



Effecting a Shift in State Policy during the COVID-19 Pandemic: The Case of the Philippines' Anti-Terrorism Act of 2020

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Abstract

The Philippine government enacted the Anti-terrorism Act of 2020 amidst the COVID-19 outbreak, raising the question of how a non-health and likewise controversial legislation was made possible during a pandemic. Using the Multiple Streams Framework analytical tools, this single-case qualitative study analyzed relevant speeches, press releases, and online interview transcripts to shed light on the question. The findings suggest two processes that are critical in understanding the passage of the new law. The first is the repositioning of terrorism within the immediate and pressing problem of COVID-19 pandemic, which brought urgency and legitimacy to the problem of terrorism despite it being a non-health issue. The second process is the securitizing of the pandemic and the government's response to this, which eventually provided the favorable political environment for the enactment of the new law. As these two critical processes were fostered by President Duterte himself, this study calls attention to how the state's most powerful political actor can usher in a shift in state policy by actively intervening to define the problem, reinforce a proposed policy option, and cultivate a favorable political landscape for the enactment of the desired policy option.

Keywords: Securitization of COVID-19 pandemic, Human Security Act of 2007, terrorism and health, Multiple Streams Framework

Introduction

The Coronavirus Disease 2019 (COVID-19) was proclaimed as a pandemic by the World Health Organization (WHO) on March 11, 2020 (WHO, 2020). Pandemics are large-scale outbreaks of infectious diseases that can significantly increase morbidity and mortality over a wide geographical area. Although primarily a health concern, pandemics have adverse economic, social, and political impacts (Madhav et al., 2017). Thus, the COVID-19 contagion created a sense of urgency that required immediate attention both at the international and the local levels. Accordingly, the WHO identified and directed the

national governments worldwide as the primary organizations responsible for fighting against the pandemic. The state's essential tasks include detecting, testing, treating, isolating, and tracing infected individuals.

In the Philippines, the main unit that provided guidelines in handling the pandemic is the Interagency Task Force for the Management of Infectious Diseases (IATF). Created earlier in 2014 through Executive Order No.168, the IATF is chaired by the Department of Health (DOH) secretary and co-chaired by the Cabinet Secretary Office representative. Upon the IATF's recommendation, President Rodrigo Duterte declared a state of calamity on March 16, 2020.

This placed the entire country in a 6-month state of emergency, with all national agencies and local governments directed to allot resources and pursue actions to eliminate the COVID-19 threat. The whole of Luzon, being the most affected, was placed under Enhanced Community Quarantine (ECQ), which required restriction of movement and strict home quarantine. On March 24, 2020, the Philippine Congress enacted Republic Act No. 11469 or the Bayanihan to Heal as One Act to mitigate the effects of the ECQ and the pandemic as a whole. This provided emergency subsidies and financial aid to affected employees and likewise mandated flexible job structures to cope with the implemented lockdowns.

The COVID-19 pandemic and its various consequences presented an unprecedented and enormous challenge to the Philippine government, requiring full attention and massive resources. But amidst the pandemic's combined health, social, and economic exigencies, the Philippine national government managed to pass RA 11479, or the Anti-Terrorism Act (ATA) of 2020, which was signed by President Duterte into law on July 3, 2020. The new law repealed RA 9372 or the Human Security Act (HSA) of 2007 (Santos, 2020), putting into effect more stringent measures to combat terrorism like subjecting suspects to surveillance, warrantless arrest and detention for up to 24 days, and removing compensation for the suspect in the event of acquittal (Venzon, 2020). Considering the contentious nature of the law, and more importantly, the exigencies of the pandemic faced by the country, the passage of ATA 2020 is perplexing and, thus, worth investigating. How was it possible for a highly controversial law, which has nothing to do with health or the pandemic, to be enacted at a time when the Philippine state's full attention is expectedly focused on addressing the pandemic and its calamitous impacts?

This research aims to shed light on the issue of giving legislative priority to the ATA despite the urgency of the COVID-19 pandemic. Using the analytical tools provided by the Multiple Streams Framework (MSF), the study shall call attention to the securitization of the COVID-19 pandemic and the state's response to it as a central consideration in understanding the issue. Securitization refers to the labeling of a concern as a security issue by actors in positions of power

(Nyman, 2013). Developed by the Copenhagen School, the securitization theory aims to broaden security beyond the traditional sectors of military, environment, economy, society, and politics (Buzan et al., 1998).

The Multiple Streams Framework

The MSF comes from Kingdon's (1984/2011) *Agendas, Alternatives, and Public Policies*, which explains the seemingly flexible character of the agenda-setting phase of the policymaking process. Kingdon identified and presented the problem, policy, and political streams, including policy windows and policy entrepreneurs, as analytical tools to explain the fluid nature of agenda-setting and decision making.

