

EN BANC

[G.R. No. 243522, February 19, 2019]

REPRESENTATIVES EDCCEL C. LAGMAN, TOMASITO S. VILLARIN, TEDDY BRAWNER BAGUILAT, JR., EDGAR R. ERICE, GARY C. ALEJANO, JOSE CHRISTOPHER Y. BELMONTE AND ARLENE "KAKA" J. BAG-AO, PETITIONERS, VS. HON. SALVADOR C. MEDIALDEA, EXECUTIVE SECRETARY, HON. DELFIN N. LORENZANA, SECRETARY OF THE DEPARTMENT OF NATIONAL DEFENSE AND MARTIAL LAW ADMINISTRATOR; GEN. BENJAMIN MADRIGAL, JR., CHIEF OF STAFF OF THE ARMED FORCES OF THE PHILIPPINES AND MARTIAL LAW IMPLEMENTOR; AND HON. BENJAMIN E. DIOKNO, SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT; AND THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE PHILIPPINES AS COMPONENT HOUSES OF THE CONGRESS OF THE PHILIPPINES, RESPECTIVELY REPRESENTED BY HON. SPEAKER GLORIA MACAPAGAL-ARROYO AND HON. SENATE PRESIDENT VICENTE C. SOTTO III, RESPONDENTS.

[G.R. No. 243677]

BAYAN MUNA PARTYLIST REPRESENTATIVE CARLOS ISAGANI T. ZARATE, GABRIELA WOMEN'S PARTY REPRESENTATIVES, EMERENCIANA A. DE JESUS, AND ARLENE D. BROSAS, ANAKPAWIS REPRESENTATIVE ARIEL B. CASILAO, ACT TEACHERS REPRESENTATIVES ANTONIO L. TINIO AND FRANCE L. CASTRO, AND KABATAAN PARTYLIST REPRESENTATIVE SARAH JANE I. ELAGO, PETITIONERS, VS. PRESIDENT RODRIGO DUTERTE, CONGRESS OF THE PHILIPPINES, REPRESENTED BY SENATE PRESIDENT VICENTE C. SOTTO III AND HOUSE SPEAKER GLORIA MACAPAGAL-ARROYO, EXECUTIVE SECRETARY SALVADOR MEDIALDEA, DEFENSE SECRETARY DELFIN LORENZANA, ARMED FORCES OF THE PHILIPPINES CHIEF-OF-STAFF LIEUTENANT GENERAL BENJAMIN MADRIGAL, JR., PHILIPPINE NATIONAL POLICE DIRECTOR-GENERAL OSCAR DAVID ALBAYALDE, RESPONDENTS.

[G.R. No. 243745]

CHRISTIAN S. MONSOD, RAY PAOLO J. SANTIAGO, NOLASCO RITZ LEE B. SANTOS III, MARIE HAZEL E. LAVITORIA, DOMINIC AMON R. LADEZA, AND XAMANTHA XOFIA A. SANTOS, PETITIONERS, VS. SENATE OF THE PHILIPPINES (REPRESENTED BY SENATE PRESIDENT VICENTE C. SOTTO III), HOUSE OF REPRESENTATIVES (REPRESENTED BY GLORIA MACAPAGAL-ARROYO), EXECUTIVE SECRETARY SALVADOR C. MEDIALDEA, DEPARTMENT OF NATIONAL DEFENSE (DND) SECRETARY DELFIN N. LORENZANA, DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) SECRETARY EDUARDO M. AÑO, ARMED FORCES OF THE PHILIPPINES (AFP) CHIEF OF STAFF GENERAL BENJAMIN R. MADRIGAL, JR., PHILIPPINE NATIONAL POLICE (PNP) DIRECTOR GENERAL OSCAR D. ALBAYALDE, NATIONAL SECURITY ADVISER HERMOGENES C. ESPERON, JR., RESPONDENTS.

[G.R. No. 243797]

RIUS VALLE, JHOSA MAE PALOMO, JEANY ROSE HAYAHAY AND RORELYN MANDACAWAN, PETITIONERS, VS. THE SENATE OF THE PHILIPPINES REPRESENTED BY THE SENATE PRESIDENT VICENTE C. SOTTO III, THE HOUSE OF REPRESENTATIVES, REPRESENTED BY THE HOUSE SPEAKER GLORIA MACAPAGAL-ARROYO, THE EXECUTIVE SECRETARY, THE SECRETARY OF NATIONAL DEFENSE, THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT, THE CHIEF OF STAFF, ARMED FORCES OF THE PHILIPPINES, THE DIRECTOR GENERAL, PHILIPPINE NATIONAL POLICE, AND ALL PERSONS ACTING UNDER THEIR CONTROL, DIRECTION, INSTRUCTION, AND/OR SUPERVISION, RESPONDENTS.

