2 August 2022, <https://pejard2.slu.edu.ph/wp-content/uploads/2021.12.16.pdf>

49 Philippines Submission for the High Commissioner's Oral Updates on Covid-19," Office of the High Commissioner for Human Rights (website), 31 May 2020, <https://www.ohchr.org/sites/default/files/2022-03/Philippines.pdf>

50 Maria Ela L. Atienza, Aries A. Arugay, Jean Encinas-Franco, et al. "Constitutional Performance Assessment in the Time of a Pandemic: The 1987 Constitution and the Philippines' COVID-19 Response," International IDEA Discussion Paper 3/2020, accessed 2 August 2022, <https://www.idea.int/sites/default/files/publications/constitutional-performance-assessment-in-the-time-of-a-pandemic.pdf>

V. The Repressive Impact on Civic Space

Juxtaposed with the continuing urgency to combat terrorism and continue its war against illegal drugs, the government throughout the leadership of President Duterte viewed the pandemic as a security concern and painted a war-like scenario to curb it. For instance, the DOH in its press releases described the COVID-19 situation as “World War C”.⁵¹ With COVID-19 identified as an unseen enemy, the government pushed for extraordinary measures to combat it. This justified the extensive authority granted to the police and the military, and their full deployment to enforce stringent quarantine measures that curtailed fundamental freedoms.

As President Duterte declared in one of his public speeches: “We are in the fight for [our] lives. We are at war against a vicious and invisible enemy, one that cannot be seen by the naked eye. In this extraordinary war, we are all soldiers....” At the end of his address, he issued a warning: “Obey the police and the military....You can be arrested.”⁵² This war-like narrative echoed the expansion of the government’s police powers, and its reliance on security forces to enforce punitive public health protocols to eliminate the virus as the perceived enemy. The securitization of COVID-19 has legitimized the draconian measures employed by the government to control it.

In an article explaining the securitization of COVID-19, Karl Hapal pointed out that the securitization of an issue consists of three main processes: the production of existential threats, emergency actions, and breaking free of rules. President Duterte’s securitizing act, according to him, relied on framing the pandemic as a fight for the nation’s survival, which requires swift, decisive action, and a wide latitude of powers lest the nation is destroyed. Once such discourse is accepted, emergency actions or measures beyond the ordinary take effect and are then rendered legitimate. In this case, the acceptance of the President’s populist rhetoric justified the militarist response by the government through the active deployment of its security forces to suppress the spread of the virus.⁵³

In the implementation of the government’s NAP COVID-19, chief implementer Carlito Galvez reiterated the call of the President that the first imperative of the NAP COVID-19 is on “changing [the people’s] mindset....” He pointed out that “the success of our campaign is basically anchored on the people’s support and active participation and vigilance to strictly observe and promote the minimum health standard and disease prevention.”⁵⁴ But to secure people’s compliance, the government has criminalized non-compliant behavior through the coercive powers of the military and the police. This has resulted in violations of civil liberties, including the suppression of the rights of human rights defenders.

51 Department of Health Press Release, “Honouring Nurse’s Day: DOH Calls for More HCWS to be Heroes of World War C,” Department of Health (website), 13 May 2020, <https://doh.gov.ph/doh-press-release/HONORING-NURSE%E2%80%99S-DAY:-DOH-CALLS-FOR-MORE-HCWS-TO-BE-HEROES-OF-WORLD-WAR-C>

52 Presidential Communications Operations Office, “Guidance of President Rodrigo Duterte During the Inter-Agency Task Force Meeting on the Coronavirus Disease 2019 (COVID-19),” Presidential News Desk (website), 16 March 2020, <https://mirror.pco.gov.ph/wp-content/uploads/2020/03/20200316-Guidance-of-President-Rodrigo-Roa-Duterte-on-the-Coronavirus-Disease-2019-COVID-19.pdf>

53 Karl Hapal, “The Philippines’ COVID-19 Response: Securitizing the Pandemic and Disciplining the Pasaway,” *GIGA Journal of Current Southeast Asian Affairs* Vol. 40 (2) 224 – 244 18 March 2021, accessed 30 June 2022, <https://journals.sagepub.com/doi/pdf/10.1177/1868103421994261>

54 Lade Jean Kabagani, “Galvez cites strategies for 2nd phase of gov’t plan vs. Covid-19,” *Philippine News Agency* (website), 8 July 2020, <https://www.pna.gov.ph/articles/1108322>

The focus on national security threats – real and inflated – through the extension of President Duterte’s war against terrorism, and the war against illegal drugs to a war against COVID-19 has led to serious human rights violations. Human rights defenders have been among those under attack as the government justified the criminalization of dissent and delegitimized their activism under these war narratives. In the context of the COVID-19 emergency, however, the abuses perpetuated by the government continued not only against those who self-identify or are identified by state agents as activists, but now extend to citizens who are non-compliant or complain of the government’s inadequate efforts to address the pandemic, as well as to defenders of rights who are critical of the government’s crackdown on the exercise of their fundamental freedoms during the health emergency.

A. Curtailment of freedom of peaceful assembly

As the government enforced stringent social distancing measures to curb COVID-19, it suppressed the exercise of the freedom of association and peaceful assembly, which constitutes an essential element of civic space. The prohibition on protests to stem the spread of the disease has led to the silencing of critics, and the stifling of criticism. Convergence for demonstrations during the height of the pandemic became a challenge as freedom of movement was also curtailed with enforced travel bans, and restrictions on gatherings in public places. Demonstrators critical of the government and its policies during the COVID-19 emergency were arrested, in effect, extending President Duterte’s unrelenting campaign to eliminate dissent that began with his war against terrorism and illegal drugs.

As the government enforced stringent social distancing measures to curb COVID-19, it suppressed the exercise of the freedom of association and peaceful assembly, which constitutes an essential element of civic space. The prohibition on protests to stem the spread of the disease has led to the silencing of critics, and the stifling of criticism ... in effect, extending President Duterte’s unrelenting campaign to eliminate dissent that began with his war against terrorism and illegal drugs.

In Cebu City, the police arrested and detained protesters on 5 June 2020 allegedly for violating pandemic protocols during a rally against the enactment of the Anti-Terrorism Bill;⁵⁵ 16 students in Iligan City were also arrested and detained under the same charges for a similar protest on 12 June 2020.⁵⁶ Despite the ban on demonstrations because of the COVID-19 disease, protesters also rallied on 27 July 2020 during President Duterte's fifth State of the Nation Address. A total of 141 protesters were arrested nationwide, including four urban poor women who were jailed for joining an online protest. Some 64 individuals were also arrested on their way to attend the demonstrations in Cavite province.⁵⁷

On 1 April 2020, two weeks after ECQ was enforced in Metro Manila, the police dispersed with brute force close to a hundred urban poor settlers from San Roque village in Quezon City, and arrested 21 protesters who were demanding food and medical aid.⁵⁸ On 2 June 2020, six jeepney drivers, members of the transport group Piston, were arrested for rallying to resume their routes to earn a living, having not received any assistance from the government since the lockdown.⁵⁹ In effect, prohibiting the exercise of the freedom of assembly infringed on their exercise of other fundamental rights, such as their right to food and livelihood.

On 26 June 2020, LGBTIQ activists who marched to mark Pride Month and express their opposition to the Anti-Terrorism bill were met with police violence, and 20 were arrested for illegal assembly. The protesters explained that Pride demonstrations are occasions for protests as they are not only concerned with personal coming-out narratives, but also with demonstrating their solidarity with the experiences of oppressed Filipinos.⁶⁰ Thee then Independent Expert on sexual orientation and gender identity pointed out that such pride marches are critical in instilling public awareness and increasing visibility of LGBTIQ identities and issues. Given such importance, he argued for greater access to public space for LGBTIQ people and warned that that "dilemmas created by the pandemic in relation to public space are particularly grave".⁶¹

B. Suppression of freedom of expression

As mentioned previously, the enactment of the Bayanihan Heal as One Act, which included a provision criminalizing the spread of false information, triggered successive arrests of individuals charged under Article 154 of the Revised Penal Code and the Anti-Cybercrime Law for spreading false information online. An emergency legislation, the Cybercrime Law led to suppression of the freedom of expression during the COVID-19 crisis.

