

Defanging a Paper Tiger: A Comment on the Supreme Court's Decision on Presidential Proclamation 1017

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The latest decision of the Supreme Court regarding the President's exercise of emergency and military powers is the present subject of inquiry. This discourse is based on President Gloria Arroyo's declaration of a state on national emergency. This declaration was based on the alleged conspiracy among some military officers and insurgents of the New People's Army, together with some members of the political opposition, in order to unseat and assassinate the President to allegedly take over the government. These, according to the government, showed a clear and present danger that could only be suppressed through the imposition of Presidential Proclamation (PP) 1017.

By virtue of the Proclamation, several arrests without warrant were effected, and raids of editorial and printing offices were conducted. There are a number of issues which are worthy of discussion, including: whether the petitions are moot and academic; whether certain petitioners had legal standing to question the Proclamation; whether the Court could review the factual bases of PP 1017; and whether PP 1017 and the General Order implementing it were unconstitutional.

In the analysis, it is argued that PP 1017 is composed of two parts: the part calling out the Armed Forces to suppress lawless violence and the part where the President declared a state of national emergency. It is posited that the declaration that the national emergency has ceased only applies to the latter part of PP 1017. This puts a question on whether there was indeed a lifting of PP 1017, which is necessary in answering the issue of mootness.

Lastly, it is contended that there was no need to procure a warrant before effecting the arrests. To conclude, the term "paper tiger" is adopted to describe the Proclamation. It was a mere flirtation with power. It cannot be the basis of arbitrary arrests, raids or other limitations to the Bill of Rights.