

Country Summary: The Philippines

Introduction

President Duterte and his administration took a militarized approach to the COVID-19 pandemic, using force, threats of violence, arrests, and other concerning tactics to enforce pandemic-related measures. Authorities also restricted the freedom of expression by penalizing the spread of “false information” and labeling critics as communists or terrorists. The pandemic further exacerbated ongoing violence arising from the ‘War on Drugs.’ These factors contributed to a notable increase in assaults on civic freedoms in the Philippines in the pandemic period. The government’s harsh measures also failed to stem the pandemic, with the Philippines reporting 66,453 deaths as of April 2024, placing it among the nations with the highest death tolls in the Asia-Pacific region.¹

PANDEMIC RESPONSE MEASURES

To counter the spread of COVID-19, the government’s Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) applied different degrees of COVID-19 restrictions based on risk. Residents in Enhanced Community Quarantine (ECQ) areas faced the greatest restrictions and were only able to leave their homes to procure essential goods or medicine or undertake permitted work. ECQ areas generally prohibited gatherings and only allowed facilities to operate to provide essential services such as medical care (hospitals), selling food (grocery stores), courier services, and others. There was also a curfew between 8:00 PM and 4:00 AM, when individuals could not leave their homes, as well as a heightened presence of uniformed personnel to enforce quarantine protocols.

Other quarantine levels included the Modified Enhanced Community Quarantine (MECQ), General Community Quarantine (GCQ), and the Modified General Community Quarantine (MGCQ), with each level representing a progressively less restrictive set of measures.²

Disproportionate enforcement mechanisms for pandemic response measures

The government used disproportionate force and sanctions to enforce its pandemic response measures. President Duterte issued several public statements urging law

¹ Statista, Total number of novel coronavirus (COVID-19) deaths in the Asia-Pacific region as of April 2024, by country or territory, April 2024, available at: <https://www.statista.com/statistics/1104268/apac-covid-19-deaths-by-country/>

² Republic of the Philippines, Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID), Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines”, available at <https://pco.gov.ph/wp-content/uploads/2021/08/20210923-OMNIBUS-RRD.pdf>

enforcement and the military to use means including lethal force to enforce pandemic measures and disperse protests during the pandemic.³ Undersecretary Martin Dino similarly proclaimed that habeas corpus and human rights were not legally enforceable during the public health emergency,⁴ though a top administration official assured the public that the Bill of Rights remained in full force following public uproar about the Undersecretary's statement.

There were several documented instances where law enforcement used force against people who violated pandemic measures. In March 2020, local officials in Santa Cruz, Laguna reportedly confined five youths inside a dog cage for allegedly breaking curfew.⁵ In Paranaque, *barangay* officials posted a photo on Facebook showing individuals forced to sit in the middle of a basketball court under the midday sun to enforce social distancing. The official stated that law enforcement would continue to detain people who broke the curfew at the basketball court.⁶ Police also threatened to use public canning against people who violated social distancing orders.⁷ In April 2021, a man died after being forced by police to do 300 squats for breaching curfew to buy water for his family.⁸

In addition to using force, law enforcement applied criminal sanctions for violations of lockdown measures. According to the data from Joint Task Force COVID Shield, by September 2020, police had arrested a total of 100,486 alleged quarantine violators across the country. Of the total, 73,812 were released for regular filing, 26,674 were released after facing inquest proceedings, and 1,735 were still detained in police stations.⁹ The police continued to arrest citizens for pandemic-related violations, reportedly arresting up to 1,400 citizens overnight in March 2021 for violating curfews in Manila.¹⁰

³ See, e.g., Angelika Pizarro, Michael Yusingco, "The Militarized Response to the COVID-19 Pandemic in the Philippines: An Escalating Threat to Human Rights", 18 June 2020, <https://blog-iacl-aidc.org/2020-posts/2020/6/18/the-militarized-response-to-the-covid-19-pandemic-in-the-philippines-an-escalating-threat-to-human-rights>. Raul Dancel, "Coronavirus: Duterte threatens martial law-like lockdown in Philippines as many flout controls", 17 April 2020, <https://www.straitstimes.com/asia/se-asia/coronavirus-duterte-threatens-martial-law-like-lockdown-in-philippines-as-many-flout>, accessed on 20 January 2024.

⁴ Lian Buan, "No, DILG Usec, privilege of writ of habeas corpus not suspended", 23 March 2020, <https://www.rappler.com/newsbreak/inside-track/255579-privilege-writ-habeas-corpus-not-suspended-state-public-health-emergency/>.