The problem stream involves recognizing and determining a condition as a problem using indicators, focusing events, and feedbacks. The policy stream is where numerous ideas float, as policy communities composed of specialists in each policy area propose and discuss ideas and solutions. Political stream refers to political events and activities playing significant roles in policymaking, which include the national mood and the organized political forces in the country. The critical merging of the three streams occurs during an open policy window, when gripping events carry the problem into the policy stream, or when favorable policymakers happen to be in power. Accordingly, policy entrepreneurs facilitate the convergence of the streams during an open policy window.

While it was originally meant to explain agenda-setting, Kingdon's framework was developed further by Nikolaos Zahariadis to cover the entire policymaking process. Zahariadis (2007) focused on explaining national government policymaking with vaguely defined problems and unclear policy choices. Another innovation was introduced by Knaggard (2015), who highlighted the analytical separation of the streams by focusing on the actors involved in the problem stream. He stressed the role of "problem brokers" responsible for framing a condition as a problem without any intention of coupling it with a specific policy alternative.

Kingdon's MSF and its elaborations have henceforth been employed as useful policy analytical tools. For example, it was

used to explain the policymaking process in Madrid (Ruvalcaba-Gomez et al., 2020), the transportation policy in China (Ge, Shi, & Wang, 2020), the power sector policy change in Japan (Tanaka et. al., 2020), and Obama's No child left behind waiver policy in the USA (Angervil, 202).

Methodology

Research Method

This paper used the qualitative single case study design to examine how the ATA of 2020 was enacted while the country was busy coping with the challenges of the COVID pandemic. Case studies are appropriate when "investigating a contemporary issue within its real-life context" (Yin, 1994, p.13). The enactment of the ATA of 2020 is worthy of a single case study approach, as it is the only anti-terrorism law enacted the world over during the COVID-19 pandemic. Other countries like Belgium, France, Ireland, Italy, the United Kingdom, and Australia enacted their respective laws in 2005, and the rest, immediately after the 9/11 terrorist attack in the USA (HRW, 2012).

Data Sources

With the limitations in data gathering due to the pandemic, the main data sources for this study are documents. Documents are a stable source of text that provides context to the enactment of ATA in 2020. Besides, they can be quickly retrieved and repeatedly reviewed for coding purposes (Yin, 1994; Bowen, 2009). In addition to documents, online interviews were conducted among uniformed personnel to triangulate the data from the documents. Overall, this study analyzed 13 documents and 33 online interview responses.

Using the MSF's definition of policy entrepreneurs, the researchers looked for relevant documents produced by government officials and agencies that were initially thought to have played a role in the passage of the ATA of 2020. These included offices and personalities from both the executive and legislative bodies. Thus, the official websites of the Presidential Communications Operations Office (PCOO), the

Philippine official gazette, the Philippine Senate, and the Department of Health (DOH) were mined for potential data sources. The search for initial documents was limited to those released from the date of the official declaration of the pandemic, March 15, 2020, until the enactment of the ATA on July 3, 2020. This resulted in a total of 29 presidential speeches and 89 DOH press releases.

The surveyed documents were skimmed through and streamlined based on their relevance to the problem, policy, and politics stream, and policy window outlined by the MSF. This resulted in the identification of five presidential speeches which mentioned both the problem of terrorism and COVID-19. As for the DOH press releases, three were considered for their repetitive use of war rhetoric in describing the COVID-19 pandemic. Needing confirmation for the presidential speeches, the researchers expanded their search and included a survey conducted by the Social Weather Station (SWS) and a press release issued by the National Intelligence Coordinating Agency (NICA).

As the available documents could not provide data for the policy stream, the researchers had to specifically search for sponsorship speeches and interviews concerning the enactment of the anti- terrorism law. This resulted in the inclusion of two sponsorship speeches and one newspaper interview. The sponsorship speeches were those of Senators Imee Marcos and Panfilo Lacson, which were delivered on July 18, 2019 and October 2, 2019, respectively. Meanwhile the newspaper interview dated June 15, 2020 was with Antonio Trillanes, which provided the most comprehensive list of policy alternatives in lieu of an anti-terrorism law.

The data gathering of documents was conducted from March 22-27, 2021. After the selection, a total of 13 documents were left for analysis (see Annex A for the final list). The documents are numbered accordingly, and these numbers are indicated in parenthesis after each code to mark their specific sources.

