

☪ List of Participants Blacklisted ☪
by the Bureau of Immigration and Deportation

✱ actually deported

☺ allowed entry

- | | |
|--------------------------------|---------------------------------------|
| 1. Marcos de Orleaes ✱ | 29. Freddy Christo Apphuhamy Gamage ✱ |
| 2. Francisco Fernandez ✱ | 30. Jose ramós Horta ✱ |
| 3. Rogerio Lobato ✱ | 31. Bishop Hilton Deakin ✱ |
| 4. Mateus Brito Ximenes ✱ | 32. Florencio Anunciacio Fernandez ✱ |
| 5. Ventura Valentim ✱ | 33. Profirio da Costa Oliviera ✱ |
| 6. Clemento Faria ✱ | 34. Jose Manuel de Oliviera Sousa ✱ |
| 7. Mari Alkatiri ✱ | 35. Carmel Budiardjo ✱ |
| 8. Thomas Hyland ✱ | 36. Jose Gueta ✱ |
| 9. Susan Castillo ✱ | 37. Bishop Paul Moore ✱ |
| 10. Mairead Maguire ✱ | 38. Arief Budiman ✱ |
| 11. Michel Robert ✱ | 39. Carlos Candao ✱ |
| 12. Walatara Sobhita ✱ | 40. George Aditjondro ✱ |
| 13. Jose Alberto Costa ✱ | 41. Harold Mucho ✱ |
| 14. Zacarias da Costa ✱ | 42. Luisa Pereira ✱ |
| 15. Joao Carrascalao ✱ | 43. Agio Pereira ✱ |
| 16. Liem Siou Liong ✱ | 44. Marcelo Pereira ✱ |
| 17. Jose Gutierrez ✱ | 45. Charles Scheiner ✱ |
| 18. Juan Federer ✱ | 46. Maxwell Lane ✱ |
| 19. Jose Amorin ✱ | 47. Sharon Scharfe ✱ |
| 20. Sidney Marcus Dias ✱ | 48. Shambu Chopra ✱ |
| 21. H.L.C. Princin ✱ | 49. Pedro Pinto Leite ✱ |
| 22. Robert Wesley Smith ✱ | 50. Saskia Kouwenberg ✱ |
| 23. Peter Wesley Smith ✱ | 51. Abdurrahman Wahid ✱ |
| 24. Oscar Goncalves da Silva ✱ | 52. Bishop Finnau (deceased) |
| 25. Siri Suguna Dodamphala ✱ | 53. Manil Rathmayaha ✱ |
| 26. Abilio Araujo ✱ | 54. Ferreira Lopes ✱ |
| 27. Jose Alberto de Azeredo ✱ | 55. Henry Arthur Fernando ✱ |
| 28. Jose Martins ✱ | 56. Bishop Aloisius Nobuo Soma ☺ |
| 29. Zafiro de Ameral ✱ | |

Temporary Restraining Order (TRO)

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
BRANCH 216, QUEZON CITY

PHILIPPINES-INDONESIA FRIENDSHIP
SOCIETY (PHILINDO), INC., and
JOSE S. LAUREL III,
PETITIONERS,

- versus -

CIVIL CASE NO. Q-94-20672

RENATO CONSTANTINO, JR. in
his capacity as Chairperson,
Philippine Convenor's Group,
Asia-Pacific Conference on
East Timor (APCET), AUGUSTO
N. MICLAT, JR., in his capacity
as Coordinator, APCET,
EMIL JAVIER in his capacity
as President, University of the
Philippines, DR. PACIFICO A. AGABIN,
in his capacity as Dean, College
of Law, University of the Philippines,

For: Injunction, preliminary
Injunction with
Prayer for the Issuance
of a Temporary Restraining
Order.

Respondents. _____ x

ORDER

A verified complaint for injunction with prayer for the issuance of temporary restraining order having been filed and finding the same sufficient in form and substance, a temporary restraining order is hereby issued.

