

JUDICIAL DECISIONS

**EDCEL C. LAGMAN, et. al., Petitioners vs. HON. SALVADOR C. MEDIALDEA,
EXECUTIVE SECRETARY, et. al., Respondents**

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[G.R. No. 243522, Feb. 19, 2019.]

DECISION

CARANDANG, J.:

Facts

These are consolidated petitions filed under Section 18, Article VII of the Constitution, assailing the constitutionality of the third extension from Jan. 1, 2019 to Dec. 31, 2019, of the declaration of martial law and suspension of the privilege of the writ of habeas corpus in the entire Mindanao. On May 23, 2017, President Rodrigo Roa Duterte issued Proclamation No. 216, declaring a state of martial law and suspending the privilege of the writ of habeas corpus in the whole of Mindanao to address the rebellion mounted by members of the Maute Group and Abu Sayyaf Group (“ASG”), for a period not exceeding sixty (60) days.

One of the arguments of the petitioners is that the third extension of martial law will lead to further violation of citizens' political, civil, and human rights. The respondents contend that the alleged human rights violations do not warrant the nullification of martial law and the suspension of the privilege of the writ of habeas corpus. There are sufficient legal safeguards to address human rights abuses. The Supreme Court held that there were adequate remedies in the ordinary course of law against abuses and violations of human rights committed by erring public officers in addition to the safeguards provided by the Constitution by citing the Universal Declaration of Human Rights (“UDHR”) and other international law instruments relevant to law enforcement.

RULING

The allegations of human rights violations in the implementation of martial law in Mindanao is not sufficient to warrant a nullification of its extension.

A declaration of martial law does not suspend fundamental civil rights of individuals as the Bill of Rights enshrined in the Constitution remain effective. Civil courts and legislative bodies remain open. While it is recognized that, in the declaration of martial law and the suspension of the privilege of the writ of habeas corpus, the powers given to officials tasked with its implementation are susceptible to abuses, these instances have already been taken into consideration when the pertinent provisions on martial law were drafted. Safeguards within the 1987 Constitution and existing laws are available to protect the people from these abuses.

In *Lagman v. Medialdea*, the Court emphasized that: It was the collective sentiment of the framers of the 1987 Constitution that sufficient safeguards against possible misuse and abuse by the commander-in-chief of his extraordinary powers are already in place and that no further emasculation of the presidential powers is called for in the guise of additional safeguards.

In addition to the safeguards provided by the Constitution, adequate remedies in the ordinary course of law against abuses and violations of human rights committed by erring public officers are available including the following:

1. R.A. No. 7438 (An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as Well as the Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties for Violations Thereof);
2. R.A. No. 9372 or the Human Security Act of 2007;
3. R.A. No. 9745 or the Anti-Torture Act of 2009; and
4. Writs of Amparo (A.M. No. 07-9-12-SC) and Habeas Data (A.M. No. 08-1-16-SC); and
5. UDHR.

In relation to the international human rights principles established under the UDHR, the law enforcement officials are also guided by the principles and safeguards declared in the International Covenant on Civil and Political Rights.

Soft law instruments of particular relevance to law enforcement include United Nations' ("UN") Basic Principles [o]n the Use of Force and Firearms by Law Enforcement Officials ("BPUFF"), Code of Conduct for Law Enforcement Officials ("CCLEO"), Standard Minimum Rules for the Treatment of Prisoners ("SMR"), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment ("Body of Principles"), and Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power ("Victims Declaration"). These instruments uphold the principles of legality, proportionality, necessity, and accountability in situations involving the use of force by law enforcers.

WHEREFORE, the Court FINDS sufficient factual bases for the issuance of Resolution of Both Houses No. 6 and **DECLARES** it as **CONSTITUTIONAL**. Accordingly, the consolidated petitions are hereby **DISMISSED. SO ORDERED.**

DEPARTMENT OF EDUCATION, Petitioners vs.
RIZAL TEACHERS KILUSANG BAYAN FOR CREDIT INC., represented by
TOMAS L. ODULLO, Respondents

DECISION
[G.R. No. 202097, July 3, 2019.]

LAZARO-JAVIER, J.:

Facts

For the benefit of public school teachers, The Department of Education ("DepEd") devised and implemented a payroll deduction scheme for the loans they secured from DepEd's duly accredited private lenders. Rizal Teachers Kilusang Bayan for Credit, Inc. ("RTKBCI") was among DepEd's accredited private lenders which availed of the latter's payroll deduction scheme. However on July 4, 2001, DepEd Undersecretary Pangan directed that the salary deduction scheme for RTKBCI be suspended pending resolution of the teachers' numerous complaints against RTKBCI's alleged unauthorized excessive deductions and connivance with some DepEd's personnel.