Introduction

My announced vow to lead a judiciary characterized by four Ins (independence, integrity, industry, and intelligence), one that would safeguard the liberty and nurture the prosperity of our people, was put to a severe test by three litigations involving three pronouncements of the President of the Philippines.

These issuances were (1) Executive Order No. 464, which required executive officials to “secure the [written] consent of the President prior to appearing before either House of Congress”; (2) the Executive Department’s policy of Calibrated Preemptive Response (CPR) in connection with rallies and other public assemblies; and (3) Presidential Proclamation No. 1017, which declared a “State of National Emergency” in the country.

Media was ablaze with doubts about whether the Supreme Court, particularly the new Chief Justice, could gather the moral courage to decide those cases with independence and integrity. Decide with independence and moral courage we did. We promulgated the Decisions on these cases during the Court’s summer session in Baguio from April 17 to May 5, 2006.

Recognizing their importance to the nation, the Court had them reprinted in full in a book entitled In Defense of Liberty. I would like to reproduce below the Foreword I wrote for that volume:

“This publication, In Defense of Liberty, was prompted by a trinity of decisions promulgated in the 2006 summer sessions of the Supreme Court. Against the cool backdrop of Baguio, the country’s summer capital, the Court took up the hot-button issues of the day and, in the end, emphatically resolved them in favor of the constitutionally enshrined liberty of our people.
“In the main, and to my gratification, the Court spoke as one in those cases and adhered to the judicial philosophy of liberty, which I had articulated early on in my chief justiceship. I said then: “In cases involving liberty, the scales of justice would weigh heavily against government and in favor of the poor, the oppressed, the marginalized, the dispossessed and the weak.” To quote my concurring opinion in one of those cases, the Court, in keeping with its mandate as the guardian of our people’s liberty, “set down the parameters of power and made known, politely but firmly, its dogged determination to perform its constitutional duty at all times and against all odds.”

“This compilation is part of the continuing series of publications issued by the Supreme Court Public Information Office to disseminate nationally significant decisions of the Court. May it serve as a reminder to all Filipinos that freedom is never free. Just as the blood of martyrs, in such storied fields as Bagumbayan and Bataan, won that freedom for us in the past, so must we -- in conscience and with courage, both now and in the future -- protect, defend, and cherish that precious legacy.”

Chapters 19, 20, and 21 sum up the Court’s Decisions on these three items. The other chapters summarize the other significant Decisions of the Court from December 21, 2005 (my assumption of office as Chief Justice) up to July 31, 2006 (the printing deadline of this book). Most of these chapters touch on and reiterate the doctrines of Liberty and Prosperity.