Finally, to validate the results from the document sources, online interviews were conducted among the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP). Given the significant role of the uniformed personnel in implementing COVID-19

protocols and suppressing terrorist activities, the interviews aimed to get their perceptions regarding the occurrence of terrorism during the early months of the COVID-19 outbreak, the efficiency of the HSA of 2007, and the public sentiment during the pandemic. The online interviews were conducted through google form from July 11-15, 2020 (see Annex B for the list of informants).

Data Analysis

Qualitative content analysis facilitated the reduction of codes into categories relevant to the research question. The coding process, which allowed the reduction of raw data into codes, was guided by the qualitative coding process manual of Saldana (2016). The initial coding process was performed by identifying the relevant lines or paragraphs from the document and interview data. The researchers then proceeded with the first cycle coding, combining structural, process, and in vivo coding. The first cycle coding resulted in preliminary codes, which were again coded to arrive at eight final codes. The final codes were then categorized based on the elements of the MSF.

Results and Discussion

The Problem Stream

The problem stream involves the recognition of a condition as a problem using indicators, focusing events, and feedbacks. Along this point, it is to be noted that the problem of terrorism in the Philippines existed even before the COVID-19 outbreak. Since January 2000, extremist groups have carried out more than 40 bombings in the country (HRW, 2007). What is new is the portrayal of terrorism as a continuing threat even during the COVID-19 outbreak, and being specifically pointed out as a hindrance to the government’s efforts in addressing the pandemic. This is evident from the documentary data as well as the interviews with the uniformed personnel, as shown in Table 1.

President Duterte’s various public speeches addressing the COVID-19 constantly made references to terrorism. Following his lead, the NICA pointed out that the COVID-19 pandemic did not stop what it identified as Communist Terrorist Groups (CTG) from launching radical activities, as it reported six terrorist attacks from the group over the period of March 19 to April 10, 2020 (NICA, 2020 July).

Table 1. Codes for the problem stream

Preliminary codes	Final code
<ul style="list-style-type: none"> • “The pandemic has not killed terrorism. It remains alive.” (D #12) • The COVID-19 pandemic did not stop the CPP-NDF-NPA or the CTG from launching terrorist activities. (D #13) • “Terrorism is the number one threat.” (D #6) • NICA reports five terrorist attacks from March 19, 2020, to March 31, 2020. (D #13) • The attack identified on April 10, 2020, was against a COVID-19 task force. (D #13) • Terrorists are continuing their activities such as bomb threats, revolutionary tax collection, and ambush. (UP #1) • The NPA rebels ambushed the government forces to disturb or prevent the government efforts to fight the pandemic and assist those who are in need. (UP #3) • There were several violent terroristic attacks made and initiated by national and local terrorist groups amidst this pandemic of COVID-19. (UP #24) • They attack those who are on their way to deliver relief goods to a certain area. Those transporting, financial aid, goods, medical services, and COVID-19 vaccine. (UP #24) 	<p>Terrorist activities continued during the COVID-19 pandemic, causing setbacks to the effort to contain the pandemic</p>

Legend: D – Document, UP – Uniformed personnel

Aside from calling attention to acts of terrorism being actively conducted amidst the COVID-19 pandemic, the government authorities also pointed out to these activities as disruptive of the country's efforts to contain and mitigate the pandemic. This was confirmed by uniformed personnel who claimed that the terrorists, by targeting military escorted relief operations, have prevented the delivery of services that could mitigate the effects of the COVID-19 pandemic. Moreover, terrorist threats lessened the number of uniformed personnel available to implement health protocols, thus creating a setback to the lockdown and health checkpoints. As explained by a police officer: "Terrorists take advantage of those moments where they know that uniformed personnel are the only people allowed to travel during the pandemic" (Uniformed personnel #15). Another police officer added: "The NPA [New People's Army] rebels ambushed the government forces to disturb or prevent the government efforts to fight the pandemic and assist those who are in need" (Uniformed personnel #3).

According to the MSF, indicators and focusing events are not enough to bring an issue to the problem stream (Kingdon, 1984/2011). Knaggard (2015) claims that "problem brokers" perform the vital role of framing these conditions to constitute a political problem. In this case, President Duterte played such a role. First, he brought the issue of terrorism to the attention of the public preoccupied with COVID-19, pointing out that acts of terrorism were continuing despite the pandemic. Second, he also argued that terrorist activities were disruptive of peace and order in general, and the country's efforts to contain and mitigate the pandemic in particular. Thus, the President framed terrorism, like COVID-19, as a pressing concern that is equally needing immediate attention. He was able to link terrorism with COVID-19 and the efforts to contain it. Even at the height of the pandemic, the President tagged terrorism as "the number one threat to the country" (PCOO, 2020 April 3). As a result, the problem that would have otherwise been relegated to the sidelines due to the pandemic's more immediate and pressing challenges was in fact catapulted to the front and center of the government's response to the pandemic.

