

### Title:

Philippine Supreme Court Case on Martial Law Proclamation in Maguindanao (Fortun et al. v. Macapagal-Arroyo et al.)

### Facts:

On November 23, 2009, a convoy traveling to Shariff Aguak in Maguindanao was ambushed, leading to the massacre of 57 civilians, including journalists and political supporters of Esmael “Toto” Mangudadatu, planning to file his candidacy for the gubernatorial seat in Maguindanao. The suspects were heavily linked to the Ampatuan family, a powerful political clan in the region.

In response, President Gloria Macapagal-Arroyo issued Presidential Proclamation No. 1946 on November 24, 2009, declaring a state of emergency in Maguindanao, Sultan Kudarat, and Cotabato City. Following growing concerns about further unrest, on December 4, 2009, she issued Presidential Proclamation No. 1959, declaring martial law and suspending the privilege of the writ of habeas corpus in Maguindanao, except for identified areas of the Moro Islamic Liberation Front (MILF).

On December 6, 2009, she submitted a required report to Congress justifying her actions, detailing the severity of the armed public uprising, the closure of key municipal offices, and the alleged rebellion by the Ampatuans and their followers.

Despite the President’s submission, Congress convened on December 9, 2009, to review the proclamation but took no formal action. Subsequently, martial law was lifted on December 12, 2009, by Presidential Proclamation No. 1963, before Congress could conclude its review or the Supreme Court could rule on its constitutionality.

Several petitions were filed challenging the constitutionality of Proclamation No. 1959, including those from notable lawyers, citizens, and organizations.

### Issues:

1. **Does the lifting of the martial law proclamation render the constitutional challenge moot and academic?**
2. **Is there a distinction between the term “rebellion” in the Constitution and its definition under the Revised Penal Code?**
3. **Does the proclamation of martial law or the suspension of the writ authorize warrantless arrests, searches, and seizures?**
4. **Are the declaration of martial law or suspension of the writ a joint and sequential**

function of the President and Congress?\*

5. \*What happens when Congressional action and the Supreme Court's review on the proclamation or suspension conflict?\*

6. \*Is the judicial review of the proclamation relevant for acts committed during the period of martial law?\*

7. \*Was there sufficient factual basis to justify the issuance of Proclamation No. 1959?\*

### Court's Decision:

\*1. Mootness of the Case:\*

The Supreme Court found that the petitions had become moot because President Arroyo lifted martial law before Congress could act on it or the Court could rule on its constitutionality. The Court stated that it avoids making constitutional rulings on moot questions unless there is a grave need due to the paramount public interest or the issue is capable of repetition yet evading review.

\*2. Definition of Rebellion:\*

The Court interpreted the term "rebellion" under Section 18, Article VII of the 1987 Constitution to align with its definition in the Revised Penal Code. This means that "rebellion" involves the public uprising and taking arms against the Government for specific purposes, as defined in Article 134 of the Revised Penal Code.

\*3. Authorization of Warrantless Arrests:\*

The Court held that the proclamation of martial law does not suspend the operation of the Constitution, including the Bill of Rights. Therefore, it does not authorize warrantless arrests, searches, and seizures beyond those allowed under existing rules and jurisprudence.

\*4. Joint and Sequential Function:\*

The Court emphasized that while the President has the authority to declare martial law or suspend the writ, Congress has a duty to review such proclamations. The review process is not joint and sequential but rather operates independently. Congress's inaction neither validates nor nullifies the need for judicial review.

\*5. Conflict Between Congressional Action and Judicial Review:\*

The Court noted that Congressional revocation of a proclamation of martial law takes effect immediately, and thus the Supreme Court's role becomes secondary in such instances. Conversely, if the Supreme Court rules first and finds no factual basis, Congress's non-

action cannot reverse this ruling.

**\*\*6. Relevance of Judicial Review on Acts Committed:\*\***

Even if acts were committed during the period under martial law, the assessment of the sufficiency of the factual basis remains relevant for evaluating conduct legality and accountability. Thus, the withdrawal of martial law does not negate the need to determine its initial justifiability.

**\*\*7. Sufficiency of Factual Basis:\*\***

The Court did not explicitly rule on the sufficiency of the factual basis due to the mootness of the case. However, concurring and dissenting opinions discussed in-depth whether actual rebellion or violations occurred, emphasizing that imminent danger alone is insufficient to declare martial law under the 1987 Constitution.

**### Doctrine:**

**\*\*Mootness Doctrine:\*\*** The Court reiterates its preference for judicial restraint in resolving moot and academic issues unless such issues are of grave public necessity or capable of repetition yet evading review.

**\*\*Strict Safeguards on Martial Law:\*\*** The 1987 Constitution delineates specific, stringent conditions for the use of martial law and suspension of the writ of habeas corpus, reflecting a historical response to prevent abuse.

**\*\*Real-Time Interaction Between Branches:\*\*** The President's powers to declare martial law are subject to independent checks by Congress and the Judiciary, ensuring a balance of power and preventing unilateral overreach.

**### Class Notes:**

- **\*\*Mootness and Public Interest Exceptions:\*\*** Judicial review may proceed despite mootness if critical constitutional issues demand resolution.
- **\*\*Rebellion Definition:\*\*** Must align with the Revised Penal Code's definition.
- **\*\*Constitutional Protection During Martial Law:\*\*** Fundamental rights remain protected; the suspension of the writ does not authorize warrantless arrests outside prescribed exceptions.
- **\*\*Congressional and Judicial Review:\*\*** Both branches review independently, ensuring checks and balances without necessitating sequential actions.
- **\*\*Probable Cause Standard:\*\*** For the declaration of martial law, the existence of factual bases must meet the threshold of probable cause.

**\*\*Key Statutes Referenced:\*\***

- Article VII, Section 18 of the 1987 Constitution.
- Article 134 of the Revised Penal Code (as amended by RA 6968).

**### Historical Background:**

This case stems from the Maguindanao Massacre in 2009, a critical event in Philippine history signaling rampant political violence and impunity. It reflects a context where an attempt to use martial law prompted scrutiny by different government branches under recently reformed constitutional safeguards designed to prevent abuse akin to the Martial Law era under Ferdinand Marcos (1972-1986). This case serves as an essential legal precedent on the Curtailment of emergency powers and protection of civil liberties in the Philippines.