


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

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SENATE
Resolution No. 460

RECEIVED BY: 

Introduced by Senators Aquilino Q. Pimentel, Jr. and M.A. Madrigal

**A RESOLUTION
CONDEMNING PROCLAMATION NO.1017 DECLARING A STATE OF
NATIONAL EMERGENCY AND DIRECTING THE SENATE COMMITTEES ON
NATIONAL DEFENSE AND SECURITY, AND JUSTICE AND HUMAN RIGHTS
TO CONDUCT AN INVESTIGATION THEREON, WITH THE END IN VIEW OF
ENACTING REMEDIAL LEGISLATION**

WHEREAS, the exercise of the fundamental freedoms of Filipinos are protected not only by the Philippine Constitution but also by various international treaties which the Philippines has ratified;

WHEREAS, on 23 October 1986, the Philippines ratified the International Covenant on Civil and Political Rights;

WHEREAS, such ratification binds the Philippines to uphold the rights stated therein to the end that there shall be no restriction upon, or derogation from, any of the fundamental human rights recognized in such Covenant;

WHEREAS, on 24 February 2006, President Gloria Macapagal Arroyo issued Proclamation No. 1017 declaring a state of national emergency and consequently, issued General Order No. 5 directing the Armed Forces of the Philippines to purportedly maintain public peace, order and safety and to prevent and suppress lawless violence;

WHEREAS, the said proclamation is a poor excuse for the President to instill fear in the people and to derogate the fundamental civil political liberties that is detrimental to the people's existence as citizens of this republican state;

WHEREAS, immediately after the issuance of the said proclamation, scores of people were reportedly arrested without warrants and peaceful assemblies violently dispersed;

WHEREAS, such warrantless arrests include members of party list groups in the House of Representatives and people who attended rallies in EDSA on 24 February 2006;

WHEREAS, a few hours after the issuance of the presidential proclamation, members of the Philippine National Police raided and took over the Daily Tribune;

WHEREAS, as a result of the said action, international and local media organizations have condemned the said proclamation as violative of the constitutional rights to freedom of expression and the right to information on matters of public concern;

WHEREAS, our Constitution mandates that sovereignty resides in the people and all government authority emanates from them, and that the people's right to peacefully assemble and seek redress against the government should be respected;

WHEREAS, in the face of the chilling effect caused by this presidential proclamation and the sense of creeping martial law, the Senate, as the last bastion of democracy in this political turmoil, should renounce the said proclamation of the President as unconstitutional as there is clearly no legal and factual basis for the declaration of a state of emergency;

Now therefore, be it resolved, as it is hereby resolved, for the Senate to condemn Proclamation No. 1017 declaring a state of national emergency, and to direct the Committees on National Defense and Security and Justice and Human Rights to conduct an investigation thereon, with the end in view of enacting remedial legislation.

Adopted.

AQUILINO Q. PIMENTEL, Jr.


M.A. MADRIGAL