

### Title: Marcos vs Manglapus: The Right of Return Versus National Interest

### Facts:

This case revolves around the aftermath of the historical event where Ferdinand E. Marcos was deposed as President of the Philippines in February 1986 through a non-violent revolution known as “People Power.” Subsequently, Corazon C. Aquino was installed as President, and Marcos, along with his family, was exiled to Hawaii, USA. Attempts by the Marcos family and loyalists to return to the Philippines and engage in activities deemed destabilizing to the new government were met with firm opposition from President Aquino’s administration, citing potential threats to national security and stability.

After years in exile, Ferdinand E. Marcos, due to failing health, expressed his wish to return to the Philippines to die. President Corazon C. Aquino, fearing the implications of such a return on national security, public safety, and the fragile economic recovery, denied this request. The Marcoses, challenging this decision, filed a petition for mandamus and prohibition, seeking to compel the government to facilitate their return and enjoin them from implementing President Aquino’s decision to bar their return.

The petition navigated through the Philippine judiciary system, escalating to the Supreme Court, which was tasked with addressing fundamental questions regarding presidential power, constitutional rights to travel and residence, and whether the President could, in the interest of national security, bar the Marcoses from returning.

### Issues:

1. Does the President possess the authority to prevent the return of former President Marcos and his family to the Philippines?
2. Is the President’s determination that the Marcoses’ return poses a threat to national security and public safety justifiable, and thus, can due process be deemed observed or waived in this context?
3. Are the respondents, in enforcing President Aquino’s decision, acting within, or beyond, their jurisdiction or with grave abuse of discretion?

### Court’s Decision:

The Supreme Court, by a majority decision, dismissed the petition, upholding the President’s discretion to bar the Marcoses’ return based on national interest and welfare considerations. The Court reasoned that while the right to return to one’s country is recognized under international law and by implication, under the Constitution, this right is

not absolute but subject to limitations in the interest of national security, public safety, or public health.

### ### Doctrine:

The decision established that the President, in exercising executive power and in the interest of national security, public safety, or public health, has the discretion to make decisions that may limit an individual's right to return to their country. This power must, however, be exercised judiciously, based on substantial evidence and not arbitrarily.

### ### Class Notes:

- **\*\*Presidential Power:\*\*** The case underscores the broad scope of executive power, including implicit powers necessary for the President to fulfill her duty to protect and serve the public interest.
- **\*\*Right to Return vs. National Interest:\*\*** It exemplifies the legal principle that although the right to return to one's country is recognized, it is not absolute and can be restricted in the interest of national security, public safety, or public health.
- **\*\*Legal Due Process in the Executive Decision-making:\*\*** It highlights that due process, in the context of executive decisions impacting national security, may not always require the conventional notice and hearing, especially when predicated on substantial threats to national interests.

### ### Historical Background:

This case occurred against the backdrop of the Philippines' recovery from decades of dictatorship under Ferdinand Marcos. It reflects the tension between individual rights and national security in a country healing from political turmoil and economic hardship.