DECISION

CARANDANG, J.:

These are consolidated petitions^[1] filed under Section 18,^[2] Article VII of the Constitution, assailing the constitutionality of the third extension from January 1, 2019 to December 31, 2019, of the declaration of martial law and suspension of the privilege of the writ of *habeas corpus* in the entire Mindanao.

Petitioners further pray for the issuance of a Temporary Restraining Order (TRO) or a Writ of Preliminary Injunction (WPI) to enjoin the respondents from implementing the one-year extension.

The Antecedents

On May 23, 2017, President Rodrigo Roa Duterte issued Proclamation No. 216, declaring a state of martial law and suspending the privilege of the writ of *habeas corpus* in the whole of Mindanao to address the rebellion mounted by members of the Maute Group and Abu Sayyaf Group (ASG), for a period not exceeding sixty (60) days.^[3]

Proclamation No. 216 cited the following justifications for the declaration of martial law and suspension of the privilege of the writ of *habeas corpus*:

x x x x

WHEREAS, today 23 May 2017, the same Maute terrorist group has taken over a hospital in Marawi City, Lanao del Sur, established several checkpoints within the City, burned down certain government and private facilities and inflicted casualties on the part of Government forces, and started [the] flying [of] the flag of the Islamic State of Iraq and Syria

(ISIS) in several areas, thereby openly attempting to remove from the allegiance to the Philippine Government this part of Mindanao and deprive the Chief Executive of his powers and prerogatives to enforce the laws of the land and to maintain public order and safety in Mindanao, constituting the crime of rebellion; and

WHEREAS, this recent attack shows the capability of the Maute group and other rebel groups to sow terror, and cause death and damage to property not only in Lanao del Sur but also in other parts of Mindanao.

x x x x.^[4]

On May 25, 2017, within the 48-hour period set in Section 18, Article VII of the 1987 Constitution, the President submitted to the Senate and the House of Representatives his written Report, citing the factual events and reasons that impelled him to issue the said Proclamation. Both Houses expressed their full support to the Proclamation, under the Senate P.S. Resolution No. 388 and House Resolution No. 1050, finding no cause to revoke the same.^[5]

Subsequently, three (3) consolidated petitions assailing the sufficiency of the factual basis of Proclamation No. 216 were filed before this Court.

In a Decision dated July 4, 2017, the Court in *Representative Edcel C. Lagman, et al. v. Hon. Salvador C. Medialdea, et al.*,^[6] found sufficient factual bases for the issuance of Proclamation No. 216 and declared it constitutional.

On July 18, 2017, the President requested Congress to extend the effectivity of Proclamation No. 216. In a Special Joint Session on July 22, 2017, the Congress adopted Resolution of Both Houses No. 2, which extended Proclamation No. 216 until December 31, 2017.^[7]

Acting on the recommendations of the Department of National Defense (DND) Secretary Delfm N. Lorenzana (Secretary Lorenzana) and the then Armed Forces of the Philippines (AFP) Chief of Staff General Rey Leonardo Guerrero (General Guerrero) in a letter dated December 8, 2017, the President again asked both the Senate and the House of Representatives to extend the Proclamation of martial law and the suspension of the privilege of the writ of *habeas corpus* in the entire Mindanao for one year, from January 1, 2018 to December 31, 2018.^[8]

Thereafter, four (4) consolidated petitions were filed before this Court assailing the constitutionality of the second extension of Proclamation No. 216.

In a Decision dated February 6, 2018, this Court in *Representative Edcel C. Lagman, et al. v. Senate President Aquilino Pimentel III, et al.*,^[9] found sufficient factual bases for the second extension of the Proclamation from January 1 to December 31, 2018, and declared it constitutional.

