

Republic of the Philippines  
Congress of the Philippines

Senate

Manila City

Seventeenth Congress

First Regular Session



RESOLUTION NO. 49

RESOLUTION EXPRESSING THE SENSE OF THE SENATE NOT TO REVOKE, AT THIS TIME, PROCLAMATION NO. 216, SERIES OF 2017, ENTITLED, "DECLARING A STATE OF MARTIAL LAW AND SUSPENDING THE PRIVILEGE OF THE WRIT OF *HABEAS CORPUS* IN THE WHOLE OF MINDANAO"

WHEREAS, the 1987 Philippine Constitution, Article VII, Section 18, provides that:

"...in case of invasion or rebellion, when the public safety requires it, he (President) may, for a period not exceeding sixty days, suspend the privilege of the writ of *habeas corpus* or place the Philippines or any part thereof under martial law...";

WHEREAS, President Rodrigo Roa Duterte issued Proclamation No. 216, series of 2017, entitled, "Declaring a

State of Martial Law and Suspending the Privilege of the Writ of *Habeas Corpus* in the whole of Mindanao”, on May 23, 2017 (the “Proclamation”);

WHEREAS, pursuant to his duty under the Constitution, on May 25, 2017, and within forty-eight hours after the issuance of the Proclamation, President Duterte submitted to the Senate his report on the factual and legal basis of the Proclamation;

WHEREAS, on May 29, 2017, the Senators were briefed by the Department of National Defense (DND), the Armed Forces of the Philippines (AFP), and by the National Security Council (NSC) on the factual circumstances surrounding the Proclamation as well as the updates on the situation in Mindanao;


WHEREAS, on the basis of information received by the Senators, the Senate is convinced that President Duterte declared martial law and suspended the privilege of the writ of *habeas corpus* in the whole of Mindanao because actual rebellion exists and that public safety requires it;

WHEREAS, the Senate, at this time, agrees that there is no compelling reason to revoke Proclamation No. 216, series of 2017;


WHEREAS, the Proclamation does not suspend the operation of the Constitution, which among others, guarantees respect for human rights and guards against any abuse or violation thereof: Now, therefore, be it

*Resolved, as it is hereby resolved, To express the sense of the Senate, that there is no compelling reason to revoke Proclamation No. 216, series of 2017 at this time.*

Adopted,

  
AQUILINO “KOKO” PIMENTEL III  
*President of the Senate*

This Resolution was adopted by the Senate on  
May 30, 2017.



LUTGARDO B. BARBO  
*Secretary of the Senate*

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