

Declaration of Martial Law

The anniversary of the declaration of martial law is on September 23 (not September 21)

PHILIPPINES Sunday Express
 VOLUME 1, NO. 141 SUNDAY, SEPTEMBER 24, 1972 10 CENTAVES 16 PAGES

FM DECLARES MARTIAL LAW

The nat'l situation in brief

- This is not a military takeover. Civilian government will function. The officials and employees of the national and local governments continue to discharge their duties as before within the limits of the situation.
- All executive departments, bureaus, offices, agencies and instrumentalities of the government, as well as government-owned or controlled corporations, government-owned enterprises, cities, municipalities and barrios continue to function under the general officers and employees in accordance with existing laws.
- The judiciary shall continue to function under the present organization and personnel and try and decide all criminal and civil cases with certain exceptions.
- All schools will be closed for one week beginning this Monday for all levels.
- Carrying of firearms outside the residence area is banned by law but without permission of the armed forces is prohibited.
- Curfew will be imposed from 12 midnight to 4

But civilian gov't still functions; no military takeover

President Marcos announced last night that he had placed the entire country under martial law to prevent violence everywhere of the government by a foreign-backed Communist insurgency.

The Chief Executive said he signed the martial law order (Proclamation No. 1081) last Sept. 21, 1972, and authorized its implementation by the military at 9 p.m. Friday.

"I am utilizing the proclamation of martial law," he said, "for one purpose alone: to save the Republic and restore society."

•To save the Republic and form a new society•

In imposing martial law, Mr. Marcos said he would exercise what the emergency power to establish for the country a "new society" devoid of the evils of corruption and ineptitude in government.

The President stressed the imposition of martial law does not mean a military takeover. The government of the Republic continues, he declared, adding that the officials and employees of the government will continue to discharge their functions as before within the limits of the situation.

Nation is calm; business, life go on normally

The nation has taken President Marcos' declaration of martial law calmly.

There was some concern of commuters early in the day, worried by the absence of the usual morning papers in the streets, the absence of street vendors and hawkers, and the absence of the city's usual life. And the principal reason must have been the transportation scarcity of vehicles in the city's main thoroughfares, which usually are crowded to be cleared by a handful of Manila policemen. During the day, traffic was, in small, suburban neighborhoods, but that is usual on Saturdays, Manila PD, after one of the five spring breaks which opens on Saturdays, posted notices at bus stops in the morning that it was suspending operations on account of the "exceptional situation." By midday, a few commuters of the network had gathered, and the

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“FM Declares Martial Law”—the headline of the September 24, 1972 issue of the Sunday Express, which was the Sunday edition of Philippines Daily Express. The Daily Express was the only newspaper allowed to circulate upon the declaration of Martial Law

President Ferdinand E. Marcos signed [Proclamation No. 1081](#) on September 21, 1972, placing the Philippines under Martial Law. Some sources say that Marcos signed the proclamation on September 17 or on September 22—but, in either case, the document itself was dated September 21.

Throughout the Martial Law period, Marcos built up the cult of September 21, proclaiming it as National Thanksgiving Day by virtue of [Proclamation No. 1180 s. 1973](#) to memorialize the date as the foundation day of his New Society. The propaganda effort was so successful that up to the present, many Filipinos—particularly those who did not live through the events of September 23, 1972—labor under the misapprehension that martial law was proclaimed on September 21, 1972. It was not.

The culmination of a long period of preparation

The facts are clear. A week before the actual declaration of Martial Law, a number of people had already received information that Marcos had drawn up a plan to completely take over the government and gain absolute rule. Senator Benigno S. Aquino Jr., during a September 13, 1972 privilege speech, exposed what was known as “Oplan Sagittarius.” The Senator said he had received a top-secret military plan given by Marcos himself to place Metro Manila and outlying areas under the control of the Philippine Constabulary as a prelude to Martial Law. Marcos was going to use a series of bombings in Metro Manila, including the [1971 Plaza Miranda bombing](#), as a justification for his takeover and subsequent authoritarian rule.

