

Emergency Powers Act

AN ACT TO DECLARE, IN VIEW OF THE EXISTENCE OF NATIONAL EMERGENCY, A NATIONAL POLICY IN CONNECTION THEREWITH, AND TO AUTHORIZE THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES FOR A LIMITED PERIOD AND SUBJECT TO RESTRICTIONS, TO EXERCISE POWERS NECESSARY AND PROPER TO CARRY OUT THE DECLARED NATIONAL POLICY AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. State of National Emergency. -- On 1 December 1989, a rebellion committed by certain elements of the Armed Forces of the Philippines, aided and abetted by civilians, gave rise to an emergency of national proportions.

The emergency continues even with the cessation of military hostilities. More than 2,000 persons who participated in the failed coup, including the masterminds and plotters, are said to be still at large. There is a clear threat to national security arising from the rebels who have just "returned to their barracks", and the fence-sitters among the military. Bombings in Metropolitan Manila continue, causing loss of lives, maiming of limbs and destruction of property.

On 6 December 1989, Proclamation No. 503 was issued by the President declaring a state of national emergency.

Meanwhile, secessionist elements in Mindanao, seeking to establish a common cause with rebels and their sympathizers, or taking advantage of the instability occasioned by the coup are reported to have taken acts to dismember the country.

Communist rebels have taken advantage of the situation by attacking government personnel and installations.

The economy has suffered and continues to suffer a serious setback, severely disrupting the momentum of our economic recovery.

A state of national emergency is hereby declared.

SEC. 2 Declaration of Policy. -- The mutiny and rebellion by certain elements of the Armed Forces of the Philippines launched to seize state power, destabilize the duly constituted Government and supplant it with a military government by means of force and violence and other illegal means, has caused loss of lives and destruction of property and has set back the economic program of the Government. Due to and by reason thereof, and in order to optimize the efforts of the President to carry out the difficult task of economic reconstruction, it is imperative to grant her emergency powers subject to such limitations as hereinafter provided.

SEC. 3 Authorized Powers. -- Pursuant to Article VI, Section 23(2) of the Constitution and to implement the declared national policy, the President is hereby authorized to issue such rules and regulations as may be necessary to carry out any or all of the following powers:

- (1) To protect the people from hoarding, profiteering, injurious speculations, manipulation of prices, product deceptions and cartels. Monopolies or other combinations in restraint of trade, or other pernicious practices affecting the supply, distribution and movement of foods, clothing, medicine and medical supplies, office and school supplies, implements, machinery equipment and spareparts required in agriculture, industry and other essential services, and other articles of prime necessity, whether imported or locally produced or manufactured; (?)
- (2) To purchase any of the articles or commodities hereinabove mentioned, for storage, sale, or distribution for the relief of hunger and want of the population, and/or to stabilize the prices of such foodstuff, articles and other commodities: (a) fix the maximum selling prices thereof; (b) regulate the fees charged by establishments in connection with the production, processing, milling, storage and distribution of such articles or commodities; (c) seize and confiscate hoarded foodstuff and commodities: provided, that goods which are determined to have been seized wrongfully shall be subject to the subsequent determination and payment of just compensation; and, (d) call upon and deputize recognized non-government and people's organizations and volunteers as well as local government units to assist the Government to carry out these powers through the monitoring of the implementation of order, rules and regulations;
- (3) To temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest that violates the herein declared national policy: provided, further, that whenever the President shall determine that the further use or operation by the Government of any such public service or enterprise is no longer necessary under existing conditions, the same shall be restored to the person entitled to the possession thereof;
- (4) To liberalize the importation and/or grant incentives for the manufacture, assembly, reconditioning, or importation of needed vehicles or vessels, including the necessary parts thereof, to relieve the transportation crisis;
- (5) To ensure the availability of credit to the productive sectors of the economy especially in the countryside through measures such as, but not limited to, lowering the effective lending rates of interest and reserve requirements of lending institutions;
- (6) To stagger the working hours of, and adopt a flexible working schedule for employees and workers in government and, whenever it becomes necessary, in the private sector;
- (7) To conserve and regulate the distribution and use of power, fuels and energy, and ensure adequate supply of the same;
- (8) Subject to the provisions of paragraph 5, Section 25, Article VI of the Constitution, to decrease expenditures of the Executive Department of the national government and government-owned or controlled corporations and their subsidiaries through the suspension of services, activities or operations which are of no immediate necessity, and for this purpose the President shall order that all departments, agencies and instrumentalities of the government create a reserve fund equivalent to 10 percent of their respective appropriations, except those pertaining to personnel services, construction and repair of school buildings and hospitals: provided, however, that in all cases, the security of tenure of civil service employees shall be respected;
- (9) To issue lawful orders for the recovery and accounting of all firearms, explosives, and military equipage, including, but not limited to, those belonging to the Armed Forces of the Philippines-Integrated National Police and licensed firearms which have fallen into the possession of unauthorized persons or entities, or are being used by their holders for unlawful purposes, and pursuant thereto, adopt such measures as are reasonably necessary to take custody of such firearms, explosives and equipage and/or otherwise accomplish the purposes herein stated: provided, that this authority can be exercised only upon specific orders of the President or her duly authorized representatives;
- (10) To ensure that military uniforms, equipment and supplies of the Armed Forces of the Philippines and the Philippine Constabulary-Integrated National Police are possessed and used only by authorized officers and members thereof pursuant to law; and,

