

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE JOINT RESOLUTION No. 05



Introduced by

BAYAN MUNA Party-List Representatives **CARLOS ISAGANI T. ZARATE**,
FERDINAND R. GAITE and **EUFEMIA C. CULLAMAT**, ACT TEACHERS Party-List
Representative **FRANCE L. CASTRO**, **GABRIELA Women's Party** Representative
ARLENE D. BROSAS and **KABATAAN Party-List** Representative **SARAH JANE I.**
ELAGO

**JOINT RESOLUTION TO CONVENE BOTH HOUSES OF CONGRESS IN JOINT
SESSION FOR THE REVOCATION OF PROCLAMATION NO. 216, SERIES OF 2017
DECLARING A STATE OF MARTIAL LAW AND SUSPENDING THE PRIVILEGE OF
THE WRIT OF HABEAS CORPUS IN THE WHOLE OF MINDANAO IN
ACCORDANCE WITH ART. VII, SEC. 18 OF THE 1987 CONSTITUTION**

WHEREAS, on May 23, 2017, President Rodrigo Duterte issues Proclamation No. 216, series of 2017, Declaring a State of Martial Law and Suspending the Privilege of the Writ of Habeas Corpus in the Whole of Mindanao as a result of the violence that erupted in the Islamic City of Marawi;

WHEREAS, three (3) extensions of Proclamation No. 216 have been allowed by the joint houses of Congress thus far. The first extension was granted on July 22, 2017 to extend martial law until December 31, 2017. The second extension was granted on December 13, 2017 to extend martial law for a period of one year, or up to December 31, 2018. On December 6, 2018, President Duterte again wrote both Houses of Congress, seeking for a third, but, another one-year extension of Proclamation No. 216. The third extension of Proclamation No. 216 is until December 31, 2019. If allowed to run its full course, martial law in Mindanao will last for 952 days, nearly half of President Duterte's term in office;

WHEREAS, the third extension of martial law premised itself on the supposed on-going rebellion in Mindanao, and to "continue to prevent the same from escalating in other parts of the country." However, President Duterte recognized that his narration in his third letter merely illustrates the general situation of rebellion in Mindanao and promised to submit a more detailed report on the subsisting rebellion to Congress. However, no such detailed report, or any other report was given to the members of Congress;

WHEREAS, four separate petitions were filed in the Supreme Court questioning the validity of the third extension. One of the congruent arguments of petitions are that there is no sufficient factual basis for the third extension of martial law and the suspension of the privilege of the writ of habeas corpus in Mindanao. Primarily, the imposition of martial law under Proclamation 216 failed to satisfy the public safety requirement in the 1987 Constitution. The petitions also argued that the situation in Mindanao has not made the civilian government unable to conduct its functions and operations;

WHEREAS, but the biggest argument against the drawn-out martial rule in Mindanao is the resulting humanitarian crisis. From May 23, 2017 to May 23, 2019, human rights organization Karapatan has documented 93 cases of extrajudicial killings, 136 cases of frustrated extrajudicial killings, 35 cases of torture, 1,450 cases of illegal arrests, 28,813 cases of threat, harassment and intimidation, and 423,538 victims of forced evacuation in Mindanao;

WHEREAS, one of the more notable cases of human rights atrocities in the carrying out of martial law is the Patikul massacre in September 2018. Moro human rights group Suara Bangsamoro claim that the seven (7) persons killed were martial law-displaced civilians shot at by elements of the Scout Rangers while harvesting mangosteen¹.