55 Beatriz Marie Cruz, "Reign of Terror: Activists in the Philippines arrested for questioning COVID-19 protocols and more," *The Gish* (website), 10 June 2020, <https://medium.com/the-gish/reign-of-terror-activists-in-the-philippines-arrested-for-questioning-covid-19-protocols-and-more-e48e8a22c57b>

56 Rambo Talabong, "16 students arrested in Iligan City during Independence Day protest," *Rappler* (website), 12 June 2020, <https://www.rappler.com/nation/263623-arrested-protesters-iligan-city-independence-day-2020/>

57 Karlo Mongaya, "Amid threats of mass arrest, Filipino protesters rally during Duterte's State of the Nation Address," *Global Voices* (website), 3 August 2020, <https://globalvoices.org/2020/08/03/amid-threats-of-mass-arrest-filipino-protesters-rally-during-dutertes-state-of-the-nation-address/>

58 CNN Philippines Staff, "21 protesters demanding food aid arrested in Quezon City," CNN Philippines (website), 1 April 2020, https://www.cnnphilippines.com/news/2020/4/1/quezon-city-protesters-arrested-.html?fbclid=IwAR24UXDVPPhHzPveZpDuaHKEDizEqm3MeM4C7dtaXpSbk_rLzAh7vB8zZqL0

59 Beatriz Marie Cruz, "Reign of Terror: Activists in the Philippines arrested for questioning COVID-19 protocols and more," *The Gish* (website), 10 June 2020, <https://medium.com/the-gish/reign-of-terror-activists-in-the-philippines-arrested-for-questioning-covid-19-protocols-and-more-e48e8a22c57b>

60 The News Lens, "Philippine LGBT Activists Fight Duterte's Machismo with Solidarity," TNL Media Group (website), 1 July 2020, <https://international.thenewslens.com/article/137151>

61 UN General Assembly, Protection against violence and discrimination based on sexual orientation and gender identity, A/75/258, United Nations, 28 July 2020, accessed 18 August 2022, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/197/62/PDF/N2019762.pdf?OpenElement>

Among those arrested was Cebu-based artist and scriptwriter, Maria Victoria Beltran, for her satirical post on COVID-19 in social media. After she was threatened by the city mayor, she took down her post, and said that she had no intention of “spreading confusion and fear”. Her statement added that the law prosecutes fake news purveyors only when they “promote chaos, anarchy, fear, or confusion”. Nevertheless, she was detained, and had to post bail.⁶²

In a news report dated 4 April 2020, the National Bureau of Investigation (NBI) explained that it had stepped up its investigation of fake news on the internet, particularly those relating to the pandemic, as this “could endanger public order”.⁶³ However, the securitized response to disinformation instilled fear that has precluded healthy dialogue among the citizenry. In denouncing the arrests, the Commission on Human Rights (CHR) asserted: “A fully functional democratic society should be able to allow the reasonable exercise of free speech and expression as a means to participate in matters concerning public life. Arrests should never be made as a default response to dissent.”⁶⁴

C. Surveillance and encroachment on the right to privacy

Aside from the freedom of expression and the right to association and peaceful assembly, the right to privacy is among the fundamental freedoms essential to sustain a free and open civic space in society. Already, as discussed in another research in this series, human rights defenders have reported numerous incidents of surveillance, particularly through the use of digital technology, in the context of the government’s campaigns against terrorism and illegal drugs that continued during the pandemic (See *‘Big Brother’s Grand Plan: A Look at the Digital Security Playbook in the Philippines’* by Jessamine Pacis).

Hence, there have been continuing legitimate concerns of the challenges to civic space that surveillance poses in the context of the COVID-19 pandemic.

The WHO generally defines public health surveillance as “the continuous, systematic collection, analysis and interpretation of health-related data needed for the planning, implementation, and evaluation of public health practice, and⁶⁵ member-states are obliged under its International Health Regulations to set up these systems.⁶⁶ The WHO adopted its own guidelines on ethical issues in public health surveillance⁶⁷, and in light of the pandemic, issued an interim guidance on ethical considerations to guide the use of digital proximity tracking technologies for COVID-19 contact tracing.⁶⁸

62 Coconuts Manila, “Writer arrested for allegedly spreading fake news about COVID-19 cases in Cebu City,” *yahoolnews* (website), 20 April 2020, <https://ph.news.yahoo.com/writer-arrested-allegedly-spreading-fake-013806267.html>

63 Mariejo S. Ramos, “Rights groups wary as NBI summons 17 for ‘fake news’,” *Inquirer.Net* (Philippine Daily Inquirer (website)), 4 April 2020, <https://newsinfo.inquirer.net/1253684/rights-groups-wary-as-nbi-summons-17-for-fake-news>

64 Llanesca T. Panti, “CHR decries warrantless arrest of Cebu-based writer over satirical COVID-19 post,” *GMA News* (website), 22 April 2020, <https://www.gmanetwork.com/news/topstories/nation/735177/decries-warrantless-arrest-of-cebu-based-writer-over-satirical-covid-19-post/story/>

65 World Health Organization, “International health regulations – 2nd edition”, 2005, Reprinted 2008, accessed 14 July 2022, https://apps.who.int/iris/bitstream/handle/10665/43883/9789241580410_eng.pdf?sequence=1

66 World Health Organization, “Ethical considerations to guide the use of digital proximity tracking technologies for COVID-19 contact tracing,” WHO, 28 May 2020, accessed 14 July 2022 https://www.who.int/publications/i/item/WHO-2019-nCoV-Ethics_Contact_tracing_apps-2020.1

67 World Health Organization, “International health regulations – 2nd edition”, 2005, Reprinted 2008, (accessed 14 July 2022) (https://apps.who.int/iris/bitstream/handle/10665/43883/9789241580410_eng.pdf?sequence=1

68 World Health Organization, “Ethical considerations to guide the use of digital proximity tracking technologies for COVID-19 contact tracing,” 28 May 2020, accessed 14 July 2022, https://www.who.int/publications/i/item/WHO-2019-nCoV-Ethics_Contact_tracing_apps-2020.1

However, it remains to be seen if any of these guidelines have been followed in the implementation of the Philippines' public health surveillance systems. For example, while the WHO guidelines suggested that such public health surveillance system to be time-bound and temporary in nature, there is no clarity when such surveillance in the country will be lifted, and what will be done with the collected data thereafter. There are no expressed guarantees from the administration that the data collected for COVID-19 will not be used for other undisclosed purposes. While its actual occurrence in the country is difficult to prove at present, public health surveillance systems in the context of COVID-19 could easily cross over to mass surveillance of the population, or targeted surveillance of specific individuals.

With the securitization of COVID-19 embedded in the country's response to the pandemic, as the Funders Initiative for Civil Society (FICS) pointed out in its strategic review, health has now become a national security concern that warrants the government's intrusion further into the lives of the population during emergencies. The mass collection and surveillance of individual health data can readily enable the profiling of individuals and groups at a scale that was unimaginable pre-COVID-19. Institutionalizing such flagrant forms of surveillance can lead to discrimination and differential treatment violative of human rights.⁶⁹

D. Derailment of the right to vote in national elections

The securitized approach to the pandemic centered on enforcing extended lockdowns also had adverse effects on the conduct of the May 9 national elections in the country. In March 2020, rising COVID-19 cases prompted the Commission on Elections (COMELEC) to close its offices throughout the country, and suspended voter registration for 148 days from 10 March until 31 August 2020. While registration resumed in September, it was suspended again specifically in Metro Manila and neighboring provinces for about two weeks from 4–18 August 2020, and again for 28 days from 29 March to 14 May 2021 due to the successive imposition of lockdowns in these localities.⁷⁰

This resulted in an overflow of Filipinos trying to register within the deadline set on 30 September 2021. To address this, the COMELEC set up an online booking system, but it did not work. By the first week of June, appointment slots in some localities were already completely booked through the deadline.⁷¹ Despite these setbacks, the COMELEC was initially reluctant to extend the period for voter registration citing a short timeframe between the deadline and election day. With pressure from Congress, however, it subsequently agreed to a one-month extension.⁷²

69 Ben Hayes and Poonam Joshi, "Rethinking civic space in an age of intersectional crisis: a briefing for funders," *Funders Initiative for Civil Society*, May 2020, accessed 15 July 2022, <https://www.fundersinitiativeforcivilsociety.org/wp-content/uploads/2022/01/FICS-Rethinking-Civic-Space-Report-FINAL1.pdf>

70 Loreben Tuquero, "Almost 8 months of voter registration lost in some areas due to lockdowns," *Rappler* (website), 24 August 2021, <https://www.rappler.com/nation/elections/months-voter-registration-lost-some-areas-due-covid-19-lockdowns/>

71 Hannah So, "COVID-19 is Already Negatively Impacting Election Integrity in the Philippines," *International Republican Institute* (website), 16 July 2021, <https://www.iri.org/news/covid-19-is-already-negatively-impacting-election-integrity-in-the-philippines/>

72 Dwight de Leon, "Comelec extends voter registration, October 11 to 30," *Rappler* (website), 29 September 2021, <https://www.rappler.com/nation/elections/comelec-extension-voter-registration-october-31-2021/>

On election day, the COMELEC declared that COVID-19 patients who are isolating in their homes or in facilities would not be allowed to break their isolation hence were precluded from casting their vote. COMELEC Commissioner George Garcia asserted then that this was in accordance with the IATF-EID guidelines and resolutions.⁷³ However, he said those that came to the polling places and tested positive under the COVID-19 symptom checking process set up by local government units during election day would be led into isolation polling places and allowed to vote.⁷⁴ These mixed directives precipitated confusion among potential voters.

The right to vote, which is directly related to the citizens' direct participation in public decision-making is one of the fundamental rights necessary to maintain a robust civic space essential to uphold democratic governance in the country. Preoccupied with enforcing stringent security protocols, the government erred against ensuring the full exercise of this right during the recent elections.

E. Virulent red-tagging of government critics

(See *'Counterinsurgency, Red-Tagging & the War On Terror': A War against Deliberation and Dissent, A War with No End* by Marc Batac). While already practiced even before the COVID-19 pandemic in line with the government's ongoing anti-terrorism campaign, red-tagging intensified with the enactment of the Anti-Terrorism Law of 2020. The Anti-Terrorism Council (ATC) established to implement this law, followed the President's lead and issued Resolution No. 12 on 9 December 2020 designating the CPP and the NPA as terrorist organisations,⁷⁵ and thereafter, the NDF. This further justified the widespread use of red-tagging by the National Task Force to End Local Communist Armed Conflict (NTF-ELAC), the government's anti-communist task force. It has become prolific online as security forces have weaponized social media in pursuit of the government's counterinsurgency campaign.

