

## The PDA: Was the PCO Ever Abolished?

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This Article demonstrates how the Preventive Detention Action (PDA) proves to be no different from its predecessor, the Presidential Commitment Order (PCO) in violating the constitutional right of the accused to bail and in contravening the constitutional safeguard against arrests made without determination of probable cause made by a judge or other responsible officer. The PDA was issued by virtue of Presidential Decree (P.D.) No. 1187, which repealed Letter of Instruction (LOI) No. 1211, the latter having been struck down as constitutionally infirm. The Author, dispelling any sense of optimism in regarding the PDA as striking a balance between individual liberty and national security, claims that the latter merely couches its provisions in less antagonizing language – and at times, prefers to be silent – yet nevertheless, contains the same constitutionally violative provisions. For instance, the PDA is silent on the topic of bail, and unlike the PCO where release is only by virtue of the President’s order, under the PDA, the detention shall not exceed one year. However, the catch is that the PDA is renewable. Also, the President may order the extension any accused’s detention. As to the limits of this power, none is seen in the law. Similarly, the PDA also validates warrantless arrest on the ground “when resort to judicial process is not possible or expedient without endangering public safety.” Instinctively thus, this runs counter to Section 3 of the Bill of Rights authorizing the issuance of a search or arrest warrant only upon finding of probable cause. The PDA is nothing more than a devise employed by the administration to appease the general public of its distaste of the PCO – but this does not mean that the new creation is a better one.