

****Title: The Extension of Martial Law in Mindanao: A Constitutional Inquiry****

****Facts:****

The case stemmed from the issuance of Proclamation No. 216 by President Rodrigo R. Duterte on May 23, 2017, declaring a state of martial law and suspending the privilege of the writ of habeas corpus in the entire Mindanao due to armed conflict initiated by the Maute Group and Abu Sayyaf Group. Following this, the President submitted a written report to the Senate and the House of Representatives, which expressed support for the proclamation.

Subsequently, petitions filed to challenge the sufficiency of the factual basis of Proclamation No. 216 were dismissed by the Supreme Court, affirming the existence of sufficient factual bases. Before the lapse of 60 days, President Duterte requested the Congress to extend the martial law effectivity. The Congress, in a Special Joint Session, extended it until December 31, 2017.

Before the end of 2017, upon the recommendation of the AFP and the Defense Secretary citing continuing rebellion and threats from various groups, the President again requested the Congress for a further extension of martial law in Mindanao for the entire year of 2018. The Congress, after a joint session, adopted Resolution of Both Houses No. 4 granting the extension.

Petitioners then filed several petitions to the Supreme Court challenging the constitutionality of the one-year extension, raising various procedural and substantive legal issues.

****Issues:****

1. Whether the failure of petitioners to attach a copy of Resolution of Both Houses No. 4 is fatal to their case.
2. Whether the President should be dropped as a party respondent.
3. Whether the Congress is an indispensable party to the petitions.
4. Whether the Court is barred by the doctrine of conclusiveness of judgment from examining the persistence of rebellion in Mindanao.
5. Whether the Court's review is limited solely to the sufficiency of the factual basis of the extension of martial law and suspension of the privilege of the writ of habeas corpus.
6. Whether Congress has the power to extend and determine the period of martial law and

suspension of the privilege of the writ of habeas corpus.

7. Whether the President and the Congress had sufficient factual basis to extend martial law in Mindanao.

****Court's Decision:****

1. The Court can take judicial notice of Resolution No. 4, and the failure to attach it is not fatal.
2. The President has immunity from suit during tenure; thus, should be dropped as a party respondent.
3. The entire Congress, being the body that approved the extension, is an indispensable party.
4. The Court can examine the existence of rebellion as the situation could have evolved post-Lagman decision.
5. The review is limited to the sufficiency of the factual basis for the extension.
6. The Congress has the authority to extend martial law and determine its duration based on the conditions required by the Constitution.
7. There was a sufficient factual basis for the extension of martial law and suspension of the writ due to persisting rebellion and threats to public safety.

****Doctrine:****

The power to extend the period of martial law or suspension of the privilege of the writ of habeas corpus rests with Congress, upon the initiative of the President. The Supreme Court's jurisdiction is limited to reviewing the factual basis for such proclamation or extension, ensuring that the requirements of actual rebellion and necessity for public safety are met.

****Class Notes:****

- ****Essential Principles:**** Martial law powers, the principle of checks and balances, presidential immunity, and the requirement of sufficient factual basis for extraordinary powers.
- ****Relevant Statutory Provisions:**** Article VII, Section 18 of the Philippine Constitution - grants the President, as Commander-in-Chief, the power to declare martial law and suspend the privilege of the writ of habeas corpus under certain conditions.
- ****Application/Interpretation:**** The Supreme Court adopts a deferential standard when reviewing the President's declaration or Congress's extension of martial law, focusing on

whether there is a sufficient factual basis for such actions.

****Historical Background:****

This case underscores the evolutionary interpretation of constitutional provisions on martial law post-1987 Constitution, shaped by the Philippines' historical experiences of martial law under former President Marcos. The safeguards and limitations on the declaration and extension of martial law, including judicial review and congressional oversight, reflect the framers' intent to prevent abuses of power while allowing the government to respond to national security threats.