

Philippines:

Marcos' plan to lift martial law

Democracy in Form, Dictatorship in Substance



**An analysis by
the Anti-Martial Law Coalition (Philippines)**

Since its formation in December 1974, the Anti-Martial Law Coalition (Philippines) has consistently led in opposing the martial law regime in the Philippines. The AMLC unites in common ground all organizations that oppose the Marcos dictatorship. These organizations are the Katipunan ng mga Demokratikong Pilipino (KDP), Friends of the Filipino People (FFP), and the International Association of Patriotic Filipinos (IAFP).

The AMLC has also been able to develop local anti-martial law alliances in the Filipino communities nationwide, composed of both local organizations and unaffiliated individuals. These alliances coordinate their activities with the AMLC national plans, as well as initiate specific projects.

To expand the base of support for the anti-martial law struggle, the AMLC not only sponsors militant protests and demonstrations, but has also undertaken several educational activities in the Filipino communities around specific issues like the political prisoners and the workers movement. These activities have taken varied and creative forms such as Christmas caroling, rummage sales, miting de avances. It has sent a team to the Philippines to investigate the human rights situation, launched a petition campaign to stop U.S. aid to the regime, and has issued several publications analyzing the current conditions in the Philippines. Each of these campaigns and publications has contributed to the exposure of the Marcos dictatorship.

Published by the Anti-Martial Law Coalition (Philippines)
May 1978

Rene Cruz
National Coordinator
AMLC National Staff Office
41-32 56th Street
Woodside, NY 11377

Printed by the KDP National Media Production Department
through the San Francisco Printing Cooperative

San Francisco, California

Marcos' attempt to put a democratic "icing" on his brutal regime has been thwarted by the militance of the Filipino masses. The obvious failure of the regime's dual tactic of coercion and deception was evident in the tumultuous noise protest, rallies, and prayer vigils during the sham elections for the Interim National Assembly held April 7, 1978. The pictures in this pamphlet were taken in the course of the said April 7 elections and were furnished by the "Balita ng Malayang Pilipinas" [Free Philippines News Service].

Will Marcos really lift Martial Law?

Philippine dictator Ferdinand E. Marcos, whose name will long be synonymous with corruption and wanton violation of human rights, may yet pull the biggest fraud he has perpetrated so far on the Filipino people — "lift martial law" without surrendering his one-man rule.

Soon after the scandalous April 7, 1978 "elections" for the interim National Assembly, after arresting 600 leaders and supporters of the popular opposition, Marcos pompously declared, "I WILL LIFT MARTIAL LAW SOON." Just as he had previously promised "fair and free elections," dictator Marcos has also dangled the lifting of martial law as part and parcel of his promised "return of normalcy." Marcos might well lift martial law, just as he called for elections to the rubberstamp interim National Assembly. That is why, even at this early date, we are warning all freedom-loving Filipinos and their friends: **MAG-INGAT MULI SA PANLOLOKO!** (Beware of another fraud!)

A close look at his past and most recent schemes will prove that Marcos has democracy on his lips but dictatorship in his heart. This dictator does not have the slightest intention of restoring the Filipino peoples' democratic rights and freedoms.

Marcos' lifting martial law : a wolf in sheep's clothing

If Marcos lifts martial law today, nothing will change. He will still be absolute ruler; the power of his military will remain undiminished; and state institutions that purport to be the legislative and the judiciary will still be under his control. And it will all be "legal." How come? In 5½ years, Marcos has made elaborate preparations that will provide the legal justifications for the continuation of his one-man rule even AFTER he lifts martial law.

The cornerstone of these preparations is the 1973 Marcos constitution which the dictator exacted from the Constitutional Convention by means of bribery and coercion. In the course of martial rule, this constitution would be amended and "improved" through the notorious Article XVII (Sec. 3) which provides that:

"All proclamations, orders, decrees, instructions and acts promulgated, issued, or done by the incumbent President shall be part of the

law of the land, and shall remain valid, legal, binding and effective even after the lifting of Martial Law . . . unless modified, revoked or superseded by subsequent proclamations, orders, decrees, instructions or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly."