The Policy Stream

Republic Act No. 9327, otherwise known as the Human Security Act (HSA) of 2007, was the law originally set in place to address terrorism in the country (Eadie, 2007). This was passed specifically to counter the threat of high-profile extremist groups in the country and the regional menace posed by Jemaah Islamiyah (Cabalza, 2011). However, a few actors have questioned the effectiveness and sufficiency of the existing law in combatting the threat of terrorism. For this reason, they argued that the law either be amended or replaced with a new one. This particular position, however, was not the only policy alternative that was available. There were dissenting voices that presented other policy options beyond having to amend the current law or to enact a new one. Table 2 presents the codes arguing for the ineffectiveness of HSA 2007, on the one hand, and the alternative policy options, on the other hand.

The proponents of the new anti-terrorism bill pointed out the cases of the Marawi siege of 2017 and the Lamitan, Basilan bombing of July, 2018 as indicative of the limitations of the current law. For the Marawi siege, Senator Imee Marcos argued that "despite the magnitude and costs incurred, only one Nur Supian was convicted under the HSA of 2007" (sponsorship speech for SB #630, 2018 July 19). As for the Lamitan, Basilan bombing, Senator Panfilo Lacson pointed out that although all the accused individuals "are members of armed groups known to have pledged loyalty to the international terrorist groups, Islamic State," they were charged with murder under the Philippine Revised Penal Code instead of being declared as terrorists under the HSA of 2007 (sponsorship speech, 2019 October). Thus, for both legislators, the HSA was insufficient to exact accountability from those who committed terrorist acts. Moreover, they also argued that this law has failed to provide the needed legal framework in fighting terrorism in the country, hence the need for a new law.

On the other hand, there were contrary arguments questioning the need to amend or repeal the existing law. Former Senator Antonio Trillanes laid out some of these alternatives (Magsino, 2020). First, he cited the Philippine Identification System (PhilSys) as embodied in

Table 2. Codes for the policy stream

Preliminary codes	Final codes
<ul style="list-style-type: none"> • “HSA inadequately punished those responsible for the Marawi siege.” (D #1) • “HSA only applies to those not covered by the revised penal code.” (D #1) • “HSA does not cover the new modes of extreme violence in terrorism.” (D #1) • Those involved in the Lamitan, Basilan bombing on September 10, 2018, “despite having committed clear acts of terrorism, the suspects were charged with murder.” (D #2) • “Our country’s legislative framework for anti-terrorism has remained toothless.” (D #2) • “The HSA has proven to fail in terms of its efficacy as an anti-terrorism measure.” (D #2) • “There is a need for a strong legal backbone to fight terrorism.” (D #2) • There is a need for a “clear, concise, balanced, and rational” legal framework against terrorism. (D #2) • The government and the law’s punishment are very lenient. (Uniformed personnel #3, #9) • “It has a limited sanctioning power” (Uniformed personnel #6, #24) • “No conviction under HSA to date” (Uniformed personnel #24) 	<p>The Human Security Act of 2007 is ineffective and insufficient, thus the need to amend or repeal it</p>
<ul style="list-style-type: none"> • The implementation of the national identification system, which would serve as a database of biometric features of all citizens. (D #10) • To increase the intel funds of the Armed Forces of the Philippines. (D #10) • To bring back the Visiting Forces Agreement (VFA) with the US and to fully implement the Enhanced Defense Cooperation Agreement. (D #10) • To implementing strict border protocols in airports and seaports (D #10) • The NTF-ELCAC or the National Task Force to End Local Communist Armed Conflict. (Uniformed personnel #7, #10, #23, #24) • Community engagement, community cooperation, and community education, awareness. (Uniformed personnel #1, #2, #4, #18, #21, #27) 	<p>The presence of policy alternatives other than amending or repealing HSA 2007</p>

Legend: D – Document, UP – Uniformed personnel

the PhilSys Act (RA 11055) enacted on August 6, 2018 by President Duterte. Even Presidential Spokesperson Harry Roque stated himself that PhilSys would help prevent identity theft, making it more difficult to commit crimes and terrorist acts (Parrocha, 2020). The second policy alternative presented is the revival of the Visiting Forces Agreement (VFA), which Trillanes argued can supply the much-needed military resources to fight terrorism in the country. The other proposed measures included increasing the intel funds of the AFP and implementing stricter border controls.