WHEREAS, similarly, eight (8) indigenous people of T'boli, Dulangan Manobo, and B'laan tribes were massacred in Barangay Ned, Lake Sebu in December 3, 2017 in an incident that the Armed Forces of the Philippines (AFP) claim was an encounter with communist New People's Army. The families of the slain vehemently denied this claim, consequently filing lawsuits against the involved military elements²;

WHEREAS, the illegal arrest of former Bayan Muna Representative Satur Ocampo and ACT Teachers Partylist Representative France Castro along with seventeen (17) other human rights defenders attests to the seeming dominion of the military and police over all legal processes and human dignity. They were arrested in the course of their human rights work, responding to pleas for aid by lumad children. Former Rep. Ocampo and Rep. Castro wanted to provide food packs and medical services to students and teachers who face threats as well as the eventual "forcible closure" of their schools by the paramilitary group Alamara under the 56th Infantry Battalion (IB) of the Philippine Army³;

WHEREAS, additionally, various irregularities cropped up in the implementation of martial law. These include the possible connivance of AFP and PNP officers and personnel and use of government resources to aid actors that they are allegedly trying to pursue. In 2017, a Davao police official was caught after providing supplies and aiding suspected members of the Abu Sayyaf Group (ASG) in Bohol⁴. In December 2018, PhP 1.2 million worth of firearms and

¹ <https://www.mindanews.com/top-stories/2018/09/7-slain-in-patikul-sulu-encounter-massacre-mistaken-identity/> retrieved 2 July 2019

² <https://news.abs-cbn.com/news/12/16/17/lake-sebu-lumad-massacre-followed-visit-of-barangay-captain> retrieved 2 July 2019

³ <https://www.rappler.com/nation/217814-makabayan-statement-arrest-satur-ocampo-france-castro> retrieved 2 July 2019

⁴ <https://www.sunstar.com.ph/article/138241> retrieved 2 July 2019

ammunitions used by the Maute Group and ASG were traced to the AFP, after investigations by the police⁵. The recovered weapons were marked with "AFP," "Government Property," and "Philippine Army.";

WHEREAS, the economic cost of martial law is enormous, despite no exact numbers are revealed by the government. Defense Secretary Delfin Lorenzana admitted on August 2017, three months into the declaration of martial law in Mindanao, that they have already spent ₱3 billion. In six (6) months, groups estimate that some ₱587.1 billion was already spent. Commerce also plummeted because of martial law⁶;

WHEREAS, the National Economic Development Authority (NEDA) claimed that Martial law has a positive effect on the economy⁷. However, the President's own daughter, Davao Mayor Sara Duterte has requested the lifting of martial law in her jurisdiction, citing "worry" of tourists and event organizers⁸. Mayor Duterte also said that they have "relatively stable peace" adding that "...with Davao City, what they are enjoying now, we enjoyed it before martial law"⁹;

WHEREAS, the social and economic costs of the protracted extension of martial law and the suspension of the writ of habeas corpus is immense. It has severely affected the security and safety of civilians, as illustrated by the spike of human rights violations against thousands of people and communities. Similarly, the spending of billions in martial law is costing the Filipino people of funds that could have been spent on education, health, and other social services and government programs that would address the root causes of armed conflict in the country;

WHEREAS, both Houses of Congress must commit to its mandate to protect the rights and welfare of the Filipino people and in accordance to the Constitution;

NOW THEREFORE BE IT RESOLVED, that the House of Representatives and the Philippine Senate to immediately convene in joint session and revoke Proclamation No. 216, series of 2017 Declaring a State of Martial Law and Suspending the Privilege of the Writ of Habeas Corpus in the Whole of Mindanao in Accordance with Art. VII, Sec. 18 of the 1987 Constitution

Adopted,

⁵ <https://www.rappler.com/nation/219091-guns-bullets-from-maute-abu-sayyaf-suppliers-traced-to-military> retrieved 2 July 2019

⁶ <https://www.rappler.com/thought-leaders/220660-analysis-economic-fallacies-mindanao-martial-law-extension> retrieved 2 July 2019

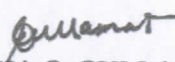
⁷ <https://www.sunstar.com.ph/article/1802879> retrieved 3 July 2019


⁸ <https://www.rappler.com/nation/233571-sara-duterte-wants-martial-law-lifted-davao-city> retrieved 11 July 2019

⁹ <https://www.mindanews.com/top-stories/2019/06/mayor-sara-to-ask-president-duterte-to-exempt-davao-city-from-martial-law/>

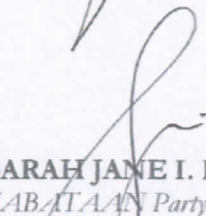

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