

**EN BANC**

**[ G.R. No. 225973, August 08, 2017 ]**

**SATURNINO C. OCAMPO, TRINIDAD H. REPUNO, BIENVENIDO LUMBERA, BONIFACIO P. ILAGAN, NERI JAVIER COLMENARES, MARIA CAROLINA P. ARAULLO, M.D., SAMAHAN NG EX-DETAINEES LABAN SA DETENSYON AT ARESTO (SELDA), REPRESENTED BY DIONITO CABILLAS, CARMENCITA M. FLORENTINO, RODOLFO DEL ROSARIO, FELIX C. DALISAY, AND DANILO M. DELA FUENTE,\* PETITIONERS, VS. REAR ADMIRAL ERNESTO C. ENRIQUEZ (IN HIS CAPACITY AS THE DEPUTY CHIEF OF STAFF FOR RESERVIST AND RETIREE AFFAIRS, ARMED FORCES OF THE PHILIPPINES), THE GRAVE SERVICES UNIT (PHILIPPINE ARMY), AND GENERAL RICARDO R. VISAYA (IN HIS CAPACITY AS THE CHIEF OF STAFF, ARMED FORCES OF THE PHILIPPINES), DEFENSE SECRETARY DELFIN LORENZANA, AND HEIRS OF FERDINAND E. MARCOS, REPRESENTED BY HIS SURVIVING SPOUSE IMELDA ROMUALDEZ MARCOS, RESPONDENTS.**

**RENE A.V. SAGUISAG, SR., RENE A.Q. SAGUISAG, JR., RENE A.C. SAGUISAG III, INTERVENORS.**

**[G.R. No. 225984]**

**REP. EDCCEL C. LAGMAN, IN HIS PERSONAL AND OFFICIAL CAPACITIES AND AS A MEMBER OF CONGRESS AND AS THE HONORARY CHAIRPERSON OF THE FAMILIES OF VICTIMS OF INVOLUNTARY DISAPPEARANCE (FIND), REPRESENTED BY ITS CO-CHAIRPERSON, NILDA L. SEVILLA; REP. TEDDY BRAWNER BAGUILAT, JR.; REP. TOMASITO S. VILLARIN; REP. EDGAR R. ERICE; AND REP. EMMANUEL A. BILLONES, PETITIONERS, VS. EXECUTIVE SECRETARY SALVADOR C. MEDIALDEA; DEFENSE SECRETARY DELFIN N. LORENZANA; AFP CHIEF OF STAFF LT. GEN. RICARDO R. VISAYA; AFP DEPUTY CHIEF OF STAFF REAR ADMIRAL ERNESTO C. ENRIQUEZ; AND PHILIPPINE VETERANS AFFAIRS OFFICE (PVAO) ADMINISTRATOR LT. GEN. ERNESTO G. CAROLINA (RET.), RESPONDENTS.**

**[G.R. No. 226097]**

**LORETTA ANN PARGAS-ROSALES, HILDA B. NARCISO, AIDA F. SANTOS-MARANAN, JO-ANN Q. MAGLIPON, ZENAIDA S. MIQUE, FE B. MANGAHAS, MA. CRISTINA P. BAWAGAN, MILA D. AGUILAR, MINERVA G. GONZALES, MA. CRISTINA V. RODRIGUEZ, LOUIE G. CRISMO, FRANCISCO E. RODRIGO, JR., LIWAYWAY D. ARCE, AND ABDULMARI DE LEON IMAO, JR.,**

**PETITIONERS, VS. EXECUTIVE SECRETARY SALVADOR C. MEDIALDEA, DEFENSE SECRETARY DELFIN LORENZANA, AFP DEPUTY CHIEF OF STAFF REAR ADMIRAL ERNESTO C. ENRIQUEZ, AFP CHIEF OF STAFF LT. GEN. RICARDO R. VISAYA, AND HEIRS OF FERDINAND E. MARCOS, REPRESENTED BY HIS SURVIVING SPOUSE IMELDA ROMUALDEZ MARCOS, RESPONDENTS.**