Marcos' martial law powers have been incorporated into the abovementioned Presidential Decrees, Letters of Instructions, etc. From September 23, 1972 to January 25, 1978, he has issued at least 1,290 Presidential Decrees, 621 Letters of Instructions, 500 Presidential Proclamations, and 60 General Orders. Many of these laws remain secret. Since all of them will still be part of the law of the land even after martial law is lifted, Marcos will "legally" retain his absolute control over the government and the country.

- 1) Freedom of speech and expression will continue to be denied (Gen. Order No. 19)
- 2) Freedom to protest, organize, demonstrate peaceably will still be denied (Pres. Decree No. 90)
- 3) Newspapers, radio, T.V. and all other media communications will remain in the hands of the government (Letter of Instr. No. 1)
- 4) Strikes will still be banned and labor unions closely controlled (Gen. Order No. 5 and Pres. Decree No. 823)
- 5) Political prisoners will continue to be imprisoned indefinitely, without trial (Gen. Order No. 2-A " . . . [they] shall be held until otherwise ordered [released] by me [Marcos].")

These are just a few examples of Marcos' self-proclaimed laws. Other civil and political rights will continue to be curtailed by an all-embracing "legal" definition of subversion which includes "intentional or unintentional, conscious or unconscious" criticism of the government.

Power of the military will not lessen

The formal lifting of martial law will not reduce the power of the military, the main base of support for the dictator. Marcos has laid the groundwork for this by expanding the role of the Armed Forces of the Philippines (AFP), making it function openly as a political organ of his regime. The military has, for example, been given police functions, and the police has been effectively militarized through the creation of an integrated national police system. The militarization of Philippine society is evidenced not only by the expansion of the military, but also by the intensification of civilian training programs, with the youth being the special targets of the regime's mandatory training programs like the Citizens Army Training in high schools. This increased power has resulted in countless cases of military abuses, corruption and even intrusion into private business and has earned the hatred of the people for the AFP.

One of the most destructive powers given to the military is its right to handle civilian judicial matters. By presidential decree, Marcos has transferred to Military Tribunals the power to try civilians in matters relating to the exercise of individual political and civil rights. The military has been given jurisdiction over cases involving the validity of the Martial Law Proclamation, all crimes relating to national security, crimes relating to the Anti-Subversion Law, the Espionage Law, the Hijacking Law, all crimes concerning rebellion, insurrection, sedition, conspiracy, illegal assemblies, and illegal associations, and crimes committed by public officers. These matters would ordinarily be handled by civilian courts.

Respected legal observers such as the International Commission of Jurists find the trial of civilians by military courts objectionable even during so-called states of emergency. Such procedures unreasonably increase the intrusion of the military into civilian affairs. In the Philippines, the ICJ



One of the placards declares: "Martial Law a scheme of foreigners." "U.S. multinational corporations are a very influential force in government and Marcos has served them well . . . protected from strikes and nationalization, they have expanded 150% since the declaration of martial law."

found particularly unacceptable General Order No. 3 which not only gives Military Tribunals the power to try civilians but also provides that during summary investigations before a trial, "the accused has no right to [legal] counsel." Philippine military courts, therefore, are essentially kangaroo courts and despite Marcos' promises to the contrary, these courts continue to try civilians, oftentimes *en masse*. These extraordinary judicial powers of the military will be legally preserved even if Marcos lifts martial law.

As Commander-in-Chief of the armed forces, Marcos has also given the AFP certain powers not officially covered by presidential orders. The exercise of these powers depends upon the unofficial encouragement of the Commander-in-Chief. Since Marcos will remain Commander-in-Chief even after martial law is lifted, these tacitly approved practices of the military will remain. Here are some examples of these practices: 1) issuing "invitations" for interrogation and subpoenas without informing the party invited what for 2) conducted raids without search warrants and making arbitrary arrests and prolonged detentions in violation of official guidelines 3) exacting confessions and information by means of torture 4) threatening defense lawyers with arrest and detention or arresting them outright to sabotage the defense of an arrested person.

