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SENATE

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P.S. Res. No. 326

Introduced by SENATOR LEILA M. DE LIMA

**RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE
IMPLEMENTATION OF MARTIAL LAW IN MINDANAO PURSUANT TO
PROCLAMATION NO. 26, ISSUED BY PRESIDENT RODRIGO R. DUTERTE
ON 23 MAY 2017, WITH THE END IN VIEW OF CHRONICLING THE
ACCOMPLISHMENTS AND LEARNINGS DURING THE PERIOD,
DETERMINING WHETHER OR NOT THE REBELLION IN THE REGION
WAS PUT UNDER CONTROL, AND EXACTING ACCOUNTABILITY ON
HOW PUBLIC FUNDS WERE SPENT, THE NUMBER OF ARRESTS MADE
AND CASES FILED, HOW THE GOVERNMENT DEALT WITH HUMAN
RIGHTS VIOLATIONS IN THE REGION, AND HOW THE GOVERNMENT IS
HELPING IN THE REHABILITATION OF THE REGION**

1 WHEREAS, Article II, Section 5 of the Constitution states that, “[t]he maintenance
2 of peace and order, the protection of life, liberty, and property, and promotion of the
3 general welfare are essential for the enjoyment by all the people of the blessings of
4 democracy”;

5 WHEREAS, Article II, Section 11 of the Constitution declares that, “[t]he State
6 values the dignity of every human person and guarantees full respect for human rights”;

7 WHEREAS, Article III, Section 7 of the Constitution provides that, “[t]he right of
8 the people to information on matters of public concern shall be recognized”;

9 WHEREAS, Article VII, Section 18 of the Constitution pronounces in part that, “[a]
10 state of martial law does not suspend the operation of the Constitution”;

1 WHEREAS, Article XI, Section 1 of the Constitution proclaims that, “[p]ublic office
2 is a public trust. Public officers and employees must, at all times, be accountable to the
3 people...”;

4 WHEREAS, in the afternoon of 23 May 2017, residents of Marawi City were jolted
5 by loud explosions as clashes between military forces and local Maute group erupted.¹ The
6 military chasing after high value targets, and Maute members fighting for their ideologies
7 amidst the bloodbath. The chaos spread like wildfire in the entire province within a matter
8 of hours as fires broke out, darkness enveloped the skies when the power was cut, and
9 gunshots from opposing sides pervaded the air.² By nightfall, President Rodrigo Duterte
10 declared martial law in all of Mindanao through Proclamation No. 216 entitled,
11 “Declaring a State of Martial Law and Suspending the Privilege of the Writ of *Habeas*
12 *Corpus* in the Whole of Mindanao”;³

13 WHEREAS, then Presidential Spokesperson Ernesto Abella said that martial law
14 in the area will be in effect for a period of sixty (60) days as stipulated in the Constitution;⁴

15 WHEREAS, the morning after the initial clash, Marawi City Mayor Majul Usman
16 Gandomra appealed to the government to uphold human rights of innocent civilians in
17 Mindanao during martial law. Just hours after the issuance of such plea, the Commission
18 on Human Rights (CHR) echoed the same sentiments within the day – requesting the
19 government to “ensure that the rights of all Filipinos are upheld while addressing this
20 humanitarian crisis in southern Philippines...” In reminding the government “of the
21 lessons of the 1972 declaration under a regime of a dictatorship”, the CHR expressed its
22 hope “that we may never again repeat this dark past and continue to recognize the higher
23 value of human dignity at all times.”⁵ Amnesty International in urging the government to
24 practice utmost restraint during this time said that “the authorities, including army
25 commanders, must make it clear that military personnel of all ranks will not be exempted

¹ Fonbuena, Carmela. “Troops clash with terror groups in Marawi City.” 23 May 2017. Rappler. Retrieved from: <https://www.rappler.com/nation/170705-clashes-marawi-city-terrorist-groups>