73 Xave Gregorio, "COVID-19 patients under isolation won't be able to vote," *Phil Star Global* (website), 29 April 2022, <https://www.philstar.com/headlines/2022/04/29/2177636/covid-19-patients-under-isolation-wont-be-able-vote>

74 Christopher Lloyd Caliwan, "Those with Covid-19 symptoms still allowed to vote: DILG," *Philippine News Agency* (website), 29 April 2022, <https://www.pna.gov.ph/articles/1173305>

75 Anti-Terrorism Council Resolution no. 12, "Designating the Community Party of the Philippines and the New People's Army also known as Bagong Hukbong Bayan (CPP/NPA) as Terrorist Organisations, Associations, and/or Groups of Persons," *Official Gazette*, Congress of the Philippines, 9 Dec. 2020, accessed 2 September 2022, <https://www.officialgazette.gov.ph/downloads/2020/12dec/20201209-ATC-12-RRD.pdf>

Among those red-tagged were human rights defenders perceived by state authorities to be members of the CPP-NPA-NDF or supportive of their ideology. In a Facebook post on 30 April 2020, the AFP 303rd Infantry Brigade based in Negros Province linked civil rights organizations, including the Philippine Alliance of Human Rights Advocates (PAHRA) and the Medical Action Group (MAG) to the CPP-NPA-NDF. The APF labelled these organizations as “terrorist viruses” to be avoided.⁷⁶ In June 2020, a member of PAHRA and Executive Director of BALAOD Mindanao, Ritz Lee Santos III, was accused online of being a member of a local communist group because he organized a rally to denounce the Anti-Terrorism Law of 2020. Religious leader Sister Mary John Mananzan has been repeatedly accused by then NTF-ELAC spokesperson Lorraine Badoy of being a high-ranking member of a terrorist organization.⁷⁷

Some women celebrities were also among those red-tagged, regardless of whether they identify as activists or not. In November 2021, Lt. General Antonio Parlade Jr. who was then the head of the NTF-ELAC, posted warnings on Facebook against Filipina actors Angel Locsin and Liza Soberano, and Miss Universe 2018 Catriona Gray who had expressed their support for Gabriela, a left-leaning women’s alliance associated with networks considered as legal fronts of the CPP-NPA-NDF. Parlade discouraged them from having links with leftist groups warning that it could cost them their lives.⁷⁸

In the context of the COVID-19 crisis, security forces have cast a wider net in their red-tagging to include not only activists or those associated with leftist causes, but more extensively, to target those who complain or criticize government measures and policies in light of the pandemic. This has included academics, doctors, artists, and lawyers and ordinary citizens as they try to inform the public, defend those who have been arbitrarily charged, or provide humanitarian assistance during the pandemic.⁷⁹

On 11 April 2021, the Alliance of Health Workers (AHW) expressed alarm at being red-tagged in a column written by NTF-ELAC spokesperson Lorraine Badoy, after it called for increased government support and better response to the pandemic.⁸⁰ Likewise, Ana Patricia Non who started a community pantry that quickly caught the imagination of the public and became a nationwide initiative to provide basic goods to those in need during the enforced quarantine, was also red-tagged. The NTF-ELAC commented on their social media account that such community pantries were being used to spread communist propaganda.⁸¹

76 In Defense of Human Rights and Dignity Movement (iDEFEND), “An appeal to the Human Rights Council for a strong resolution that addresses the rapidly deteriorating human rights situation in the Philippines,” iDEFEND (website), 24 September 2020, <https://idefend.ph/news/statements/appeal-human-rights-council-strong-resolution-addresses-rapidly-deteriorating-human>

77 In Defense of Human Rights and Dignity Movement (iDEFEND), “Red tagging of human rights defenders distracts from government accountability- iDEFEND/PAHRA ,” iDEFEND (website), 23 June 2020, <https://idefend.ph/news/statements/red-tagging-human-rights-defenders-distracts-government-accountability-idefendpahra>

78 Aie Balagtas See, “Rodrigo Duterte Is Using One of the World’s Longest COVID-19 Lockdowns to Strengthen His Grip on the Philippines,” *TIME* (website), <https://time.com/5945616/covid-philippines-pandemic-lockdown/>

79 Imelda Deinla, “Red-tagging” and the Rule of Law in the Time of COVID-19,” Australian Institute of International Affairs (website), 1 April 2021, <https://www.internationalaffairs.org.au/australianoutlook/red-tagging-and-the-rule-of-law-in-the-time-of-covid-19/>

80 Christine Deiparine, “Health workers’ and teachers’ groups latest to be red-tagged by NTF-ELCAC,” *Philstar Global* (website), 11 April 2021, <https://www.philstar.com/headlines/2021/04/11/2090405/health-workers-and-teachers-groups-latest-be-red-tagged-ntf-elcac>

81 Ruth Abbey Gita-Carlos, “Community pantries welcome but Reds taking advantage: NTF-ELCAC,” *Philippine News Agency* (website), 20 April 2021, <https://www.pna.gov.ph/articles/1137446>

Red-tagging has become “a swift and deadly means” to silence members of civil society who continue to denounce and expose the ineffectiveness of the government’s securitized approach to the pandemic. “Many of those red-tagged by state authorities are subsequently killed or injured by unidentified assailants, similar to some of the killings arising from Duterte’s war on drugs,” stated the International Commission of Jurists (ICJ) in a legal brief. “There is no significant progress on effective investigation and accountability for such killings.”⁸² This practice has further jeopardized the remaining mechanisms of accountability and rule of law that were already eroded as the administration clamped down on fundamental freedoms during the health emergency.⁸³

F. Massive arrests of violators and activists

Arrests of a massive number of violators occurred during the pandemic as directed by President Duterte. The President issued his threats and ordered the police to arrest the following: those not wearing a mask properly⁸⁴; those who refuse vaccination⁸⁵; and those unvaccinated who flout quarantine protocols⁸⁶. And so, the police went ahead to execute his orders during the enforced lockdowns. As of 6 September 2020, close to six months after the punitive imposition of social distancing measures, over 100,486 alleged quarantine violators were arrested, and 1,735 were still detained in police stations, according to data from the JTF COVID Shield.⁸⁷ Most of these arrests were warrantless, their legality questioned, whether or not the police complied with the requirements of warrantless arrests prescribed by law.⁸⁸

Such wanton conduct of the police and the alarming number of arrests made has provoked fear and anxiety especially among the poor who have been penalized simply for attempting to survive.

82 International Commission of Jurists, “Danger in Dissent: Counterterrorism and Human Rights in the Philippines,” International Commission of Jurists (website), January 2022, https://www.icj.org/wp-content/uploads/2022/01/ICJ_PhilippinesRedTagging_270122.pdf

83 Imelda Deinla, “Red-tagging” and the Rule of Law in the Time of COVID-19,” Australian Institute of International Affairs (website), 1 April 2021, <https://www.internationalaffairs.org.au/australianoutlook/red-tagging-and-the-rule-of-law-in-the-time-of-covid-19/>

84 AFP, “COVID-19: Philippine President Duterte orders arrest of mask violators,” *WION news* (website), 6 May 2021, <https://www.wionews.com/world/covid-19-philippine-president-duterte-orders-arrest-of-mask-violators-383222>

85 AP News, “Duterte threatens to arrest Filipinos who refuse vaccination,” *AP News* (website), 22 June 2021 <https://apnews.com/article/coronavirus-pandemic-arrests-health-feeb885f996b2a6f0f425a315c6c5ed9>

86 Agencia EFE, “Duterte orders arrest of unvaccinated flouting stay-at-home orders,” *EFE News* (website), 7 January 2022, <https://www.efe.com/efe/english/world/duterte-orders-arrest-of-unvaccinated-flouting-stay-at-home/50000262-4712549>

87 Rambo Talabong, “Over 100,000 quarantine violators arrested in PH since March,” *Rappler* (website), 8 September 2020, <https://www.rappler.com/nation/arrested-quarantine-violators-philippines-2020/>

88 Tony La Vina, “Warrantless arrests in a pandemic,” *Manila Standard* (website), 2 June 2020, <https://manilastandard.net/opinion/columns/eagle-eyes-by-tony-la-vina/325003/warrantless-arrests-in-a-pandemic.html>

Already conjured during Duterte's campaign against illegal drugs, the poor, who comprised most of those arrested violators, have been lumped into the pejorative concept of 'pasaway', which loosely refers to a person who is obstinate, lacks discipline, and violates COVID-19 regulations. (See *'The Effect of the Philippine War on Drugs on Civic Space' by Ateneo Human Rights Center*)

Despite President Duterte's anti-elite rhetoric, and especially in the context of the bungled disbursement of the government's COVID-19 emergency subsidies for the poor authorized under the Bayanihan laws⁸⁹, the targeting of the poor – the 'pasaway' – betrays the deep-seated class prejudices of his administration.⁹⁰

The state's coercive power used to produce, maintain and reinforce social divides evident during its war on illegal drugs spilled into control over civic space during the COVID-19 pandemic. Arresting the 'pasaway' has the numbing effect of silencing dissent. Those arrested without due process were unable to question the legality of their arrests, or the reasonableness of stringent health restrictions that infringe on their fundamental rights. Under the cover of the crisis, there has been little room to question the President's directives that smack of violence and vigilantism, or investigate the abuses committed by the security forces.