Marcos has ensured the loyalty of the military not only by expanding its powers but also by rewarding its members high salaries, promotions and business opportunities. Marcos has also arbitrarily appointed loyal supporters to high military ranks. It is reported, for example, that there are officers in the presidential security units who have been awarded ranks although they are known criminals and illiterates. None of these actions by Marcos can be legally questioned even after martial law is lifted. In fact, everything that the Armed Forces of the Philippines has become under martial law is guaranteed by the 1973 constitution.

Marcos' fascist machinery will be protected bylaw

The other pillar of support for the Marcos dictatorship is the political machinery that Marcos has elaborately constructed in the last 5 years. This fascist machinery which encompasses the legislative and the judicial branches will remain intact even after the formal lifting of martial law.

At the grassroots level of these Marcos institutions is the barangay. Presidential Decree No. 86 created the "Barangay" in every barrio, district or ward purportedly to give Marcos the means to "consult with the people." The Barangays have indeed served him well. They have functioned as a spy network, a reserve force for breaking up any demonstrations and strikes which succeed in defying official bans, as a "cheering throng" during referenda, plebiscites and other First Family extravaganzas, and, during the April 7 elections, as a political party for Marcos. Their insidious presence in Philippine political and social life will be maintained, together with other

Marcos-controlled formations like the Kabataang Barangay, after the "lifting" of martial law. After all, their existence and activities are not "un-constitutional" — according to the 1973 constitution.

National Assembly: Still a rubber stamp

At the legislative level, the dictator's latest brainchild is the National Assembly. Is there hope for the National Assembly? **PARA KANG UMASA SA PUMUTI ANG UWAK!** (It would be like hoping the crow would turn white!)

But can't the National Assembly repeal all of Marcos' decrees, orders, after martial law is lifted? Article XVII of the 1973 constitution states that all such decrees and orders will remain part of the law of the land "unless expressly and explicitly modified or repealed by the regular National Assembly."

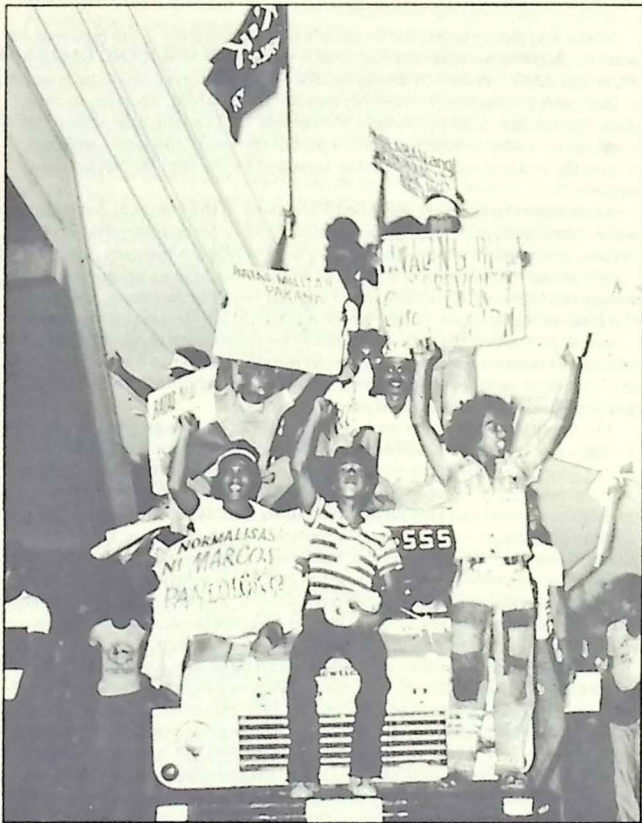
Aside from the fact that the April 7 elections to the National Assembly were characterized by fraud, harassment, and violence committed by the regime and therefore led to the seating only of Marcos puppets, the present "parliament" has no power to abolish Marcos-made laws because it is only an interim National Assembly, not a regular one. Furthermore, since it is the interim National Assembly which has to call for elections to the regular National Assembly, the latter may never be constituted at all. After all, why would this interim Assembly of Marcos puppets bother to have themselves challenged in another election when they are already comfortably seated, getting handsome salaries and privileges to boot?

