

Philippines: Martial law vs terrorism a fallacy, says Supreme Court justice Leonen

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Imposing martial law to fight terrorism is a “fallacy,” according to Associate Justice Marvic Leonen, the lone dissenter in the landmark ruling of the Supreme Court that upheld the constitutionality of President Rodrigo Duterte’s martial law order in Mindanao.

The court spokesperson on Tuesday announced that the magistrates voted 11-3-1 to support the constitutionality of the President’s declaration, throwing out three petitions that questioned the factual basis of the emergency. Three justices partially agreed with the decision.

Not yet released

The texts of the majority decision and the concurring and dissenting opinions had not been released as of press time on Wednesday.

Leonen, who tweeted to reporters excerpts from his dissenting opinion, challenged his colleagues on the 15-member tribunal to stand up against efforts to “clothe authoritarianism in any disguise with the mantle of constitutionality.”

He said members of the Islamic State-inspired Maute terror group that stormed Marawi City on May 23, prompting the emergency proclamation, should not be regarded as rebels, but terrorists “capable of committing atrocious acts.”

“Never again should this court allow itself to step aside when the powerful invoke vague powers that feed on fear but could potentially undermine our most cherished rights,” Leonen said.

“Never again should we fall victim to a false narrative that a vague declaration of martial law is good for us no matter the circumstances,” he stressed.

Lesson in history

“History teaches us that to rely on the iron fist of an authoritarian backed up by the police and the military to solve our deep-seated social problems that spawn terrorism is fallacy,” he said.

The magistrate said the tribunal, in dismissing the petitions against Mr. Duterte’s Proclamation No. 216, should “exorcise with passion” what he described as “the ghost of [Ferdinand] Marcos’ martial law ... whenever its resemblance reappears.”

“We should temper our fears with reason. Otherwise, we succumb to the effects of the weapons of terror. We should dissent — even resist — when offered the farce that martial law is necessary because it is only an exclamation point,” he said.

“The terrorist wins when we suspend all that we believe in. The terrorist wins when we replace social justice with disempowering authoritarianism,” he said.

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P.S.

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