² Fonbuena, Carmela and Bueza, Micheal. “TIMELINE: Marawi clashes prompt martial law in all of Mindanao.” 24 May 2017. Rappler. Retrieved from: <https://www.rappler.com/nation/170744-timeline-marawi-city-martial-law>

³ Morales, Yvette. “Duterte declares martial law in Mindanao.” 24 May 2017. CNN Philippines. Retrieved from: <https://cnnphilippines.com/news/2017/05/24/Duterte-declares-martial-law-in-Mindanao.html>

⁴ *Ibid.*

⁵ Gavilan, Jodesz. “CHR reminds gov’t: Protect human rights in martial law implementation.” 24 May 2017. Rappler. Retrieved from: <https://www.rappler.com/nation/170821-chr-protect-human-rights-martial-law-implementation>

1 from prosecution for human rights violations committed when carrying out their duties.”⁶
2 Human Rights Watch for its part likewise issued a similar call, saying that because
3 “martial law is not a free pass for abuse”, it is “crucial that the country’s security forces
4 abide by international law at all times and hold rights violators to account”;⁷

5 WHEREAS, contrary to the earlier pronouncement of then Presidential
6 Spokesperson Abella, Martial law in Mindanao lasted for two-and-a-half years, having
7 been extended for three times since its initial declaration. In a statement released on 11
8 December 2017, Albay 1st District Edcel Lagman hit President Duterte’s desire to extend
9 martial law in Mindanao, and said that the “request for Congress to extend martial law in
10 the entire Mindanao for one more year amounts to a patent violation of the safeguards
11 which the 1987 Constitution imposes for the limited grounds and duration of martial law
12 and its extension.”⁸ The extensions followed despite and after President Duterte declared
13 the region as “liberated from the terrorist influence”⁹ on 17 October 2017, or five (5)
14 months after the issuance of Proclamation No. 216;

15 WHEREAS, the leader of *T'boli-Dulangan Manobo*, Datu Victor Danyan, and
16 seven others including his two sons were killed on 03 December 2017 – recorded by the
17 CHR as the first martial-law related case in Region 12. CHR-12 Director Erlan Deluvio, in
18 a radio interview said that the “military “might” had killed the eight in the course of their
19 operation under the implementation of martial law to pursue communist rebels.” The
20 bloody encounter had Alliance for Genuine Development campaign officer Arleen Alonzo
21 later appealing to the government to lift martial in Mindanao as it “worsens the human
22 rights situation in the island.”¹⁰ The army explained the eight victims were “caught in
23 crossfire between its soldiers and the New People’s Army, a communist rebel group. But

⁶ Gavilan, Jodesz. “Amnesty Int’l urges ‘utmost restraint’ in martial law enforcement.” 25 May 2017. Rappler. Retrieved from: <https://www.rappler.com/nation/170894-amnesty-international-human-rights-watch-utmost-restraint-martial-law-mindanao>

⁷ “Human Rights Watch warns of more abuses under martial law.” 26 May 2017. ABS-CBN News. Retrieved from: <https://news.abs-cbn.com/news/05/26/17/human-rights-watch-warns-of-more-abuses-under-martial-law>

⁸ Cupin, Bea. “Lagman on Duterte’s martial law extension: violation of Constitution.” 11 December 2017. Rappler. Retrieved from: <https://www.rappler.com/nation/191007-martial-law-extension-lagman-duterte-constitution>

⁹ Macas, Trisha. “Duterte declares Marawi City is free.” 17 October 2017. GMA News. Retrieved from: <http://davaotoday.com/main/human-rights/soccsksargen-files-first-martial-law-related-case/>

¹⁰ Genotiva, Mara. “Soccsksargen files ‘first’ martial law-related case.” 17 January 2018. Davao Today. Retrieved from: <http://davaotoday.com/main/human-rights/soccsksargen-files-first-martial-law-related-case/>

