

**\*\*Title:\*\*** \*Lagman v. Medialdea\*

**\*\*Facts:\*\***

On May 23, 2017, President Rodrigo Duterte declared Martial Law and suspended the privilege of the writ of habeas corpus across Mindanao through Proclamation No. 216. The declaration was spurred by escalating attacks from the Maute terrorist group, notably in Marawi City, Lanao del Sur. The escalation included takeover of public facilities, establishment of checkpoints, burning of properties, and mounting casualties. The President's declaration aimed to thwart the establishment of an ISIS enclave and restore order. This decision prompted multiple petitions challenging its constitutionality and factual sufficiency.

Three petitions were consolidated for review by the Supreme Court:

1. \*Lagman v. Medialdea\* G.R. No. 231658: The petitioners, which included Representatives Edcel C. Lagman and others, argued that the declaration lacked a factual basis as no actual rebellion or invasion was present in Marawi City or Mindanao.
2. \*Cullamat v. Duterte\* G.R. No. 231771: Petitioners argued that the scope of Martial Law should be limited to Marawi City and should not encompass the entire Mindanao region.
3. \*Mohamad v. Medialdea\* G.R. No. 231774: Petitioners contended that martial law should only be a last resort after exhausting less severe measures like calling out the armed forces.

**\*\*Procedural Posture:\*\***

The cases were brought before the Supreme Court under Paragraph 3 of Section 18, Article VII of the 1987 Constitution, allowing any citizen to challenge the sufficiency of the factual basis behind the president's declaration of martial law. The Supreme Court consolidated the petitions and held oral arguments on June 13, 14, and 15, 2017.

**\*\*Issues:\*\***

1. Whether the petitions were valid "appropriate proceedings" under Section 18, Article VII of the Constitution.
2. Whether the President must be factually correct or merely not arbitrary in his appreciation of facts.
3. Whether the president is compelled to obtain a recommendation from the Secretary of National Defense.
4. Whether the President must consider only the situation at the time of the proclamation.
5. Whether the Supreme Court's review power is independent of Congressional actions.
6. Whether there was sufficient factual basis for the proclamation.

7. The evaluation criteria for sufficient factual basis.
8. Whether the declaration should employ a sequence in the Commander-in-Chief's powers.
9. Whether vague terms like "other rebel groups" rendered the proclamation void.
10. Whether the nullification of Proclamation No. 216 would nullify earlier proclamations.
11. Whether acts done under Proclamation No. 216 would remain valid despite nullification.

**Court's Decision:**

1. **Appropriate Proceedings:** The court determined the petitions constituted appropriate proceedings under Section 18, Article VII, as they were filed by citizens challenging the factual basis for martial law.
2. **Review Standard:** The court held that the president's declaration must not be arbitrary, aligning with the "sufficiency of factual basis" standard rather than factual correctness.
3. **Necessity of Defense Secretary's Recommendation:** The president does not require a recommendation from the Defense Secretary to declare martial law.
4. **Contemporaneous Situation:** The president's decision should be based on the situation at the time of proclamation, though consideration of subsequent events is limited.
5. **Independent Judicial Review:** The Supreme Court's power to review is independent of Congress's actions, allowing simultaneous and separate reviews.
6. **Factual Basis:** The court found sufficient factual basis in the President's declaration, supported by intelligence reports and corresponding violent events in Mindanao.
7. **Parameters for Review:** The court adopted a standard focusing on probable cause, assessing cumulative facts rather than isolated incidents or achieving higher proof thresholds.
8. **Graduation of Powers:** The court recognized the hierarchy of commander-in-chief powers but allowed the president discretion in choosing which power to employ.
9. **Proclamation Vagueness:** The court found that terms like "other rebel groups" did not render Proclamation No. 216 void for vagueness, stating it referred to recognizable entities within context.
10. **Effect on Previous Proclamations:** Nullifying Proclamation No. 216 would not affect earlier Proclamation No. 55, which declared a state of national emergency.
11. **Operative Fact Doctrine:** Actions undertaken under Proclamation No. 216 would remain valid pre-declaration of its unconstitutionality.

**Doctrine:**

1. The sufficiency of factual basis for declaring martial law is subject to judicial review to prevent abuse of extraordinary powers.

2. The President's discretion in factual assessment allows for probable cause as the standard for declaration.
3. The "operative fact doctrine" preserves validity of acts done pre-nullification of an unconstitutional proclamation.
4. Separation of powers does not preclude simultaneous and independent reviews by Congress and the judiciary.

**\*\*Class Notes:\*\***

1. **\*\*Constitutional Provisions\*\***: Section 18, Article VII of the Constitution (grounds and review of martial law).
2. **\*\*Probable Cause\*\***: Sufficiency of factual basis hinges on probable cause.
3. **\*\*Commander-in-Chief Powers\*\***: Includes martial law declaration, writ suspension, calling out of armed forces.
4. **\*\*Judicial Standards\*\***: Courts ensure non-arbitrary exercises of powers.
5. **\*\*Operative Fact Doctrine\*\***: Ensures continuity of pre-declaration acts.

**\*\*Historical Background:\*\***

The case reflects the apprehension embedded in the post-Marcos 1987 Constitution about the abuse of martial law powers, manifesting in detailed checks and balances, including judicial review, to safeguard civil liberties and prevent recurrence of authoritarian rule. The historical context emphasizes the shift from the unbridled martial law declaration of the 1970s to the cautious, regulated framework of the late 20th century.