Aside from the poor, among those arrested during the pandemic were activists caught in the military's continuing counterinsurgency campaign targeting the CPP-NPA. President Duterte's declaration of an "all-out war" against communist rebels following the breakdown of peace talks in 2017 has resulted in a raft of arbitrary arrests and detentions of activists deemed critical of the government on allegations that they are members or supporters of the CPP-NPA-NDF. The administration continued with its war on terrorism side by side with its declared war against COVID-19.

Leaders of left-leaning organizations caught during the Bloody Sunday and Tumandok raids that also killed activists accused of being communist rebels or sympathizers, were arrested. In addition, five people, including an *Altermidya Network* correspondent, were arrested during a raid conducted by the military on "identified Communist Terrorist Group safe houses" in Tacloban City, Leyte province on 7 February 2020.⁹¹ On 19 March 2020, Gloria Tumalon, a Manobo indigenous activist and opponent of mining projects, was arrested in Surigao del Sur on suspicion of being an NPA member.⁹² Arrests and abductions of NDF consultants and aides were reported on 11 April 2020.⁹³

89 Michelle Abad, "What went wrong in 2020 COVID-19 'ayuda,' lessons learned for 2021," *Rappler* (website), 8 April 2021, <https://www.rappler.com/newsbreak/explainers/coronavirus-ayuda-government-aid-what-went-wrong-2020-lessons-learned-2021/>

90 Karl Hapal, "The Philippines' COVID-19 Response: Securitising the Pandemic and Disciplining the Pasaway," *GIGA Journal of Current Southeast Asian Affairs* Vol. 40 (2) 224 – 244, 18 March 2021, accessed 30 June 2022 <https://journals.sagepub.com/doi/pdf/10.1177/1868103421994261>

91 Jodesx Gavilan, "Lives in danger as red-tagging campaign intensifies," *Rappler* (website), 20 February 2020, <https://www.rappler.com/newsbreak/in-depth/252028-lives-in-danger-duterte-government-red-tagging-campaign/>

92 Nick Aspinwall, "Philippines: brutal crackdown on activists and environmental defenders amid spread of Covid-19," Business and Human Rights Resource Centre (website), 6 April 2020, <https://www.business-humanrights.org/en/latest-news/philippines-brutal-crackdown-on-activists-and-environmental-defenders-amid-spread-of-covid-19/>

93 Pola Rubio, "NDFP consultants missing after arrested by police at vaccination site," *Yahoo news* (website), 11 April 2022, https://ph.news.yahoo.com/ndfp-consultants-missing-after-arrested-by-police-at-vaccination-site-094458042.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuc3RhcncRwYWdlMmNvbS8&guce_referrer_sig=AQAAANsmDGHLtV2zs08_TosuB8WB3L6dntvlfL52xpnRJtqXVurKqfWlsANjLRJeQAjbyge8zGiQoTMMXSaQI_4IWu2_kpP_OwnrdeeBxJe-OfxbYHTaZ_y2CdAxcEi-sWhe_YLbmzfwbVTgtksKdBSiSN4gn2_k9PXDUZqy8QKEYfX

Close to Labor Day, the human rights NGO Karapatan claimed in a press release issued on 2 May 2020 that at least 76 individuals were arrested throughout the country, among them, 10 women's rights advocates, teachers, and relief volunteers who were organizing a community kitchen in Marikina City. Around 14 residents and four volunteers from Quezon City were also arrested after organizing a community kitchen for poor residents in the area.⁹⁴ Assisting in the relief efforts did not spare them from the administration's wrath as government officials tried to connect their acts to communist tactics and undermined the legitimacy of their activities.

G. Killing of human rights defenders

Alongside its campaign to curb COVID-19, the government continued its vicious campaign against terrorism. Hinged on the raging global war on terror post 9/11, previous administrations assimilated the long drawn-out fight against counterinsurgency into a globally supported counterterrorism campaign. With the breakdown of the peace talks with the CPP-NPA-NDF during the Duterte administration in 2017, these organizations were subsequently designated as terrorist organizations and all communist insurgents as terrorists. Caught in the crossfire are activists associated with these organizations who are now considered legitimate targets by the security forces in the government's extended militarized conflict with civil society. (See *'Counterinsurgency, Red-Tagging & the 'War On Terror': A War against Deliberation and Dissent, A War with No End'* by Marc Batac)

Among the activists targeted and killed during the pandemic were those suspected of being NPA rebels or communist sympathizers, or working with organizations considered as legal fronts of the CPP-NPA, which were declared terrorist organizations pursuant to President Duterte's Proclamation No. 374 signed on 5 December 2017.⁹⁵ Leaders or members of organizations in their alliance, including representatives of the Makabayan party list in Congress, that have been tagged as communists-terrorists by government authorities were among those killed.

On 30 April 2020, Jory Porquia, a founding member of Bayan Muna, a left-leaning organization belonging to the Makabayan bloc that held a seat in Congress, was shot dead by unidentified assailants in his rented home after providing relief assistance to urban poor communities.⁹⁶ Then on 10 August 2020, Randall Echanis, a political consultant of the NDFP and a former chair of Anakpawis, another party list organization affiliated with Makabayan, was tortured to death inside a rented house in Quezon City.⁹⁷ One week later, on 17 August 2020, Zara Alvarez, former campaign and education director of Karapatan in Negros Occidental was killed by an unidentified assailant in Bacolod City.⁹⁸

94 Karapatan Press Release, "Instead of addressing mass poverty and hunger on Labor Day, Duterte unleashes mass arrests and fascism," Karapatan organization (website), 2 May 2020, https://www.karapatan.org/media_release/instead-of-addressing-mass-poverty-and-hunger-on-labor-day-duterte-unleashes-mass-arrests-and-fascism/

95 "Proclamation No. 374, s. 2017, Declaring the Communist Party of the Philippines (CPP)-New People's Army (NPA) as a Designation/Identified Terrorist Organisation Under Republic Act No. 10168," Official Gazette, Congress of the Philippines, 2017, accessed 12 September 2022, <https://www.officialgazette.gov.ph/2017/12/05/proclamation-no-374-s-2017/>

96 Mongabay, "Deaths, arrests and protests as Philippines re-emerges from lockdown," Mongabay (website), 21 May 2020, <https://news.mongabay.com/2020/05/deaths-arrests-and-protests-as-philippines-re-emerges-from-lockdown/>

97 Nikko Dizon, "Randall 'Ka Randy' Echanis: Lifelong reform advocate," *Rappler* (website), 10 August 2020, <https://www.rappler.com/newsbreak/in-depth/randall-echanis-lifelong-reform-advocate/>

98 Marchel P. Espina, "Human rights activist shot dead in Bacolod City," *Rappler* (website), 17 August 2020, <https://www.rappler.com/nation/activist-zara-alvarez-shot-dead-august-17-2020/>

Their deaths are controversial and have remained unresolved; hence, it cannot be ascertained if they were killed by state-commissioned death squads. However, speculations abound that their deaths were extrajudicial executions, considering that the victims were threatened by government authorities prior to their deaths. Porquia was red-tagged and was in a “hit list” in 2018, and a week before he was shot, he and Bayan Muna personnel were harassed by Iloilo city police while on their way to conduct relief operations.⁹⁹ Both Echanis and Alvarez were also previously red-tagged. They were included in a list of 656 people that the government sought to designate as terrorists in a court petition filed by the Department of Justice (DOJ) on 21 August 2018, although their names were subsequently removed.¹⁰⁰

On 30 December 2020, nine indigenous Tumandok leaders were killed, and 17 others were arrested in an operation conducted by the police and military in various Tumandok communities in the provinces of Capiz and Iloilo. The leaders were known in their villages for fighting against land-grabbing and the construction of the Jalaur Mega Dam in Calinog, Iloilo province. The authorities claimed, however, that they were rebel sympathizers, and the raid was part of the government’s campaign against the rebels. A month before the raids, the Tumandok leaders were told by the military to surrender their membership in the NPA, and when they refused to surrender, they were warned that they could be charged under the new anti-terrorism law.¹⁰¹

The rhetoric of the President had been harmful and dangerous, with some statements directly inciting to violence, especially against his perceived enemies. On 7 March 2021, referred to as “Bloody Sunday”, nine activists were killed following simultaneous police raids in northern Philippines. The bloody assaults took place just two days after President Duterte appeared on television saying, “I’ve told the military and the police, if they find themselves in an encounter with the communist rebels and you see them armed, kill them.” The police said they had arrest warrants against 18 individuals, adding that some resisted arrest, resulting in their deaths.¹⁰²

Emboldened by the President’s pronouncements, security forces resorted to killings in carrying out what they claimed to be “legitimate operations”, given that they had valid arrest warrants against those shot and arrested. In the Bloody Sunday raid, the spokesperson of the police admitted that they had not yet properly established whether the suspects could be linked to previous crimes and if they were affiliated with any groups.¹⁰³ Yet, like in the killing of the Tumandok leaders, raids were conducted based on questionable warrants that by-passed the constitutional right to due process, and disregarded the non-derogable right to life.