"1. Directing and ordering respondents Javier and Agabin and all persons acting under their orders, directions, instructions or control and/or in their behalf, not to allow their co-respondents Constantino, Jr., Miclat, Jr. and their collaborators, cohorts and associates and all persons and organizations acting under their orders, direction, instructions or control and/or in their behalf or for their benefit - whether they be Filipino citizens or foreign nationals - to use the premises, grounds and facilities of the University of the Philippines as venue for the Asia-Pacific Conference on East Timor (APCET) scheduled on May 30 or May 31 up to June 4, 1994;

2. Enjoining and restraining respondents Constantino, Jr., Miclat, Jr. and their collaborators, cohorts and associates and all persons or organizations acting under their orders, direction, instructions or control and/or in their behalf or for their benefit - whether they be Filipino citizens or foreign nationals - from, carrying out or implementing their plan to hold said conference or in any way participate therein, from May 30 or May 31, 1994 up to June 4, 1994 or any date thereafter, whether the venue be within or outside the premises of the University of the Philippines."

effective for twenty (20) days. Meantime, the question on whether a preliminary injunction should issue is hereby scheduled on June 10, 1994 at 8:30 A.M., on which date, the defendant may give cause or evidence why said preliminary injunction should not issue.

Let a copy of this order, summons and complaint be furnished upon the defendants as the expense for the plaintiff.

SO ORDERED.

Quezon City, Metro Manila, May 26, 1994.

(Sgd.) MARCIANO I. BACALLA
Judge

Petition for Certiorari to overturn the TRO

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

PACIFICO A. AGABIN, SEDFREY M.
CANDELARIA and CARLOS P. MEDINA, JR.

Petitioners,
- versus -

G. R. NO. 115390
(Civil Case No. Q-94-20672 for
Regional Trial Court of Quezon
City, Branch 216

HONORABLE MARCIANO I. BACALLA,
PRESIDING JUDGE, REGIONAL TRIAL
COURT, BRANCH 216 NATIONAL CAPITAL
JUDICIAL REGION, QUEZON CITY &
PHILIPPINES-INDONESIA FRIENDSHIP
SOCIETY & JOSE S. LAUREL III

Respondents.

x ----- x

PETITION FOR CERTIORARI
WITH PRAYER FOR THE ISSUANCE
OF A TEMPORARY RESTRAINING ORDER/
PRELIMINARY INJUNCTION

PETITIONERS, Pacifico Agabin, Sedfrey Candelaria and Carlos P. Medina, Jr., by undersigned counsel, to
this Honorable Supreme Court, respectfully state:

PREFATORY STATEMENT

"And as the late Justice Oliver Wendell Holmes stated in the cause of *U.S. vs. Schwimmer*, 279 U.S. 644, "x x x if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought — not free thought for those who agree with us but freedom for the thought that we hate".

Those are the words of this Honorable Supreme Court in *Salonga vs. Pano*, 134 SCRA 438, 458 where this august Tribunal, in one of its shining moments during the dark days of the Marcos regime, denounced the repressive actions of the dictatorial government in attempting to stifle the inherent right of a citizen to free speech, expression and assembly.

Today that we claim to have gained our democracy, should this Honorable Court allow such cherished freedoms to be unduly curtailed and unabashedly diminished?

Twenty years after the declaration of Martial Law, this Court had occasion again to highlight the fundamental and basic rights to free speech and expression:

"All of the protections expressed in the Bill of Rights are important but we have accorded to free speech the status of a preferred freedom. (*Thomas v. Collins*, 323 US 516, 89 L. Ed. 430 (1945); *Mutuc v. Commission on Elections*, 36 SCRA 228 (1970)

"This qualitative significance of freedom of expression arises from the fact that it is the matrix, the indispensable condition of nearly every freedom. (*Palko v. Connecticut* 302 U.S. 319 (1937); *Salonga v. Pano*, 134 SCRA 438 (1985). It is difficult to imagine how the other provisions of the Bill of Rights and the right to free elections may be guaranteed if the freedom to speak and to convince or persuade is denied and taken away.

"We have adopted the principle that debate on public issues should be uninhibited, robust, and wide open and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks of government and public officials. (*New York Times Co. v. Sullivan* 376 U.S. 254, 11 L. Ed 2d 686 (1964); cited in the concurring opinion of then Chief Justice Enrique Fernando in *Babst v. National Intelligence Board*, 132 SCRA 316 (1984) x x x (*BLO UMPAR ADIONG V. COMMISSION ON ELECTIONS*, G.R. No. 103958, March 31, 1992)

With these brilliant jurisprudence set by this Honorable Court, it is hard to believe that this instant petition is being filed to contest a repressive order from the trial court which arbitrarily curtailed the petitioners' rights to free speech and assembly on the basis of neither an irreparable injury nor an apparent one because as this petition will show, there is no injury whatsoever that the private respondents will suffer because they have no legal standing and no clear right in the first place upon which to premise their alleged injury.

