

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

*No.: ICC-01/21*  
Date: 15 February 2023

**THE APPEALS CHAMBER**

**Before:** Judge Marc Pierre Perrin de Brichambaut, Presiding Judge  
Judge Piotr Hofmański, Judge  
Judge Luz del Carmen Ibáñez Carranza, Judge  
Judge Solomy Balungi Bossa, Judge  
Judge Gocha Lordkipanidze, Judge

**SITUATION IN THE REPUBLIC OF THE PHILIPPINES**

**Public Document  
With 6 confidential annexes**

**Philippine Government's Application for Extension of Time to File the Appeal  
Brief**

**Source:** The Republic of the Philippines

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**  
Mr Karim A. A. Khan  
Mr Colin Black

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**

**States' Representatives**  
The Office of the Solicitor General

**Amicus Curiae**

**REGISTRY**

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**Registrar**  
M. Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## **I. INTRODUCTION**

1. On 26 January 2023, the Pre-Trial Chamber I rendered its decision authorising the Prosecution to resume the investigation into the situation in the Republic of the Philippines pursuant to Article 18(2) of the Statute (“PTC I Decision”).<sup>1</sup>

2. On 27 January 2023, the Embassy of the Republic of the Philippines to the Kingdom of the Netherlands received a copy of the PTC I Decision from the Registry of the International Criminal Court (“Registry”).

3. Pursuant to Rule 154(1) of the Rules of Procedure and Evidence, an appeal against a decision concerning jurisdiction and admissibility as provided for under Article 82(1)(a) of the Rome Statute (“Statute”) may be filed with the Registry not later than five days from the date on which the party filing the appeal is notified of the decision.

4. Thus, on 03 February 2023, the Republic of the Philippines (“Philippine Government”) filed with the Registry its Notice of Appeal.

5. Accordingly, pursuant to Regulation 64(2) of the Regulations of the Court, the Philippine Government has twenty-one (21) days from notification of the PTC I Decision to file its Appeal Brief. Considering that the Philippine Government was notified of the PTC I Decision on a Friday (27 January 2023), the time limit shall not begin to run until the next working day of the Court on 30 January 2023, Monday.

6. Thus, the Philippine Government has until 19 February 2023 within which to file its Appeal Brief. Considering that 19 February 2023 falls on a Sunday, the Philippine Government is allowed to file its Appeal Brief on 20 February 2023, Monday.

## **II. APPLICATION FOR EXTENSION OF TIME TO FILE THE APPEAL BRIEF**

7. For good cause as explained below, the Philippine Government requests the Appeals Chamber, pursuant to Regulation 35, to extend the time limit for filing the Appeal

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<sup>1</sup> Pre-Trial Chamber I, “Authorisation pursuant to article 18(2) of the Statute to resume the investigation,” 26 January 2023, ICC-01-21-56-Conf 26-01-2023 (hereinafter, PTC I Decision).

Brief and grant the Philippine Government an additional period of at least twenty (20) days from 19 February 2023 or until 11 March 2023 within which to file its Appeal Brief. Considering that 11 March 2023 falls on a Saturday, the Philippine Government may be allowed to file its Appeal Brief on the next business day, 13 March 2023, Monday not later than 4 pm CET.

8. The Philippine Government submits that good cause exists to grant the requested extension of the deadline for submission of the Appeal Brief on account of the following circumstances:

- a. The Office of the Solicitor General (“OSG”) awaits reply from other relevant government agencies on its request to submit status update on the pending investigations related to crimes committed on the Philippine territory between 1 November 2011 and 16 March 2019 in the context of the “war on drugs” campaign.<sup>2</sup> It has received responses and documents on separate occasions, but needs additional time to assess the relevance of these documents. This undertaking will make it extremely difficult to comply with the 21-day rule given the other work obligations of the handling solicitors;
- b. Concomitant to the election of a new President, Ferdinand Marcos, Jr., the country likewise has newly appointed heads of government agencies. The new administration is admittedly facing challenges in gathering comprehensive data and relevant records due to logistical and administrative constraints;
- c. The OSG is in the process of complying with internal requirements for engaging the services of an external counsel or consultant to assist the Philippine Government in this appeal. The compliance will take some time beyond the 21-day period to file an appeal brief, as the process entails the following procedures:

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<sup>2</sup> Letter to Hon. Mcro Virgilio M. Lazo dated 30 January 2023 is attached as Annex “A;” Letter to Hon. Benjamin C. Abalos, Jr. dated 30 January 2023 is attached as Annex “A-1;” Letter to PGen. Benjamin H. Silo, Jr. is attached as Annex “A-2;” Letter to Hon. Jesus Crispin C. Remulla dated 30 January 2023 is attached as Annex “A-3;” Letter to Atty. Mecardo De Lemos dated 30 January 2023 is attached as Annex “A-4;” Letter to Lt. Gen. Rodolfo Azurin Jr. dated 30 January 2023 is attached as Annex “A-5.”

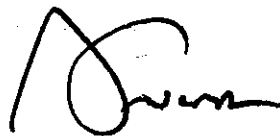
- (1) Securing approval and a Certificate of Availability of Funds (“CAF”) from the Office of the President (“OP”);<sup>3</sup>
- (2) Requesting the concurrence of the Commission on Audit (“COA”);<sup>4</sup>
- (3) Identifying the source of funds;
- (4) Requesting the OP to allocate an additional deposit or payment per billing of the external counsel or consultant;
- (5) Submitting the necessary documents to the Department of Budget and Management (“DBM”) for the issuance of a Special Allotment Release Order (“SARO”); and
- (6) Payment of the external counsel’s or consultant’s legal fee.

9. The Philippine Government submits that the foregoing circumstances constitute good cause, as contemplated in Regulation 35(2), for the requested variation of time limit.

### III. RELIEF SOUGHT

10. Accordingly, the Philippine Government requests the Appeals Chamber to:
  - a. Find that the Philippine Government has shown good cause within the ambit of Regulation 35(2) of the Regulations of the Court;
  - b. Grant the Philippine Government an additional period of at least twenty (20) days from 19 February 2023, or until 11 March 2023, within which to file its Appeal Brief.

The whole respectfully submitted.



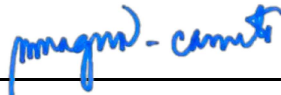
MENARDO I. GUEVARRA  
Solicitor General



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<sup>3</sup> 1987 ADMINISTRATIVE CODE, Book IV, Title III, Chapter 12, Section 35(10), in relation to Book VI, Chapter 5, Section 40, <https://www.officialgazette.gov.ph/1987/07/25/executive-order-no-292-s-1987/> (last accessed 14 February 2023).

<sup>4</sup> Commission on Audit Circular No. 86-255, [https://www.coa.gov.ph/wpfd\\_file/coa-circular-no-86-255-april-2-1986/](https://www.coa.gov.ph/wpfd_file/coa-circular-no-86-255-april-2-1986/) (last accessed 14 February 2023), *as amended by* COA Circular No. 95-011, [https://coa.gov.ph/wpfd\\_file/coa-circular-no-95-011-december-04-1995/](https://coa.gov.ph/wpfd_file/coa-circular-no-95-011-december-04-1995/) (last accessed 14 February 2023).



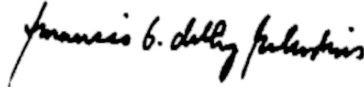
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Assistant Solicitor General



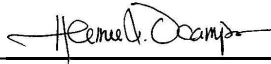
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HENRY S. ANGELES  
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Assistant Solicitor General



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MA. CIELO G. SE-RONDAIN  
Assistant Solicitor General

OFFICE OF THE SOLICITOR GENERAL

On behalf of

The Republic of the Philippines

Dated this 15 February 2023

At The Hague, The Netherlands