99 *Davao Today* (website), “Groups condemn brutal killing of Bayan Muna coordinator in Iloilo,” 1 May 2020 <http://davaotoday.com/main/human-rights/groups-condemn-brutal-killing-of-bayan-muna-coordinator-in-iloilo/>

100 UN News 21, “UN rights office ‘appalled’ at violence against human rights defenders in the Philippines,” United Nations (website), August 2020, <https://news.un.org/en/story/2020/08/1070752>

101 Indigenous Peoples Rights International, “9 Indigenous Tumandok killed, 17 others arrested in police ops in Panay,” Indigenous Peoples Rights International (website), 8 January 2021, <https://www.iprights.org/news-and-events/news-and-features/philippines-9-indigenous-tumandok-killed-17-others-arrested-in-police-ops-in-panay>; Krixia Subingsubing, Nestor Corrales, Nestor P Burgos Jr., “Justice sought for 9 slain in Panay raids,” *Philippine Daily Inquirer* (website), 8 August 2022, <https://newsinfo.inquirer.net/1378106/justice-sought-for-9-slain-in-panay-raids>

102 CNN Philippines Staff, “9 dead as police crackdown vs activists in Southern Tagalog,” *CNN Philippines* (website), 7 March 2021, updated 8 March 2021, <https://www.cnnphilippines.com/regional/2021/3/7/pnp-operations-southern-tagalog-karapatan.html>; Ted Regencia, “Nine killed after Duterte’s order to ‘finish off’ communists,” *Aljazeera organization* (website), 7 March 2021, <https://www.aljazeera.com/news/2021/3/7/philippines-deadly-operation-after-order-to-kill-communists>

103 CNN Philippines Staff, “9 dead as police crackdown vs activists in Southern Tagalog,” *CNN Philippines* (website), 7 March 2021, <https://www.cnnphilippines.com/regional/2021/3/7/pnp-operations-southern-tagalog-karapatan.html>

The frontline defenders reported killed were mostly men, a reflection of the prevailing dominance of male leadership in social movements in the country. Among the marginalized groups attacked, a significant number were indigenous peoples based in rural or remote places whose communities bear the brunt of the government's counterinsurgency operations. Their unwarranted deaths, in effect, deprived marginalized communities of representation, and further derailed their advocacy for human rights and social justice. The killing of Echanis within the urban capital of Metro Manila, however, marked a turning point in the government's campaign to eliminate dissent. Any pretense that killings resulted from local conflicts and rural struggles was gone¹⁰⁴ as the government ramped up its counterinsurgency operations even during the pandemic and pursued "high-value" dissidents in the capital city.

Some of those killed were involved in carrying out humanitarian assistance to ease the adverse consequences of the health crisis on their communities. They were targeted by government authorities precisely because they were red-tagged, having played a critical role as advocates for the rights of peasants, urban poor, and labor, and led campaigns against large-scale mining, extractive projects, and encroachment in ancestral domains. In effect, their acts of extending humanitarian help have been redeployed by government authorities in its securitized approach to the public health emergency, as part of communist propaganda.

In addition to activists, journalists were also among the human rights defenders slain by security forces as the pandemic raged in the country. Ronnie Villamor, a freelance journalist, was shot dead by soldiers manning a military checkpoint in Masbate province on 14 November 2020. Previously, on 5 May 2020, radio broadcaster Cornelio Pepino was shot dead by unidentified men in Dumaguete City. A radio commentator who tackled illegal mining, graft and corruption, and poor governance in his daily program, his colleagues presumed his killing was politically motivated as he might have hit a raw nerve in some political actors.¹⁰⁵ Killing members of the media has also had a chilling effect in shrinking the space for discursive processes essential to uphold civic space and generate an informed public health response to the COVID-19 crisis.

In conclusion, as the war against COVID-19 has been made contiguous to the government's decreed wars against terrorism and illegal drugs, the health crisis has allowed President Duterte and his administration to consolidate power and descend further into authoritarian rule. Security forces were granted extensive authority to instill discipline during the pandemic even if this led to abuse of power and violations of human rights, especially of the poor and the political dissidents.

There is "a serious lack of due process in police operations, and near-total impunity for the use of lethal force by the police and the military", then High Commissioner for Human Rights Michelle Bachelet, noted in her report on the Philippines' response to the pandemic. Given such dismal lack of accountability for abuses committed against activists and other human rights defenders, she sounded the alarm that "vilification of dissent is being increasingly institutionalized and normalized in ways that will be very difficult to reverse".¹⁰⁶

104 Nick Aspinwall, "The killings in the Philippines grow more brazen," *The Interpreter* (website), 25 August 2020, <https://www.lowyinstitute.org/the-interpreter/killings-philippines-grow-more-brazen>

105 Amnesty International 2020 "My Job is to Kill": Ongoing Human Rights Violations and Impunity in the Philippines, accessed 20 September 2022, <https://www.amnesty.org/en/documents/asa35/3085/2020/en/>

106 Human Rights Council 4 June 2020 Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines A/HRC/44/22, accessed 18 September 2022 <https://www.ohchr.org/sites/default/files/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

VI. Resistance Amidst a Climate of Fear and Impunity

Populist leaders like President Duterte thrive on the control of narratives. This entails establishing that the state is in control, and those who criticize or oppose the state are labelled as communists, terrorists, ‘pasaway’, detractors, or opposition out to grab power from the incumbent.¹⁰⁷ With the government taking control of the ascent of fear narratives, over time, the securitized implementation of NAP COVID-19 was legitimized by the conflux between the public’s fear of the virus, and the fear drilled by the President in his rhetoric and his command over the security forces to enforce punitive measures to control the pandemic.

With the securitization of the pandemic in place, a national mood took shape characterized by a public, fearful of the potential life-threatening effects of the pandemic, conditioned towards obedience to government control. The chief executive, through his acts and pronouncements, latched onto this collective fear and strongly asserted his authority as the one in charge, exacting strict compliance from the general population. The executive, represented on the ground by the uniformed personnel, was in full control, while the citizens fearful for their lives, were fully expected to be obedient and submissive, like disciplined soldiers taking orders from their superiors.¹⁰⁸

But far from simply acquiescing to the curtailment of their fundamental freedoms and abstaining from questioning the abuses committed by the government, an analysis of social media data reveals peaks of dissatisfaction expressed by citizens regarding the mismanagement of the health crisis by President Duterte’s administration. An organic groundswell of discontent from the public was evident based on social media feeds.¹⁰⁹ At one point, #OustDuterteNow topped Philippine Twitter trends on a Tuesday as the public’s uproar against the red-tagging of community pantries and their organizers went viral on social media. As one post said: “That the state can arbitrarily tag people, organizations and movements as Red is a reminder that it conflates... the assertion of basic human rights with sedition and rebellion against the government”.¹¹⁰

As the public in general expressed discontent, human rights defenders, in particular, braved the risk of the virus, and the wrath of the state to demand from the government, as the duty bearer, accountability for the fulfillment of fundamental freedoms integral to upholding the safety of citizens. Many were killed, arrested and detained, harassed. Yet, the abuses did not stop them from protesting the derogation of rights – in the streets or through other means – at the risk of their lives. Clearly, these are courageous acts of resistance to reclaim the shrinking civic space and hold the government accountable for human rights violations.

107 Sofia Tomacruz and Don Kevin Hapal, “Coronavirus response: Online outrage drowns out Duterte propaganda machine,” *Rappler* (website), 24 April 2020, <https://www.rappler.com/newsbreak/in-depth/coronavirus-response-online-outrage-drowns-duterte-propaganda-machine/>

108 Shivane Dolo, Crisha Mae DG De Vera, Zhenia Flores, et al. “Effecting a Shift in State Policy during the COVID-19 Pandemic: The Case of the Philippines’ Anti-Terrorism Act of 2020,” *Philippine e-Journal for Applied Research and Development* 11(2021) 55 – 68, accessed on 2 August 2022, <https://pejard2.slu.edu.ph/wp-content/uploads/2021.12.16.pdf>

109 Active Vista. (no date or author specified) Strengthening Human Rights-Based Response of Civil Society in the Pandemic (internal document)

110 Iya Gozum, “Red-tagging of community pantry sparks uproar online,” *Rappler* (website), 20 April 2021, <https://www.rappler.com/moveph/philippine-government-red-tagging-community-pantry-sparks-uproar-online/>

Given the crippling effects on civic space with the securitization of the COVID-19 crisis, there were not many avenues available for human rights defenders at local or national levels to counter the state's denial of the people's rights. Among the options that remained was lodging litigation in the courts against the perpetrators or pursuing strategic litigation. For example, on 14 January 2022, murder complaints were filed by the National Union of Peoples' Lawyers (NUPL) against 17 police officers for the murder of the Evangelista couple who were killed during the Bloody Sunday raids on 7 March 2021.¹¹¹

There have been more chances of obtaining favorable rulings in filing these cases with the lower courts where it appears that individual judges have retained their independence. On 3 August 2022, for instance, NDF peace talks consultant Renante Gamara was cleared of charges of illegal possession of firearms and explosives by the Regional Trial Court in Marikina City. At that time, he was the 27th activist cleared of any charges by the lower courts in 2022.¹¹² Many of the countersuits filed on behalf of activists to refute baseless accusations against them, however, remain pending in the courts.