In his own diary, [Marcos wrote on September 14, 1972](#) that he informed the military that he would proceed with proclaiming Martial Law. Even the U.S. Embassy in Manila knew as early as September 17, 1972 about Marcos’ plan.^[1]

This was indeed the culmination of a long period of preparation: As early as May 17, 1969, Marcos hinted the declaration of Martial Law, [when he addressed the Philippine Military Academy Alumni Association](#):

One of my favorite mental exercises, which others may find useful, is to foresee possible problems one may have to face in the future and to determine what solutions can possibly be made to meet these problems.

For instance, if I were suddenly asked, to pose a given situation, to decide in five minutes when and where to suspend the privilege of the writ of habeas corpus, I have decided that there should be at least five questions that I would ask, and depending on the answers to these five questions, I would know when and where to suspend the privilege of the writ of habeas corpus.

The same thing is true with the declaration of martial law [...] It is a useful mental exercise to meet a problem before it happens.

In his memoir, then Justice Secretary Juan Ponce Enrile recalled that on a late afternoon in December 1969, Marcos instructed him to study the powers of the President as Commander-in-Chief under the provisions of the [1935 Constitution](#). Marcos made this instruction as he “[foresaw] an escalation of violence and disorder in the country and [wanted] to know the extent of his powers as commander-in-chief.”^[2] The President also stressed that “the study must be done discreetly and confidentially.”^[3]

At about the same time, Marcos also instructed Executive Secretary Alejandro Melchor and Jose Almonte to study how Martial Law was implemented in different parts of the world. Marcos also wanted to know the consequences of declaring Martial Law. The result of their study stated that, “while Martial Law may accelerate development, in the end the Philippines would become a political archipelago, with debilitating, factionalized politics.” Almonte recalled that their findings led to the conclusion that “the nation would be destroyed because, apart from the divisiveness it would cause, Martial Law would offer Marcos absolute power which would corrupt absolutely.”^[4]

By the end of January 1970, Enrile, with the help of Efren Plana and Minerva Gonzaga Reyes, submitted the only copy of the confidential report on the legal nature and extent of Martial Law to Marcos. A week later, Marcos summoned Enrile and instructed him to prepare the documents to implement Martial Law in the Philippines.^[5]

In his January 1971 diary entries, Marcos discussed how he met with business leaders, intellectuals from the University of the Philippines, and the military to lay the groundwork that extreme measures would be needed in the future. On [May 8, 1972, Marcos confided in his diary](#) that he had instructed the military to update its plans, including the list of personalities to be arrested, and had met with Enrile to finalize the legal paperwork required.

On August 1, 1972, Marcos met with Enrile and a few of his most trusted military commanders to discuss tentative dates for the declaration of Martial Law—to fall within the next two months. All of the dates they considered either ended in seven or were divisible by seven, as Marcos considered seven his lucky number.^[6]

The last days of democracy



Last photo of Ninoy Aquino in the Senate, taken September 21, 1972, a day before his arrest

Senator Benigno S. Aquino Jr. delivers a privilege speech on the Senate floor on September 21, 1972—two days before Martial Law was declared and implemented. (From *A Garrison State in the Make*, p. 353)

On September 21, 1972, democracy was still functioning in the Philippines. Senator Benigno S. Aquino Jr. was still able to deliver a privilege speech—what would be his final one—in the Senate. Primitivo Mijares, among others, recounted the functioning of the House of Representatives and the Senate, with committee meetings scheduled for that night. Senate and House leaders agreed not to adjourn on this day, as earlier scheduled. They decided to extend their special session to a *sine die* adjournment on September 23.^[7]

That afternoon, a protest march in Plaza Miranda was sponsored by the Concerned Christians for Civil Liberties. The rally was attended by more than 30 “civic, religious, labor, student, and activist groups [...] [and] a crowd of 30,000,” and received coverage from newspapers, radio, and television.^[9]



A mass rally organized by the Movement of Concerned Citizens for Civil Liberties (MCCCL) was held at Plaza Miranda in Quiapo. (Photo courtesy of Philippines Free Press Magazine)

[In his diary](#), Marcos wrote that he, together with members of his Cabinet and staff, finished the preparation of Proclamation 1081 at 8 PM, September 21.

