

CONCLUSION □

'Today Began Yesterday' by Leon Ma. Guerrero

I cannot escape the sense that events, the thrust of history, and even the will of the people somehow guided my hand to the deed.

— Ferdinand E. Marcos

IT was to this pass that the Filipino nation had been driven by historical forces when President Marcos placed the whole country under martial law. It is beyond dispute that he had the authority, if not indeed the constitutional duty, to do so under the 1935 Constitution which provided for such a proclamation in case of invasion, insurrection, rebellion, or imminent danger thereof, when the public safety required it.

That there was more than imminent danger, that in fact there was actual insurrection, there can be no doubt; the Supreme Court explicitly so found in a series of cases questioning the previous suspension of the privilege of the writ of *habeas corpus*. It was the insurrection organized and fought by the New People's Army, the military arm of the Communist Party of the Philippines, restored and revitalized by the young Maoists.

That there was imminent danger of rebellion was established beyond doubt when a few days after the proclamation an armed Muslim secessionist movement broke out in the southern islands of Mindanao, Basilan and the Sulu archipelago which is still continuing.

That the public safety required the imposition of martial law, over and beyond the suspension of *habeas corpus*, was a question which the Constitution left to the judgment of one man, the President; and that his judgment was not totally unreasonable was persuasively established by the Muslim rebellion. The very integrity of the Republic was at stake.

And that the public safety required the proclamation of martial law not only in the southern islands but throughout the Republic was again a not wholly unreasonable judgment of the President. There were at the time 145 so-called private armies, and various criminal smuggling and murder "syndicates", throughout the length and breadth of the country, armed with over half-a-million illegally held weapons. Thousands of activist students roamed the streets of the capital, challenging the constituted authorities and threatening to sack and burn the Presidential palace itself. The captured "Regional Program of Action 1972" of the New People's Army, and the discovery and interception of the Digoyo Point landing, perhaps not the first or the last, of a significant quantity of foreign arms, ammunition and military equipment indicated that the Communist insurrection was entering a new and decisive stage.

Subsequently, the President would offer a more elaborate and persuasive account based on secret intelligence reports not previously made available for obvious reasons. He was to contend, in brief, that the inescapable inference from these reports was that the Communists, the "oligarchs" and the "rightists"—apparently a group of retired generals—had been conspiring, each for their own ends, to eliminate him either by forcing him to resign or by assassinating him. The details of the murder plot or plots were not revealed, but that they were not sheer fancy was shown later by an attempt to kill his wife at a public function. In the alternative, the forced resignation would have been brought about by increasingly uncontrollable disorder, fed and fomented by student riots, in reality to be financed by the "oligarchs" and spearheaded by the Communists, but to be attributed to the President himself and the leaders of the armed forces, who were to be exposed as contriving enough "incidents" to justify the imposition of martial law.

In the chaos that would follow assassination or resignation, each group of conspirators would reach out for total power, either singly or in temporary and opportunistic alliance with the others, and impose its own version of "martial law". At the outset the retired generals, the "oligarchs" and the opposition politicians, would seize power on the pretext of restoring law and order. Thereafter, as the opportunity arose, the Communists in turn would seek to overthrow this fascist dictatorship to establish a people's republic. The scenario was civil war, with the Muslim separatists going their own way in the southern islands. In such a war normal constitutional guarantees and processes would have been, in any case, meaningless.

For all that, the proclamation of martial law was essentially a temporary measure, and the President was to go much further; the Convention had drafted, as has been noted, a Constitution instituting a parliamentary form of government, with a Prime Minister elected by and responsible to a unicameral National Assembly, which would replace the bicameral

Congress. Before the latter could convene as scheduled on 22 January 1973, the President submitted the new 1973 Constitution for approval by the people, not by secret ballot in a plebiscite among the registered voters, but in "citizens' assemblies" not envisioned either in the 1935 Constitution or in the electoral code. In the event, the Congress failed to convene, and the Supreme Court, for its part, refused to interfere in what it considered to be a political act rather than a justiciable question, and declared in a resolution that "there is no further judicial obstacle to the new Constitution being considered in force and in effect."

Thus in the context of events, the declaration of martial law was more than "a simple police action", the protection of the status quo; it entailed a much greater responsibility than the restoration of public order: "that enormous responsibility, one that could not be shirked, was laying the foundations of an entirely new society." It had been attempted before. Mabini had hopefully announced a new "True Decalogue". The Japanese had imposed a "New Order". The Communists had promised a "New Democracy". What was this "New Society"?



Its progenitor had envisioned it as "a revolution from the center, in sum, a democratic revolution" whereby in effect the government itself became revolutionary in order to forestall and compete with the "Marxist-Jacobin" revolution that sought to overthrow the existing order by violence and replace it with a dictatorship of the proletariat. The old society was "the social and political elite manipulating... a precarious democracy of patronage, privilege and personal aggrandizement" in "a political culture which was populist, personalist and individualist in orientation." The new society, under a regime of "constitutional authoritarianism", would "democratize wealth" and discipline the "oligarchs". It would redress the grievances of "the rebellion of the poor" by freeing them from bondage to the landlords, and giving land to the landless, and jobs to the jobless through the honest and efficient husbanding of the country's resources. To achieve this, it would put an end to the old "politics of conflict", and to the "vertical view" of society, making it "authentically human". It would reform the entire political system through the "participatory democracy" of citizens' assemblies where the old inequalities of wealth and influence, and the discriminations against the young and the illiterate, would no longer be available, and where demagogues would no longer be able to "mislead and manipulate" the popular will.