1 Such attack on indigenous peoples is not isolated, with human rights groups, Indigenous
2 campaigners, independent forensic experts and legal activists disputing the military's
3 version of events. "According to a recent report by Global Witness, an independent
4 watchdog, such attacks soon became the norm under Duterte's martial law, as the military
5 rule empowered an army already known for protecting business projects and attacking
6 those who oppose them."¹¹ On 27 December, a statement issued by UN special rapporteurs
7 Victoria Tauli-Corpuz and Cecilia Jimenez-Damary noted that the ongoing militarization
8 in Mindanao has "massive and potentially irreversible" impact on human rights of some
9 Lumads. "Thousands of Lumads have already been forcibly displaced by the conflict and
10 have seen their houses and livelihoods destroyed," the UN experts said. "We fear the
11 situation could deteriorate further if the extension of martial law until the end of 2018
12 results in even greater militarization," they added;¹²

13 WHEREAS, a year since the declaration of Martial Law in Mindanao, records bare
14 the number of violations and transgressions perpetrated against human rights and
15 human lives. In 2018, rights group Karapatan submitted a report to the United Nations
16 independent experts on the alleged civil and political rights violations during the first year
17 of its implementation. The report "outlines how the Duterte administration, through its
18 brand of war-on-terror with the imposition and extension of martial law in Mindanao and
19 the continuing implementation of government's counterinsurgency program Oplan
20 Kapayapaan, has promoted state terrorism and violence in the southern Philippines,"
21 Karapatan said. Having documented at least 49 victims of extrajudicial killings in
22 Mindanao, 116 victims of frustrated extrajudicial killings, 22 cases of torture, 89 victims
23 of illegal arrest and detention, and 336, 124 victims of indiscriminate gunfire and aerial
24 bombings in year one alone, - including 404, 654 individuals who have been displaced
25 largely because of the bombings, Karapatan postulated that, "many more reported cases
26 reveal a much graver magnitude of the effects of martial law." These figures, it said, cannot
27 completely cover all of the everyday horrors that the residents therein are forced to endure

¹¹ Montalvan, Antonio II. "*What did Duterte's martial law achieve in Mindanao?*" 30 December 2019. Aljazeera. Retrieved from: <https://www.aljazeera.com/indepth/opinion/duterte-martial-law-achieve-mindanao-191230054020719.html>

¹² "UN warns Philippines over 'massive' impact of military ops on Lumads in Mindanao." 28 December 2017. Philippine Star. Retrieved from: <https://www.philstar.com/headlines/2017/12/28/1772563/un-warns-philippines-over-massive-impact-military-ops-lumads-mindanao>

1 given that “the dangers of ensuring security in travelling across the area prevent news
2 gatherers and documenters from looking into field conditions...”;¹³

3 WHEREAS, the successive extensions of the martial law declaration had
4 Representative Edcel Lagman questioning its continued validity. “Where is the actual
5 invasion or actual rebellion in Mindanao? The Constitution provides that martial law can
6 only be declared and its extension authorized in case of invasion or rebellion when public
7 safety requires it,” said Lagman. “There is no more factual basis for the extension of
8 martial law in Mindanao after President Duterte declared the liberation of Marawi City
9 from rebels and terrorists almost two months ago, and government combat forces had
10 been withdrawn,” he added. The request, the statement read, is a “malevolent
11 perpetuation of the subjugation of the supermajority in the Congress by the President
12 even against the unequivocal provisions of the Constitution protecting civil liberties and
13 the rule of law. The House ‘supermajority’ is led by the ruling PDP-Laban and counts
14 politicians from different parties as its members.” Representative Lagman further
15 described it as a “blatant mockery of the liberality of the majority of the Supreme Court
16 in upholding the President’s past questionable actions”;¹⁴