⁵ Philstar.com, "Barangay captain faces raps for locking curfew violators in dog cage," 21 March 2020, <https://www.philstar.com/nation/2020/03/21/2002637/barangay-captain-faces-raps-locking-curfew-violators-dog-cage>.

⁶ Rey Galupo, Emmanuel Tupas, Neil Jayson Servallos, Ralph Edwin Villanueva, "Paranaque curfew violators under torture?", <https://www.philstar.com/headlines/2020/03/25/2003270/paranaque-curfew-violators-tortured>.

⁷ Reuters, "Philippines police threaten social distancing violator with canning", 4 December 2020, available at <https://www.reuters.com/article/idUSKBN28E2OP/>.

⁸ CNN, "Philippines man dies after being forced to do 300 squats for breaking Covid-19 curfew", 7 Apr 2021, available at <https://edition.cnn.com/2021/04/07/asia/philippines-police-crackdown-intl-hnk/index.html>.

⁹ Rambo Talabong, "Over 100,000 quarantine violators arrested in PH since March", 8 September 2020, available at <https://www.rappler.com/nation/arrested-quarantine-violators-philippines-2020/>.

¹⁰ JC Gotinga, Al-Jazeera, "Philippines battles COVID surge a year after protracted lockdown", 16 March 2021, <https://www.aljazeera.com/news/2021/3/16/philippines-battles-covid-surge-a-year-after-lockdown>.

President Duterte urged law enforcement to arrest persons who wore masks improperly or refused to get a COVID-19 vaccine.¹¹

Neither the use of force nor applying criminal sanctions comply with international law on restrictions of civic freedoms: they are both disproportionate (and often counterproductive) means to achieve public health or public order goals. There are more effective, rights-respecting ways to ensure compliance with curfews and social distancing. For example, rather than detaining or beating people who break curfew, law enforcement could issue a first warning, escort people back to their homes, or apply a fine to those who incur multiple infractions.

FREEDOM OF EXPRESSION RESTRICTIONS

Authorities in the Philippines restricted the freedom of expression in multiple ways during the pandemic, as follows.

Bayanihan Act and existing legal measures: In March 2020, the Philippines Congress, exercising emergency powers under the 1986 Constitution, passed The Bayanihan Heal as One Act of 2020 ('Bayanihan Act') to grant President Duterte the necessary special powers to address the COVID-19 emergency.¹² The Bayanihan Act was a limited-period Act which expired in June 2020. The Act supplemented earlier measures, including the Proclamation of Public Health Emergency and the Proclamation of State of Calamity and Luzon lockdown.¹³ Section 6(f) of the Bayanihan Act penalized "individuals or groups creating, perpetuating, or spreading false information regarding the COVID-19 crisis on social media and other platforms," especially those that have "no valid...beneficial effect on the population, and are clearly geared to promote chaos, panic, anarchy, fear, or confusion." Those convicted faced prison terms of up to two months, fines ranging from 10,000 pesos (approximately USD\$197) to 1 million pesos (approximately USD\$19,650), or both.

As Section 6(f) of the Bayanihan Act did not clearly define "false" information, authorities had broad discretion to determine that a statement was false and apply

¹¹ Pia Ranada, Rappler, "Duterte orders arrest of persons improperly wearing mask", 6 May 2021, available at <https://www.rappler.com/nation/duterte-orders-arrest-of-persons-improperly-wearing-mask/>. Reuters, "Philippines' Duterte threatens vaccine decliners with jail, animal drug", 22 June 2021, available at [https://www.reuters.com/world/asia-pacific/philippines-duterte-threatens-those-who-refuse-covid-19-vaccine-with-jail-2021-06-21/#:~:text=MANILA%2C%20June%2022%20\(Reuters\),widely%20used%20to%20treat%20animals](https://www.reuters.com/world/asia-pacific/philippines-duterte-threatens-those-who-refuse-covid-19-vaccine-with-jail-2021-06-21/#:~:text=MANILA%2C%20June%2022%20(Reuters),widely%20used%20to%20treat%20animals)

¹² See Republic Act No. 11469, Bayanihan Heal As One Act, available at <https://legacy.senate.gov.ph/Bayanihan-to-Heal-as-One-Act-RA-11469.pdf>

¹³ See Proclamation No. 922, available at <https://www.officialgazette.gov.ph/downloads/2020/02feb/20200308-PROC-922-RRD-1.pdf> and Proclamation No. 929, available at <https://law.upd.edu.ph/wp-content/uploads/2020/05/OP-Proclamation-No-929.pdf>

imprisonment or fines against its speaker. Civil society and the media raised serious concerns about the provision.¹⁴