Before the expiration of the second extension of Proclamation No. 216 or on December 4, 2018, Secretary Lorenzana in a letter^[10] to the President, recommended the third extension of martial law and the suspension of the privilege of the writ of *habeas corpus* in the entire Mindanao for one year from January 1, 2019 up to December 31, 2019.^[11] Secretary Lorenzana wrote the recommendation to the President primarily to put an end to the continuing rebellion in Mindanao waged by the DAESH-inspired groups and its local and foreign allies, particularly the Daulah Islamiyah (DI), and the threat posed by the Communist Party of the Philippines-New People's Army Terrorists (CNTs).^[12]

Likewise, the AFP Chief of Staff General Carolito G. Galvez, Jr. (General Galvez) and Chief of the Philippine National Police (PNP) Director-General Oscar D. Albayalde (Director-General Albayalde) recommended the further extension of martial law and the suspension of the privilege of the writ of *habeas corpus* in the entire Mindanao for one year beginning January 1, 2019 up to December 31, 2019, based on current security assessment for the total eradication of the Local Terrorist Groups (LTG), ASG, Bangsamoro Islamic Freedom Fighters (BIFF), DI, and other lawless armed groups and the CNTs, their foreign and local allies, supporters, financiers, in order to fully contain the continuing rebellion in Mindanao and to prevent it from escalating to other parts of the country, and to ensure complete rehabilitation and reconstruction of the most affected areas, as well as to attain lasting peace and order, and to preserve the socio-economic growth and development of the entire Mindanao.^[13]

Acting on these recommendations, the President, in a letter^[14] dated December 6, 2018 to the Senate and the House of Representatives, requested for the third extension of Proclamation No. 216 from January 1, 2019 to December 31, 2019.^[15] The President stated in his letter that, although there has been significant progress in putting rebellion under control and ushering in substantial economic gains in Mindanao, the joint security assessment submitted by General Galvez of the AFP and Director-General Albayalde of the PNP highlighted essential facts indicating that rebellion still persists in Mindanao and that public safety requires the continuation of martial law in the whole of Mindanao.^[16] Private sectors, Regional and Provincial Peace and Order Councils, and local government units in Mindanao were also clamoring for a further extension of the proclamation.^[17] The President cited the following essential facts to extend the proclamation:

The Abu Sayyaf Group, Bangsamoro Islamic Freedom Fighters, Daulah Islamiyah (DI), and other terrorist groups (collectively labeled as LTG) which seek to promote global rebellion, continue to defy the government by perpetrating hostile activities during the extended period of Martial Law. At least four (4) bombings/ Improvised Explosive Device (IED) explosions had been cited in the AFP report. The Lamitan City bombing on 31 July 2018 that killed eleven (11) individuals and wounded ten (10) others, the Isulan, Sultan Kudarat IED explosion on 28 August and 02 September 2018 that killed five (5) individuals and wounded forty-five (45) others, and the Barangay Apopong IED explosion that left eight (8) individuals wounded.

The DI forces continue to pursue their rebellion against the government by furthering the conduct of their radicalization activities, and continuing to recruit new members, especially in vulnerable Muslim communities.

While the government was preoccupied in addressing the challenges posed by said groups, the CTG, which has publicly declared its intention to seize political power through violent means and supplant the country's democratic form of government with Communist rule, took advantage and likewise posed serious security concerns. Records disclosed that at

least three hundred forty-two (342) violent incidents, ranging from harassments against government installations, liquidation operations, and arson attacks as part of extortion schemes, which occurred mostly in Eastern Mindanao, had been perpetrated from 01 January 2018 to 30 November 2018. About twenty-three (23) arson incidents had been recorded and it had been estimated that the amount of the properties destroyed in Mindanao alone has reached One Hundred Fifty-Six (156) Million Pesos. On the part of the military, the atrocities resulted in the killing of eighty-seven (87) military personnel and wounding of four hundred eight (408) others.

Apart from these, major Abu Sayyaf Group factions in Sulu continue to pursue kidnap for ransom activities to finance their operations. As of counting, there are a total of eight (8) kidnappings that have occurred involving a Dutch, a Vietnamese, two (2) Indonesians, and four (4) Filipinos.

The foregoing merely illustrates in general terms the continuing rebellion in Mindanao. I will be submitting a more detailed report on the subsisting rebellion in the next few days.