17 WHEREAS, with the primordial objective to “put an end to the long-running
18 rebellion in various provinces in the Mindanao”,¹⁵ and protect the general welfare of
19 Filipinos, the declaration of Martial Law entailed significant spending of public funds
20 which was reported to be already at ₱587.1 billion¹⁶ in the first six months of the Martial
21 Law declaration alone. Having been implemented for a total of 953 days, it has
22 presumably demanded billions more of public funds;

23 WHEREAS, in the hearing of the martial law third extension in the Supreme Court,
24 Representative Edcel Lagman was quoted saying, “only in the Philippines does rebellion
25 exist without a single rebel.” News reports revealed that the “AFP’s Office of the Deputy

¹³ Cabico, Gaea. “Karapatan submits report on rights violation under martial law in Mindanao to UN experts.” 22 May 2018. Philippine Star. Retrieved from: <https://www.philstar.com/headlines/2018/05/22/1817609/karapatan-submits-report-rights-violation-under-martial-law-mindanao-un-experts>

¹⁴ *Supra* Note 13.

¹⁵ Philippine News Agency. “DND: Martial law in Mindanao necessary.” 31 May 2017. Retrieved from: <http://www.pna.gov.ph/articles/992505>

¹⁶ Romero P. “There’s enough budget for martial law extension — senators.” 13 December 2017. Philippine Star. Retrieved from: <https://www.philstar.com/headlines/2017/12/13/1768276/theres-enough-budget-martial-law-extension-senators>

1 Chief of Staff for Intelligence submitted a report to the President in December 2018 saying
2 that during the second extension of martial law, not a single person had been captured,
3 arrested or charged with rebellion.” Representative Edcel Lagman said the report, signed
4 by Maj. Gen. Fernando Trinidad, documented cases of arrest and cited only four instances
5 when persons were arrested but not charged with rebellion.¹⁷ However, Presidential
6 Spokesperson Salvador Panelo reasoned that, “if no arrest has been made on the rebels
7 then with more reason martial law in Mindanao should continue because the rebellion
8 continues.”¹⁸ A contradiction of the earlier declaration of liberation of Marawi by the
9 President himself;¹⁹

10 WHEREAS, the freeing of Marawi City, Presidente Duterte asserted in October
11 2017, marks the “beginning of the rehabilitation.” However, as of November 2019, “more
12 than 4 billion of the 10 billion peso 2018 rehabilitation fund remains unreleased and will
13 expire by the year's end. More than two years after its “liberation”, Marawi remains a
14 ghost town. Moreover, thousands who lost their homes during the siege are still struggling
15 to survive in makeshift camps outside the city.” Quoting a leader of the Moros, Rufa
16 Cagoco Guiam, “Task Force Bangon Marawi is nowhere near fulfilling its promise of
17 reconstructing Marawi, despite billions of pesos in its disposal. What does this say of the
18 government that ordered the destruction of Marawi's economic heart?”²⁰

19 WHEREAS, the reign of martial law in Mindanao ended at 11:59 PM of 31
20 December 2019 – marking the end to a long period of heightened military tension on the
21 country’s southern main island. “As martial law expires at 11:59 tonight, we are confident
22 of an improved security climate in Mindanao that will work for the benefit of fellow
23 Filipinos,” military spokesman Brigadier General Edgard Arevalo said in a statement.
24 Defense Chief Lorenzana stated that the security sector “believes that the objective of the
25 martial law has been achieved”, and that the rebellion in Marawi, Lanao del Sur and other
26 areas in Mindanao “have been effectively stopped.” Furthermore, he added that “they are

¹⁷ Aning, Jerome. *“Petition at SC vs martial law cites AFP intel report.”* 06 Januart 2019. Inquirer. Retrieved from: <https://newsinfo.inquirer.net/1069886/petition-at-sc-vs-martial-law-cites-afp-intel-report>