The position of Trillanes was echoed by uniformed personnel who maintained that HSA 2007 is still useful. According to a Police Executive Master Sergeant, “The HSA would be the best means to counter terroristic activities in the

country because it is indeed the comprehensive and firm approach in countering terrorism and other criminal activities” (Uniformed personnel #25). In addition, the uniformed personnel also called attention specifically to the NTF-ELCAC, the government’s program against local terrorism that was created by President Duterte in December 2020 (Executive Order No. 70). Other components of the alternative options include community awareness and information dissemination, addressing the economic roots of terrorism, and even killing the CPP-NPA founder.

In the end, however, the arguments for alternative policy mechanisms beyond amending or repealing the HSA have not gained traction. According to the MSF, a solution floats to the top of the agenda “soup” when the policy entrepreneurs

are in an authoritative decision-making position. This was borne out by the fact that Marcos and Lacson are incumbent senators, while Trillanes was a former legislator. Hence, the anti-terrorism bill sponsors were better positioned to convince the other members of Congress and the President of the country regarding the value of enacting a new anti-terrorism law.

The Politics Stream

The politics stream refers to political events and activities playing significant roles in policymaking, which include the national mood and the organized political forces in the country. In the case of the enactment of ATA 2020, the COVID-19 outbreak served as the critical event that was utilized by political actors in advancing their policy option. This was made possible by portraying COVID-19 as a threat or enemy to be fought, which necessitated the use of extraordinary measures, like in a war, in order to defeat it. These extraordinary measures eventually contributed to shaping up the national mood that was conducive to the legislation and enactment of the new anti-terrorism bill (see Table 3 for the codes under the politics stream).

Through the leadership of President Duterte, the government constructed the pandemic and its response to this in a war-like scenario. While the pandemic is primarily a health issue, this was effectively framed as a security concern. This was done primarily through the constant and heavy deployment of the language of war to name and discuss the pandemic and the realities around it. First, the COVID-19 virus was presented as an “unseen enemy” to be fought in an “extraordinary war.” The DOH press releases described the COVID-19 situation as a “World War C” where every citizen is engaged as a “soldier.” All Filipinos were depicted as “COVID-19 warriors” responsible for “killing the adversary.”

With COVID-19 identified as an “extraordinary enemy,” the government also pushed for extraordinary measures to combat this. These extraordinary measures included the declaration of a state of calamity for the country and the ECQ for Luzon that curtailed travel and imposed strict home quarantine. Likewise, the “extraordinary war” as labeled by the President himself, required the full mobilization and

deployment of the police and military who played a critical role in the war. Thus, this justified the extensive authority given to uniformed personnel from the start of the COVID-19 pandemic. In one of President Duterte’s early COVID-19 pandemic public speeches, he had himself conspicuously surrounded by ranking uniformed personnel rather than civilian health experts like medical doctors and scientists. This was a visual declaration of the President’s ‘securitized’ approach to the pandemic, which relied heavily on the use of military and police forces as well as the curtailment of movement and imposition of home quarantine in addressing the pandemic (De Jesus, 2020; Maru, 2020). Eventually, the Philippines’ COVID-19 lockdown became known as one of the world’s longest and strictest (Yee, 2020).

That the military and police personnel have taken the lead role in the country’s pandemic response was confirmed by the uniformed personnel themselves. As one police officer mentioned, “We are the frontliners from the beginning of the lockdown” (Uniformed personnel # 9). Another respondent pointed out, “We provided manpower for all the relief operation efforts, lockdown implementation and while doing all those efforts to fight the pandemic, we are still doing our part in protecting the people and defending our country’s sovereignty” (Uniformed personnel #3).

Aside from the full deployment of uniformed personnel, part of the government’s extraordinary measures to address the pandemic was the enlistment of the Filipino people’s unwavering cooperation. In his public speeches on the pandemic, the President repeatedly admonished the citizens to be obedient and follow the guidelines set by the government, including submission to the uniformed personnel. In fact, the President minced no words, claiming that obedience to the uniformed personnel and government regulations was “our most potent weapons in this war against COVID 19” (PCOO, 2020 March 16b). Accordingly, he also made clear that punitive measures await those who violated the government-imposed health regulations (Hapal, 2021). He even went on to give his expressed permission for the killing of violators who endanger the lives of the uniformed personnel as they enforce

