



GOVERNMENT INTERVENTION ON STUDENT ACTIVISM IN PHILIPPINE UNIVERSITIES: A LEGAL AND PHILOSOPHICAL SYNTHESIS

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In January 2021, Lt. Gen. Antonio Parlade, Jr., spokesperson of the National Task Force to End Local Communist Armed Conflict, issued a statement that 18 universities in the Philippines, including Far Eastern University, De La Salle University, University of Santo Tomas, and Ateneo de Manila University – serve as recruiting grounds by the legal fronts of the Communist Party of the Philippines for the New People's Army. In response to this, a joint statement was made reaffirming the universities' commitment to defend democracy and nation-building, further reminding the government that autonomy and independence from the state must nonetheless be retained.

Such conceptual discordance leads to issues that give rise to three philosophical endeavors, to wit: first, a pedagogical determination of the role of education as a vital catalyst of stability and change in contemporary times; second, a resolution of the possible human rights conflict between individual/ institutional academic freedom and the constitutional mandate of the Armed Forces of the Philippines to secure the integrity of the national territory; and third, a re-evaluation of the notion of academic activism and its relevance/ danger to the citizen's adherence to the provisions of the Philippine Constitution. This paper will provide a commentary utilizing the philosophies of Habermas, Rawls, and Gewirth to serve as a guiding light in clarifying the intricate interplay between moral rights and duties in both education and law enforcement.

Keywords: *Student Activism, Constitutional Law, Communist Recruitment, Conflict Resolution, academic freedom*

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How to cite this article:

Montaña, R. (2023). Government Intervention
on Student Activism in Philippine Universities:
A Legal and Philosophical Synthesis.
Scientia Vol 12 no. 2., 111–127, [https://doi.
org/10.57106/scientia.v12i2.168](https://doi.org/10.57106/scientia.v12i2.168).

Dates:

Received: June 17, 2023
Accepted: August 15, 2023
Published(Online): Sept 30, 2023

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NARRATIVE BACKGROUND

For almost 52 years, the Philippines has had to deal with communist rebellion in its various forms - from actual armed encounters to psychological warfare in terms of criticisms and recruitment to legal fronts. Beginning with something that was needed during the Japanese occupation as the Second World War raged on, the HUKBALAHAP (Hukbo ng Bayan Laban sa Hapon) defended the country through guerrilla warfare, protecting the peasants and those who relocated to the rural areas from the Japanese. Composed of members mostly from the grassroots level, they had hoped that, after the war, not only would they be considered heroes but also would be able to institute equity-based reforms if ever they succeeded in driving away the Japanese.

After the Americans retook the Philippines, however, the Huk Rebellion turned for the worse when, contrary to their expectations, their colonial leaders preserved the economic status quo and imposed their disarmament. The rebels were subsequently hunted by the USAFFE (United States Armed Forces of the Far East) and the Philippine Constabulary forces. Retreating back to the mountains, this time with a new enemy, the group became the root from which the tree of communist rebellion would bloom to its complexity as it is experienced today.

In the late 60s, Jose Maria Sison, founder of the Communist Party of the Philippines, following the Marxist-Leninist-Maoist ideology, founded their armed component - the New People's Army (NPA), which, during the presidency of Ferdinand Marcos, grew from just being a measly 300+ fighters in the early 70s to almost 20,000 in the 80s and has expanded from Northern

Luzon to almost every nook and cranny of the Philippine archipelago.¹

After the fall of Marcos, President Cory Aquino, with the foundational idea that the rebellion was being fueled by the atrocities of martial law under Marcos, released rebel leaders in 1987 to initiate peace talks. Sadly, this attempt failed, with Sison going into exile in the Netherlands. Nonetheless, these endeavors bore some partial successes, with the breakaway group Cordillera People's Liberation Army (CPLA) signing a ceasefire agreement (1986) and closure agreement (2011) under President Benigno Aquino III, and with the ceasefire agreement (2000) of the Rebolusyonaryong Partido ng Manggagawa-Pilipinas/ Revolutionary Proletarian Army/ Alex Boncayao Brigade (RPM-P/RPA-ABB), another breakaway group, with President Joseph Estrada.²

When President Rodrigo Duterte ascended in 1986 - proclaiming that he is a socialist - he again raised the hope of peace as he exposed that he and Sison were friends up until they had differences as regards the necessity of armed struggle. This was reinforced by the unique act by Duterte to appoint left-leaning personalities in his cabinet. Initial efforts for the success of peace talks began with the release of the Joint

¹ Guerilla warfare is quite easy to effectuate in the Philippines given its geographical terrain. This was taken advantage of by anti-government forces. George Kent narrates: "Amado Guerrero, the chief Communist theoretician in the Philippines, stresses the conversion of the Philippines' geographic constraints into an advantage. Control of the island's central mountain ranges lets the guerrillas influence a number of low-lying areas simultaneously, and constantly shifting, self-reliant guerrilla cells dispersed throughout the major islands spread the AFP thin and diminish its effectiveness." See George Kent, "Philippines: The New People's Army," *Harvard International Review*, Volume 8, Number 5, (Harvard International Review, 1986): 26.

² Meanwhile, during this interval, the Philippine military was experimenting with various solutions to dealing with terrorism. One of these is the establishment of the Joint Special Operations Task Force Philippines (JSOTF-P), which is a part of the Operation Enduring Freedom (OEF) of the United States, as it too had to deal with terrorism in its own backyard. Both countries agreed that economic development is an essential component in the battle against terrorism inasmuch as it prevents the introduction of extremist ideologies in the communities. See Stew Magnuson, "Forgotten Front: To counter terrorism, Philippine army takes lessons from U.S. forces," *National Defense*, Volume 92, Number 651, (National Defense Industrial Association, 2008): 48.





Agreement on Safety and Immunity Guarantees (JASIG) and the meetings with the National Democratic Front of the Philippines (NDFP). It rapidly deteriorated, sadly again, when sporadic attacks on both sides quickly degraded into a blame game, ultimately leading them to end their ceasefires.