Again, this instant case puts in issue the exercise of the very same human and constitutional rights. But, instead of the executive department seeking to prevent the legal exercise of such rights, private persons, both natural or juridical, have sought to prevent the same. The certainty of their attempt to stifle the petitioners' human and constitutional rights has even been made more dangerously imminent by a fundamentally infirm restraining order issued by the court a quo on the basis of a petition which is equally infirm. The assailed order is clearly a case of prior restraint.

Even the President of the Philippines, with his awesome police powers, did not totally prohibit the constitutional holding of the subject conference. How then could private individuals and the court arrogate unto themselves the determination of the holding or non-holding of an assembly of people whose only intention is to legitimately express their ideas?

Hence, petitioner seeks the nullification of the temporary restraining order issued by the public respondent as it was issued without jurisdiction or in excess of jurisdiction and in grave abuse of discretion on the following grounds:

- 1.) PRIVATE RESPONDENTS HAVE ABSOLUTELY NO LEGAL STANDING TO PREVENT THE HOLDING OF THE MEETING OR CONFERENCE;
- 2.) EVEN GRANTING FOR THE SAKE OF ARGUMENT THAT THE PRIVATE RESPONDENTS PETITION IN THE LOWER COURT IS TOO INFIRM AS TO WARRANT THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND THEREFORE THE SAME IS NULL AND VOID;
- 3.) THE ASSAILED 20-DAY TEMPORARY RESTRAINING ORDER IS NULL AND VOID CONSIDERING THAT IT, IN EFFECT, IS TANTAMOUNT TO AN ORDER COMPLETELY PREVENTING THE HOLDING OF THE CONFERENCE;
- 4.) THE ASSAILED TEMPORARY RESTRAINING ORDER IS A CLEAR CASE OF PRIOR RESTRAINT;
- 5.) THE ASSAILED TEMPORARY RESTRAINING ORDER IS VIOLATIVE OF THE GOVERNMENT'S OBLIGATION UNDER INTERNATIONAL HUMAN RIGHTS LAW; and
- 6.) THE ASSAILED TEMPORARY RESTRAINING ORDER VIOLATES PETITIONERS' CONSTITUTIONAL RIGHTS TO ACADEMIC FREEDOM.
- 7.) PETITIONERS WILL SUFFER GRAVE AND IRREPARABLE INJURY SHOULD THE ENFORCEMENT OF THE ASSAILED TEMPORARY RESTRAINING ORDER BE MAINTAINED.

Copy of Court Summons to Answer TRO

Republic of the Philippines
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
BRANCH 216, QUEZON CITY

PHILIPPINE-INDONESIA FRIENDSHIP
SOCIETY (PHILINDO), INC. and
JOSE S. LAUREL III

CIVIL CASE No. Q- 94-20672

Plaintiff/s.

-versus-

RENATO CONSTANTINO, JR., ET AL.

Defendant/s.

x - - - - - x

S U M M O N S

TO:

**AUGUSTO N. MICLAT, JR., in
his capacity as Coordinator,
Philippine Convenor's Group
Asia-Pacific Conference on
East Timor (APCET)
#2 Matulungin St., Central District
Quezon City**

G R E E T I N G S:

You are hereby required to file with the Office of the Branch Clerk of Court, Regional Trial Court, Branch 216, Quezon City, Hall of Justice, Rm. 237, Quezon City Hall Compound within fifteen (15) days after the service of this SUMMONS upon you, exclusive of the days such service, your answer to the complaint of the plaintiff/s, a copy of which is hereto attached herewith served upon you and to serve a copy of the said ANSWER, within the same period upon the plaintiff. If you fail to answer within the time aforesated, the plaintiff will take judgement against you by default and demand from said Court the relief applied for in said Complaint.

Quezon City, Metro Manila, Philippines May 26, 1994.

MANUELA F. LORENZO
~~EXCER~~ Clerk of Court

ATTY. M. S. GATMAYTAN
ASST. CLERK OF COURT
RTC, Q.C.

fed/...

Agreement Forged by APCET Counsels with the Bureau of Immigration and Deportation

JOINT STATEMENT
JUNE 3, 1994

The Bureau of Immigration and the lawyer for the 10 foreign delegates to the Asia-Pacific Conference on East Timor (APCET) whose visas were cancelled/privilege to remain in the country were revoked and who are facing deportation charges today, agreed on the following after a closed-door meeting:

1. The ten (10) foreign delegates recognize the authority of the Bureau of Immigration over all foreign participants to the APCET. Thus they have sent over their lawyer, Atty. Alexander A. Padilla, in compliance with the summons issued by the Executive Chairman, Board of Special Inquiry, hearing their deportation case.

