



APPENDIX 4.2

CONFIDENTIAL CABLE FROM THE US EMBASSY IN MANILA, “SUPREME COURT JUSTICE CALLS FOR LIFTING OF MARTIAL LAW,” 7 JULY 1976

Widely known as the “Great Dissenter,” this cable shows Justice Claudio Teehankee Sr.’s ability to counter Marcos with the latter’s legalistic finesse, i.e., by stating that mere advocacy of the lifting of martial law was legally permissible since the president himself declared that it was only a temporary necessity. Ambassador William H. Sullivan noted that Teehankee was “somewhat nervous” when asked about his “activist” stance, which suggests that in 1976, Justice Teehankee knew how to confine his opposition to martial rule within the bounds of the law. Justice Antonio Barredo, meanwhile, is portrayed in this cable as someone who considers himself privy to president Marcos’s thoughts, or in any case fully trusts the wisdom of the president.

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E.O. 11652: N/A

TAGS: PINT, RP

SUBJECT: SUPREME COURT JUSTICE CALLS FOR LIFTING OF MARTIAL LAW

REF: MANILA 8651

1. IN JUNE 30 ADDRESS AT COSMOPOLITAN CHURCH, SUPREME COURT JUSTICE CLAUDIO TEEHANKEE SAID IT WAS TIME PRESIDENT LIFTED MARTIAL LAW. HE EXPRESSED HOPE HIS FELLOW CITIZENS HAD LEARNED LESSON THAT DEMOCRACY CANNOT BE ABUSED (APPARENT REFERENCE TO PRE-MARTIAL LAW "LICENSE"). HE SAID, "IF WE ADHERE TO THIS LESSON, I BELIEVE IT IS THE TIME INDEED THAT WE RETURN TO NORMALCY AND PETITION FOR A DISMANTLING OF MARTIAL LAW." HE URGED THOSE SHARING THIS VIEW TO "RAISE THEIR VOICES AND DEMAND THE TERMINATION OF MARTIAL LAW SOONER THAN LATER." ACCORDING TO AP, TEEHANKEE ALSO REFERRED TO UNDERSECRETARY OF DEFENSE BARBERO'S REMARKS IN SAME FORUM (REFTEL) ON NEED TO END MARTIAL LAW SOONER RATHER THAN LATER. TEEHANKEE COMMENTED ADVOCATING RETURN TO CIVIL RULE WAS "NOT DISSIDENCE, DISLOYALTY OR SUBVERSION" SINCE PRESIDENT HAD DECLARED MARTIAL LAW A TEMPORARY CONSTITUTIONAL EXPEDIENT WHICH WOULD BE LIFTED WHENEVER PEOPLE DEMANDED.

Figure 1. A copy of the declassified cable.

Source: US Department of State. 1976 July 7. "Supreme Court Justice Calls for Lifting of Martial Law." Document number 1976MANILA09739, film number D760263-0261.

<https://aad.archives.gov/aad/createpdf?rid=151581&dt=2082&dl=1345>.

Margaret P. Grafeld Declassified

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Page 01 Manila 09739 070217z

11

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E.O. 11652: N/A

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Subject: Supreme Court justice calls for lifting of martial law

Ref: Manila 8651

1. In June 30 address at cosmopolitan church, Supreme Court Justice Claudio Teehankee said it was time president lifted martial law. He expressed hope his fellow citizens had learned lesson that democracy cannot be abused (apparent reference to pre-martial law "license"). He said, "if we adhere to this lesson, I believe it is the time indeed that we return to normalcy and petition for a dismantling of martial law." He urged those sharing this view to "raise their voices and demand the termination of martial law sooner than later." According to AP, Teehankee also referred to undersecretary of defense Barbero's remarks in same forum (reftel) on need to end martial law sooner rather than later. Teehankee commented advocating return to civil rule was "not dissidence, disloyalty or subversion" since president had declared martial law a temporary constitutional expedient which would be lifted whenever people demanded.

2. Teehankee's address comes eight days after his Supreme Court colleague, Justice Antonio Barredo, told group of municipal officials and judges that he foresaw "dawning" of the country's return to normalcy since president Marcos was not bent on prolonging martial law. Barredo, who defended court against charges it had become president Marcos' "puppet," said president Marcos had indirectly indicated his desire to end martial law by holding referenda in 1973

and 1975 on its continuance. Barredo contended it was the people themselves who opted for the continuation of martial law since it had been good for the country and had enabled the president to pursue his reform programs.

3. Comment: This is the third [sic] time in less than a month that a prominent government figure has called for termination of martial law. Whereas Barbero's and Barredo's comments were featured in guided press, so far Teehankee's have not been reported. Barbero and Barredo, of course, emphasized Marcos must be final judge on when it is possible to lift martial law. Teehankee takes much more of an activist stance suggesting the people "must raise their voices and demand termination of martial law." when Emboff raised question of his stand with Teehankee on July 3, however, he seemed somewhat nervous and emphasized that everything he had said had been "culled from his own opinions." in REGJYL## We doubted Marcos had any intention of summoning in [sic] soon which would be corollary of lifting of martial law and end of legislation by decree. This is still our best judgement although president now appears to be flirting with idea of elections for national legislative advisory council to serve as surrogate legislature (see Manila 9600).

Sullivan

Note by OC/T: ## as received.

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