

Title: Sanidad et al. v. Commission on Elections: Presidential Power to Propose Constitutional Amendments during Martial Law

Facts:  
The Philippines, under President Ferdinand E. Marcos, was in a state of martial law which began on September 21, 1972. In the face of the non-convened interim National Assembly—tasked with legislative functions, including constitutional amendments—President Marcos took it upon himself to address the constitutional requirement for such amendments. On September 2, 1976, he issued Presidential Decree No. 991, calling for a national referendum for the Citizens Assemblies to resolve, among other things, issues of martial law, the interim assembly, and its replacement.

Subsequently, Presidential Decree No. 1031 was issued, amending Decree No. 991, to apply provisions concerning the voting and canvass of votes in barangays (Citizens Assemblies) to the national referendum-plebiscite scheduled for October 16, 1976. Following these events, Presidential Decree No. 1033 was issued, outlining specific questions concerning proposed amendments, which also highlighted the people's opposition to the interim National Assembly and their desire for its replacement through constitutional amendments.

Against this backdrop, several petitions were filed questioning the President's authority to propose amendments to the Constitution and the power to hold and conduct the Referendum-Plebiscite under the aforementioned Decrees. Petitioners argued that the President lacked the constituent power to propose amendments and contended that a referendum-plebiscite in such a short time frame would be invalid.

Issues:

The primary legal issue was whether the incumbent President had the authority to propose amendments to the Constitution in the absence of a convened interim National Assembly. Additional issues concerned the validity of the Presidential Decrees mandating the referendum-plebiscite and the sufficiency of the period allowed for deliberation and public understanding of the proposed amendments.

Court's Decision:

The Supreme Court, in a decision penned by Justice Martin, dismissed the petitions. The Court ruled that the petitions lacked merit and held that the question of the President's authority to propose constitutional amendments was justiciable. The Court reasoned that during the period of transition, the power to propose amendments resided in the interim National Assembly, but the incumbent President exercised comparable authority as the assembly was not convened. The Court also found that the referendum-plebiscite was a

direct exercise of the people's sovereign power as constitutional legislators.

Doctrine:

The Court established the doctrine that during the period of transition, and under exceptional circumstances where the interim National Assembly is not convened, the incumbent President may exercise the power to propose amendments to the Constitution—a function ordinarily performed by the legislature.

Historical Background:

The case of *Sanidad et al. v. Commission on Elections* occurred against the backdrop of the Philippines under martial law. President Ferdinand E. Marcos, through a series of Presidential Decrees, sought to directly involve the Filipino people in deciding upon constitutional amendments that would shape the political landscape of the nation. The contentious issues of martial law and the role of an interim assembly posed a dilemma that led to a significant examination of presidential powers during crisis governance. Confronted with concerns for both constitutional fidelity and practical governance under emergency rule, the Supreme Court faced the challenge of interpreting the scope of presidential authority in proposing constitutional amendments absent the conventional deliberative legislative processes.