

### ### Title

Marcos vs. Manglapus: The Right of Return and the Executive Power

### ### Facts

This case involves Ferdinand E. Marcos, the former President of the Philippines, along with his family, and various government officials, including Honorable Raul Manglapus, as respondents. Following the 1986 EDSA Revolution, Marcos and his family were exiled to Hawaii, USA. As Marcos' health began to deteriorate, a request was made for the family to return to the Philippines. This request was denied by the Philippine government, citing threats to national security and public safety.

Upon denial, the Marcos family filed a petition to challenge this decision, arguing that it infringed upon their inherent right as citizens to return to their country of birth, as well as their constitutional rights. The petition was heard and initially dismissed by the Supreme Court on the grounds that President Corazon Aquino, as the executive, did not act arbitrarily in prohibiting their return, citing national interest and welfare.

The procedural journey to the Supreme Court was marked by the filing of a motion for reconsideration by the Marcos family, following the death of Ferdinand E. Marcos. They insisted on their right to return, arguing against the President's power to bar a Filipino citizen from their own country. The government, through the Solicitor General, responded by saying that the motion for reconsideration was moot regarding the deceased Mr. Marcos and argued that allowing the Marcoses to return would destabilize the country.

### ### Issues

1. Does the President of the Philippines have the power to bar a Filipino citizen from returning to the country?
2. Was the exercise of such power, assuming it existed, arbitrary or with grave abuse of discretion?
3. Does the death of Mr. Marcos affect the legal standing or the essence of the petition?

### ### Court's Decision

The Supreme Court, in a per curiam decision, denied the motion for reconsideration. The Court ruled that the President of the Philippines does possess inherent or residual powers not expressly stated in the Constitution but are necessary for her to fulfill her duties. These powers include safeguarding the national interest and welfare, under which the prohibition of the Marcoses' return fell. The decision to bar their return was deemed not arbitrary nor

an abuse of discretion, considering the potential threat to national stability their presence might provoke. Furthermore, the death of Ferdinand E. Marcos did not materially alter the situation, as the threats his return posed to the government persisted.

### ### Doctrine

The doctrine established in this case revolves around the President's residual powers — those not expressly stated but implied from the grant of executive power. It asserts that the executive's primary duty is to ensure the national interest and welfare, even if it means limiting certain rights, such as the right of a citizen to return to their country, under exceptional circumstances.

### ### Class Notes

- **\*\*Residual Powers of the Executive\*\***: Powers implied from the executive's general grant of power, not explicitly enumerated in the Constitution but necessary for the President to fulfill constitutional duties.
- **\*\*Right of Return vs. National Interest\*\***: The right of a citizen to return to their homeland can be overridden by the President under exceptional circumstances that threaten national interest and welfare, demonstrating a balance between individual rights and the collective good.
- **\*\*Burden of Proof in Motions for Reconsideration\*\***: Petitioners bear the burden to present compelling reasons for the Court to overturn its original decision.

### ### Historical Background

This case is set against the backdrop of the late Cold War period, post-EDSA Revolution Philippines, a time characterized by political instability and efforts to recover from the authoritarian rule of Ferdinand Marcos. The legal battle to allow or prevent the return of Marcos and his family encapsulated the deep divisions and the lingering shadows of the Marcos era on Philippine society and its governance. It reflects the challenges faced by the emerging democratic government in reconciling with the past, ensuring justice, and laying the foundation for future peace and stability.