The members of the interim Assembly cannot challenge Marcos even for a single moment as they are not provided with any power to replace him as Prime Minister, if by some miracle the thought would even occur to them. The December 1977 referendum has made Marcos Prime Minister automatically. Marcos can kick all of them out by dissolving the interim Assembly altogether — a provision "approved" by the October 1976 referendum. Therefore, since the regular National Assembly will not be formed unless the interim Assembly chooses to call for its elections, and since the interim Assembly only follows Marcos' orders, only Marcos can repeal his own presidential decrees, orders, letters and proclamations.

Even if the regular National Assembly were convened, it too would not be able to counteract Marcos. It would not even be able to elect its own Prime Minister, as parliaments do, ordinarily. Marcos has made himself Prime Minister-Speaker through the December 1977 referendum. A strange provision in the 1973 constitution also makes the regular National Assembly in effect, powerless. This provision, Article VIII, Sec. 20, gives the Prime Minister the power to *veto* acts of parliament. On the other hand, Marcos as Prime Minister can completely disregard the National Assembly and make laws **all by himself** "for any reason that in his judgment requires immediate

action." This amendment was "approved" by the October 1976 referendum. As further example of the future National Assembly's impotence, Marcos may continue to auction off the country's wealth and sovereignty to foreign powers and no legislation can stop him. One of the amendments to the 1973 constitution, Article XIV, Sec. 15, gives Marcos sole responsibility for ratifying treaties.

Marcos has fashioned what may yet be one of the strangest parliamentary systems in the world! At any rate, even after the lifting of martial law, the National Assembly will be nothing but a rubberstamp. It will still be pop-



"Genuinely lifting martial law and allowing the people to fully exercise their democratic rights will mean political suicide for Marcos."

ulated mainly by assorted yes-men, for no real democrats will ever consider joining it with the belief that it can be the best tool for regaining the people's freedom from the clutches of the Marcos regime.

The judiciary will still be impotent

By decree, Marcos has substantially limited the functions and jurisdiction of the courts. As was mentioned before, many areas ordinarily handled by civilian courts, especially matters involving civil and political rights have been taken over by military courts — bodies directly controlled by Marcos. As another example of the regime's onslaughts against the judiciary, Marcos has also stripped the courts of the power to issue injunctions and restraining orders in cases involving the use and development of the country's natural resources (Pres. Decree No. 605). But it is General Order No. 3 which has made the most devastating cuts in the power of the civilian courts. This order, which will be part of the law of the land even after Marcos lifts martial law, prohibits the judiciary from ruling on the constitutionality of his acts, or those of his "duly designated representatives pursuant thereto."

Not only will the influence of the judiciary remain severely limited, but should it attempt to "rebel" or put the brakes on the Executive [Marcos], its "unruly" members can be summarily kicked out of the bench. Article XVII, Sec. 9 of the 1973 constitution empowers Marcos to remove judges, including justices of the Supreme Court, by simply appointing their successors! There is no hope, therefore, that the judiciary will be able to check the enormous powers Marcos will continue to wield after his formal lifting of martial law. The courts remain as impotent as they have been during the last 5½ years.

Why will Marcos lift martial law at all ?

The Marcos dictatorship has ruled principally by means of repression. However, to shield his undemocratic rule from the critical eye of the international public, Marcos has also used deception. Rigged referenda and plebiscites, token releases of political prisoners, extravaganzas, elections to a puppet parliament — these are all part of his tactic of deception. The formal lifting of martial law will certainly be the biggest trick in his bag.

Lifting martial law does not mean that Marcos does not need one-man



"Despite intensified repression, the people's anger and discontent have continued to swell. Resistance has never been as strong as it is today."

rule any longer. On the contrary, he needs it more than ever. Marcos is not any stronger now, after 5½ years of iron-fisted rule. The resumption of the war in Mindanao which is draining his resources and the deepening economic crisis have, in fact, weakened his regime. Despite intensified repression, the people's anger and discontent have continued to swell. Resistance has never been as strong as it is today.