(11) To undertake such other measures as may be reasonable and necessary to enable the President to carry out the declared national policy subject to the Bill of Rights and other constitutional guarantees.

SEC. 4 Reports to Congress. – The President, within 10 days from the issuance of any of the executive acts, orders, rules and regulations promulgated and issued by her under the powers herein granted shall report to Congress the issuance thereof and the justification therefore: provided, that within the first 10 days of every month, the President shall likewise submit a monthly report to Congress of all acts performed pursuant to this Act during the preceding month.

SEC. 5 Penalties. – Any violation of the rules or regulations issued pursuant hereto shall be punishable with imprisonment of not less than five years or a fine of not less fifty thousand pesos but not more than five hundred thousand pesos or both such imprisonment and fine at the discretion of the Court: provided, however, that if the offender is a corporation, association, partnership or any other juridical person, the penalty shall be imposed upon the president, directors, managers, managing partners, as the case may be, who participated in the commission of the offense or who have knowingly permitted or failed to prevent the commission of the same. If the offender is an alien, he shall, in addition to the penalties herein prescribed, be deported without further proceedings: provided, further, that if the offender is a public official or employee, he shall, in addition to the penalties prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the case may be.

SEC. 6 Construction or Interpretation. -- Nothing in this Act shall be construed or interpreted as a restriction of the Bill of Rights or of the Constitution.

SEC. 7 Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstances is declared invalid, the remainder of this Act or the application of such provision to any other person or circumstances shall not be affected by such declaration.

SEC. 8 Promulgation, Effect and Enforcement of Rules and Regulations. – The rules and regulations promulgated by the President pursuant to this Act, which have the force and effect of law, shall be numbered consecutively and shall take effect two days after their publication in case of rules and regulations that are denominated "urgent", and five days in case of those without such denomination. The publication shall be effected in at least two newspapers of national circulation.

Rules and regulations with a penal clause shall be duly published in Filipino and English in at least two national newspapers of general circulation.

Said rules and regulations shall cease to be in force and effect upon the expiry date provided in Section 9 hereof without prejudice to benefits and rights that may have vested, and culpabilities and liabilities that may have been incurred and established after due notice and hearing.

SEC. 9 Effectivity. -- This act shall take effect upon its publication in two national newspapers of general circulation and shall be in full force and effect until the next sine die adjournment in June 1990 of the regular session of Congress: provided, however, that adjournment for a recess shall not affect the duration of this Act: and provided, further, that the powers granted under this Act may be withdrawn sooner by means of a concurrent resolution of Congress or ended by Presidential Proclamation.

Approved,

RAMON V. MITRA
Speaker of the House of Representatives

JOVITO R. SALONGA
President of the Senate

CORAZON C. AQUINO
President of the Philippines
19 December 1989

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