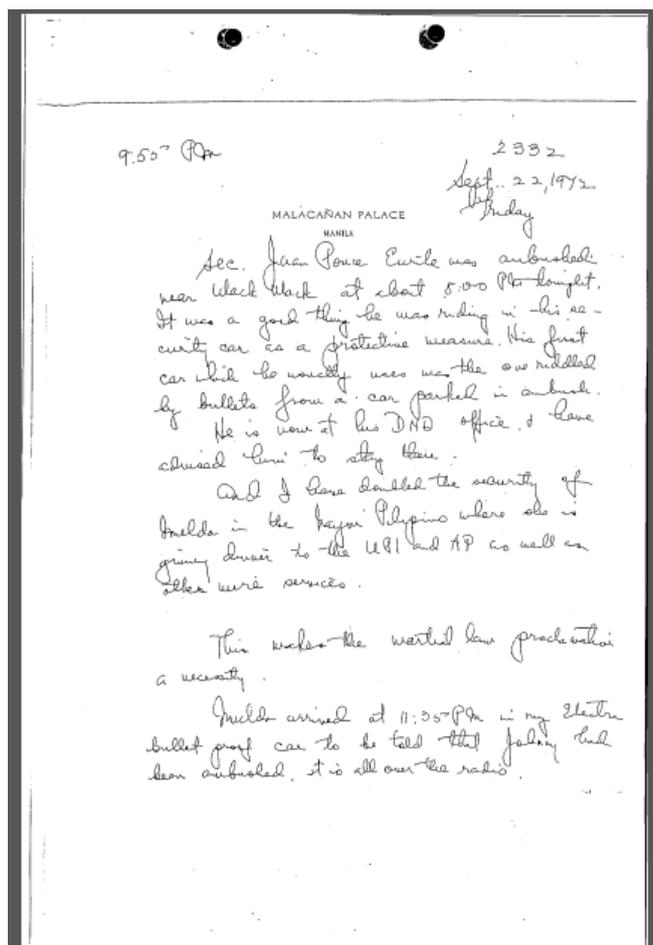
On September 22, 1972, a day after the final speech of Ninoy Aquino, newspapers still came out: they featured the rally held the previous day in Plaza Miranda. Mijares recounted that Marcos was agitated by a statement reported in the *Daily Express* that if Martial Law were declared, Aquino said he would have to be arrested soon after or he would escape to join the resistance.

The Enrile ambush as pretext for Martial Law

The pretext for Martial Law was provided later in the evening of Friday, September 22, 1972, the convoy of Secretary of Defense Juan Ponce Enrile was ambushed in Wack-Wack as he was on his way home to Dasmariñas Village in Makati before 9 p.m. Enrile recalled his convoy was driving out of Camp Aguinaldo when a car opened fire at his convoy and sped away.

A contrasting account came from Oscar Lopez, who lived along Notre Dame Street, Wack Wack Village, stated that he heard a lot of shooting and that when he went out to see what was happening, he saw an empty car riddled with bullets. Lopez's driver, who happened to see the incident, narrated that "there was a car that came and stopped beside a Meralco post. Some people got out of the car, and then there was another car that came by beside it and started riddling it with bullets to make it look like it was ambushed."^[10]

This ambush, as Enrile later revealed in 1986, was staged by Marcos to justify Martial Law.



Excerpt from the diary of Ferdinand E. Marcos on September 22, 1972. From the [Philippine Diary Project](#).

Marcos, in [his diary entry for September 22, 1972](#) (time-stamped 9:55 p.m.) wrote, “Sec. Juan Ponce Enrile was ambushed near Wack-Wack at about 8:00 pm tonight. It was a good thing he was riding in his security car as a protective measure... This makes the martial law proclamation a necessity.” His diary entry for September 25, 1972 mentions conditions after two days of Martial Law, also indicating martial law in reality is dated to September 23, 1972.