A further extension of the implementation of Martial Law and suspension of the privilege of the writ of *habeas corpus* in Mindanao will enable the AFP, the PNP, and all other law enforcement agencies to finally put an end to the on-going rebellion in Mindanao and continue to prevent the same from escalating in other parts of the country. We cannot afford to give the rebels any further breathing room to regroup and strengthen their forces. Public safety indubitably requires such further extension in order to avoid the further loss of lives and physical harm, not only to our soldiers and the police, but also to our civilians. Such extension will also enable the government and the people of Mindanao to sustain the gains we have achieved thus far, ensure the complete rehabilitation of the most affected areas therein, and preserve the socio-economic growth and development now happening in Mindanao.^[18]

On December 12, 2018, the Senate and the House of Representatives, in a joint session, adopted Resolution No. 6, entitled "Declaring a State of Martial Law and Suspending the Privilege of the Writ of *Habeas Corpus* in the Whole of Mindanao for another period of one (1) year from January 1, 2019 to December 31, 2019."^[19] Joint Resolution No. 6, partly states:

x x x x

WHEREAS, on December 10, 2018, the House of Representatives received a communication dated December 6, 2018 from President Rodrigo Roa Duterte, informing the Senate and the House of Representatives, that on December 5, 2018, he received a letter from Secretary of National Defense Delfin N. Lorenzana, as Martial Law Administrator, requesting for further extension of Martial Law and the suspension of the privilege of the writ of *habeas corpus* in Mindanao up to December 31, 2019;

WHEREAS, in the same letter, the President cited the joint security report of the Armed Forces of the Philippines (AFP) Chief of Staff, General Carlito G. Galvez, Jr., and the Philippine National Police (PNP) Director- General, Oscar D. Albayalde, which highlighted the accomplishment owing to the implementation of Martial Law in Mindanao, particularly the reduction of the capabilities of different terrorist groups, the neutralization of six hundred eighty-five (685) members of the local terrorist groups (LTGs) and one thousand seventy-three (1,073) members of the communist terrorist' group (CTG); dismantling of seven (7) guerilla fronts and weakening of nineteen (19) others; surrender of unprecedented number of loose firearms; nineteen percent (19%) reduction of atrocities committed by CTG in 2018 compared to those inflicted in 2017; twenty-nine percent (29%) reduction of terrorist acts committed by LTGs in 2018 compared to 2017; and substantial decrease in crime incidence;

WHEREAS, the President nevertheless pointed out that notwithstanding these gains, there are certain essential facts proving that rebellion still persists in the whole of Mindanao and that public safety requires the continuation of Martial Law, among others: (a) the Abu Sayyaf Group, Bangsamoro Islamic Freedom Fighters, Daulah Islamiyah (DI), and other terrorist groups, collectively labeled as LTGs which seek to promote global rebellion, continue to defy the government by perpetrating hostile activities during the extended period of Martial Law that at least four (4) bombing incidents had been cited in the AFP report: (1) the Lamitan City bombing on July 31, 2018 that killed eleven (11) individuals and wounded ten (10) others; (2) the Isulan, Sultan Kudarat improvised explosive device (IED) explosion on August 28 and September 2, 2018 that killed five (5) individuals and wounded forty-five (45) others; and (3) the Barangay Apopong IED explosion that left eight (8) individuals wounded; (b) the DI forces also continue to pursue their rebellion against the government by furthering the conduct of their radical ization activities and continuing to recruit new members especially in vulnerable Muslim communities; and (c) the CTG, which publicly declared its intention to seize political power through violent means and supplant the country's democratic form of government with communist rule which posed serious security concerns;

WHEREAS, the President also reported that at least three hundred forty-two (342) violent incidents, ranging from harassments against government installations, liquidation operations and arson attacks occurred in Mindanao, killing eighty-seven (87) military personnel and wounding four hundred eight (408) others causing One Hundred fifty-six million pesos (P156,000,000.00) worth of property damages;

WHEREAS, the Senate and the House of Representatives are one in the belief that the security assessment submitted by the AFP and the PNP to the President indubitably confirms the continuing rebellion in Mindanao which compels further extension of the implementation of Martial Law and the suspension of the privilege of the writ of *habeas corpus* for a period of one (1) year, from January 1, 2019 to December 31, 2019, to enable the AFP, the PNP, and all other law enforcement agencies, to finally put an end to the ongoing rebellion and to continue to prevent the same from escalating in other parts of the country;

WHEREAS, Section 18, Article VII of the 1987 Philippine Constitution authorizes the Congress of the Philippines to extend, at the initiative of the President, the proclamation or suspension of the privilege of the writ of *habeas corpus* for a period to be determined by the Congress of the Philippines, if the invasion or rebellion shall persist and public safety requires it;

