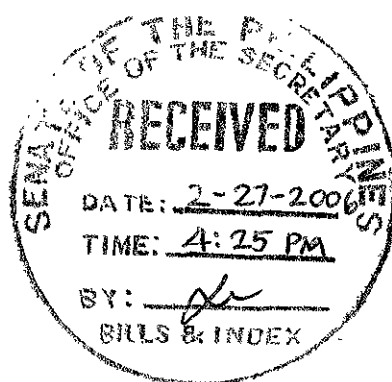


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session



SENATE

P. S. Res. No. 461

Introduced by Senators Drilon, Pangilinan, Roxas, Biazon, Cayetano

RESOLUTION CONDEMNING THE RAID AND THE EXERCISE OF CONTROL OVER PRINT MEDIA, THE WARRANTLESS ARRESTS OF SEVERAL CITIZENS INCLUDING A MEMBER OF THE HOUSE OF REPRESENTATIVES, AND OTHER SIMILAR ACTS CARRIED OUT BY THE GOVERNMENT PURSUANT TO PROCLAMATION NO. 1017 ISSUED BY PRESIDENT GLORIA MACAPAGAL-ARROYO

WHEREAS, on 24 February 2006, President Gloria Macapagal-Arroyo issued Proclamation No. 1017, declaring a State of National Emergency;

WHEREAS, among the main reasons alleged as the basis for the declaration of a State of National Emergency is a conspiracy between the extreme left and extreme right who it claims are now "in a tactical alliance and engaged in a concerted and systematic conspiracy over a broad front to bring down the duly constituted Government elected in May 2004";

WHEREAS, in the early morning of 24 February 2006, even before the issuance of Proclamation No. 1017, officials of Malacañang categorically declared on national television that an attempt to overthrow the government has been successfully quelled and restrained;

WHEREAS, in Proclamation No. 1017, the President invoked as legal basis for declaring a State of National Emergency, Section 18, Article 7 of the 1987 Constitution stating, in part, that "The President... whenever it becomes necessary,... may call out (the) armed forces to prevent or suppress lawless violence, invasion or rebellion....";

WHEREAS, 1987 Constitution defines the legal parameters, limits, and conditions upon which the President may validly exercise her powers in a State of National Emergency;

WHEREAS, Article VI, Section 23 of the Constitution allows the Congress to authorize, by law, the President to exercise certain powers during times of national emergency, for a limited period and subject to restrictions set by it;

WHEREAS, in accordance with Philippine constitutional practice and precedents, the declaration of a state of national emergency does not in any way suspend the Constitution and does not limit the civil liberties, basic human rights, freedom of the press and other fundamental rights enshrined therein;

WHEREAS, the Congress as a separate and independent body has a constitutionally mandated duty to ensure that the demarcation defining the powers of the three branches of government are maintained and ensure, as part of the democratic checks and balance, that the acts of any other branch do not transgress the basic tenets of the Constitution;

WHEREAS, officials of Malacañang claim that the declaration of a State of National Emergency under Proclamation No. 1017 was a statement of fact and does not entail the President's exercise of additional powers;

WHEREAS, pursuant to Proclamation No. 1017, the President issued General Order No. 5 calling "upon the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to prevent and suppress lawless violence in the country" and directing "the Chief of Staff of the AFP and Chief of the PNP to prevent and suppress acts of terrorism and lawless violence in the country";

WHEREAS, the directive issued under General Order No. 5 gives the AFP and the PNP unbridled and broad discretion to carry out the supposed policy of Proclamation No. 1017, possibly opening boundless opportunities for abuse and violation of fundamental human rights;

WHEREAS, despite Malacañang's claim that Proclamation No. 1017 was a mere statement of fact, alarming acts have been carried out pursuant to said Proclamation, including: (1) all scheduled rallies, with or without permit, were cancelled; (2) some protesters, including UP Professor Randy David and Akbayan President Ronald Llamas, were apprehended for inciting to sedition and violation of the Public Assembly Act; (3) the National Telecommunications called a meeting of the members of the Kapisanan ng mga Broadcasters sa Pilipinas (KBP) and discussed the possible revocation of franchise or take-over of media companies that engage in biased reporting or publication of matters affecting national security; (4) a 6:00 p.m. curfew was imposed on the press corps of Malacañang; (5) one major newspaper, The Daily Tribune, was raided and other major dailies were placed under surveillance; and (6) Party-List Congressman Crispin Beltran was arrested based on a warrant of arrest issued during Martial law, while other lawmakers are under threat of arrest; (7) Attempted arrest of BAYAN MUNA Representative Satur Ocampo; (8) Retired Major General Ramon Montano was likewise arrested while other lawmakers and alleged opposition leaders are under threat of arrest;

WHEREAS, these acts carried out by the Government pursuant to Proclamation No. 1017 on its face contravene the fundamental guarantees of the Constitution particularly the basic civil liberties enshrined therein and deserve outright condemnation; NOW, THEREFORE, be it

RESOLVED, as it is hereby resolved, that the Senate of the Philippines condemn the acts carried out by the Government pursuant to Proclamation No. 1017;

RESOLVED FINALLY, to direct the appropriate committee to conduct an inquiry, in aid of legislation, into the acts being carried out by the Government pursuant to Proclamation No. 1017 with the end-in-view of enacting remedial legislation that would fully protect the rights of the people as enshrined in the Constitution.

ADOPTED,

Judith

Pia S. Capano

~~F. PANGILINAN~~

Ma Pua

~~Rosa~~

Maddugit

Judy

Abi

Lina P. Ejim Estrada

Nana Moya

Eva

(To the extent that Proc. 74-1017 went beyond calling the AFP to suppress lawless violence)

~~File~~

Suzette

Arendy

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