Obviously, even the new Constitution, with its mainly structural changes in the machinery of government, was insufficient for this. Pondering over Walter Lippmann's distinction between *The People* and *The People* "as a community of the entire living population, with their predecessors and successors", and Edmund Burke's view of *The People* as "connected generations of persons joined in partnership" not only "between those who are living" but also with "those who are dead and those who are to be born", the President asked the meaning of the term, "The People of the Philippines", as it was used in proclaiming the Constitution.

"The framers of our present (1935) Constitution were certainly not drafting it for the interest of those who ratified it at a specific period in history. If they were, the whole charter would have been so particular that it would have lost its validity right after it was made. Nor is the present (1971) Constitutional Convention meant to consider only the interests of *The People* as voters, as masses, or even *all* of the people at this time in history, for (at) this very hour, this majority, the masses, and the entire people are changing: many are dying and many are (being) born. And it is certainly anomalous to say that *The People* of the Constitution is whatever people there may be at the time of its ratification. Constitutions are changed not only because of new social, economic, or political conditions, but because the interests of *The People* cannot be anticipated for all time.

"We begin to realize, then, the shortsightedness of our approach to popular sovereignty, the arrogance of our self-regard, when we confine the people's interest to what we, at present, regard to be our interests. Our populist, personalist and individualist culture must give way not only to collective responsibility, but beyond that to our historic responsibility. We, as a people, exist not only in the urgent present but in the continuum of history. We shall live, labor and die as individuals, but as a people, we are a part of that historic stream of generations that (is) *The Filipino People*... We do exist and die for those who will come after us, and by our actions we either serve or betray them—those coming generations which are, in their totality, *The Filipino People*. Nothing less than this high moral consciousness must necessarily guide the democratic revolution as it reaches out for a new society."

Thus, he seemed to be saying, even Constitutions, new and old, with their elected parliaments, prime ministers and presidents, had perforce to yield to the supreme interest of the whole people, past, present and to come. "Let constitutions founder," Mabini might have cried with him, "and the people be saved." □

Tal pueblo, tal gobierno.

— Jose Rizal

TODAY began yesterday. The *Huks* were the progeny of the *Katipunan*, as indeed they proudly claimed to be; the Muslim secessionists were fighting the old long war with Spain, seeking their identity in the medieval sultanate; the revulsion against the politicians, and the indifference, if not outright relief, upon the death of the Congress and the stillbirth of the New Assembly, were the culmination of a long process of disenchantment with a system of government made by another people in another place for another time. If, as Rizal observed, "like people, like government," the Filipinos had had perhaps the government they deserved, but, in another and more pertinent reading of the phrase, they would have the government they needed.

A nation is its history, and the Filipinos needed and deserved a system of government shaped by the national experience, the structure of their own community, their own unique capacities, grievances, desires and aspirations. Their society of semi-feudal landlords and unlettered peasants, a society of arrogant contrasts between palaces and hovels, was not the society of hardy pioneers and backwoods lawyers that had evolved the American form of representative government, which itself was becoming increasingly uncomfortable and unsatisfying for an industrialized and "affluent" society of "conspicuous consumption". The experience of the Filipinos with this system, after it had been imposed by the colonial regime, had been of parties that were not parties but unprincipled coalitions of the rich, the powerful and the unscrupulous; of elections that were essentially meaningless exercises in fraud, terrorism, bribery and demagoguery; of politicians who represented no one but themselves. The people's capacity for self-government had been trapped in a political mechanism they had not learned how to work or to control, and their capacity for indignation and generosity, sacrifice and service to the country, left to wither and decay.

Faced with these political realities, Quezon had advocated "partyless democracy", and "self-restraint" in the exercise of individual liberties. The Filipinos, he exhorted, faced the task of "devising our own democratic institutions and government." Sumulong had spoken darkly of "farical representative government" under a "feared and detested oligarchy". Laurel had ruminated wistfully about "men of superior moral and intellectual endowments" who would exercise a "benevolent" control of the state. Long before them, Rizal and Mabini had called for "social regeneration" and an "internal revolution", in brief, a new society.

Such a society would face the task of redressing grievances that had been mocked in the past, and fulfilling desires and aspirations that remained frustrated; of redeeming the peasants from age-old bondage, and giving them the lands that the Revolution had promised; of "democratizing wealth" and enlisting it to provide tolerable lives for the common people; of assuring equal progress for all in a just society without sacrificing the workers to the technocratic goals of full and rapid development at any cost; of reconciling the basic human rights and freedoms with the requirements of national discipline and security; of devising a form of representative democracy that would enable the ordinary Filipino, in his village, farm or humble tenement, to make his voice truly heard, and his will effectively participate in the great decisions of his government.

What is the alternative? □