Marcos' situation is such that he needs a major infusion of support to strengthen his regime. He needs to do this right now in order to halt the decline in his power. But his domestic source of support keeps on getting narrower: mainly his close cronies, loyalists in the bureaucracy, and the military. He cannot stem the economic crisis which, in the first place, is principally caused by his continued policy of selling out the nation's resources to foreign investors. Politically, he has become more isolated. Militarily, he is

not only facing a costly war in the South, he has also failed to crush the New People's Army in the rest of the archipelago. The only remaining source of support that could reverse his political fortunes is the United States.

More than at any time in the past, Marcos needs a clear-cut manifestation of economic, military and political support from the U.S. From 1972 to 1976, the Nixon-Ford administration supported Marcos with increased military and economic aid and large doses of loans. This was due to the fact that U.S. multinational investors in the Philippines (with \$4 billion worth of investments) needed a strongman to protect their holding from the growing nationalist demands for economic independence being expressed in the Philippine Congress, the Supreme Court, the Constitutional Convention and most importantly, in mass movements in the cities and the countryside. The multinationals still want this protection.

However, US support for the dictatorship came under severe criticism from the US and international public. The US Congress, which controls US foreign aid, began feeling the pressure of these criticisms. Thus, when the Carter administration took over, it unveiled a "human rights" foreign policy in the hope of quieting anti-dictatorship sentiments in the US public and among some members of the US Congress. In actual deed, the Carter administration continued to campaign against moves to reduce aid to Marcos which were initiated by human rights sympathizers in Congress. After all, US multinational corporations are a very influential force in government and Marcos has served them well. Not only have foreign investments been protected from strikes and nationalization, they have also expanded 150% since martial law was declared.

It is against this backdrop that the Carter administration and US businesses in the Philippines are becoming increasingly alarmed at the growing unpopularity of the Marcos regime at home and abroad. US investors are worried that Marcos' inability to halt domestic opposition can lead to political instability which can in turn, threaten the stability of their holdings. The Carter administration is alarmed that Marcos' growing isolation is making US support for his regime very difficult to defend — before the American and international public and the critical US Congress. At this time too, the US-RP Bases negotiations are going on. Marcos is asking up to \$1 billion in rent in a treaty arrangement which he hopes would be able to escape the yearly review of foreign aid in the US Congress. All this may be in jeopardy unless Marcos can project a better, more acceptable image. There is, therefore, an increased pressure from his own supporters in the US government for Marcos to "clean up his act," appear more democratic, or to give an impression that the Philippines "is being moved towards normalcy." Implicit in these pressures is the threat that if he does not stop being a public embarrassment for the U.S., he may have to be replaced by other Filipino leaders who have more credibility and can then serve US interests better. History has shown that the US does not hesitate to change horses midstream, even at the cost of staging a coup d'etat.

Marcos has reacted to these pressures with a desperate barrage of "anti-American" criticisms. Of late, he has been warning the U.S. to stop meddling in Philippine internal affairs, suddenly passing himself off as a nationalist. But his actual demand is that the US should continue to give him sup-

port unconditionally. He complains that, after all, he has served US interests in the Philippines extremely well. In the end, Marcos will undoubtedly give in to the demands to produce a better image, even if it means risking further exposure and isolation. He knows fully well that US support is the lifeblood of his regime.

Thus, with six discredited referenda/plebiscites and an embarrassing sham elections behind him, all intended for the consumption of the international public and the US Congress, Marcos has no choice but to cook up yet another propaganda ploy: the formal lifting of martial law without diminishing his dictatorial powers. It must be noted here however, that every single attempt of Marcos to put up a facade of democracy, including his much-ballyhooped elections, has been thoroughly exposed and discredited. This is a tribute to the determination and political sophistication of the Filipino people's resistance movement as well as to the vigilance of international public opinion. His coming attempt at deception will surely meet a similar fate. It may also be his last.