**[G.R. No. 226116]**

**HEHERSON T. ALVAREZ, JOEL C. LAMANGAN, FRANCIS X. MANGLAPUS, EDILBERTO C. DE JESUS, BELINDA O. CUNANAN, CECILIA GUIDOTE ALVAREZ, REX DEGRACIA LORES, SR., ARNOLD MARIE NOEL, CARLOS MANUEL, EDMUND S. TAYAO, DANILO P. OLIVARES, NOEL F. TRINIDAD, JESUS DELA FUENTE, REBECCA M. QUIJANO, FR. BENIGNO BELTRAN, SVD, ROBERTO S. VERZOLA, AUGUSTO A. LEGASTO, JR., AND JULIA KRISTINA P. LEGASTO, PETITIONERS, VS. EXECUTIVE SECRETARY SALVADOR C. MEDIALDEA, DEFENSE SECRETARY DELFIN LORENZANA, AFP CHIEF OF STAFF LT. GEN. RICARDO R. VISAYA, AFP DEPUTY CHIEF OF STAFF REAR ADMIRAL ERNESTO C. ENRIQUEZ, AND PHILIPPINE VETERANS AFFAIRS OFFICE (PVAO) OF THE DND, RESPONDENTS.**

**[G.R. No. 226117]**

**ZAIRA PATRICIA B. BANIAGA, JOHN ARVIN BUENAAGUA, JOANNE ROSE SACE LIM, JUAN ANTONIO RAROGAL MAGALANG, PETITIONERS, VS. SECRETARY OF NATIONAL DEFENSE DELFIN N. LORENZANA, AFP CHIEF OF STAFF RICARDO R. VISAYA, ADMINISTRATOR OF THE PHILIPPINE VETERANS AFFAIRS OFFICE ERNESTO G. CAROLINA, RESPONDENTS.**

**[G.R. No. 226120]**

**ALGAMAR A. LATIPH, PETITIONER, VS. SECRETARY DELFIN N. LORENZANA, SUED IN HIS CAPACITY AS SECRETARY OF NATIONAL DEFENSE, LT. GEN. RICARDO R. VISAYA, IN HIS CAPACITY AS CHIEF OF STAFF OF THE ARMED FORCES OF THE PHILIPPINES AND LT. GEN. ERNESTO G. CAROLINA (RET.), IN HIS CAPACITY AS ADMINISTRATOR, PHILIPPINE VETERANS AFFAIRS OFFICE (PVAO), RESPONDENTS.**

**[G.R. No. 226294]**

**LEILA M. DE LIMA, IN HER CAPACITY AS SENATOR OF THE REPUBLIC AND AS TAXPAYER, PETITIONER, VS. HON. SALVADOR C. MEDIALDEA, DEFENSE SECRETARY DELFIN LORENZANA, AFP CHIEF OF STAFF LT. GEN. RICARDO R. VISAYA, UNDERSECRETARY ERNESTO G. CAROLINA, IN HIS CAPACITY AS PHILIPPINE VETERANS AFFAIRS OFFICE (PVAO) ADMINISTRATOR AND B/GEN. RESTITUTO L. AGUILAR, IN HIS CAPACITY AS SHRINE CURATOR AND CHIEF, VETERANS**

**MEMORIAL AND HISTORICAL DIVISION AND HEIRS OF  
FERDINAND EDRALIN MARCOS, RESPONDENTS.**

**[G.R. No. 228186]**

**SATURNINO C. OCAMPO, TRINIDAD H. REPUNO, BONIFACIO P. ILAGAN, MARIA CAROLINA P. ARAULLO, M.D., SAMAHAN NG EX-DETAINEES LABAN SA DETENSYON AT ARESTO (SELDA) REPRESENTED BY ANGELINA BISUNA, CARMENCITA M. FLORENTINO, RODOLFO DEL ROSARIO, FELIX C. DALISAY, DANILO M. DELA FUENTE, PETITIONERS, VS. REAR ADMIRAL ERNESTO C. ENRIQUEZ (IN HIS CAPACITY AS THE DEPUTY CHIEF OF STAFF FOR RESERVIST AND RETIREE AFFAIRS, ARMED FORCES OF THE PHILIPPINES), THE GRAVE SERVICES UNIT (PHILIPPINE ARMY) AND GENERAL RICARDO R. VISAYA (IN HIS CAPACITY AS THE CHIEF OF STAFF, ARMED FORCES OF THE PHILIPPINES), DEFENSE SECRETARY DELFIN LORENZANA, AND HEIRS OF FERDINAND E. MARCOS, SR., REPRESENTED BY HIS SURVIVING SPOUSE IMELDA ROMUALDEZ MARCOS AND LEGITIMATE CHILDREN IMEE, IRENE AND FERDINAND, JR., RESPONDENTS.**

**[G.R. No. 228245]**

**LORETTA ANN PARGAS-ROSALES, HILDA B. NARCISO, AIDA F. SANTOS-MARANAN, JO-ANN Q. MAGLIPON, ZENAIDA S. MIQUE, FE B. MANGAHAS, MA. CRISTINA P. BAWAGAN, MILA D. AGUILAR, MINERVA G. GONZALES, MA. CRISTINA V. RODRIGUEZ, LOUIE G. CRISMO, FRANCISCO E. RODRIGO, JR., LIWAYWAY D. ARCE, AND ABDULMARI DE LEON IMAO, JR., PETITIONERS, VS. EXECUTIVE SECRETARY SALVADOR MEDIALDEA, DEFENSE SECRETARY DELFIN LORENZANA, REAR ADMIRAL ERNESTO C. ENRIQUEZ (IN HIS CAPACITY AS THE DEPUTY CHIEF OF STAFF FOR RESERVIST AND RETIREE AFFAIRS, ARMED FORCES OF THE PHILIPPINES), GENERAL RICARDO R. VISAYA (IN HIS CAPACITY AS CHIEF OF STAFF, ARMED FORCES OF THE PHILIPPINES), AND HEIRS OF FERDINAND E. MARCOS, REPRESENTED BY IMELDA ROMUALDEZ MARCOS, RESPONDENTS.**

**R E S O L U T I O N**

**PERALTA, J.:**

On November 8, 2016, the Court dismissed the petitions challenging the intended burial of the mortal remains of Ferdinand E. Marcos (*Marcos*), former President of the Republic of the Philippines, at the *Libingan ng mga Bayani* (LNMB). As the Filipino public witnessed through the broadcast media and as the Office of the Solicitor General (OSG) manifested<sup>[1]</sup> based on the letter sent by the Philippine Veterans Affairs Office (PVAO) of the Department of National Defense (DND), Marcos was finally laid to rest at the LNMB around noontime of November 18, 2016, which was ten (10) days after the promulgation of the judgment and prior to the filing of

petitioners' separate motions for reconsideration.

Now before Us are the following matters for resolution:

1. Motions for reconsideration (*MRs*) filed by Ocampo *et al.*,<sup>[2]</sup> Lagman *et al.*,<sup>[3]</sup> Rosales *et al.*,<sup>[4]</sup> Latiph,<sup>[5]</sup> and De Lima;<sup>[6]</sup>
2. Urgent motion or petition for the exhumation of Marcos' remains at the LNMB filed by Lagman *et al.*;<sup>[7]</sup> and
3. Petitions to cite respondents in contempt of court filed by Ocampo *et al.*<sup>[8]</sup> and Rosales *et al.*,<sup>[9]</sup> which were consolidated<sup>[10]</sup> with the case and docketed as G.R. No. 228186 and G.R. No. 228245, respectively.

Respondents were ordered to file their Comment to the above-mentioned pleadings, as to which they complied in due time.

We shall first tackle the procedural issues raised.

### **Political question doctrine**

Petitioners argue that the main issue of the petitions does not deal on the wisdom of the actions of President Rodrigo R. Duterte (*Duterte*) and the public respondents but their violation of the 1987 Constitution (*Constitution*), laws, and jurisprudence. They posit that, under its expanded jurisdiction, the Court has the duty to exercise judicial power to review even those decisions or exercises of discretion that were formerly considered political questions in order to determine whether there is grave abuse of discretion amounting to lack or excess of jurisdiction on the part of a public officer.