The regional trial court in Naga City, the metropolitan capital of the province of Camarines Sur, declared the Digital Contact Tracing System Ordinance of Naga City unconstitutional on 8 April 2021. In a landmark decision, the court ruled that the "No QR Code, No Entry" policy and mandatory registration to the contact tracing application set up by the local government was violative of constitutional rights, and the collection of personal information pertaining to birth dates and sex of registrants was also declared invalid. This is a significant victory in the defense of human rights that have been abrogated by the government in pursuit of its militarized implementation of COVID-19 protocols.¹¹³

Strategic litigation therefore is another important strategy to push back the government's encroachment on rights. On 31 December 2021, a court hearing was set before the Regional Trial Court in Manila for a petition to question the administration's enforcement of mandatory vaccination against COVID-19.¹¹⁴ A similar petition was filed before the Supreme Court subsequently to also assail the constitutionality of local ordinances that restrict the right to work, the right to privacy, and other fundamental freedoms of residents. These lawsuits have posed a counter-narrative that challenges the government's securitization of the COVID-19 emergency. Collectively called the "anti-vaxers", the petitioners rebuked the administration's disproportionate use of force in containing the disease and asserted the pre-eminence of upholding their fundamental rights.

111 Marlon Ramos, "17 more cops charged for 'Bloody Sunday' slays," *Philippine Daily Inquirer* (website), 15 January 2022, <https://newsinfo.inquirer.net/1540675/17-more-cops-charged-for-bloody-sunday-slays>

112 Lian Buan, "NDF consultant is 27th activist cleared by court in 2022," *Rappler* (website), 4 August 2022, <https://www.rappler.com/nation/national-democratic-front-consultant-activist-cleared-by-court-august-2022/>

113 Ed G Yu, "Court declares 2 'eSalvar' sections unconstitutional but rest of ordinance legal," *Bicol Mail* (website), 8 April 2021, <https://www.bicolmail.net/single-post/court-declares-2-esalvar-sections-unconstitutional-but-rest-of-ordinance-legal>

114 Jomar Canlas, "Court summons parties in suit vs mandatory vaccination," *The Manila Times* (website), 9 December 2021 in <https://www.manilatimes.net/2021/12/09/news/court-summons-parties-in-suit-vs-mandatory-vaccination/1825319>

With the exercise of the freedom of movement constrained and the freedom of assembly curtailed during the pandemic, civil society actors have ramped up their sites of resistance online and engaged a broader audience. Public campaigns on social media such as those run by Active Vista has expanded public participation to include “critics, activists, Lumads (i.e., indigenous peoples in Mindanao), students and others” to widely talk about extrajudicial killings in the context of the Duterte administration’s war against illegal drugs and its relation to the securitization of the COVID-19 crisis. Strategies for action were also discussed in these fora such that “resistance is not just a matter of going to the streets, it has to start at home”.¹¹⁵

Such forms of on-line resistance to shrinking civic space are discussed in more detail in the research on securitization in the context of internet included in this series (See ***‘Big Brother’s Grand Plan: A Look at the Digital Security Playbook in the Philippines’*** by Jessamine Pacis).

VII. Lessons of Resistance from Community Pantries

Community pantries, local food banks intended to help the poor, have existed prior to the COVID-19 emergency. Known as soup kitchens or food pantries, they have flourished in other countries such as in the United States during the crippling debt crisis in 2013. During the pandemic, community pantries were also set up in other countries. For example, Thailand’s community pantry project – *Too Pan Sook* or Pantries of Sharing – was launched in early May 2020 and immediately spread to at least 44 provinces in the country.¹¹⁶

In the Philippines, the first community pantry established during the COVID-19 pandemic was initiated by Ana Patricia Non, a local entrepreneur, in her neighborhood in Quezon City on 14 April 2021. She placed a single bamboo cart containing food items and other necessities along Maginhawa Street with the sign for people to “give according to your ability; take according to your need”. The initiative immediately went viral on social media and within a few weeks, as many as 6,700 community pantries sprouted in various cities and provinces nationwide.¹¹⁷

115 Active Vista, Twitter, 19 September 2020, <https://mobile.twitter.com/ActiveVistaPH/status/1307224213187473410>

116 Reuters, “Coronavirus: Dozens of local food banks spring up in Thailand as virus hits incomes,” *The Strait Times Asia* (website), 13 May 2020, <https://www.straitstimes.com/asia/se-asia/coronavirus-dozens-of-local-food-banks-spring-up-in-thailand-as-virus-hits-incomes>

117 “Ana Patricia Non: Her foodcart pushed back vs apathy,” *Philippine Daily Inquirer* (website), 23 January 2022, <https://newsinfo.inquirer.net/1543751/ana-patricia-non-her-foodcart-pushed-back-vs-apaty>

Source: A photo of the community pantry organized by BTS' fans in Cavite © ARMY Cavite Fanpage/Facebook.



Beyond civil society actors, citizens from different walks of life mobilized to establish their own community pantries.¹¹⁸ These efforts, including programs rolled out by the Office of then Vice President Leni Robredo to alleviate the hardships brought about by the crisis, were propelled by a collective spirit of volunteerism among citizens, referred to as the distinct Filipino value of ‘*bayanihan*’. This term, however, was eventually co-opted by the administration, and used to obscure its inability to meet the basic needs of the Filipinos during the pandemic. Then Presidential spokesperson Harry Roque remarked that setting up community pantries “is not a condemnation of the government, but a showcase of the best in the Filipino character” – their own capacity to help themselves.¹¹⁹

The pantries set up spontaneously in communities throughout the country had one clear purpose: to provide basic goods to the public that were rendered inaccessible due to poverty and the pandemic. Subsequently, they evolved into information centers disseminating information about free COVID-19 mass testing and other public health announcements. Other pantries eventually adopted issue-based slogans such as a critique on the inadequacy of government aid, and a call to report violence against women displayed in signages on site or in social media posts. Human rights activists and their organizations, including a labor group that mobilized a petition for more financial assistance to the unemployed, were among those that participated in these community pantries.¹²⁰

118 Julie Suazo, “What the community pantry movement means for Filipino,” *CNN Life*, CNN Philippines (website), 19 April 2021, <https://www.cnnphilippines.com/life/culture/2021/4/19/community-pantry-filipinos-pandemic.html>

119 Alexis Romero, “Palace On Community Pantries: Bayanihan, Not Gov’t Condemnation,” *One News* (website), 20 April 2021, <https://www.onenews.ph/articles/palace-on-community-pantries-bayanihan-not-gov-t-condemnation>

120 Josephine Dionisio, Arnold Alamon, Dakila Yee et al. “Contagion of Mutual Aid in the Philippines,” *Philippine Sociological Society*, 19 April 2021, accessed 10 November 2022, <http://philippinesociology.com/contagion-of-mutual-aid-in-the-philippines/>

Given that they served multiple purposes, community pantries could offer valuable insights into reconfiguring civil society activism in the context of shrinking civic space under a repressive government. Communities, which have proven to be the first line of defense in the outbreak of the pandemic, can be strengthened as “home fronts” for spreading awareness, deepening connections, and cultivating creative and transformative initiatives among citizens that may not be directly or formally involved in civic action, but nonetheless have stakes in the issues debated in the civic space.¹²¹ Community pantries thus offer a useful leitmotif within which to explore ways to engage the citizenry, and reshape the forms of resistance carried out by civil society actors that have become life-threatening in the context of authoritarian rule.

Consciousness-raising based on mutual aid.

Responding first and foremost to the basic needs of communities is a reiteration of a key principle in community organizing that has been eclipsed by existing organizing approaches that have revolved only around political discussion sessions, human rights trainings, or consciousness-raising cells. Putting this principle into practice underscores the importance of meeting an expressed, immediate need – e.g., for food – with a direct, concrete response as the critical touchpoint between the organizers and those being organized. Through demonstrated empathy, it establishes a foundation of trust between them upon which to ground consciousness-raising efforts.

Some of the community pantries established to meet basic needs evolved into platforms for consciousness-raising, including an advocacy against gender-based violence, for example. This phenomenon relates the necessity of meeting both practical and strategic gender needs that Caroline Moser and other feminist scholars identified years ago in strategizing towards the attainment of gender equality.¹²² **Practical needs** are needs for survival that are immediate and material, such as food or shelter. These needs must be met, otherwise, it will be a challenge to engage communities in efforts to address **strategic needs**, which are longer-term and seek to change structural concerns such as gender inequality.

The split in the advocacy for human rights into a prioritization of civil and political rights over economic, social and cultural rights has contributed to major drawbacks in the advancement of rights at present. This split, evident in many campaigns and other fora worldwide, reinforces the decreasing relevance of human rights in the lives of many who are increasingly burdened with pressing economic and social needs that remain grossly unaddressed. Hence, rather than dismiss the relevance of service delivery initiatives and completely do away with needs-based approaches, civil society organizations that have focused solely on rights-based approaches would do well to reconsider exploring collaborations of mutual aid to broaden and deepen their outreach to marginalized communities.

Rather than dismiss the relevance of service delivery initiatives and completely do away with needs-based approaches, civil society organizations that have focused solely on rights-based approaches would do well to reconsider exploring collaborations of mutual aid to broaden and deepen their outreach to marginalized communities.

121 DAKILA-Active Vista. (2020) The Philippine Pandemic: A Tale of Two Viruses, Strengthening Human Rights-Based Response of Civil Society in the Pandemic.