Marcos cannot afford a genuine lifting of martial law

First, what would a **genuine** lifting of martial law be like? On the whole, it should mean the complete abolition of Marcos' dictatorial powers and the complete negation of all of the oppressive effects of martial law. For example, all of Marcos' one-man decrees and orders should be repealed. Even Marcos' 1973 constitution should be opened for review so that all its self-serving provisions can be stricken out. The freedom of speech, expression, assembly, association, the freedom of the press, and the right to strike should be **completely** restored. All political prisoners must be released, with no exceptions. The military's powers should be clipped and all those who have committed abuses should be tried. There must be genuine elections with all political parties being allowed to participate. All agreements and treaties entered into by Marcos should be publicly reviewed and investigated. The functions and powers of the courts should be restored. All those who have claims and complaints against the economic and political misbehaviors of **any** members of the martial law regime must be allowed to bring their cases to free and impartial courts. The people's demands must be heard. This of course includes the overwhelming demand for the dictator's resignation. In short, the fullest democracy must be allowed to reign.

It is quite obvious that Marcos will not allow the genuine lifting of martial law. In 5½ years, he has incurred too many blood debts and the people will definitely seek retribution at the first opportunity they find. This Marcos is mortally afraid of. Marcos has also used his monopoly of political power to expand his personal wealth and economic interests even to the point of

confiscating private property, or usurping the ancestral lands of national minorities and public resources. His victims too, will seek retribution at every chance they get. With the declaration of martial law, Marcos has actually burned all his bridges behind him. Now, he has to defend his personal gains to the very end. Genuinely lifting martial law and allowing the people to fully exercise their democratic rights will mean political suicide for Marcos. All he can really afford are attempts at sham normalization. Therefore, the genuine lifting of martial law will have to be forced upon his regime. It can only be done through the organized might of the people's movement for democracy. In the end, Marcos and his martial law will have to be dragged away, kicking and screaming, from the Philippine political scene.



"All freedom loving Filipinos abroad must stand beside our people and support them in challenging the Marcos regime."

What is to be done?

If Marcos formally lifts martial law, the democratic movement of the Filipino people will demand the genuine abolition of one-man rule. The people will be challenging Marcos' claims that normalcy has been restored by openly exercising their rights. They will be in the streets, in the schools, in the churches, in courts — everywhere in the cities and countryside, exercising their rights to speak, assemble, organize, strike, and to seek redress of grievances. They will demand actual freedom of the press. They will demand the release of all political prisoners and the prosecution of their torturers. They will seek the repeal of all Marcos-made laws, the review of his constitution and all his treaties. They will demand free elections. In other words, the democratic movement at home will test the sincerity of Marcos' proclamation.

All freedom-loving Filipinos abroad must stand side-by-side with our people and support them in challenging the Marcos regime. We must alert the people of the U.S., the international public, the media, all of our friends and relatives, to become vigilant. Marcos must be put to task. As he will surely fail his biggest test, we must do our best to make his exposure thorough and complete. We must help make it more inexcusable and difficult for the U.S. government to continue giving Marcos his much-needed support. If our people, at home and abroad, succeed in carrying out these duties, we will have brought the Marcos dictatorship closer to its downfall.

Join us!

- If you oppose the Marcos dictatorship, regardless of your political persuasion or alternatives
 - If you are willing to commit yourself to helping restore our people's rights and freedoms
 - If you are willing to help in ending Marcos' dictatorial rule by participating in our activities in winning support, political and material, for our people's resistance movement
 - If you are willing to help us cut off US aid to Marcos, win the release of political prisoners, expose his attacks on our people's livelihood and his depredations of our public wealth
 - If you want to help us in any way — either by being active in our organization or as a supporter
-

We want you, Join us!

WE ARE ACTIVE IN THE FOLLOWING CITIES:

New York, Philadelphia, Washington (DC), Chicago, Los Angeles, San Diego, Seattle, San Francisco, East Bay (Oakland), Sacramento, Honolulu, Delano, Agana (Guam), Montreal, Toronto, Vancouver

LOCAL ALLIANCE:
