

Statement on National Emergency

Saturday 4 March 2006, by [DIOKNO Jose Manuel I.](#), [FLAG](#) (Date first published: 24 February 2006).

The FREE LEGAL ASSISTANCE GROUP [FLAG] strongly condemns Proclamation 1017 declaring a state of national emergency. Proclamation 1017 is a license given to the military and police to use against whosoever they perceive to be enemies; it silences all forms of criticism, including media reporting.

Through Proclamation 1017, Gloria Macapagal Arroyo has arrogated unto herself the power to promulgate decrees, orders and regulations (last paragraph), not different, in effect, from Amendment No. 6, which Marcos used to legislate:

“Whenever in the judgment of the President, there exists a grave emergency or a threat or imminence thereof, ... he may, in order to meet the emergency, issue the necessary decrees, orders or letters of instructions, which shall form part of the law of the land.”

In Proclamation 1017, Gloria Macapagal Arroyo alleges a “conspiracy” between “elements in the political opposition,” “extreme left,” and “extreme right,” fueled by “certain segments of the national media” to “bring down the duly constituted Government elected in May 2004.” (1st and 3rd Whereas Clauses) All who are or may be identified as belonging to the political opposition, extreme left, extreme right and the national media are targets.

Proclamation 1017 is arbitrary; it contains no clear directives, standards or guidelines; it sets no time frame for the duration of the emergency. Even worse, Gloria Macapagal Arroyo’s public announcement categorically cedes to the Armed Forces of the Philippines and the Philippine National Police the power to do whatever needs to be done as a consequence of this Proclamation, without limit or accountability.

There is neither factual nor legal basis for the declaration of a national emergency. In her public statement announcing Proclamation 1017, Gloria Macapagal Arroyo herself over nationwide television announced that she was “in control” of the situation and that threats against her government had already been neutralized and quelled. There is, therefore, no real emergency to speak of. In addition, if all Gloria Macapagal Arroyo wants to do is to prosecute those who violate the law, there are adequate laws and processes to investigate and prosecute them.

Proclamation 1017 cites two constitutional provisions as its legal basis: the commander-in-chief provision (Art. VII, Sec. 18) and the emergency powers provision (Art. XII, Sec. 17).

Under Section 18, the only grounds to call out the Armed Forces are lawless violence, invasion or rebellion; while the only grounds to suspend the privilege of the writ of habeas corpus, or to declare martial law are invasion or rebellion. Not one of these grounds exists. A so-called “conspiracy to bring down” Gloria Macapagal Arroyo is not-in and of itself-lawless violence, invasion or rebellion.

While Art. XII, Sec. 17 allows the President to declare a state of national emergency (which may include a “military national emergency”), the only power granted the State under this provision is to “temporarily take over or direct the operation of any privately owned public utility or business affected with public interest.” This power may only be exercised during the emergency and under

reasonable terms.

By “saving democracy,” Gloria Macapagal Arroyo has just destroyed it. FLAG calls on Gloria Macapagal Arroyo to withdraw her Proclamation.

Quezon City, Philippines, 24 February 2006.

JOSE MANUEL I. DIOKNO
Chairman