With this impasse threatening peace again, the Duterte administration ended up being convinced that the NDFP may not really be in control of their men on the ground. To test this possibility, a unique approach was introduced. The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) was created by virtue of Executive Order (EO) 70, institutionalizing the Whole-of-Nation-Approach that mandates, among others, the “delivery of basic services and social development packages in conflict-affected areas and vulnerable communities, facilitate societal inclusivity, and ensure active participation of all sectors of society in the pursuit of the country’s peace agenda.” The multi-faceted group created by this law shall formulate programs that would establish “inclusive and sustainable peace” by digging into the root causes of the country’s insurgencies and by being responsive to local needs.³

As can be observed, it seems that the government at this point has moved from merely forging a

³ Since the start of the internal rebellion in the Philippines, numerous ways have been initiated to deal with this. Hence, the question arises as to the unique approach of the NTF-ELCAC. Rohan Gunaratna explains that there are three approaches to the counter-terrorism toolkit, namely: tactical, operational, and strategic. He explains thus: “Tactical and operational counter-terrorism focus on kinetic and reactive means to kill and apprehend terrorists and disrupt their operations. Conversely, strategic counter-terrorism, alternately referred to as countering violent extremism (CVE), is both preventive and corrective. Overall, strategic counter-terrorism aims to counter the threat of terrorism emanating from group members and supporters through (a) community engagement to build social resilience and counter extremism and (b) rehabilitation and reintegration to de-radicalise terrorists and extremists.” Within this framework, it is apparent that the NTF-ELCAC utilizes the strategic path, currently abandoning national peace talks in favor of localized talks while foundationally dealing with the root causes of the rebellion. See Rohan Gunaratna, “Strategic Counter-Terrorism: A Game Changer in Fighting Terrorism?” *Counter Terrorist Trends and Analyses*, Volume 9, Number 6, (International Centre for Political Violence and Terrorism Research, 2017): 1.

peace process from NDFP, rather focusing on solving problems on the ground, implying that the NDFP may no longer have much influence on their troops in the real world, also furthering the idea that an agreement with the top cadres may not reflect anything in the real world. As expected, the communist leaders vehemently deny this.

Nonetheless, the NTF-ELCAC reported success throughout the term of Duterte, stating that in some cases, the people themselves have turned against the NPA by secretly informing the military as regards their presence and, if possible, pinpointing their location. COL HAROLD CABUNOC (INF), PA, and a former cadre by the name of Kumander Cheche, whose units fought each other in Sultan Kudarat way back in 2017-2019, discussed how the insurgency could end, that is, by way of social justice where poverty, illiteracy, and other social ills are dealt with by the government, especially in the provinces. This is in line with the aforementioned Whole-of-Nation-Approach.

Another victory scored was the designation of the NDFP by the Anti-Terrorist Council (ATC) as a terrorist organization, paving the way for the freezing of their assets by the Anti-Money Laundering Council (AMLC). Thus, while the target set as regards the total elimination of the rebellion before the end of former President Rodrigo Duterte’s term was not met, the progress made was deep enough to set the foundation for this objective in the current President Marcos Jr. administration.

With the NTF-ELCAC making progress in addressing the root causes of the rebellion and the continuous weakening of the CTGs (Communist-Terrorist Groups), there arose a greater need for the Communist Party of the Philippines-New People’s Army-National





Democratic Front (CPP-NPA-NDF) to recruit future cadres to support the next generation of rebels. Kumander Cheche, in accord with other former cadres who surrendered to the government, has affirmed their infiltration of legitimate student organizations to build an underground mass organization. Among others, the groups enumerated by Kumander Cheche as pertaining to university infiltrations are the League of Filipino Students and Anakbayan.

These enumerations are not arbitrary. Numerous sources, aside from these former cadres who surrendered, are materials sequestered from abandoned camps of the NPA, students who were recruited but refused to be swayed by the recruitment process, and most especially from Jose Maria Sison himself when he gave a lecture as regards the CPP-NPA-NDF legal fronts. Sadly, since the inception of these indirect and subtle communist infiltrations and recruitments, many of their victims ended up joining the armed revolution, and for some, to their fatal detriment. Some of those who survived returned to the folds of the law and recounted tales of regret and horror. What makes such recruitment morally reprehensible is that it is not borne out of any spontaneous outburst of indignation for some political policy or decision that goes against the people's political sense of justice. Rather, it is a systematic and repetitive process that for years had been implemented regardless of the political and economic climate in which the communist movement thrives.

The recruitment process begins innocently by means of discussions as regards the ills of current society - a constitutionally protected right. Yet there is a difference between understanding societal problems in pursuit of justice and discussing these in order to justify a consistent engagement through mass demonstrations (another constitutionally protected right) to

foment a sense of agitation and exasperation. From these activities, the recruiters would then be able to pinpoint and isolate students who are both idealistic and aggressive - traits possessed by our national heroes but can nonetheless be deceptively misdirected.

This misdirection is two-pronged - both in the active practical sense and speculative and educational sense. Aside from controvert endeavors, the mind of the students is bombarded with ideas concerning the inadequacies of the branches of government to provide solutions to these problems - citing systemic problems, leading to the final argument that only through an overhaul of the system could solutions be found. They instill a sense of hopelessness and distrust as regards the capabilities of the democratically ratified constitution to guide the nation to principled action, arguing that only through armed revolution could Utopia be achieved. These are the contents of what they termed as "Aralin Aktibista" (ARAK) and "Maikling Kurso sa Lipunan at Rebolusyong Pilipino" (MKLRP).⁴

From passive participants, these victims are then given some responsibilities in leading protests utilizing the doctrines conceptually incorporated into their political idealism. Aside from the fact that this would create a sense of belongingness

⁴ These revolutionary courses are different from the kind of activism that emanates from actual and specific problems borne about by certain decisions by government leaders. The anti-militarism youth movement in Sardinia comes into point. Aide Esu describes its partial successes: "In this movement composed of cross-class, inter-gender, inter-generational activists, the youth component, *Collettivo studentesco*, emerged in September 2015, when *A Foras* gained public prominence. It stopped the Trident Juncture, NATO's largest training camp in South Sardinia (Teulada), revealing the changing action of a new antimilitarism strategy guided by *Collettivo studentesco*. A student team supported by delegates from local committees took the leadership of this reticular organization of local committees and independent groups. A regional network representing local activists shaped this flexible organization, valuing local militancy and, for the first time, establishing a stable regional movement." On the contrary, the CTG recruitment process merely creates a generic and systemic hatred against current leaders so that they can utilize their expendable victims in their attempt to take over the government. See Aide Esu, "A Foras, Out': Youth antimilitarism engagement in Sardinia," *Bethlehem University Journal*, Volume 37, Youth Engagement: From National Communities to Transnational Linkages (2020), (Pluto Journals, 2020): 60.





to their underground organization, it would also establish their future role as either a red fighter or a future recruiter. At this point, they are now ready for immersion, where they will be actively engaged with red communities, now learning and training as members of the red forces. They would be provided with new names as an indicator of their new revolutionary lives, unaware that they are just replacements for people who were duped into this web of deceit and those who already paid for their mistakes with their lives. Families got broken, parents disheartened, all for an ideal that attempts to rule sans any respect for the democratic processes of the country.