2. The foreign delegates subject of the deportation hearings, and all other foreign delegates to the APCET, have made a commitment to leave the country on or before June 11, 1994 and to desist from making further political statements or engaging in partisan political activities for the duration of their stay in the country.

3. The Bureau has acceded to the request of counsel for the delegates for the Bureau to revalidate their cancelled visas.

4. The Bureau further acceded to a request to remove the names of foreign delegates to the APCET which are at present in the blacklist. Atty. Padilla undertook to furnish the Bureau with a list of those names.

ATTY. **ALEXANDER A. PADILLA**
Counsel Foreign Delegates
to the APCET

ATTY. RONALDO P. LEDESMA
Executive Chairman
Board of Special Inquiry

APPROVED:

ZAFIRO L. RESPICIO
Commissioner

MAYUM M. SUBIDO, JR.
Associate Commissioner

MANUEL C. ROXAS
Associate Commissioner



Republic of the Philippines
Supreme Court
Manila.

May 31, 1994

Gentlemen

Quoted hereunder, for your information, is a resolution of the Court En Banc dated MAY 31, 1994

"G.R. No. 115390 (Pacifico A. Agabin, Sedfrey M. Candelaria and Carlos P. Medina, Jr. vs. Honorable Marciano I. Bacalla, Presiding Judge, Branch 216, Regional Trial Court, National Capital Judicial Region, Quezon City and Philippines Indonesia-Friendship Society and Jose S. Laurel III). -- Acting and deliberating on the "Petition for Certiorari with Prayer for the Issuance of a Temporary Restraining Order/Preliminary Injunction" dated 29 May 1994, the Court Resolved to REQUIRE respondents to COMMENT on the Petition within a non-extendible period of five (5) days from notice hereof, and to ISSUE A RESTRAINING ORDER commanding public and private respondents, their agents, representatives and other persons acting on their behalf, effective immediately and until further orders from this Court, to CEASE AND DESIST from enforcing or implementing the Temporary Restraining Order set out in the Order dated 26 May 1994 of respondent Honorable Marciano I. Bacalla, Presiding Judge, Branch 216, Regional Trial Court, Quezon City, in Civil Case No. Q-94-20672.

Nothing in this Resolution should be interpreted as impairing the constitutional and statutory authority of the President of the Philippines to exclude aliens from entering the Philippines when demanded by national interest and national security.

Padilla, Bellosillo and Melo, JJ., join in the foregoing Resolution. In addition, they maintain that the President of the Philippines may also exclude aliens from participating in any activity, such as the conference in question, when demanded by national security and national interest. Narvasa, C.J., Cruz, Regalado, Romero, Puno and Kapunan, JJ., are on leave.

Very truly yours,

LUZVIMINDA D. PUNO
Clerk of Court

By: *M. Villarama*
MA. LUISA D. VILLARAMA
Assistant Clerk of Court

- o v e r -

G.R. No. 115390
TEMPORARY RESTRAINING ORDER
May 31, 1994

*Judge Marciano I. Bacalla (x)
Presiding Judge, Branch 21,
Regional Trial Court, National
Capital Judicial Region
Quezon City

*Mr. Jose S. Laurel III
117 Sarangani Street
Ayala Alabang Subd.
Muntinlupa, M.M. (x)

*Philippines Indonesia-Friendship
Society (x)
3rd Flr., Dominion Building
A. Arnaiz Ave., Makati, M.M.

Attys. Amparita S. Sta. Maria
and Melencio S. Sta. Maria (x)
Counsel for petitioners.
Ateneo Human Rights Center
3rd Flr., Ateneo School of Law
130 H.V. De La Costa S.J. Street
Salcedo Village, Makati
Metro Manila

Attys. Ezequiel S. Consulta,
et al. (x).
Counsel for private respondents
Laurel Law Office
15th Flr., JMT Corporate
Cond., ADB Ave., corner
Julia Vargas Avenue
Ortigas Center, Pasig
Metro Manila

The Solicitor General
134 Amorsolo Street
Legaspi Village, Makati
Metro Manila

ALREADY FURNISHED WITH COPY OF PETITION.