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Ex-poll chief to SC: Review ML in Mindanao

By **EDU PUNAY**

Former Commission on Elections chair Christian Monsod has asked the Supreme Court (SC) to review the factual basis for extending the declaration of martial law in Mindanao, arguing that there is no existing rebellion or invasion to justify it.

The grounds for declaring martial law, he stressed at yesterday's oral arguments on four petitions challenging the one-year extension, are limited under the 1987 Constitution, and mere threats of rebellion and invasion cannot be used for such proclamation.

Monsod, one of the drafters of the Constitution and member of the 1986 constitutional commission, pointed out that the framers of the 1987 Constitution included the martial law provision despite its past horrors because "we want to cover an extraordinary situation. That is why the provision is specific, extraordinary and ultimate."

"Martial law is supposed to be for exceptional case. We made the window smaller for declaration of martial law. We took away imminent danger, insurrection and the like," he recalled.

He added that the July 2017 SC decision that upheld President Duterte's martial law declaration "seems to say that it is a mea-

sure of first resort rather than a last resort."

"You asked your honor why are we relying more on 15 justices rather than 292 congressmen and 24 senators (because) that is the essence of the separation of powers and the system of checks and balances in our Constitution and there is a vetting process by which the 15 justices are assumed to have the wisdom, experience and the fortitude to stand up to the other powers of government," Monsod told the justices during interpellation.

"I was taught in law school that the executive is the sword, the legislative is the purse and the judiciary is the conscience of the nation. That is why we are here today," he added.

Monsod is one of four petitioners in the latest legal challenge to martial law declaration, which was upheld by the SC last year. The other three are former Commission on Human Rights (CHR) chair Loretta Ann Rosales, a group of congressmen led by Albay 1st District Rep. Edcel Lagman and another group led by Bayan Muna Rep. Carlos Zarate and Anakpawis Rep. Ariel Casilao.

The petitioners argued that there is no factual basis as required by

* MARTIAL LAW

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the 1987 Constitution to justify the extension of martial law, claiming that the administration has even admitted that there is no actual rebellion in Mindanao and that the government declared a victory over the IS-linked Maute terror group in October last year, after a five-month campaign to oust them from Marawi city.

They added that the grounds raised by the executive branch in extending martial law, which was approved by Congress, "do not rise to the level of rebellion that constitutes a threat to public safety as contemplated by the Constitution."

Solicitor General Jose Calida already sought the dismissal of the petitions for lack of basis.

In ordering the extension, Duterte cited as basis the continuing recruit-

ment of terrorist groups in Mindanao, the increasing violence by the communist New People's Army and the need to speed up the rehabilitation of Marawi.

The SC will continue the oral arguments today and has summoned Defense Secretary Delfin Lorenzana

as martial law administrator, Armed Forces chief of staff Gen. Rey Leonardo Guerrero and Philippine National Police chief Director General Ronald dela Rosa to the hearing.