Authorities also discouraged government officials from commenting on the pandemic. For instance, the Department of Environment and Natural Resources issued a memorandum discouraging its employees from posting negative comments against the government on social media at the onset of the COVID-19 pandemic.¹⁵

Authorities used these pandemic-era measures and other existing provisions such as sedition under the Penal Code to arrest individuals who criticized the government or reported on the pandemic. For example, in March 2020, authorities arrested a teacher and her son for inciting sedition and disobedience to authority following the teacher's criticism of her local government's food aid distribution.¹⁶ In April 2020, authorities arrested writer Maria Victoria Beltran without a warrant for allegedly spreading false news and instilling fear when she posted a satirical social media post stating that the city of Cebu was the pandemic "epicenter in the whole Solar System."¹⁷ In July 2020, Guimba Mayor Jose R. Dizon filed a cyber libel complaint against Radyo Natin Guimba (RNG), a community radio station in Nueva Ecija, for violating Section 6 of the Bayanihan Act. The radio station was charged with sharing false and deceptive information for reporting on the P16-million supplemental budget for COVID-19 response.¹⁸

Requiring media passes: The Presidential Communications Operation Office (PCOO) also ordered journalists to obtain identification cards to cover the Luzon quarantine zone. Luzon, the Philippines' most populous island and home to its capital, Manila, was the first island in the Philippines that was placed under a total lockdown.¹⁹ The IATF-EID limited media passes to half of a news outlet's permanent staff, contradicting earlier assurances that accreditation would be granted to any media workers who applied.²⁰ An independent news website, Bulatlat, reported that a member of the

¹⁴ Kristine Joy Patag, PhilStar Global, "During state of emergency, 'Bayanihan' Act allows imprisonment for 'false information'", 25 March 2020, available at <https://www.philstar.com/headlines/2020/03/25/2003374/during-state-emergency-bayanihan-act-allows-imprisonment-false-information>

¹⁵ MA Angelica Garcia, GMA News Online, "DENR dissuades staff from posting negative comments vs gov't", 6 April 2020, available at https://www.gmanetwork.com/news/topstories/nation/732878/denr-dissuades-staff-from-posting-negative-comments-vs-gov-t/story/?fbclid=IwAR1eyRMBQ1eRhKGCE3D0o4yVX37XfVJBNzdJiS4w_M1e9FT8ivPw4tcYou8

¹⁶ Rappler.com, "Teacher, son arrested without warrant in GenSan over Facebook post", 28 May 2020, <https://www.rappler.com/nation/256157-teacher-son-arrested-without-warrant-general-santos-city-facebook-post-coronavirus/>

¹⁷ GMA News, "Cebu-based writer nabbed for COVID-19 'fake news' named Freedom of Speech awardee" 7 May 2020, <https://www.gmanetwork.com/news/topstories/regions/737170/cebu-based-writer-nabbed-for-covid-19-fake-news-named-freedom-of-speech-awardee/story/>

¹⁸ Gaea Katreena Cabico, PhilStar Global, "Nueva Ecija radio station slams raps filed by local government officials", 20 August 2020, <https://www.philstar.com/nation/2020/08/20/2036727/nueva-ecija-radio-station-slams-raps-filed-local-government-officials>

¹⁹ Sofia Tomacruz, "Duterte places Luzon on lockdown to battle coronavirus", 16 March 2020, available at <https://www.rappler.com/philippines/254726-luzon-total-lockdown-battle-coronavirus-outbreak/>

²⁰ Jake Cruz, Metro News, 2020, "IATF spells out new requirements during quarantine," available at <https://metronewscentral.net/in-and-around-the-metro/iatf-spells-out-new-requirements-during-quarantine>

International Press Center told them that the IATF-EID was “prioritizing mainstream media” when granting passes.

The media pass system restricted the freedom of expression and press freedoms by granting authorities discretion to prevent the media from reporting on the quarantine zone.²¹ This requirement violates international best practice, which recommends the media sector rather than the state oversee sector-related licensing.