WHEREAS, after thorough discussion and extensive debate, the Congress of the Philippines in a Joint Session, by two hundred thirty-five (235) affirmative votes comprising the majority of all its Members, has determined that rebellion and lawless violence still persist in Mindanao and public safety indubitably requires further extension of the Proclamation of Martial Law and the suspension of the privilege of the writ of *habeas corpus* in the whole of Mindanao: Now, therefore, be

it Resolved by the Senate and the House of Representatives in a Joint Session assembled, To further extend Proclamation No. 216, series of 2017, entitled "Declaring a State of Martial Law and Suspending the Privilege of the Writ of *Habeas Corpus* in the Whole of Mindanao" for another period of one (1) year from January 1, 2019 to December 31, 2019.^[20]

The Parties' Arguments

A. Petitioners' Case

Based on their respective petitions and memoranda^[21] and their oral arguments before this Court on January 29, 2019, petitioners' arguments are summarized as follows:

- a) The Court is mandated to independently determine the sufficiency of factual bases of the extension of martial law and it must not limit its review on the basis of the declaration presented by the Executive and Legislative branches of the government.^[22] Given the Court's critical role in the system of checks and balances, it must be proactive and in keeping with the Constitutional mandate that the Supreme Court is the ultimate guardian of the Constitution, particularly of the allocation of powers, the guarantee of individual liberties and the assurance of the people's sovereignty.^[23]
- b) The present factual situation of Mindanao no longer calls for a third extension of martial law and the suspension of the privilege of the writ of *habeas corpus* because no actual rebellion persists in Mindanao.^[24] The acts of lawlessness and terrorism by the remnants of terrorist groups and by the communist insurgents enumerated in the letter of the President were not established to be related or connected to the crime of rebellion, and can all be subdued and suppressed under the calling out power of the President.^[25]
- c) The absence of the requirement of public safety is underscored by the very absence of an actual rebellion consisting of an armed uprising against the government for the purpose of removing Mindanao or a portion thereof from the allegiance to the Republic. More so, the alleged rebellion in Mindanao does not endanger public safety.^[26] The threat to public safety contemplated under the Constitution is one where the government cannot sufficiently or effectively govern, as when the courts or government offices cannot operate or perform their functions.^[27]
- d) Proclamation No. 216 has become *functus officio* and the extension is no longer necessary, considering the deaths of the leaders of the ASG and the Maute brothers, and the cessation of combat operations and the liberation of Marawi City.^[28]
- e) Congress committed grave abuse of discretion in approving the third extension hastily despite the absence of sufficient factual basis.^[29]
- f) The third extension violates the constitutional proscription against a long duration of martial law or the suspension of the privilege of the writ of *habeas corpus*.^[30] The constitutional limitations on the period of martial law must be for a short or limited duration, which must not exceed sixty (60) days, and should the third extension be granted, the martial law regime would have lasted 951 days.^[31]
- g) The "justifications" proffered by the President in his letter merely illustrates in general terms, lacking in specifics to support the claim that rebellion persists in Mindanao, and the President undertook to submit to the Congress a more detailed report which he failed to do.^[32]
- h) The resolutions and recommendations for martial law extension by the Regional and Provincial Peace and Order Councils were due only to their desire for peace and order, economic development, and not because rebellion persists in Mindanao.^[33]
- i) The third extension of martial law will lead to further violation of citizens' political, civil, and human rights.^[34]

B. Respondents' Case

Respondents, through the Office of the Solicitor General (OSG), argue that:

- a) The Court's power of judicial review under Section 18, Article VII is limited to the determination of the sufficiency of the factual basis of the extension of martial law and suspension of the privilege of the writ of *habeas corpus*.^[35]
- b) There is sufficient factual basis to extend the effectivity of Proclamation No. 216 as rebellion persists in Mindanao, and public safety requires it.^[36] The President and both Houses of Congress found that there is probable cause or evidence to show that rebellion persists in Mindanao.^[37]
- c) The events happening in Mindanao strongly indicate that the continued implementation of martial law is necessary to protect and insure public safety.^[38]
- d) The deaths of the leaders of the ASG, the Maute brothers and the cessation of the Marawi siege did not render *functus officio* the declaration of *martial law* under Proclamation No. 216.^[39] Although the Marawi siege ended, the factual circumstances which became the basis for the second extension still exists and continuously threaten the peace and order situation in Mindanao.^[40]
- e) Congress has the sole prerogative to extend martial law and the suspension of the privilege of the writ of *habeas corpus* since the 1987 Constitution does not limit the period of extension and suspension, nor prohibit further extensions or suspensions.^[41]
- f) Congress has the absolute discretion in determining the rules of procedure with regard to the conduct and manner by which Congress deliberates on the President's request for extension of martial law, and therefore is not subject to judicial review.^[42]
- g) The alleged human rights violations do not warrant the nullification of martial law and the suspension of the privilege of the writ of

habeas corpus. There are sufficient legal safeguards to address human rights abuses.^[43]

h) Petitioners failed to prove that they are entitled of injunctive relief.^[44]

