

# Martial law revisited

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MANILA, Philippines — THIRTY-FIVE years ago, Ferdinand Marcos invoked the emergency powers provided by the 1935 Constitution in order to seize control of the main levers of government. Presidential Decree 1081 ushered in a dictatorship that lasted almost 14 years. The events that unfolded on that fateful day in September 1972 were not entirely unexpected. People knew martial law was coming. The only question was how it was going to be carried out and how the nation would react to it.

I was 26, and had been back in the country only a few months. I left England, where I was a graduate student, to be with my wife and young son while I wrote the first draft of my dissertation. The news I was getting from the Philippines agitated me no end. The country looked headed toward a political upheaval. I asked myself what I was doing abroad, learning theory, at a time like this. Relative peace had returned to the groves of European academe after the impulse that drove the May 1968 student riots in Western Europe began to wane. In the face of a Right-wing public backlash, student activism in Europe retreated into the sober confines of seminar rooms. In an instant, the center of gravity of youth protest shifted to Asia, impelled by the issues thrown up by the Vietnam War and the rise of American-sponsored dictatorships all over the Third World. It was time to come home, I remember telling myself.

Student and faculty activism was in full swing in almost every major campus in the country when I got home in late July 1972. There was great political energy, and hopefulness was palpable in the air. Marcos was serving the last year of his second and final term as president, and everyone looked forward to his ignominious exit from power in 1973, if not sooner. His brazen effort to control the work of an ongoing Constitutional Convention so he could remain in power was bannered in all the newspapers. The growing protest in the streets was determined to stop him.

Bombs were being exploded in various parts of the metropolis. There were demonstrations in key cities, and they were getting noisier and more daring by the day. Charges of massive corruption in high places filled the media. Marcos was beginning to look like a cornered rat, and the country seemed to be moving inexorably toward a dramatic political transition. It all seemed so easy. I remember my late father-in-law, the historian and writer Renato Constantino, telling us that Marcos could be encouraging adventurism in the streets and perhaps even staging some of the bomb explosions himself to create a picture of widespread chaos and lawlessness, a perfect setting for the imposition of martial law.

That thought did cross our minds, but it could not override the promise of a political momentum threatening to sweep not only Marcos but the entire bankrupt social order. What we overlooked was the methodical way in which he had managed to secure the personal allegiance of the whole chain of command of the armed forces. Contrary to what we wanted to believe, Marcos was a forward-looking fox with a clear objective, who quietly marshaled the resources he needed to be able to mount a coup against the very constitution from which he drew his emergency powers.

As succeeding events would show, Marcos correctly read the public pulse. The lightning arrest of his

political enemies and critics failed to spark public protest. The massive deployment of the military in the streets forced activists to lie low or go underground. The padlocking of Congress went unlamented. The rest of the country quietly cheered the swift restoration of public order and the imposition of restrictions on civil liberties in the name of national discipline.

Marcos invoked emergency powers ostensibly to ensure public safety and to protect the Republic against a rebellion that supposedly had been mounted by rightist and leftist forces. But the emergency became, under the Marcos-crafted 1973 Constitution, the regular mode of governance.

It is amazing how the Supreme Court resorted to a novel mode of legal reasoning in order to weave a coherent justification for continuing martial law powers long after the emergency had passed. Here is the Court in *Aquino Jr. vs Comelec* (1975): *"We affirm the proposition that as Commander-in-Chief and enforcer or administrator of martial law, the incumbent President of the Philippines can promulgate proclamations, orders, and decrees during the period of Martial Law essential to the security and preservation of the Republic, to the defense of the political and social liberties of the people and to the institution of reforms to prevent the resurgence of rebellion or insurrection or secession or the threat thereof as well as to meet the impact of a world-wide recession, inflation, or economic crisis which presently threatens all nations including highly developed countries."*

Now we know that a "state of rebellion" can easily be concocted. In February 2006, Gloria Macapagal-Arroyo tried to pull a fast one on the nation when she declared a "state of national emergency," claiming the existence of lawless violence, and asserting the same set of powers that Marcos exercised under PD 1081. The Supreme Court struck down the main parts of Ms Arroyo's Proclamation 1017. But we may not be so lucky next time.

Present circumstances bear an uncanny similarity to those that attended the imposition of martial law in 1972. The only protection there is against the return of dictatorship in all its forms is a vigilant public that keeps a strategic view of things and chooses its weapons well.

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