Red-tagging: Authorities also relied on the general practice of red-tagging—the labeling of individuals or groups as terrorists or communists—to target individuals and organizations that engaged in pandemic-related welfare activities or who criticized the government’s handling of the pandemic. Red-tagging can amount to a death sentence: those who have been tagged have been subject to criminal charges or extra-judicial killings.²²

During the pandemic, the NTF-ELCAC red-tagged Ana Patricia Non, accusing her of engaging in subversive activities after she organized a community pantry to provide food to persons affected by the pandemic.²³ In the same month, the NTF-ELCAC red-tagged the Alliance of Health Workers (AHW), a national organization representing workers from public and private hospitals, health institutions and agencies, alongside other organizations, including the Senate employees’ union Sandigan ng mga Empleyadong Nagkakaisa sa Adhikain ng Demokratikong Organisation (SENADO) and the Alliance of Concerned Teachers (ACT). The AHW had called on the government to support their welfare and increase provision of personal protective equipment.²⁴ Previously, the AHW had advocated for medical workers’ legally mandated allowances. The AHW claimed that the government had not paid many health workers their allowance, including a special risk allowance and hazard pay, as well as allowances for food, transportation accommodation, and benefits since September 2020.²⁵

Anti-Terrorism Act of 2020 (ATA): Despite intense pushback from civil society and the broader public, President Duterte signed the Anti-Terrorism Act in July 2020.²⁶ Fast-

²¹ Jessica Jerreat, VoA News, “Quarantine Press Pass Amounts to Censorship, Philippine Journalists Say”, 24 March 2020, available at <https://www.voanews.com/a/press-freedom-quarantine-pass-amounts-censorship-philippine-journalists-say/6186330.html>

²² Michael Bertran, The Interpreter, “In the Philippines, a label can take your life”, 3 December 2020, available at <https://www.lowyinstitute.org/the-interpreter/philippines-label-can-take-your-life>

²³ Alan Robles, Raissa Robles, South China Morning Post, “Philippines woman who started food bank branded a communist, compared to Stan by Duterte’s forces”, 24 April 2021, available at <https://www.scmp.com/week-asia/health-environment/article/3130909/philippine-woman-who-started-food-bank-branded>

²⁴ Michelle Abad, “Health Workers group urges CSC, Ombudsman to probe Badoy over red-tagging spree”, <https://www.rappler.com/nation/health-worker-alliance-urges-ombudsman-probe-lorraine-badoy-red-tagging/>, accessed on 25th January 2024.

²⁵ “Health Workers Duque Meet Over Unpaid Benefits”, <https://newsinfo.inquirer.net/1421678/health-workers-duque-meet-over-unpaid-benefits>, accessed on 24th January 2024

²⁶ See Republic Act No. 11479, The Anti-Terrorism Act of 2020, available <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>

tracked during the height of the early pandemic, the ATA amended and repealed the Philippines' Human Security Act of 2007. Political opposition members and civil society organizations heavily criticized the legislation's vague definition of terrorism, which left authorities with broad discretion to interpret the offenses under the Act.²⁷ For example, Section 9 of the Act expanded the definition of terrorism to include the criminalization of "inciting terrorism," which encompasses "speeches, proclamations, writings, emblems, banners, or other representations gearing towards 1) intimidating the public, government or international organization; 2) creating an atmosphere of fear; 3) seriously destabilizing political economic or social structures; and 4) creating public emergency or undermining public safety." These concepts are so vague that authorities could interpret the provision to prohibit a range of speech, including criticism of the government.

Furthermore, the ATA established a new Anti-Terrorism Council (ATC) made up of members appointed by the executive branch, with the power to authorize the arrest of individuals labeled as "terrorists" without a judicial warrant and to detain them without formal charges for up to 24 days before they need to be presented before a judicial authority.²⁸

Civil society raised concerns about the potential use of the ATA to suppress public criticism of and dissatisfaction with the government's pandemic response.²⁹ In July 2023, Karapatan, an alliance of human rights defenders and organizations, reported that state authorities in the Southern Tagalog region had used the ATA to arrest up to 13 human rights defenders,³⁰ noting that government use of the ATA to arrest activists had become a "fast-emerging pattern."³¹ Among the 13 human rights defenders, three received criminal complaints from the military following their fact-finding mission to investigate an extrajudicial killing of a farmer.³²

PRIVACY CONCERNS RELATED TO PANDEMIC TECHNOLOGY PLATFORMS

The Philippines failed to adequately protect personal data and privacy rights during the pandemic. IT experts and the Philippines Department of Information and

²⁷ Human Rights Watch, "Philippines: New Anti-Terrorism Act Endangers Rights", 5 June 2020, available at <https://www.hrw.org/news/2020/06/05/philippines-new-anti-terrorism-act-endangers-rights>

²⁸ Section 29 of the Anti-Terrorism Act of 2020, see also Rebecca Ratcliffe, "Duterte's anti-terror law a dark new chapter for Philippines, experts warn", 9 July 2020, available at <https://www.theguardian.com/world/2020/jul/09/dutertes-anti-terror-law-a-dark-new-chapter-for-philippines-experts-warn>