Desperate attempts were already made to counter this threat to the youth and marginalized communities. Non-government organizations and clubs such as the *Hands Off our Children Movement*, *League of Parents of the Philippines*, and *Yakap ng Magulang Movement* gathered together the aggrieved parents of children victims who were lured into armed revolution – even parents who merely fear that their children might be entrapped in joining terrorist groups – in order to involve civil society in this endeavor. In one Senate hearing conducted last August 7, 2019, several parents – Jovita Antoniano, Relissa Lucena, and Luisa Espina, among others – narrated the pain of having their children fall to the communist ideology while engaged in their university studies. Slowly, these students began to look down on their parents, who mistakenly assumed that they were safe in their academic environments.⁵ It is for these reasons, among

⁵ As shown in these senate hearings, the parents noted that the CTGs downgraded their role in correcting their children, with the terrorist group insisting that these children should be left to their own critical thinking. This is not surprising because, under the guidance of their parents, no recruitment is even possible. Mohd Mizan bin Mohammad Aslam notes that: “parents are important stakeholders and should be involved in detecting early signs of radicalization. There is a need to approach parents of students who are involved in extremist activities and ask them to persuade their children to change. Mothers, who share a deep emotional bond with their children, can play a crucial role in this regard.” See Mohd Mizan bin Mohammad Aslam, “Threat of Daesh in Universities: Malaysia’s Experience,” *Counter Terrorist Trends and Analyses*, Volume 9, Number 4, (International Centre for Political Violence and Terrorism Research, 2017): 16.

others, that the notion of academic freedom and the parameters of student activism be properly set within the confines of law and morality to isolate these students from the dangers of university recruitment to armed revolution.⁶

CONSTITUTIONAL MANDATES AND PROHIBITIONS

As a nation governed by laws, the problem as regards state invention in directly quashing armed revolution and indirectly suppressing recruitment to these violent groups must be implemented within the parameters of the current 1987 Philippine Constitution.⁷ In accord with the purposes of this article, two relevant constitutional provisions will be discussed. First, the provision expresses the mandate of the armed forces, stating that “Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.” The second is the mandate of the constitution that protects the freedom of

⁶ John Rawls may be able to clarify this issue. He explains: “Political Liberalism holds that comprehensive doctrines have but a restricted place in liberal democratic politics in this sense: fundamental constitutional questions and matters concerning basic rights and liberties are to be settled by a public political conception of justice, exemplified by the liberal political conceptions, and not by these wider doctrines. For given the pluralism of democratic societies -- a pluralism that is best seen as the outcome of the exercise of human reason under free institutions and that can only be undone by the oppressive use of state power -- affirming such a public conception and the basic political institutions it supports is the most reasonable basis of social unity available to us.” Interpreting this position to the current political setting in the Philippines, we can surmise that communist ideologies can only be tolerated insofar as they are in accord with the public political conception of justice as enshrined in the Philippine Constitution. See John Rawls, “The Law of Peoples,” *Critical Inquiry*, Volume 20, No. 1 (The University of Chicago Press, 1993): 68.

⁷ Applying constitutional provisions, however, there is a need to enact implementing laws (except for the Bill of Rights). It also requires the interpretation and implementation of the judiciary. Habermas, aware of this, expounds: “Because of their abstract character, basic rights need to be spelled out in concrete terms in each particular case. In the process, lawmakers and judges often arrive at different results in different cultural contexts; today this is apparent, for example, in the regulation of controversial ethical issues, such as assisted suicide, abortion, and genetic enhancement. It is also uncontroversial that, because of this need for interpretation, universal legal concepts facilitate negotiated compromises.” See Jurgen Habermas, “The Concept of Human Dignity and the Realistic Utopia of Human Rights,” *Metaphilosophy*, Volume 41, Number 4 (Wiley, 2010): 467.





assent or dissent: “Academic freedom shall be enjoyed in all institutions of higher learning.” An ancillary discussion to broaden the scope of this paper would center on the Constitutional Bill of Rights, specifically, those affecting activism - “No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for a redress of grievances.”

What complicates the problem presented in this paper is the establishment of facts that would change the way provisions are applied to the current scenarios, both of the AFP and the respondent universities. After Lt. Gen. Parlade issued his statement as regards the recruitment in the aforementioned universities, some of them, to wit: Far Eastern University, De La Salle University, University of Santo Tomas, and Ateneo de Manila University, countered with a public response.

The signed document reads as follows:

According to news reports, Lieutenant General Antonio Parlade Jr. of the NTF-ELCAC issued a statement yesterday alleging that 18 universities, including ours, are recruitment havens for the New People’s Army. This charge, though, is really “getting old”—a rehash of the public accusation the general made in 2018—irresponsibly since cast without proof. We assert that: As Philippine schools, we value the Filipinos’ basic Constitutional rights of speech, thought, assembly, and organization. As universities with high aspirations for our country, we seek to direct our students to engage in acts that contribute to the strengthening of social cohesion, defend the country’s democratic institutions, and promote nation-building. And as institutions of higher learning that are stewards of the youth, repositories, and producers of knowledge, and builders of communities, we must retain independence and autonomy from the State and other social institutions. We therefore object to General Parlade’s statement and emphasize that our institutions neither promote nor condone recruitment activities of the New People’s Army and, indeed, of any movement that aims to violently overthrow the government.

We take as a sacred trust our primary responsibilities to promote learning and safeguard the rights of the young who are entrusted to our care. We are committed to this mission and have always held ourselves accountable to our primary constituents, the learners, and by extension, their parents.

While this paper would not delve into the issue as to whether Lt. General Parlade has exceeded his mandate, it would nonetheless attempt to settle the question as to the constitutionally legal and philosophically proper parameters of academic freedom and student activism in the light of the possible recruitment of students through the legal fronts of the CPP-NPA-NDF. As regards the constitutional provisions, I would attempt to explain these through two avenues: first, through the proceedings and debate records of the 1986 Constitutional Commission constituted by the revolutionary government of President Corazon Aquino, where they discussed the role of the Bill of Rights, and specifically as applied to this article - the freedom of speech; and second, through the jurisprudence on academic freedom handed over by the decisions of the Supreme Court (SC) of the Philippines as regards these matters.

