



APPENDIX 4.3

EXCERPTS FROM *LUNETETA V. SPECIAL MILITARY COMMISSION*, G.R. No. L-49473, AND THE CONCURRING OPINION BY CHIEF JUSTICE FERNANDO

Brazenly, in this decision declaring that, inter alia, the right to speedy trial of the petitioners—all martial law-era detainees—was not violated by the government, Justice Antonio Barredo gave praise—literally to the high heavens—to the president and the first lady. In his short concurring opinion, chief justice Fernando seconded Barredo’s sentiments, though in a more subdued manner. As in other cases concerning abuses of power during martial law, Justice Claudio Teehankee Sr. appended a brief dissenting opinion.

Petition in G. R. No. L-49473, denominated and defined by petitioners themselves as for:

Nature of Petition And Issues

2.01. *Habeas Corpus*.-Insofar as petitioners named in paragraph 1.01. above as being under detention at Camp Bagong Diwa (formerly Bicutan Rehabilitation Center), Taguig, Rizal, and at MSU Fort Bonifacio, Rizal, are concerned, this is petition for Habeas Corpus based upon two grounds:

(a) That their right to a speedy trial has been violated, since most of them were arrested in 1974, brought to trial only on July 7, 1977, before Military Commission No. I as Case No. MC-1-92, and the proceedings were thereafter abruptly suspended on or about November 17, 1977: then the case was refiled before Military Commission No. 24 as Case No. MC-24-9; but no hearings whatsoever were held before said Military Commission No. 24, all being

Figure 1. A copy of the case from Chan Robles Virtual Law Library.

Source: Supreme Court of the Philippines. 1981. “Jose Luneta, Peter Mutuc, Robert Azarcon, Manuel Chiongson, Fernando Tayag, Hermingildo Garcia IV, Edgar Pilapil, Winifredo Hilao, Teodorico Ramirez, Romeo Enriquez, Achilles Simon, Jovita Valiente, Domingo Luneta, Zenaida Delica-Luneta, Delfin Delica-Amaryllis Hilao, Violeta Sevandal, Edgardo Maranan, Aida Santos-Maranan, Aida Santos-Maranan, Aida Santos-Ocampo, Saturnino Ocampo, Francisco Luneta, Julius Fortuna, Ernesto Luneta, Benildo Carlos, Milagros Astorga-Garcia, Jean Cacayorin-Tayag, Fidel Agcaoili, Rosario Agcaoili, Tendario Rivera, Bonifacio Iligan, and Arturo Agana, Petitioners, vs. Special Military Commission No. 1, The Trial Counsel Of Special Military Commission No. 1; and The Ministry of National Defense, Respondents, G.R. No. L-49473, 16 January 1981.” Republic of the Philippines.

http://www.chanrobles.com/scdecisions/jurisprudence1981/jan1981/gr_49473_1981.php.

Barredo (ponente): “Incidentally, it is a matter of common knowledge that after the martial law cases pending before this Court shall have been disposed of, martial law in our beloved country will be lifted. In my first opinion written after it was imposed, I exhorted ‘God bless the Philippines!’ As January 17, 1981 the date commonly known as set for its lifting approaches, with a heart full of joy and gratefulness to the Lord, the President and the First Lady, who have jointly worked so hard to improve the quality of life of the Filipinos, to revive our valued nature virtues and traditions and to enhance the dignity of the Philippines as worthy member of the society of respected nations the world over, and all others concerned, I should shout as I do — ALLELUIA!”

Fernando (concurring): “The consistent course of decisions of this Court as to the jurisdiction of military tribunals to try civilians in accordance with the Transitory Provisions of the Constitution, starting from *Aquino Jr. v. Military Commission* to *Buscayno v. Ponce Enrile* and *Sison v. Ponce Enrile* call for concurrence in the result. The petitions must be dismissed. With the reservation of Justice Barredo that the other legal questions raised will be dealt with in a ‘more extensive opinion,’ I refrain from any further statement of my views except to accord full recognition, as the opinion does, to the impressive performance of the President and the First Lady in improving the quality of life of the Filipinos, reviving our valued virtues and traditions, and enhancing the dignity of the nation. There is also no question, in my mind, as to the joy that should fill the hearts of our people with the lifting of martial law.”

Teahankee (dissenting): “I dissent on the grounds stated in my separate opinions in *Aquino vs. Military Commission* No. 2 (63 SCRA 546) and *Buscayno vs. Enrile* (L-47185, January 15, 1981), and reserve the filing of an extended opinion on the other issues.”