



## APPENDIX 4.4

### EXCERPT FROM “A GREATER RESPONSIBILITY FOR OUR SOLDIERS,” 26 JANUARY 1972

This excerpt from a recorded exchange between President Marcos and Gen. Guillermo A. Picache, made days after declaring martial law, reinforces dean Raul Pangalangan's claims to the effect that before Marcos had *Javellana v. Executive Secretary*, he had *Lansang v. Garcia* in his arsenal of jurisprudence (Marcos 1974, 228-30). Here, Marcos shows that he was willing to submit his very first actions after declaring martial law to legal scrutiny, but only because he was confident that the courts would not challenge him based on the *Lansang* precedent.

Incidentally, if there are any question perhaps this is the time to listen to them now, and let us find out whether we can hear any doubts as to the procedures, the standards, the orders, instructions and the like. Is there any question you would like to ask? There are some questions raised, for instance about local police. You have taken this up I presume. The PC chief must have given you the orders, Instruction No. 7 on firearms, Gen. Picache, do you want to ask anything?

Gen. Picache: Sir, the question raised at the conference at GHQ this morning by these military commanders in the field was, if they could authorize the provincial press and radio stations under certain guidelines to operate if only to dispel the feeling of apprehension among the people, and to inform them about certain orders coming from Manila.

The President: Alright, let us go back to the basic premise. The basic premise is, the reason for the suspension of radio, television, newspapers and other media was because consciously they participated in subversion. Now, therefore, it is incumbent upon you to study each and every stations. Those who were maliciously participating in subversion must be punished and they must be suspended for sometime. But those that did not and those who are placed under a separate management in your respective areas of operations can be allowed to

## **A GREATER RESPONSIBILITY FOR OUR SOLDIERS**

(EXTEMPORANEOUS SPEECH BEFORE DEFENSE OFFICIALS AND  
TOP A.F.P. OFFICERS, CEREMONIAL HALL, MALACAÑANG,  
SEPTEMBER 26, 1972)

I have asked for you to come here knowing that this is the day when you and I meet, first of all, to assess the occurrences of the last several days.

Allow me, first of all, to personally commend you and officially ask that this commendation be transmitted to all the officers and men of the Armed Forces of the Philippines, especially those under your command, for the performance that you have demonstrated in the implementation of my orders, especially of Proclamation 1081 and the corresponding general orders and letters of instructions that have been transmitted to you.

As you very well know, the matter of the imposition of martial law is a contingency which has been studied not only under our administration but under previous administrations, even under the administrations of President Quirino, President Mag-saysay and various other President. The alternative of martial law was a subject of legal study by the various Judge Advocate Generals and their services.

As we also know, the utilization of the power of martial law in the Philippines is by provision of the Constitution, which is unusual because seldom is this true with respect to national constitutions. The United States, for instance, does not have such provision in the federal constitution. It has a provision of this nature in state constitutions for the states and the territory of Hawaii.

Figure 1. A copy of the extemporaneous speech.

Source: Marcos, Ferdinand E. 1974. *Decisions for the Future: A Collection of Speeches of Ferdinand E. Marcos*. Manila: Bureau of Print.

operate under certain guidelines and conditions. And I depend upon the Defense establishment and the Chief of Staff as well as the General Staff and the Zone Commanders to now determine exactly how you should operate on this.

Sec. Enrile: We will prepare a uniform guideline, Sir, for all to follow.

The President: Yes.

Sec. Enrile: And we will probably call on some of the men in the Armed Forces of the Philippines to supervise the operation of each and everyone of these radio stations and television stations in the various zone under the supervision of the Zone Commanders or his representative.

The President: Yes. Incidentally, talking about civil rights, some of the detainees have filed a petition for *habeas corpus* before the Supreme Court. The government, our government, has filed a return of the order of the court requiring them to answer and tell the court exactly where the bodies of the detained prisoners are. Today, at 9 o'clock they brought some of the detained prisoners to the Supreme Court. . . we are, of course, awaiting the question of jurisdiction. Because from our point of view the courts have no jurisdiction to review your actions which were in accordance with my proclamation, my orders and my instructions. Some body has called attention to the fact that during the civil war in the United States a similar case occurred. This case was decided by Justice Thani and he issued a writ of *habeas corpus* against the detained person. But this detained person was detained in accordance with the order of President Lincoln. President Lincoln, in the exercise of his discretion disregarded the order of the court. And can do because we are before a supreme authority, and that is the President of the United States who is governing under extra-ordinary powers. I am not saying that we will do this, but I repeat that we should prevent any conflict between the Department of Justice or the judiciary and the executive. This is the reason for the appearance of those detained prisoners in the Supreme Court; because we are so confident in the validity of all our actions that we are willing for them to look into this, and see for themselves that indeed in accordance with their own decision in the case of *Lansang vs. Garcia et. al.*, decided on December 11<sup>th</sup> of 1971, the President has the power, the three powers: 1) to call out the troops to quell the rebellion, 2) to suspend the privilege of the writ of *habeas corpus*, or 3) to proclaim martial law throughout the Philippines or any part thereof.