122 Candida March, Ines Smyth and Maitrayee Mukhopadhyay, “A Guide to Gender-Analysis Frameworks,” Oxfam Publication, 1999 (reprinted 2005), <https://www.ndi.org/sites/default/files/Guide%20to%20Gender%20Analysis%20Frameworks.pdf>

Organized around mutual aid, the community pantries are intended to encourage community engagement where all members are accorded equal treatment. As Non expressed, “Efforts like these give us hope that we can come together and help each other out....This initiative does not discriminate against gender, class, affiliation, religion or anything else. It’s just based on our capacity to help.”¹²³ Acknowledging the capacity of the marginalized to both receive and give mutual aid, community pantries offer potential platforms of consciousness-raising. Such collaborations can transform as communicative and participatory platforms of democratizing the social setting where the muted voices of the marginalized, e.g., the hungry or the poor, are heard, their articulated practical needs given paramount consideration and addressed together with their strategic needs.

Non explained that community pantries are intended “not as charity, but mutual aid”.¹²⁴ The community pantries refrain from stigmatizing the poor in their dependency. While most donations come from the rich and the middle class, the pantries also take in contributions from people who are struggling financially but contribute food or whatever they can share. Dispensing with hierarchies between donors and beneficiaries implicit in charities, the pantries engage with the marginalized as empowered citizens with agency to give mutual aid. “Emergent agencies”, or the capacity of individuals or groups on their own to effect change in their situation, is foregrounded in these community pantries.¹²⁵

Changing narratives, such as the narrative of the state on securitization, requires a key strategy of raising the consciousness of a critical mass to think critically in order to develop and deploy counter-narratives, and eventually become active actors in keeping a vibrant and discursive civic space.

Changing narratives, such as the narrative of the state on securitization, requires a key strategy of raising the consciousness of a critical mass to think critically in order to develop and deploy counter-narratives, and eventually become active actors in keeping a vibrant and discursive civic space.

123 The News Lens, “How a Community Pantry Sparked Movement of Mutual Aid in the Philippines,” *TNL Media Group* (website), 21 April 2021, <https://international.thenewslens.com/article/149976>

124 Gretchen Malalad, “Coronavirus Pandemic: Community pantries pop up in Philippines after delay in government aid,” *CGTN* (website), 24 April 2021, <https://news.cgtn.com/news/2021-04-24/VHJhbnNjcmlwdDUOMjA2/index.html>

125 Josephine Dionisio, Arnold Alamon, Dakila Yee et al. “Contagion of Mutual Aid in the Philippines,” *Philippine Sociological Society*, 19 April 2021, accessed 10 November 2022, <http://philippinesociology.com/contagion-of-mutual-aid-in-the-philippines/>

Human rights activists who have engaged in community pantries could draw from experiences of mutual aid and alter these processes into open and democratic dialogues wherein the marginalized, treated as equals, are allowed to voice their needs and concerns from the margins, surface discourses that lie outside the dominant ones of the elite, and in the process, subvert their own marginality.

A. Fostering co-responsibility for human rights

Aside from challenging the government through litigation or other forms of resistance directly confronting the state, the emergence of community pantries presented a different expression of activism during the pandemic. Non explained the motivation behind her initiative: “I thought this might be just a small step, but we need to take action, because government aid has not been enough.”¹²⁶ As many others followed her example and organized community pantries throughout the country, an alternative form of activism took shape: to recognize the human right to food as well as acknowledge each one’s responsibility to fulfill it.

The government has not been absolved of this duty; it retains full accountability for the realization of human rights. Just as Non inferred in her criticism that the government has not done enough, the proliferation of pantries was an articulation of the peoples’ growing frustration over the administration’s incompetence in responding to the crisis. But rather than confront the state directly, the community pantries deflected antagonism against the administration, and relied on unleashing the latent agency of the people to help themselves and each other. With each bundle of goods handed out, the connection between people has been revitalized, and a new identity for collective action has been forged around a shared culture of co-responsibility for human rights.

“This community pantry became a way to prove to ourselves that we can help one another, and we are able to organize ourselves,” Non added in one of her interviews. As a modality for self-organizing, the existence of community pantries has pointed to possibilities of growing activism for human rights that is motivated by fostering co-responsibility for realizing each other’s rights. This form of activism is an alternative that complements the activism of confronting the state on its accountability. Other studies point out that indirect resistance that does not overtly confront the regime and is less threatening, such as the provision of charity, can also open a space for community involvement and collective civic action.¹²⁷

There is a growing awareness among social movements to break the silos created by organizing activism for human rights around identity politics. Quoting from the Combahee River Statement issued by a group of Black lesbian socialists formed in the 1970’s, Philosophy professor Olúfémi O. Táíwò in his recent book *Elite Capture: How the Powerful Took Over Identity Politics* acknowledged that “the most profound and potentially most radical politics come directly out of [one’s] identity, as opposed to working to end somebody else’s oppression”. However, over time, this has led to a compartmentalization of the struggle for rights wherein, for example, women’s rights activists do not necessarily take on campaigns regarding the rights of trans people.

126 Barnaby Lo, “COVID food pantry operators draw accusations of communism in the Philippines,” *CBS News* (website) 26 April 2021, <https://www.cbsnews.com/news/philippines-covid-community-food-pantry-accusations-communism-red-tagging/>

127 Czarina Medina-Guce and Ana Martha Galindes, “Democratic Backsliding & Shrinking Civic Spaces: Problematizing the Strengthening of Philippine Democratic Institutions,” *Academia* (website) 2018, <https://independent.academia.edu/AnaMarthaGalindes>

Táiwò observed that this form of organizing centered on identity politics is losing its potency, and is now at risk of “elite capture”: the way socially advantaged people within these identity formations tend to gain control over benefits meant for everyone in the collective, and how this cadre of elite then ends up simply maintaining the status quo.¹²⁸ Given these apparent pitfalls of continuing to anchor social movements on identity politics, it would be worthwhile for civil society actors to take the lesson from community pantries of mobilizing around a call for co-responsibility in the fulfillment of rights to break the silos among social movements, and avoid the peril of elite capture.

Shifting the focus on co-responsibility of rights will drive social movements: to seriously put into practice the concept of intersectionality or the intersections of privilege and discrimination that underpin the advocacy for rights; and pursue cross-movement alliance-building as a core, not a supplemental, strategy to address these intersecting forms of oppression. It holds the promise of expanding the shrinking civic space in the country by bringing in new advocates for human rights beyond the usual civil society actors who risk their lives to stand up against the atrocities of the government.

Further, fostering co-responsibility debunks the prevailing perception that engagement in the civic space is a monopoly of activists or defenders of human rights, excluding a wider public who also has a stake to claim these rights and a co-equal responsibility to fulfill them. It presents the civic space as a communal space for engagement not only for activists, but for many other actors who do not in any way identify as human rights defenders, but, as they have demonstrated in the phenomenon of the community pantries, are also invested in the fulfillment of fundamental rights. Claiming for rights based on identity politics alone is no longer sufficient. It has become imperative for human rights advocates to deliberately reach out to many other actors whose oppression is linked to theirs yet have previously been excluded or have not been involved in the defense of rights.

The co-responsibility for the fulfillment of each other’s fundamental rights does not emanate from the legalistic framework of state accountability for human rights. It is drawn from the realm of ethics, wherein “the ethical relation between the community and the self, demands to always think of the self with the insistence and persistence of one’s unlimited responsibility for the other”, as Alma Espartinez discussed in her critical reflection on community pantries from a theological and philosophical perspective.¹²⁹ This inescapable responsibility for the other is at the heart of the pursuit of social justice. It is an activism grounded on an ethical framework of establishing a relationship of mutual care for each other as a stance of resistance against the structures and relations sustained by the state’s indifference to the plight of the marginalized.

128 Keeanga-Yamahtta Taylor, “The Defeat of Identity Politics,” *The New Yorker* (website), 21 September 2022, <https://www.newyorker.com/books/under-review/the-defeat-of-identity-politics>

129 Alma Espartinez, “Emerging Community Pantries in the Philippines during the Pandemic: Hunger, Healing, and Hope,” *Religions* 12: 926, Molecular Diversity Preservation International (website), 2021, https://mdpi-res.com/d_attachment/religions/religions-12-00926/article_deploy/religions-12-00926.pdf?version=1635151788

B. Engaging in political contestation and civic space activism

The phenomenon of community pantries brought to the fore a broad spectrum of civil society actors that soon became embroiled in the government's campaign against advocates and defenders of human rights. As the number of community pantries grew eightfold almost overnight,¹³⁰ organizers quickly became targets of red-tagging, and were linked to the communist movement in the Philippines. Then NTF-ELAC's head Lt. General Antonio Parlade Jr. accused Non of deceiving the people: "Same with Satan. Satan gave Eve an apple. That's where it all started." After she was red-tagged, police officers showed up in Non's neighborhood with assault rifles and asked for her personal details. Parlade admitted that the police were profiling pantry organizers, whom they accused of spreading propaganda, and turning people against the government.¹³¹

Fearing for her life and the lives of other volunteers, Non closed the pantry for a day, and reopened only after getting assurances for her safety from the mayor of Quezon City, and the head of Department of Interior and Local Governments (DILG). The pantry's red-tagging and temporary closure generated a strong public backlash. Many Filipinos expressed their support for Non and the community pantries on social media. Several civil society organizations issued statements of support. The CHR, in a statement, disclosed reports of police officers handing out forms for pantry organizers to fill out with their personal information, and urged them to protect themselves against profiling and surveillance.¹³² The head of the National Privacy Commission (NPC) at that time, Raymund Liboro, also advised against the unjust profiling of community pantry organizers, and reminded the police to respect the safeguards on the right to privacy in carrying out their duties.¹³³

The government did not expect the public outrage and was caught off-guard when its red-tagging of the community pantry organizers backfired. Within days, it shifted from warning that community pantries are linked to communism, to voicing support for them. "Kindness is everyone's color. Whatever one's convictions are, if they're sincerely helping others, we will support them," then Defense Secretary Delfin Lorenzana said in a statement.¹³⁴ Subsequently, former National Security Adviser Hermogenes Esperon Jr. imposed a gag order on Parlade and NTF-ELAC spokesperson Lorraine Badoy to desist from issuing further statements on community pantries.¹³⁵ This was one rare instance where the government actually retracted on its red-tagging rhetoric in the face of sweeping public outcry.