Primitivo Mijares—a former journalist for Marcos who would later write against Marcos and disappear without a trace in 1973—claimed that the Enrile ambush was fake as it was made as the final excuse for Marcos to declare Martial Law.^[11] Mijares also claimed that the ammunition planted by the Presidential Guard Battalion in Digoyo Point, Isabela—which was later confiscated by the Philippine Constabulary on July 5, 1972—was used to connect the ambush with alleged Communist terror attacks.

In the biography of Chino Roces, Vergel Santos questioned the elements of the Enrile ambush: “Why inside a village and not on a public street, and why in that particular village? Possibly for easier stage-managing: the family of Enrile’s sister Irma and her husband, Dr. Victor Potenciano, lived there, in Fordham, the next street in the Potenciano home and got the story straight from him, as officially scripted.”^[12]

September 21 or September 23?

When Marcos appeared on television at 7:15 p.m. on September 23, 1972 to announce that he had placed the “entire Philippines under Martial Law” by virtue of Proclamation No. 1081, he framed his announcement in legalistic terms that were untrue. This helped camouflage the true nature of his act to this day: it was nothing less than a self-coup.

Marcos announced that he had placed the entire country under Martial Law as of 9 p.m. on September 22, 1972 via a proclamation which, he claimed, he’d signed on September 21, 1972.

Yet accounts differ. David Rosenberg, writing in the *Bulletin of Concerned Asian Scholars* (“The End of the Freest Press in the World,” Vol. 5, 1973) chronicled that about six hours after the ambush, Marcos signed Proclamation No. 1081, placing the entire country under Martial Law, placing the signing at around 3 a.m. on September 23. Raymond Bonner, in his book *Waltzing with the Dictator*, narrated his interview with Enrile, during which the former Defense Secretary recalled that he and Acting Executive Secretary Roberto Reyes witnessed Marcos sign Proclamation No. 1081 in the morning of September 23, 1972. *The Bangkok Post* asserted in a series of articles called “The Aquino Papers,” published from February 20 to 22 of 1973, that Proclamation No. 1081 had been signed even earlier, on September 17, 1972, postdated to September 21. Mijares also mentioned in his book that Marcos said as much in an address to a conference of historians, in January 1973.

Two things emerge: first, whether they conflict or not, all accounts indicate that Marcos’ obsession with numerology (particularly the number seven) necessitated that Proclamation No. 1081 be officially signed on a date that was divisible by seven. Thus, September 21, 1972 became the official date that Martial Law was established and the day that the Marcos dictatorship began. This also allowed Marcos to control history on his own terms.

Day one of the Marcos dictatorship

The second is that the arbitrary date emphasizes that the actual date for Martial Law was not the numerologically-auspicious (for Marcos) 21st, but rather, the moment that Martial Law was put into full effect, which was after the nationwide address of Ferdinand Marcos as far as the nation was concerned: September 23, 1972. By then, personalities considered threats to Marcos (Senators Benigno S. Aquino Jr., Jose Diokno, Francisco Rodrigo and Ramon Mitra Jr., and members of the media such as Joaquin Roces, Teodoro Locsin Sr., Maximo Soliven and Amando Doronila) had already been rounded up, starting with the arrest of Senator Aquino at midnight on September 22, and going into the early morning hours of September 23, when 100 of the 400 personalities targeted for arrest were already detained in Camp Crame by 4 a.m.

In the meantime, the military had shut down mass media, flights were canceled, and incoming overseas calls were prohibited. Press Secretary Francisco Tatad went on air at 3 p.m. of September 23 to read the text of Proclamation No. 1081. The reading of the proclamation was followed by Marcos going on air at 7:15 p.m. to justify the massive clampdown of democratic institutions in the country.

Marcos would subsequently issue [General Order No. 1, s. 1972](#), transferring all powers to the President who was to rule by decree.

[View our infographic: [The Day Marcos Declared Martial Law](#)]

The *New York Times* reported about these events in an article titled “Mass Arrests and Curfew Announced in Philippines; Mass Arrests Ordered in Philippines” in their September 24, 1972 issue. The *Daily Express* itself announced in its September 24 issue that Marcos had proclaimed martial law the day before, September 23, 1972.