Table 3. Codes for the politics stream

Preliminary codes	Final code
<ul style="list-style-type: none"> • “We are at war against a vicious and invisible enemy.” (D #4) • To fight the “World War C” (D #8, #9) • “<i>Ang World War C ay hindi matatapos hanggat wala tayong nadidiskubreng bakuna</i> [World War C will not end until a vaccine is found]” (D #9) • “Our response is not to leave any quarter to our enemy.” (D #4) • “COVID-19 is the collective battle of every Filipino.” (D #7) • “There is a need “for more COVID-19 Warriors.” (D #8) • “In this extraordinary war, we are soldiers.” (D #4) 	<p>The portrayal of COVID-19 as enemy to be subdued, and the heavy use of war rhetoric</p>
<ul style="list-style-type: none"> • “State of calamity throughout the Philippines for a period of six months” (D #3) • “Enhanced Community Quarantine throughout Luzon beginning 12 midnight until April 12 2020” (D #3) • “These social distancing measures are necessary to kill the adversary.” (D #4) • “All law enforcement agencies, with the support from the Armed Forces of the Philippines, are hereby declared to undertake all necessary measures to ensure peace and order in affected areas...” (D #3) • Orders the police, military, and barangay officials to enforce quarantine rules (D #5) • Determined to use military and police force to contain riots (D #5) • In arresting, the “police must overcome.” (D #6) • [The uniformed personnel as] frontliners (UP #5, #9, #11) • [The uniformed personnel as] first line of defense (UP #13, #24) • [The uniformed personnel] played essential, helpful, crucial, vital, instrumental, very important roles (UP #3, #8, #12, #13, #14, 15, #16, #17, #18, #19, #20, #25) 	<p>The need for extraordinary measures to win the war, including the full mobilization of uniformed personnel</p>
<ul style="list-style-type: none"> • “We have to contribute to the fight, and that is by obeying the laws, obeying the regulations.” (D #4) • “obey the police and the military...You can be arrested.” (D #4) • “...if you are advised to go home, and you grapple with the police with words and ultimately it comes to ...public disturbance of public disobedience to a lawful authority... Obey...” (D #4) • “<i>Sumunod kayo sa mga pulis because ang pulis kumukuha ng order dito sa taas</i> [You follow the police; they are getting orders from me]” (D #4) • “Your responsibility is to submit to the authority of the police. Submit to the police.” (D #6) • Converging violates the quarantine protocol. (D #6) • “...follow the government” (D #6) 	<p>The need for citizens to obey the government or else face sanctions</p>
<ul style="list-style-type: none"> • “They cannot do what they want, they cannot go to places where they want to visit.” (UP #1) • “Their sources of livelihood were affected, especially those whose only resources come from their salary as workers.” (UP #4) • “Lockdown measures impose great difficulties for the general populace, especially those who need to travel in order to work in another area.” (UP #12) • “Rapidly affected our day-to-day life, businesses, disrupted trade and movements.” (UP #24) • “Loss of livelihood and incomes” (UP #31, #32) • Had difficulty in adjusting, eventually cooperated (UP #7) • Scared, shocked, fearful, had a lot of questions (UP #6, #10) • Hopeless, confused, angry, devastated (UP #16, #30, #33) 	<p>Passivity and indifference of people due disruption of normal lives and loss of livelihood and income</p>

Legend: D – Document, UP – Uniformed personnel

government orders. He explained, “I laid the down the predicate... *sinabi ko* [told you] if your life is in danger, then in arresting a person, *kayong mga ayaw sumunod sa batas* [those of you who do not abide by the law]...” (PCOO, 2020 April 3).

With the curtailment of movement and home quarantine, Duterte made efforts to assure the people that the restrictions were mainly to prevent the spread of the virus. He asserted: “This is not Martial law,” and told the people not to be afraid. The purpose is “to secure them [citizens] in their homes so that they could not go out and transmit the disease.” In addition, he explained that obeying the lockdown rules is the citizens’ contribution to curbing the spread of the COVID-19 virus (PCOO, 2020 March 16). The President’s continued assurance of the necessity of the lockdown and the uniformed personnel’s role in enforcing this apparently led to the people’s acceptance of these measures. Thus, in a mobile phone survey conducted by the SWS covering May 4-10, 2020, 84 % of the surveyed respondents agreed that the restriction of movement was necessary to protect people and to limit the spread of the virus (SWS, 2020 June 14).

As a result, obedience to the government primarily characterized the national mood during the first few months of dealing with the COVID-19 pandemic. The Philippine government, through its chief executive, has strongly asserted its authority as the one in charge, while exacting strict compliance from the general population. The government, represented on the ground by the uniformed personnel, was in full control, while the citizens were fully expected to be obedient and submissive, like disciplined warriors taking orders from their superiors. But aside from the expected submission to the government, the general public may also be characterized with indifference and passivity due to their preoccupation with more basic concerns as a result of the disruption of their normal lives and livelihood and even loss of income brought about by the government restrictions on movement and strict home quarantine. As noted by the uniformed personnel, people have become scared, worried, stressed, confused, angry, and devastated. This combined state of affairs created a conducive environment for the eventual

policy shift without much public scrutiny and opposition.