130 Josephine Dionisio, Arnold Alamon, Dakila Yee et al., "Contagion of Mutual Aid in the Philippines," *Philippine Sociological Society*, 19 April 2021, accessed 10 November 2022, <http://philippinesociology.com/contagion-of-mutual-aid-in-the-philippines/>

131 Andrea Chloe Wong, "The politicization of community pantries in the Philippines," *ASEAN Today* (website), 29 May 2021, <https://www.aseantoday.com/2021/05/the-politicization-of-community-pantries-in-the-philippines/>

132 Atty. Jacqueline Ann de Guia, Commission on Human Rights (CHR), "Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the community pantry initiative and profiling of its volunteers," Commission on Human Rights (website), 20 April 2021, <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-community-pantry-initiative-and-profiling-of-its-volunteers/>

133 Raymund Enriquez Liboro "On the Alleged Profiling of Community Pantry Organizers," National Privacy Commission (website), 20 April 2021, <https://www.privacy.gov.ph/2021/04/on-the-alleged-profiling-of-community-pantry-organizers/>

134 JC Gotinga, "Food pantries for hungry Filipinos get tagged as communist," *Aljazeera* (website), 24 April 2021, <https://www.aljazeera.com/news/2021/4/24/food-pantry-for>

135 Esperon orders Parlade, Badoy to stop commenting on community pantries," *Rappler* (website), 25 April 2021, <https://www.rappler.com/nation/esperon-imposes-gag-order-red-tagging-parlade-badoy/>

As a consequence of red-tagging the community pantries and their organizers, the administration publicly politicized the initiative, and made it a venue of political contestation. Government officials, even from the defense establishments, countered the accusations made by the NTF-ELAC and the police. The President's Communication Office issued a statement in support of community pantries. Quezon City Mayor Joy Belmonte declared support for Non and "colorless and apolitical community pantries", and several mayors appealed to the public not to promote their ideologies and exploit these initiatives "that are put up for purely humanitarian objectives". One of the labor groups suspected of distributing anti-government pamphlets in their pantry explained that they were advocating for financial assistance for the poor, an issue they have been vocal about so "there is no hidden agenda".¹³⁶ The public joined in with supportive posts on social media.

The confluence of these contesting voices into the discursive fray demonstrates the possibilities for discursive processes to take place even within the severely constricted civic space during the pandemic. What is noteworthy is that the government was not able to silence the dissenting voices that organized the pantries. In fact, the government's attacks against them precipitated more public indignation, particularly on social media, in spite of the imminent threat of criminal action against dissenting voices alleged to be spreading "fake news".

As protests mounted from the public, government authorities were eventually forced to retract their statements vilifying community pantries. Then AFP Chief of Staff Gen. Cirilito Sobejana even said that he was "contemplating convincing members of the AFP" to donate their subsistence allowance and support these humanitarian efforts.¹³⁷ On 25 May 2021, it was reported that the PNP eventually came up with its own version of food aid stations when it launched the "*Barangayanihan*" Help and Food Bank in police offices nationwide.¹³⁸ This initiative hints of spreading propaganda through humanitarian assistance that the police have accused activists of doing.

It is apparent that these new solidarities among the public to defend community pantries have the potential to disrupt and transform narratives that enabled the securitization of the COVID-19 health emergency. The community pantries had such broad support from the public because they responded to the basic need for food and other essentials as well as became a common rallying platform to express their discontent over the government's handling of the crisis. They represent new solidarities of activism for human rights forged out of the people's collective trauma of the pandemic.

136 Andrea Chloe Wong "The politicization of community pantries in the Philippines", *ASEAN Today* (website) 29 May 2021, <https://www.aseantoday.com/2021/05/the-politicization-of-community-pantries-in-the-philippines/>

137 Jeannette I. Andrade, "Red-tagged? Community pantries get military help," *Inquirer.net*, 23 April 2021 <https://newsinfo.inquirer.net/1422736/red-tagged-community-pantries-get-military-help>

138 PNP launches own community pantries," *Philippine Daily Inquirer* (website), 15 May 2021, <https://newsinfo.inquirer.net/1432051/pnp-launches-own-community-pantries>

C. Addressing the ‘private’ and the centrality of care

The phenomenon of community pantries underscores the importance of not simply focusing on curbing the spread of the virus, but also the need to extend care and support to those in need during the pandemic. This centrality of care in responding to the pandemic is exemplified in the initiative, Lunas Collective, a virtual chat service that provides support to victims of gender-based violence. Women and LGBTQI+ defenders who are sexually harassed for their online activism, are also among the victims. Akin to the spirit of community pantries, such an initiative demonstrates the possibility of creating community platforms, not only on the ground but even virtually, to respond with care and foster support and solidarity amidst the government-imposed isolation to control the pandemic.

These examples of community platforms of care illuminate the centrality of care not only in addressing the COVID-19 health crisis, but also in sustaining activists and their social movements that keep civic space alive. They point to the need to draw attention to the feminist call to break the artificial separation of the public-private spheres that many activists have also internalized in their lack of concern for self and collective care as integral to movement-building. These examples challenge the current conceptualization of civic space only as a discursive platform lodged in the public sphere to also incorporate the private sphere and meet the requirement of care necessary for actors engaged in the civic space to sustain themselves and their movements.

To conclude, the pandemic was a threat of “two viruses”: the spread of COVID-19 virus; and the proliferation of the government’s narrative of securitization, a ‘virus’ whose core DNA has become embedded in the decline of democratic rule, hosted in the weakening of governmental checks and balances essential to good governance. What was at stake during the pandemic was not only the right to health of citizens, but also the health of democracy in the country.¹³⁹ Posing the pandemic not only as a health risk, but also as a security threat became a justification for the curtailment of fundamental freedoms, and a cover for the persistent impunity for human rights violations in the country.

President Duterte’s deployment of his “war against COVID-19” wrapped in a narrative of fear, has normalized government control and coercion as “common sense” – the sensible thing for the public to concede to in the face of the pandemic. The rise of the community pantries, however, turned this narrative on its head. This phenomenon offers a counternarrative asserting that a different response – centered on the security of human beings, not the nation state’s – makes more sense in addressing this crisis. As the emergence of community pantries attests, specifically in the context of a health emergency such as a pandemic, people feel safe and secure when their basic needs are met, and their fundamental rights, including their right to food and adequate standard of living, are fulfilled.

139 DAKILA-Active Vista. (2020) The Philippine Pandemic: A Tale of Two Viruses, Strengthening Human Rights-Based Response of Civil Society in the Pandemic.

Besides the pandemic, the Philippines will encounter other crises in the future in which, on one hand, the government might simply rely on the might of its security forces and again roll out a securitized approach to national emergencies with consequent negative impacts on civic space in the country. On the other hand, the phenomenon of community pantries points to the possibility of an alternative approach of mobilizing civil society and the public, and for the government to carry out a response to the crisis centered on the fulfillment of human rights.

However, civil society actors should be wary of reifying this phenomenon into replicable and scalable initiatives and transplanting them into fixed and permanent entities that need to be sustained with funding. The dynamism of community pantries is inherent in its nature as temporary ad hoc mutual aid networks resourced organically through contributions from a wide range of civil society actors. Rather than institutionalize community pantries per se, human rights defenders could draw from the valuable lessons they offer as examples of “a new narrative of civic participation, integrating political, economic, and socio-cultural exercises in a democracy”.¹⁴⁰

140 Alyssa Mariel Suico, “The Magic of the Maginhawa Community Pantry” DAKILA-Active Vista Report 2020.

About Civic Futures

Civic Futures is a philanthropic initiative conceptualised and launched by the Funders Initiative for Civil Society (FICS) which acts as its secretariat and the Fund for Global Human Rights (FGHR) which is a founding member. Civic Futures exists to mobilize the funding community working across multiple issue areas to equip civil society to push back against the overreach of national security and counter-terrorism powers, increasingly used by governments around the world to harm civic space.

Copyright

The author, FICS, and FGHR welcome and encourage the use and dissemination of the material included in this publication as licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0): <https://creativecommons.org/licenses/by-nc-sa/4.0>

DOI: 10.5281/zenodo.7789243

civicrofutures@global-dialogue.org

civicrofutures.org