The Issues

The following are the issues to be resolved as identified by the Court:^[45]

- A. Whether there exists sufficient factual basis for the extension of martial law in Mindanao.
 1. Whether rebellion exists and persists in Mindanao.
 2. Whether public safety requires the extension of martial law in Mindanao.
 3. Whether the further extension of martial law has not been necessary to meet the situation in Mindanao.
- B. Whether the Constitution limits the number of extensions and the duration for which Congress can extend the proclamation of martial law and the suspension of the privilege of the writ of *habeas corpus*.
- C. Whether Proclamation No. 216 has become *functus officio* with the cessation of Marawi siege that it may no longer be extended.
- D. Whether the manner by which Congress approved the extension of martial law is a political question and is not reviewable by the Court [*E*]n [*B*]anc.
 1. Whether Congress has the power to determine its own rules of proceedings in conducting the joint session under Section 18, Article VII of the Constitution.
 2. Whether Congress has the discretion as to how it will respond to the President's request for the extension of martial law in Mindanao - including the length of the period of deliberation and interpellation of the executive branch's resource persons.
- E. Whether the declaration of martial law and the suspension of the privilege of the writ of *habeas corpus* or extension thereof may be reversed by a finding of grave abuse of discretion on the part of Congress. If so, whether the extension of martial law was attended by grave abuse of discretion.
- F. Whether the allegations of human rights violations in the implementation of martial law in Mindanao is sufficient to warrant nullification of its extension.

x x x x

Ruling of the Court

The requirements of rebellion and public safety are present to uphold the extension of martial law in Mindanao from January 1, 2019 to December 31, 2019.

Since the Court must determine the sufficiency of the factual basis for the declaration as well as the extension of martial law and suspension of the writ of *habeas corpus*, the standard of review under Section 18, Article VII is not grave abuse of discretion.

The sufficiency of the factual basis for the extension of martial law in Mindanao must be determined from the facts and information contained in the President's request, supported by reports submitted by his alter egos to Congress. These are the bases upon which Congress granted the extension. The Court cannot expect exactitude and preciseness of the facts and information stated in these reports, as the Court's review is confined to the sufficiency and reasonableness thereof. While there may be inadequacies in some of the facts, *i.e.*, facts which are not fully explained in the reports, these are not reasons enough for the Court to invalidate the extension as long as there are other related and relevant circumstances that support the finding that rebellion persists and public safety requires it.

Contrary to *Monsod, et al.*, the Court need not make an independent determination of the factual basis for the proclamation or extension of martial law and the suspension of the privilege of the writ of *habeas corpus*. The Court is not a fact-finding body required to make a determination of the correctness of the factual basis for the declaration or extension of martial law and suspension of the writ of *habeas corpus*. It would be impossible for the Court to go on the ground to conduct an independent investigation or factual inquiry, since it is not equipped with resources comparable to that of the Commander-in-Chief to ably and properly assess the ground conditions.

Thus, in determining the sufficiency of the factual basis for the extension of martial law, the Court needs only to assess and evaluate the written reports of the government agencies tasked in enforcing and implementing martial law in Mindanao.

Indeed, in *Montenegro v. Castañeda*,^[46] the Court pronounced that:

[W]hereas the Executive branch of the Government is enabled thru its civil and military branches to obtain information about peace and order from every quarter and corner of the nation, the judicial department, with its very limited machinery cannot be in better position to ascertain or evaluate the conditions prevailing in the Archipelago.

But even supposing the President's appraisal of the situation is merely *prima facie*, we see that petitioner in this litigation has failed to overcome the presumption of correctness which the judiciary accords to acts of the Executive and Legislative Departments of our Government.

The quantum of proof applied by the President in his determination of the existence of rebellion is probable cause. The Court in *Lagman v. Medialdea*^[47] held that "in determining the existence of rebellion, the President only needs to convince himself that there