In one of the meetings of this commission, eminent constitutionalist Honorable Fr. Joaquin Bernas SJ, in his sponsorship speech, clarified that generally, the Bill of Rights protects the individual against the state by setting zones in the private sphere which the government is forbidden to meddle into. Seen in this way, these rights are applied even in the absence of implementing legislation. Taking this further, thus, if we are to read and interpret the constitutional notion of freedom of speech and expression, it is to be understood as one of these sacred and private spheres that the government should allow.





It should be noted further that Honorable Ambrosio Padilla, in the same forum, averred that the provision protecting this freedom: “No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances” is parallel to the other essential provision: “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.” He observed that both were expressed negatively, stressing that these rights were emphasized more, as regards their importance, than if they simply were expressed positively, such as: “Every person is entitled to life...”

Hence, from these considerations, two points can be deduced as to the rights of the members of the educational community in the exercise of free speech, which is ancillary to academic freedom: that these rights ought to be respected by state forces regardless of any local or national legislation; and that this right is more or less of equal importance with the rights to life, liberty, or property. This emphasis is further shown by the constitution providing a larger budget for education compared to other allocations. However, as one of those being prioritized by the constitution, the objectives of the state are nonetheless never compromised: “The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.” Knowing, moreover, that the constitution and its implementing laws are ultimately interpreted by the highest court of the land, let us move our discussion to jurisprudence provided by the Supreme Court of the Philippines as regards the exercise of academic freedom.

Simply, the SC has explained that academic freedom “includes the right of the school or college to decide for itself, its aims and objectives, and how best to attain them free from outside coercion or interference save possibly when the overriding public interest calls for some restraint” and thus describes that it “encompasses the independence of an academic institution to determine for itself (1) who may teach, (2) what may be taught, (3) how it should be taught, and (4) who may be admitted to study.” While this enumeration does not seem to digress substantially from the institutional and corporate rights of private entities, what remains crucial here is the freedom of content found in (2). A reminder, however, is given as to the principle of equity whereby once the standard is set, it must apply to all those in similar situations.

This right, however, is not absolute. In one case, the SC, tracing the historical links between the generic struggle for freedom and the subsequent victory of the freedom of inquiry, averred that as a result of this connection, academic freedom has also been associated with freedom of thought and speech, stressing that those in the universities may follow arguments wherever they may lead, and that these should be protected from intervention. However, it also opined that this right only becomes optimistic if its exercise is judicious. Of course, judiciousness is subject to interpretation, yet we may safely confine this at least to the other tenets of the constitution, especially regarding the protection of the state. In other words, we may opine that arguments that lead to the justification of armed revolution would never be interpreted as judicious by the highest court of the land.⁸

⁸ More than mere justification, some groups actually exert tremendous effort to recruit people to engage in armed revolt and terrorism. Ricardo De Leon et al. narrate the following: “Colonel Romeo Brawner has acknowledged that after the siege, IS-inspired militants have resumed recruitment and radicalization activities in other parts of Mindanao. He cited poverty, the elusiveness of a long-term political solution to end Moro separatist movements, and the poor supervision of Islamic schools



Such limitation is expressly said when the SC, describing academic freedom, asserts that: “It is free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint” and “Like any other right, however, academic freedom has never been meant to be an unabridged license. It is a privilege that assumes a correlative duty to exercise it responsibly.” Two aspects were emphasized here, to wit: that when public welfare is somehow endangered by academic freedom; and when correlative duties are in accord with the civil code, specifically Article 19, then academic freedom is not treated as an unabridged license, but as a privilege. It is from these series of statements of the SC whereby, we could assume that even the process of recruitment to armed revolution would limit the application of the right to academic freedom, and analogically, to freedom of speech.

After establishing that the right to free speech is a preeminent right - whereas applied to academic freedom, it gives maximum tolerance as to teaching content yet at the same time limited to judicious use insofar as it does not infringe against public welfare - we would thus proceed as to how a reconciliatory paradigm could be created that would preserve the right of academic freedom without impeding the mandate of the government, through its security forces, to protect its citizens against rebellion as in the case of the Philippines.

as enabling factors that render Mindanao as the most fertile ground for violent extremism.” In these cases, intervention is not only necessary but also mandated for the protection of the state. See Ricardo De Leon, Marlon Rufo, and Mark Davis Pablo, “Preventing and Countering Violent Extremism in the Philippines: Grassroots Empowerment and Development of Homeland Security Framework,” *Counter Terrorist Trends and Analyses*, Volume 10, Number 8, (International Centre for Political Violence and Terrorism Research, 2018): 11.

MORAL AND LEGAL PARAMETERS OF STUDENT ACTIVISM

Based on our previous discussion on both the importance and limitations of academic freedom in the light of the subtle recruitment of the CPP-NPA-NDF, we could now move on to a clearer understanding of student activism by clarifying two things: the philosophical nature of activism in general and the role of education in the political life of the student. Activism, akin to academic freedom in terms of teaching content, could be considered as an offshoot of the rights of speech, the right to peaceably assemble and petition the government for redress of grievances. As such, it should not be automatically equated with rebellion, even though, historically, some activists ended up being rebels against their government.

Hence, as described in this article, activism is not *per se* deleterious in the sense that its aim would always be to put down a government. Rather, activism is basically political action for a cause, some of which are good. Historically, it was activism that created the rights that contemporary society enjoys today - the right of women to vote, changes in business practice which is harmful to the environment, protection of minorities against racism and/or exploitation, and the like. Even slavery - common throughout the ancient and medieval worlds - is already frowned upon in all parts of the world today. In this sense, we could surmise that education should create some form of activism in students inasmuch as it is the duty of everyone to understand and correct political evil in all its forms. Thus, whenever the students join peaceful rallies in accord with the rights provided by the constitution, the support of educational institutions is crucial in making them understand that it is a part of their duty as responsible citizens.⁹

⁹ The exercise of responsible citizenry must nonetheless be guarded judiciously in light of the fact that these terrorist organizations may utilize good intent and action to further their ends. Financial diversion



Recruitment by the legal fronts of the CPP-NPA-NDF, however, modifies whatever is ideal in the exercise of the right to legitimate grievance. The rallies organized by these groups are not merely to initiate improvements in government; rather, they are part of the recruitment process by which, as mentioned earlier, grievances are presented as hopeless, leading to the inevitable conclusion that only by means of armed revolution could justice be achieved.¹⁰ Even though Associate Justice Vicente Mendoza opined in a concurring opinion in the Estrada case that the right to revolt is a natural right, he eventually cautioned that such should only be exercised for weighty and serious reasons. As such, rebellion and insurrection are crimes punished in the Revised Penal Code of the Philippines, and thus to establish these actions systemically as a solution to society's problems not only goes against the democratic processes that enacted the constitution in place but would also endanger those who would be victimized by ideologies that espouse it. It is because of this fact that this article would thus argue that certain limitations on the right to activism must be exercised without letting the recruitment process achieve its objective. It is from this special circumstance that student activism must be regulated reasonably.

is one way by which this is effectuated. Hence, collaborative efforts were made by governments to prevent such. Gregory Rose noted that: "On 22 November 2017, a new Counterterrorism Financing Working Group was announced to combat terrorism funding coming in to South East Asia from abroad and to prevent financial support from going to terrorist groups outside the region. The regional working group is co-led by AUSTRAC and the Philippines Anti-Money Laundering Council." Through such international joint efforts, the financial network can easily be traced and seized. See Gregory Rose, "Terrorism Financing in Foreign Conflict Zones," *Counter Terrorist Trends and Analyses*, Volume 10, Number 2, (International Centre for Political Violence and Terrorism Research, 2018): 15.

¹⁰ Even way back at the start of the 20th Century, educators of philosophy have warned about the dangers of stiff structural thinking that is not grounded in human life. Arthur Ernest Davies explains: "And perhaps it is no less a fact that the 'humanities' have lost their hold upon the youth of today because they have let go their proper content and have offered, instead of bread, a stone. The lost ground is a long time in being regained, and there is no hope of better things until structure is subordinated to language, and language is studied as the vehicle of literature, and literature as the embodiment of the life of a people." Ideologies limit the mind of the youth by devaluing human life in favor of disguised empathy that paradoxically leads to state totalitarianism. See Arthur Ernest Davies, "Education and Philosophy," *The Journal of Philosophy, Psychology, and Scientific Methods*, Volume 6, Number 14, (Journal of Philosophy, Inc., 1909): 368.

HABERMAS, RAWLS, AND GEWIRTH ON CONFLICT RESOLUTION

After presenting the current situation of the Philippines as it faces rebellion both in the illegal and legal fronts - where students are subtly led into methodological recruitment to violence - and the importance of the right given by the constitution to the right of free speech and redress for grievance, we move on to three philosophers who have espoused paths to conflict resolution of rights in order to provide us a proper perspective on how to deal with this crucial and politically essential dilemma. These thinkers are: Jurgen Habermas, John Rawls, and Alan Gewirth.¹¹

To understand the basic tenets of Habermas, it would be best to first expose the philosophies and positions to which he had reacted, and then explain the solutions he created, which ultimately led to what is popularly known as *discourse ethics*. First is how he conceptually intervened in the cognitive-instrumental vis-a-vis emotive solutions to determining what is right or wrong. The cognitive-instrumental position argues that feelings are shared among humans, and thus, a performative attitude is essential in understanding the interplay between and among these networks of emotions. On the other hand, emotivism reverts the determination to the persons themselves, arguing that claims to validity are mere expressions of how that person feels as regards that situation, and as such, the latter functions in an analogous manner with subjectivism, which argues that moral norms

¹¹ Despite this paper dealing with a legal and political issue, a philosophical perspective would be able to present an interpretive framework by which reconciliation between seemingly conflicting mandates could be effectuated. This role of philosophy is succinctly explained by George Dodson: "A tentative worldview is necessary in order that one's isolated bits of information may be brought into relation. One needs a place in which to put the things he learns. Such an organization as results from the formation of a provisional scheme, a flexible theory of the world, is a necessary condition of the normal unfolding of the mental life." See George Dodson, "The Function of Philosophy as an Academic Discipline," *The Journal of Philosophy, Psychology, and Scientific Methods*, Volume 5, Number 17, (Journal of Philosophy, Inc., 1908): 455.





are only thus dependent on persons without any form of objectivity. Prescriptivism then supports these positions by arguing that moral norms are mere expressions of intent to action. Habermas, on the other hand, views these moral philosophies as mistaken in the sense that moral statements are, thus, placed at par merely with descriptive statements. He averred that right and wrong are not mere propositions and that it is possible to substantially integrate agreement within the process of deriving morality out of a factual situation.

From these reactions, Habermas exposed his solution to the weaknesses of the aforementioned positions by espousing a form of morality that integrates both argumentation and agreement as a substantive process of resolving conflicts. Thus, as mentioned earlier, whenever situations of right and wrong present themselves, their objectivities emanate from formal agreements between and among interpersonal relationships. A proper intellectual culture is called for in this kind of process; and for this reason, universalization is called for.

Universalization of the maxims is not unique to Habermas. This philosophical methodology dates back to Immanuel Kant, whose categorical imperative mandates that every person should act only on those maxims which he or she could will that it becomes a universal law of nature. Habermas adds to this by endorsing a discursive testing of any claim to universality. Such testing could be considered as a substantial improvement, especially as applied to the pluralistic contemporary times we live in, where diverse thoughts are tested reflectively and inter-subjectively. Thus, instead of a subjective interaction forced into subjects as found in hierarchical structures, a communicative interaction emerges as a viable and rational solution to diverse opinions and right claims.

Such interactive argumentation and resolution ought to possess certain requirements according to Habermas, to wit: it must be logically consistent so that what is presented is rationally acceptable to all; it must be dialectically truthful and accountable for the simple reason that deceit in such interactions is both culturally and socially disruptive; and that it must be rhetorically symmetrical, avoiding tyrannical forms of monologue in the resolution of truth. In this sense, the philosophy of Habermas not only makes these tests universally acceptable, but it would also establish a practical path towards resolution.¹²

Another philosopher whose conceptual contributions can provide viable solutions to the problems presented in this paper is John Rawls, a prominent and creative integrator of current problems and the applications of the principles of justice. While justice has been dealt with even during the ancient times dating back to Socrates, one thing unique in Rawls is its consideration in a pluralistic society, approaching it through a pragmatic and operational concept - terming it as "justice as fairness." He clarifies further that it is more of a political than an ethical concept.

In our contemporary society, Rawls insists that the principles of justice could best be attained by drawing back to a hypothetical and initial position of equality, which he considered as the

¹² Attempts towards peaceful resolutions are always ideal and must be judiciously always attempted. Ideological differences, however, may create difficulties, especially when these demand the removal of what has already been culturally integrated. F.A. Mediansky avers: "A framework which addresses indigenous circumstances would need to incorporate elements, which are not found in Maoism. Among these are the authority of the Catholic Church and liberal Western political values, both of which are deeply entrenched in the political culture of the nation. In addition, history, structural economic interests, and a complex of other factors link the Philippines to the United States and the Western international system. Accusations of neo-colonial exploitation and affirmations of solidarity with the Third World, notwithstanding a large majority of the Filipino population still see the good society in terms of the political values and ideals of the West." This is the reason why some peace talks, despite good intentions, end up in deadlocks. See F.A. Mediansky, "The New People's Army: A Nation-wide Insurgency in the Philippines," *Contemporary Southeast Asia*, Volume 8, Number 1, (ISEAS - Yusof Ishak Institute, 1986): 14.





original position, moving forward through what he calls a “veil of ignorance” where one forgets any self-interest his or her actual status in society might demand to protect. With such a mindset, a fair system of social cooperation could be created leading to a reasonable concept of justice in a pluralistic society. For purposes expounded in this paper, we shall analyze his fundamental ideas that can be utilized in understanding the interplay between the seeming conflict of constitutional rights and mandates, both by the institutions of education and the military establishment.

The first fundamental idea presented by Rawls is what he terms as the idea of society as a fair system of cooperation - an offshoot and improvement of mere coordinated activities whereby a rational structure is created that seeks to improve the situation of all parties within this reciprocal scheme. While this may be unrealistically ideal for some, it would nonetheless be beneficial if, as an objective, it remains as a guide for policy action. This leads us to the second fundamental idea of a well-ordered society, which is an effect of such cooperative relations. Such is characterized by acceptance of difference and plurality in various political and social perspectives, yet common in their conceptions of what is just and right for society.

The third notion is that of the basic structure. This idea is essential to Rawls’s resolatory paradigm in pluralistic situations where each group would have their own interests to pursue and defend, especially in the case of this paper, where these interests are both protected and mandated by the same 1987 Philippine Constitution. As such, it sets limits to what can be actuated upon by groups, especially when their internal rules and regulations violate the rights of individuals with the greater scheme of the basic structure.¹³

¹³ Certain problems may occur especially when these internal rules are religious in nature. Adrian Cherney and Jenny Povey describe:

To cite the classic example, to burn persons based on certain religious rules would violate such structure. In a more contemporary sense, a constitution functions as the basic law of a country, and any law or regulation enacted that violates their constitution would be similarly out of order.¹⁴ What is common to both examples is the notion of hierarchic prioritization of commonalities whether they manifest themselves as overarching legal mandates or moral guidelines that are regarded by all as more than prudential statements.

The Rawlsian notion of the original position, together with the application of his veil of ignorance, seeks to avoid utilizing one’s own status, influence, or interest to create a biased position as the principles of justice are created. In other words, it tries to look at the situation from a third-party/ neutral perspective, making sure that anybody tasked to enact and implement these principles is acting for the benefit of all. This, again, presents a pragmatic approach to interpreting basic strictures like the constitution since what is applied to all must benefit all in an indistinctive and non-committal manner. From the perspective of the subject himself, Rawls

“One would be to conclude – as many political leaders and media commentators do – that the results show there is something inherently conservative and fundamentalist about Islam that generates support for violent jihad and antipathy towards Western secular values. It follows then that one solution lies in policy responses that promote a ‘moderate’ form of Islam that encourages tolerance and a more liberal interpretation of the Quran. This is problematic because it should not be up to the government to dictate what form of Islam Muslim people should follow – they should be free to decide for themselves.” Cherney and Povey have both raised a valid point – that such a solution would violate the fundamental right to belief. However, the notion of Rawls as regards basic structure must concurrently be enforced while protecting such freedom. In other words, while people are free to believe whatever they wish, an overarching system prevails over the jurisdiction of the nation, thus leading to peace and order amidst pluralistic and differing opinions and beliefs. See Adrian Cherney and Jenny Povey, “Exploring Support for Terrorism Among Muslims,” *Perspectives on Terrorism*, Volume 7, Number 3, (Terrorism Research Initiative, 2013): 13.

¹⁴ Rawls has noted that such disorder may happen not only in the enactment of laws but also in the procedural aspects of implementation. He explains: “Thus, a legal system must make provisions for conducting orderly trials and hearings; it must contain rules of evidence that guarantee rational procedures of inquiry. While there are variations in these procedures, the rule of law requires some form of due process: that is, a process reasonably designed to ascertain the truth, in ways consistent with the other ends of the legal system, as to whether a violation has taken place and under what circumstances.” See John Rawls, *A Theory of Justice*, (The Belknap Press of Harvard University Press, Cambridge, Massachusetts): 239.



defends the conceptual redoubt that the persons engaged in these endeavors ought to possess a political sense of justice and a moral sense of common good to understand and effectuate the aims of freedom and equality amidst pluralistic disagreements.

At this point, it would thus be viable to ultimately fathom Rawls's notion of public justification through what he termed as "reflective equilibrium," especially his conception of wide reflective equilibrium whereby accommodation for radical changes is accepted under reasonable conditions. Under this methodology, consistency in belief and understanding is achieved by a person or groups of persons by subjecting internal justifications to validation and debate with others in order to ultimately attain coherence where statements support each other reasonably. In fact, this paper is a form of reflective equilibrium where, by means of law and ethics, two seemingly inconsistent mandates of the 1987 Philippine Constitution are coherently resolved under an ambit of reasonableness.

Lastly, the other path toward public justification would be the acceptance of the seeming permanence of pluralistic disagreements. Rawls has rightly termed this as "overlapping consensus", and this finally creates a form of acceptance of a state of *modus vivendi*, establishing compromise as a stabilizing factor amidst conflict.¹⁵ This paper, however,

¹⁵ This does not, however, preclude the fact that global abuse of power is still present. Rawls merely projects an ideal scenario that would serve as a generic guide to government policy and action. Richard Miller, commenting as regards the application of Rawlsian philosophy beyond the confines of economic cosmopolitan interactions of states, avers: "The goal of Rawls's systematic inquiries into global justice is to establish norms for an international society of well-ordered peoples, not to advance this study of the current mess... The current dispute over his legacy by going beyond this limit in a systematic inquiry into current global abuses of power that uses his great insights in the service of his core commitment, opposition to injustice." As applied to this article, we could similarly demand that for such interaction between government and educational institutions to work, the common desire for a well-ordered society must remain as a presupposition to any policy. See Richard Miller, "Rawls and Global Justice," *The Monist*, Volume 94, No. 4 (Oxford University Press, 2011): 485.

does not espouse mere compromise between institutions of education and the Armed Forces of the Philippines. What is being sought is an interpretation of two provisions that would conceptually allow adherence to both without compromising pragmatic coherence. As such, this can be done only by clarifying the notion of student activism in the light of the protected exercise of the Bill of Rights.