The Policy Window: The Merging of the Streams

An open policy window occurs when the problem, policy, and politics streams converge, abetted by the actions of political entrepreneurs. In the case of the legislation and enactment of the new anti-terrorism bill, the opening up of a policy window was possible during the pandemic.

The problem of terrorism and the alternative policy solutions for it existed prior to the COVID-19 pandemic. Terrorist acts were taking place even before the pandemic, and these were dealt with within the confines of existing legal frameworks, particularly the HSA of 2007. There were clamors, though, for the amendment of the current law in order to strengthen this. Already, several initiatives were presented in the legislature for this purpose, like the proposed bill presented by Senators Lacson and Marcos. However, the policy option of enacting a stronger anti-terrorism law remained contentious due to the opposition to its stringent measures and their possible abuse in the hands of a government that is already hounded by allegations of human rights violations (Beltran, 2021).

When the pandemic set in, a whole new dynamic ensued, which eventually paved the way for the enactment of the new anti-terrorism bill and thus effecting a policy shift. The findings of this study suggest two processes that are critical in understanding how this was possible. These twin processes are, first, the coupling or embedding of the problem of terrorism within the immediate and pressing problem of COVID-19 pandemic; and, second, the securitizing of the pandemic and the government’s response to this, which provided the favorable backdrop for the enactment of the new ATA 2020.

These two processes, which President Duterte himself initiated, would lead to the successful merger of the three streams. First, Duterte’s coupling of the problem of terrorism with the problem of the COVID-19 pandemic set the motion for the linking up of the problem and the policy streams. His depiction of terrorism as an obstacle to the government’s successful response to the pandemic has bestowed a whole

new dimension to the problem of terrorism. It was no longer just another problem. Rather, it is now repositioned at the front and center of the government's drive to address the pandemic. This necessarily framed terrorism as an immediate and equally important problem to be attended to if the country were to successfully address the pandemic. While terrorism is not a health issue, it is now given legitimacy and urgency to be considered a priority legislative agenda even while the pandemic was supposed to be the main preoccupation. This whole new framing of the problem of terrorism, with its newfound urgency and legitimacy, provided the pivotal shot in the arm for the proposed policy option for a new anti-terrorism legislation to be fast-tracked and enacted. The redefined problem of terrorism requires a much stronger measure, which is precisely what is lobbied for by the proponents of the new anti-terrorism bill.

But the process of redefining the problem of terrorism within the problem of the COVID-19 pandemic would not have sufficed by itself to effect the policy change from the existing legal framework set by HSA 2007 to the new ATA 2020. This is where the third stream comes in to complete the picture, namely, the government's securitization of the COVID-19 pandemic that created a conducive political environment for the policy shift to be made. As discussed under the Political Stream above, the securitization of the pandemic eventually resulted in a national mood characterized by a public that was conditioned towards obedience to government control while at the same time being indifferent and passive due to their preoccupation with their disrupted lives and livelihoods. Whether the citizens were necessarily convinced of the new law or policy option is another issue, but the "securitized" COVID-19 circumstances certainly provided a timing like no other for the enactment of the new anti-terrorism bill.

Per the MSF framework, policy entrepreneurs are responsible for bringing the three streams together and thus making the policy shift possible. In the case of the ATA of 2020, it is important to pinpoint that while there were several players involved, the most active and central political actor was the President himself. He served as the problem broker by redefining terrorism within the more immediate and urgent

problem of COVID-19 pandemic, and thus setting the merger of the problem and the policy streams. But likewise, it was Duterte who served as the securitizing agent, assisted by the DOH, which was likewise under the executive branch led by the President. The securitization of the pandemic, as presented in the Political Stream, is the second key process, which shaped the national mood that would serve as a conducive environment for formalizing the proposed policy option as the official government policy for addressing terrorism in the country.

Conclusion

The Philippines' enactment of the ATA 2020 presents an interesting case in state policy shift. First, the new anti-terrorism bill is controversial, as there is an existing policy framework provided by HSA 2007 and likewise other options for enhancing this without need for amendment or replacement. Moreover, the new law introduced stringent anti-terrorism measures that pose threats to human rights in the country. Second, the ATA 2020 was passed at the height of the COVID-19 pandemic, despite it being a non-health legislation and thus supposedly a non-priority given the country's preoccupation with the pandemic. How was it able to gain legislative priority leading to its enactment?