“Never again”

After the declaration and imposition of Martial Law, citizens would still go on to challenge the constitutionality of Proclamation No. 1081. Those arrested filed petitions for *habeas corpus* with the Supreme Court. But Marcos, who had originally announced that Martial Law would not supersede the 1935 Constitution, engineered the replacement of the constitution with a new one. On March 31, 1973, the Supreme Court issued its final decision in *Javellana v. Executive Secretary*, which essentially validated the 1973 Constitution. This would be the final legitimizing decision with on the constitutionality of Martial Law: in G.R. No. L-35546 September 17, 1974, the Supreme Court dismissed petitions for *habeas corpus* by ruling that Martial Law was a political question beyond the jurisdiction of the court; and that, furthermore, the court had already deemed the 1973 Constitution in full force and effect, replacing the 1935 Constitution.

Martial Law would officially end on January 17, 1981 with [Proclamation No. 2045](#). Marcos, however, would reserve decree-making powers for himself.

Today, the [1987 Constitution](#) safeguards our institutions from a repeat of Marcos’ Martial Law regime. The Supreme Court is empowered to review all official acts to determine if there has been grave abuse of discretion. Congress cannot be padlocked. Martial Law is limited in duration and

effects, even if contemplated by a president. Section 18 of Article VII of the current Constitution provides:

Within forty-eight hours from the proclamation of martial law or the suspension of the privilege of the writ of *habeas corpus*, the President shall submit a report in person or in writing to the Congress. The Congress, voting jointly, by a vote of at least a majority of all its Members in regular or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President. Upon the initiative of the President, the Congress may, in the same manner, extend such proclamation or suspension for a period to be determined by the Congress, if the invasion or rebellion shall persist and public safety requires it.

The Congress, if not in session, shall, within twenty-four hours following such proclamation or suspension, convene in accordance with its rules without any need of a call.

The Supreme Court may review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ or the extension thereof, and must promulgate its decision thereon within thirty days from its filing.

A state of martial law does not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over civilians where civil courts are able to function, nor automatically suspend the privilege of the writ.

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^[1] Raymond Bonner, *Waltzing with a Dictator: The Marcoses and the Making of American Policy* (New York: Times Books, 1987), p. 3.

[2] Juan Ponce Enrile, *Juan Ponce Enrile: A Memoir* (Quezon City, ABS-CBN Publishing Inc., 2012), p. 275.

[3] Juan Ponce Enrile, *Juan Ponce Enrile: A Memoir* (Quezon City, ABS-CBN Publishing Inc., 2012), p. 275.

[4] Jose T. Almonte and Marites Dañguilan Vitug, *Endless Journey: A Memoir* (Quezon City: Cleverheads Publishing, 2015), p. 77.

[5] Juan Ponce Enrile, *Juan Ponce Enrile: A Memoir*, (Quezon City, ABS-CBN Publishing Inc., 2012), p. 276.

[6] Raymond Bonner, *Waltzing with a Dictator: The Marcoses and the Making of American Policy* (New York: Times Books, 1987), p. 95.

[7] Primitivo Mijares, *The Conjugal Dictatorship of Ferdinand and Imelda Marcos I.* (New York: Union Square Publications, 1986), p. 54.

[9] Eva-Lotta E. Hedman and John Thayer Sidel, *Philippine Politics and Society in the Twentieth Century: Colonial Legacies, Post-Colonial Trajectories* (London: Routledge, 2005), p. 129.

[10] Raul Rodrigo, *Phoenix: The Saga of the Lopez Family Volume 1: 1800 – 1972*, Manila: Eugenio Lopez Foundation, Inc., 2007), p. 377

[11] Primitivo Mijares, *The Conjugal Dictatorship of Ferdinand and Imelda Marcos I.* (New York: Union Square Publications, 1986), p. 166

[12] Vergel O. Santos, *Chino and His Time*, (Pasig: Anvil, 2010), p. 16

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