Another contributory theory for the purposes of this paper is the Principle of Generic Consistency (PGC) by Alan Gewirth. This principle serves as the ultimate moral principle, deduced from the notion of action, and as such, serves as a moral justification for human rights. It also serves as an ancillary method by which conflicts of different human rights are resolved, thus its importance for the aims of our present undertaking. His argument begins by stating - in agreement with most ethical theories - that action and its generic features, namely voluntariness and purposiveness, function as the necessary content of morality. If action and its generic features are then expressed in linguistic form, then it would appear as "I do X for purpose E" - a statement that entails not only evaluative but also deontic undertones. These entailments, according to Gewirth, would lead to a principle of morality, which aside from being supreme and mandatory, would also be determinate in the sense that any person who denies it would end up in self-contradiction.

The first entailment consists of the acceptance as regards the necessary goodness of action and its generic features, leading to the affirmation that freedom and well-being (the generic features in relation to the agent) are of such importance that all those engaged in action must value these features. It should be remembered that this valuing need not be occurrent or sustained insofar as these are already implied in the effectuation of



the action itself. What is necessary is an evaluative acceptance of such willful recognition.

After such valuation, the agent moves on to its logically necessary step - a right claim that correlatively creates a duty on other persons to respect the agent's freedom and well-being by means of positive acts or at least by not interfering with his or her exercise of freedom and well-being. This is a controversial issue in Gewirthian philosophy, where various philosophers have either agreed or disagreed with such a step. The main contention to this is the charge that such a step is guilty of a fallacy (non-sequitur) where an evaluative statement would lead to a deontic one. Gewirth defends his position, arguing that such deontic content is implied in the valuing found in the evaluative statement because it would be logically inconsistent to value something without affirming the relationship of such value to the agent himself. If Gewirth is correct, then the right claim to freedom and well-being is valid and, as such, would create an equally valid duty on the part of other agents - leading to the natural affirmation of the generic rights to freedom and well-being.

The application of the Principle of Universality to these individual rights claims follows according to Gewirth. In such a scenario. Each agent affirms their recognition that they are not the only ones who effectuate these valid right claims and respect them. Thus, agents who properly realize and accept these three entailments modify their actions so that these could be in accord with their own generic rights, and those of others, leading to the supreme moral principle - the PGC. This philosophy of Gewirth, affirming rights, while at the same time mandating that agents respect the claims of others, would substantially bolster our understanding of the intricate roles that education institutions and the Armed Forces of the Philippines must play in resolving issues on student activism in campuses.

RESOLUTION AND CONCLUSION

From the discussions above, the following facts relevant to the academic task at hand can be gleaned: first, there is an actual threat posed by the CTGs by their deceptive recruitment process beginning from actions that are constitutionally protected towards armed revolution - which is prohibited by law; and second, recruitments in universities were established as a conclusion both by the NTF-ELCAC, by the parents who attested that their children were recruited in the schools they were in, and by the rebel returnees who admitted that they took part in such endeavors.

Jurisprudence by the Philippine SC relevant to this study has also established: first, that the Philippine Constitution gives utmost priority to freedom of speech with almost the same level as the rights to life, liberty, and property; second, that the principle of equity must be applied to the exercise of academic freedom; third, that the exercise of academic freedom should never be intervened against, yet nonetheless has warned that its exercise must be "judicious,"; fourth, that this freedom from coercion or intervention can be overridden when restraint is called for by public welfare.

From these facts and the guidelines given by jurisprudence, we could now thus provide a more enlightened commentary as regards the objectives of this paper, to wit: first, establish the role of education as a catalyst of change albeit limited to what can be legally practiced; second, to resolve possible human rights conflicts in this exercise; and third, to reevaluate the role of academic activism in the country today and determine its importance and dangers to the youth's adherence to the constitution.





The constitutional mandate to prioritize education in the distribution of the country's budget, including the philosophical notion expressed by John Dewey that it is the students' conceptualization of their lived experiences of the moment and the immediate future, shows that such essential endeavor prepares the people to be responsible citizens in such a way that they can correct current systemic mistakes, specifically by reflective equilibrium. It is for this reason that the right to free speech is critical to the country's economic and social development, supporting the fact that governments who have suppressed such freedoms have spiraled down to degenerate states. The pragmatic call to action based on principled belief, however, is beset with dangers that are at par with the mentioned advantages. This precarious conceptual footing is taken advantage of by the CTG recruiters by first enlivening the emotional involvement of their victims, and while embroiled in obfuscation, they limit the solution to armed means by taking away all hope of success utilizing constitutional means. Hence, with this process, they created a paradoxical scenario where nationalism is equated with terrorism and the trampling down of legal mandates. This process violates the human right to education because instead of freeing the mind toward social order, it restricts it and pulls it into a slippery slope toward violence and death.

Thus, with the importance and limitations given to the constitutional freedom of speech and its corollary - academic freedom - the tenets of the philosophers discussed could now be employed to enlighten us as regards the intricate relationship between educational institutions and the Armed Forces of the Philippines. The teachings of Habermas to engage the categorical imperative and the universalization of principles to interactive argumentation and resolution, which must at the same time be logically consistent and

rhetorically symmetrical, gives impetus to the notion that the Armed Forces of the Philippines also assume upon itself the creation of an intellectual milieu for free thinking for national progress, and the educational institutions to assume in parallel the protection of their students against the recruitment processes of the CTGs. This ought to be done by reconciling their mandates, preventing repressive monologues on both sides and recognizing that their different yet consistent endeavors all lead to the similar objective of uplifting the common good of the Filipino people.¹⁶ This can better be effectuated by the Rawlsian veil of ignorance whereby both constitutionally created institutions suspend their interests while assuming commonalities of objectives.

How could this be done? One example is the controversial issue of red tagging. Only two objectives may reasonably justify such, to wit: first, when identifying CTG recruiters to protect their actual and potential victims; and second, when pinpointing individuals involved in planning and executing terrorist acts.¹⁷ In

¹⁶ Jurgen Habermas avers: "Since it must also be *possible* to obey a legal order for moral reasons, the status of private legal subjects is legitimately determined by the right to *equal* subjective liberties. As *positive* or *codified* laws, on the other hand, this medium calls for a political legislator, where the legitimacy of legislation is accounted for by the democratic procedure that secures the autonomy of the citizens. Citizens are politically autonomous only if they can view themselves jointly as authors of the laws to which they are subject as individual addressees." Here, we see that autonomy is present only when laws that govern them are enacted through participation. This is something that communist ideologies, in their insistence on party superiority, do not adhere to. In fact, even in China, progressive as it is, teach their armed forces to be loyal to the party, not to the people. See Jurgen Habermas, "Reconciliation through the Public Use of Reason: Remarks on John Rawls's Political Liberalism," *The Journal of Philosophy*, Volume 92, Number 3 (Journal of Philosophy, 1995): 130.