This case study interrogated the question using the analytical tools of the MSF, that is, by establishing the problem, policy and political streams and the circumstances that brought these together into an open policy window and eventually enabled the policy change to occur. Overall, two processes were surfaced that can shed light on how the policy shift was made possible. These are, first, the repositioning of terrorism within the immediate and pressing problem of COVID-19 pandemic; and, second, the securitizing of the pandemic and the government's response to this. The first process successfully linked the problem of terrorism with an available policy option in the policy stream that was arguing for a stronger and more efficient anti-terrorism law. In turn, the second process shaped the favorable circumstances at the political stream that facilitated the enactment of the new ATA 2020. As these two critical processes were

fostered by President Duterte himself, this study calls attention to how the state's most powerful political actor can usher in a shift in state policy by actively intervening to define the problem, reinforce a proposed policy option, and cultivate a favorable political landscape to ensure that the desired policy option gets enshrined as the official policy of the land.

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Annex A. List of Documents

Document #	Document	Data derived
1	SB 630, An Act to Combat Terrorism and Secure the Nation, Amending for this Purpose Certain Provisions of RA 9372 (Human Security Act of 2007). Introduced by Sen. Imee Marcos. July 18, 2019.	Policy stream
2	Sponsorship Speech for the Anti-Terrorism Act of 2019 Sen. Panfilo M. Lacson. Oct. 2, 2019.	Policy stream
3	Proclamation No. 929, Declaring a State of Calamity throughout the Philippines due to the Corona Virus Disease 2019. March 16, 2020.	Problem stream, Politics stream
4	Guidance of President Rodrigo Roa Duterte on the Coronavirus Disease 2019 (COVID-19). March 16, 2020.	Politics stream
5	Nation Address of President Rodrigo Roa Duterte on Coronavirus Disease 2019 (COVID-19) Pandemic. April 1, 2020.	Politics stream
6	Talk to the Nation on COVID-19 of President Rodrigo Roa Duterte. April 3, 2020.	Problem stream, Politics stream
7	DOH Press Release, April 28, 2020.	Problem stream, Politics stream
8	DOH Press Release, May 7, 2020.	Problem stream, Politics stream
9	DOH Press Release, May 13, 2020.	Problem stream, Politics stream
10	Trillanes offers 5-point alternative to anti-terror bill By Dona Magsino, GMA News. Published June 15, 2020.	Policy stream
11	SWS May 4-10, 2020 COVID19 mobile phone survey- report # 7: 84% say strict stay at home measures due to COVID-19 are worth it. Released June 4, 2020.	Politics stream
12	ASEAN speech: Intervention of President Rodrigo Roa Duterte at the 36 th Association of Southeast Asian Nations (ASEAN) Summit. June 26, 2020.	Problem stream
13	Pamalayan: Understanding Terrorism Today July 2020, (National Intelligence Coordinating Agency (NICA)	Problem stream

Annex B. List of uniformed personnel interviewed

Uniformed Personnel #	Rank	Date interviewed
1	Police Corporal 1	July 11, 2021
2	Patrolman 1	July 11, 2021
3	Patrolman 2	July 14, 2021
4	Patrolman 3	July 14, 2021
5	Police Captain 1	July 14, 2021
6	Police Senior Master Sergeant 1	July 14, 2021
7	Police Lieutenant 1	July 14, 2021
8	Police Major, Company Commander	July 15, 2021
9	Police Senior Master Sergeant 2	July 15, 2021
10	Police Corporal 2	July 14, 2021
11	Police Executive Master Sergeant 1	July 14, 2021
12	Police Non-Commissioned Officer	July 14, 2021
13	Police Corporal 3	July 14, 2021
14	Police Corporal 4	July 14, 2021
15	Patrolwoman 1	July 14, 2021
16	Police Captain 2	July 14, 2021
17	Patrolman 4	July 14, 2021
18	Patrolman 5	July 14, 2021
19	Patrolwoman 2	July 14, 2021
20	Police Corporal 5	July 15, 2021
21	Patrolman 6	July 15, 2021
22	Police Lieutenant 2	July 15, 2021
23	Police Corporal 6	July 15, 2021
24	Police Corporal 7	July 15, 2021
25	Police Executive Master Sergeant 2	July 15, 2021
26	Police Corporal 8	July 15, 2021
27	Patrolman 7	July 15, 2021
28	Patrolman 8	July 15, 2021
29	Police Senior Master Sergeant 3	July 15, 2021
30	Patrolman 9	July 15, 2021
31	Patrolman 10	July 15, 2021
32	Police Corporal 9	July 15, 2021
33	Patrolman 11	July 15, 2021