

Bernabe Buscayno, Jose Ma. Sison, and Juliet Sison vs. Military Commissions Nos. 1, 2, 6, and 25, et al.

****Facts****

Bernabe Buscayno and Jose Ma. Sison, alleged leaders of the Communist Party of the Philippines (CPP) and its military arm, the New People's Army (NPA), were targeted by the Philippine military. A reward was set for their capture. Following an extensive manhunt, both were captured, Buscayno on August 26, 1976, and the Sison spouses on November 10, 1977.

****Procedural Posture:****

1. ****Pre-Arrest:**** Buscayno and Aquino were charged with violating the Anti-Subversion Law (RA No. 1700) on August 14, 1973. Separate charges for murder and rebellion were also laid against both.

2. ****Post-Arrest to Military Commission Proceedings:****

- ****1976-1977:**** Post-arrest, Buscayno refused to participate in the military tribunal proceedings but later waived his right to be present and have legal counsel. Military Commission No. 2 began proceedings against him.

- ****July 18, 1977:**** Attorney Juan T. David began representing Buscayno. David filed a petition for habeas corpus and prohibition with the Supreme Court, which was dismissed in January 1981.

- ****March 27, 1981:**** Military Commission No. 2 convened again for Buscayno's case but his counsel deferred proceedings pending a transfer request to civil courts. When denied, Buscayno presented no defense. Subsequently, they were found guilty and sentenced to death on May 4, 1981.

3. ****Sison Spouses' Cases:****

- ****Pre-1977:**** Previously charged with rebellion and subversion.

- ****Post-arrest (Nov 10, 1977):**** Proceeded similarly before Military Commissions and charged under Presidential Decree No. 885.

4. ****Supreme Court Petitions:****

- ****October 2, 1981:**** Buscayno and the Sison spouses filed a petition for habeas corpus, prohibition, and mandamus requesting the Supreme Court to void their sentences, release them, and dismiss the charges on double jeopardy grounds and illegality due to changes in subversion laws.

Issues

1. **Jurisdiction:** Do the military commissions have jurisdiction over civilians under the alleged crimes?
2. **Double Jeopardy:** Are the charges against the petitioners a violation of the constitutional rule on double jeopardy?
3. **Right to Bail:** Are they entitled to bail since martial law has been lifted?
4. **Constitutionality of Continuing Detention:** Is their ongoing detention legal post-Proclamation No. 2045, which ended martial law?

Court's Decision

I. Jurisdiction

The Supreme Court reaffirmed its earlier decisions that military commissions had jurisdiction over offenses committed by civilians during martial law, as supported by multiple cases like *Aquino vs. Ponce Enrile* (1975), and subsequent confirmatory queries.

II. Double Jeopardy

The petitioners had not been previously acquitted or convicted on the charges brought up. The repetitive charges did not constitute double jeopardy since:

- The subversion and rebellion charges involved different times and acts.
- Termination of the original proceedings by final judgment, acquittal, or dismissal without petitioners' consent - prerequisites for double jeopardy - had not occurred.

III. Right to Bail

The suspension of the privilege of the writ of habeas corpus precludes entitlement to bail, as reaffirmed in earlier landmark cases like *Lansang vs. Garcia* (1971).

IV. Constitutionality of Continuing Detention

Proclamation No. 2045 supports the continued detention of persons arrested for rebellion and subversion and thus lawful for the petitioners to be detained under existing legal Precedent.

Doctrine

The decision reinforced existing doctrines:

1. **Jurisdiction of Military Tribunals Over Civilians:** Courts up-held that military tribunals have jurisdiction during states of martial law.
2. **Double Jeopardy Clause:** For double jeopardy to hold, there must be a conclusive finality to previous proceedings.
3. **Suspension of Habeas Corpus and Bail Rights:** The suspension of habeas corpus nullifies the right to bail.

Class Notes

Key Elements for Judicial Review

1. **Jurisdiction:** Authority vested in the tribunal trying the accused.
2. **Double Jeopardy:** (a) Valid complaint, (b) Competent court jurisdiction, (c) Plea, and (d) Final judgment/acquittal/dismissal.
3. **Right to Bail:** Linked inextricably to the suspension of habeas corpus.

Relevant Statutory Provisions

1. **Republic Act No. 1700 (Anti-Subversion Law)**
2. **Presidential Decree No. 885 (Revised Anti-Subversion Law)**
3. **Proclamation No. 2045:** The formal end of martial law but sustained restrictions on certain civilians.

**Historical Background

- The case arose during the authoritarian regime of President Ferdinand Marcos (1972-1981), which saw heightened conflict between state forces and leftist groups like the CPP-NPA. The suppression of civil liberties and subsequent legal battles framed the state's approach to subversion and rebellion charges.

This trial was emblematic of the broader conflict between the Marcos government and the leftist insurrection, showcasing the tension between civil liberties and state security during the martial law era.