¹⁸ Romero, Alexis. *“No rebel arrests means rebellion in Mindanao persists, Palace says.”* 06 January 2019. Philippine Star. Retrieved from: <https://www.philstar.com/headlines/2019/01/06/1882785/no-rebel-arrests-means-rebellion-mindanao-persists-palace-says>

¹⁹ Santos, Eimor. *“Duterte declares liberation of Marawi.”* 13 October 2017. CNN Philippines. Retrieved from:

²⁰ *Supra Note 16.*

1 confident that they can maintain the current peace and order in Mindanao and that an
2 attack similar in scale to Marawi cannot be waged by the remnants of the Mautes or by
3 any other terrorist groups in the future";²¹

4 WHEREAS, the end to the two and a half long military rule in Mindanao is a mere
5 "smokescreen for a more sinister and monstrous attack on the Moro people: the rise of a
6 sprawling military camp at the heart of an Islamic city that it has destroyed. After reducing
7 Marawi into ashes, Duterte commits yet another historical injustice against the Moro
8 people by establishing a military garrison around a civilian population it has sweepingly
9 treated and unjustly punished as 'terrorists'.", Marawi-based civil society group *Suara*
10 *Bangsamoro* expressed;²²

11 WHEREAS, the two-and-a-half year martial law declared in Mindanao under this
12 administration is the only such declaration since the time of the late dictator Ferdinand
13 Marcos;

14 WHEREAS, not unlike the previous martial rule, the recent one is likewise mired
15 with allegations of human rights abuses and characterized by lack of transparency
16 throughout its implementation;

17 WHEREAS, it is the constitutional duty of Congress to check the executive and
18 hold them accountable for the extraordinary powers given to them by our people as well
19 as the billions of pesos spent to fund the martial rule;

20 WHEREAS, we likewise owe it to the succeeding generations to chronicle the
21 period in our history where the entire region of Mindanao was placed under military
22 power – that time in our history where families were forced to walk away from their
23 homes in the middle of the affray while looking back to their houses and livelihood
24 burning down to the ground, family and friends drowning in their own blood, and the life
25 that they have known of suddenly vanishing into blinding smoke and deafening gunshot
26 sounds;

²¹ Gotinga, JC. "After 2 and a half years, martial law ends in Mindanao." 31 December 2019. Rappler. Retrieved from: <https://www.rappler.com/nation/248253-martial-law-mindanao-ends-december-31-2019>

²² *Supra* Note 16.

1 WHEREAS, these events that have transpired in the southmost part of the
2 Philippine archipelago demands to be recounted in a full-blown inquiry so that its
3 accomplishments, if there are any, may be echoed in other future legislation; and its
4 failures may be no longer be repeated through meaningful legislation;

5 WHEREAS, conflicting reports and statements must be looked into and
6 investigated to determine whether arrests in relation with the declaration of martial law
7 were made and cases were filed against those tagged as enemies of the State, and whether
8 due process and the rights of the accused afforded by the Constitution were respected and
9 upheld;

10 WHEREAS, there is a need to inquire into the spending of public funds to
11 determine whether the purpose sought by the declaration of martial law was truly
12 achieved, and whether the region was rehabilitated from the ashes that tore families apart
13 and destroyed homes and livelihood;

14 WHEREAS, a thorough investigation into the human rights abuses perpetrated
15 under the cloak of impunity made possible by a military control over the region is vital in
16 ensuring that such abuse of power may never again be replicated and those who abused
17 their offices are duly punished and held accountable;

18 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE**, to direct the
19 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
20 implementation of martial law in Mindanao pursuant to Proclamation No. 26, issued by
21 President Rodrigo R. Duterte on 23 May 2017, with the end in view of chronicling the
22 accomplishments and learnings during the period, determining whether or not the
23 rebellion in the region was put under control, and exacting accountability on how public
24 funds were spent, the number of arrests made and cases filed, how the government dealt
25 with human rights violations in the region, and how the government is helping in the
26 rehabilitation of the region.

Adopted,


LEILA M. DE LIMA