²⁹ Raul Dancel, The Straits Times, "Duterte Signs Controversial Anti-terror Law in the Philippines," 3 July 2020, available at <https://www.straitstimes.com/asia/se-asia/duterte-signs-controversial-anti-terror-law-in-the-philippines>. Cliff Venzon, "Duterte Signs Controversial Philippine Anti-terror Bill into Law," Nikkei Asian Review, 3 July 2020, available at <https://asia.nikkei.com/Politics/Duterte-signs-controversial-Philippine-anti-terror-bill-into-law>

³⁰ Karapatan, "Urgent Appeal for action against the arbitrary and baseless filing of anti-terrorism cases against Southern Tagalog activists", available at https://www.karapatan.org/urgent_appeal/urgent-appeal-for-action-against-the-arbitrary-and-baseless-filing-of-anti-terrorism-cases-against-southern-tagalog-activists/

³¹ Delfin T. Mallari Jr., "Anti-terrorism raps vs Southern Tagalog activists alarm group", 24 July 2023, available at <https://newsinfo.inquirer.net/1805919/antiterrorism-raps-vs-southern-tagalog-activists-alarm-group>.

³² *Ibid.*

Communications Technology raised concerns that the StaySafe app, run by a government appointed-private enterprise, had unclear parameters on data processing.³³ Additionally, COVID-KAYA, a platform used by frontline healthcare workers in the Philippines to collect and share COVID-19 cases with the Philippines Department of Health, contained vulnerabilities that allowed for unauthorized users to access private data about app users and patient data, exposing the names and locations of health centers and over 30,000 healthcare providers.³⁴

DUTERTE'S WAR ON DRUGS AND THE PANDEMIC

The pandemic exacerbated ongoing human rights violations and extrajudicial killings arising from Duterte's 'War on Drugs,' a national anti-drug campaign resulting in thousands of deaths overwhelmingly among the urban poor.³⁵

A 2021 report by Human Rights Watch detailed a 50% surge in killings between May and September 2020 compared to the pre-pandemic period (December 2019 to March 2020).³⁶ The pandemic further exacerbated the vulnerability of the urban poor with limited access to legal aid and resources to fight potential abuses of power related to the War on Drugs. Additionally, lockdown restrictions and decreased movement provided less public scrutiny and independent verification of police activities, potentially enabling further human rights violations.

Conclusion

The Philippines' response to the COVID-19 pandemic raised significant human rights concerns, with President Duterte's administration prioritizing control and a securitized response over the protection of fundamental freedoms, stifling dissent through a series of heavy-handed measures that failed to result in positive pandemic outcomes. The militarized approach, marked by threats, arrests, and the enactment of restrictive laws, created a climate of fear and hindered public cooperation. The Bayanihan Act, intended to address the crisis, became a weapon against freedom of expression, with a red-tagging spree further demonstrating the government's efforts to silence opposition.

The Anti-Terrorism Act, passed amid the pandemic, further restricted civic freedoms in the country, with its broad and vague definition of terrorism. The surge in extrajudicial killings during the pandemic, coupled with limited public scrutiny and independent

³³ Pia Ranada, Rappler, "Gov't goes full-throttle on StaySafe app, but user data concerns remain," 4 Dec 2020, available at <https://www.rappler.com/newsbreak/in-depth/government-full-throttle-staysafe-app-questions-remain-users-data/>.

³⁴ Citizen Lab, "COVID-KAYA and the Exposure of Healthcare Worker Data in the Philippines," 10 Nov 2020, available at <https://citizenlab.ca/2020/11/unmasked-covid-kaya-and-the-exposure-of-healthcare-worker-data-in-the-philippines/>.

³⁵ Amnesty International, "Philippines: Duterte's 'war on drugs' is a war on the poor", 4 February 2017, available at <https://www.amnesty.org/en/latest/news/2017/02/war-on-drugs-war-on-poor/>.

³⁶ Human Rights Watch, "Philippines: 'Drug War' Killings Rise During Pandemic", 13 January 2021, available at <https://www.hrw.org/news/2021/01/13/philippines-drug-war-killings-rise-during-pandemic>.

verification of violations, underscored the potential consequences of militarization in crisis response.

The Philippines' approach to the pandemic raises serious alarm about the prioritization of power over public welfare and the erosion of fundamental freedoms. It also demonstrates the inadequacy of forceful, non-rights respecting approaches to emergency governance, as compared to [best practice approaches](#) with much better [public health outcomes](#). As the world heals from the pandemic, the international community should closely monitor the situation in the Philippines to urge authorities to uphold fundamental freedoms and reform abusive laws and practices.