¹⁷ Pre-identification is crucial because the nature of terrorism is different from mere criminal acts. In other words, unlike crimes, we simply cannot wait for terrorists to successfully execute their plans before pre-emptive measures are enforced. Deterrence specialists thus offer alternative ways for such action, such as described by Max Abrahms: "Terrorists are poor candidates for deterrence. They are difficult to deter because they are motivated by a wide variety of personal and strategic aims. The diversity of these aims practically ensures that many terrorists will derive utility from their actions regardless of how governments respond. In fact, even opposite government responses tend to generate utility for terrorists due to the complexity of their incentive structure. To an extent, however, terrorism may still be deterred by dissuading terrorist supporters since they are critical for mounting large-scale terrorist campaigns." See Max Abrahms, "Deterring Terrorism: A New Strategy," *Perspectives on Terrorism*, Volume 8, Number 3 (Terrorism Research Initiative, 2014): 2.





both cases, the limitations presented by the SC - upholding public welfare - are present. Hence, based on the dangers posed to individuals when they are red-tagged publicly, it would appear that such identification be done in a subtle way and only by agencies that are tasked to gather information. Once enough information is available, both the AFP and the PNP can move on to act to prevent recruitment and terrorist acts while utilizing the Anti-Terrorism Act of 2020. Also, once enough information is gathered, and once it is established that a public warning is necessary to prevent the actual occurrence of recruitment or terrorist acts, then red tagging can be engaged. In other words, public red tagging needs institutional clearance and must be calibrated only in proportion to its necessity.

Another issue is the state's control of reading materials for the youth. While many argue that the publication of books and their retainment in libraries are part of academic freedom and freedom of speech, public welfare nonetheless demands that the vulnerable members of society be protected against materials that engage in explicit incitement to sedition and violence - these being violative of our constitution and our penal laws. A gray area, however, can be gleaned from this issue; and this occurs when the content is implicit and subtle, such as when the materials are veiled in literary criticism or satire as regards a fictional event or imaginary history. In these cases, in accord with the Rawlsian notion of a fair system of cooperation leading to a well-ordered society, both the education sector and the AFP must assume a form of reciprocal equality where the determination of the advantages vis-a-vis the dangers of the materials at hand is reached without either party engaging in authoritarian encroachments. In other words, the education sector must not simply aim to protect academic freedom, it must also assume the AFP's role in ensuring that the youth do not fall into the

snares of communist recruitment, with the AFP inversely doing the same with its counterpart. Through such cooperation,¹⁸ a reasonable balance is created in both protecting freedoms while minimizing the damage caused by terrorist deceptions.

The Principle of Generic Consistency (PGC) by Alan Gewirth, as discussed earlier, is the supreme moral principle that mandates that agents act in accord with their own generic rights, as well as similar rights of others. The practice of academic freedom, as it is fraught with social advantage as well as grave dangers, especially to our youth, must be guided by this moral principle in the sense that the right claims by potential victims of communist and terrorist recruitments function as constraints to its practice. While generically free thought must be allowed to its fullest extent - only short of committing the crime of libel or sedition - the additional presence of subtle communist recruitment, deceiving vulnerable peoples to their detriment and death, requires additional reasonable restrictions that are not found in societies without such recruitments. This ought to be done specifically to protect them.¹⁹ Hence,

¹⁸ Cooperation in terms of the philosophy of Habermas could thus be considered as the avoidance of imposing ideal and dogmatic one-sided paradigms of thought to those who do not agree with it. Thus, in our current discussion, educational institutions and the AFP may fall into the tendency to strengthen their conceptual positions against each other, leading to the illusion that their mandates contradict. A closer synthesis, however, shows that it is not so. Robert Holub asserts that: "... Habermas seeks to reverse the idealist relationship between theory and practice by promoting 'an awareness of everyday contexts of action and communication.' The philosophical status that he accords to the lifeworld, a sphere containing practical, unreflected knowledge, is evidence of his shift away from the metaphysics of theory. Finally, Habermas advocates a social theory that no longer has a fixed center." See Robert Holub, "Habermas Among the Americans: Modernity, Ethics, and the Public Sphere," *German Politics & Society*, Number 33, (Berghahn Books, 1994): 5.

¹⁹ Institutions themselves need justification before these can be sources of rights and correlative duties. Communist fronts, engaged in rebellion against a duly constituted constitution, do not meet any justified criterion both politically and morally. Hence, these instead lead to restrictions on rights to protect their potential victims. Gewirth clarified: "If it is said, further, that special moral rights like the right to have promises kept arise from the institution of promising, this raises the question of how that institution is itself to be justified. After all, there may be morally wrong institutions, such as slavery; hence, the fact of being based on an "institution" does not serve to establish morally legitimate rights and duties. The attempt to justify a given rights-generating institution would presumably involve the justification of rights themselves." See Alan Gewirth, *The Community of Rights*, (The University of Chicago Press,



proper information as regards the true nature of the recruitment process is necessary for it to serve as a constraint to the freedom provided for by the constitution because only by setting the facts straight could these restrictions be said to be judicious and in accord with the uplifting of public welfare.²⁰

To bring back these freedoms to their fullest extent, the entire nation must cooperate in ending the rebellion that not only diverts economic resources to violent anti-government groups in the form of revolutionary taxes but also leads to the ruination of traditional values and, in some worse cases, death of their children-youth victims. Academic freedom and freedom of speech and thought are rights that must be exercised with prudence and dedication to the country so that the future generation of Filipinos will inherit a more peaceful and progressive nation.

1996): 11.

²⁰ Alan Gewirth, establishing stringent criteria for justifying civil obedience, would certainly not approve of the CPP-NPA-NDF institutional recruitment for armed revolution, noting the fact that they have continuously engaged in such despite changes in government leaders through legitimate elections. He opines: "The civil disobedients' violation of laws cannot be such as to cause general disrespect for and violations of laws... Civil disobedience can never be completely excluded as a morally justified procedure, either in its absolute or its relative form. But a crucial question in ascertaining its justifiability in a constitutional democracy is whether legal methods are actually and effectively available to those who suffer injustices in society." See Alan Gewirth, "Obligation: Political, Legal, Moral," *Human Rights: Essays on Justification and Applications* (The University of Chicago Press, Chicago, and London, 1982) 288-289.

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