

## *Ladlad v. Velasco*: Reaffirming Judicial Review as a Mechanism for Protecting Constitutional Rights

*Joy Stephanie C. Tajan*

52 *ATENEO L.J.* 240 (2007)

SUBJECT(S): CONSTITUTIONAL LAW

KEYWORD(S): STATE OF EMERGENCY, JUDICIAL REVIEW, BILL OF RIGHTS, PRESIDENTIAL POWERS, BRANCHES OF GOVERNMENT

The case of *Ladlad, et al. v. Velasco, et al.* arose out of a charged atmosphere. Former President Gloriam Macapagal-Arroyo declared a state of emergency by virtue of Presidential Proclamation 1017 resulting in several warrantless arrests. Said arrests involved a few leftist members of Congress facing rebellion charges for which the petitions are filed.

The Comment focuses on judicial review as a mechanism for protecting and enforcing constitutional review through an analysis of *Ladlad* and re-examining jurisprudence on the matter. A survey of law and history on due process and the right to preliminary investigation, coupled with instances enjoining the prosecution of offenses, is undertaken by the Author before proceeding to discussing the case.

The Supreme Court eventually granted the petitions and invalidated their arrests.