From the records of the proceedings of the 1986 Constitutional Commission, it is clear that judicial power is not only a power but also a duty which cannot be abdicated by the mere invocation of the political question doctrine.<sup>[11]</sup> Nonetheless, Chief Justice Roberto Concepcion clarified that Section 1, Article VIII of the Constitution was not intended to do away with "truly political questions," which are beyond judicial review due to the doctrine of separation of powers.<sup>[12]</sup> In *Francisco, Jr. v. The House of Representatives*,<sup>[13]</sup> this Court conceded that Section 1 Article VIII does not define what are "truly political questions" and "those which are not truly political," and that identification of these two species may be problematic since there has been no clear standard. In the end, however, We resolved that, "[i]n our jurisdiction, the determination of whether an issue involves a truly political and non-justiciable question lies in the answer to the question of whether there are constitutionally imposed limits on powers or functions conferred upon political bodies. If there are, then our courts are duty-bound to examine whether the branch or instrumentality of the government properly acted within such limits."<sup>[14]</sup>

The Court sees no cogent reason to depart from the standard set in *Francisco, Jr.*

Applying that in this case, We hold that petitioners failed to demonstrate that the constitutional provisions they invoked delimit the executive power conferred upon President Duterte. Significantly, AFP Regulations G 161-375 was issued by order of the DND Secretary, who, as the *alter ego* of the President, has supervision and control over the Armed Forces of the Philippines (AFP) and the PVAO. The Veterans Memorial Historical Division of the PVAO is tasked to administer, develop and maintain military shrines such as the LNMB, As held in Our Decision, AFP Regulations G 161-375 is presumptively valid and has the force and effect of a law and that, until set aside by the Court, is binding upon executive and administrative agencies like public respondents, including the President as the chief executor of the laws.

While the Bill of Rights stands primarily as a limitation not only against legislative encroachments on individual liberties but also against presidential intrusions,<sup>[15]</sup> petitioners failed to show as well that President Duterte violated the due process and equal protection clauses in issuing a verbal order to public respondents that authorized Marcos' burial at the LNMB. To note, if the grant of presidential pardon to one who is totally undeserving cannot be set aside under the political question doctrine,<sup>[16]</sup> the same holds true with respect to the President's power to faithfully execute a valid and existing AFP regulation governing the LNMB as a national military cemetery and military shrine.

More so, even if subject to review by the Court, President Duterte did not gravely abuse his discretion when he allowed Marcos' burial at the LNMB because it was already shown that the latter is qualified as a Medal of Valor Awardee, a war veteran, and a retired military personnel, and not disqualified due to dishonorable separation/reversion/discharge from service or conviction by final judgment of an offense involving moral turpitude. If grave abuse is not established, the Court will not substitute its judgment for that of the official concerned and decide a matter which by its nature or by law is for the latter alone to decide.<sup>[17]</sup>

### **Locus standi**

Petitioners claim to have a legal standing to file the petitions because they have already sustained direct injury as a result of the act being questioned in this case. With respect to petitioners who are human rights violation victims (HRVVs) during the martial law period, they contend that their right to dispute Marcos' burial at the LNMB rests on their right to full and effective remedy and entitlement to reparation as guaranteed by the State under the Constitution as well as the domestic and international laws. In particular, they cite Republic Act (R.A.) No. 10368, arguing that Marcos' burial at the LNMB distorts the historical bases upon which their rights to other non-monetary compensation were granted, and is an affront to their honor and dignity that was restored to them by law. Essentially, petitioners decry that Marcos' burial at the LNMB results in illegal use of public funds, re-traumatization, historical revisionism, disregard of their state recognition as heroes and their rights to effective reparation and to satisfaction.

Petitioners' contentions still fail to persuade.

*Locus standi* or legal standing has been defined as a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as